

**FALKIRK COUNCIL**

**MINUTE of MEETING of the EDUCATION EXECUTIVE held in the MUNICIPAL BUILDINGS, FALKIRK on TUESDAY 4 FEBRUARY 2014 at 9.30 AM.**

**COUNCILLORS:**

Jim Blackwood  
Gerry Goldie  
Linda Gow  
Adrian Mahoney  
Craig Martin  
Dr Craig R Martin  
Malcolm Nicol  
Alan Nimmo

**REPRESENTATIVES  
OF RELIGIOUS  
BODIES:**

Hector Cairns  
Margaret Coutts  
Rev Michael Rollo

**CO-OPTEES:**

Martin Craigen (Parent Representative)  
Marnie McKay (Pupil Representative)  
Margaret Smith (Teacher Representative)

**OFFICERS:**

Shona Barton, Committee Services Officer  
Danny Cairney, Accountancy Services Manager  
Nigel Fletcher, Joint Acting Director of Education  
Gary Greenhorn, Joint Acting Director of Education  
Eileen Hutton, Childcare Provision Co-ordinator  
Kenny McNeill, Acting Head of Service Support, Resources  
and Infrastructure  
Colin Moodie, Depute Chief Governance Officer  
Anne Pearson, Acting Head of Schools/Curriculum Support

**EE30. APOLOGIES**

Councillor D Goldie, Jude Ainsley (Parent Representative), Fiona Craig (Teacher Representative) and Ross Nixon (Pupil Representative).

**EE31. DECLARATIONS OF INTEREST**

No declarations were made.

**EE32. MINUTE**

**Decision**

The minutes of meeting of the Education Executive held on 29 October 2013, and the special meeting of the Education Executive held on 16 December 2013 were approved.

### **EE33. REPORT BACK ON THE FINDINGS OF THE CONSULTATION ON THE EXPANSION OF EARLY LEARNING AND CHILDCARE TO 600 HOURS PER ANNUM**

The Education Executive considered a report by the joint Acting Director of Education which (a) informed of the results of the consultation exercise undertaken in relation to the expansion of early learning and childcare to 600 hours per annum, and (b) outlined the proposals and made recommendations for implementing the changes to existing service provision and delivery from August 2014.

As part of the Children and Young People (Scotland) Bill, the Scottish Government proposes to introduce an additional 125 hours per annum of early learning and childcare provision as from August 2014. The Education Executive, at the meeting on 29 October 2013, agreed that a consultation be undertaken by Education Services on the options for families and children to access these extra hours.

#### **Decision**

**The Education Executive agreed:-**

- 1) to note the contents of the responses contained within the consultation report attached as Appendix 1 of the report;
- 2) to endorse the proposals of Education Services to implement option 2 as detailed in section 5.1 of the report;
- 3) to note that the Nursery Education Admissions Policy will be reviewed and submitted to the Education Executive for approval in due course;
- 4) that Education Services will provide a further report to Education Executive in April 2014 providing:
  - an implementation update
  - details of the proposed capital investment, and
- 5) that Education Services will carry out a further consultation early in 2015 as set out in paragraph 5.2 of the report.

Councillor Gow entered the meeting during discussion of the foregoing item of business.

### **EE34. LOCAL IMPROVEMENT PRIORITIES 2014-17**

The Education Executive considered a report by the joint Acting Director of Education which presented for approval the draft Local Improvement Priorities for the 3 year period 2014-17.

The report outlined the background to the planning process, including providing information on the consultation process and how the priorities will contribute to the council's corporate goals. Information was also provided on how each of the individual priorities will be developed and used by schools to develop individual plans. The priorities will also be incorporated into the Service Improvement Plan for 2014-17 which will be presented to the council's Performance Panel at the appropriate time.

### **Decision**

**The Education Executive agreed to endorse the draft Local Improvement Priorities for Education for inclusion in the Education Services Performance Plan for 2014-17.**

## **EE35. POLITICAL LITERACY AND THE REFERENDUM ON INDEPENDENCE FOR SCOTLAND**

The Education Executive considered a report by the joint Acting Director of Education which set out how Education Services and Falkirk schools plan to address the issues of political literacy and the referendum on independence for Scotland.

Political literacy is an important component of the Curriculum for Excellence and is central to citizenship education. The issue of political literacy has been given added significance by the referendum on independence for Scotland which will take place on 18 September 2014 as 16 and 17 year olds will be entitled to vote. A strategy paper has been developed to assist schools in developing political literacy amongst pupils and prepare them for the referendum. The strategy paper was attached as an appendix to the report for approval.

### **Decision**

**The Education Executive agreed to:-**

- 1) note the Curriculum for Excellence Briefing 14 and the guidance 'Political literacy and the referendum on independence for Scotland', and**
- 2) approve the strategy paper 'Educating Young People for the Referendum in Falkirk Schools'.**



**FALKIRK COUNCIL**

**Subject: REQUEST TO UNDERTAKE A FORMAL CONSULTATION ON A PROPOSAL TO CHANGE THE ADMISSIONS POLICY**  
**Meeting: EDUCATION EXECUTIVE**  
**Date: 29 April 2014**  
**Author: JOING ACTING DIRECTOR OF EDUCATION**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to:

- provide details surrounding a proposal to make changes to the Falkirk Council Admissions Policy; and
- request permission to carry out a formal consultation in accordance with the Schools Consultation (Scotland) Act 2010.

**2. BACKGROUND**

2.1 Enrolment Pressures at Denominational Schools

Although Falkirk Council has made considerable investment to provide additional capacity within our denominational school estate, the demand for places at a number of denominational primary schools and St Mungo's High School has continued to increase to a level that can no longer be sustained.

In 2009, the replacement St Mungo's High School opened with an additional 200 spaces in order to accommodate a rising school roll. Despite this, the occupancy levels reached 95% by August 2011 and have remained very high ever since. As a consequence, intake at St Mungo's High School was capped at 240 by Council agreement in August 2012 to protect capacity at the school.

Following a formal consultation, the Education Committee also agreed to change the Falkirk Council Admissions Policy on 30 October 2012 to require a placing request to be submitted for these pupils transferring from non-denominational primary schools to St Mungo's High School. This was intended to reduce the long-term demand for places at St Mungo's High School, and provide the authority with increased control over admissions and reserved places to protect capacity at the school for pupils likely to move into the catchment during the school year.

In the denominational primary sector, a new single stream primary school, St Bernadette's, was built and opened in August 2012. This additional capacity, in association with a major rezoning of several school catchments, was intended to reduce the pressure on St Andrew's and St Francis Xavier's Primary schools. In actual fact, all available spaces have been filled at St Bernadette's and demand has remained very high at St Andrew's and St Francis Xavier's.

## 2.2 Capping Intake in August 2013

In August 2013 it was necessary to cap intake at all of the St Mungo's High School feeder primary schools to both protect capacity at several of these schools, including St Bernadette's Primary School, and to prevent over-subscription at St Mungo's High School longer term. As a consequence of this decision, nearly 40 pupils were refused enrolment to these schools in August 2013.

## 2.3 Inability to Retain Reserved Places for Families Moving into Catchment Area

In addition to 40 pupils being refused enrolment as the demand came from pupils that live in these schools' catchment areas, no reserved places could be retained, as a consequence, there are no places available in Primary 1 at many of these schools for RC pupils that have moved into the area during the course of the current academic year. There are currently 8 RC baptised Primary 1 pupils awaiting a place in their local denominational school.

## 2.4 Plans to Reduce Enrolment Risks at Denominational Schools

This report proposes that the Admission Policy is changed so that non-RC baptised pupils are required to submit a placing request to attend denominational primary schools. In these circumstances, the local denominational school would no longer be their catchment school and primary places would only be automatically allocated to RC baptised pupils. This would enable Education Services to reserve places for potential catchment (RC baptised) pupils into the catchment area before consideration of any placing requests. This would reduce the risk that places are not available for RC baptised pupils at their local denominational primary school when they move into or within the Falkirk Council area, as highlighted in Section 2.3. It will also reduce demand for places at St Mungo's High School longer term.

## 2.5 Right of Appeal

It should also be noted that, for those non- RC baptised catchment pupils refused a place at these capped primaries, the requirement for a placing request would give parents the right to appeal the decision. There is an established appeal process to support this. Currently, if a catchment pupil is unsuccessful in getting a primary 1 place due to capping, they are offered a place at their alternative non-denominational school and have no recourse to appeal the decision.

# 3. **PROPOSED CHANGE TO THE ADMISSIONS POLICY**

## 3.1 Current policy

Pupils can enrol at their catchment denominational or non-denominational school when they:

- start in Primary 1
- move into the Falkirk Council area (at any year stage)

If a pupil moves between the denominational and non-denominational stream at any other year stage, a placing request is required.

### 3.2 Proposed change to current policy

The proposed change in policy would mean that pupils who can demonstrate affiliation to the RC Church by means of a baptismal certificate would remain entitled to enrol at a denominational primary school:

- at the start of Primary 1; or
- at any year stage if they are moving into the Falkirk Council area.

