



Cunninghame House,  
Irvine.

15 December 2016

## **Cabinet**

You are requested to attend a Meeting of the Cabinet of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **TUESDAY 20 DECEMBER 2016** at **2.30 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

Members are requested to give notice of any declaration of interest in respect of items of business on the agenda.

**2. Minutes (Page 5)**

The accuracy of the Minutes of the meeting of the Cabinet held on 6 December 2016 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

### **EDUCATION ITEMS FOR DECISION**

**3. School Estate - Secondary School Improvements (Page 9)**

Submit report by the Executive Director (Education and Youth Employment) on the proposals to upgrade and refurbish Irvine Royal Academy, Kilwinning Academy and Auchenharvie Academy (copy enclosed).

**4. Education Governance (Page 23)**

Submit report by the Executive Director (Education and Youth Employment) on the response to the Scottish Government's review (copy enclosed).

**GENERAL BUSINESS FOR DECISION**

**Reports by the Executive Director (Economy & Communities)**

**5. Irvine High Street Public Realm (Page 85)**

Submit report and receive presentation by the Executive Director (Economy & Communities) on the public realm improvements at Irvine High Street and Bank Street (copy enclosed).

**Reports by the Executive Director (Place)**

**6. Energy Efficiency within the Council's Non-Domestic Estate (Page 97)**

Submit report by the Executive Director (Place) on the energy efficiency within the Council's non-domestic built estate on an 'invest to save' basis (copy enclosed).

**7. Refugees, Asylum Seekers and Unaccompanied Asylum Seeking Children (Page 103)**

Submit report by the Executive Director (Place) on the humanitarian commitments and support provided to vulnerable groups resettled in North Ayrshire (copy enclosed).

**CONTRACTS**

**8. Award of Contract - New Build Office Accommodation, Quarry Road, Irvine (Page 111)**

Submit report by the Executive Director (Finance & Corporate Support) on the result of the tender exercise for the Design & Build Contract for New Build Office Accommodation, Quarry Road, Irvine (copy enclosed).

**9. Urgent Items**

Any other items which the Chair considers to be urgent.

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## Cabinet

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Sederunt: **Elected Members**

Joe Cullinane (Chair)  
John Bell (Vice-Chair)  
Alex Gallagher  
Peter McNamara  
Louise McPhater  
Jim Montgomerie

Chair:

Attending:

Apologies:

Meeting Ended:



Cabinet  
6 December 2016

**IRVINE, 6 December 2016** - At a Meeting of the Cabinet of North Ayrshire Council at 2.00 p.m.

**Present**

Joe Cullinane, John Bell, Alex Gallagher, Louise McPhater, Peter McNamara, Very Reverend Matthew Canon McManus, Mark Fraser and Elizabeth Higon (Church Representatives).

**In Attendance**

E. Murray, Chief Executive; J. Butcher, Executive Director, F. Rodman, Senior Manager (Early Years and Childcare) and D. Walkinshaw, Business Manager (Education and Youth Employment); C. Hatton, Executive Director, J. Barrett, Senior Manager (Homelessness and Community Safety) and S. Campbell, Strategy and Violence and Women Co-ordinator (Place); M. Hogg, Head of Finance (Finance and Corporate Support); A. Fraser, Head of Democratic Services, M. Sugden, Communications Officer and M. Anderson, Committee Services Team Leader (Chief Executive's).

**Also In Attendance**

J. Dorrian, Head Teacher (Brisbane Primary School), with four pupils from Brisbane and Kelburn Primary Schools.

**Chair**

Councillor Cullinane in the Chair.

**Apologies for Absence**

Jim Montgomerie and G. Smith (lay representative).

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The accuracy of the Minutes of the meeting held on 22 November 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Naming of the New Primary School in Largs**

Submitted report by the Executive Director (Education and Youth Employment) on the selection of a name for the new primary school in Largs arising from the amalgamation of Brisbane Primary School and Kelburn Primary School.

Pupils from both primary schools gave a presentation on the family homework challenge which had provided the vehicle for consulting with pupils, parents and staff on possible new names and on the six shortlisted names, namely Largs Primary School, Valhalla Primary School, Alexander Primary School, Thistle Primary School, Kelvin Primary School and Brisburn Primary School.

Members expressed their appreciation for the consultation work undertaken and the excellent presentation given by the pupils. Thereafter, there was discussion on the merits of all of the shortlisted names.

The Cabinet agreed that the new school be named 'Largs Primary School'.

### **4. Consultation: A Blueprint for 2020: the Expansion of Early Learning and Childcare in Scotland**

Submitted report by the Executive Director (Education and Youth Employment) on the proposed Council response to the Scottish Government consultation on the "Blueprint for 2020: the Expansion of Early Learning and Childcare in Scotland" document. Appendix 1 to the report set out the structure of the Early Learning and Childcare Expansion Programme Board established to lead the delivery of this work. The proposed consultation response was set out at Appendix 2 to the report.

Members asked questions and were provided with further information in relation to:-

- the importance of securing appropriate levels of funding to meet the capital and revenue costs associated with the expansion;
- potential difficulties associated with the voucher system and with anticipating parental choice;
- the anticipated additional infrastructure and planning resources which might be required to accommodate expanded provision;
- the need for early identification of resources given the expected timescale for implementation;
- the financial and resource implications of conducting pilots;
- the role of parents in childcare and the need to ensure appropriate consultation with parents;
- the importance of targeted support for vulnerable families.

The Cabinet agreed (a) to note the governance arrangements in place to manage the Council's Early Learning and Childcare expansion programme, as set out at Section 2 and within Appendix 1 to the report; (b) that it be remitted to the Executive Director (Education and Youth Employment), in consultation with the Leader and Cabinet Member for Education and Youth Employment, to revise the proposed consultation response set out at Appendix 2 to incorporate (i) further detail on the need for appropriate engagement and consultation with parents and (ii) the importance of targeted support for vulnerable families; and (c) that the consultation response, as amended, be submitted to the Scottish Government.

## **5. Violence Against Women 16 Days of Action**

Submitted report by the Executive Director (Place) on Violence against Women and Girls in North Ayrshire and an overview of the 16 Days of Action campaign to end Violence Against Women 2016. Appendix 1 to the report summarised the events associated with the 16 Days of Action.

The Chair, on behalf of the Cabinet as a whole, expressed his appreciation for the work carried out by the partnership over the last year and welcomed the reduction in recorded incidents of domestic abuse.

The Leader and the Chief Executive then signed the Statement of Intent on behalf of the Council to 'End Men's Violence Against Women' and individual Members and officers were invited to sign the Pledge never to commit, condone or remain silent about men's violence against women.

The Cabinet agreed to note (i) that the Statement of Intent and Pledge had been signed by relevant Members and Officers and (ii) Elected Member and Chief Officers support for the annual 'Reclaim the Night' procession on 8 December 2016.

## **6. Chair's Remarks**

The Chair advised that the next ordinary meeting of the Cabinet would include Education business and that lay representatives would, therefore, be invited to attend.

Noted.

The meeting ended at 3.20 p.m.





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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 3**

**20 December 2016**

#### **Cabinet**

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<b>Title:</b>	<b>School Estate - Secondary School Improvements</b>
<b>Purpose:</b>	To outline proposals to upgrade and refurbish Irvine Royal Academy, Kilwinning Academy and Auchenhavie Academy.
<b>Recommendation:</b>	Cabinet are asked to: <ul style="list-style-type: none"><li>a) approve the high level design proposals for each school; and</li><li>b) agree to funding the projects from within existing capital allocations.</li></ul>

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#### **1. Executive Summary**

- 1.1 The Scottish Government's School Estate Strategy outlines the aspiration to have schools across Scotland which:
- promote the high value we place on learning
  - provide young people and communities with educational facilities that they can enjoy using and can be proud of
  - are well designed, maintained and managed and which encourage continuous engagement with learning; and
  - enrich the communities they serve and the lives of learners and families.
- 1.2 North Ayrshire Council places a high priority in providing our children, young people and future generations with the best schools possible. A significant level of investment has been made across the school estate resulting in children and young people being educated in some of the best learning environments in Scotland.
- 1.3 This report outlines plans for further investment to enhance the buildings and facilities at Irvine Royal Academy, Kilwinning Academy and Auchenhavie Academy.

## **2. Background**

- 2.1 Education and Youth Employment's (E&YE) vision for the school estate is to create high quality learning environments that are sustainable, inclusive and fit for purpose, to deliver effective learning and teaching. A main driver is to ensure that every child achieves the highest possible standards, and has the right range of skills, qualifications and achievements to allow them to succeed in life.
- 2.2 Experience suggests that, when educated in the sort of conditions described above, children and young people learn better, take pride in their surroundings, learn to behave responsibly, and show respect for their environment. There is growing evidence that improved educational facilities result in improved attainment and achievement.
- 2.3 A strategic review of education was undertaken in 2014. The objectives of this review were to raise educational attainment and achievement, improve outcomes for young people and review educational assets to provide an estate which is fit for the 21<sup>st</sup> century. A key output from the review of the school estate was the clear need to improve educational facilities for young people in secondary schools, where there were no plans to rebuild them.
- 2.4 As a result of this, in February 2016, the Council allocated £5.973m capital investment to enhance the learning environment in Irvine Royal Academy, Auchenhavie Academy and Kilwinning Academy. This was subsequently increased to £7.729m in September 2016.
- 2.5 In addition, £1.4m has been committed from previous capital allocations to the internal refurbishment of Irvine Royal Academy, including works related to the co-location of Ayrshire College.
- 2.6 £10m of capital investment was also approved to address lifecycle issues in operational properties. This is the only funding identified in the 10 year capital plan that will serve this purpose. This investment is being prioritised based on condition survey information taken from across the corporate property estate. The purpose of this investment is to improve the overall condition of the Council's property assets, including schools, where appropriate.
- 2.7 Property Management and Investment (PMI) are coordinating this investment, concentrating on high and medium priority issues highlighted as requiring investment of £0.1m or above, identified through condition surveys.

- 2.8 The PLI programme is also being coordinated with other current investment proposals to ensure the impact and efficiency of any expenditure is maximised. PMI and E&YE have been working closely to develop proposals for these schools and to ensure alignment with the lifecycle investment.
- 2.9 North Ayrshire Council has taken part in a Scottish Government pathfinder project in relation to Non Domestic Energy Efficiency (NDEE) funding. Through this project the Council was successful in securing external funding to undertake a feasibility study regarding possible spend to save energy efficiency measures across the corporate property estate.
- 2.10 The feasibility study is now complete and has identified a range of possible improvements, including works to the three retained academies. The nature of the NDEE programme is that the works will be undertaken through a separate contract to the refurbishment works. However, the nature and execution of these works would be co-ordinated to complement the refurbishment and minimise disruption to teaching and learning.
- 2.11 A separate report has been submitted to cabinet seeking approval to proceed with the NDEE proposals.
- 2.12 Details of the main components of the design schemes for each school and associated estimated costs are attached at Appendix 1. Funding sources are also proposed.

### **3. Proposals**

- 3.1 The high level design schemes and phasing for each of the schools, outlined at Appendix 1, are proposed for approval.
- 3.2 It is proposed that ongoing design development will take place with young people, parents and staff to finalise design schemes. Project programmes will also be developed in conjunction with Head Teachers to ensure minimal disruption to the smooth running of the schools.

3.3 Funding for the projects is proposed from the following sources as outlined at Appendix 1.

<b>School</b>	<b>Existing Capital Programme</b>	<b>Enhancing the Learning Environment Capital Fund</b>	<b>Property Lifecycle Investment Capital Fund</b>	<b>Total</b>
Irvine Royal Academy	£1,400,000	£869,000	£718,000	<b>£2,987,000</b>
Kilwinning Academy		£3,350,000	£565,000	<b>£3,915,000</b>
Auchenharvie Academy		£3,510,000	£1,275,000	<b>£4,785,000</b>
<b>Total</b>	<b>£1,400,000</b>	<b>£7,729,000</b>	<b>£2,558,000</b>	<b>£11,687,000</b>

#### 4. Implications

<b>Financial:</b>	<p><b>Capital</b></p> <p>£7.729m enhancing the learning environment funding has been allocated with the capital plan. £10m property lifecycle investment funding has been allocated within the capital plan. It is proposed £2,558,000 is expended across the retained academies.</p> <p>£1.4m has been expended at Irvine Royal from existing capital budgets.</p>
<b>Human Resources:</b>	There are no implications arising directly from this report.
<b>Legal:</b>	These projects will require to be tendered.
<b>Equality:</b>	There are no implications arising directly from this report.
<b>Environmental &amp; Sustainability:</b>	All design schemes will take account of environmental and sustainability considerations.
<b>Key Priorities:</b>	<p>These improvements will support the Council in:</p> <ul style="list-style-type: none"> <li>• Ensuring people have the right skills for learning, life and work</li> <li>• Supporting all of our people to stay safe, healthy and active; and</li> <li>• Protecting and enhancing the environment for future generations.</li> </ul>

<b>Community Benefits:</b>	There are no implications arising directly from this report.
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## 5. Consultation

5.1 Consultation has been undertaken with the following key stakeholders:

- Head Teachers
- Parent Councils
- Elected Members
- Property Management and Investment

5.2 Some young people have been involved in initial consultation on priorities for their schools. In consultation with the Head Teachers, it was felt that cost estimates should be obtained for initial design proposals to assess affordability, before raising expectations. This important engagement is required to ensure young people's views are heard to refine design proposals.

5.3 Further consultation is required to consider project programmes to ensure the smooth operations of the schools, whilst the refurbishments projects are underway.



JOHN BUTCHER  
Executive Director (Education and Youth Employment)

Reference : JT/LT

For further information please contact Lynn Taylor, Senior Manager, Resources and Infrastructure, on 01294 324437.

