

RESPONSE BY HILLHEAD SCHOOL
COUNCIL

TO THE PROPOSAL PUT FORWARD BY
HIGHLAND COUNCIL
TO

AMALGAMATE HILLHEAD PRIMARY SCHOOL
and NORTH PRIMARY SCHOOL

AS PART OF

HIGHLAND COUNCIL'S

SUSTAINABLE SCHOOL ESTATE REVIEW
(PHASE 1)

December 2011

Hillhead Primary School Council wish to begin this submission with some relevant information about Hillhead Primary School. We believe that the Schools (Consultation) (Scotland) Act 2010 is comparative in nature. There

should be a careful comparison of the current level of provision offered at Hillhead Primary School with that offered by the proposed new provision – in this case a new school. We believe that the proposed change to educational provision for the pupils who attend Hillhead Primary School must offer provision which shows clear, incontrovertible, educational advantages. To date we propose that this has not been the case.

Hillhead is a successful school in many different ways.

OCCUPANCY

Hillhead is well attended with 81% occupancy - less than 10% of Highland schools have this level of occupancy. Indeed the legislation on school closure the Education (Scotland) Regulations 1981, which existed prior to the Schools (Consultation) (Scotland) Act 2010 would have automatically seen any closure proposal with a school which has more than 80% occupancy called in for consideration by Scottish ministers. This legislation is no longer in operation but it remains that 81% occupancy is a high level of occupancy for any Scottish School. To close such a school is without precedent in Scotland in recent years.

On June 6th 2011 Ken Macintosh (Eastwood) (Lab):asked the Scottish Executive whether it is aware of proposed school closures since 2007 where the pupil roll indicated a 74% take up or more and, if so, which schools.

Michael Russell replied that in the period from 2007 no school closure had been referred to Scottish ministers under the capacity criteria. That is because the school had a capacity of more than 80%. However, it is possible that such schools may have been referred under other concerns about distance. . Mr Russell went on to note “Since commencement of the Schools (Consultation) (Scotland) Act 2010 in April 2010, the Scottish Government sees every school closure decision made by local authorities. From April 2010 to date, no school with a pupil roll of over 59% of its capacity has been closed by a local authority.”

Clearly to consider closing a school with more than 80% occupancy there would have to be very well detailed and thoroughly explained educational benefits.

PLACING REQUESTS

Hillhead is popular with parents. Section 3.8 of the Council proposal paper notes the high level of placing requests for the school. .

“Hillhead Primary School has 8 classroom areas, excluding nursery, resource and learning support areas. There are 7 age stage classes, with no composite classes. The total number of placing requests in the school is 60 pupils (33% of the total roll).”

One third of the roll is there because parents opt to use placing request legislation to send their children to Hillhead.

ATTAINMENT and ACHIEVEMENT

It is perhaps not surprising that a school which is so well attended and which attracts so many placing requests has also very good educational standards. Hillhead was last visited by HMi in January 2008. It obtained one of the best HMI reports for a Highland School in recent years including an “excellent” rating.

From 15 categories, one was rated as “excellent” and 10 were rated as “very good”. The only point for action was to repair the security door entry system and install disabled toilet and ramp. This has now been carried out. This was a very positive report which concluded.

“As a result of the high performance, the strong record of improvement and the very effective leadership of this school, HM Inspectors will make no further reports in connection with this inspection.”

ECO SCHOOL and INTERNATIONAL SCHOOL

Hillhead is one of the few schools in the Highland Council area to have won its third Eco schools green flag. Only five schools in the Highland Council area have achieved this and Hillhead is the only Highland school with more than 100 pupils to have achieved a third green flag.

Hillhead Primary School is one of only two schools in Highland, and one of only 36 in Scotland which currently hold the British Council’s International School Award. Developing Global Citizenship is a vital part of the Curriculum for Excellence. On obtaining the award in September 2011, Susan Belford,

Highland Council's Quality Improvement Officer with link responsibility for Developing Global Citizenship, said

"This is a prestigious accreditation for Hillhead and highlights the quality work which has been going on in the school in terms of Developing Global Citizenship. All pupils and staff should be congratulated on their wonderful effort."

Hillhead Primary is creative and innovative. Following the last inspection of the school in January 2008, the Head teacher Mr Budge was invited to speak at an HMI conference in Dunfermline in September 2008 about the innovative health promoting initiatives in the school.

Following Norwegian interest in Hillhead's use of, an involvement with, the community, Mr Budge was invited by Stavanger University in September 2009 to speak to teaching students there about using the community as a resource. Stavanger University paid his travel to, and subsistence in Norway to allow this to happen.

In September 2010 Mr Budge delivered a paper at the Scottish Learning Festival in the SECC in Glasgow on an innovative homework project. Details of this project are currently available on the Learning Scotland web site at

HYPERLINK "http://www.ltscotland.org.uk/sharingpractice/w/writeathome/hillhead/planning.asp" <http://www.ltscotland.org.uk/sharingpractice/w/writeathome/hillhead/planning.asp>

ACHIEVEMENTS

Hillhead has received recognition from a number of other sources. Following a visit to the school in 2003, Julia Donaldson, the current Children's Laureate was so impressed with the school that she dedicated her next book "The Snail and the Whale" to the school. This book currently occupies the third position in Bestsellers in Educational Children's Books on the British AMAZON website. The writer and her husband returned to the school in May 2007 when she worked with Hillhead pupils to put on a selection of dramatisations of her work which was attended by the local community and school children from throughout Caithness.

In May 2010 four Primary 7 pupils took first place in the upper primary section of the national Show Racism the Red Card school's competition. They travelled to Hampden Park Glasgow to pick up their prize.

In September 2010 Hillhead took first and second place in the national Eco Schools Scotland "Beauty and the Beast" photography competition with photographs they took on a field trip to Noss Head. Winning pupils travelled to Edinburgh to pick up their prizes.

In December 2010 a Hillhead pupil won a Commended entry in the national Scottish Civic Trust photography competition where pupils had to photograph architectural features of their community. The pupil travelled to Glasgow to pick up her certificate.

For the last two sessions Hillhead has mounted the two best attended art exhibitions in the local St Fergus Art Gallery. "Hillhead Goes to Noss" in May 2010 centred on the theme of the nearby Noss Head lighthouse. An Eco Art took place in May 2011 and looked at different examples of art with an eco theme.

Developments and initiatives within the school have received coverage in the Times Education Supplement in the last two sessions. A display of World Cup flags received coverage in May 2010. Hillhead's 12 foot high, eco friendly, disposable bottle Christmas tree appeared in the paper in December 2010

EXTRA-CURRICULAR ACTIVITIES

No centrally held figures are available for the number of extra-curricular activities offered by schools. However Hillhead School Council is confident that Hillhead Primary School offers more after school activities, supported by staff, than any other school in the county of Caithness. Hillhead's performance on this particular variable would rate very well across Highland Council and also on a national scale. Last session the following after school clubs were offered to pupils. Football, netball, badminton, French, Games Club, Gardening Club, Craft Club and Cycling Proficiency.

Hillhead's after school activities would compare favourably with any school in Highland Council, if not Scotland.

SCHOOL GARDEN and VEGETABLE AREA

The school has a well developed garden and vegetable area. Each session the school grows a variety of vegetables. Surveys amongst the pupils show that all of them, from Nursery to Primary 7 are involved in either the planting or harvesting of items each year . In recent sessions the vegetable patch has grown potatoes, neeps, cabbage, peas, carrots, beetroot, oats, brussel sprouts and broccoli. The school is usually able to provide neeps and tatties for their own Burns Lunch. The school growing areas received a "Highly Commended" certificate in Inverness Horticultural Society's School Garden Competition in 2010. In 2011 the garden areas won first prize in the Wick Hanging Baskets' School Vegetable and Flower competition. The judges were so impressed with the Hillhead work that it was incorporated in to the Scotland in Bloom assessment visit for the town in July 2011. Pupils and staff turned out during the summer holidays to talk to the judges. Wick subsequently obtained a silver gilt medal from Beautiful Scotland.

CONDITION and SUITABILITY

Hillhead Primary School has enjoyed significant investment from the authority over the last eight years. Table 1 displays a breakdown of the capital investment over this period along with a brief description of what the money was spent on.

Table 1: Council investment on Hillhead Primary School (2004-present)

| Work carried out | Cost (£) | Year |
|---|-----------------|-------------|
| Electrical upgrade – complete re-wiring | 199,714.70 | 2004 |
| SEN alterations – lift installed | 17,593.10 | 2005 |
| Replacement Windows – all windows and external doors replaced | 210,772.97 | 2005 |
| SEN alterations – ramp and disable toilet | 26,522.62 | 2008 |

Table 1 shows a significant investment. Table 2 shows how this investment compares with the three other schools in Wick over the same period.

Table 2: Investment in each of the primary schools in Wick in the period from 2004-present.

| | Investment (£s) | Investment as a % of total sum spent on Wick schools |
|-------------------------|------------------------|---|
| Hillhead Primary School | 454,603.39 | 50% |
| Pulteneytown Academy | 346,814.42 | 38% |
| Wick North School | 57,838.29 | 6% |
| Wick South School | 43,360.55 | 5% |
| Total | 902,616.65 | |

Having received such a level of investment, it is not surprising that this is reflected in the condition ratings for the school building.

Following a condition survey far more rigorous than that normally applied for reporting data to the Scottish Government. Hillhead Primary School was rated as a “B”. This suggests that it was “performing adequately” with some minor problems.

The School Council believes that it is important to view this condition rating in

light of the overall profile of Highland schools. Chart 1 shows a pictorial representation of the ratings for all of the primary schools within Highland Council. The results show that less than one third of Highland schools are rated as 'B' or above. The most common condition for schools in Highland is Level C with 61% of schools rating as "poor" which indicates "major problems". Of the 32 authorities which individually report data to the Scottish School Statistics only two other authorities (North Lanarkshire (38%) and South Ayrshire (55%) from a total of 32 have a C rating as the modal category for the condition of their schools.

Chart SEQ Figure * ARABIC 1 Profile of schools in Highland by condition as reported in the 2010 School Estate Statistics SEQ Figure * ARABIC 2

EMBED MSGraph.Chart.8 \s

Chart 1 gives a pictorial representation of the profile of Highland schools. The large proportion of schools at Level C is striking.

Thus Highland schools are in a poor condition. On the basis of the figures reported in the 2010 School Statistics, Highland Schools are in the poorest state of any authority in Scotland.

Hillhead School Council would concur with Highland Council that something requires to be done. However closing a school which, with regard to condition, is in the top third of Highland schools is an unusual way to go forward on this.

SIZE of CLASSROOMS

A feature of school design which is vitally important to serve the Curriculum for Excellence is space. This feature is required for pupils to work independently, collaboratively and actively – all hallmarks of the new curriculum.

Area and space are very important to achieve this. Highland Council mention

“space” 13 times in the educational benefits statement for the new school and “area” 15 times.

