

- 2.7 Officers within E&CS have been liaising with colleagues from Aberdeen City Council and several meetings were held with over the course of 2018 and 2019 to try and resolve the issue. Aberdeen City Council confirmed their position on the matter and due to capacity pressures at Cults Academy they cannot give the children from the Blairs development priority for placing requests and the only avenue left for Aberdeenshire Council is to conclude the statutory consultation. There are no publicly available timescales surrounding the proposal for Aberdeen City Council to build a secondary school at Countesswells.
- 2.8 There is a section of the Blairs development that received planning consent prior to the start of Aberdeen City's Council's consultation. The houses in the area as detailed in **Appendix A** at 6.4 will be considered to be zoned to Cults Academy. A letter from Aberdeen City Council to Muir Homes (**Appendix 4**) states that "For the avoidance of doubt and as previously agreed at our meeting, houses in the main development at Blairs, including any reconfiguration of the original Blairs College will be zoned to a secondary school within Aberdeenshire Council".
- 2.9 At the end of the consultation period all written submissions, along with a note of the public meeting, were provided to Education Scotland. **Appendix A** is Aberdeenshire Council's Education & Children's Services report on the consultation. It includes the report on the consultation written by Education Scotland.
- 2.10 Officers within Education & Children's Services have carefully considered all of the responses to the consultation and have made a recommendation in the consultation report (**Appendix A**) at paragraph 7.2. That recommendation is that the Council should approve the proposal in its current format so that all of the housing in the Blairs Housing Development should be zoned for Mackie Academy. The community would be further fractured if part of the housing development was divided and only a section of it was zoned for Mackie Academy.
- 2.11 The comments and recommendation of Kincardine & Mearns Area Committee will be considered by the Education & Children's Services Committee on 10 October 2019, where a final decision on implementing the officer recommendation will be made.
- 2.12 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Committee is able to consider this item in terms of Section B.5.2 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to the power to make recommendations to the Policy Committee responsible for education provision on school rezoning, new zones and capping schools.

4 Implications and Risk

- 4.1 An equality impact assessment has been carried out as part of the development of the proposals set out above. It is included as **Appendix 5** and no impact has been identified.
- 4.2 The proposal could result in staffing and financial implications for Mackie Academy depending on the number of pupils attending from the Blairs Housing Development. Teaching numbers may need to be realigned with school rolls, in line with current agreed staffing formulas. Any necessary changes would be implemented with immediate effect in conjunction with the HR & OD service and unions in accordance with existing Council Human Resources policy and procedures.
- 4.3 There could be increased transport costs as the pupils residing in the Blairs housing development would be entitled to free school transport to Mackie Academy as they reside over 3 miles from the secondary school.
- 4.4 The following Risks have been identified as relevant to this matter on a Corporate Level: Social risk (demographic change)
<https://www.aberdeenshire.gov.uk/media/23595/20181128-aberdeenshire-corporate-risks-update.pdf>

The following Risks have been identified as relevant to this matter on a Strategic Level: A Future Fit E&CS Estate
<https://www.aberdeenshire.gov.uk/media/23596/20181128-directorate-risks.pdf>. This proposal would ensure that pupils living in the Blairs Housing Estate would be able to attend the secondary school for their cluster and would therefore help with the transition from primary to secondary education.

Laurence Findlay
Director of Education & Children's Services

Report prepared by Maxine Booth - Quality Improvement Manager Learning Estates
Rachael Goldring - Learning Estates Team Leader
Date: 10 September 2019

APPENDIX A



CONSULTATION REPORT

**BLAIRS HOUSING
DEVELOPMENT REZONING**

2019

This Consultation Report has been issued by Education & Children's Services of Aberdeenshire Council in accordance with the Schools (Consultation) (Scotland) Act 2010

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- Appendix 1 Map of the Mackie Academy Catchment Area
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- Appendix 3 Education Scotland Report
- Appendix 4 Letter from Aberdeen City Council
- Appendix 5 EIA

1. THE PROPOSAL

- 1.1 Aberdeenshire Council's Education & Children's Services Committee at its meeting on 14 June 2017, gave officers permission to consult on rezoning the Blairs Housing Development to Mackie Academy.

This consultation was prompted by the decision by Aberdeen City council on 2 June 2015 that any new housing developments would not be entitled to attend Cults Academy and will require to be rezoned to an Aberdeenshire Council secondary school.

The Proposal Document was issued on 28 June 2017 to those individuals and bodies listed under Distribution within the document. The Proposal Document was also published on the Council website:

<http://aberdeenshire.gov.uk/schools/education-consultations/>

The Proposal Document made clear to consultees that the consultation period would run from 28th June 2017 until Friday 29th September 2017 – a period of 32 school days in total.

The proposal document sought to formalise the arrangements for the pupils living in the Blairs housing development; and that these pupils should continue to be zoned to Lairhillock School for primary education and then progress to the secondary school for the cluster which is Mackie Academy.

1.2 Educational Benefits Statement

The proposal document contained an Educational Benefit Statement. Aberdeenshire Council stated that this proposal for pupils residing in the Blairs Housing Development would ensure pupils and parents have clarity regarding their zoned school. The proposal would ensure that pupils would be educated in a primary and secondary school in the same network. This would allow children to move through the school system together and would help with the transition from primary to secondary school.

2. PUBLIC ENGAGEMENT

- 2.1 During the statutory consultation a public meeting was held in Arduthie School on Thursday 7th September 2017. The public meeting was advertised in the local press and on social media in advance. The service would have preferred to hold the meeting in Mackie Academy, however works were being carried out in the hall and an alternative venue had to be sourced. The meeting was attended by officers and local elected members. No members of the public attended. A full note of the meeting is available on the Council website at the link provided in 1.1 above.