### Background Papers

None



<b>Kilwinning Academy Proposals</b>	
What?	Kilwinning Academy is one of 3 retained academies which will receive investment through the Enhancing the Learning Environment (ELE) capital budget allocation.
How?	The school currently operates at 65% capacity. A number of faculties require to be upgraded and the existing layout causes operational issues. An overall aspirational programme of works has been developed and a concept design prepared, which would see various faculties updated to modern standards.
When?	<p>The phasing of the programme of works is currently being considered. Construction work would require to be undertaken during term-time, out with examination periods, and utilising the school holiday periods, where possible.</p> <p><b><u>Aspirational Programme</u></b> Due to the condition of existing external PE facilities, the school has identified the construction of an 11-a-side all weather pitch as a key priority.</p> <p>Further works which would refurbish facilities within the 4 blocks of the campus have been identified:</p> <p><b>Block A</b></p> <ul style="list-style-type: none"> <li>▪ ICT teaching base refurbishment</li> </ul> <p><b>Block B</b></p> <ul style="list-style-type: none"> <li>▪ Pastoral Support</li> <li>▪ Hub, including Support room, Careers office, School nurse, Area Inclusion office and Right to Learn office</li> <li>▪ Library</li> <li>▪ Ground floor administration area, including front reception</li> <li>▪ Staff Toilets/Cloakrooms</li> </ul> <p><b>Block C</b></p> <ul style="list-style-type: none"> <li>▪ Language faculty including associated open area,</li> <li>▪ Maths faculty including associated open area,</li> <li>▪ Language faculty pupil toilets,</li> <li>▪ Technical faculty boys toilet</li> <li>▪ Graphics faculty teaching spaces</li> </ul> <p><b>Block D</b></p> <ul style="list-style-type: none"> <li>▪ Pupil Changing – Boys &amp; Girls</li> <li>▪ PE Staff Base</li> <li>▪ Staff Toilets/Changing</li> <li>▪ Assembly Hall</li> <li>▪ Sound Technology Rooms</li> </ul>

	<p>A phasing schedule would need to acknowledge that:</p> <ul style="list-style-type: none"> <li>Language and maths faculties would require to decant to vacant teaching spaces until refurbishment works are undertaken</li> <li>Changing &amp; toilet refurbishment works would require to be undertaken during school holiday periods</li> </ul>
How much?	<p>High level cost estimates have been prepared to deliver the aspirational programme, which can be summarised as:</p> <p><b>All weather pitch:</b> £0.750m  <b>Block A:</b> £0.297m  <b>Block B:</b> £0.738m  <b>Block C:</b> £1.431m  <b>Block D:</b> £0.675m</p> <p><b>Total:</b> <b><u>£4.281m</u></b> (inclusive of 10% contingency)</p> <p>As this estimated amount would exceed available funding across the ELE capital budget, a priority assessment of the work was carried out with the School Community and representatives from E&amp;YE and PMI. This proposal is to take forward the following priority works from the aspirational programme:</p> <p><b>All weather pitch</b></p> <p><b>Block A</b></p> <ul style="list-style-type: none"> <li>ICT refurbishment</li> </ul> <p><b>Block B</b></p> <ul style="list-style-type: none"> <li>Toilets/Cloakrooms</li> </ul> <p><b>Block C</b></p> <ul style="list-style-type: none"> <li>Language faculty including associated open area</li> <li>Maths faculty including associated open area</li> <li>Language faculty pupil toilets,</li> <li>Technical faculty boys toilet</li> </ul> <p><b>Block D</b></p> <ul style="list-style-type: none"> <li>Pupil Changing – Boys &amp; Girls</li> <li>PE Base</li> <li>Staff Toilets/Changing</li> <li>Assembly Hall</li> <li>Sound Technology rooms</li> </ul> <p>If taken forward, the proposed list will cost approximately <b>£3.350m</b>.</p>



Other works	<p>In addition to the proposed work to enhance the learning environment, high priority works identified within the Property Life Cycle Investment (PLI) capital budget will also be progressed.</p> <ul style="list-style-type: none"><li>▪ Roofing works identified as high priority at Kilwinning Academy with a budget of approximately <b>£0.565m</b> will be undertaken.</li></ul>
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<b>Auchenharvie Academy Proposals</b>	
What?	Auchenharvie Academy is one of the 3 retained academies which will receive capital investment through the Enhancing the Learning Environment (ELE) capital budget allocation.
How?	<p>The school currently operates at 70% capacity and a number of faculties require to be upgraded. An overall aspirational programme of works has been developed and a concept design prepared, which would see various faculties updated to modern standards.</p> <p>A new additional support needs school is being proposed on an adjacent site (subject to the outcome of the ongoing public consultation). The external fabric of the academy is ageing and tired in appearance and would benefit from upgrade. Proposals are being developed which would see the academy building over-clad to both improve the appearance and performance of the building envelope.</p> <p>Condition survey information highlights that replacement windows are required along with several other external fabric. If an over-cladding project is progressed, £0.448m from the PLI will be used to contribute to this work.</p> <p>The aspirational programme of works would improve the school learning environment of PE, music, drama and improve facilities for community use.</p>
When?	<p>The phasing of the programme of works is currently being considered. Construction works would require to be undertaken during term time, out with examination periods and where possible, maximising the school holiday periods.</p> <p><b><u>Aspirational Programme</u></b></p> <ul style="list-style-type: none"> <li>▪ Aluminium rain-screen cladding</li> <li>▪ Aluminium window replacement to the front elevation</li> <li>▪ Over-cladding of technical &amp; PE block</li> <li>▪ Conversion of former toy library and upgrade to accommodate new changing rooms with showers, new PE staff base, gym store, drama room &amp; PE teaching space (current music services)</li> <li>▪ PE changing facilities upgrade to 4no x 20 capacity changing rooms with showers</li> <li>▪ Music faculty upgrade</li> <li>▪ Assembly hall refurbishment – similar in specification to Irvine Royal Academy assembly hall upgrade</li> </ul> <p>A phasing schedule would need to acknowledge that:</p>

	<p>a) Over-cladding works to the main teaching block could commence after the examination period, in the second half of 2017. Works would start at the practical classroom end of the building (Home Economics and Science) and would require to be programmed to prevent more than 1 practical classroom per subject being out of action at any time. It may take up to a year to complete, due to the phasing required to reduce disruption to the school.</p> <p>b) An initial assessment of the work involved to upgrade faculties suggests it could take a minimum 14 months to complete, due to phasing of the works to minimise disruption to the school. External cladding, if achievable could be concurrent with this work. Careful consideration will be made to ensure that areas required for examinations are kept available. Each phase will require to be fully completed before commencing the next.</p> <p>c) Area of former toy library &amp; current music services would require to be undertaken first to facilitate the upgrade of existing changing rooms on a phased basis.</p>												
How much?	<p>High level cost estimates have been prepared to deliver the aspirational programme, which can be summarised as:</p> <table> <tr> <td>Over-cladding &amp; Window Replacement:</td><td>£3.000m</td></tr> <tr> <td>PE Conversion of Toy Library &amp; Services:</td><td>£0.550m</td></tr> <tr> <td>Upgrade of Existing PE Changing Rooms:</td><td>£0.408m</td></tr> <tr> <td>Music Faculty Upgrade:</td><td>£0.487m</td></tr> <tr> <td>Assembly Hall upgrade:</td><td>£0.125m</td></tr> <tr> <td><b>Total:</b></td><td><b><u>£4.570m</u></b></td></tr> </table> <p>As this estimated amount would exceed available funding across the ELE capital budget, a priority assessment of the work was carried out with the School Community and representatives from E&amp;YE and PMI. This proposal is to take forward the following priority works from the aspirational programme:</p> <ul style="list-style-type: none"> <li>▪ Aluminium rain-screen cladding</li> <li>▪ Aluminium window replacement to the front elevation</li> <li>▪ Over-cladding of technical &amp; PE block</li> <li>▪ Conversion of former toy library and upgrade to accommodate new changing rooms with showers, new PE staff base, gym store, drama room &amp; PE teaching space (current music services)</li> <li>▪ PE changing facilities upgrade to 4no x 20 capacity changing rooms with showers</li> </ul> <p>If taken forward these items will cost approximately £3.958m. As it is proposed to contribute £0.448m from the PLI to replace windows the ELE commitment would be in the region of £3.510m</p>	Over-cladding & Window Replacement:	£3.000m	PE Conversion of Toy Library & Services:	£0.550m	Upgrade of Existing PE Changing Rooms:	£0.408m	Music Faculty Upgrade:	£0.487m	Assembly Hall upgrade:	£0.125m	<b>Total:</b>	<b><u>£4.570m</u></b>
Over-cladding & Window Replacement:	£3.000m												
PE Conversion of Toy Library & Services:	£0.550m												
Upgrade of Existing PE Changing Rooms:	£0.408m												
Music Faculty Upgrade:	£0.487m												
Assembly Hall upgrade:	£0.125m												
<b>Total:</b>	<b><u>£4.570m</u></b>												

Other works	<p>In addition to the proposed work to enhance the learning environment, the following works identified within the Property Life Cycle Investment (PLI) will also be progressed:</p> <ul style="list-style-type: none"><li>▪ Roofing works with a budget allocation of approximately £0.347m.</li><li>▪ Biomass installation at £0.480m.</li><li>▪ Window replacement with a budget allocation of approximately £0.448m</li></ul>
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<b>Irvine Royal Academy Proposals</b>	
What?	Irvine Royal Academy was the first of the 3 retained academies to receive capital investment through the Enhancing the Learning Environment capital budget allocation. This was also the pilot project of the Council's strategic partnership with Ayrshire College which co-located bespoke facilities.
How?	<p>The school has had enhancement carried out over a series of earlier phases, the first of which vacated space for Ayrshire College to utilise:</p> <p><b>Phase 1</b> – Summer 2014 : Art Room refurbishment &amp; creation of temporary Music Faculty</p> <p><b>Phase 2</b> – Summer 2015: Music Room refurbishment &amp; Graphics Communication relocation</p> <p><b>Phase 3</b> - Summer 2016: Art &amp; Music corridor upgrade</p> <p>Due to working within the constraints of an occupied school, remaining works have been phased to minimise disruption to its operation.</p>
When?	<p>Remaining enhancement works which are required as a result of rationalising faculties comprise:</p> <p><b>Phase 4</b> - Scope of Works: Upgrades to Science and Home Economics during 2016/17 term time.</p> <p><b>Phase 5</b> - Scope of Works: 3rd &amp; 4th floor corridors, main reception area including library corridor to be undertaken Summer 2017.</p>
How much?	The total project expenditure for Irvine Royal Academy on enhancing the learning environment is approximately £2.269m, with £0.869m of this funded from the Enhancing the Learning Environment capital funding allocation.
Other works	It has been agreed that high priority roofing works identified within the Property Life Cycle Investment (PLI) will progress. The amount currently allocated to undertake is approximately £0.718m.

School	Approved Capital Programme	Enhancing the Learning Environment Funding (ELE)	Property Lifecycle Investment Funding (PLI)	Total per School	Description
Kilwinning Academy		£3,350,000			Pitch, ICT, Language & Maths, PE changing
			£565,000		Roofing
				<b>£3,915,000</b>	Kilwinning Academy Total
Auchenharvie Academy		£3,510,000			Over-cladding & PE upgrades
			£1,275,000		Roofing, Biomass & windows
				<b>£4,785,000</b>	Auchenharvie Academy Total
Irvine Royal Academy	£1,400,000				Music, Art
		£869,000			Science, Home Economics, Reception
			£718,000		Roofing
				<b>£2,987,000</b>	Irvine Royal Academy Total
<b>Total</b>	£1,400,000	£7,729,000	£2,558,000	<b>£11,687,000</b>	Overall Investment

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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 4**

**20 December 2016**

#### **Cabinet**

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**Title:** **Education Governance**

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**Purpose:** Approve North Ayrshire response to the Scottish Government's review: Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education.

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**Recommendation:** Agree the content of the response to the Governance Review.

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#### **1. Executive Summary**

- 1.1 The Scottish Government are currently consulting on the future governance arrangements for Education in Scotland. It is clear, from various ministerial statements, that some form of 'Regionalisation' is the preferred governance model.
- 1.2 The paper sets out North Ayrshire Council's response to the National Governance Consultation (attached at Appendix 1).

#### **2. Background**

- 2.1 In June 2016 the Scottish Government published its blueprint for the future of Scottish Education. 'Delivering Excellence and Equity in Scottish Education'.
- 2.2 The paper recognises the many strengths in Scottish Education which, it says, reflects the 'hard work and commitment of teachers, parents and young people across Scotland'. It does not recognise the strength or contribution of the Local Authority to existing good practice.
- 2.3 The delivery plan outlines the steps that the Scottish Government will take to achieve improvements. Improvements will be built on the work contained in the National Improvement Framework, published January 2016, and the Organisation for Economic Co-operation and Development (OECD) Review of Education in Scotland 2015.

- 2.4 The blueprint sets out the Government's key policy ambition to 'close the attainment gap' in Scotland. It recognises that in order to achieve this it must involve everyone across all sectors in education as well as communities and wider public services.
- 2.5 The blueprint sets out a number of key areas of policy development that will be the focus for improvement. These are:
- A curriculum which delivers for Children and Teachers
  - A desire to empower teachers, Head Teachers, practitioners, parents, communities and children and young people.
  - The National Improvement Framework
  - Parental Engagement
  - School Improvement
  - Performance Information
- 2.6 In addition, the Government required a commitment to reduce bureaucracy in Education. This resulted in the inspection of local authorities during September 2016. The subsequent report highlighted existing sound approaches across the majority of local authorities to supporting schools and reducing bureaucracy. The report did not highlight significant weaknesses in the system, however, it is considered by many as justification of the Government's assertion that local authorities may in themselves be a barrier to improvement.
- 2.7 In September 2016, as indicated in the blueprint for Scottish Education paper, the Government began a 'Governance Review'. 'Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education' was published.
- 2.8 The Governance Review is based on the premise that in order to deliver on the vision of excellence and equality in education, decisions about children's learning and life should be taken within schools, supported by parents and local communities.
- 2.9 The review has a focus on system governance, however, has little to say about the effective impact Local Government has on the current system and is almost silent on its future role.
- 2.10 The review highlights what the OECD considers to be the five key components of good governance of education systems:
- focus on processes, not structures
  - flexible and adaptive to change and unexpected events
  - works through building capacity, stakeholder involvement and open dialogue
  - requires a whole system approach
  - harnesses evidence and research to inform policy and reform



2.11 The OECD also identified three themes vital for effective governance and successful reform:

- accountability
- capacity building, and
- strategic thinking

2.12 The governance review has 15 questions with responses required by 6 January 2017. (see Appendix 1: North Ayrshire Response)

1. What are the strengths of the current governance arrangements of Scottish education?
2. What are the barriers within the current governance arrangements to achieving the vision of excellence and equity for all?
3. Should the above key principles underpin our approach to reform? Are there other principles which should be applied?
4. What changes to governance arrangements are required to support decisions about children's learning and school life being taken at school level?
5. What services and support should be delivered by schools? What responsibilities should be devolved to teachers and Head Teachers to enable this? You may wish to provide examples of decisions currently taken by teachers or Head Teachers and decisions which cannot currently be made at school level.
6. How can children, parents, communities, employers, colleges, universities and others play a stronger role in school life? What actions should be taken to support this?
7. How can the governance arrangements support more community-led early learning and childcare provision particularly in remote and rural areas?
8. How can effective collaboration amongst teachers and practitioners be further encouraged and incentivised?
9. What services and support functions could be provided more effectively through clusters of schools working together with partners?
10. What services or functions are best delivered at a regional level? This may include functions or services currently delivered at a local or a national level.
11. What factors should be considered when establishing new educational regions?
12. What services or support functions should be delivered at a national level?
13. How should governance support teacher education and professional learning in order to build the professional capacity we need?