Hillhead Primary School currently has some of the largest primary school classrooms in Highland Council. Each of the primary school rooms are 71.25m². Hillhead School Council believes that this space which is immediately accessible and readily available for pupils to enjoy and benefit from is a feature of the school which the Council have failed to acknowledge or take account of in their evaluations. This despite it being a constantly brought to their attention .by Hillhead teaching staff and parents during the consultation.

SUMMARY

There are no restrictions on the type or nature of any school which may be closed. However what is clearly apparent in the legislation is that any closure should show educational benefits for pupils. Hillhead has high occupancy, high popularity with parents, high educational standards and achievements, good physical condition and large, spacious classrooms, We do not think that the current level of provision offered at Hillhead was appropriately considered in this proposal. However what is evident is that any case made for closing Hillhead should be clear and compelling. An analysis of the proposal and consultation put forward by Highland Council in the remainder of this submission will show that this is clearly not the case.

PROPOSAL PAPER – PLAGIARISING AN EDUCATIONAL BENEFITS STATEMENT

The Schools (Consultation) (Scotland) Act 2010 places a duty upon education authorities to publish a proposal paper which contains details of its proposal and certain related statutory requirements. The most critical element of the proposal paper is the educational benefits statement. The statutory guidance on the Act emphasises the importance of the educational benefits statement. Indeed the guidance explicitly states the prime importance of this statement and its position at the heart of the legislation.

“The Act reflects the Scottish Government’s view that the educational benefits should be at the heart of any proposal to make a significant change to schools. Consequently, the Act specifies that the local authority must, for all consultations, prepare an educational benefits statement (EBS) and publish it within the proposal paper”

Section 12 of the explanatory notes on the legislation notes

12. Where a local authority decides to consult on more than one proposal at the same time they would be able to package them together into one proposal paper (section 4(3)). However they would have to produce a separate educational benefits statement for each proposal.

This underlines the necessity of the individual nature of the educational benefits statement. Although proposals may be grouped in to a single paper - an individual educational benefits statement is required for each proposal.

Against this background of the educational benefits statement (EBS) being at the core of any proposal, we believe that the educational benefits statement contained within the proposal paper to merge Hillhead and Wick North School completely fails to fulfil the standards and requirements set out in the Act.

Incredulously Highland Council have simply copied large amounts of text from the educational benefits statement which is written by another authority for another school proposal. Angus Council’s Educational Benefits Statement for the proposed amalgamation of Muirfield Primary School and Timmergreens Primary School in Arbroath which was published in February 2011 (see attached Angus Council proposal paper).

It is perhaps surprising in these days of the internet and advanced engine

searching that Highland Council have committed this act and felt that this would not be recognised. Yet this information was only discovered after the consultation period finished and the features of the EBS were put under greater scrutiny.

Take the paragraph on any one of the 22 specific design features contained within the EBS of the new school in the Hillhead and North proposal paper and place them in to Google. One of the best hits is the proposal paper written by Angus Council for the two schools in Arbroath.. Closer examination of this Angus Council paper reveals that this is no “near match” - it is an absolute match for the text of the educational benefits statement from another proposal for two different schools.

This is no small borrowing of text or style - this is unadulterated, indiscriminate plagiarism. This is not copying of general statements which might be thought to be common features of any new school built in the educational era of Curriculum for Excellence. A total of more than 900 words covering no less than 22 specific design features have been copied - word for word, comma for comma. The whole EBS amounts to only 1200 words – almost three-quarters of it – (901 words or 74%) was initially written for another school by another authority and pertains to a school design which is completely alien to Highland Council school design. .

Far from being a careful analysis of how the new school design will benefit pupils, Highland Council have copied the educational benefits statement from another authority. The work on this proposal was carried out for Highland Council by an Edinburgh based consultancy firm Caledonian Economics. There appears to have been a dynamic created whereby the Council felt they were paying good money to the consultants to get the job done. It would automatically follow that the work they would receive in return would be of a high standard. There certainly appears to have been no external scrutiny of the work of the consultants by any Council working group. They worked alone with Mr Ron Mackenzie from Highland Council. . Hence a situation arose where such critical errors and crass copying of documentation pertaining to a completely different school proposal could find its way in to the central position of the proposal for Hillhead and North School. . .

Regardless of the reasons behind it, what this does show is a worrying lack of professionalism. More importantly it means that parents have been consulted on the basis of educational benefits which are not relevant to the school which may be built in Wick. Indeed as this paper will show, many of these features have no relevance to the school which may be built in Wick.

We believe that this copying of educational benefits statement is completely inappropriate with regards to the legislation. The “download your educational benefits statement” approach indicates a glib, superficial approach to what should be a careful and measured analysis of how the proposal will impact upon the pupils involved in the proposal.

The Statutory Guidance to the Act (page 1, paragraph 3, line 7) notes that good practice is “expected to be the norm” This blanket approach to the copying of the piece which lies at the heart of the process falls well short of good practice. It is disappointing, disrespectful and this paper will show is also essentially dishonest practice. Dishonest is a strong term but the school which is promised in the educational benefits is quite different from the one which will be built.

This EBS has been copied from another authority and clearly refers to a school which another authority purports to build. Hillhead School Council will show in this submission that many of the features indiscriminately copied from the Angus authority particularly those most relevant to the Curriculum for Excellence – space and collaborative working areas - cannot be incorporated in to the school design planned and budgeted for by Highland Council . Parents and the school community have been consulted upon the basis of a school which it is not intended to build. This makes it invalid,

EDUCATIONAL BENEFITS STATEMENT – WYRISNWYG - WHAT YOU READ IS NOT WHAT YOU GET

One of the problems which first arose about the educational benefits statement occurred at the public meeting held in Wick on September 5th 2011. In his initial presentation Mr Mackenzie reported that the school would have 12 classrooms. Later when questioned that the school would require a minimum of 15

classrooms, some uncertainty arose within the panel of Council officials about the size of the school.

Ally Budge – Hillhead Parent & Hillhead Primary School Head Teacher

Question – The building of the new school on the North side of Wick is a very positive thing for pupils of Wick and the wider community. The school must meet the high standards that the Council has set. How is the capacity of 387 pupils worked out?

Answer – (RM)The capacity is based on the projected roll figures over the next 15 years. This is based on working capacity.

Follow-up question - Are you aware when the school opens you will need 15 classrooms rather than 12 which makes 3 classrooms short in the first 5 years. If we need more classrooms, will this mean that the space available will be divided by the number of classrooms that is needed? Can we make the school bigger? Have we got a set budget or can it be increased? Have you looked at working capacity not maximum capacity?

Answer – (RM) As part of the design process there will be data room schedules for each of the classrooms which will be worked out and the school will be designed on the basis of the maximum capacity of 387. The 12 classrooms were based on the current role. There will be no compromising on the classroom size. They will be at least 63m². The design issues will be discussed with the Stakeholders. We will design the school an adequate size to meet the future roll projection. We will design the school to meet the needs of the school.

[suggest inserting a footnote saying that a clarification was issued following the meeting which demonstrates that the initial schedule of accommodation and costs were on the basis of 16 classrooms of 63m².]

Follow-up question – For 3-12 year olds it was seem to be one school.

There was no transition period for them. In the options appraisal, the new school rated higher because it had one Head teacher aged from 3-12 years old. There are only 30 mornings and 30 evening in the pre-school provision and there will be at least 110 children. Another case for re-design?

Answer – (RM)The assumption was that the nursery would be under the same management structure. Designs will be refined and developed in consultation with the staff and pupils.

These are very good points and we will take them onboard and take these points into account when get down to the design stage.

[suggest inserting a footnote saying that a clarification was issued following the meeting which demonstrates that the initial schedule of accommodation and costs were on the basis of nursery classroom space of 280m² plus toilets/cloaks – *check the detail of this with HAPS but I would have thought this is ample for 110 children (ie 55/55 morning/afternoon)*]

It is a little surprising that these bracketed suggested insertion notes still exist in the version of the meeting which is currently on the Highland Council website. However a letter of clarification was issued two days later on September 8th. This letter seeks to clear up the confusion of what shape the new school may be. In his covering letter Mr Mackenzie explains that his reference to the school

requiring 12 classrooms referred to how many classrooms it would require if it had opened this session as opposed to August 2015 when the new school would be ready.

In the letter Mr Mackenzie outlines that the school is costed on 16 classrooms at 63m² each as well as rooms for pre school and wrap a round care provision. An accommodation schedule is attached to this letter. Mr Mackenzie clearly states

“I have appended the proposed accommodation schedule for the proposed new school which will form the starting point for discussions re the design of the new school if the project is approved.”

An abridged version of the accommodation schedule appears in Table 3 on the following page.

Table 3 Abridged version of accommodation schedule supplied to clarify any confusion after the public meeting on September 6th. See Item 1 and 2 in appendix for original document.

| Building Features | Size in metres |
|--|----------------|
| Basic Teaching 16 x 63 | 1006 |
| Sports Hall | 324 |
| Small Hall | 130 |
| Storage | 176.1 |
| Staff and Admin | 141.75 |
| Learning Resource Library plus group rooms | 107.4 |
| Non net areas Dining | 146.1 |
| Toilet | 116.75 |
| Kitchen | 73.05 |
| Circulation | 622.5 |
| Plant Space | 44.48 |
| Partition Allowance | 111 |
| Total Primary Space | 3001.11 |
| plus | |
| Nursery - Class Space | 280 |
| Cloak/ Toilets | 50 |
| Wrap Around Care – Class Space | 75 |
| Cloaks/Toilets | 50 |
| Circulation Space | 127.4 |
| Plant Space | 10 |
| Partitions | 22.75 |
| TOTAL BUILDING SPACE | 3616.25 |

The schedule confirms that the planned school consists of 16 classrooms of 63m² each. There are a number of features of this accommodation schedule which give cause for concern.

Each of the classrooms in the new school are 8.25m² smaller than the rooms currently enjoyed by pupils at Hillhead. Additional space outwith classrooms, to compensate in some way for this reduction in classroom size, is not available. Given that class sizes will be larger and rooms smaller this is not a very good foundation for realising the potential of a Curriculum for Excellence for pupils learning in such an environment.

The main entrance will be developed to provide a focal point for access to the building which will be designed as a welcoming and stimulating space in which the successes and achievements of the school and its pupils can be displayed, with security features incorporated, together with appropriate seating and toilet accommodation, to ensure that parents/carers and community users have an attractive focal point. The schedule appears to have been made up with no reference to the school which is the one consulted on in the proposal paper. It could be reasonably summarised that this may well be a function of copying large amounts of text which refer to specific building features from another authority in an indiscriminate way. One of the features of a school building which is designed to accommodate the needs of the Curriculum for Excellence is space. Yet interestingly the space available for additional learning spaces is reported in the Accommodation Schedule as “Learning Resource Library plus group rooms” and amounts to 107.4m². It is difficult to know how exactly this space will be distributed around the various areas of the proposal document school. However looking at the most recently opened Highland school – the Milton of Leys Primary School in Inverness which opened in August 2011 we can make a reasonable assumption on how certain features of a Highland Council school design will use up this 107.4m²

The Milton of Leys Primary School – an 11 classroom school – significantly smaller than the 16 classroom school planned in Wick has a library area which occupies 100m². Clearly the library will almost completely take up this 107.4m² which is allocated to additional learning areas.