There were several comments and questions raised regarding:

- What the response rate to the online survey had been so far.

- A local councillor asked how many children are in the houses currently built and if the Council expects to have children from there at some point.
- There was a question about the capacity of Lairhillock School and what pupil ratio was for Lairhillock.
- Questions were asked regarding how roll figures are formulated.
- There was a question about school transport.

2.2 Pupil Engagement

As part of the consultation process, the head teacher from Lairhillock School posed a short set of questions to pupils about the proposals to rezone any pupils living at the Blairs Housing Development to Mackie Academy. A summary note of responses from the pupils is appended (**Appendix 3**).

3. **WRITTEN RESPONSES**

An overview of the written correspondence received is provided below.

- 3.1 Letter from Lairhillock Parent Council 4 September 2017: The parent council stated that they objected to the statutory consultation carried out by Aberdeen City Council to rezone Cults Academy in 2014/2015. At the time the Parent Council put forward the suggestion that, in view of possible future capacity problems at Cults, children from within the Blairs development should be excluded from the Cults Secondary School Catchment. The Parent Council also proposed that the sibling link at Lairhillock should be maintained so that those specific pupils from out with the Blairs development could join their siblings at Cults Academy. They stated that they supported the proposals put forward by Aberdeenshire Council in this new consultation.
- 3.2 A group response was received from nine individuals which equates to 5 households from the Blairs Housing Development. These responses were received between September and October 2017. They all had the following comments to make:
- They disagreed that educating children within the same network should be ranked higher than geographical closeness and the potential of fracturing peer groups locally. A closer secondary school such as the status quo of Cults Academy would avoid expense and time spent travelling.
 - It does not make sense to ask those furthest away from Mackie Academy to undertake a 24 mile daily round trip when there is a school less than 3 miles away. Makes it difficult for after school activities.
 - Increased transportation costs for the Council when there was a projected overspend for educational hired transport.
 - They requested that Aberdeenshire Council should be asked to re-engage with Aberdeen City Council to revisit access to Cults Academy and agree an alternative solution.

- Lairhillock School already has pupils being bussed to different secondary schools. The impact on Blairs could be detrimental to the wider community relationships.
- The further distance for travel increases risk, particularly in mid-winter and the safety of pupils should be of paramount importance. The change will also mean pupils will not be able to walk to school, which would be the case with Cults Academy, when the crossing over the River Dee is opened.
- The economic downturn and reduced housing development should result in the school roll forecasts for Cults Academy being reassessed.
- The new school at Countesswells should relieve pressure on Cults Academy and it is reasonable to continue access to North Kincardine given the planned increased educational capacity.
- The planned pedestrian bridge over the Dee to connect the community with Cults Academy. This improves sustainability and climate change targets and will be under threat if the proposal proceeds.

3.3 A letter from Muir Homes received 28 September 2017. The letter formally stated their objection to the proposed changes to the school catchment for the Blairs area. Their key areas of concern are as follows:

- When Aberdeenshire Council were consulted on the proposed boundary changes by Aberdeen City Council they did not support this change namely because it could be detrimental to the children and families in North Kincardine and children from Aberdeenshire should not be disadvantaged because of development permitted in Aberdeen City.
- It was considered geographically sensible that children in North Kincardine be included in the zoning area for Cults Academy.
- Arrangements for siblings were unclear and it was not considered to be practical or fair that families should be expected to cater for children in separate academies.
- In 2010 Aberdeenshire Council granted planning consent for the development including housing (280 units). The mix and scale of uses within the consent were predicated on a number of assumptions, including the site being included within the Cults Academy catchment area.
- The section 75 planning agreement requires the Muir Group to make a financial payment of almost £300,000 to Aberdeenshire Council as a direct education contribution towards Cults Academy.
- The proposed change in education provision will have a major impact on the future education direction of the development and may require a substantial change to the development proposals for the site, Blairs College and the other community items contained within the Section 75 agreement.
- They attached an appendix to the letter which mirrored the comments received from the homeowners as detailed above at paragraph 3.3.

- 3.4 A letter from Muir homes to a resident at Riverside of Blairs writing to confirm the closing date for comments on the consultation is Friday 29 September 2017
- 3.5 A letter received 28 September 2017 from the factor at Blairs College objecting to the proposal stating the following reasons:
- The date for the public meeting wasn't on the website until the week before
 - The meeting was held at Stonehaven which is miles away from Blairs
 - Unclear as to who the consultees were as no-one from the reprieved area was going to want to re-open the debate
 - Survey only had one question
 - The Blairs area whilst being to the south of the River Dee actually relates to the community north of the river. People are registered with GP practices in Cults or Peterculter
 - What if a child in Stonehaven becomes sick and the parent is working in Aberdeen.
 - The excluded houses are in sight of Cults Academy and part of the planning consent for Blairs Estate provides for a foot and cycle bridge to be erected to enable easy access and safe routes to school for Cults.
 - Increased transport expense for the Council. A school bus for Cults passes the excluded site and delivers pupils into the Blairs Estate everyday. The Mackie bus goes no further than Lairhillock. The consultation does not consider the impact of change on pupils (ferrying sick children to the doctors, after school activities etc.)
 - Social interaction for the children. The proposal will isolate a tiny group of children within a bigger community
 - The predicted roll for Cults Academy clearly overstated pupil numbers and Aberdeen City Council do not have a problem with over capacity at Cults they foresaw in 2014. In addition, the new Countesswells Academy is programmed to open in 2023 which will bring substantial new capacity to the area.
 - To date of the twelve newly occupied properties at Blairs, only one has children. This compares to a forecasted number of 53. Clearly shows that the assumptions for the change are wrong and need reviewed at strategic level.
 - Would welcome the idea of a joint strategy for education between both city and shire.
- 3.6 An email from the Chair of Banchory-Devenick Parent Council on 28 September 2018. The Chair asked how predictions are worked out and informed. The chair provided information about the pupil numbers at the school, the lack of before and after school care and information about out of zone pupils attending the school. The chair asked for acknowledgement of the email and asked what would be done with this information.
- 3.7 In summary, the written responses highlight:
- A desire for the Blairs Housing Development to continue to be zoned for Cults Academy

- One response indicating support for the proposals
- Concerns that pupils from Blairs would have a long journey time on school transport to and from school.
- Concerns regarding the social impact the proposals would have on pupils considering the housing development is much closer to Cults/Peterculter.