14. Should the funding formula for schools be guided by the principles that it should support excellence and equity, be fair, simple, transparent, predictable and deliver value for money? Should other principles be used to inform the design of the formula?
  15. What further controls over funding should be devolved to school level?
- 2.13 The approach is considered to be rooted in the four pillars of reform laid down by the Christie Commission:
- a presumption of prevention
  - integration and partnership
  - a sharp focus on performance, and
  - investment in people
- 2.14 In addition, the Government state that the education system in Scotland must:
- be focused on improving outcomes, and support the delivery of excellence and equity for children and young people
  - meet the needs of all of our children and young people, no matter where they live or their family circumstances
  - support and empower children and young people, parents, teachers, practitioners and communities
  - be supported by a simple and transparent funding system to ensure the maximum public benefit and best value for money, and
  - support children and young people to make smooth transitions into formal learning through school and into further education, training or employment
- 2.15 It should be noted that other policy imperatives also impact on this governance review:
- Child Protection review
  - SQA Exams
  - Standard Assessment
  - Digital Technologies
  - GIRFEC
  - Developing the Young Workforce
  - Children's Health/ Well-being
  - Attainment Challenge
  - Expansion of Early Learning and Childcare, and
  - Schools for the Future (SFT)
- 2.16 Clearly Local Authorities have always been the delivery vehicle for a successful education system in Scotland. However, this is not recognised in the governance review to any great extent and the Deputy First Minister has, on a number of occasions, raised the issue of regionalisation. It remains unclear what this actually means.

### 3. Proposals


- 3.1 Cabinet are asked to agree North Ayrshire's response to the Scottish Governments review: Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education.

### 4. Implications

<b>Financial:</b>	There are no implications arising from this report.
<b>Human Resources:</b>	There are no implications arising from this report.
<b>Legal:</b>	There are no implications arising from this report.
<b>Equality:</b>	There are no implications arising from this report.
<b>Environmental &amp; Sustainability:</b>	There are no implications arising from this report.
<b>Key Priorities:</b>	
<b>Community Benefits:</b>	There are no implications arising from this report.

### 5. Consultation

- 5.1 Consultation has taken place with Head Teachers and the Education lead officers from East and South Ayrshire Councils. The response to the Governance Review reflects work undertaken by the Association of Directors of Education (ADES).



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Reference : JB/JN

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### Background Papers

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## **North Ayrshire Council: Response to the Scottish Government consultation; Empowering teachers, parents and communities to achieve Excellence and Equity in Education – A Governance Review, January 2017**

### **GENERAL ISSUES**

North Ayrshire Council generally embrace change in an effort to improve delivery of public services for its citizens. Indeed they have a dedicated change team in place and have delivered successfully a significant range of change projects, over the last few years, which has brought improved outcomes for its communities. The authority remains positive about change and has the highest ambitions for its children and young people. The authority when delivering change does not seek to preserve political or professional interests that could be considered to be barriers to service improvement. The authority will therefore will support any strategy which is likely to produce better outcomes for children and young people and reduces inequalities. Further, the authority are likely to agree with any clearly demonstrated position which seeks to secure better outcomes for children and young people by providing improved support to schools, early years provision, specialist education provisions and the teachers and other professionals who work in them. The delivery, over time, of securing such improved outcomes must be the absolute test of any proposed change and governance arrangements.

North Ayrshire Council has successfully led the delivery of high quality education for its citizens since it came into being; the leadership team is in daily contact with schools, nurseries, parents, children and young people across all sectors and support services, including private and voluntary sector partners; political accountability and responsibility to the communities we serve is strong and central to our work and professional commitment; we therefore believe that we are well placed to comment from a position of strength on this governance review.

North Ayrshire Council believes that it will not be possible for the Government to come to a view on any necessary changes to the broad framework within which education is delivered without gaining a deeper understanding of the work that local authorities deliver effectively in relation to education and other service areas that impact on its citizens in the education context. A description of the work of local authorities is presented at Appendix 1. That appendix highlights the role of authorities in supporting the learning journey of all children and young people at both the strategic level and that of the individual young person. This role is particularly important in protecting the interests and meeting the needs of disadvantaged and vulnerable children and young people. The effective discharge of this role relies on a complex web of working relationships with other local authority services, particularly children and families social work delivered by the Integrated Joint Board, and with community planning partners, health providers, the police and other agencies including those in the third sector. The implications of this account of local authority services will be considered further specifically in relation to the consultation questions. North Ayrshire Council requests that it should be noted that the account of the role of local authorities, given on pages 3-4 of the consultation document, is not helpful in establishing a basis for the governance review. In addition, the document does not recognise the extent and

range of structures and work that currently exist, particularly in the context of collaboration within and beyond North Ayrshire Council. This includes:

- Formal working arrangements between authorities
- Informal working arrangements between authorities
- Partnership work with other agencies brokered through community planning
- Sector meetings (additional support needs, primary, secondary and early years) arranged within and between authorities
- Meetings of local school clusters within communities
- National meetings and training events arranged by ADES, Education Scotland, the Scottish Qualifications Authority and other agencies
- Meetings brokered through the work of the Scottish College for Educational Leadership (SCEL)
- GLOW
- Work with the Integrated Joint Board relating to children's health and welfare
- The work of the Local Child Protection Committee
- The DYW Pan Ayrshire Board
- The Ayrshire Chamber of Commerce
- The Economic Growth Strategy
- The Ayrshire Strategic Alliance

The Scottish Government continues, through its publications, to point to the successes of the Scottish education system and the positive and improving outcomes being secured for children and young people. Thanks to the positive partnerships which exist between national government, local authorities, national agencies, schools, nurseries and professional groups, a strong and comprehensive policy base has been developed that is already yielding benefits. This is evident in Getting it Right for Every Child; Curriculum for Excellence; Developing the Young Workforce; Teaching, Scotland's Future; Scotland's Schools for the Future, the Scottish Attainment Challenge; and the investments in Early Learning and Childcare. These policy objectives are all based around collaboration and developed or developing partnership work. Indeed, North Ayrshire Council has demonstrated its commitment to partnership working as a way of delivering improved outcomes for children, young people, families and communities via its Education and Youth Employment Directorate, Leadership team, Political Leadership and Community Planning structures.

Local authorities have been central to developing, planning, operationalising, supporting, monitoring and refining these change and improvement agendas. The position reached and the direction and pace of change achieved requires to be recognised and acknowledged in any review of governance. The recognition of this positive climate should be assessed against the implications and risks associated with any proposed changes. North Ayrshire Council believes that the case for a continued focus on improving outcomes is strong but the case for removing accountability from Local Authorities for delivering high quality education is weak. The current governance review would benefit greatly by including acknowledgement and weight to the present structures and position reached in the Scottish education system and identifying those areas which would benefit from higher prioritisation, further development, being reshaped or delivered within different governance arrangements.

On pages 5-6 of the governance review paper it explains why this is the right time to embark on this exercise. As the review states, the prime legislation, the Education (Scotland) Act, 1980 has been in place for over 35 years. There is certainly a case for overhauling that legislation due to changes in society, the family and the education system in order to simplify the law, harmonise legislation bringing a joined up approach to service delivery. In its present state, education law is complex, and when you add in legislation that impacts on children and families generally, even to those working in the field. To support the intention of greater empowerment of parents, young people and communities, the law – as the authoritative statement of respective rights and responsibilities - needs to be simplified and streamlined. This is a different issue, however, to changing governance arrangements in so far as they are described in the review. Account should be given to the sequential reviews of organisational arrangements that have taken place as a consequence of legal changes such as the Local Government (Scotland) Act, 1994 (local government reorganisation), The Local Government in Scotland Act, 2003 and associated guidance (best value and community planning); and the Public Bodies (Joint Working) (Scotland) Act, 2014 (health and social care partnerships). The ASN Act 2004 and the Children and Young People (Scotland) Act 2014. Any changes in the governance framework should be considered taking account of this new partnership landscape with a view to better

supporting the aims of the Delivery Plan “*Delivering Excellence and Equity in Scottish Education*”.

The rationale of the review also appears to rest heavily on the findings of the Accounts Commission set out on page 6 of the review:

*“The Accounts Commission report, School education, published in 2014, highlighted the significant variation in attainment between individual councils, schools and groups of pupils. Deprivation and poverty undoubtedly have a large impact on attainment, but the Accounts Commission found that some schools have achieved better attainment results than their levels of deprivation would indicate.” (School education, page 6)*

In coming to that view, the Accounts Commission failed to acknowledge what differences in attainment might exist if head teachers and local authorities had not already been giving attention to this matter. However, the report did specifically, and positively, identify the work going on in Councils to address attainment issues:

*“Although it is mainly lower-performing councils that have made the most improvements in attainment in the past decade, continuous improvements have also been made by two of the highest-performing councils.” (School education, page 23)*

Nationally, although mention was made of the development by Education Scotland of a tool to assist in benchmarking (now known as the Insight tool) the potential impact of this highly sophisticated approach was not fully discussed. Similarly, the Accounts Commission did not discuss, or propose, the changes that are suggested in the governance review. The actual recommendations of the Accounts Commission are reproduced at Appendix 2 for ease of reference and these stop well short of proposing any form of regionalisation, instead in paragraphs 84 to 86 on page 38 rather, the potential of benchmarking and sharing good practice to address issues relating to educational performance is raised.

A justification for the proposals particularly as they relate to regions or more powers at local level for schools in the governance review therefore cannot be found in the Accounts Commission report.

The consultative document contains a number of references to the work of the OECD and its more general reports such as “*Governing Education in a Complex World*” (OECD, 2014) or, specifically as applied to Scotland: “*Improving Schools in Scotland: An OECD Perspective*” (OECD, 2015). The OECD is a respected and influential body with access to a broad range of data and knowledge of education systems across the World.

Page 5 of the consultative document presents a diagram summarising five key components of effective governance supported by three themes. It is unclear how the five components or the three themes as presented by the OECD support the arguments either for the governance review or the matters upon which the consultation is being conducted. This is particularly the case, since the first stated component in the page 6 diagram links “effective governance” to “focuses on processes, not structures”, and yet the key elements of the governance review as defined by page 10 of the Delivery Plan:



*“This review will examine the system changes required to deliver our commitments to empower schools, decentralise management and the support through the encouragement of school clusters and creation of new educational regions.”*  
(*Delivering Excellence and Equity in Scottish Education*, Page 10, Scottish Government 2016)

It is these structural aspects that have gained most attention, and which form the core of the review yet it can be seen that the OECD is specifically arguing against such an approach: *“While structures occupy much of the discussion about successful governance, it is more fruitful to focus on processes.”*<sup>1</sup>

Pages 11 and 12 of the governance review give more information on “strengthening the middle” which it explains mainly in terms of “clusters” and “educational regions” with the OECD report *Improving Schools in Scotland: An OECD Perspective* being quoted as the authority for these ideas. Here it is important to know that although entitled “Improving Schools in Scotland”, in fact the focus of attention was much narrower than that; as stated it was to provide *“an independent review of the direction of Curriculum for Excellence and emerging impacts seen in quality and equity in Scottish schooling. It focuses especially on the cycles corresponding to Broad General education”*<sup>2</sup> It was not therefore a comprehensive review of all aspects of educational provision whether considered at a school, local authority or national level. Thus, while there is a case to use its findings to further develop and improve Curriculum for Excellence, there is therefore only a weak basis to extrapolate its findings into a broader review of educational governance.

Even within that narrower field of curricular development the argument developed in pages 100-103 of the OECD review for strengthening the middle is more complex and subtle than presented in the Scottish Government’s consultative document. In fact, the OECD advocate a strengthened role for local authorities rather than the creation of new formal structures:

*“This may be the middle of the formal system organigram represented by districts, local authorities etc.; it may be the “meso” level combinations of the networks, chains, professional communities, initiatives, and groupings that are often invisible in the official charts of an education system. The “middle” may thus also be defined vertically and horizontally; we argue in this report that it needs to include both. “(page 98, OECD, 2015)*

Correctly, however, the OECD do also point to the importance of professional networking across establishments leading to the adoption of best practice as a means to improving equity. North Ayrshire Council has well developed process in place to support and encourage professional networking at school, subject and individual level. Indeed professional dialogue and sharing good practice are well established in the authority between agencies involved in the provision of services to children and families. This is consistent with their view of the primacy of processes over structures, and the examples the OECD give can be achieved without recourse to legally enforced arrangements.

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<sup>1</sup> Page 97 *“Improving Schools in Scotland: An OECD Perspective”*, OECD, 2015

<sup>2</sup> Page 3 *“Improving Schools in Scotland: An OECD Perspective”*, OECD, 2015

It is interesting that a broader view of the Scottish Education system is found in an earlier report of the OECD, which observed:

*“The capacity of local councils to ensure a more consistent pattern of outcomes across Scotland is limited partly by funding arrangements and partly by inflexibility in national curricula and examinations. Local councils are the main vehicle for redistributive funding to schools, but their capacity to address relative need within their boundaries is not necessarily enhanced by direct “ring-fenced” grants from government to schools, by multiple funding lines, complex accountability arrangements and reverse “claw back” productivity transfers.”*

(Page 17, Reviews of National Policies for Education: Scotland 2007: Quality and Equity of Schooling in Scotland)

This earlier report also envisaged a strong role for local authorities whilst also highlighting the potential for improvements through greater school autonomy which it saw mainly in terms of school staffing. It also foresaw that greater autonomy locally might lead to less, not improved equity. North Ayrshire Council believes that this could be a unintended consequence of devolving more autonomy to schools and establishments.