The extent to which the accommodation schedule fails to take in to account many of the design features set out in the proposal paper is probably best presented by looking at each of the 22 design features of the proposed school in a little more detail comparing it against the accommodation schedule.

Table 2 Comparing the design features of the Educational Benefits Statement with the Accommodation Schedule produced by Highland Council to clear up “confusion”.

| Design Features of the Proposal paper | Comment |
|---------------------------------------|---------|
|---------------------------------------|---------|

| | |
|---|--|
| <p>The main entrance will be developed to provide a focal point for access to the building which will be designed as a welcoming and stimulating space in which the successes and achievements of the school and its pupils can be displayed out with security features incorporated together with appropriate seating and toilet accommodation, to ensure that parents, carers and community users have an attractive focal point for access to the facilities, thereby fostering and building a positive ethos of the school as a community school.</p> | <p>No specific allowance is made for this focal point entrance area although the area for Staff and Admin is worked out on the basis of an English school design document entitled BB99. An allowance is made within this category for a reception area although it is in the region of 6-9m2. Rather modest size for the “welcoming and stimulating area” complete with seating area described in the proposal paper.</p> |
| <p>A design that will support the development of the four capacities of a Curriculum for Excellence</p> | <p>General comment but space is obviously vitally important.</p> |
| <p>Access to spaces designed to facilitate active learning and collaborative work within and between classes by providing classrooms adjacent to large internal activity areas and also giving direct access to outside spaces, with these areas supporting both group activity and individual work.</p> | <p>This feature identifies spaces both “within and between” classes. These spaces are to be large internal activity areas. The accommodation schedule makes no provision for any such spaces</p> |
| <p>Internal activity areas which are a key feature of the school and which offer specialist learning and teaching space to facilitate personalisation and choice in ways likely to broaden and deepen learning.</p> | <p>Although somewhat inappropriately referred to as a “key feature” of the school - these areas appear to merit no space in the proposed accommodation schedule.</p> |
| <p>Attractive social and circulation space and wet areas with sinks to support art and other ‘wet’ activities.</p> | <p>Yet more areas which there is no room for. Circulation space – mainly corridors- is given an appropriate allocation. However social spaces and wet areas are not accommodated.</p> |
| <p>Activity areas which may be utilised, for example, for group work or art work requiring additional space or for a science experiment or reading information relating to a personal project or group listening to a story.</p> | <p>More areas, - note the plural again - which by their definition of being used for art work, must be of a significant size. No room in the schedule for one, never mind several .</p> |

| | |
|--|--|
| <p>Specialist library/ICT learning resource areas at the heart of the school and accessible to pupils at all stages to support the development of ICT skills; accommodation to support curricular activities which require to be undertaken out-with mainstream spaces but with easy access, for example, supporting music tuition or small group discussion/presentation or drama activities or 'circle time' or practising modern language skills.</p> | <p>These rooms are on a ground floor in the middle of the school and are a library/ICT area and a music area. This may be used as a resource for all year groups. However, it is not clear if the purchase is used. The area of the accommodation schedule is of approximately 100m² – however whether such an area could accommodate a large</p> |
| <p>A specialist 'support for learning' area providing space where pupils with a range of learning difficulties can access specialist teaching within an inclusive and integrated mainstream learning environment.</p> | <p>This could be provided within the accommodation schedule.</p> |
| <p>The incorporation of moveable/retractable partitions at locations where this additional flexibility can be offered to suit the specific learning needs of pupils.</p> | <p>The accommodation schedule provides no details of how this feature may operate within the building.</p> |
| <p>An integrated ICT infrastructure, including a "wireless" environment, to maximise the use of the latest technology to facilitate access to learning and teaching resources, including interactive whiteboard provision, flexibly managed computers/electronic devices, integrated digital TV/radio and digital signage to facilitate presentation of information/pupils' work.</p> | <p>This feature requires no extra space on the accommodation schedule. However the possibility of digital signage to facilitate presentation of information/pupils work is a completely new development for Highland schools. The School Council believes this feature has been copied without any knowledge of how this system would operate</p> |
| <p>A medical/visiting specialist room to assist with first aid arrangements and medical examinations when required;</p> | <p>BB99 makes allowance for such a room within the Staff and Admin allowance.</p> |
| <p>Spacious games hall provision including mobile stage with an integrated stage lighting and sound system (with adjacent male, female and accessible changing accommodation), to support physical education and games, assemblies, performance and dramatic arts activities;</p> | <p>This is accommodated within the schedule. However the mobile stage with integrated stage lighting and sound system will be a novel design feature for a new Highland school.</p> |

| | |
|---|---|
| <p>Specialist library/ICT area is designed as a level of the school and secure accessible area, with a statement to school supports the development of. This is carefully planned to support recreational and play activities, including suitable areas of soft and hard landscaping incorporating seating, a flood-lit multi-</p> | <p>The use of the forward slash in the title of this area --Library/ICT - suggests this may be a dual purpose area. However equally the plural is used. There is room on the schedule for one such area of approximately 100m² – however whether such an area could accommodate a large enough library and an ICT resource area for a 16 classroom school is debatable</p> |
| <p>The provision of a Dining/Community area (linked with a flexible partition to the games hall to facilitate the option of creating one larger space) with kitchen facilities and equipment to support ongoing and new healthy eating initiatives and the provision for meals for all pupils, if required.</p> | <p>This may be the use of the flexible partition which merits a separate mention in a point above. This is an obvious attempt to double count features.</p> |
| <p>Integrated infrastructure and storage space, designed to ensure that the functional areas of the school are not compromised and are fully available and accessible for learning and teaching purposes.</p> | <p>This is an attempt to blind with jargon. The statutory guidance on the Act notes that there is a responsibility on the education authority to make the EBS as “clear and easily understood as possible” (page 3, line 7 of Statutory Guidance on the Act) The description of this design feature is jargon laden – what is an “integrated infrastructure” and what are “functional areas” of the school.</p> |
| <p>Provision of furniture that is ergonomically designed, age appropriate and provides flexibility to change configuration and support a variety of learning and teaching approaches, including ICT based apparatus.</p> | <p>This is not an inherent part of the school design – new furniture could be bought for any school. Most school furniture is ergonomically designed,</p> |
| <p>Natural day-lighting supplemented with artificial luminaries, where necessary, to provide illumination levels that fully support the activities of the school, together with specialist automated communication systems (door security access systems, fire alarm, bell sounder, hearing induction loops, phone system) that create a reassuring and safe environment.</p> | <p>Is “artificial luminaries” another name for light bulbs? We are not entirely surprised that a new school will have electric lights that will provide “illumination levels” that “fully support the activities of the school”. All schools in Highland have door entry systems and fire alarms – hardly an educational benefit. What next? Windows, doors and running water?</p> |

| | |
|--|--|
| <p>The external areas of the site designed and developed to provide safe, secure and educationally stimulating school grounds, where landscaping has been carefully planned to support recreational and play activities, including suitable areas of soft and hard landscaping incorporating seating, a flood-lit multi-use games area, differentiated play areas and areas capable of being developed by staff and pupils as part of 'grounds for learning' initiatives and other environmental education projects.</p> | <p>Again jargon laden – “hard and soft landscaping”. Are “play and recreational” activities not the same thing. What are “differentiated” play areas or “grounds for learning initiatives”?</p> |
| | |

Table 2 clearly shows that there are many important features of the school which there is not room for in the accommodation schedule. This accommodation schedule was produced specifically to clear up the confusion created about the size of the school and will according to Mr Mackenzie’s covering letter form the starting point for discussions re the design of the new school.

Why should the starting point for discussions be so far removed from a design which would incorporate all of the features which were so specifically presented in the Educational Benefits Statement of the proposal?

It appears that the school which it is proposed to build is very different from the one in the proposal paper,

CONSULTATION RESPONSE

The authority have an opportunity- indeed a requirement, to respond to matters raised to them during the consultation period in the final consultation report. . The Education Consultation (Scotland) Act 2010 quite clearly states the Council’s responsibilities in this respect. Section 10 outlines what the consultation report must contain with the final part of that section clearly stating .

Content of the report.....

- (b) a summary of—
 - (i) those written representations,
 - (ii) any oral representations made to it (by any person) at the public meeting,
- (c) a statement of the authority's response to—
 - (i) those written and oral representations,
 - (ii) HMIE's report,

During the consultation the concern over what features the new school would contain was brought to the attention of Highland Council.. The 85 letters (available within items 31 to 126 which were received during the consultation) all had been pre-written comments which made specific reference to this. They stated.

“To date the Council have supplied very little information about the new school claiming that details can all be sorted out at the design stage. We require more information about the building to inform our judgement. We also believe that the Council are making grand claims for what the building MAY contain but the only figures somewhat belatedly supplied to us suggests that there will be no room in the building for the majority of elements which the

In addition Education Scotland made significant reference to the critical weakness of the proposal in this area.

The Education Consultation (Scotland) Act recognises the position of HMIE as a “professional and independent” organisation to make valuable comment on the proposals particularly with relevance to the educational benefits. Now known as Education Scotland, this organisation had significant concerns over the proposal.

Education Scotland had an observer at the public meeting and the confusion/ uncertainty over what the building would contain, received significant censure in the Education Scotland report. The report identifies the importance of large internal areas adjacent to classes which would facilitate learning and collaborative work across classes. This is an important feature of school design which would support the Curriculum for Excellence.

The Education Scotland report states quite unequivocally

“However at this stage there were not sufficiently detailed written plans and designs to

indicate where these areas would be, particularly if the school should require more than 12 classrooms. Consequently it is difficult for the community to judge fully the educational benefits of the proposal.”

A statement of the authority’s response to the concerns over the design features of the new school as raised by both the Education Scotland report and a large number of parents does not appear in the consultation paper. Rather the authority states

: 5.1.3.....Given the significant costs associated with designing a new school it would be inappropriate of the Council to commission such detailed design work ahead of a decision to proceed being approved. Therefore much more detailed work on the design and management of the facilities and their surroundings will follow any decision to take the proposal forward. Feedback from consultees has indicated that they wish to participate in the detailed design of the school, its identity and routes to the school, and the Council will follow the excellent precedents elsewhere in the Highlands to ensure that this happens.

This is a statement which is somewhat at odds with an educational benefits statement which details 22 design features which it is claimed the new school will contain. It would even have been both useful and re-assuring if the Council had made some form of commitment to ensuring that the features explicitly stated in the Educational Benefits Statement would be present within the new school. However such a commitment does not appear in the Consultation Report. There is absolutely no clarification on this point or why the accommodation schedule supplied on September 8th and the school in the educational benefits statement are so different.