3.8 An online survey was issued to all parents of existing pupils attending primary schools in Stonehaven and Mackie Academy, as well as members of staff, and the wider community. There was a response rate of 43. The online survey contained a map of the Lairhillock School Catchment Area and one of the Mackie Academy Catchment Area. Both maps had the Blairs Housing Development highlighted. The following question was asked:

Q Do you agree that the pupils from the Blairs Housing Development should continue on to the secondary school for the network which is Mackie Academy?

Answer Choices	Responses %	Response No.
Strongly agree	2.33	1
Agree	11.63	5
Strongly disagree	55.81	24
Disagree	25.58	11
No Opinion	4.65	2
Total		43

Thirteen responses were received in the comments section. A summary of these comments is given below:

- Portlethen Academy is closer
- Mackie Academy is so far away whilst Cults Academy is on the doorstep. The further the journey the higher risk of accident. Concern about winter and the longer journey time for pupils.
- Concerns for people who don't drive
- Concerns for school children not being able to attend Dentist/GP appointments after school as Stonehaven is so far away.
- Cults and Portlethen Academy are much closer. If Cults Academy can't cope with the number of pupils proposed the development should never have been approved. The respondent suggested that the developer should pay money to expand Cults Academy, expand the new academy in Kincorth or look into schools in Aberdeen which are actually closer e.g Kincorth and Harlow. It only takes 15 minutes to get into the town centre from Blairs and will take longer to get to Stonehaven.
- There was supposed to be a footbridge built by the developer across the River Dee to allow pupils to walk to Cults. The nearest schools are Kincorth or Cults
- There are no footpaths leading to Lairhillock so any child living within 2 miles will mean that the parents have to pay for transport
- Questions about school transport once the AWPR is opened

- Concerns that Mackie Academy is already full and the building not being fit for purpose
- Concerns that the increased transport costs will affect the education budget.

3.9 The proposal document was presented to Kincardine and Mearns Area Committee on 12 September 2017. The committee agreed to *“instruct officers to re-engage with Aberdeen City Council with regard to secondary school provision for the new housing at Blairs in light of the proposal now to build a new Academy at Countesswells”*.

Officers within E&CS have been liaising with colleagues from Aberdeen City Council and several meetings have been held over the course of 2018 and 2019 to try and resolve the issue. The conclusion of these meetings is that Aberdeen City Council cannot give the children from the Blairs development priority for placing requests due to capacity pressures at Cults Academy. The only avenue left for Aberdeenshire City council is to conclude the statutory consultation.

There are no publicly available timescales surrounding the proposal for Aberdeen City Council to build a secondary school at Countesswells.

4. ASSESSMENT OF THE PROPOSED ZONING OPTION

4.1 Aberdeenshire Council proposed that the pupils living in the Blairs Housing Development should continue to be zoned to Lairhillock for primary education and then to the secondary school for the cluster, which is Mackie Academy.

A number of proposals were considered before proceeding with the statutory consultation proposal. These were discounted in the preparation of the proposal and are detailed below.

4.2 There was no option provided to continue with the status quo as Aberdeen City Council made the decision to exclude the Blairs Housing Development from Cults Academy catchment area. The development is situated within the Aberdeenshire Council boundary and therefore if the pupils are not able to attend an Aberdeen City School they must be entitled to attend an Aberdeenshire School.

4.3 An option to rezone the Blairs Development to Banchory-Devenick School for primary provision was considered by officers. The Blairs housing development location is much closer to the Portlethen Cluster and the nearest primary school would be Banchory-Devenick School. The capacity at Banchory-Devenick would be exceeded with the number of pupils expected from the Blairs Housing Development and thus was discounted as a viable option.

4.4 The option to rezone the development to Portlethen Academy for secondary provision was also considered. Portlethen Academy would be a closer secondary school for pupils from Blairs to attend, however the school roll

forecasts indicate that it would not have capacity to accommodate all the pupils expected from Blairs. Portlethen Academy is the designated school for the Chapelton of Elsick development which could put pressure on the capacity of Portlethen Academy in future years. If the Council didn't rezone at Primary level this would result in pupils from Lairhillock being zoned to three secondary schools, creating further segregation, therefore this was also discounted as a viable option.