The position of the OECD, therefore, is to look for change, but to seek this through processes and not changes to structure. In both its 2007 and 2015 reports the OECD see a strong, and not diminished, role for local authorities whilst seeking a simplification of arrangements rather than creation of new or alternative structures.

North Ayrshire Council note that Education Scotland publishes annually a review reflecting their work which highlights what they consider to be key aspects of the Scottish Education system. The review is broadly based and includes impact measures. In the Foreword for the 2014-15 edition, the Chief Executive observes:

*“We are now playing a key role in partnership with Scottish Government colleagues in taking forward the new Scottish Attainment Challenge and the new National Improvement Framework for school education. These new initiatives have the potential to make a decisive impact on one of the defining challenges of our age – how to ensure all learners in Scotland can achieve their full potential, regardless of social circumstances and background.”* (Page 2)

The review then states, and gives further details, including impact measures on six strategic objectives:

- “1: Build a world-class curriculum for all learners in Scotland*
  - 2: Promote high-quality professional learning and leadership amongst education practitioners*
  - 3: Build the capacity of education providers to improve their performance continuously*
  - 4: Provide independent evaluation of education provision*
  - 5: Influence national policy through evidence-based advice*
  - 6: Improve our organisational capability and invest in our people”*
- (Page 4, et seq)

Further amplification of some of the work going on at strategic level is indicated in the body of the review:

*“Working with local authorities continues to be an important aspect of our work and we now have in place partnership agreements with every local authority in Scotland. These agreements, which are coordinated by our Area Lead Officers, are being used to plan and coordinate a range of support from Education Scotland to build capacity in the local authority.”*

(page 17)

In its most current statement both of progress and future work, there is therefore no hint from the national agency charged with supporting educational improvement either for the need, nor therefore the nature of the changes envisaged in the governance review. Indeed, North Ayrshire Council has effective partnership arrangements in place with Education Scotland. Therefore, with clear statements being made on the positive impacts across a range of activity including raising attainment and addressing the attainment gap North Ayrshire Council can see no evidenced case for change. It is also noteworthy that in the 2014-15 Annual Review Education Scotland state:

*“During 2016-17 we will publish a comprehensive review of available intelligence, evidence and research on how well the Scottish education system is performing. It will make use of all available data, such as inspection evidence and achievement data, but also draw from international research and broader intelligence to relate education within its broader social and economic context”. (Page 34)*

This report has not yet been published, and therefore an important opportunity has been missed to link the review to a statement which promises to be authoritative and comprehensive, and which consequently could have been informative in shaping the document and its rationale. It could also have potentially either highlighted the need for change or not.

In January 2016 the Scottish Government published the “National Improvement Framework for Scottish Education: Achieving Excellence and Equity”. This document carried the authority of the First Minister and sought also to address matters lying at the heart of the governance review – excellence and equity. Its implications for the governance review are therefore very important, and it is vital to gain an understanding of how these two critical documents sit together to guide further strategic developments of the education service. Such understanding is made more critical since the National Improvement Framework (NIF) did not consider the governance review as part of the revised arrangements.

The NIF rests heavily on a presumption of using the existing structures and sets out a powerful case for using these as the basis for driving future improvements. In doing so, it attaches appropriate weight to the broader base of integrated children’s services, which do not feature to any degree in the governance review. This position is clearly illustrated in the following extract:

*“Together, this range of key policies and reforms present a powerful programme of development and improvement, transforming our education system and wider*

*children's services. The Framework recognises that improved educational outcomes are part of a wider children's services agenda. The success we have achieved so far has been based on strong partnership between national government, local authorities, schools, parents, children and young people, partners, teachers and other staff employed in education. In focusing now on key priorities through the National Improvement Framework we will seek to build on this success and develop further the strong, existing partnerships. We will only be able to deliver our ambitious aims by supporting staff in schools and early years centres with the shared aim that all our children fulfil their potential across a range of outcomes."* (National Improvement Framework: Excellence and Equity, page 4)

North Ayrshire Council recognises the benefits of this approach which is based on a broader understanding of outcomes for children, as exemplified by the priorities of the NIF<sup>3</sup> in the context of children's services and which recognises that an ambitious improvement programme can be achieved building on existing strengths without the risks attendant on major reorganisation of structures. As already stated North Ayrshire Council has a strong children's services focus driven by the Children's Services Strategic Partnership chaired by the Executive Director of Education and Youth Employment. The Authority recently published its ground breaking Children's Services Plan, which sets out a joint vision, shared by all the community planning partners, for improved outcomes over the life of the strategy, that vision is set out through a series of shared promises.

The NIF also makes strong positive statements on issues which lie at the heart of the governance review, such as teacher professionalism and the role of schools:

*"Through Curriculum for Excellence we have moved away from more rigid prescription, towards a system that defines what we are trying to achieve, and gives teachers and schools the flexibility to design a curriculum – a plan for learning – that will best meet the needs and aspirations for each individual child".* (National Improvement Framework: Excellence and Equity, page 4)

Drawing on the work of the OECD, the Scottish Government further supports this position:

*"In the next phase of the Curriculum for Excellence journey, Scotland has the opportunity to lead the world in developing an innovative national assessment, evaluation and improvement framework. Improving Schools in Scotland: An OECD Perspective. OECD, 2015 (quoted in National Improvement Framework: Excellence and Equity, page 5)*

The NIF goes beyond a specification of what is to be measured, and specifies the organisational structures involved:

*"Planning and reporting on the Framework will form part of a wider public service planning and reporting landscape. There will be clear links to Local Outcome Improvement Plans, Children's Services Plans and education standards and quality reports. We recognise the importance of supporting individual local authorities in*

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<sup>3</sup> Page 7, National Improvement Framework for Scottish Education - achieving excellence and equity", 2016

*deciding how best to align these planning and reporting requirements and will reflect this in the statutory guidance linked to the National Improvement Framework as well as other relevant guidance relating to, for example, children's services planning.* (page 23, "National Improvement Framework for Scottish Education - achieving excellence and equity", 2016)

And:

*"We intend to work with partners to implement a new annual cycle of improvement, aligned at school, local and national level, taking account of local community planning and priorities."* (page 24, "National Improvement Framework for Scottish Education - achieving excellence and equity", 2016)

This description is then situated in the context of lifelong learning and community-based learning:

*"We will work with colleagues in a range of sectors, including Early Years and in Community Learning and Development to ensure that the Framework fully reflects the activity and evidence that significantly impacts on outcomes for all children. We will also work with partners to develop a thorough evidence base for improvements to children's health and wellbeing."* (page 24, "National Improvement Framework for Scottish Education - achieving excellence and equity", 2016)

This goes well beyond the school-based description in the governance review. There is therefore much scope to ensure that the eventual proposals of the governance review are harmonised with the NIF to ensure that there is a clarity of responsibilities for service delivery, service improvement and accountability. North Ayrshire Council support the drive for improved outcomes but are clear that this can be delivered within existing governance arrangements.

The governance review, throughout points to the strengths and achievements of Scottish Education, including its track record of improvement. This picture echoes the findings of the OECD in both its 2007 and 2015 reports on Scottish education. However, there is a view exemplified by the comments in the 2014 Accounts Commission Report "School education" that "there is a considerable gap between Scotland and top performing countries<sup>4</sup>". Such a view is based on the findings from the Programme for International Student Assessment (PISA) and is therefore quite narrowly based, and does not take account, for example, of the outcomes specified in the National Improvement Framework for Scottish Education. There are alternative ways of looking at Scotland's international standing, for example the one published by the Pearson Group in 2014. (<http://thelearningcurve.pearson.com/index/index-ranking>.) which found "The Pearson has ranked UK second in the European ranks and given the rank of #6 in the worldwide ratings in their 2014 publication. However, as a matter of fact the Scottish system has a slight edge over the England when it comes to comparative competitiveness." Other studies such as that published by McKinsey and Company and discussed below as resulting from the work of Mourshed, Chijioke and Barber (2010) tend to support such a view.

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<sup>4</sup> Pages 19-20 "School education", Accounts Commission. 2014

This description of the positive picture of Scottish Education should not be misread as indicating any complacency. North Ayrshire Council, on the contrary, are in no way complacent. In fact our system has reached its present position by being self-critical, learning from international practice and comparisons, and a long standing commitment to continuous improvement. North Ayrshire Council, particularly as it develops its approaches to closing the attainment gap is learning from best practice locally, nationally and internationally. However, studies such as that of Mourshed et al (2010) indicate that it is essential, in driving improvement, to take account of the current context of the system. This is consistent with the overall approach being advocated in this consultative response.

Both within the governance review and across the research literature there is a consensus that the fundamental driver in securing better outcomes for children and young people is the teacher exercising a fully developed professional role. This has been clearly and authoritatively stated within the Scottish Education System in the Donaldson Review:

*“The most successful education systems invest in developing their teachers as reflective, accomplished and enquiring professionals who are able, not simply to teach successfully in relation to current external expectations, but who have the capacity to engage fully with the complexities of education and to be key actors in shaping and leading educational change.”*

Donaldson G, 2011, in “Teaching Scotland's Future: Report of a review of teacher education in Scotland”, Scottish Government

An additional insight into an actual process, specifically related to the stated intention of the governance review in terms of excellence and equity, has also been provided:

*“The Scottish education community needs a national evidence base of what works and professional development in how to use evidence. This will help practitioners differentiate proven, promising and unproven approaches and inform choices about: appropriate curriculum design, resource allocation and how to monitor and evaluate practice for impact.”*

Sosu E and Ellis S, 2014, in “Closing the attainment gap in Scottish education.”

The literature concerned with educational improvement, therefore, has focused primarily on processes rather than structures. This is a position that is consistent with the position taken by the OECD (2015). It has been noted by influential observers such as Professor Michael Fullan that across the world, administrations are seeking to support improvement in outcomes through whole system reform<sup>5</sup>. However, even those papers that concern themselves specifically with educational governance do not identify specific, or preferred governance structures, preferring to identify the types of factors that might be considered in seeking to improve a system. Again, this is consistent with the OECD position which, while identifying an issue in “strengthening the centre” is unspecific on what this should look like.

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<sup>5</sup>Writing in the foreword to “How the World’s Improved School Systems Keep Getting Better”, Mourshed, Chijioke and Barber, 2010

There is some support for the OECD position, and therefore the ideas behind the governance review, about the need for a strong centre. For example, Mourshed, Chijoke and Barber (2010) identify an element in the improvement journey which they describe as “sustaining”, requiring a mediating layer between schools and “the centre” (sic)<sup>6</sup>. Importantly, they state:

*“In retrospect we could have recognized earlier how important the local education authorities were to improving what happened in schools and classrooms across the system. Once we figured that out, it made a big difference.”* (Page 81, Mourshed, Chijioke and Barber, 2010)

For these researchers, there were four types of mediating layer<sup>7</sup>: one that was geographic, school clusters, subject-based mediating layers, or level based (by which they mean one related to learning stage.), but no preferred model was given.

The present challenges of the effective exercise of a mediating role in a climate of increasing school autonomy and diminishing resources requires to be considered. It has been observed that local authority resources have been “stripped to the core” with a loss of expertise, but that simultaneously “school-to-school support mechanisms are far more effective when they are sharply brokered and robustly held to account by someone external to the two schools involved”<sup>8</sup> North Ayrshire Council sought the views of its Head Teachers on this issue. The view of the vast majority was that the Authority had a strong central team that both supported and challenged schools. The Head Teachers recognised the strength of the team and the benefit it brought to schools across the authority. Although this research was conducted in the context of the English education system, many, but not all, key features of the analysis are recognisable in the context of the current discussion.

In the exercise of this role two significant areas of risk are identified. The first is that Head Teachers themselves recognise that it is the least self-aware school leaders who are least likely to seek external challenge and most likely to be susceptible to declining performance<sup>9</sup>. Thus in this action research, while the potential for improvement was recognised in the more autonomous landscape there was a need to ensure the school to school model is coherent and comprehensive, not piecemeal.<sup>10</sup> Since any model based on collaboration rests first on the quality of relationships, and so might be transient, there requires, therefore, to be a clear strategy for sustainability. The second was in ensuring that vulnerable children are suitably placed and that they receive the best possible combination of services<sup>11</sup>. In the latter context there were concerns about Head Teachers lacking confidence in the specialist field of additional support needs and having the capacity to commission appropriate services. Most fundamentally for Parish, Baxter and Sandals (2012) there is a risk that autonomised

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<sup>6</sup> Page 18, *How the World’s Improved School Systems Keep Getting Better*, Mourshed, Chijioke and Barber, 2010

<sup>7</sup> Page 81 and 82, *ibid*

<sup>8</sup> Page 8, *“Action research into the evolving role of the local authority in education; the final report for the Ministerial Advisory Group”*, Parish N, Baxter A and Sandals L, 2012

<sup>9</sup> Page 9, *ibid*

<sup>10</sup> Page 51, *ibid*

<sup>11</sup> Page 10, *ibid*

funding for vulnerable children will compromise overall provision. Some services might wither<sup>12</sup>.

Across Local Authorities you can normally expect approximately 20% of pupils to have some sort of identified additional support need. The level and complexity of need varies significantly however the requirement for specialist support remains constant. Poverty and deprivation are huge contributory factors in the lives of communities across North Ayrshire that too often result in identifiable additional support needs emerging. The Authority, with its partners, is a conduit to support both through its own policies and legislation. These arrangements cannot be underestimated.

The research suggests that education in Scotland has achieved a positive position and account must be taken of the features of the system that have delivered this outcome. Care requires to be taken in considering changes. The research, however, also points to the potential for educational improvement in a system within which there is autonomy. This as an important element of a provision that is on a “Good to Great Journey”. At the heart of this idea is the potential to release teacher professionalism. To this degree the research supports some of the stated intentions of the governance review. However, this support is qualified by the need to support and challenge schools with a clearly identified role for strong local authorities at its heart. While the literature points to the importance of a strong centre, or middle layer it is unspecific on what this requires to look like in terms of a governance structure generally, and still less therefore for Scottish Education. It also requires to be recognised that the elements identified by Mourshed, et al (2010) geographic, school clusters, subject-based mediating layers, or level based are already extensively present across Scotland. These elements do not need to be introduced therefore, but, as always, there is scope to examine how these mechanisms can be made more effective or developed further. North Ayrshire Council are keen to explore how this can be undertaken and will make a proposal at the end of this submission setting out their vision for improved collaboration across authority boundaries.