The concerns over what the school will contain as expressed by many parents and the Education Scotland report which specifically states the current level of information makes it difficult for parents to judge the educational benefits of the proposal, remains a significant uncertainty. We believe this is a failure of Highland Council to meet its responsibilities under Section 10. (3) c (i) and (ii) of the Education Consultation (Scotland) Act 2010.

WHAT IS THE SIZE OF THE SCHOOL?

Another feature of the accommodation schedule which created concern and indicated a lack of forward planning was the capacity of the new school. Even

although the accommodation schedule claimed it was a 16 classroom school, the size of all common and general areas in the school were worked out on a capacity of 387 pupils. The accommodation schedule used an English School Design document published by the Department of Education and Skills entitled **Building Bulletin 99: Briefing Framework for Primary School Projects**. Areas such as the dining room, the storage, the admin areas are worked out by multiplying a figure by the number of pupils the school may contain. The figures in the schedule have all been multiplied by a factor of 387.

The establishment of a 3-18 campus on the south of Wick may add significant pressure on the new school on the North side of town if parents decided to opt for a more traditional primary school. Furthermore a population boom of 10% would also increase the numbers significantly in the new school but the school may not have the capacity in the areas such as the school dining room to cater for these increased numbers. Working on a projected roll figure of 347 when the school opens in August 2015 it will have occupancy of 90% rising to 92% in 2020.

This was brought to the attention of the authority by 85 parents as part of their pre-printed letter.

“The Council are completely at sea when it comes to the number of pupils the school will cater for. Their most recent suggestion is that the school will contain 16 classrooms. This would give a pupil capacity of around 482 pupils but all other areas in the school have been worked out on 387 pupils. This is very worrying and suggests not enough thought has gone in to the design.”

This issue is not mentioned or clarified in any way in the Consultation report. This is another failure of Highland Council to meet the legal requirement to respond to points raised to them under Section 10 (3) c (i).

REST OF EDUCATIONAL BENEFITS STATEMENT

Although almost three-quarters of the educational benefits statement is made up from the architectural features copied from the Angus Council proposal paper, this submission will also consider the other benefits mentioned in this proposal. This is an important point as it is anticipated that Highland Council will wish to diminish the importance attached to the design of the new school and focus on some of the other issues which occupy the remaining quarter of the

Educational Benefits Statement for the new school

Section 6.1 of the EBS identifies a number of pieces of legislation which the Council proposes will be better met as a result of the proposal. The content of this paragraph and indeed even the way it has been laid out has been **copied entirely** from the Timmergreen/Muirfield proposal. It could therefore be reasonably asked as to whether the Council has given any serious consideration to whether the proposal will help fulfil these pieces of legislation. It appears to be another copy and paste job again? To discuss the specific proposal with respect to all of these pieces of legislation will not be attempted in this submission. However Hillhead School Council would point out that Hillhead Primary has over 200 pupils, has 81% occupancy, has one of the cheapest costs per head of any school in the authority, has had almost half a million pounds worth of investment in the last seven years, has one third of its pupils attending by virtue of placing requests and has a consistent record of educational achievement. Few pieces of statutory legislation would offer much assistance to those who sought to close such a school..

Section 6.2 makes a claim that the new school will be better suited to delivering the Curriculum for Excellence. However as already discussed the uncertainty over the school building design leaves this in doubt.

Section 6.3 refers to the outcome of a two day workshop attended by local Headteachers. In conjunction with costings, the results of the workshop were interpreted as showing a new school was the best value for money as well as showing educational advantages.

“The option appraisal report recommends the creation of a new school on the North Primary School site on the basis that it produces a higher Value for Money rating than refurbishing the existing schools. The recommendation was based on the outcome of the 2 day work-shop attended by the Caithness Head Teachers and the appropriate officials from Education Culture & Sport and the Housing and Property Service. The detailed analysis of deliverables and related cost implications of the options considered is outlined in the option appraisal report produced by CEL.”

Section 6.3 mentions the finding that the new school offers a higher Value for Money rating than refurbishment. It refers to the two day workshop attended by

Caithness Headteachers and a number of other Council officials. Hillhead School Council rejects the outcomes of this options appraisal process on the basis that:

the current performance of the schools was not looked at - rather the schools were seen as empty buildings devoid of current staff, current performance and current activities such as provision of extra curricular activities. This is in marked contrast to the Education Consultation Act which specifically looks at what pupils who attend or likely to attend currently enjoy and experience at school.

Those individuals who participated in these two days had significant reservations about the manner in which these days were organised. Item 3 is a letter received under Freedom of Information which was written by six of the seven Headteachers who belong to the Wick High School Area School Group. They expressed significant reservations about these two days. Concerned at the increasing emphasis placed on these two days to parents and elected members, the Headteachers wrote this letter to Mr Mackenzie at the end of June 2011 identifying major concerns about the process they had been involved with. They write:

“The days were poorly organised. The pressure of time which was evident throughout the two days resulted in a very limited and rushed discussion of a large number of issues. The evaluation of the options all had to be done in the final hour of the two days. Despite Caithness headteachers having asked for prior information about the nature of the two days, this was not supplied. Time for reflective evaluation was minimal. At times speed as opposed to consensus was the critical variable in moving forward.Within this pre-prepared structure our group felt that there was a strong in-built bias towards “bigger is best”.As a group we do not feel confident that the complexity of schools, their relationship with their community and their ability to create successful citizens of the future can be fully or properly evaluated in a paper and pencil exercise of this nature, carried out in this way.”

Hillhead School Council feels that these two points seriously undermines the alleged educational benefits which rest on the outcome of this two day workshop.

Section 7.2 and 7.3 claim that the larger school will offer greater opportunity for cooperative and flexible teaching. We are unsure what this actually means. There is also a feeling that there may be greater peer interaction and more

opportunities in sporting activities. These are general unsubstantiated statements which could easily be countered. These are general statements which do not specifically look at the situation in Hillhead. Firstly Hillhead already is a good sized school with more than 200 pupils when nursery is included and 7 straight classes with none having less than 22 pupils. Staff at Hillhead currently cooperate very well through long established working group patterns and class swops. A larger school may well offer less pastoral care. A larger school would actually reduce the chances of representing the school in sporting activities as the school team would be made up from a much larger group and clearly the % pupils who were able to represent the school would be correspondingly reduced. There is also a claim in Section 7.3 that teacher learning communities can operate more effectively if they are located in the same building.

Highland Council had previously used the work of Professor Dylan William – whom they described as an “authority” in the field, to evidence their claims that teacher learner communities could exist more efficiently in a larger school. Interestingly when alerted to this, Professor Williams described this view as disingenuous and wrote to Highland Council stating that teaching learning communities could operate just as effectively over a number of schools.(Item4) Indeed Hillhead School Council would propose that teachers from different schools coming together in a learning community would offer a much greater variety of approaches and more diverse range of teaching strategies than those all from one school.

The alleged benefits of the new school, outwith the architectural ones outlined in the Educational Benefits Statement do not stand up to scrutiny. Thus the educational benefits statement depends specifically on the design of the new school. As we have seen earlier in this submission the school design in the benefits statement is not the one which Highland Council intends to build. This is a consultation depending on the pretense of building a school which there is no intention of building.

SAFER ROUTES TO SCHOOL – “WE’LL LOOK AT THAT LATER”

A significant concern of Hillhead parents has been the road safety issues

around the new school.

In September 2011 a questionnaire survey was conducted by Hillhead School Council as a means of identifying Hillhead parent feelings about certain salient features of the proposal. The results of this survey were submitted to the consultation (Item 19). From 144 parents, 92 (64%) were “very concerned” and another 23 (16%) were “concerned” about the “Safety of walking to the new school”. This ranked as the second biggest concern of parents after class size. Given that one-third of the pupils at Hillhead already live in the North School catchment area, this suggests a very significant concern.

This matter was further drawn to the attention of Highland Council in other submissions to the consultation process. The 85 pre-printed letters the consultation received from the Hillhead school community specifically refers to the failure to provide a school travel plan.

“The dangers of walking to school for pupils from the Hillhead area, through a congested area which will carry a significantly greater amount of traffic due to the new building is very worrying. In Section 5.3 of the Consultation paper **[should say Proposal Paper]** the following is stated

Revised school travel plans are in the process of being prepared and they will be available during any statutory consultation process that may be agreed as a result of this proposal being progressed

Hillhead parents have received no specific proposals or information about this promised safer routes to the new school and this is both disappointing and worrying. Children’s safety in walking to school is very important and deserves much greater information and effort from the Council. How can parents be consulted on a document which has not yet been provided?
“

A number of other parental letters. submitted to the Council also referred to concerns around road safety.

The authority failed completely to provide any travel plan. Under Freedom of Information legislation Hillhead School Council has identified the surprising and disappointing chronology of this non existent travel plan.

On September 3rd 2011 Mr Mackenzie, Head of Support Services in Highland Council wrote to Lisa MacKellaich, - the Road Safety Officer. His e mail is included below.

The date when this e mail was sent is already more than two weeks in to the consultation period and Mr Mackenzie clearly asks for this report to be ready for the final consultation report. This very late communication about the travel plans either suggests a frightening level of disorganisation about a crucial part of the proposal or a deliberate attempt to produce a travel plan which will not undergo a full consultation because it will not be ready until after the consultation period has ended. The latter would constitute a pre-meditated and deliberate attempt to prevent public consultation about a very important feature of the school.

At the public meeting two days later on September 6th, Mr Mackenzie comes under pressure about the lack of a travel plan. The excerpt below is a complete transcript of the interaction between a parent and Mr Mackenzie. This has been made possible through a Freedom of Information request to Highland Council requesting a copy of the recording. There are some significant differences between the actual interaction and the version of the exchange which the Council has published. The actual transcript is shown below. The Council version appears in the footnote on the next page.

Camilla Elder (parent): My name is Camilla Elder and I am a parent. My question is to Mr Mackenzie. You mentioned a safer routes to schools document and I believe from the presentation slides that that document should be available as part of the consultation but you mentioned this evening that TEC services are currently working on this document. In light of the fact that many of the children from the Hillhead catchment area will have to walk along very busy streets, cross many roads, I'm surprised frankly, that this information hasn't been made available at this early stage for parents to, certainly for all parents, the parents of the children in the North school as well because a number of them have to walk along busy roads as well. Ackergill Street is a notoriously busy area for picking up and dropping children off. Can you explain why this document isn't available to parents at this stage?