5. EDUCATION SCOTLAND REPORT

- 5.1 The Education Scotland report is reproduced in full (Appendix 3)
- 5.2 Education Scotland acknowledges there are clear educational benefits to the proposal. This proposal to finalise the zoned secondary schools for pupils residing in the Blairs Housing Development would ensure pupils and parents have clarity regarding their zoned schools. They also state that the proposal has the potential to enhance children's transition arrangements and help provide continuity for their learning and progress when they move from primary to secondary education. They note that staff would be able to liaise with Mackie Academy to help plan continuity in children's learning, including enhanced transition arrangements for any who have additional support needs. The pupils from Blairs Housing Development would be entitled to free school transport to and from Lairhillock School and Mackie Academy as per Aberdeenshire Council policy. Education Scotland stated that the proposal has the potential to enhance pastoral support for children and help ensure further continuity in their curricular experiences when they move from primary to secondary education.
- 5.3 HM Inspectors visited Lairhillock School and Mackie Academy and spoke to staff about the proposal. The majority of staff who spoke with inspectors did not have any issues regarding the proposal or felt that the schools would be affected by the proposal. A few staff did however, comment on the challenges faced when they are planning transition programmes to different secondary schools in different council areas and the impact which dual zoning could have on existing friendship groups. The staff they spoke to felt that having one zoned secondary school would help with these issues. The majority of secondary aged pupils who spoke to the Inspectors and had previously attended Lairhillock School, did not feel that the proposal was fair as there will still be an area where there is dual zoning for some pupils to either Mackie or Cults Academy. Pupils were also concerned about the transport arrangements with the increased number of pupils and length of time they would have to spend on buses due to a longer route on country roads.
- 5.4 The Education Scotland report concluded that there are clear educational benefits to Aberdeenshire Council's proposal to formalise the zoned secondary school for pupils residing in the Blairs Housing Development. They noted however, in taking forward this proposal, Aberdeenshire Council should continue to engage with stakeholders to address any perceived concerns

regarding inequality of opportunity for children and young people who reside in areas where there is still dual zoning to either Mackie Academy or Cults Academy.

6. EDUCATION AUTHORITY RESPONSE TO WRITTEN AND ORAL REPRESENTATIONS

6.1 Educational Benefits

For Aberdeenshire Council, Education & Children's Services, educational benefit to pupils affected by the proposal is the key issue.

This proposal to formalise the zoned secondary school for pupils residing in the Blairs Housing Development would ensure that pupils and parents have clarity regarding their zoned schools.

Lairhillock is the zoned school for pupils living south of the River Dee in this area and Mackie Academy is the zoned secondary school for the pupils living in the southern section of the Lairhillock School catchment area.

This proposal would help to provide continuity of education when the pupils move from primary to secondary education. The staff will be able to liaise with the academy to help plan continuity in children's learning.

6.2 School Transport

There were some concerns raised regarding the arrangements for school transport, the safety of pupils in winter and, also the extra distance that pupils from Blairs would have to travel.

For Aberdeenshire Council, the safety of all pupils is a priority and routes to school will be assessed in accordance with current policy when deciding on school transport requirements.

For example, if roads are not suitable for a larger bus to use then only minibuses would be used. This would all be based on the actual numbers of pupils requiring transport at the time.

Secondary schools within Aberdeenshire Council cover a vast geographical area and the pupils from Blairs would not be in a unique situation regarding distance travelled to and from school.

6.3 Cults Academy School Roll Forecasts

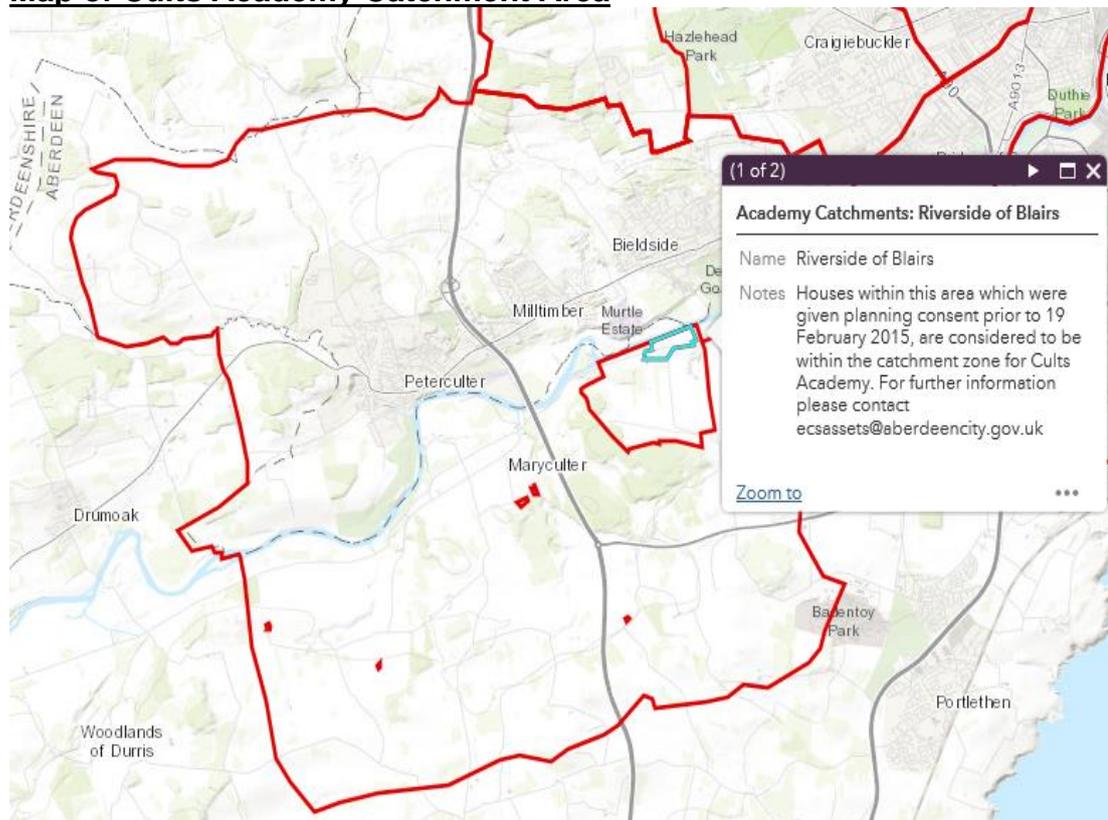
There were some comments regarding the economic downturn and that the reduced housing development should result in the school roll forecasts for Cults Academy being reassessed.