Based on the research available therefore, any governance change must give strong consideration to protecting the standards of services available for vulnerable children. It is the strongly held belief of the Association of Directors of Education in Scotland and in particular by their Children’s services/ ASN Network ( Chaired by the Executive Director Education and Youth Employment North Ayrshire Council) that any changes to the governance of Scottish Education must safeguard the interests of all children and young people, but particularly the most vulnerable in our society. This includes those from disadvantaged backgrounds and communities, those with additional support needs, looked after children and those with social, emotional and behavioural difficulties. The experience south of the border with the services to vulnerable children as described in detail by Parish et al (2012) is not positive, nor is an easy resolution being found. Any movement either towards greater autonomy at school or cluster level on the one hand, or regional agglomeration on the other, carries real and significant risks and challenges for these vulnerable groups of children and young people whose interests require to be specifically safeguarded and promoted. North Ayrshire Council will want assurances that the needs of vulnerable children and

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<sup>12</sup> Page 80,ibid



families are protected within whatever recommendations emerge from this Governance review.

As noted earlier, unlike the NIF, the governance review, does not, other than to a limited degree, situate its proposals within a wider context either of integrated children's and young people's services or Getting it Right for Every Child (GIRFEC) and the well-being indicators of Safe, Healthy, Achieving, Active, Respected, Responsible and Included. Nor therefore is it referenced to community planning partnerships. There are statutory responsibilities on local authorities, and partners in all three areas<sup>13</sup>. It has also been noted:

*"it is also worth recognising that local authority services for education do not sit in isolation. Local authority roles in relation to public health; community safety; housing, planning and regeneration; and taking forward the localism agenda are also evolving. This is creating a climate of great opportunity, but also significant capacity constraints"* (Page 21 Parish N, et al 2012)

There is a two-way process. The education service is reliant on other partners for support in delivering outcomes for young people; but, equally, other services depend on education for effective delivery of outcomes in their area. The discussion, therefore, cannot be solely about educational outcomes and associated governance structures. Education itself, and therefore schools cannot be completely autonomous and must be linked to these other services. To be workable, the necessary structures must be as simple, streamlined and comprehensible as possible. Duplication and overlap require to be avoided, and lines of accountability need to be explicit.

The pattern of services across Scotland's Health and Social Care Partnerships, established under the Public Bodies (Joint Working)(Scotland)Act, 2014 is shown in Appendix 3. This appendix is important when considering outcomes for vulnerable children where there may be an interface with children and families social services, criminal justice services, school health services (or equivalent) and adult community care services. This landscape is already complex and the pattern of service organisation varies across Scotland. All evidence and experience shows that for the all young people, but particularly the most vulnerable it is at point of service transition or at service interface that problems may arise resulting in poor outcomes. The best way to manage this is to minimise, reduce, or eliminate service boundaries; new boundaries or a new complexity of boundaries should be avoided. A good test of this is to consider the partnership role of Corporate Parent where there is an interagency responsibility for the welfare of looked after children. Any arrangement which reinforces this role will be welcome, while any development that hinders or complicates it will be unwelcome. North Ayrshire Council has a well-developed Corporate Parenting Strategy, has a Youth Champion in its Political Leadership team and a sector leading Youth Cabinet in place. Working with young people to develop services, ensure wellbeing and deliver improved outcomes is at the heart of the authority's engagement with its young people.

Similarly, the pattern of provision of community learning and development (CLAD) services varies across Scotland. In some areas CLAD is organic to education or

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<sup>13</sup> The Children and Young People (Scotland) Act, 2014; the Local Government in Scotland Act, 2003

children's services departments, while in others the responsibility may be within another Council Department. CLAD is important both for lifelong learning and for supporting young people in the community or through initiatives such as family literacy. Again, a simple and integrated approach based on an understanding of local patterns of service provision will contribute to better outcomes.

As participants in community planning arrangements, the interface with further education colleges also requires consideration in the context of better integration of services. This approach will be consistent with the aspirations of the NIF.

Over recent years there has been a sequential reduction in local authority budgets of which education has had to take its share as the largest Council service. A consequence of the national policy to maintain teacher numbers has been to move savings into other areas of expenditure. The impact of this has been to cause reductions ancillary staffing and in central educational services such as quality improvement, administrative and support staff. This environment has made it increasingly difficult for local authorities to sustain the level of support and challenge to schools that they would wish. It has also led to a reduction in the resources available to support educational development work or specific improvement projects. At the same time the drive to make savings has put a new focus on exercises to reduce costs – for example the rationalisation of the school estate – which take staff away from direct support to schools. In parallel, a number of administrative burdens have increased – for example in relation to the requirements and use of the Freedom of Information (Scotland) Act, 2002 or increasing emphasis on health and safety requirements and risk management. Annual budgetary exercises – planning them, conducting them and implementing the consequences – absorb increasing amounts of time and energy.

In this environment it can be seen that there is much potentially to be gained by increased co-operation between authorities in dealing with issues of shared concern, or where networking of schools could have a real benefit. North Ayrshire Council is willing to explore options for sharing services with other authorities.

## **Summary**

- North Ayrshire Council is open to explore with other authorities opportunities and options that could bring about change and improvement within a Local Government framework
- Improving outcomes for all our children must be paramount.
- A broad view of outcomes must be taken going beyond literacy and numeracy to ensure quality delivery against the well-being indicators and that we Get It Right for Every Child
- There is wide agreement that the improvement of professional practice is the key to securing improved outcomes.
- There is a need to understand the range and complexity of the work of local authorities in securing adequate, efficient and improving education in their areas.
- North Ayrshire Council supports the work currently going on in the system in terms of collaboration, teacher professionalism and school autonomy. The Authority will support further opportunities to collaborate with other Authorities and partners to improve outcomes.
- There is a case to simplify and update the legal framework of education in Scotland.

- The impact and implications of other areas of law as they relate to and impact on the education service require to be considered.
- There is no external prescription for the need for a governance review of Scottish education. Nor is there an ideal or preferred model for the governance of education.
- The literature, including and especially the OECD emphasise the need to consider processes rather than structures to secure improvement.
- The OECD and researchers do not define with any clarity the concept of the “strengthened middle”.
- The OECD, some researchers and Education Scotland do argue for a strong, or strengthening, role for local authorities.
- There is a need to ensure that governance arrangements are harmonised with other key policy areas, including:
  - National Improvement Framework
  - Integrated Children’s Services
  - Corporate Parenting
  - Community Planning
  - Health and Social Care Integration
  - Best Value
- While increased school autonomy offers real opportunities for securing improved outcomes there is a need to ensure this is coherent and comprehensive, not piecemeal and that it is sustainable. However, staff across the authority have little appetite to take on additional workload that could arise as the result of devolving more autonomy to head teachers.
- In a system with increased autonomy particular attention must to be given to protecting the interests of vulnerable children.
- The standards of services to available to vulnerable children require to be safeguarded.
- The erosion of resources through sequential budget cycles suggests that there may be real benefits from increased collaboration across authorities and schools.

## QUESTIONNAIRE

### Question 1

What are the strengths of the current governance arrangements of Scottish education?

#### Comment:

The governance review highlights the successes in the present system, drawing attention to “an impressive track record of improvements and reforms” (page 5). This has been achieved through a clear focus on securing better outcomes for children secured by improved learning and teaching which is shared by all partners. This is exemplified by curriculum for excellence in its focus, content and manner of development.

There is a strong partnership between the Scottish Government and its agencies, local authorities and the teaching profession together with the other groups of staff who support children's learning and care. This is evident across North Ayrshire. This reflects clearly understood structure of roles, responsibilities and relationships. The existing positive climate, between partners involved in children's services that exists in North Ayrshire, has allowed the development of creativity, flexibility and openness to innovation in schools and nurseries is delivering improving outcomes for children and young people.

The governance review underplays a number of areas of strength existing in North Ayrshire, which must be recognised in order to ensure that improvement is secured into the future. These are:

- Clearly understood standards of professionalism and their implications.
- Strong leadership in schools and nurseries
- The role of local authorities
- Strong Partnership service delivery and planning
- Well developed community planning arrangements
- A strong Education HQ team who support and challenge schools and nurseries very effectively
- Strong Corporate and Political leadership and direction.

#### **Clearly Understood Standards of Professionalism and their implications**

The shared understanding of professional standards and their further development is a key strength of the system. An extensive review of this area was conducted in “Teaching Scotland's Future” (Donaldson, 2011).

All observers agree that better outcomes for children are secured in the classroom, playroom, or equivalent, by professionals performing to the highest possible

standards. This is the basic building block in educational improvement. Although discussions in this area tends to focus on teachers, it is important to remember that a range of other staff groups such as early years workers, classroom assistants, administrative and support staff, educational psychologists and colleagues working in other agencies also hold themselves responsible for better outcomes for children. All of these groups are recruited under the robust arrangements required in the public sector. Those in certain groups, such as teachers and early years workers are subject to professional registration requirements through, for example, the General Teaching Council for Scotland or the Scottish Social Services Council (SSSC).

In January 2001 a tripartite agreement, “A Teaching Profession for the 21<sup>st</sup> Century”, was reached between the then Scottish Executive, the local authorities and teachers’ unions that has guided professional development over the intervening years. This established a division of responsibility between the Scottish Negotiating Committee for Teachers (SNCT) at national level and Local Negotiating Committees for Teachers (LNCT) at local level to agree terms and conditions of work. It was fundamental to this agreement that teacher professionalism was recognised by all key stakeholders. LNCT arrangements are imbedded in practice in North Ayrshire delivering a quality service built on positive relationships between employers and employees. For example, at considerable additional cost, teacher non-contact time in primary schools was introduced along with freedoms on how this might be used. Concepts such as collegiate time to be used at school level were introduced and a framework was laid out for continuing professional development and professional development and review. This has been augmented by developments in teacher registration such as the statements from the General Teaching Council for Scotland on professional standards, professional learning and professional update. Teachers are supported by local authorities, as their employer and represent a modern, forward looking and inclusive approach to the role of the profession. The work in classrooms and nurseries across North Ayrshire is supported by rigorous self-evaluation, authority support and challenge as well as external inspection using an evaluative framework that is transparent and well understood. These professional standards and their implications are well understood by those who work with children. School leaders from across North Ayrshire, when consulted, overwhelmingly valued the strong support they receive from the HQ team at North Ayrshire. The strong support offered covers: data intelligence and interpretation; Quality assurance and improvement; improvement planning; staff training and development, including leadership, ASN specific training and support; nurture and wellbeing training; SQA result and prediction support etc. The overwhelming experience is of staff who want only the best for the young people in their care, and who are already creative and energetic in that pursuit. That commitment would already be strongly in evidence even without the formal frameworks that exist.

### **Strong leadership in North Ayrshire schools, Early Years and Specialist provisions**

Head Teachers and Establishment Heads occupy a unique place in their communities and in the management framework of Councils. It is significant that parents have rights, set out in law<sup>14</sup>, to participate in the appointment of Head Teachers and depute Head Teachers. It is the Head Teacher who is responsible for reconciling the learning needs of the children in her or his care with the requirements of national and local policy and to deliver that in the context of the community. The role requires carefully balancing the interests and needs of a wide range of stakeholders. It is the Head Teacher who first and foremost is accountable to the parents, community and local authority for the outcomes of her or his school. Education authorities formally delegate both budgets and responsibility for improvement to Head Teachers under Section 8 of the Standards in Scotland's Schools etc Act 2000. Head Teachers have considerable freedom to plan the curriculum, learning and teaching methods (including assessment, reporting and related issues and to deploy staff. These responsibilities, which are well understood in communities and across the Scottish education system have led to the retention of "Head Teacher" as a job title in a world where generic managerial titles have become the norm. Across North Ayrshire Head Teachers exercise their own support and challenge role in schools, supported and challenged by a strong HQ team, with the full support of well-developed local policies and procedures. North Ayrshire policies and procedures are understood by staff within a framework for the governance of the service that is already effective. These procedures extend beyond the Education and Youth Employment Directorate to include those of other Directorates that support effective service delivery, for example winter transport, estate management etc. In addition a number of pan Ayrshire arrangements exist to support children, young people and families such as: Social work out of hours service; emergency planning and service continuity arrangements; Ayrshare integrated management information system etc. The leadership in schools is a specific area of evaluation in the inspection of schools. Unlike England there is no history of schools being put into "special measures" because of a standards failure. In its 2009 report (the last of its type), HMIE observed:

*"These undoubted strengths reflect the professional commitment and competence of our teachers and the improving quality of leadership in our centres and schools."*<sup>15</sup>

*"In almost all local authority-run nursery schools and classes and in most primary and secondary schools, leadership remains a strength"*<sup>16</sup>.

Since that report there has been increased focus on the leadership of schools, for example through the establishment of the Scottish College for Educational Leadership.

<sup>14</sup> Statutory Instrument 2007 No. 132 The Parental Involvement in Head Teacher and Deputy Head Teacher Appointments (Scotland) Regulations 2007

<sup>15</sup> Page 2, "Improving Scottish Education", HMIE, 2009

<sup>16</sup> Page 14, *ibid*

North Ayrshire has a senior officer seconded to SCEL for 10 working days per academic year to support leadership training across the west region. The authority continues to invest in leadership training at all levels from senior managers to basic grade staff. North Ayrshire Council believes that the role of Head Teachers is central to sound educational governance and the effective management of the learning and teaching process. Any distraction from that role – for example, through an increased administrative or wider managerial burden, would therefore be a movement away from sound governance rather than an improvement. That governance is best undertaken by HQ staff based in a local authority context.

### **The role of local authorities**

In the consultation questions offered in the governance review there is no specific consideration of the role of local authorities, it is therefore appropriate here to consider this issue.

A fuller description of the work of local authorities is given in appendix 1. As already noted, the OECD in its 2015 study of Scottish Education, called for an increased, rather than diminished or diluted role for local authorities. This was in recognition of the contribution already being made by Councils in developing Curriculum for Excellence. There is also recognition of the essential mediating role of local authorities between “the centre” and schools. The successes of Scottish Education to date noted in the governance review and other national publications are at least partly attributable to the success with which local authorities have discharged this role.