Ron Mackenzie: Well, what is common in the consultation exercise is we gather views from a number of well stakeholders, everyone has an opportunity to provide feedback during the consultation period, - the 6 week period - we have a public meeting and have asked TEC services to produce a safer routes to school report on this particular proposal. Now with a fair wind that report will be available and made available to everyone within the 6 weeks but it will certainly be included within the consultation report that's published at the end of this consultation. I think the key issue is that when member's are making a decision on this proposal on the 10th November the safer routes to school document will be part of the

consultation report and I think that's the key issue because I'm sure people in this room know the issues. What you're looking for from us are the answers, the solutions, so we will as part of the consultation report which reflects all views, being gathered during the consultation period, the transcript of this meeting, Her Majesty's Inspectorate of Education report. We will also include the safer routes to school report that so when members are presented with the information on the 10th November then they have the complete spectrum of information on which to base a decision and if it's felt there is any deficit in the safer routes to school proposal then they will be discussed and aired at that time. Now just for the record we are currently spending £250,000 on safer routes to schools in Maryburgh and Conon on the basis of engagement with the community. I have absolutely no doubt that if we are required to do so then we will commit to whatever investments required so please be reassured that we take safety very seriously and we will provide the appropriate investment. I apologise that the report is not available now

Camilla Elder (parent): I'm just concerned that the report wasn't available and we are actually in a consultation period and we have no plans of a new build, we don't have any idea, at least for the Wick High School site we did have some kind of mock up. We don't have the plans and we don't have a safer routes to school document that we can look at to establish the health and safety of our children so I would

Ron Mackenzie: I think .. Sorry if I could jump in. If we produce plans we are accused of not consulting and producing plans. We took a deliberate decision not to produce anything for this meeting so we were starting with a blank sheet of paper with to proceed to a new school. So I am not being presumptuous in any way about this decision. We will wait until we have a decision to build a new school and once we have that we will begin the design ...

Camilla Elder So just to confirm the document you expect TEC services will have that document available before the end of the consultation period.

Ron Mackenzie: I will do my best to do that, yes.

Camilla Elder: Thank you

This exchange contains a number of interesting points.

With reference to the current absence of the travel report, Mr Mackenzie unfortunately places his faith in unreliable weather patterns. He remarks, **“with a fair wind that report will be available and made available to everyone within the 6 weeks but it will certainly be included within the consultation report that's published at the end of this consultation.”** Given that Mr Mackenzie had only asked the road traffic team to come up with a report three days previously and had specifically asked them to have it ready for October 7th so as it could be included in the consultation paper, the idea that it would be ready some two weeks earlier seems remote. This appears to have been a deliberate attempt to stifle consultation.

Mr Mackenzie appears to attach great importance to the Road Safety report being available for councillors to consider in November. . Scrutiny by parents

could be replaced by scrutiny by councillors. As a Council official these considerations may well rank highly in his mind. However the Education Consultation Scotland Act clearly identifies parents as very important consultees in the process. Elected members or councillors (other than community councillors) are not formally identified as consultees in Schedule 1 of the Act. Interestingly the Road Safety report was not ready for the Consultation paper and this failure to provide the report was not mentioned by Mr Mackenzie in his presentation to councillors on November 15th. The importance attached to councillor scrutiny of the proposal is very much diminished in the Council's version of the exchange. Mr Mackenzie's claim that parental consultation over road safety plans can be replaced by councillor scrutiny of the safer routes to school plan in the Consultation paper is clearly at odds with the Education Consultation Scotland Act. In any case it never happened as the road safety report has yet to appear.

Under further questioning from Camilla Elder, Mr Mackenzie states in his final remark of the exchange that he "will do his best" to ensure the Road Safety document is available before the end of the six week consultation period. Having asked, under Freedom of Information legislation for all written communication between Mr Mackenzie and Ms MacKelliach of the Road Safety department it is interesting that there appears to have been no effort by Mr Mackenzie to speed things along so that the road safety report would be available by the end of the consultation period. He has no e mail communication with her over this and on September 24th he writes to ask for a checklist of factors when carrying out a safer routes to school exercise. She appears only to know his deadline date is the first week of October. Mr. Mackenzie's public utterances on the travel plan at the public meeting are certainly inaccurate and he does not appear to have lived up to his promise to do "his best" to have the plan out in time for the end of the consultation. Hillhead School Council feel strongly that such episodes show the consultation has not been "fairly, fully, openly and transparently carried out."

Again there is a viewpoint that no design plans are produced for the new school because the Council is "starting with a blank sheet of paper." There appears to be no recognition that 22 architectural features of the new school have already been put forward in the educational benefits statement. Hillhead School Council

believes that the authority do not wish to refer to these features because they pertain to a much enhanced school from the one it is intended to build.

Ms MacKelliach responds to Mr Mackenzie the following day – September 6th. Her reply is indicative of a Council approach which deliberately seeks to inhibit parental consultation on what is one of the most important features of any new school – the safe route to it. She writes

What is striking about this communication between Mr Mackenzie and Ms MacKellaich is the complete lack of understanding shown by Mr Mackenzie, representing the Education, Culture and Sport section of Highland Council about travel plans and road safety issues. Despite the proposal paper having already been written and being almost two weeks in to the full consultation period, - there appears to have been no communication between these two departments as to what was and was not desirable or achievable with regard to this new school which would be one of the largest in Highland Council. .

Eventually a process is supplied by Ms MacKelliach by which a plan for a safer route to school may be drawn up. However the implication of this exchange is clear. . The experience of drawing up a draft travel plan in Maryburgh and Conon Bridge had suggested to the Council that this was not the best way to go about things. Apparently the draft travel plan had been the main focus of the **“communities [sic] frustration”** .

It would not be unreasonable in light of the legislation for the Council to have decided that they could improve the quality of future draft travel plans which would still allow parents to participate in a public consultation of them. Indeed this would be much more in keeping with the legislation. However it appears that there is a feeling within Highland Council that the production of a draft travel plan should be avoided – or rather should be avoided until the public consultation has finished. This later becomes a wish to avoid completely the production of a draft travel plan. Highland Council find favour with the idea of the proposal going ahead with only a commitment to stakeholder input at a

later stage.

There is a sentence within the Consultation paper which aptly illustrates a concern of Hillhead parents.

5.2.3 As the consultation representations suggest, before taking a development forward it is important to have confidence that Safe Routes are capable of being established.

The new school is in a heavily built up area with narrow pinched access points. Congestion already exists in picking up and dropping off times at the North School. The current school roll is less than 140. This roll will increase to 350 with another 100 children in the nursery – most probably arriving and departing at the same time of day as the school. The school will take its place as one of the top ten largest schools amongst the 183 operated by Highland Council. An increased number of pupils will live further away and it seems likely that the proportion of this much larger roll, using cars, will increase dramatically. The Council state quite clearly that before taking a development forward there must be confidence that safe routes can be established. Given that the Council have done no work on the road safety to the new school there is no evidence that a safer route to school and appropriate traffic management around the site can be effectively managed. This investigation and subsequent discussion should be part of the statutory consultation process.

In the public meeting during the consultation Mr Mackenzie said “ *I think the key issue is that when member’s are making a decision on this proposal on the 10th November the safer routes to school document will be part of the consultation report and I think that’s the key issue because I’m sure people in this room know the issues. What you’re looking for from us are the answers, the solutions, so we will as part of the consultation report which reflects all views, being gathered during the consultation period, the transcript of this meeting, Her Majesty’s Inspectorate of Education report. We will also include the safer routes to school report that so when members are presented with the information on the 10th November then they have the complete spectrum of information on which to base a decision and if it’s felt there is any deficit in the safer routes to school proposal then they will be discussed and aired at that time.*

To date there are many questions but no answers, no solutions and no travel plan.

As well as using the Ben Wyvis travel plan, Highland Council decides that the space in the consultation paper created by a lack of a travel plan for the new school can be partially filled with the existing travel plan for the Wick North

School

“To this end the Council will use the existing Travel Plan for North Primary School as the starting point for the more detailed work to be undertaken by the Safer Routes to School sub group that will be formed if the proposed school is approved (the existing plan is included at **Appendix 8**)”.

Rather like the aforementioned accommodation schedule which is to be used as the starting point for the school design, the existing North School Travel Plan appears to be an attempt to put some structure and form on a situation in which there is currently none. Hillhead School Council would point out the following about the current North School travel plan.

It is undated but a stamp on the cover notes 08-31-05 – RCVD. It appears to date to August 31st 2005 and was probably therefore written before summer 2005 - almost seven years ago by the time it could be used in any way in connection with the new school

It pre-dates the establishment of the large Tesco superstore on the North side of Wick in November 2006. This single, huge retail unit has altered the flow of traffic in Wick considerably. The route down Henrietta Street close to the North School is now one of the major paths to this store for those who live on the North side of Wick - indeed the North School Travel Plan makes reference to the lack of school signs on Henrietta Street .

A number of “Priorities” are identified in the travel plan. The first one – the development of a zebra crossing at Girnigoe Street costed at £11,000 has never been established. Another feature – footstep paths with thermoplastic costed at £5000 has also never been established. Others are so vaguely written it is impossible to tell if they have been achieved.

In short the authority proposes using a starting point which is out of date, which pre-dates the building of a large superstore which has altered traffic flow near to the school considerably and contains priorities which have never been implemented. Hillhead School Council believes that the Highland Council have failed to look at the North School travel plan in any detail. Their approach is more “any travel plan will do”. Their desire to use it as a starting point and include it as an appendix in the Consultation Report stems more from a vain attempt to place substance, structure and form on a situation which is currently

devoid of such features.

The final consultation report makes some very vague general suggestions as to what a draft travel plan may contain - an extension of the 20 mph zone; construction of pedestrian crossings at certain junctions, employment of additional crossing patrols (lollipop men/women) and potential to create a cycle route to the school. This consultation paper makes no reference to why the travel plan did not appear and offers no specifics to deal with the major issues of safe travel to, and around the school. Hillhead Council believe that Highland Council have significantly failed to meet their responsibilities under the Schools Consultation Act 2010.

They have failed to produce a draft travel plan with no explanation why although through Freedom of Information requests it appears that they do not want to have a full public consultation because people may find fault with it.

They have clearly breached Section 3 (1) of the consultation process as set out in the Education Consultation Act 2010. where the educational benefits statement must include (a) the authority's assessment of the likely effects of a relevant proposal (if implemented) on—“(i) the pupils of any affected school, “ and part c of the same section which then requires

“an explanation of how the authority intends to minimise or avoid any adverse effects that may arise from the proposal (if implemented).”

The consultation report must then show how the authority has reviewed its plans in light of the consultation which has been undertaken.

Highland Council, despite promises, have not produced a Travel Plan to the new school. They have failed to propose any specific proposals in the Proposal or the Consultation paper. Hence there has been no public consultation on this very vital aspect of the new school which parents have expressed significant concerns over.

PREVIOUS CONSULTATIONS

Throughout the consultation process, Highland Council has made constant reference to their performance in previous new school builds and in designing safe routes to schools for other schools. Self praise is never a virtue particularly when it seeks to replace documentation and actions which quite clearly should have been implemented in the case of the new school in Wick. .

We believe that the Hillhead/North consultations holds a unique position. It may well be the only school to have had a closure consultation carried out under the auspices of the Education Consultation Act and for the consultation papers to contain documents pertaining to two completely different schools. Not content with surreptitiously borrowing educational benefits statements from other schools, Highland Council also quite openly use documentation from other schools. The Hillhead North consultation papers contains the travel plan for Ben Wyvis Primary School.