These forecasts were prepared by Aberdeen City Council and not Aberdeenshire Council and therefore, refer to a school out with the Council's remit. Aberdeen City Council carried out a statutory consultation and took the decision to remove the Blairs Housing Development from the Cults Academy catchment area in 2016. This decision has already been made and implemented.

6.4 Planning Consent

There was a comment from Muir Homes regarding the planning consent for the development. Muir Homes asserted that the consent was predicated on a number of assumptions, including the site being included within the Cults Academy catchment area. This is a valid statement and was the position at the time the planning application was approved. A letter dated 21 December 2017 from Aberdeen City Council to Muir Homes, confirms that Aberdeen City Council intend to honour this position with regards to the 44 houses already granted full planning permission at and adjacent to Riverside of Blairs, Aberdeen. This letter is included as Appendix 4.

Map of Cults Academy Catchment Area



The area to the North of the Blairs housing development highlighted in the above map in blue, marks the houses given planning consent prior to the consultation. Houses within this area are considered by Aberdeen City Council to be within the catchment for Cults Academy.

Muir Homes also stated that the planning agreement required that Aberdeenshire Council received the developer contribution payment as a direct contribution towards Cults Academy. This is also a valid statement; however, Aberdeenshire Council are unable to comment on plans that Aberdeen City Council may have had for developer obligation funding.

7. COMPLIANCE WITH SECTION 9(1) OF THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010 AND CONCLUSIONS

- 7.1 Section 9(1) of the Schools (Consultation) (Scotland) Act 2010 states that:
After the Education Authority has received HMle's report, the Authority is to review the relevant proposal having regard (in particular) to
- (i) written representations received by the Authority (from any person) during the consultation period,*
 - (ii) oral representations made to it (by any person) at the public meeting,*
 - (iii) HMle's report.*

Officers of the Education Authority have listened carefully to the points made at the public meeting and have considered equally carefully the written representations. The Education Authority's position is set out in this document.

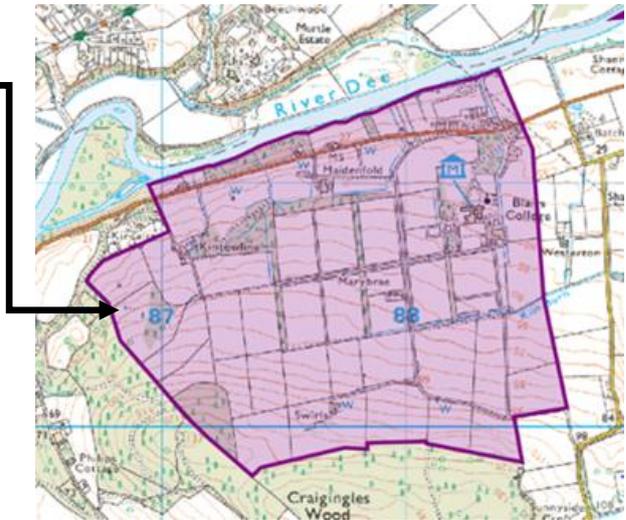
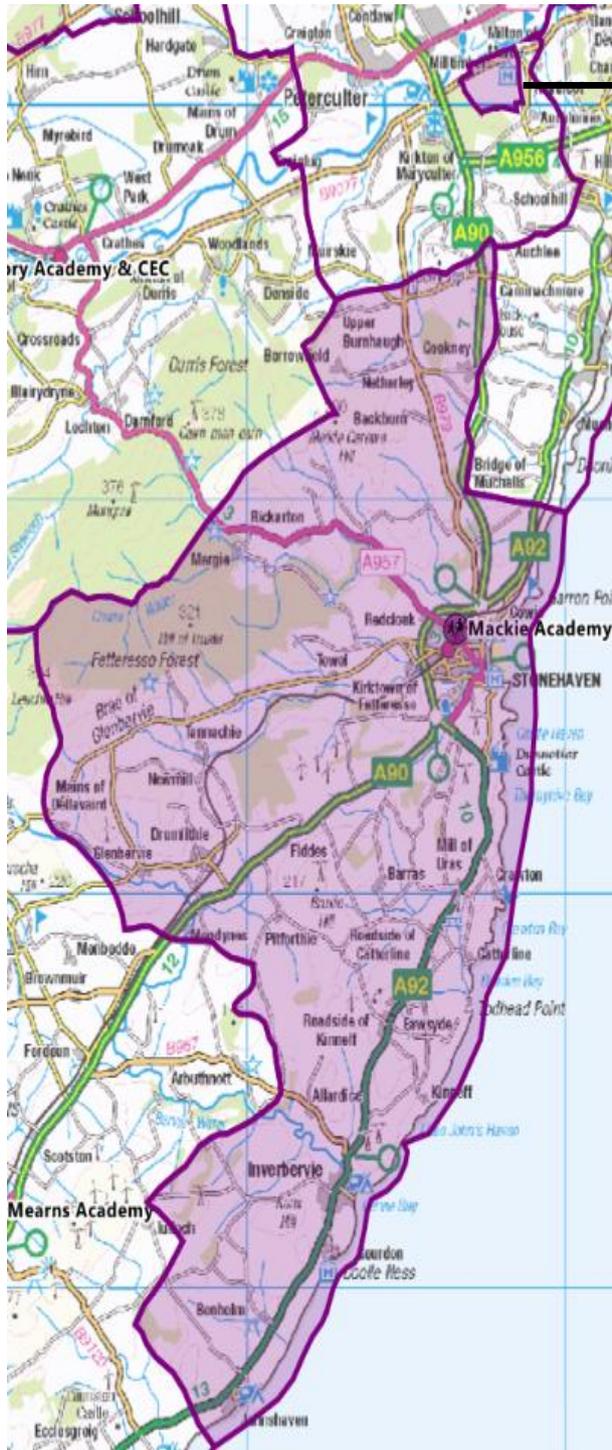
7.2 Conclusions and Recommendation

The Council now has one option with regards to the proposed changes;

Approve the proposal in its current format. This would result in the accession made by Aberdeen City Council regarding the 44 houses at and adjacent to Riverside of Blairs, Aberdeen reverting to the new zoning arrangement and all of the Blairs Housing Development would be rezoned to Mackie Academy.