In North Ayrshire local elected members are uniquely placed to provide support and challenge the work of schools. Councillors, both with and without portfolio responsibilities, are frequent visitors to schools and classrooms often supporting events such as shows and annual award ceremonies. In North Ayrshire the role and responsibilities of the Provost and Depute Provost are also recognised by establishments as both supportive and educational. The Chief Executive in North Ayrshire is a very visible presence in schools and early years establishments, visiting frequently and often consulting with staff, pupils and parents. This interest is welcomed by schools. It is the local councillor who will be one of the first points of contact should a parent or young person have an unresolved concern. Committees regularly and routinely report on a range of educational outcomes and inputs such as attainment, attendance, exclusions, property maintenance and capital issues, health and safety reports, staffing, staff absence. Reports resulting from inspections are routinely provided and read. Local members attend school parent council meetings. Member contributions to NHS Boards, Housing and Social Services committees, community planning partnerships and the reports given to committee by Police Scotland and the Scottish Fire and Rescue Service gives a powerful network of stakeholder and partner involvement with education. As a result, the political membership of North Ayrshire Council is uniquely placed to form judgements on the future educational policy for its schools, priorities for improvement, and resource allocation.



The work of centrally employed staff, including chief officers from across directorates in North Ayrshire, support the work of schools principally by ensuring that they are able to retain a clear focus on learning and teaching. One aspect of this is to provide appropriate, high quality, advice to elected members. Beyond this, local authority staff deal with a range of issues vital to the running of schools including property maintenance, buildings, school transport, staffing and personnel support, school meals, cleaning, janitation, health and safety, budgets and accounting, public relations and communication. Most importantly, it is local authority staff who will provide Head Teachers with specialist advice on additional support needs and the professional support and challenge important to the maintenance of an improving education system. The experience of NAC, supported by research such as that of Parish et al (2012), is that Head Teachers and parents alike value these roles. They become particularly important when the interests of disadvantaged children or disadvantaged communities needs to be championed by, for example, the professional evaluation of outcomes or the allocation of staffing, physical or financial resources. This is supported by the comments from HMle:

*“The context in which local authorities provide education has changed significantly since 2005. Single outcome agreements have provided increased flexibility for decision making at local level and have highlighted the key role that councils play in establishing priorities and leading improvement.”*(Page 3, Improving Scottish Education 2009)

**In Summary:**

North Ayrshire Council believes that there is always scope for improvement, including in the areas identified above, however this should be from within a local government framework. Therefore the council are considering how best to take forward enhanced arrangements for service development and sharing with other partner authorities.



## Question 2

What are the barriers within the current governance arrangements to achieving the vision of excellence and equity for all?

### Comment:

The governance review rightly points to the age of the prime legislation, the Education (Scotland) Act, 1980 as amended and that it has been changed and augmented on a number of occasions. This has led to a complex legal framework for educational services that is difficult for the layperson to understand and navigate. Even professionals working in the field can find it challenging to give authoritative advice on the law. For stakeholders in the system including parents, children and young people, staff and others to understand their rights and responsibilities the law should be as straightforward as possible. Since the 1980 Act originally came into force, much has changed in terms of government, local government and national agencies. Through community planning a wide range of stakeholder relationships surround educational provision and a complexity of planning, reporting and scrutiny has been introduced. In parallel, the nature of families has changed with the stereotypical “nuclear family”, upon which the 1980 Act is based being a less common social structure. Children and young people have increased rights as have those groups with particular protected characteristics or whose situation is covered by the specific terms of the Children and Young People (Scotland) Act 2014. There is therefore a very strong case for modernising and simplifying the prime legislation and ensuring that it is fully harmonised with other legislation focused on services to people. Any legislative review should leave Local Authorities with the responsibility to govern education.

It will only be possible to deliver a simplified and more comprehensible system if government itself becomes more unified and less fragmented. Although the Depute First Minister (DFM) has an overall responsibility for schools, nurseries, further and higher education responsibilities that relate to children’s and young people’s services fall across other remits – sport and physical activity, health and social care integration (Cabinet Secretary for Health and Sport); culture and the arts (Cabinet Secretary for Culture, Tourism and External Affairs); welfare policy, equalities, community empowerment, local government reform (Cabinet Secretary for Communities, Social Security and Equalities); youth and women’s employment, employability programmes (Cabinet Secretary for Economy, Jobs and Fair Work). There are then separate Ministerial responsibilities for Childcare and Early Years; Further Education, Higher Education and Science; and Employability and Training.

When viewed from the perspective of schools this division of responsibilities across Government appears capable of being streamlined to the direct benefit of children. An example would be to consider the common model of service delivery across Scotland where a nursery is attached to a primary school which therefore, at minimum, will require to respond to two national sources of policy, guidance and advice. This latter position is compounded by the array of national regulatory bodies, each with their own framework and methods of working – Education Scotland, the Care Inspectorate, the

General Teaching Council for Scotland, and the Scottish Social Services Council. These differing requirements increase the complexity of the issues with which schools and local authorities have to work and so distract from a focus on improved service delivery, this is a clear barrier to sound governance. North Ayrshire Council would welcome a streamlining of the very complex structural and legislative framework associated with children and families work.

Community planning arrangements have introduced a governance structure additional to the requirements of education law as a consequence of the Local Government in Scotland Act 2003. The National Improvement Framework takes account of these arrangements, but these are not considered in the governance review. Sound governance will eliminate any tendency to duplicate planning and scrutiny arrangements as creating additional and unnecessary work and confusing accountabilities. The opportunity exists in the governance review to clarify this issue in a way that is consistent with the National Improvement Framework.

A simplification of this landscape would increase the clarity of the vision of excellence and equity throughout the education system and would facilitate an improved coherence and economy of policy development, scrutiny and the promotion of professional standards.

Somewhat chaotic workforce planning arrangements have resulted in significant staff shortages and a clear consistent national strategy requires to be delivered that sets out minimum staffing standards across all sectors. In addition the demands of central Government and its agents, especially inspection agencies, continue to be barriers in themselves. The complex and bureaucratic demands of inspection processes take staff away from the core function of delivering high quality learning and teaching. Reform of the inspection system would be welcomed by North Ayrshire Council. The Government should consider the impact of Inspection and its role in delivering high quality education as part of the governance review learning from best practice internationally.

Prescriptive funding streams, governed in a very bureaucratic way offer limited flexibility preventing resources going to schools as national agencies grow central staff essentially to support an obsession to oversee local delivery. The Scottish Attainment Challenge has created posts at Education Scotland which have limited impact on service delivery.

### Question 3

Should the above key principles underpin our approach to reform? Are there other principles which should be applied?

#### Comment:

North Ayrshire Council agrees with and supports the five principles given on page 8 of the governance review. Based on experience the authority would however seek to add a further principle: that the education system must:

-Promote the more effective delivery of partnership working and integrated services to the benefit of children and young people.

The inclusion of this principle recognises the need to secure better outcomes across the well-being indicators and better account will be taken of the requirements of the Children and Young People (Scotland) Act, 2014. This will also enable developments to sit more comfortably in community planning arrangements and the wider obligations of the education service. Such an approach will be more consistent with the National Improvement Framework and existing arrangements in place across North Ayrshire.

Having established these principles, it would be helpful to be explicit on how they will be used to develop, measure or evaluate the proposals to bring change and improvement in the Scottish education service.

The system must continue to be focused on outcomes. Social justice and inclusion are key underpinning objectives that must underpin any quality education system. This will require a continued focus on cultural shift across Scotland with the needs of our most vulnerable pupils recognised and given prominence. This will require thought to be given on the issues of delivering high quality education to this group of learners by high quality skilled and well trained staff.

#### Question 4

What changes to governance arrangements are required to support decisions about children's learning and school life being taken at school level?

##### Comment:

There requires to be no or very little adjustment to governance structures to support decisions about children's learning and school life at school level. North Ayrshire Council and other local authorities already have formal Schemes of Delegation which define the loci of decision making and patterns of accountability. Additionally there are arrangements developed in specific association with devolved school management (DSM) covering financial arrangements. These structures are eminently capable of accommodating any changes to decision making powers. Changing these arrangements will require a significant reorganising of arrangements to fund and staff education establishments. Finance and HR support are well understood and offer schools security, expert support and advice that allows teachers to focus on learning and teaching.

Best value, transparency, probity and stakeholder involvement demanded of public services require a clearly understood and consistent delivery vehicle. North Ayrshire Council provides this effectively. Powers in new areas will therefore involve the extension or augmentation of current planning processes. This in turn demands a further extension of reporting, audit and inspection. To meet those demands will require additional support and administrative staffing, the extension of information technology systems. Further, there will be a continuing training need supported by staff, or commissioned services in a developmental or advisory role. That training would need to extend to parents and any other groups should they be allocated an enhanced role in the governance of school education.

All of this carries the risk of a diversion at school level away from learning and teaching and therefore better outcomes for children and young people. North Ayrshire Council believes that changing governance systems and structures without clear purpose is both unnecessary and will be counterproductive, particularly in this time of tight financial settlements.

Almost unanimously senior staff, including Head Teachers, across North Ayrshire, when asked have very limited appetite for change indicating satisfaction with the current arrangements. Indeed they believe that the strong and capable HQ team currently in place is both supportive and challenging. The team, they indicate, support a vast range of tasks that if devolved to schools would take them away from their core task. The staff are concerned about the potential requirement for them to take on functions around finance and HR without appropriate training which they have limited capacity to undertake. They are already committed to working with parents but feel that any expanded role will result in significant additional workload for school staff removing them from the delivery of the curriculum.

### Question 5

What services and support should be delivered by schools? What responsibilities should be devolved to teachers and Head Teachers to enable this? You may wish to provide examples of decisions currently taken by teachers or Head Teachers and decisions which cannot currently be made at school level.

#### Comment:

*“The aims of the revised Devolved School Management Guidelines are to empower Head Teachers to meet local needs and deliver the best possible outcomes for young learners, in line with the objectives of Curriculum for Excellence, GIRFEC and the Early Years Framework. Moreover, they are intended to ensure that existing best practice in relation to the operation of DSM Schemes will become standard practice across the country, based on the core values of subsidiarity, openness, transparency and local accountability.”* (Devolved School Management Guidelines, A summarised report based on the considerations and outputs of the national DSM Steering Group, 2012)

As the above quotation illustrates, the issues that lie at the heart of this consultative question, and the approaches that address them are already well established within Scottish education. North Ayrshire Council supports the premise that the best decisions on children’s learning are taken at school level and within the classroom. However, it is also our belief that the governance review has taken insufficient account of the present high levels of freedom at school level to plan the curriculum, learning and teaching methods and to deploy resources to meet children’s learning needs. In fact, by seeking solutions to issues such as increased teacher collaboration, and through advocacy of clusters and regionalisation the governance review is acknowledging the existing high levels of autonomy of schools and some of the issues this creates.

Consultation with Head Teachers in North Ayrshire has revealed almost no appetite for increased decision making at school. Class sizes, Early Years ratios, which ultimately determine staffing levels are defined by statutory instrument; schools are subject to procurement requirements; equal opportunities and discrimination laws must be observed; budgets, including the need to deliver budget savings, must be delivered on target; and other areas of law or regulatory frameworks restrict the freedoms available, changes to all of which are beyond the scope of the governance review. North Ayrshire Council therefore believe that further devolving these types of responsibilities to establishments is not in practice practicable. It could however be done by a different organisational construct but we do not support that potential option.

Increased local decision making will inevitably carry with it increased accountability and work burdens that will distract from learning and teaching and the needs of children as previously highlighted. North Ayrshire Council remains concerned that any changes will impact on Head Teacher workload and almost certainly exacerbate



problems of Head Teacher recruitment across this authority where problems already exist. Increased responsibilities could be particularly damaging in small schools, nurseries and special schools, with a disproportionate effect in rural areas, where Head Teachers (some of whom may be in shared headships such as on the Island of Arran) presently have limited administrative support, small or non-existent management teams and who may have class commitments. Work would also be required with Parent Councils, or their equivalent, to ensure they were able to support the Head Teacher and staff, and understand local issues and any wider obligations, flowing, for example from the employment, equal opportunities, disability discrimination and particularly additional support needs legislation.

It has been suggested that increased decision making might be given to schools in relation to staffing. This is the biggest single resource in schools and has the biggest impact on teaching and learning. North Ayrshire Council urges caution with this potential policy direction. Experience highlights that this is the area of management where Head Teachers require the most support from colleagues providing specialist advice. Human resource issues directly affect the lives people and as such can be time consuming, resource heavy and must be conducted meticulously within a tight legislative framework and world that increasingly refers to legal entities. The bureaucracy involved would be a distraction from learning and teaching which always requires to be the first priority of Head Teachers and school-based staff. Any move to pass sole responsibility for the recruitment and selection of staff would be unacceptable as it would restrict the ability to transfer staff in and out of schools which is essential for sound management of staffing, securing best value and securing the welfare of staff, positive outcomes for young people and the confidence of parents. Consideration would also have to be given to ensuring that all schools were able to offer quality placements to students and newly qualified teachers. Even passing greater decision making on management or organisational structures to schools – even within the limited flexibility dictated by the job-sizing toolkit, without adequate checks and balances cannot be done without risk. For example, it is important to ensure that pastoral care arrangements are strong in an area such as North Ayrshire where levels of poverty and deprivation are high.

As chair of the ADES ASN / Children's Services network and North Ayrshires Strategic Planning Board, our Executive Directors' views are shared by the council. Significant concern exists across this council that any increased decision making at school level would be counter to the interests of disadvantaged and vulnerable children. The presumption of integration of children with additional support needs into mainstream schools is both a legal requirement<sup>17</sup> and one of the proudest achievements of Scottish education. Sometimes meeting additional support needs is expensive, requires specialist knowledge and expertise, and may require external resources from the Authority or partner agencies. In some cases additional staffing and specialist equipment may be required. The experience from elsewhere in the United Kingdom

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<sup>17</sup> Section 15 of the Standards in Scotland's Schools etc Act, 2000

is that increased school autonomy has run counter to the interests of children with additional support needs with, for example, difficulties being encountered in securing suitable placements. This concern, therefore, runs directly counter to securing better equity of provision, and outcomes for children and young people.

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## Question 6

How can children, parents, communities, employers, colleges, universities and others play a stronger role in school life? What actions should be taken to support this?