In part this is a consequence of a sparsity of detail in this consultation about such features as safer routes to school and therefore there is a need to rely on alleged successes in previous school builds.

The legislation makes absolutely no provision for Councils referring to previous school consultations which they claim to have been successful. Rather the legislation is clearly focussed on judging each consultation on the merits of what has been actually carried out in that consultation.

Highland Council refers to previous consultations even although they look at different situations and have actually been carried out in different ways. For example they cite the work on the new Ben Wyvis Primary School and attach a copy of the Safe Routes document with regard to Ben Wyvis.

The Council has an excellent record of investment in safe routes, and as a recent relevant example details are provided of works required to ensure Safe Routes at the new Ben Wyvis Primary School at Appendix 7.

It should be remembered that the Ben Wyvis travel plan underwent a full consultation – indeed so many parents commented negatively upon the plan that the Council decided they would not again wish to supply this level of detail in the statutory consultation process. However what cannot be overlooked is the

fact that this wider consultation must surely have provided very useful information as to what the local community actually wanted. The Council clearly proposes no such wide public consultation will be carried out in the case of the new primary school on the site of the North School. Therefore to compare the two is invalid.

Highland Council propose that the lack of firm information in the proposal paper on road safety information and the apparent inconsistencies as to what design features the new school will contain can all be sorted out through community stakeholder groups. This suggestion requires greater scrutiny.

Hillhead School Council believes that this is an attempt by the Council to get a proposal through statutory consultation with a minimum of specific information and as a result with a minimum of consultation.. There is no evidence supplied to support the claims that these previous consultations were successful or positive. Indeed some of the information available on the Council's own website suggests that this is not wholly the case.

The section on the Council's own web site on the creation of Ben Wyvis Primary School from Maryburgh and Conon Bridge Schools is less than supportive over the merits of stakeholder participation and satisfaction with it. This can be found at

HYPERLINK "<http://www.highland.gov.uk/learninghere/schools/proposednewschool.htm>" <http://www.highland.gov.uk/learninghere/schools/proposednewschool.htm>

The Pre Application Report pdf contains a letter from Mrs Eilidh Green, Chair of Maryburgh School Council. Written in June 2010, she does not entirely share such enthusiasm for the stakeholder involvement with the Council.

This letter was written in June 2010 – some 12 months before the school was started. Clearly there are significant concerns remaining amongst this group who have been involved in stakeholder involvement in the new building since

October 2009. These views are certainly less positive than those put forward by the Council about this school build – without any evidence. They certainly do not support the view that the quality of stakeholder involvement in Maryburgh and Conon Bridge should be sufficient to resolve any concerns amongst the Hillhead school community about the critical lack of information in the Wick proposal on road safety and design of the school. .

The Travel Plan for the new Ben Wyvis Primary School is dated 2010 and from the dates on the parental submissions to this document would appear to date to sometime after May. The written comments from parents to this travel plan, as outlined below, again do little to give Hillhead parents a belief that the stakeholder involvement process will effectively address their concerns.

The safety of the children getting to and from school is paramount and therefore as initially promised the children should be provided with transport. This should be at no cost to the parents. It is bad enough Maryburgh residents have to pay transport costs for their children to attend the academy with out the same sort of costs being imposed on them for primary aged children because they chose to live in a village so their children could attend a school second to none within the area and the council's ridiculous decision to close it.

The routes that have been proposed will probably not be used as they are not the direct route to the school careful thought needs to be taken before any decision is taken and put in stone.

What is the "Go For It" scheme.

Car sharing not very easy for children needing car seats & other sibblings not attending school but need seat in car.

What is "go For It" scheme

Car seats & sibblings make cars share difficult

My son cycles to school everyday or walks which is very good for him but when they go to conon school he will hate to go by car. It is to far to cycle to conon plus it is to dangerous with the amount of traffic on that road. So the point is where is the health and well being in that? We try to encourage our chilren with exercise but theywon't get alot when traveling to school in a car everyday. So please can you help us get a safer route to the new school considering the welfare of our children.

The "Go For it" scheme is a good idea but the council will have to come up with an improved safer route to school before we would allow our children to take part.

I feel that the safest way to transport the children from Maryburgh to Conon would be for the Council to provide a bus to tranport them all over in the morning and return them every afternoon. I think that there are massive liability issues for car sharing schemes and would like to know how the Council plan to police whether ornot drivers have the correct type of insurance and whether or not cars are roadworthy. It brings into question if adults who are volunteering to transport/cycle childrento school have been disclosed, and are suitable to have close contact with children.

In the long run it would be a lot cheaper for the Council just to provide the transport, rather than be sued by the parent of a child who has been seriously injured or worse.

As the parent of 3 children, I certainly wouldn't trust any child under the age of 10 to make the journey between Maryburgh and Conon, even after the council have put in safer routes to school measures. There are far too many junctions and roads to cross, not to mention the bins that litter narrow pavements every Thursday.

Can the Council engage in some joined up thinking and save time and money, redeploying the busses that travel through Maryburgh and Conon anyway every morning on the return trip from Dingwall Academy.

Following a near miss with a car when I was walking to school with my children, (one child ran into the road without warning whilst having a tantrum and a car had to do an emergency stop to avoid hitting her), I have been reluctant to let them walk to school on their own. The road is too busy & the crossing is too far away to use (i.e. about half a mile out of the way) also cars do not slow down very often even if you are using the crossing if there was a safe crossing place at/near the junction with riverford crescent I would consider allowing them to walk to school.

Conon Primary children have been walking to school for many years and there has never been any consideration made by the council as to the safety of the routes taken. Why is it only now that this is an issue for Conon Primary children?

The route from Maryburgh to Conon is totally unacceptable in its present form, there are no barriers on the bridge and the speed of traffic is too fast. To expect around

100 children to walk is ridiculous as no matter how good your child's awareness is they will sometimes get lost about and this will lead to a disaster over the bridge.

Would it be a possibility to use a school bus for transport from Maryburgh if the parents pay a small weekly fee for fuel charges

The excess cars will cause major problems. We live very close to the school. But would not want the road I live on (Fraser Street) to be a short cut for cars because of the speed they travel at.

My child has no roads to cross except outside the school with the lollipop lady, I would have concerns that may stop me letting him walk if he had a road to cross.

School Road with the high speed of cars and at the cafe due to poor visibility and then the narrow path especially.

TRANSPORT

Travel to the new school was very poorly addressed in the proposal paper. Hillhead Primary School serves the pupils from the villages of Staxigoe and Papigoe who receive free transport to Hillhead Primary School. This was a result of the closure of Staxigoe village school in 1969 where a bus was provided to take pupils to the new school (Hillhead) in Wick even although the distance involved was under the Council minimum to receive free transport. Local residents feel this was a longstanding commitment by the Council or its predecessors. This was pointed out to Highland Council at the public meeting on September 6th and Mr Mackenzie made a commitment that he would look in to this historical agreement by the Council to provide transport for the children from Staxigoe and Papigoe in to Wick which occurred when they closed Staxigoe Village School. No further mention has been made of this by the Council to either confirm or reject this arrangement. This should have been referred to in the Consultation Report as the Council have a duty under Section 10 of the Act to respond to ,

(ii) any oral representations made to it (by any person) at the public meeting, along with “ a statement of the authority's response to—those written and oral

representations,”

This is particularly so given that Mr Mackenzie specifically said he would investigate this issue.

The road to Staxigoe is a very open exposed road and the School Council believes that the distance from Staxigoe to the new school is very close to 2 miles- between 1.96 and 2.1 miles dependent on entrance location. Children under eight would receive free transport for any journey over two miles. The authority’s response in the public meeting is that they will only follow the Council policies and procedures with respect to bus travel to the new school from Staxigoe and Papigoe. They appear not to know if younger pupils will qualify for free bus travel to the new school. This means, although they have never explicitly stated this, they may well remove the travel from pupils attending the new school from these two villages.

This issue was again brought to the attention of the Council in the 85 pre-printed letters they received from the school community as well as a number of other letters which made comment about this lack of detail on travel information. The pre-printed letters specifically asked:

“Another transport issue is the free bus from Staxigoe to the new school which also picks up pupils from Papigoe and Broadhaven on a concessionary basis. When Staxigoe School closed in the 1960s there was a commitment from the Council that free transport would be made available to transport pupils to Hillhead Primary. We hope this commitment will continue for the new school. The distance involved and the increased road traffic makes this very necessary. Can the council give a promise that this will continue? “

The Council’s response within the Consultation paper is very disappointing. They write

“5.2.8 The operator of the registered bus service currently picks up pupils from Staxigoe on the route from Noss to Wick without charge and has indicated that there is no intention of discontinuing this service.”

This statement is both inaccurate and confusing.

Currently no school transport travels from Noss to pick up pupils at Staxigoe. Indeed the one family from Noss who had tried to obtain transport from Noss

specifically had their appeal turned down. The bus runs from Staxigoe.

The bus company which operates the service from Staxigoe is not a charitable body that runs free buses in to school in Wick. Rather they take their instructions and payment from the Council dependent on what numbers of pupils they are asked to transfer. The new school is at least three years away and clearly contracts will be re-newed during this period and the Council will have a significant input in to what form this new contract will take.

The Council makes no attempt to answer the straightforward question of free bus travel from Staxigoe and Papigoe. At best their response is vague and incorrect. It may also hide an intention to remove free transport for pupils from Staxigoe and Papigoe to the new school. The vagueness and lack of willingness to explain or make a firm commitment on features related to the new school is once again apparent. We believe that this response breaches both the spirit and more specific statute of the legislation with respect to this issue.

Section 3 (1) (c) notes that the educational benefits statement should include an explanation of how the authority intends to minimise or avoid any adverse effects that may arise from the proposal (if implemented),

The Council has failed to comply with this. The new school is 0.6-0.7 miles further away from the village of Staxigoe. If free transport is to be removed they have offered no explanation has been put forward by the authority as to how it intends to minimise or avoid the effects of pupils walking to the new school along a very busy road, a significant part of which has a 60mph speed limit. Rather like the Safer Routes to School plan, Hillhead School Council believes this is another example of Highland Council not wishing to supply specific details about the proposal during the consultation for fear it may generate negative opinions.

WORKING GROUPS/STAKEHOLDER GROUPS

Hillhead Council believes that the attempt of the Council to have significant decisions about the new school decided through working groups is motivated by a number of factors.

The first is that they wish to get the proposal through the statutory legislation

with the minimum of information supplied to parents. They claim the details of the school design can be sorted out later, They claim that the traffic and road safety issues can be sorted out later. They fail to give clear answers to important questions such as bus transport to the school. Once the proposal goes through the statutory consultation process it will only be subjected to Council procedures and protocols. The Council will set the parameters on decisions such as the budget available and whether or not parental views can be incorporated or recognised in any way.

Parental involvement in these groups is small. Appendix 10 of the Consultation carries a document called “Stakeholder Involvement Groups”. This outlines a number of groups and the parental presence on each of these groups. For example the overall stakeholder group is proposed as below.