All other pupils however would be required to submit a placing request to attend a denominational primary school.

The required changes to the wording of the Admissions Policy are detailed in Appendix 1.

### 3.3 Date of Proposed Change

It is proposed that this change in the Admissions Policy would take effect in time for the August 2015 intake. The enrolment process for the school session 2015/16 begins in December 2014.

## 4. **LEGISLATIVE CONSIDERATIONS**

### 4.1 Provision of Denominational Schools

The Education (Scotland) Act 1980 allows for the provision of denominational schools by education authorities. In general, the effect of the Act is that where such provision is made, there is an expectation that it will be maintained as long as demand for such provision remains. In this Council area the only denominational schools are Roman Catholic.

The long-standing statutory basis for the provision of denominational education is reflected in the provision made for this within the Equality Act 2010. That Act recognises that education authorities can prioritise the admission of young people of the denomination of the school, in this case Roman Catholic.

### 4.2 Legislative Right of Parent to Choose Any School Regardless of Denomination

- Section 9 of the Education (Scotland) Act 1980 states that every public school should be open to pupils of all denominations.
- Denominational schools in Falkirk Council area are open to pupils of all denominations and faiths, subject to catchment area and parental choice conditions being met.

Education authorities have the right to manage pupil intake for schools. Falkirk Council does this as follows:

- The Admissions Policy gives priority to pupils enrolling at a denominational (Roman Catholic) school where parents can demonstrate affiliation to the Catholic faith by means of a baptismal certificate for the child that is enrolling.
- This is applied at some schools where demand for places exceeds the intake capacity.

The proposed change to the Admissions Policy (Proposal 1) would continue to ensure that denominational schools are open to pupils from all denominations and faiths through the placing request process, and at the same time it would increase the priority given to Catholic pupils living within each school's catchment where spaces are limited.

#### 4.3 Placing Request Legislation (Parental Choice)

The Education (Scotland) Act 1980 Section 28A sets out the duties of Education Authorities in relation to placing requests. Parents have the right to express a preference for the particular school that they want their child to attend. A request by a parent/carer of a child to attend their non-catchment school is done through a placing request. This must be submitted in writing to the Director of Education.

Although the council has a legal duty to grant such a request whenever possible, a number of other factors will affect the council's ability to grant a placing request. These could be:

- the capacity of the school
- the current roll
- the number of children who already live in the catchment area.
- the number of reserved places being held.
- legislative class size limits

Each authority normally specifies a hierarchical order of priorities for approving placing requests. This varies from authority to authority.

#### 4.4 Reserved Places

Reserved places are defined in Section 28A(3C) of the Education (Scotland) Act 1980 as follows:

"reserved places' means such number of places (not exceeding such number or, as the case may be, such percentage of places at the school or relating to the particular stage of education as may be prescribed by regulations) as are in the opinion of the education authority reasonably required to accommodate pupils likely to become resident in the catchment area of the school in the period from the time of consideration of the placing request up to and during the year from 1 August to which the placing request relates; and different numbers or, as the case may be, percentages may be prescribed under this subsection for the purpose of different cases or circumstances.'

In summary, this means that the Authority can reserve a reasonable number of places in each year group, at each school, as required for the coming/current school session only.

The change to the Admissions Policy proposed would mean that the “catchment” for denominational primary schools includes RC baptised pupils only, so that spaces can be reserved for Catholic pupils that are likely to move into the area.

#### 4.5 Statutory Consultation Requirements

A proposal to vary any admission arrangements for a school, including a proposal to make or modify guidelines in respect of the handling of placing requests, requires a formal consultation to be carried out in accordance with the Schools (Consultation) (Scotland) Act 2010.

The proposal will require the modification of the Falkirk Council Admissions Policy with respect to the handling of placing requests, so a formal consultation will be necessary before any final recommendations are made.

Section 6 contains details of the proposed consultation.



## 5. IMPLICATIONS OF PROPOSED CHANGE TO ADMISSIONS POLICY

### 5.1 Educational Benefits Statement

The proposal aims to:

- reduce the risk of capacity/accommodation pressures arising at denominational schools;
- manage denominational school admissions more effectively through the use of placing requests; and
- reduce the risk that Catholic pupils are unable to enrol at their catchment denominational school.

Very high occupancies can result in overcrowding and timetabling constraints where specialist accommodation is required. This can have a detrimental impact on the education on offer at the school. This proposal would aim to manage demand sufficiently to ensure that occupancies can remain at more optimum/manageable levels for the foreseeable future.

There are an increasing number of RC baptised pupils on the waiting list for a place at their local denominational primary school because all spaces have been filled when they move into the area. This can lead to an extended period where these pupils must be accommodated at a denominational school outwith their local community area or at the local non-denominational school.

Introducing more control on school admissions would ensure that, where a denominational school fills up completely, places can still be reserved for Catholic pupils moving into the area. This would have the effect that these waiting lists would reduce and potentially disappear completely, rather than continue to increase as we expect them to. There are educational benefits arising from this because pupils will face less disruption and be more settled if they are accommodated in the local denominational school. This is because:

- they will not need to travel to an alternative school in a different area and possibly attend a different school than their sibling(s);
- they will not face the prospect of a second transfer between schools after moving into an area.

If denominational school waiting lists continue to grow, then additional capacity may eventually be required at one or more of these schools in order that the Council can meet its duties to provide a denominational education. This would be financially onerous and could mean reduced capital investment in other projects. Any additional capacity provided would also increase the pressure on all communal/ancillary areas such as the dining hall, assembly hall and PE facilities. The additional control on denominational school admissions that is proposed would allow the Council to manage demand for places so that this statutory duty can continue to be met comfortably within the existing denominational school estate.

## 5.2 School Transport Implications

The catchments areas of denominational schools cover a wider area than those of the non-denominational high school catchments. For this reason there is a greater requirement for the provision of transport as a higher proportion of pupils are transport entitled.

The proposed change to the Admissions Policy would have the following impact on school transport provision:

- Non RC baptised pupil that enrol at denominational schools would be required to do so by means of a placing request, so would not be transport entitled. This would mean that such pupils would be required to pay a fare when using a school bus, or make their own way to school.
- The reduction in demand for places at denominational schools would, as a consequence, reduce the overall number of pupils that the Council must provide transport for.

## 5.3 Equality Impact Assessment (EQIA)

- Whilst the proposed policy change would discriminate to some extent on religious grounds, this is permissible for denominational school admissions within the terms of the Equality Act 2010.
- The EQIA screening process has identified the requirement for a full Equality Impact Assessment to be carried out following the consultation and prior to recommending implementation of any policy changes.

# 6. **STATUTORY CONSULTATION PROCESS**

## 6.1 Statutory Requirements

The consultation on changes to the Admissions Policy would be carried out in accordance with the requirements of the Schools (Consultation) (Scotland) Act 2010.

## 6.2 Consultation Period

It is proposed that the consultation takes place for 8 weeks between 6 May 2014 and 27 June 2014. This exceeds the legislative minimum period of 30 term-time days.

## 6.3 Publicity

To initiate the consultation process, and in accordance with the legislation, a statutory notice will be placed in the Falkirk Herald, the Falkirk Advertiser and the Bo'ness Journal.

## 6.4 Public Meeting

3 public meetings are proposed as follows:

- St Patrick's Primary School on Tuesday 20 May at 7:00 pm
- St Mary's Primary School, Bo'ness on Tuesday 27 May at 7:00 pm
- St Mungo's High School on Monday 9 June 2014 at 7.00 pm.

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- 6.5 Statutory Consultees

The consultative document with a pro forma response form (attached as Appendix 2) will be sent to:

  - (i) Parents
    - The parents of pupils at all denominational schools
    - The parents of all pre-school pupils at Falkirk Council and partner nurseries
  - (ii) The parent councils of all Falkirk Council denominational schools and St Modan's High School in Stirling.
  - (iii) Staff at all denominational schools will be invited to respond using an online pro forma survey available through the council's intranet.
  - (iv) Local community councils.
  - (v) All elected members.
  - (vi) Education Scotland.
  - (vii) The Roman Catholic Church.
  - (viii) Trade unions represented at Falkirk Council schools
  - (ix) Stirling and Clackmannanshire Councils (both served by St Modan's High School)

The consultative document will also be made available during the consultation period at:

- Schools/nurseries and partner pre-school establishments
- council offices
- libraries
- one-stop shops
- online on the council's website
- Education Services Headquarters (Sealock House) and Camelon Education Centre.

#### 6.6 Involvement of Education Scotland

The involvement of Education Scotland is a requirement of the 2010 Act. There is no requirement for decisions to be referred to government ministers following a consultation, except for school closure proposals.

Education Scotland will be invited to attend the public meetings and to discuss proposals with Education Services officers during the consultation period.

At the end of the consultation period, and in accordance with the requirements of the Act, a copy of all representations received will be forwarded to Education Scotland who are then required to submit a report back to the council within 3 weeks.