### Comment:

The correct balance needs to be struck between the stated aim on page 10 of the review of “giving a stronger voice to parents and communities in our schools” and that given on page 9 of “we want to see more decisions about school life being driven by schools themselves”. Where these two aims accord, really good outcomes will follow; if they do not accord, problems can arise which are sometimes intractable in nature. Ultimately, Head Teachers are, and should remain, responsible for ensuring that children, parents and communities are appropriately and positively involved in the life and work of schools. North Ayrshire Council already supports this work and has in place a strong council wide parent council chairs group that meets regularly as well as parent councils in every establishment. Parental involvement is an authority priority.

North Ayrshire Council believes that the present role of elected members not be underestimated in this context. Councillors meet parents and young people, attend parent council and community council meetings. They visit schools and meet Head Teachers and teachers in a variety of contexts. They take a close interest in attainment and other outcomes both at individual school level and across the authority. This practical first hand experience is then available when policy is being considered or when formal scrutiny reports are considered. This provides a strong voice for communities in the governance of education and is easily understood by stakeholders. It should not be diluted by more complex or alternative systems which confuse local political ownership and accountability. North Ayrshire schools benefit from strong political support and active engagement.

There are excellent examples throughout Scotland of employer engagement with schools and in North Ayrshire. Often these rely on the enthusiasm and personality of either the school staff or the individual employer. North Ayrshire schools benefit from a strong working relationship with Ayrshire Chamber of Commerce who are contracted to provide quality work experience and links with local employers. This is supplemented by schools own links with local employers. Job fairs and employment events such as those developed collectively around STEM subjects are developing the young workforce. Ayrshire has an effective DYW board chaired by an industry representative. Any procurement exercise considers community gain and employment opportunities for young people. Indeed the current school build and refurbishment programme has delivered real jobs and training for young people. This is replicated across council services. It is also often forgotten that the Council, NHS, and local college will in most cases be the biggest employers in any given area, often by a substantial margin. These are already linked to schools through community planning arrangements, but their role, in that capacity, as major employers could be enhanced and developed through existing community planning arrangements. This would avoid the creation of additional structures. It would also have the advantage of harmonising



activity with the range of other community planning responsibilities whilst also enabling further links across North Ayrshire with the Ayrshire Chamber of Commerce, the third sector, Skills Development Scotland and Scottish Enterprise. Such an approach would also be consistent with arrangements across Ayrshire as it develops the Ayrshire Growth Deal. The Scottish Government should look at incentivising the engagement of employers in disadvantaged areas, and certainly in those areas which do not have the range or number of employers enjoyed by other areas in Scotland such as North Ayrshire.

There is also a clear need to bring certain aspects of the work of universities closer to schools. However North Ayrshire has good links with FE and HE providers, which include a skills centre development at Irvine Royal Academy. Given the contrasting geographies of schools and universities however, this can only be done on an equitable basis at a strategic level, and should therefore be considered alongside regional arrangements.

### Question 7

How can the governance arrangements support more community-led early learning and childcare provision particularly in remote and rural areas?

#### Comment:

Access to quality early learning and childcare is an entitlement for all children in Scotland, and it should be available universally and irrespective of place of residence. North Ayrshire council has responsibility for a number of rural communities including on its two islands and in various parts of the mainland. These areas have strong community bonds and a long tradition of resilience and self-sufficiency. These communities can use the skills of childminders and community led Early Year's provision. However they need freedom from legislative burdensome inspection and bureaucratic requests for information required by inspection agencies. They will require curricular and financial support to ensure equity. In settings where it is impractical to make any direct local authority provision, and where there are high levels of deprivation or in remote rural areas the delivery of this aim will be challenging. It will require strong support from Local Authorities.

The governance arrangements should take account of the existing structures such as community planning partnerships and the arrangements for Integrated Children and Young People Service Planning. These provide structures for engagement with the Third sector and the range of stakeholders at local level, including the agencies responsible for regeneration. Use of these structures will ensure a coherence of provision, including consideration of similar or complementary developments in a given area. They will also provide a clear and well understood mechanism for scrutiny. In this way, unnecessary duplication and overlap will be avoided. Strong community planning arrangements in North Ayrshire should be freed to support third sector growth across rural communities. These matters will be covered further in the authority's response to the ELC consultation.

### Question 8

How can effective collaboration amongst teachers and practitioners be further encouraged and incentivised?

#### Comment:

There is already extensive collaboration between teachers and practitioners across North Ayrshire and Scotland. Indeed when this issue was discussed with Head Teachers they were clear that they were committed to working in this way and the main barrier remains the capacity of schools to release staff to work with others. The most effective professionals and schools will seek out networks of support and promote collaboration both by offering and searching for new ideas. Those experiences which are “closest to the classroom” are most likely to be seen as relevant and to influence practice. Set-piece large scale events or conferences organised at national, regional or local level are only useful as an efficient means of defining strategy, producing a commonality of purpose, raising issues, or showcasing best or interesting practice. North Ayrshire Council believes that actual changes to learning and teaching practice, and so improved outcomes, will only result from experiences at local level which are tailored to the needs of the community, school, and classroom. The increasing numbers of shared headships (one HT for six Primary schools on Arran or the all through Garnock campus) or where different schools on the same campus have one Head Teacher, including combined nurseries and primary schools clearly facilitate collaborative practice.

In order to promote more effective collaboration a number of factors need to be considered. The first of these is, as highlighted by N.A. Head Teachers that the workforce requires to be sufficient. Schools need to be fully staffed and supply staff need to be available to cover classes while teachers are engaged in collaborative activity out with non-contact time or as part of annualised CPD activity. The present teacher shortage therefore needs to be resolved with adequate staff available in all parts of the country, in all sectors, specialisms and subjects. The punitive approach adopted by the Government towards those authorities who haven’t achieved unequitable set teacher’s numbers only because of staff shortages further reduces resources in that authority and leads to less equity in the system. North Ayrshire Council believes that this position must be changed and more supportive proactive support initiated.

Secondly, there requires to be stability and a measurement of pace in the present climate. The Scottish Government’s “Delivery Plan for Scotland” identifies 87 different timelines for changes in the system over the next few years. While not all of these will affect everyone directly some initiatives, such as the introduction of the National Improvement Framework are highly significant. This heavy developmental load it is a significant departure from accepted good practice in improvement planning. If the focus is on sharing good practice or development activity then schools need time to respond to these initiatives allow them to embed and measure their effectiveness before sharing them with colleagues. Further, such improvement work is best

achieved when effort is concentrated on a few priority areas, rather than being dispersed across a range of activity. Indeed Education Scotland are going to potentially add to this burden by requiring improvement planning imperatives which will add to schools' local priorities. This position will limit the schools' ability to respond to local need and set out a system of improvement planning which is driven by a national not local agenda contrary to the aims of this governance review. Schools could end up, like Education Scotland themselves, with an unachievable number of improvement priorities.

Effective collaboration does require a supporting infrastructure. This is required to identify good practice, or effective practitioners, either within or between establishments, and then opportunities need to be created and structured to allow collaboration to take place, including planning of follow-up work and evaluation. North Ayrshire Council provides strong authority support and challenged which its staff, during consultation, believes supports services improvement and better outcomes for children and families. In turn, this requires a cadre of respected and credible professionals to work between schools this exists in North Ayrshire. In addition it also requires strong visible leadership at a local authority level that drives strategy and service delivery. Over recent years, budget constraints have reduced central support teams with a loss of experience and capacity and this needs to be redressed. (See response to question 10)

### Question 9

What services and support functions could be provided more effectively through clusters of schools working together with partners?

#### Comment:

The governance review recognises (page 11) that schools are already working successfully on a cluster basis across Scotland. A number of different models have been developed over the years in response to local circumstances. This has also been recognised elsewhere:

*“The extent of collegiate working has grown in recent years (HMIE, 2009), increasingly centring round improving outcomes for learners. In particular, as schools and centres implement Curriculum for Excellence, they often cooperate with other schools and partners, extending and deepening the quality of outcomes. There are increasing examples of professional learning communities which support and challenge one another around agreed areas for improvement. Effective collegiate working often includes support staff and other partners. There is also some evidence that effective collegiate working has led to increased opportunities for teachers to be involved in decision-making and to lead aspects of school improvement.”* (Page 66, Donaldson, 2011)

Cluster working is therefore not a new feature of Scottish education and no change is therefore required to governance structures or systems to promote them. As noted earlier, however, there is a clear tension between the Scottish Government's aspirations for increased autonomy for individual schools and cluster working which requires collaboration and shared decision making. North Ayrshire Council has focused, in its response to the Scottish Attainment Challenge, to develop staff skills through developing its approaches to cluster working.

It is not possible to propose any single model of services and support functions that can be provided at cluster level - not least because the pattern of services and available staffing varies across Scotland. The presently fragmented map of children and families social services highlight the challenges in establishing any universal model. That given, the following are possibilities of services that might be considered for provision through clusters of schools:

- educational psychology
- additional support needs specialist staff
- classroom assistants/additional support needs auxiliaries or equivalent
- active schools coordinators
- sports development
- family link workers
- community link worker
- children's health services (school nurses)
- Mental health nurse/workers

- Therapists – SLT, OT or Physio
- children and families social workers
- campus police officers
- janitors
- cleaning services
- catering service
- clerical and administrative support
- school librarian service
- community libraries
- technician services, including ICT support

There requires to be a clear recognition that it may be neither possible nor desirable to transfer responsibility for any of the above services in their entirety to cluster management. Clinical Governance and staff supervision across professions makes it almost impossible to deliver all through a cluster model. Therefore central management of the staff is likely to be required in order to ensure equity an excellence in outcomes for everyone. It is preferable therefore to regard this as being an issue for co-ordination at local level rather than direct management. This is principally because these services require to be continually reviewed and redeployed to meet needs as they emerge meaning they have to be moved from one cluster to another in response, for example, to staff absence or because of the emergence of an issue such as a local concentration of children with additional support needs. It is also the case that to varying degrees the services listed above also require specialist support in terms of management and training that can only be provided cost effectively on a centralised basis. It would also be counterproductive to advocate the benefits of collaborative working for teachers in a cluster while simultaneously depriving, for example, educational psychologists of the same opportunity by fragmenting the service. Such central staff organisation, allowing movement between clusters also has the benefits of cross fertilisation of ideas and practice sought by the governance review.

The larger the span of functions provided by a cluster and the more formal these are made then so the complexity and size of the co-ordination task becomes greater. It is therefore not possible to consider this type of change without considering also how these services will be allocated, co-ordinated and monitored in the cluster. In particular concern exists across this authority and Scotland about the provision of specialist support in a cluster model. This carries a clear implication of increased responsibility with additional costs and workload at cluster level. It cannot be achieved therefore without the allocation of significant additional resources without potential compromise to improved outcomes. This authority is particularly concerned about providing appropriate training and staff with sufficient expertise across such a diverse service delivery landscape.

There also needs to be a clearly defined and understood and transparent method of allocating resources and services to clusters and these must be accompanied by rigorous scrutiny arrangements. If this is not done, the result will be a fragmentation of important services resulting in increased inequity and a loss of excellence and a significant loss of overall capacity and a failure to secure best value.

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### Question 10

What services or functions are best delivered at a regional level? This may include functions or services currently delivered at a local or a national level.

#### Comment:

Professional collaboration at regional level and that models of good practice already exist which are capable of replication and further development across Scotland. North Ayrshire Council would be prepared to consider alternative delivery models for Education on a Pan Ayrshire basis.

North Ayrshire Council generally support the definition of “regions” given by the Depute First Minister at the meeting with COSLA on 01 November 2016, and during the public Ministerial Engagement sessions as being “collaboration” between authorities.

The Northern Alliance partnership grew from a regional need focused on staffing but has subsequently developed into a wider and positive collaboration valued by its members. Through this model it has proved possible to pool resources, expertise and experience resulting in a wider service base to support improved outcomes. The development of further collaboration on quality assurance, educational development and Early Years services is possible between authorities with the three Ayrshire authorities forming a natural grouping.

Existing partnerships can be considered to show promise because they have grown in response to an assessment of local needs. The Northern Alliance, for example started as a response to shared concerns amongst the participants in relation to staffing and recruitment it is this commonality of interest that has focused the work of the partnership, energised it and made it sustainable. The current reductions in central services across most of Scotland heightens the need for collaboration between authorities. Similarly there is scope for authorities to share services on the collection, analysis and reporting of outcomes data. Such work would be supported by the opportunities across a partnership of authorities to create networks of similar schools, and would create the possibility of being able to locate good practice in most areas of activity and share it on a consistent basis. There is a clear case for the greater involvement of staff from a restructured and reviewed Education Scotland, in collaborations based on quality assurance, data analysis, curriculum development, shared approaches to training, and improvement services. Similarly, the involvement of the universities in their teacher education and research roles would be mutually beneficial.

There may also be merit in considering issues which have an impact for other services and functions across the participant authorities which involve education. An obvious example is where several education authorities work within a single NHS Board area, as exists across Ayrshire, where there is clearly merit in ensuring a common approach to issues such as the protection of children and vulnerable people, integrated children’s service planning and strategic commissioning. North Ayrshire has a



Children's Services Strategic partnership that drives strategy, planning and service delivery across the authority. This model could be extended to a pan Ayrshire basis. Similarly, issues such as the development of a Ayrshire Growth Deal and Developing the Young Workforce which have implications beyond individual authority boundaries would yield real benefits from increased collaboration.

Similarly, and equally important, there is scope for co-operation in additional support needs provision including educational psychology. Strategic planning for such services across an area could safeguard the outcomes for an important group of children. This would include consideration of specialist services such as hearing impairment, visual impairment and support for children with communications disorders. It would have the benefit of bringing the advantages of scale to relatively small groups of children, or those where numbers fluctuate over a short time at local level. A regional overview should allow small ASN establishments and support services to network in order to share good practice and ensure that provision is accessible to children relatively close to their homes. Examples of the benefits of such collaboration already exist for example in the joint Ayrshire Hearing Impairment service.

Beyond these services, it is possible to consider collaboration on an inter authority basis for matters such as Gaelic medium education, transport, reviews of the school estate and asset planning, staffing issues such as administering a supply pool and support for students and newly qualified teachers. Collaboration on the estate will become an increasingly important issue as services prepare for the 2020 increase in ELC entitlement. There is scope to share human resources services between authorities bringing economies of scale and unity of approach where staff routinely or regularly cross boundaries either as supply teachers, or in moving to promoted posts. Any such regional working would, however, have to take account of the need to conserve the detailed staffing knowledge both with regard to individuals and establishments that exists within authorities. This function predominantly, now, resides within corporate services rather than education departments, or equivalent.