Overall Stakeholder Group:

- Elected Members
- Parent Council Chairpersons
- Community Council Chairpersons
- Other community representation (to be advised)
- Existing Head Teachers
- Highland Council project team representatives

It would appear each group would involve around 8 to 10 individuals and one Hillhea parent. .

The relative lack of parental presence on these groups, compared to Council employees, seriously weakens the parental voice in this group. Hillhead School Council welcomes the process of stakeholder involvement. However this cannot be as a substitute for wider parental consultation as outlined in the Schools Consultation Act. The shift towards these groups making decisions has the effect of disenfranchising parents from their rights to be consulted – each at an individual level as outlined in the Schools Consultation legislation on issues fundamental to the proposal. .

The legislation quite clearly states that proposals will have different impacts on different groups. The legislation places a requirement on authorities to identify how they can reduce or minimise the impact of these specific features on particular groups. By proceeding through working groups the need to offer

specific, planned interventions to minimise the impact on specific groups is minimised. For example Hillhead parents feel strongly that the new school should have classrooms which are of a similar size to the ones the pupils enjoy at Hillhead, that is 71.25²m. However North School parents do not feel so strongly about this as their current rooms are 53m². The Act requires the authority to specifically address how the adverse effects of moving to smaller rooms could be reduced or minimised in some way. However by allowing more details to be decided by consensus in a group where specific parental concerns are either diluted or not represented, the impact of specific features of the proposal which impact differentially on groups of pupils involved is not required to be addressed in the same way.

The Hillhead/North proposal and subsequent consultation marks a new and worrying approach to the statutory legislation. Rather than producing specific proposals to be consulted upon by school communities, the Hillhead/North paper is more a general statement of intent. Indeed it even appears that the items placed in the paper as educational benefits are open to alteration, removal or simple disregard at a later working group level. Stakeholder consultation on them will be done later at a much reduced level and in a setting and involving a forum which the Council can dictate and have much greater power over.

CHANGE IN CATCHMENT AREAS

The initial proposal for the amalgamation of the two schools taken from Section 1 of the Proposal Paper is unequivocal. The third bullet point quite clearly states that the proposal under consideration is to amalgamate the two catchment areas of Wick North and Hillhead Primary Schools to serve the new school. This is the proposal which commenced the statutory consultation process.

1.0 PROPOSAL

1.1 The Highland Council is proposing, subject to the outcome of the statutory consultation process:

To discontinue education provision at the existing Hillhead and North Primary Schools
To establish a new amalgamated Primary School on the site of the existing North Primary School

To combine the existing school catchments of Hillhead and North Primary Schools to serve the new amalgamated Primary School
The proposed changes, if approved, will take place within 3 years.

However following representation and limited discussion at the public meetings during the statutory consultation the Council discovered that there was significant public support at the meetings for the river being a natural boundary between the catchment areas. Schedule 1, Section 4 of the Education Consultation Scotland Act clearly states that any change in catchment area must be subjected to the process outlined and detailed in this legislation.

Admission arrangements

**4 A proposal to vary any admission arrangements for a school including—
(a) a proposal to establish, terminate or otherwise alter the catchment area of a school, and**

(b) a proposal to make or modify guidelines in respect of the handling of placing requests.

Although this was not part of the original consultation process undertaken by the Council, their consultation paper now proposed a change in catchment areas.

Realignment of Catchment Boundaries

5.6.1 The delineated areas of North Primary School includes a small area south of the River Wick. There are currently 44 primary school age pupils and 31 pre-school age children in this area. Of these, seven attend North Primary School. All of the others attend a school other than North Primary by having made a placing request and presently 14 attend Hillhead Primary School, 21 attend Pulteneytown Academy Primary School and two attend South Primary School.

5.6.2 This issue was raised by a parent representative and thereafter discussed at the public meeting relating to the proposed amalgamation of Hillhead Primary School and North Primary School held on the 6th September and at the public meeting on the 13th September relating to the proposed amalgamation of Pulteneytown Academy Primary School and South Primary School. The almost universal view expressed at both public meetings was that the opportunity should be taken to redraw the delineated areas for the Primary Schools along the lines of the natural boundary provided by the River Wick when the new school opens three years from now.

5.6.3 Should the proposal for rezoning be approved, no pupils in the area proposed for rezoning will be compelled to change the school at which they are in attendance at the time of the enactment of the

proposals, i.e. pupils will be entitled to attend the new school of which the school at which they were previously in attendance becomes a part. For the same reasons of continuity and progression, should the proposals be approved, parents will be encouraged, without prejudice to the normal placing request legislation, to enrol all new entrants to the school within the redrawn catchment areas.

This change of opinion half way through the consultation process completely fails to meet the requirements of the Education Consultation Act which quite clearly states that any change in catchment areas must be the subject of a full consultation under the procedures outlined by the legislation.

Hillhead Primary School Council feel that

the change in catchment areas will be a good thing
the general approval with which this idea was met by parents who attended the consultation meetings is indeed indicative of a popular support for this idea. However popular support at two meetings which were called to discuss a proposal in which it was stated the catchment areas would remain the same, is a poor substitute for due process and cannot replace the laws of the nation.

the fact that the Council did not include this in their original proposal gives an indication of the limited and narrow parental consultation which took place before these proposals were drawn up.

a situation in the future could arise where parents could successfully gain placing requests to the new school on the basis that the catchment boundaries were illegally changed. Given the concerns over facilities and numbers (see page 22) this could have significant effects on the school roll and the capacity of the new building to deal with this. It could also involve unnecessary financial consequences for the Council by having to employ extra members of staff to deal with these successful placing requests.

As this has never undergone full consultation then there remains many questions. Will the Council continue to provide free concessionary transport for these 44 pupils who opt to stay in the school on the North side of the river, which will take them across the town centre and the river and in to the new school? Will this continue in the future as the numbers from this area going to the new school will drop each year following the change in catchment area. If no transport is available will they provide road crossing investment to ensure these pupils can get safely to school through Wick town centre?

It may well be that a parent or parents of future pupils whom this change will

affect are currently unaware that this proposal has been very belatedly added in to the consultation . The Council must undergo a full consultation with regard to this change in catchment areas.

The Council's understanding of, and compliance with, the Education Consultation Scotland Act 2010 is somewhat cavalier.

OMISSIONS and INACCURACIES

Looking at the original legislation further requirements are specifically detailed which the Highland Council has failed to comply with. Section 5 of the Schools (Consultation) (Scotland) Act 2010 is entirely devoted to omissions and inaccuracies. There is a significant importance contained within the legislation that it should be correct and accurate throughout. As quoted previously in this submission the Statutory Guidance to the Act (page 1, paragraph 3, line 7) notes that good practice is "expected to be the norm".

.The veracity of information involved in the consultative process is paramount. However there is an understanding within the legislation that because of the complexity of issues which, changes in school provision entails, there is a provision that mistakes and omissions can occur.

Following the proposal paper there is a requirement for the education authority to correct or explain any omissions or inaccuracies in the Consultation paper. The legislation states that the Consultation paper "**must (in particular) contain the following.**

(3) In relation to any omission from, or inaccuracy in, the proposal paper to which section 5(1) applies, the further information is—

(a) details of the omission or inaccuracy (including a statement of the authority's opinion on it),

(b) a statement—

(i) of the action taken in respect of the omission or inaccuracy, or

(ii) if no action has been taken, of that fact (and why).

The Statutory Guidance on the Act also clearly states the requirements of the legislation with respect to omissions and inaccuracies. (Page 8, paragraph 2) .

In addition, if omissions were identified from, or there were inaccuracies in the proposal paper, the consultation report must set out their details and the action

taken and, if no action was taken, why.

The proposal paper contained three major inaccuracies. A promised Travel Plan never appeared – this was clearly and repeatedly pointed out to the Council in the 85 pre-printed letters the consultation received from the Hillhead school community. It was also referred to by a number of other parental letters submitted to the Council.

A further mistake in the proposal paper was the number of children whom the nursery would cater for which almost doubled in size from the proposal paper-.

Finally there is no mention in this section that the proposal paper specifically suggested that the catchment areas should not be altered whilst the consultation paper decided that alterations are required.

In clear contravention of the legislation the Consultation paper makes no reference to this omission and inaccuracy and in addition consequently also fails to make any reference to a statement of the action taken in respect of this omission.

RELEVANT CONSULTEES

The Highland Council list of consultees in the Hillhead/North paper has once again been copied comma for comma from the Angus paper for Muirfield/Timmergreen amalgamation. The school names have been changed. As outlined previously, one of the dangers of wholesale copying of information from other authorities is a lack of rigour in ensuring that the individual elements of the copied piece are correct and in keeping with what is intended or indeed with the requirements of the legislation. For Highland Council copying large sections of text may well be expedient but it unfortunately inhibits critical scrutiny

A significant feature of the Wick proposal is that the new school, will be ready almost four years from the time of the consultation. The planned opening date is August 2015. From the current school populations in Hillhead and North School, it is only the pupils in the Nursery to Primary 3 age range that the proposal will directly affect. Page 10 of the Statutory Guidance on the Education

Consultation Act notes that a possible scenario for a call in may be:

“a school closure proposal is consulted on so far in advance – for example 3 years – of its implementation date that it would not be possible to identify all of the pupils that would be affected.”

Clearly the lead in time to building a new school makes the avoidance of this difficult to achieve. Yet what this does suggest is that in such scenarios the Council should make every effort to identify pupils who are likely to attend the establishment within the next two years. Given that the proposed new school will cater for 3 to 12 year olds there is clearly a need to identify and target parents of children in the 1 to 3 year old age category.

Given that the GIRFEC (Getting it Right for Every Child) approach identifies the Health Visitor as the Named Person for every child in the 0 to 5 category, this would have been a very good channel to explore to include these children. Simple steps such as posters and information in the local baby clinic would have been a reasonable action in an attempt to address some of these issues. Registered childminders would also have been another formal group who would have access to this 1 to 3 year old group and therefore should have been involved in the consultation. By copying the consultees from the Angus paper, Highland Council explored none of these possibilities and therefore failed in its statutory obligation to consult with Schedule 2 of the Education Consultation Act which identifies relevant consultees as

(c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper

OPEN, TRANSPARENT AND FAIR?

Hillhead School, Council has concerns that the questions which they have about the new school are not treated as valid. This view is strengthened by an exchange with a North School parent Mr Paul Durrand - who had written to the consultation positively about the proposal. He notes that many of the concerns

expressed about the new school at the public meeting on September 5th came from Hillhead parents and staff. Mr Mackenzie responds by noting that Mr Durrand's letter had restored "his faith in human nature". He then forwards the letter on to Martin Finnegan – a member of the consultancy team employed by Highland Council on the project - with a similar comment.