#### 6.7 Consultation Report

Following receipt of the Education Scotland report, Education Services will then prepare and publish a Consultation Report which will detail all responses to the consultation and include:

- letters and e-mails received
- a summary of pro forma responses

- minutes of the public meetings
- the report from Education Scotland.
- A response to the issues raised during the consultation and to the report by Education Scotland

The consultation report will be published on the Falkirk Council website and respondents to the consultation made aware of it at least 3 weeks before a decision to proceed with any changes (as proposed) is made.

A change to the existing arrangement will need to be in place by November 2014 to permit any change to the P1 intake for session 2015/16. These arrangements are communicated annually by letter to parents, via each primary school in November. This is in advance of the placing request round which commences in December 2014 for P1 intake in August 2015.

## **7. RECOMMENDATIONS**

### **7.1 Education Executive is asked to approve:**

- (i) that the appropriate consultation, as required by the Schools (Consultation) (Scotland) Act 2010, takes place on both of the proposals to change the Council's Admissions Policy (as outlined in Section 3);
- (ii) that the result of this consultation is reported back to Education Executive with an appropriate recommendation.

.....  
**Joint Acting Director of Education**

**Date: 15 April 2014**

Contact Officer: Richard Teed, ext 6621

### **LIST OF BACKGROUND PAPERS**

NIL

## Denominational School Admissions Criteria - Proposed Changes to the Current Admissions Policy

It is proposed that the following sections are amended as follows:

### SECTION 6 - CHOOSING A SCHOOL

#### Section 6.1(b) – Catchment Area Schools - Denominational

##### Current wording:

"Similarly each denominational school's catchment area covers a number of associated non-denominational school catchments.

At the outset of the P1 stage of a child's education a parent can choose whether to send their child to their catchment area denominational or non-denominational school regardless of their religion (subject to Admissions Criteria as outlined in 8.2(b)(i)). Subsequently, any movement between denominational/non-denominational schools will require a placing request and distance entitled transport will not normally be provided (subject to exceptions in section 9)."

##### Proposed wording:

"At the outset of the P1 stage of a child's education, or when they move into the Falkirk Council area a parent can choose whether to send their child to their catchment area denominational school (subject to the Admissions Criteria as outlined in 8.2B(i)) if they can demonstrate that child's affiliation to the denomination in whose interests the school is managed by means of a baptismal certificate, otherwise a placing request is required. Subsequently, any movement between denominational/non-denominational schools will require a placing request and distance entitled transport will not normally be provided (subject to exceptions in section 9)".

### SECTION 14 – PRIORITISING PLACING REQUESTS

*The reference to prioritising pupils attending the nursery at a requested primary school will be extended to include reference to pupils attending the feeder primary school for a requested secondary school. For example, this would mean that a placing request for St Mungo's High School from a pupil attending a denominational school in the St Mungo's cluster will have a higher priority than a pupil attending a non-denominational primary school.*

#### Section 14.3

##### Current wording:

"Where at any stage the application of the above priorities results in unresolved competition for places, those competing requests shall be determined by the application of the following criteria in the order shown:

- (i) In the case of denominational schools, children whose parents can demonstrate affiliation to the denomination in whose interests the school is managed by means of a baptismal certificate.
- (ii) Multiple sets of siblings of the same age: twins, triplets, etc.
- (iii) The number of siblings a child has at the specified school - the more siblings attending the specified school, the higher the priority.

- (iv) The ages of the siblings a child has at the school - the nearer their youngest sibling is to their year group, the higher the priority.
- (v) Child attending the nursery class at the specified school.
- (vi) Where all the above criteria have been applied and there is still unresolved competition amongst enrolments, a ballot will take place."

Proposed wording:

"Where the application of the above priorities results in unresolved competition for places, those competing requests shall be determined by the application of the following criteria in the order shown:

- (i) In the case of denominational schools, children whose parents can demonstrate affiliation to the denomination in whose interests the school is managed by means of a baptismal certificate.
- (ii) Multiple sets of siblings of the same age: twins, triplets, etc.
- (iii) The number of siblings a child has at the specified school - the more siblings attending the specified school, the higher the priority.
- (iv) The ages of the siblings a child has at the school - the nearer their youngest sibling is to their year group, the higher the priority.
- (v) Child attending the nursery class at the specified primary school or attending a feeder primary school for the specified secondary school.
- (vi) Where all the above criteria have been applied and there is still unresolved competition amongst enrolments, a ballot will take place."



**PROPOSAL FOR A CHANGE IN THE SCHOOLS ADMISSIONS POLICY**

**A CONSULTATIVE DOCUMENT**



# 1 PROPOSAL

<b>Background</b>	<p>In recent years, Falkirk Council has made a considerable investment to increase denominational school capacity to meet an increasing demand for places. Despite this, the demand for places at a number of denominational schools has increased to a level that can no longer be met.</p> <p>A new single stream denominational primary school (St Bernadette's in Stenhousemuir) was opened in August 2012 and this additional capacity, in association with a major rezoning of several school catchments, was intended to reduce the pressure on St Andrew's and St Francis Xavier's Primary schools. In actual fact, all available spaces have been filled at St Bernadette's and demand has remained very high at St Andrew's, St Francis Xavier's and other denominational primary schools.</p> <p>In August 2013 it was necessary to cap intake at all of the St Mungo's High School feeder schools to protect capacity at several of these schools and to prevent over-subscription at St Mungo's High School longer term. Across the Council area, nearly 40 pupils were refused enrolment to these schools. It was not possible to reserve any places for pupils likely to move into the area because the demand came from pupils that live in the catchment areas of these schools. As a consequence, there are no places available in Primary 1 at several denominational primary schools for Catholic pupils that move into the area, and this has resulted in a growing waiting list for places at denominational schools from Catholic pupils moving into or around the Falkirk Council area.</p> <p>Falkirk Council has a legal duty to offer a denominational education to Roman Catholic families and this proposal to change the Admissions Policy aims to ensure that this is possible.</p>
<b>Proposals</b>	<p>Currently all pupils can choose to enrol at their catchment denominational school when they:</p> <ul style="list-style-type: none"><li>• start in Primary 1</li><li>• move into the Falkirk Council area at any year stage.</li></ul> <p>It is proposed that the Council's Admissions Policy is changed so that pupils that can demonstrate affiliation to the RC church by means of a baptismal certificate would remain entitled to enrol at their catchment denominational school in these circumstances, but all other pupils would be required to submit a placing request.</p>
<b>Legislation and Current Policy</b>	<p>Denominational schools in the Falkirk Council area are open to pupils of all denominations, all faiths and none, in the same way that non-denominational schools are. This reflects the duties outlined for education authorities in the Education (Scotland) Act 1980.</p> <p>However, this legislation also gives education authorities the right to manage pupil intake for schools and in Falkirk Council schools, priority is given to pupils baptised as Roman Catholic where demand exceeds available places at a denominational school.</p> <p>The proposed change would mean that if spaces are limited at a denominational school, placing requests can be refused to reserve places for Catholic pupils likely to move into a school's catchment area during the school year.</p>
<b>Outcome of the Proposed Change</b>	<p>The proposed change in the admission policy is intended to:</p> <ul style="list-style-type: none"><li>• reduce the risk that a denominational education cannot be offered to Catholic pupils moving into the area.</li><li>• reduce demand for intake to denominational primary schools and longer term at St Mungo's High School and therefore lessen the risk that these schools will be operating at full capacity.</li></ul>



## Consultative Document

<b>Who Would Be Affected?</b>	<p><u>New Enrolments at Denominational Schools</u></p> <p>Following the proposed change, only pupils that can demonstrate affiliation to the RC Church by means of a baptismal certificate will be automatically entitled to enrol at their local denominational primary school. All other pupils wanting to attend a denominational school will be required to submit a placing request.</p> <p>Although existing pupils at denominational schools would be unaffected by these changes (see below), they may have younger siblings that would be affected when they come to enrol.</p> <p>Whilst most placing requests are granted, they are always subject to the availability of spaces so cannot be guaranteed in advance, or for younger siblings that will be transferring in future years. Free school transport will not be offered to pupils enrolling through a placing request, regardless of home to school distance.</p> <p>Currently, if a non-RC baptised pupil is unsuccessful in enrolling at their catchment denominational primary school because spaces are limited, they will be offered a place at the local non-denominational primary school and there is no right of appeal. The proposed change in policy would mean that they can only enrol by submitting a placing request and if this is refused, there is a legal right of appeal and an established appeal process.</p> <p><u>Pupils Currently at Denominational Schools</u></p> <ul style="list-style-type: none"> <li> <b>St Mungo's Cluster Primary Schools/St Mungo's High School</b>  Pupils that are <u>currently</u> attending their catchment denominational primary schools that are not RC baptised would remain entitled to transfer to St Mungo's High School without the requirement for a placing request, and will also retain their entitlement to free school transport. All pupils currently attending St Mungo's High School will retain their entitlement to free school transport where this already exists. </li> <li> <b>St Patrick's Primary School/St Modan's High School</b>  Pupils living in the Denny area wishing to attend St Modan's High School in Stirling are subject to Stirling Council's Admissions Policy which already requires a placing request for the transfer of pupils from St Patrick's Primary School if they are not RC baptised. However, Falkirk Council currently provide free school transport for all catchment pupils that transfer from St Patrick's Primary School to St Modan's High School. This proposed change in the Falkirk Council Admissions Policy would not affect existing pupils at either of these schools, and free transport will continue to be offered to current (catchment) St Patrick's Primary School pupils that transfer to St Modan's High School. </li> </ul>
<b>Date of Change</b>	<p>It is proposed that this change will come into effect prior to December 2014. This is the first date on which placing requests are accepted for the August 2015 primary intake.</p>
<b>Educational Benefits</b>	<p>This proposal aims to:</p> <ul style="list-style-type: none"> <li>reduce the risk of capacity/accommodation pressures arising at denominational schools;</li> <li>manage denominational school admissions more effectively through the use of placing requests;</li> <li>reduce the risk that Catholic pupils are unable to attend their catchment denominational school.</li> </ul> <p>Very high occupancies can result in overcrowding and timetabling constraints that can have a detrimental impact on the education on offer at the school. This proposal would aim to reduce demand sufficiently to ensure that occupancies can remain at more optimum levels for the foreseeable future.</p> <p>There are an increasing number of Catholic pupils on the waiting list for a place at their local denominational primary school because all spaces have been filled when they move into the area. This can lead to an extended period where these pupils must be accommodated at a denominational school outwith their local community area or at the local non-denominational school.</p>