- 7.2.1 The recommendation of officers is that the Council should implement 7.2 and approve the proposal in its current format.**

APPENDIX 1 – Map of Mackie Academy Catchment Area Including Blairs Housing



APPENDIX 2 – Primary Pupil Questions – Blairs Rezoning

The school that children go to is decided by which street and sometimes which house they live in. Each school in the Stonehaven Cluster has a catchment area. A catchment area or zone is a line on a map which shows the streets and houses that are grouped together for that school.

Pupils from a new housing development called Blairs, used to be zoned for a different secondary school in Aberdeen City. Aberdeen City changed their zone and now we have to decide which school they should be zoned for.

Aberdeenshire Council thinks that as these houses are actually in Aberdeenshire and as they would be going to your primary school then they should go to Mackie Academy with the rest of the children who are going to your school.

We want to know what you think about this. Your teacher has a map of the Mackie Academy catchment area and can point out where the Blairs houses are on the map and where Mackie Academy is.

1. Do you think that pupils from the houses at Blairs should be going to Mackie Academy with the rest of their friends from Lairhillock School?
2. Is there another secondary school you think the Blairs children should go to instead of Mackie Academy?
3. Is there anything that worries you about this?
4. Is there anything that interests or excites you about this?
5. Is there anything that you think the council needs to think about if they do this?

NOTE: A similar questionnaire was sent to Mackie Academy but no responses were received.

School	Q1	Q2	Q3	Q4	Q5
Lairhillock	Majority of Lairhillock pupils agree that pupils from Blairs should attend Mackie Academy.	Portlethen Academy	<p>Might be forced to go to a school you don't want;</p> <p>Might have to go to a school with a bad reputation;</p> <p>Worries about going to a school with no friends;</p> <p>It would be unfair if only Blairs children got to go to Cults and not the rest of the class;</p> <p>Big classes;</p> <p>Separation from friends going to Cults'</p> <p>That other places will be rezoned and siblings will be going to other schools. (the teacher at the time explained to the pupils this would not happen).</p>	<p>Making new friends;</p> <p>Splitting Blairs is unfair</p>	<p>Parents should be able to decide where their children would get the best education;</p> <p>If you don't want to go to Mackie you should be able to go to Cults or Portlethen;</p> <p>A long bus ride for Blairs pupils;</p> <p>Times of buses;</p> <p>The completion of the by-pass might reduce travelling time.</p>

APPENDIX 3 – Education Scotland Report

Report by Education Scotland addressing educational aspects of the proposal by Aberdeenshire Council to formalise the arrangement for pupils from the Blairs Royal Deeside Housing Development, south of the River Dee Aberdeen, to attend Lairhillock School for primary education and Mackie Academy for secondary education. The proposal also states that new pupils from the Blairs development should be educated at their newly zoned secondary school with effect from August 2018.

1. Introduction

1.1 This report from Education Scotland has been prepared by Her Majesty's Inspectors of Education (HM Inspectors) in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of Aberdeenshire Council's proposal to formalise the arrangement for pupils from the Blairs Royal Deeside Housing Development, south of the River Dee Aberdeen, to attend Lairhillock School for primary education and Mackie Academy for secondary education. The proposal also states that new pupils from the Blairs development should be educated at their newly zoned secondary school with effect from August 2018. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

1.2 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the schools; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

1.3 In preparing this report, HM Inspectors undertook the following activities:

- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others;
- visits to the sites of Lairhillock Primary School and Mackie Academy, including discussion with relevant consultees; and
- telephone discussions with the headteachers from Arduthie Primary School, Bervie Primary School, Catterline Primary School, Dunnottar Primary School, Glenbervie Primary School, Gourdon Primary School, Johnshaven Primary School, Kinneff Primary School, Mill O'Forest Primary School, Carronhill Primary School and Cults Academy.

2. Consultation Process

2.1 Aberdeenshire Council undertook the consultation on its proposal(s) with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

2.2 The statutory consultation period ran from Wednesday 28 June 2017 until Friday 29 September 2017. Meetings were organised for staff during the consultation period to discuss the proposals. Opportunities were arranged for pupils within the schools affected to engage in the consultation. Pupil engagement was carried out at Lairhillock Primary School with the majority of pupils agreeing with the proposal. Copies of the consultation proposal were issued to all parents of pupils currently attending Lairhillock School, Mackie Academy, Arduthie School, Dunnottar School, Mill O'Forest School, all the other feeder primary schools in the network, as well as those parents of pre-school aged children living within the network. A copy and details of where to download the proposal document was provided to each member of staff at the primary schools and Mackie Academy secondary school and also their trade union representatives. Copies were issued to the Stonehaven Community Council, the Parent Councils of Lairhillock Primary School and Mackie Academy and local elected members. Stonehaven Library was provided with copies for any interested parties. Wherever possible, the consultation proposal was emailed to consultees as well as paper copies posted to those who either did not have an email address, or where a delivery failure notification from the email address provided was received. An online survey was set up via Survey Monkey to gather responses from parents and interested parties regarding the rezoning proposal. A total of 43 responses were received from the survey. Most disagreed with the proposal with 55.81% strongly disagreeing and 25.58% disagreeing. Details about the proposal and the public meetings were placed in the local press and on social media. There were 12 written responses. Most were not supportive of the proposal. The council held one public meeting at Arduthie Primary School on 7 September 2017 which was attended by six people, who were council officers and local elected members.