This is quite clearly an evaluation of the responses and is completely inappropriate. Unfortunately all of this is openly available for public consumption on the Highland Council website. However Mr Mackenzie then decides to share some other confidences with Mr Durrand. Completely unsolicited he states *"Incidentally the corresponding meeting on September 13th , re-amalgamation of the Pulteneytown Academy and South Primary Schools, was a much more positive meeting with those present sticking to the issues – safe routes to school and safety in and around the co-joined campus."*

With reference to this exchange Hillhead School Council would point out

it is inaccurate – the second meeting did indeed go better but it was a completely different meeting looking at a different school situation with completely different presentations – much improved ones where representatives of the Council were actually able to answer questions such as how many classrooms the new school would have.

It would appear that Mr Mackenzie feels that many of the concerns raised at the Hillhead/North meeting were in some way inappropriate. A look - even at the Council version of the Hillhead/North public meeting - would prove difficult to identify any issues which should not have been raised although there are a number which the Council felt uncomfortable with.

These statements by Mr Mackenzie, who is supposed to be impartially looking at parental and community concerns, is completely improper . They will only aid in driving further rifts between the parent groups involved in this amalgamation. This does not augur well for the importance which will be attached to future concerns of Hillhead parents in subsequent discussions.

Such comments fall well short of best practice and "delivering a new consultation process that is robust, open, transparent and fair, and seen to be so."

THE GOALPOSTS CAN BE CHANGED

On the 10th November 2011 the Education Culture & Sport Committee approved the proposal to build a new school to replace the existing Hillhead and North School. The School Council were surprised to receive a letter from Mr Mackenzie on November 15th inviting them to a meeting to start work on the new school. His letter notes:

As indicated in the Consultation Report published on the 18th October 2011 there is a commitment to establish a consultative framework to take forward the detailed planning process for the new school. It is important to re-emphasise that the detailed work into the following key transitional elements begins now:-

There followed a number of exchanges between the School Council and Highland Council concerning whether or not this was in keeping with the Act. Hillhead School Council were strongly of the opinion that this was an attempt to proceed with the work on the building of a new school before the Education Minister had given any approval of the closure of Hillhead. Eventually the authority saw sense and the meeting was held but was very clearly identified as not a meeting about implementation.

This particular issue raises two points. The first is that the setting up of these groups was in clear contradiction to the Education Consultation Act 2010. The Council appear to view the passing of the proposal by their own Education, Culture and Sport Committee as the start gun for proceeding with its implementation. However they drew back from this

Perhaps more worryingly this immediate setting up of these groups is not on the timescale which had previously been set out in the consultation paper which had been published only one month previously. Section 5.3.4 of the Consultation paper states:

“5.2.4 The timescale for carrying out these steps will be in line with the development of the new school and will feature in the overall project plan for the new school. It is expected that, if the proposal is approved, school community representatives will be contacted early in 2012 to setup the School Travel Team, with a view to the initial steps be carried out during spring and early summer 2012.”

Yet despite this being the stated timescale of the proposal, some four weeks later they have changed their mind and wanted them to start immediately. This is worrying in that it brings in to doubt what other aspects of the consultation

paper they may wish to change without discussion or explanation.

Rather like the school proposed in the educational benefits statement - what the Council put in writing and what they do in practice does not match well in this particular instance.

CONCLUDING COMMENTS

The purpose of this paper is to show that Highland Council has failed to have appropriate compliance with School Consultation Act 2010 in their handling of the consultation concerning a new build school on the North side of Wick

We believe that firstly Highland Council has not taken appropriate consideration of the current performance and condition of Hillhead School in this proposal. Highland Council make significant comments about the advantages of a new school in terms of collaborative working, increased extra curricular activities and greater peer interaction without looking in detail at the current performance of Hillhead in these areas. . In addition they fail to recognise the relative good condition of Hillhead, its relatively low running cost per pupil and its current attainment and achievement. Given that no response has been made by the Council, it appears that they have also failed to take any account of the very large, spacious, well lit rooms which Hillhead pupils currently enjoy. These are all material considerations which Highland Council has failed to take proper account of.

The failure of Highland Council to comply with the legislation is manifold. This submission identifies a number of features of the Wick proposal which fails to address certain specific aspects of the legislation. However these specific breaches of the legislation – such as a failure to identify appropriate consultees or a failure to identify omissions and inaccuracies in the proposal are not stand alone breaches. They are symptomatic of a much greater failure of this proposal

to comply with the legislation.

In this instance Highland Council view the consultation as an opportunity to make a statement of intent but not to consult upon it in any way which would answer the concerns and anxieties of parents. Rather Highland Council take the position that these items can be discussed at a later stakeholder level once the proposal is through the statutory process. The legislation which carries the word "consultation" in its title, calls for this discussion with stakeholders to be very much a part of the consultation process not projected some time in to the future to a forum where the Council will exercise much greater power and influence. Furthermore they appear to have attempted to "sell" the proposal describing a new school with a very enhanced set of features which in reality will not be constructed. As the school features have been copied indiscriminately from another authority it bears little resemblance to the type of school which Highland Council has built in the past nor indeed to what they will build in the future. The failure to respond to this issue in the consultation has left this intention very exposed.

The approach to consultation in this case creates an interpretation of the legislation which is at odds with its fundamental aims. The statutory guidance on the Act notes

The Act's principal purpose is to update and strengthen the statutory consultation practices and procedures that local authorities apply to their handling of all proposals for school closures and other major changes to schools. It aims to establish a new consultation process that is robust, open, transparent and fair, and seen to be so. In doing so it aims to ensure consistency of consultation arrangements across Scotland. (page 1, para 2)

Hillhead School Council rests its case on the fact that Highland Council have seriously undermined consultation. They have produced an educational benefits statement – the central pillar of the Act - which is copied significantly and without discrimination, from another proposal paper for two different schools in a different authority. Having done this it is then fairly clear that they will not be building such a school. The subsequent confusion which followed as to what the new school building would contain left staff and parents unsure what the basic design would be. This must surely be a critical part in any consultation

about closing a school – details of the new provision must be outlined specifically and without fear of future alteration. This point is echoed in the Learning Scotland report which in a damning criticism of a consultation, notes that as a result of the confusion over the school design “it is difficult for the community to judge fully the educational benefits of the proposal.” . We have been consulted on a jelly of a proposal which changes its form as it goes along.

The complete failure of the consultation paper to address concerns or even clarification about the school design is a further serious breach of the legislation. However this failure to provide information and answers can be seen across a range of issues both in the proposal and consultation paper – the design of the school, the safer routes to school and the bus transport to the new school . In the latter case Highland Council wish to obfuscate the issue for fear the truth will be unpopular with parents. Highland Council claim that the first two concerns can all be sorted out by working groups at a later date. This is a failure to provide parents with the necessary information and to appropriately answer their concerns. Mr Mackenzie appears to at least have some understanding of what the consultation process should involve when he stated at the public meeting on September 5th noting “*What you’re looking for from us are the answers, the solutions..*”

However this view was not put in to practice. Highland Council wish to remove discussion of the items and the parameters of what might constrain them to another forum - to stakeholders groups where parental influence is very much diminished

Highland Council, are keen to distance themselves from the educational benefits statement as clearly they do not intend to build the school they have outlined in it. When placed under pressure they refer to the design starting with “clean sheets of paper”. .However they have a startling propensity to change and alter things which are in the initial proposal paper. The Safer Routes to School travel plan does not appear. Half way through the process the Council decide that they would - in complete contradiction to the initial proposal - change the catchment area. We propose that these things are all significant breaches of the legislation.

In these days of infancy for the legislation, there are aspects of this particular proposal which will create a precedent. Indeed a specific aim of the legislation is to create consistency across consultations. Clearly this does not mean copying educational benefits statements. Nevertheless education authorities are currently watching carefully what the parameters on their responsibilities will be. Should it be given the go ahead, other education authorities will look at the practice of this one to influence their own approach to the legislation in the future.

The appeal of a proposal where educational benefit statements may be standardised or copied across proposals or indeed can be altered at a later date will find favour with authorities. A situation where few specifics of the proposal can be supplied because they can be discussed at a later time with limited parent representatives in a forum which the education authority chooses, will also have appeal to the many authorities looking to rationalise their school estates.

Hillhead School Council proposes that by giving this consultation the right to proceed it will not only seriously undermine and weaken the consultation process in this case but will set a very bad example for others to follow in the future. It is a bad example because it attempts to undermine the statutory consultation process as opposed to strengthening it in any way. This proposal and consultation fails to meet the aims and the specific statutes of the Education (Consultation) (Scotland) Act 2010.

APPENDIX

Quoted in John O’Groat Journal November 4th 2011 “Hillhead Kids on Top of the World.”

It is perhaps opportune to note with reference to the Angus proposal paper, that this was a decision called in by the Scottish Minister in light of concerns about practices and information having been used by Angus Council. There is certainly no way that this school could be built in the 3500m² allowed by Angus Council.

Figures taken from Section 5.5 of the Proposal document

A number of the features of the EBS of the Wick proposal were actually prepared for the proposed rationalisation of rural schools planned by Highland Council. The moratorium on rural school closures prevented use of them although they were re-packaged and it was attempted to fit them in to the EBS statements for closing larger town schools

The published version by the Council states My question is to Mr Mackenzie. You mentioned safer routes to school. I am surprised that there is not a document relating to safe routes to schools available to us during the consultation period. Why is this document not available?
Answer - (RM) The purpose of the 6 week consultation period and this public meeting is to obtain feedback on the issues that concern all those with an interest in the proposed new school. The Council takes health and safety very seriously and there will be a “safer routes to school” document published within the Consultation Report which will be made available 3 weeks in advance of the ECS Committee on the 10th November. I would draw your attention to the £0.250M investment in safer routes to schools that will be invested in Maryburgh and Conon Bridge following extensive consultation during the design phase of the new Ben Wyvis Primary School. **(cont. bottom next page)**

Follow up question – I am surprised that we do not have plans for the new school and the safer routes to school. I was involved in the consultation on the new Wick High School and there was a “mock up” of the new school available for that building

Answer - (RM) I deliberately did not produce plans for the proposed new school for the simple reason that the Council would be accused of ignoring the wishes of the local community. The planned approach is that we will await the outcome of the consultation process. If the decision is taken to proceed with the new school then at that stage we would form a stakeholders group to participate in all aspects of the new school including the design of the school, inside and out and also very detailed work on safer routes to the new school.

The Statutory Guidance on Schools Consultation (Scotland) Act 2010 Page 9 Paragraph 6

Probably worth noting here the quote by Eric Sevaried that a consultant is any ordinary guy who lives more than fifty miles from home. Highland Council’s consultants are Caledonian Economics based in Edinburgh. Their knowledge of the local situation is at times embarrassingly lacking.

The dynamic created by an authority employing an external consultant may be the root cause of this breach of the legislation. The authority feel they are paying for the expertise of the consultants and therefore mistakes and omissions will not occur. In turn the educational consultants, who are being paid well for their work, are reluctant to admit that they have allowed mistakes to happen. Regardless of the cause, the result is a failure to comply with the legislation.

Hillhead School Council

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