Introducing more control on school admissions would ensure that, where demand for a denominational school would fill the school completely, places can still be reserved for Catholic pupils moving into the area. This would have the effect that current denominational school waiting lists would reduce and potentially disappear completely rather than continue to increase as currently expected. There are educational benefits arising from this because pupils will face less disruption and be more settled if they are accommodated in the local denominational school because:

- they will not need to travel to an alternative school in a different area and possibly a different school to their sibling(s);
- they will not face the prospect of a second transfer between schools after moving into the area.

If denominational school waiting lists continue to grow, then additional capacity may eventually be required at one or more of these schools in order that the Council can meet its legal duty to provide a denominational education. This would be financially onerous and could reduce the capital investment available for projects in other areas of the school estate. This proposed additional control on denominational school admissions would allow the Council to manage demand for places so that this statutory duty can be met comfortably within the existing denominational school estate.



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## 2 CONSULTATION

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<b>Legislation</b>	<b>Schools (Consultation) (Scotland) Act 2010</b> A formal consultation is required for any proposal to change the Council's policy with respect to Placing Requests. This consultation fully accords with the requirements of this legislation.
<b>Consultees</b>	During the consultation period, in accordance with legislative requirements, views are being sought from a range of interested parties including: <ul style="list-style-type: none"><li>• Parents of all pre-school children attending Falkirk Council nurseries and all pupils attending denominational schools.</li><li>• The Parent Councils of all denominational schools</li><li>• Denominational school staff and trade unions</li><li>• Pupils at denominational schools</li><li>• Community Councils</li><li>• Elected members</li><li>• Education Scotland</li><li>• The Roman Catholic Church</li><li>• Stirling and Clackmannanshire Councils</li></ul>
<b>Consultation Period</b>	The consultation is taking place over an 8 week period between 6 May and 27 June 2014
<b>Public Meeting</b>	Three public meetings to discuss the proposal will be held as follows: <ul style="list-style-type: none"><li>• St Patrick's Primary School, Denny on Tuesday 20 May 2014 at 7pm.</li><li>• St Mary's Primary School, Bo'ness on Tuesday 27 May 2014 at 7pm.</li><li>• St Mungo's High School, Falkirk on Monday 9 June 2014 at 7pm.</li></ul> <p>Everyone is welcome to attend.</p> <p>Officers of the Council will be present to discuss these proposals and there will be an opportunity to ask questions at the meeting. We appreciate, however, that there will be limited time at the meeting to discuss everything fully and not everyone is comfortable with speaking in a public meeting.</p> <p>To make sure all issues are covered and everyone gets the opportunity to contribute to the discussion, we are happy to accept advance notice of specific questions or issues you would like to raise at this meeting. Advance questions will be accepted <u>in writing only</u> up to 2 days in advance of the meeting (see contact details below). Please let us know how the proposals would affect you and your family, and whether you would like to be named at the meeting as asking the particular question you submit.</p>
<b>How to Respond</b>	Interested parties are encouraged to complete and return the pro-forma attached with this proposal document. It asks some specific questions regarding the proposal, and provides the opportunity to detail any issues of concern. Separate written submissions regarding this proposal will also be accepted by letter or e-mail until <b>Friday 27 June 2014</b> when the consultation period ends.

We will be happy to discuss these proposals on the phone, but telephone conversations will not be recorded as part of the consultation and all submissions should be in writing.

## Consultative Document

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### Following the Consultation

Education Scotland will receive details of consultation responses and the public meetings and will provide Education Services with a report after the consultation.

Education Services will then prepare a **consultation report** which will be published on the council website and it will also be made available to read at libraries, council offices and at Education Services HQ (Sealock House in Grangemouth).

The consultation report will be discussed by councillors at the Education Executive later in the year. They will consider whether this proposed change to admissions arrangements should go ahead.

### Contact Details

If you would like to discuss these proposals or have any queries regarding the consultation process, please phone us on 01324 506608 or 506621.

When completed, please return the attached pro-forma and any further written submission regarding these proposals to *Admissions Policy Consultation, Education Services, Sealock House, 2 Inchyra Road, Grangemouth, FK3 9XB* or by e-mail to [educ.consultation@falkirk.gov.uk](mailto:educ.consultation@falkirk.gov.uk)



### 3 RESPONSE FORM

#### PROPOSAL FOR A CHANGE IN THE SCHOOLS ADMISSIONS POLICY

Name:

-----

Address:

-----

-----

Contact Telephone Number:

-----

Contact Email Address:

-----

Name of Pupil(s) Concerned:  
(where relevant)

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Name of School(s) Attended:  
(where relevant)

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**QU1: Do you agree with the proposed change in the Falkirk Council Admissions Policy to require a Placing Request for non-RC baptised pupils to attend denominational schools?** ☐ Yes ☐ No

**QU 2: Do you have any further comments on this proposal? (please continue overleaf if necessary)**

Please complete and return this form by **Friday 27 June 2014** to:

Admissions Policy Consultation  
Education Services  
Sealock House, 2 Inchyra Road  
Grangemouth FK3 9XB

Or by e-mail to: [educ.consultation@falkirk.gov.uk](mailto:educ.consultation@falkirk.gov.uk)



**FALKIRK COUNCIL**

**Subject: UPDATE ON IMPLEMENTATION OF THE EXPANSION OF EARLY LEARNING AND CHILDCARE TO 600 HOURS PER ANNUM**  
**Meeting: EDUCATION EXECUTIVE**  
**Date: 29 April 2014**  
**Author: JOINT ACTING DIRECTOR OF EDUCATION**

**1. BACKGROUND**

- 1.1 The Children and Young People (Scotland) Bill was passed by the Scottish Parliament on 19 February 2014. It received Royal Assent on 27 March 2014 becoming the Children and Young People (Scotland) Act 2014. The Act provides for an expansion in funded early learning and childcare provision which will see entitlement for 3 and 4 year olds rise from 475 hours a year to a minimum of 600 hours from August 2014. The same provision will be extended to 2 year olds who are 'looked after', under a Kinship Care Order or with a parent appointed guardian.
- 1.2 Education Executive on 4 February 2014 endorsed the way forward for implementing Phase 1 of the 600 hours by agreeing to:
- Extend existing provision in nursery classes in primary schools from 2 hours 30 minutes to 3 hours 10 minutes per day, Monday to Friday, term time from August 2014;
  - Introduce flexibility for families around the drop off and pick up times before and after the core provision; and
  - Provide flexibility for families who require extended provision within our Early Years Centres/Campuses and Private Partnership Nurseries.

**2. PURPOSE OF REPORT**

- 2.1 The purpose of this report is to seek Elected Members agreement on:
- An updated implementation strategy;
  - Plans to increase existing capacity and staffing to meet Phase 1 of the implementation of 600 hours from August 2014; and,
  - Proposed planned capital investment schedule.
- 2.2 The report also seeks to provide members with an update on the implications of delivering Phase 2 of the 600 hours implementation which follows the Government's recent announcement to extend provision to all 2 year olds from 'workless households'.

### 3. IMPLEMENTATION STRATEGY (PHASE 1)

3.1 The strategic aim of Early Years Provision is to:

- Ensure there is an extended provision for baby, toddler and 3 & 4 year old places in each Ward.
- Ensure that resources are in place to deliver 600 hours of provision across all of our early years settings from August 2014.
- Annually review the provision in each ward in line with current demands.

3.2 To meet these aims we have:

- Analysed the current early years provision for baby, toddler and 3 & 4 year old places in each Ward.
- Identified any shortfall in current provision in each Ward to deliver the strategic aims (set out in 3.1) from August 2014.
- Confirmed and costed the required financial, staffing and infrastructure resources/ investment needed to meet our strategic aims across all Wards from August 2014.