3. Educational Aspects of Proposal.

3.1 Overall, there are clear educational benefits to the proposal. This proposal to finalise the zoned secondary schools for pupils residing in the Blairs Housing Development would ensure pupils and parents have clarity regarding their zoned schools. The proposal has the potential to enhance children's transition arrangements and help provide continuity for their learning and progress when they move from primary to secondary education. Staff would be able to liaise with Mackie Academy to help plan continuity in children's learning, including enhanced transition arrangements for any who have additional support needs. Pupils from the Blairs Housing Development would be entitled to free school transport to and from Lairhillock Primary School and Mackie Academy as per Aberdeenshire's Council policy. Providing clarity regarding their zoned schools reduces the risk of children experiencing discontinuity in their learning as a result of transition to a school outwith the council. The proposal has the potential to enhance pastoral support for children and help ensure further continuity in their curricular experiences when they move from primary to secondary education. Children are more likely to have increased educational and social opportunities throughout their school life to work collaboratively with children from other schools within the Stonehaven cluster. There still remains a small area where there is dual zoning. The council may want to reflect on this in the future to ensure that no pupil is disadvantaged in terms of equity.

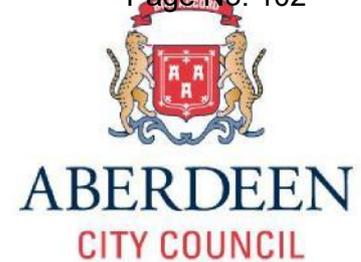
3.2 Staff who spoke with HM Inspectors during visits to Lairhillock Primary School and Mackie Academy did not have any issues regarding the proposal or feel that the schools would be affected by the proposal. However, a few staff commented on the challenges which they face when planning transition programmes to different secondary schools in different council areas and the impact which dual zoning could have on existing friendship groups for those pupils who had this option. These staff felt that having one zoned secondary school to which all pupils transferred at the end of P7 would help address these issues. The majority of secondary-aged pupils who had previously attended Lairhillock Primary School did not feel that the proposal was fair as there will still be an area where there is dual zoning for some pupils to either Mackie Academy or Cults Academy. They commented that this could lead to some pupils having more choices than others living in adjacent areas. A few young people were of the view that they should have a choice in which secondary school they attend. Stakeholders who met with HM Inspectors raised reasonable concerns regarding this dual-zoned aspect for some pupils in terms of equality of opportunity. Pupils were also concerned about transport arrangements with the increased number of pupils and length of time they would have to spend on buses due to a longer route on country roads. No parents took up the invitation to meet with HM Inspectors. School staff were of the view that this may have been on account of the fact that their children would still be able to attend either Mackie or Cults Academy: this having been agreed at a previous consultation in 2015 and that as a result they had no issues with the council's proposal.

4. Summary

Overall, there are clear educational benefits to the proposal to finalise the zoned secondary schools for pupils residing in the Blairs Housing Development and for new pupils from the Blairs development to be educated at their newly zoned secondary school with effect from August 2018. The proposal would ensure pupils and parents have clarity regarding their zoned schools. This has the potential to enhance continuity for children's learning. The proposal would support staff to develop further their pastoral and curricular arrangements within the Stonehaven Cluster to help ensure continuity in children's progress between primary and secondary education. In taking forward this proposal, the council should continue to engage with stakeholders to help address any perceived concerns over inequality of opportunity for children and young people who reside in areas where there is still dual-zoning to either Mackie Academy or Cults Academy.

**HM Inspectors
Education Scotland
November 2017**

Our Ref. EC/SP
Your Ref.
Contact Euan Couperwhite
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21 December 2017

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Dear Mr White

CULTS ACADEMY – REZONING CONSULTATION 2014/15

I refer to our previous discussions regarding the outcome of Aberdeen City Council's public consultation on the catchment area of Cults Academy and wish to formalise the Council's position as discussed at the meeting.

As you will be aware the Council's Education and Children's Services Committee agreed the following recommendations at their meeting of 2 June 2015:

“(i) To implement the following recommendations: 1.

For the Cults Academy rezoning proposal:

- (a) Retain the area of the Lairhillock School zone, which is currently within the Cults Academy zone and which was the focus of this consultation exercise, as part of the Cults Academy zone; and*
- (b) Advise Aberdeenshire Council that any new housing developments in their Council area which are currently zoned to Cults Academy, including the Blairs development, will require to be rezoned to an Aberdeenshire Council secondary school following a public consultation.”*

Following confirmation with Planning and Legal colleagues, I can confirm that houses on the B9077 which had received planning consent prior to the start of the consultation will be considered to be zoned to Cults Academy. For the avoidance of doubt and as previously agreed at our meeting, houses in the main development at Blairs, including any reconfiguration of the original Blairs College will be zoned to a secondary school within Aberdeenshire Council.

HELEN SHANKS
INTERIM DIRECTOR



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I hope this is satisfactory and will allow you to advise the appropriate householders residents accordingly.