3.3 This report sets out:

- **Section 4** The proposed range of flexibility of service delivery available for parents accessing their 600 hours from August 2014
- **Section 5** Summary of current early years provision and identification of shortfall in provision
- **Section 6** The proposed plans to address the identified shortfall in provision in Phase 1
- **Section 7** The staffing implications arising from section 6
- **Section 8** The capital implications arising from section 6
- **Section 9** Provides details of other associated resource implications
- **Section 10** Notes the Government's announcement to further extend the 600 hours of free provision to 2 years who live in "workless or job-seeking households" from August 2014
- **Section 11** Summarises the financial and resources implications for Phase 1
- **Section 12** Provides the equalities and poverty assessment
- **Section 13** Sets out the next steps/way forward
- **Section 14** Recommendations

### 4. FLEXIBILITY OF SERVICE DELIVERY

4.1 Nursery Classes in primary schools (term time 38 weeks per annum) - Headteachers, Nursery Managers and Early Years Practitioners have been involved in determining the service delivery arrangements to be applied to nursery classes from August 2014.

From August 2014 daily provision of 3 hours 10 minutes will be available for all eligible pupils within all our Nursery Classes. A core provision of 2 hours 45 minutes per day will be established with the 25 minute balance being available to provide flexibility for families to drop off or pick up their children before and after each core session.

The precise timings of the flexible arrangements and core times will be determined locally for each nursery class and confirmed to staff and parents at the start of the summer term.



4.2 Extended Day Care - This provides a 50 week per annum facility with opening hours extending from 08:00-18:00 and is available through Early Years Centres/ Campuses and Private Partnership Nurseries.

- 8 x Early Years Centres/Campuses (up to 520 places)

**Centres** - standalone nurseries

**Campuses** - extended provision located within school grounds

Flexibility will be provided by accommodating (where places are available) requests from families who would prefer to utilise their allocation of 600 hours on whole or part days within our Early Years Centres/Campuses.

For example, the weekly allocation of 15 hours 50 minutes could be allocated to provide 2 full days provision or up to 5 part days per week.

- Partner Provided Nurseries (we currently have 125 commissioned places)

Falkirk Council commissions 9 private partners to deliver nursery education to children who, in line with parental choice, attend these settings for childcare on an extended basis from 0-5 years on a full or part-time basis.

Details of the partner providers are shown in Table 2.

## 5. SUMMARY OF CURRENT EARLY YEARS PROVISION

5.1 Table 1 summarises our current in house provision which is further detailed on a Ward by Ward basis in Appendix 1:

	No.	Number of Registered Places			
		Baby	Toddler	3 & 4 Year Olds	Total
<b>Table 1</b>					
Nursery classes in primary schools	45	-	-	3,646	3,646
Early Years Centres/Campuses	8	48	142	330	520
<b>Total</b>	<b>53</b>	<b>48</b>	<b>142</b>	<b>3,976</b>	<b>4,166</b>

Table 2 summarises our 9 current partner provided nurseries:

List of Current Partner Provided Places/ Nurseries By Ward			
• <b>Ward 1</b>	The Kidz Stop	• <b>Ward 6</b>	Babes in the Wood Bright Beginnings Carousel Child Care Wellside Kindergarten
• <b>Ward 2</b>	No provision		
• <b>Ward 3</b>	No provision		
• <b>Ward 4</b>	Carronbank House Nursery Tip Toes Children's Day Nursery		
		• <b>Ward 7</b>	Lochglen Playgroup
		• <b>Ward 8</b>	No provision
• <b>Ward 5</b>	Glenbervie Kindergarten	• <b>Ward 9</b>	No provision

- 5.2 Early Years Centres/Campuses - There are 8 establishments which provide extended day care to children (from babies to 4 year olds) all year round. Places in these settings are allocated to meet the needs of families who require additional hours or greater flexibility than can be delivered in a nursery classes.

**Table 3**

<b>List of Current Early Years Centres/ Campuses By Ward</b>			
• <b>Ward 1</b>	No provision	• <b>Ward 6</b>	Queen Street Nursery
• <b>Ward 2</b>	Rannoch Nursery		School
• <b>Ward 3</b>	Denny Nursery		Woodburn Nursery
• <b>Ward 4</b>	Inchlair Nursery School*	• <b>Ward 7</b>	Camelon Nursery
	Larbert Nursery	• <b>Ward 8</b>	No provision
• <b>Ward 5</b>	No Provision	• <b>Ward 9</b>	Heathrigg Nursery School

\*Provides 2 x 2½ hours sessions daily, term time

Currently there are no Early Years Centres/Campuses in:

- Ward 1 Bo'ness & Blackness
- Ward 5 Bonnybridge and Larbert
- Ward 8 Lower Braes

There is enough local demand to indicate a need to increase the number of places available in the existing Early Years Centres/Campuses based in:-

- Ward 4 Carse, Kinnauld and Tryst
- Ward 6 Falkirk North

Based on current demand we will also review the number of places available and the current extended opening provision provided in the Early Years Centres/Campuses based in:

- Ward 9 Upper Braes

- 5.3 Nursery classes in primary schools - There are 45 nursery classes which provide core provision of 2 hours 30 mins sessions per day, term time for 3 and 4 year olds. There are a number of settings shown in [Appendix 1](#) that due to local demographic pressures, ie house building, are experiencing some capacity challenges.

The risk assessment undertaken identifies the following settings require increased capacity to meet current and future catchment area demand:

- **Kinnauld Primary School Nursery Class**
- **Maddiston Primary School Nursery Class**

## 6. SERVICE PLAN TO ADDRESS SHORTFALL IN PROVISION

A number of plans are being proposed to address current/future shortfalls in capacity:-

- 6.1 Increase Capacity in Existing Nursery Classes in Primary Schools - To meet the demands of population growth in some catchment areas it is proposed to increase registered capacity of the undernoted nursery classes by **60 places** overall (morning and afternoon) from August 2014:

- **Kinnaird Primary School** - from 50:50 to 70:70 (extra 40 places)
- **Maddiston Primary School** - from 47:47 to 57:57 (extra 20 places)

- 6.2 Establish Additional Early Years Campuses - To ensure there is extended provision of baby and toddler and 3 and 4 year old places in each Ward it is proposed to create early years campuses located in each of the following areas commencing session 2014/15, limited by the capital funding provided. These new campuses would be set up in the undernoted schools/sites and would create an additional **87 places**:

Table 4			Capacity			
Ward	School	Timeline	Babies	Toddlers	3 and 4 Year Olds	Total
1	Kinneil Primary School	2014/15	3	10	16	29
8	St Margaret's Primary School	2014/15	3	10	16	29
5	Bonnybridge Primary School	2015/16	3	10	16	29
Total			9	30	48	87

- 6.3 Increase Places in Existing Early Years Centres/ Campuses - To address local demand for more extended provision in Wards 4 and 6, it is proposed to increase current capacity. The availability of capital funding will be the limiting factor in determining the timescale of the associated property development work. it is however anticipated these works will be completed during session 2015/16.

The current capacity and “waiting list” profile for this provision in each ward is:

Table 5		Capacity			
Ward	Extended provision	Babies	Toddlers	3 & 4 Year Olds	Total
4	Larbert Day Nursery	9	20	32	61
	Inchclair Nursery School	0	0	80	80
	<i>Current capacity</i>	<i>9</i>	<i>20</i>	<i>112</i>	<i>141</i>
	<b>Waiting list</b>	<b>32</b>	<b>15</b>	<b>10</b>	<b>57</b>
6	Woodburn Nursery	0	10	24	34
	Queen Street Nursery School	0	23	40	63
	<i>Current capacity</i>	<i>0</i>	<i>33</i>	<i>64</i>	<i>97</i>
	<b>Waiting list</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>12</b>

Taking account of the resources currently available, existing capacities and the waiting lists set out in Table 5, it is proposed that priority is given to addressing the demand as follows:

- **Priority 1 (Ward 4)** - To increase the baby, toddler and 3 and 4 years olds extended provision in Larbert Day Nursery by **34 places** with the existing provision at Inchlair Nursery School remaining unchanged.

<b>Table 6 Larbert Day Nursery</b>	<b>Current Capacity</b>	<b>Proposed Capacity</b>	<b>Movement</b>
Babies	9	12	+3
Toddlers	20	35	+15
3 & 4 Year olds	32	48	+16
<b>Totals</b>	<b>61</b>	<b>95</b>	<b>+34</b>

- **Priority 2 (Ward 6)** -We will review the options surrounding the best way to ensure adequate provision is available in Ward 6 to meet future expected demand. A report will be brought to Education Executive at a future date. In the interim, we will manage the waiting list by directing this demand to other available settings.

6.4 Review of Existing Early Years Centres/Campuses - It is planned to review/realign the level of current capacity and extended opening hours in line with current demand levels in:

- Ward 9 **Heathrigg Nursery School**

The details of this review will be reported to Education Executive at a future date.

## 7. STAFFING IMPLICATIONS

Each of the strategies outlined in Section 3 has implications for staffing which is limited by the availability of capital funding:

7.1 Increase from 475 to 600 Hours (Phase 1) - To meet the increase from 475 to 600 hours we will need the following additional staff from August 2014:

- |  |               |  |
|--|---------------|--|
| • Nursery Classes/Early Years Centres/Campuses | 24 FTE        | (Early Years Officers)   |
| • Headquarters                                 | 2 FTE         | (Senior Early Years Officer and Clerical Assistant to support the introduction of 600 hours) |
|  | <u>26 FTE</u> |  |

The cost of this additional staffing is estimated to be **£650,000 per year**.

- 7.2 Increase Capacity in Existing Nursery Classes in Primary Schools - To deliver the capacity increases outlined in section 6.1 the following additional staffing will be required:-

- **Kinnaird Primary School** 2 FTE Early Years Officers
- **Maddiston Primary School** 1 FTE Early Years Officers  
**3 FTE**

The cost of this additional staffing is estimated to be **£80,000 per year**.

- 7.3 Establish Additional Early Years Campuses – To provide the 3 new Early Years Campuses outlined in section 6.2 the following additional staffing will be required:

<b>Table 7</b>	<b>Full Time Equivalent (FTE)</b>				
<b>School</b>	<b>Manager</b>	<b>Senior EYO</b>	<b>EYO</b>	<b>Clerical</b>	<b>Total</b>
<b>Kinneil Primary School</b>	1	2	5	0.4	<b>8.4</b>
<b>St Margaret's Primary School</b>	1	2	5	0.4	<b>8.4</b>
<b>Bonnybridge Primary School</b>	1	2	5	0.4	<b>8.4</b>
<b>Totals</b>	<b>3</b>	<b>6</b>	<b>15</b>	<b>1.2</b>	<b>25.2</b>

The cost of this additional staffing is estimated to be **£825,000 per year**.

- 7.4 Increase Places in Existing Early Years Centres/ Campuses - To address the priority demand for more extended provision places in Ward 4 outlined in section 6.3 the following additional staffing will be needed:-

<b>Table 8</b>	<b>Full Time Equivalent (FTE)</b>				
<b>School</b>	<b>Manager</b>	<b>Senior EYO</b>	<b>EYO</b>	<b>Clerical</b>	<b>Total</b>
<b>Larbert Nursery</b>	0	1	5	0.5	<b>6.5</b>
<b>Totals</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>0.5</b>	<b>6.5</b>

The additional cost of this is estimated to be **£225,000 per year**.

## 8. CAPITAL IMPLICATIONS

Each of the plans outline in Section 6 requires capital investment to support property/ capacity development.

The capital investment is limited by the amount of capital funding provided by the Government and how this is accounted for within our own capital programme.

Estimated costs and a brief outline of each individual project is as follows:

8.1	<u>Increase Capacity in Existing Nursery Classes in Primary Schools</u>	
	<ul style="list-style-type: none"> <li><b>Kinnaird Primary School</b> - Convert internal space Estimated completion by August 2014</li> </ul>	<b>£20,000</b>
	<ul style="list-style-type: none"> <li><b>Maddiston Primary School</b> - Reassign internal space Estimated completion by August 2014</li> </ul>	<b>£10,000</b>
	<b>Total Estimated Costs</b>	<b><u>£30,000</u></b>
8.2	<u>Establish Additional Early Years Campuses</u>	
	<ul style="list-style-type: none"> <li><b>Kinneil Primary School</b> - Convert internal space Estimated completion 2014/15</li> </ul>	<b>£220,000</b>
	<ul style="list-style-type: none"> <li><b>St Margaret's Primary School</b> - Install additional modular units Estimated completion 2014/15</li> </ul>	<b>£325,000</b>
	<ul style="list-style-type: none"> <li><b>Bonnybridge Primary School</b> - Install modular units Estimated completion 2015/16</li> </ul>	<b>£500,000</b>
	<b>Total Estimated Costs</b>	<b><u>£1,045,000</u></b>
8.3	<u>Increase Places in Existing Early Years Centres/ Campuses</u>	
	<ul style="list-style-type: none"> <li><b>Larbert Day Nursery</b> - Install modular units Estimated completion 2015/16</li> </ul>	<b>£500,000</b>
	<b>Total Estimated Costs</b>	<b><u>£500,000</u></b>

## 9. OTHER RESOURCE IMPLICATIONS

- 9.1 Looked after 2 year olds - 2 year olds who are 'looked after', under a Kinship Care Order or with a parent appointed guardian will be entitled to 600 hours early learning and childcare from August 2014.

It is planned following discussion with Social Work Services to provide up to 2 places per Early Years Centre/Campus to accommodate these children. It is further proposed to allocate additional funding £36,000 to Social Work to support additional flexibility around looked after 2 year olds in foster care or under a kinshipcare order.

**£36,000** will be provided annually to Social Work Services to support this.

- 9.2 Payments for Partner Provided Places - It is proposed to increase payments on a pro rata basis to support the provision outlined in Section 4.2 to reflect the increase from 475 to 600 hours.

- The current rate paid is **£3.37** per hour;
- This has not been increased in line with inflation since 2007;
- There is an expectation from the Government this should now be inflated using the 600 hours funding provided.

Education Services Management team have considered this and recommended it is inflated by approximately 4% to **£3.50** per hour from August 2014.

This means that based on the revised payment of **£3.50** the annual payment made to partner providers for the provision of each place will increase from £1,600 to **£2,100**.

The additional cost of this is estimated to be **£112,000 per year**.

- 9.3 Projected loss of income - Families currently paying for extended care in our Early Years Centres/Campuses will benefit financially as a result of increasing the free entitlement from 475 to 600 hours from August 2014.

The estimated full year cost of this loss of income is estimated to be **£150,000 per year**.

- 9.4 Additional Support Needs (ASN) Costs - Some children in the early years sector have additional support needs and are allocated individual support time from a Support for Learning Assistant.

The level of support required will increase pro rata in line with the increase from 475 to 600 hours and we propose to target additional resource in light of the additional funding available.

We estimate we will need an additional 6 FTE Support for Learning Assistants to meet this, costing **£140,000 per year**.

- 9.5 Per capita Costs - Nursery classes are allocated devolved per capita budgets to spend on consumables, operational resources and classroom materials.

These operating costs will increase pro rata in line with the increase from 475 to 600 hours.

The cost of this is estimated to be **£110,000 per year**.

## **10. GOVERNMENTS ANNOUNCEMENT TO EXTEND 600 HOURS PROVISION TO 2 YEAR OLDS OF WORKLESS HOUSEHOLDS (PHASE 2)**

- 10.1 The Children and Young People (Scotland) Bill was amended on 19 February to include extending the 600 hours free provision from August 2014 for 2 year olds who live in 'workless or job-seeking households', we estimate that this change will benefit around **280** children.

- 10.2 The eligibility criteria will be expanded again from August 2015 to families who qualify for free school meals. We estimate that this will further increase the number of 2 year olds who qualify by around **225** children. This means that overall an estimated 505 additional 2 year olds may qualify.

- 10.3 We await more information on eligibility criteria from the Government before we finalise plans to progress this.

At this stage, however it is prudent to report that our early years infrastructure will face a significant challenge in being able to provide the capacity to meet the additional demand from this additional cohort of 2 year olds.

- 10.4 We will continue to consider the implications of this announcement and we will report back to Education Executive on 17 June 2014.
- 10.5 COSLA has been considering the Government's policy of early learning and childcare for 2 year old children from workless households. Concerns have been raised by COSLA over the funding and the deliverability of the policy within the limited timescales available as well as workforce and capability issues.

## 11. FINANCIAL AND RESOURCES IMPLICATIONS

- 11.1 Resources Available - The Government have confirmed funding allocations for 2014/15 and we have estimated our 2015/16 allocations based on this and the fact that the Government has confirmed that revenue funding will be proportionately increased to account for the full year effect in 2015/16 and beyond. The 2015/16 funding was not confirmed at the time the Council set its budget in February 2014

	<u>2014/15</u>	<u>2015/16</u>
	<u>£000</u>	<u>£000</u>
• Revenue	£1,559	£2,328
• Capital	£918	£901

- 11.2 Additional Staffing and Capital Costs - We estimate we will require the following revenue and capital funding to support the additional staffing and property development costs set out in sections 7 and 8 to implement the 600 hours. Deployment of revenue (staffing) costs is limited by the availability of capital funding provided by the Government.