Yours sincerely



Euan Couperwhite
Head of Policy, Performance and Resources

APPENDIX 5

EQUALITY IMPACT ASSESSMENT

Stage 1: Title and aims of the activity (“activity” is an umbrella term covering policies, procedures, guidance and decisions).	
Service	Education & Children’s Services
Section	Learning Estates
Title of the activity etc.	Blairs Rezoning Consultation
Aims of the activity	The E&CS Service is undertook a statutory consultation to formalise the secondary catchment for pupils from the Blairs Housing Development.
Author(s) & Title(s)	Gemma Dacre Learning Estates Officer, Rachael Goldring Learning Estates Team Leader

Stage 2: List the evidence that has been used in this assessment.	
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	
Internal consultation with staff and other services affected.	Engagement with HT at Lairhillock and Mackie Academy during the consultation period. Pupils were asked questions regarding the consultation by Lairhillock School during the consultation period.
External consultation (partner organisations, community groups, and councils).	Initial meetings with members of the community/parent council during the Aberdeen City Consultation to remove Blairs from the Cults Academy catchment area. Online Survey and a Public Meeting on 7 September 2017
External data (census, available statistics).	School Roll Forecast Local Development Plan NHS Community Health Index Data
Other (general information as appropriate).	The decision by Aberdeen City Council to remove the new housing developments from the Cults Academy catchment prompted the Blairs Rezoning Consultation.

Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	No

Stage 4: Measures to fill the evidence gaps.		
What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:
	Consultation on proposal as per committee report	June to September 2017
	Public Meeting	7 September 2017
	Pupil sessions	June to September 2017

Stage 5: Are there potential impacts on protected groups? Please complete for each protected group by inserting "yes" in the applicable box/boxes below.				
	Positive	Negative	Neutral	Unknown
Age – Younger			Yes	
Age – Older			Yes	
Disability			Yes	
Race – (includes Gypsy Travellers)			Yes	
Religion or Belief			Yes	
Gender – male/female			Yes	
Pregnancy and maternity			Yes	
Sexual orientation – (includes Lesbian/ Gay/Bisexual)			Yes	
Gender reassignment – (includes Transgender)			Yes	
Marriage and Civil Partnership			Yes	

Stage 6: What are the positive and negative impacts?		
Impacts.	Positive (describe the impact for each of the protected characteristics affected)	Negative (describe the impact for each of the protected characteristics affected)
Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.	Age - Younger Pupils living in the Blairs Housing Development will have continuity in their education and will progress with their peers from Lairhillock School to the secondary school for the cluster. This will help with transitions.	

Stage 7: Have any of the affected groups been consulted?	
If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?	The statutory consultation process involves pupils as one of the key target groups. A public consultation meeting for the Blairs Rezoning Consultation was held on 7 th September 2017. Pupils have also been involved in the consultation.

Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?		
These should be included in any action plan at the back of this form.	Mitigating Steps	Timescale
	These will be identified as part of the ongoing consultation process and will be incorporated into the final consultation report	June 2017 – October 2017

Stage 9: What steps can be taken to promote good relations between various groups?	
These should be included in the action plan.	The consultation will support good relations with all identified groups.

Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?

Broad consultation with as many stakeholders as possible. Various methods have been identified for them to engage to make the process as accessible as possible.

Stage 11: What equality monitoring arrangements will be put in place?

These should be included in any action plan (for example customer satisfaction questionnaires).

Education Scotland involvement will ensure that all factors have been considered.
All consultation responses have been carefully considered and any issues raised have been addressed in the consultation report.

Stage 12: What is the outcome of the Assessment?

Please complete the appropriate box/boxes	1	No negative impacts have been identified –please explain.
	No negative impacts have been identified for any of the protected characteristics.	
	2	Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.
	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen

* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

Stage 14: Sign off and authorisation.			
Sign off and authorisation.	1) Service and Team	E&CS Learning Estates Team	
	2) Title of Policy/Activity	Blairs Housing Development Rezoning Consultation Report 2019	
	3) Authors: I/We have completed the equality impact assessment for this policy/activity.	Name: Gemma Dacre Position: LE Officer Date: 03 May 2017 Signature:	Name: Gemma Dacre Position: LE Officer Date: 05 September 2019 Signature:
		Name: Rachael Goldring Position: Asset Project Leader Date: 03 May 2017 Signature:	Name: Position: Date: Signature:
	4) Consultation with Service Manager	Name: Rachael Goldring Learning Estates Team Leader Date: 05 September 2019	
	5) Authorisation by Director or Head of Service	Name: Craig Clement Position: Head of Resources & Performance E&CS Date:	Name: Craig Clement Position: Head of Resources & Performance E&CS Date: 5 September 2019
	6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee. e.g. Social Work and Housing Committee.	Date:	
	7) EIA author sends a copy of the finalised form to: eia@abdnshire	Date:	
(Equalities team to complete) Has the completed form been published on the website? YES/NO		Date:	

Action Plan					
Action	Start	Complete	Lead Officer	Expected Outcome	Resource Implications
Consultation	28/06/2017	29/09/2017	Rachael Goldring	Responses will need to be analysed and further report written	Staff time
Public Meeting	07/09/2017		Rachael Goldring	Opportunity for stakeholders to engage in consultation process	Staff time
Pupil Engagement	August 2017	September 2017	Rachael Goldring	Opportunities for pupils to participate in consultation process	Staff time
Staff Engagement	August 2017	September 2017	Rachael Goldring	Opportunity for staff at existing establishment to participate in consultation process	Staff time
Education Scotland Involvement	October 2017	November 2017	Rachael Goldring	Feedback from Education Scotland will need to be incorporated into final consultation report	Staff time
Final Consultation Report	November 2017	September 2019	Rachael Goldring	Depends upon committee comments, recommendation and decision	Staff time