	FTE	Cost (£000)			
		Revenue Cost 2014/15	Revenue Cost 2015/16	Capital Cost 2014/15	Capital Cost 2015/16
<b>Table 9</b>					
Increase from 475 to 600 hours	26.0	435	650	-	-
Increase Capacity in Existing Nursery Classes	3.0	55	80	30	-
Establish Additional Early Years Campuses	25.2	370	825	888	157
Increase Places in Existing Early Years Centres/ Campuses	6.5	-	225	-	744
<b>Total</b>	<b>60.7</b>	<b>860</b>	<b>1,780</b>	<b>918</b>	<b>901</b>



- 11.3 Other Resource Costs - These are the costs arising as a result of the implementation of the 600 hours identified in section 9:

	Cost (£000)	
	Revenue Cost 2014/15	Revenue Cost 2015/16
<b>Table 10</b>		
Social Work Shared Service Contribution for LAC	36	36
Increased payments for partner provider places	73	112
Projected loss of income	100	150
Increased ASN Costs	90	140
Increased Per Capita	70	110
<b>Total</b>	<b>369</b>	<b>548</b>

- 11.4 Total Additional Costs:

	FTE	Cost (£000)			
		Revenue Cost 2014/15	Revenue Cost 2015/16	Capital Cost 2014/15	Capital Cost 2015/16
<b>Table 11</b>					
Table 9 - Additional staffing and capital costs	60.7	860	1,780	918	901
Table 10 Other resource costs	-	369	548	-	-
<b>Total</b>	<b>60.7</b>	<b>1,238</b>	<b>2,328</b>	<b>918</b>	<b>901</b>

## 12. EQUALITIES AND POVERTY ASSESSMENT

- The effect of the proposals in this report on groups who share protected characteristics in terms of the Equality Act 2010 and those experiencing poverty has been considered.
- The expansion of nursery places, particularly baby and toddler places in areas where there is currently no Council provision, will have a positive impact on women, lone parents, disabled parents, young parents, all of whom are groups more likely to make use of these services.
- The ongoing monitoring of provision across the Council area will allow us to continue to address potential inequalities.

## 13. NEXT STEPS/WAY FORWARD

### Phase 1

- 13.1 The following task require to be taken forward to support the implementation of the 600 hours from August 2014:

- Complete the recruitment of the required additional staff
- Instruct the capital improvement works

- Agree the opening and closing times of nursery classes
- Update staff and confirm revised opening/closing times for contractual reasons.
- Issue communications to parents and private partner nurseries.

## **14. RECOMMENDATIONS**

### **14.1 Education Executive are asked to:**

- (i) Note the current strategy and implementation plan;
- (ii) Approve the core session time (2 hours 45 minutes) as set out in section 4.1;
- (iii) Agree the proposals of Education Services to address the shortfall in provision as detailed in section 6;
- (iv) Note the revenue and capital resource implications as detailed in section 7, 8 and 9 and summarised in Section 11;
- (v) Note the Government's announcement to include the same provision for 2 year olds from workless households;
- (vi) Endorse the next steps/way forward set out in section 13; and
- (vii) Agree that Education Services provide a further report to Education Executive on 17 June 2014 providing:
  - A further implementation update; and
  - Details of the Government's announcement on 2 year olds from workless households (Phase 2)

.....  
**Joint Acting Director of Education**

**Date: 15 April 2014**

Contact Officers: Eileen Hutton, extension 6631/Kenny McNeill extension 6652.

### **LIST OF BACKGROUND PAPERS**

SCOTTISH GOVERNMENT FUNDING LETTER 2014/15 (31/10/13)

# APPENDIX 1

	Current Registered Places							
	Extended Provision			Nursery Class		Total Places		
Early Years Provision	Babies	Toddlers	3&4 Year Olds	3 & 4 year olds			Risk	Comments
				AM	PM			
Ward 1 Boness/Blackness	0	0	0	175	175	350	√	No early years centre/ campus provision
Bo'ness Public School	0	0	0	30	30	60		
Deanburn Primary School	0	0	0	45	45	90		
Grange Primary School	0	0	0	30	30	60		
Kinneil Primary School	0	0	0	30	30	60	√	Earmarked for early years centre/ campus
St.Mary's RC Primary School	0	0	0	40	40	80		
Ward 2 Grangemouth	12	25	60	189	189	475		
Beancross Primary School	0	0	0	60	60	120		
Bowhouse Primary School	0	0	0	29	29	58		
Moray Primary School	0	0	0	30	30	60		
Sacred Heart RC Primary School	0	0	0	70	70	140		
Rannoch Nursery	12	25	60	0	0	97		
Ward 3 Denny/Banknock	12	25	56	196	196	485		
Bankier Primary School	0	0	0	30	30	60		
Denny Primary School	0	0	0	30	30	60		
Dunipace Primary School	0	0	0	30	30	60		
Head of Muir Primary School	0	0	0	34	34	68		
Nethermaines Primary School	0	0	0	37	37	74		
St. Patrick's RC Primary School	0	0	0	35	35	70		
Denny Nursery	12	25	56	0	0	93		
Ward 4 Carse/Kinnaird/Tryst	9	20	32	315	315	691	√	Local demand to increase early years centre/ campus places
Airth Primary School	0	0	0	37	37	74		
Carron Primary School	0	0	0	30	30	60		
Carronshore Primary School	0	0	0	40	40	80		
Kinnaird Primary School	0	0	0	50	50	100	√	Increased catchment area demand
Stenhousemuir Primary School	0	0	0	38	38	76		
St. Bernadette's RC Primary School	0	0	0	40	40	80		
Inchclair Nursery School	0	0	0	80	80	160		
Larbert Nursery	9	20	32	0	0	61	√	Increased demand for places

	Current Registered Places						Risk	Comments
	Extended Provision			Nursery Class		Total Places		
Early Years Provision	Babies	Toddlers	3&4 Year Olds	3 & 4 year olds				
Ward 5 Bonnybridge/Larbert	0	0	0	180	180	360	√	No early years centre/ campus provision
Antonine Primary School	0	0	0	30	30	60	√	Nursery class extension underway
Bonnybridge Primary School	0	0	0	40	40	80	√	Earmarked for early years centre/ campus
St. Joseph's RC Primary School	0	0	0	30	30	60	√	Nursery class extension underway
Ladeside Primary School	0	0	0	44	44	88		
Larbert Village Primary School	0	0	0	36	36	72		
Ward 6 Falkirk North	0	35	104	198	198	535	√	Review early learning centre/ campus places
Bainsford Primary School	0	0	0	30	30	60		
Langlees Primary School	0	0	0	40	40	80		
St. Francis RC Primary School	0	0	0	40	40	80		
St. Andrew's RC Primary School	0	0	0	38	38	76		
Victoria Primary School	0	0	0	50	50	100		
Queen Street Nursery	0	23	80	0	0	103	√	Increased demand for places
Woodburn Nursery	0	12	24	0	0	36	√	Increased demand for places
Ward 7 Falkirk South	12	30	48	190	190	470		
Bantaskin Primary School	0	0	0	49	49	98		
Carmuirs Primary School	0	0	0	34	34	68		
Comely Park Primary School	0	0	0	40	40	80		
Easter Carmuirs Primary School	0	0	0	27	27	54		
Hallglen Primary School	0	0	0	40	40	80		
Camelon Nursery	12	30	48	0	0	90		
Ward 8 Lower Braes	0	0	0	150	150	300	√	No early years centre/ campus provision
Laurieston Primary School	0	0	0	30	30	60		
St. Margaret's Primary School	0	0	0	70	70	140	√	Earmarked for Extended Provision
Westquarter Primary School	0	0	0	50	50	100		
Ward 9 Upper Braes	3	7	30	230	230	500	√	Review early learning centre/ campus places
Avonbridge Primary School	0	0	0	23	23	46		
California Primary School	0	0	0	30	30	60		
Maddiston Primary School	0	0	0	47	47	94	√	Catchment capacity pressure
Shieldhill Primary School	0	0	0	30	30	60		
Wallacestone Primary School	0	0	0	80	80	160		
Whitecross Primary School	0	0	0	20	20	40		
Heathrigg Nursery School	3	7	30	0	0	40	√	Review capacity
Grand Total	48	142	330	1823	1823	4166		

**FALKIRK COUNCIL**

**SUBJECT: THE CHILDREN & YOUNG PEOPLE (SCOTLAND) ACT 2014**  
**MEETING: EDUCATION EXECUTIVE**  
**DATE: 29 APRIL 2014**  
**AUTHORS: DIRECTOR OF SOCIAL WORK SERVICES**  
**JOINT ACTING DIRECTOR OF EDUCATION**

**1. PURPOSE**

The purpose of this report is to brief Members on the content of the Children & Young People Bill and to highlight the potential implications for the Council and indicate areas for development required to meet this legislation.

**2. BACKGROUND**

2.1 The Children & Young People (Scotland) Bill was introduced to Parliament on 17 April 2013 by the Cabinet Secretary for Health and Wellbeing. The Bill makes changes over a wide range of policy areas from planning children's services and support for care leavers to provision of early learning and childcare.

2.2 The Bill passed through many amendments during the Parliamentary process, receiving Royal Assent on 27 March 2014.

2.3 The overarching purpose of the Act is to take steps required to achieve the Scottish Government's stated intention to "make Scotland the best place to grow up in".

Whilst the principles are sound, the Act will pose challenges for the Council in implementing the legislation with regard to timescales, resourcing and funding.

2.4 The Council, along with partner agencies, has taken every opportunity to respond throughout the consultation process to express our views regarding these challenges, providing a written consultation response which was reported to the Housing & Social Care Committee in November 2012 as well as providing evidence to the Scottish Government Education and Leisure Committee both in terms of the content of the Bill (as it then was) and the accompanying Financial Memorandum.

2.5 ADSW, ADES and COSLA have made various representations to Scottish Government during the stages of consideration of the Bill. It is fair to say that there have been ongoing concerns about the financial implications in particular and, although Scottish Government has agreed to fund particular parts of the Act, an ongoing concern that the funding provided will fall far short of the funding required. This is of particular concern given the current economic climate and the need for all Local Authorities to make substantive efficiency savings.

2.6 Secondary legislation, regulation and guidance have yet to be developed. It is expected that outline guidance will be issued in April followed by secondary legislation and detailed guidance in due course.

### **3. KEY ELEMENTS OF THE ACT**

The Act contains legislative changes in 4 main areas:-

#### **3.1 In relation to rights of children and young people, the Act includes:-**

- a duty on Scottish Ministers to take, and report on, appropriate steps to further children's rights;
- a duty on Scottish Ministers to promote and raise awareness of children's rights;
- a duty across the public sector to report on how the UN Convention of the Rights of the Child is being furthered;
- new powers for Scotland's Commissioner for Children and Young People to conduct investigations on behalf of individual children.

#### **3.2 In relation to Getting It Right For Every Child (GIRFEC), the Act includes:-**

- an obligation across the public sector to work together to improve wellbeing;
- duties to ensure every child has a Named Person;
- duties to ensure that a single Child's Plan is in place for children who need it;
- a duty across the public service to report annually on how children's outcomes are being improved.

#### **3.3 In relation to early learning and child care, the Act includes:-**

- ensuring there is a minimum provision of 600 hours per annum early learning and child care for 3 and 4 year olds, and 2 year olds who are looked after;
- ensuring a range of uptake options is offered to parents, potentially including:
  - compressed hours over 2 or 3 days
  - hours outwith term times
  - longer sessions of early learning/child care

#### **3.4 In relation to the Right to Support for looked after children, the Act includes:-**

- extending the right for young people to remain in care until 21, and to request a return to care up to age 21;
- extending the right to young people leaving care to ask for help from a Local Authority from the age of 21 to 26;
- defining "corporate parenting" and clarifying the public bodies to which the definition applies;
- putting a new "order" on statute to support the parenting role of kinship carers.

### **4. POTENTIAL IMPLICATIONS/FUTURE AREAS FOR DEVELOPMENT**

#### **4.1 The Bill has been passed as an Act but, to date, no specific guidance has been produced to underpin this, which means that it continues to be extremely difficult to predict the impact on Local Authorities because often "the devil is in the detail". The following sections provide an initial analysis, however, of potential impact.**

## **5 CHILDREN'S RIGHTS**

5.1 In relation to the rights of children and young people, the Council already has a robust Community and Participation Strategy and we have many examples across Council services around the involvement of young people in the planning and development of services specifically directed towards young people.

5.2 Each “authority” must publish a report every 3 years with regard to what steps it has taken to embed children’s rights within planning systems. It is not yet clear whether the reporting authority will be the Council or the CPP and when this becomes clear appropriate arrangements will require to be made for a report to be prepared.

5.3 The new Act suggests new responsibilities in terms of the role of the Commissioner for Children but couches this in terms of the “Commissioner may carry out investigations”, rather than specifying whether this is a duty or a requirement by law.

It is difficult to predict how this will interface with local arrangements already in place with the Council’s “at arm’s length” Children’s Rights Service currently provided by “Who Cares? Scotland” and Quarriers.

5.4 It appears that, if the Commissioner decides to investigate a complaint from a young person, he can then “lay a report” before Parliament and this may include a requirement to respond. This may well have implications for Local Authorities which will not become clear until the guidance is produced.

5.5 In summary, though, this section of the Act (Parts 1, 2 and 3) would appear to pose the least challenging in terms of areas for development.

## **6. IMPLEMENTATION OF GIRFEC**

6.1 There is an ongoing requirement to produce a strategic Integrated Children’s Services Plan. However, Section 17 contains a clause that indicates if Scottish Ministers consider that the Local Authority or Health Board are not exercising these functions then Scottish Ministers can direct that the functions be exercised in a particular way, or be exercised by someone else (e.g. Local Authority, Health Board or another Local Authority or Health Board). This could present challenges to local democratic processes.

6.2 The Act makes provision for every child to have a “Named Person”. From birth to formal school starting, this role will be carried out by NHS through Midwives and Health Visitors and then by Education when a child starts school.

It is not yet clear what the full remit of the Named Person is intended to be and this will be clarified within the guidance. However, there are concerns in universal services that Scottish Ministers have under-estimated the time component and resources required for this, and consequently concerns around the amount of finance to be provided.

Members will also have seen recent media coverage where many parents have objected to this role and see it as interference with their parental rights and responsibilities.

There is also a duty placed on public service bodies to help the named person if such a request is made.

This section of the Act does, however, provide a helpful definition regarding when agencies should share information regarding children/young people.

- 6.3 This part of the Act also enshrines in law the requirement for every child to have a Child's Plan if the child has a wellbeing need, which focuses on interventions and outcomes.

Across Forth Valley, work has been ongoing in relation to the Child's Plan and integrated assessments, and this is reasonably well established in practice.

## **7. EARLY LEARNING AND CHILDCARE**

The Act specifies a mandatory amount of early learning and childcare of 600 hours per year for an eligible pre-school child (aged 3 and upwards) and also now for all looked after 2 year olds. COSLA and ADSW accepted that full funding was being proposed by Scottish Government for implementation of this part of the Act. However, the timescales for increasing provision to meet this need will be extremely challenging (August 2014). A separate report is being presented to the Education Executive on plans for implementation of this part of the Act.

## **8. CORPORATE PARENTING**

The Act defines the role of the corporate parent for all looked after young people. It makes provision for young people to remain in care until age 21 or, if they leave care before that, the right to request an assessment to return to care up to age 21. It also extends the advice, guidance and assistance for looked after children from age 21 to 26.

Whilst the principles in providing extended support to vulnerable young people are laudable, the implementation of those provisions may be challenging and will be highly dependent on sufficient additional financial resources being made available to meet the additional requirements.

Without the development of additional services and resources, including a wider pool of care placements and extended support services, pressures are likely to be experienced in meeting the needs of all looked after children.

## **9. SUPPORT FOR KINSHIP CARE**

The Act has created a new Kinship Care Order using existing legislation relating to Residence Orders. However, the Act also specifies further assistance for kinship carers including counselling, advice and financial assistance.

It is likely that guidance in this area will be quite specific and will include "set up" costs for furniture, bedding, clothing, etc.

Again, the implementation of these provisions will be dependent on appropriate resources being allocated to Councils to deliver on the new requirements.



## **10. MISCELLANEOUS**

The Act also covers changes to legislation in relation to the Scottish Adoption Register, school closures, the Children's Hearing Act detention of children in secure accommodation children's legal aid, and provision of free school meals.

The majority of these would appear to be changes to existing legislation to tie it into the new Act.

## **11. HUMAN RESOURCES/FINANCIAL IMPLICATIONS**

For 2014/15 the Council has received £1.559 million for implementation of the 600 hours of early learning and childcare.

There is no doubt, however, that the Act has further financial and staffing/resourcing issues in relation to the various other parts. It is difficult to estimate the overall impact of that until we know what future budget allocation from Scottish Government is going to be from 2015/16 onwards and until we see the detailed guidance and secondary legislation on implementation.

## **12. CONSULTATION**

Consultation has taken place with UNISON, Human Resources and Finance in relation to this report.

## **13. POLICY IMPLICATIONS**

There are clear policy implications arising from this Act, around the following areas:-

- the duty to report on children's rights;
- the role of the Community Planning Partnership;
- the provision of extra hours of early education and childcare;
- the role of the Named Person;
- potential structural change for children's services;
- duties to looked after children;
- the provision of a single planning approach;
- the future role of Local Authorities, as Corporate Parents, in relation to kinship carers.

There is likely to be a requirement to seek policy approval from Members and alter or draft new procedures and processes.

## **14. CONCLUSION**

- 14.1 In summary, Scottish Government's ambitions to achieve better outcomes for children and young people are to be welcomed. The intention of Scottish Government to improve the quality of children's lives is a positive step.

- 14.2 This legislation will require changes in systems practice and culture for all agencies planning and working with children in Falkirk.
- 14.3 The major challenge which remains uncertain is whether adequate funding will be provided to enable us to resource the implementation of the Act.
- 14.4 This legislation will have implications for the Community Planning Partnership and a separate report will be prepared for the Community Planning Partnership Leadership Board in this regard.

## **15. RECOMMENDATIONS**

**It is recommended that Members:-**

- 15.1 **Note the implications and resource issues related to the Act, as well as future policy implications;**
- 15.2 **Note that publication of the guidance will help to clarify expected practice;**
- 15.3 **Request that the Director of Social Work Services and the Acting Director of Education provide a further report to the Executive once the above aspects and expected impact are clearer.**

.....  
**Margaret Anderson**  
**Director of Social Work Services**  
**15 April 2014**

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**Nigel Fletcher**  
**Acting Director of Education**

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Background Papers: Nil