In considering this matter, it is of paramount importance to remember that in developing collaboration between education authorities, that there are a range of other partnerships which require to be considered:

*"it is also worth recognising that local authority services for education do not sit in isolation. Local authority roles in relation to public health; community safety; housing, planning and regeneration; and taking forward the localism agenda are also evolving. This is creating a climate of great opportunity, but also significant capacity constraints"*  
(Page 21 Parish N, Baxter A and Sandals L, 2012)

This quotation is a timely reminder of the care which requires to be taken to ensure that collaboration on some outcome areas is not achieved at the expense of wider obligations particularly in relation to the responsibilities to particular communities and

partner agencies. North Ayrshire has a strong corporate approach to delivering services for its citizens Education is a key functionary of this approach and any uncoupling would require careful consideration.

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### Question 11

What factors should be considered when establishing new educational regions?

#### Comment:

There is a need to learn from the examples which already exist for working on a regional basis and those factors that have brought success or promise, as compared to those which have led to unachieved expectations. Here, the experiences of Stirling/Clackmannanshire, East/Mid Lothian and Glasgow are instructive as is the exercise in creating regional further education colleges, or indeed efforts to create regional partnerships in other public services such as Roads.

These experiences illustrate that where problems arise, they emanate from the formality of the relationships with the associated issues of resource allocations and scrutiny arrangements. There must be corporate support from chief executives and the political leadership of individual councils who will rightly expect reassurance that developments will not compromise service delivery and the legal responsibility of councils to deliver best value and balanced budgets. Clarity on the safeguarding of strategic planning, scrutiny arrangements and that there is no compromise to legal responsibilities, such as additional support needs and children's services are paramount amongst these concerns.

In contrast, where relationships have developed in response to a shared perception of potential benefit the regional approach may have some promise. Here the focus is very much on services and providing support to schools rather than on the bureaucracy associated with rigid or formal governance structures. However we need to be careful that when decisions require to be made a consensus will be required and that will not always be possible across authority boundaries with different political and corporate leadership as well as local priorities.

Certainly, there also requires to be consideration of the setting within which educational services are delivered. Educational services are committed to the principles and practices of Getting it Right for Every Child (GIRFEC) and the successful, positive, delivery of outcomes against the well-being indicators of Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included (SHANARRI). These are shared across the range of services found in community planning partnerships and there are shared responsibilities and commitments for their delivery. In no area are these relationships more important than the area of protecting children and vulnerable people. Although, these issues now have statutory implications, for example through the Children and Young People (Scotland) Act 2014, they are also a matter of professional good practice, and best value. Therefore, the concept of regionalisation brings forward issues of the structure of services within authorities as well as considering difference between authorities, and particularly where if, for example, more than one NHS Board became involved. There would need for example, to be a shared approach to the implementation of any named person

legislation between the NHS and education authorities. A one Ayrshire approach could be considered by any review board.

If the principle of flexibility is accepted, the issue of which authorities might be grouped together in a region may be more easily resolved. Presently the local authorities of Scotland are varied in geographic size; population size; deprivation; rural/urban nature; whether they are island, mainland or mixed; and economic regeneration. These factors also can be the source of variation within an authority. Even those authorities which share a border may have dissimilar profiles leading to differing corporate and political priorities. There is certainly a danger that any regional partnership becomes so large, or disparate that the common basis vital for successful joint working will be compromised from the outset, and this must be given careful consideration. It is however fair to consider historical associations such as those that exist in Ayrshire.

Equally, however, it is possible that an association between authorities which have a common interest, but not a shared border might be envisaged. This however raises issues of communication and developing meaningful and realistic working relationships.

If education regions emerge they must not compromise local accountability. There must be absolute clarity that local authorities retain the responsibility for school provision. Even if that involves local Elected Members joining Regional Boards. Councillors are active in the community, they regularly visit schools, and are a first reference point for their constituents. They are able to access authoritative professional advice in individual authorities. This basic building block of accountability and sound governance should not be compromised. Similarly, there requires to be clarity that local authorities are the employers of educational staff, with all that this entails. This includes any staff who are deployed to work on any tasks, or in any role, determined on a "regional" or inter-authority basis. The issues related to Finance and HR are complex and again require careful consideration within any emerging regional construct.

## Question 12

What services or support functions should be delivered at a national level?

### Comment:

There is a role for national organisations in supporting the education system by reinforcing the commonality of purpose across Scotland in delivering excellence and equity; defining education law and regulations; ensuring there are sufficient and adequate resources, including staffing, buildings and facilities; establishing standards; and to offer guidance, advice and share best practice. It is important that the national approach reinforces the partnership and consensus based approach which has so far delivered so much and which was recognised by the OECD.

Presently, schools and support services simultaneously work across a range of aspects of provision such as GIRFEC, Curriculum for Excellence, Developing the Young Workforce, Early Learning and Childcare. Increasingly, schools share campuses and a number of sectors or services may be co-located; shared headships are becoming more common. The organisation of Scottish Government Departments and the various agencies needs to better reflect this integrated service provision to ensure a better coherence of national developments. For example, Early Education and childcare is central to the delivery of effective services for children and for lifelong learning. It presently sits as a separate Ministerial responsibility and is a responsibility within the Children and Families Directorate, separate from the Learning which carries the responsibility for schools. Given the centrality of early years provision in education and the reality that many primary schools include early years establishments there is clearly a case to bring these responsibilities together at national level. This would bring a greater coherence to policy, recognising early education and childcare as a fully integrated service in a way that would also find expression in the work of national agencies such as Education Scotland and Care Inspectorate. It appears that both inspection agencies are not required in a Scottish context and together lead to duplication and increased bureaucracy.

There also should be a much closer association between the tertiary education sector and schools so that the young people of Scotland can have a seamless learning journey. A closer association between the Universities and the school sector, including nurseries could yield positive benefits to initial teacher education; the development of research projects focused on excellence and equity; and joint planning. North Ayrshire Council believes that closer collaboration will be required in order to deliver a highly skilled workforce to support the delivery of education, the expansion of ELC as well as Scotland's economic prosperity. This should not depend on proximity to campuses nor the present existence of networks. As indicated earlier initial teacher and Early Years staff education and its co-ordination is a possible focus for collaboration between authorities also giving a developed role for universities and F.E. providers.

This authority however recognises the need to have an independent organisation with a direct responsibility for scrutiny of standards and quality. This used to exist with an independent inspectorate. The present organisation of Education Scotland should therefore be reviewed. The dual development and inspection role has weakened the improvement capacity of the education system as there is a conflict of interest between the two functions of the organisation. In a transparent system where the rights of children and young people are paramount inspectors should be free to comment on any aspect of provision, including national policies and initiatives and the way they have been implemented. This authority however does not feel that it is necessary nor desirable, as already stated, to have the Care Inspectorate involved in education. Inspectors have a key role in identifying best practice and ensuring this is disseminated within schools, across school clusters, within authorities, and across any regional collaborations.

In any such review of the role, functions and organisation of Education Scotland and Care Inspectorate, consideration should be given to how both the developmental capacity and inspection function can be more closely associated with the collaboration between authorities.

Independent of any review of the organisation of Education Scotland there does require to be an examination of the work of the various national inspection and audit agencies so that these can be better harmonised. Both the Care Inspectorate and Education Scotland inspectors work in schools. A nursery Head Teacher, or a primary Head Teacher who is also responsible for nursery provision therefore has to take account of two different types of inspections, quality frameworks, methods of working and reporting. As well as duplicating work, this is potentially confusing for parents. There is much to be gained by unifying this aspect of the Care Inspectorate's work with that of Education Scotland

Similarly, schools and education services have to take account of the requirements of two regulatory bodies – the General Teaching Council for Scotland (GTCS) and the Scottish Social Services Council (SSSC). Again it is in nurseries and the services that support them where this duplicated set of requirements is felt most. A unification of approach would be helpful and this would complement positively any developments that streamlined inspections and associated systems.

The Scottish College for Educational Leadership (SCEL) has only relatively recently been established with a small staff and is developing its place in Scottish education. Even without any developments in governance there are some profound changes taking place in the nature of leadership, such as shared and cross-sector headships, that will give SCEL an increasingly important role. If regional groupings are to emerge, and should the main priorities of their work relate to educational development and quality improvement then there is a need for SCEL to be able to engage with this in order to support developments. Such engagement will also allow SCEL's contribution to complement, and be complemented by, the contributions of Education Scotland and



the universities. Should Head Teachers, and schools, gain additional responsibilities as a consequence of the governance review then there will be a need for additional capacity building to support colleagues in which SCEL will be important.

Presently the Scottish Qualifications Authority relies on the services of Scotland's teachers as markers and assessors, and there is stakeholder involvement in its governance arrangements. It is increasingly difficult for authorities like North Ayrshire to release staff to work with the SQA because of staff shortages and financial implications. The SQA is of central importance to Scottish education mainly because its work defines some of the key outcomes for children and young people and it enjoys a near monopoly in terms of accredited attainment. It is important, therefore, that it continues to engage closely with educational professionals ensuring that assessment and classroom practice proceed in parallel, and that it seen to be independent of external political pressures to give the public continued confidence in the achievements of children and young people.

### Question 13

How should governance support teacher education and professional learning in order to build the professional capacity we need?

#### Comment:

In 2011 the Scottish Government published “Teaching Scotland’s Future” (Donaldson, 2011). This was the result of a comprehensive and in-depth review of teacher education and professional learning. The report contained 50 recommendations some of which had relevance to governance and particularly ensuring that all key stakeholders, including teachers themselves had appropriate ownership of this key driver for improvement. The report was well received at time of publication and there has been substantial progress against many of its recommendations. There would be merit in revisiting “Teaching Scotland’s Future” and to re-energise those aspects which are central to the issues raised in the governance review. North Ayrshire Council would support the stronger association between local authorities and schools on the one hand and the universities on the other in ensuring that teacher education and an extended probationary period is current and relevant both to the needs of children and the needs of teachers.

In considering this issue, however, it requires to be remembered that teachers are not the only professionals working in schools. A number of other categories of colleagues have either direct responsibility for children’s learning, or provide support to the child, or their teacher. These colleagues too should be considered as part of any wider review focused on building capacity. Again a stronger association between F.E. providers and Local Authorities to develop the wider education workforce, particularly to support children and young people with additional support needs, would be welcomed.



#### Question 14

Should the funding formula for schools be guided by the principles that it should support excellence and equity, be fair, simple, transparent, predictable and deliver value for money? Should other principles be used to inform the design of the formula?

#### Comment:

This part of the governance review rests on the assertion “If schools are to have greater control over the decisions they take there is a clear rationale for changing the current allocation of resources to support this.” This is not, of course, the case, and the Scottish Government needs to consider carefully the potential consequences and risks of readjusting existing funding arrangements. For, while some schools might enjoy an increase of resources as a consequence others may not and it is to be doubted whether this will be universally welcomed. Head Teachers across North Ayrshire, while welcoming the broad sentiment, do not believe it would bring equity into the system and expressed their concerns about administering such a system with their limited financial skills. Even if a solution is adopted that allocates an increased proportion of current Council spending direct to schools, an inevitable consequence of this will be that resources presently available to all children on an authority-wide basis will become unavailable to some causing service withdrawal, and often such services benefit disadvantaged or vulnerable children.

Only four years ago guidelines on Devolved School Management were published by the Improvement Service<sup>18</sup>. This publication was accompanied by a self-evaluation toolkit and examples of practice. These documents were themselves the result of joint working with key stakeholders and consultations involving Association of Directors of Education (ADES); Association of Heads and Depute Heads Scotland (AHDS); the COSLA Education, Children and Young People Executive Group; Educational Institute of Scotland (EIS); Education Scotland Local Authority Directors of Finance School Leaders Scotland (SLS); Scottish Government; Society of Local Authority Chief Executives (SOLACE); Improvement Service (IS); and the National Parent Forum Scotland (NPFS). These guidelines cover the areas presently incorporated within the governance review, including giving more decision making to schools and were widely welcomed as being the result of careful consideration and wide consultation. It is therefore difficult to see where the value added comes from the inclusion of these matters in the present governance review.

While the principles contained in Question 14 appear unarguable, their application at a practical level is likely to be unworkable. There are too many factors in operation in each educational setting and schools exhibit far too much variation with differing needs that such an approach would be unwise across Scotland. It should be noted, for example, that in England no satisfactory way, as reflected by the views of Head

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<sup>18</sup> Devolved School Management Guidelines, A summarised report based on the considerations and outputs of the national DSM Steering Group”, Improvement Service, 2012

Teachers, has yet been found to allocate resources to schools for children with additional support needs using such a formulaic approach; neither is the applied solution to this problem working satisfactorily. Authorities like North Ayrshire who have large numbers of pupils from disadvantaged households often with accompanying additional support needs will be further disadvantaged should further attempts be made to devolve resources to school level. This will be the case because even two children with similar conditions may have significantly different needs, demanding a significantly different resource; these needs, moreover will change over time. North Ayrshire Council is opposed to any approach to funding which might disadvantage vulnerable children or which might lead to them, or their families, being stigmatised. As Parish et al (2012) point out *“There is a risk that autonomised funding for vulnerable children will compromise overall provision. Some services might wither. There is also question of whether schools have the capacity or competence to commission services for vulnerable children.”*<sup>19</sup>

The Guidelines on Devolved School Management issued in 2012 remain relevant with their advice:

*“DSM must give Head Teachers and schools maximum flexibility. However, there are some areas of expenditure such as elements of additional support for learning (ASL) that cannot easily be broken down to school level as they would tend to bring unnecessary and unproductive bureaucracy were the funding to be devolved. In addition, there are other areas of expenditure that should not be devolved if a council needs to protect its schools from unacceptable levels of risk.*

*For the purposes of these updated guidelines the following areas of expenditure are generally not considered suitable for devolution in relation to the budget for schools:*

*Capital expenditure, including all PPP/PFI costs;*

*Central support services e.g. English as an additional language support, hearing, visually impaired services, educational psychology services;*

*School meals;*

*Bursaries, clothing and footwear grants;*

*Expenditure supported by central government specific grants, where it is explicit that the purpose is to support council wide initiatives;*

*Home-to-school transport;*

*Premature retirement costs;*

*Centrally funded support for children and young people who require significant additional support whether from education (e.g. auxiliary support, specialist aids and appliances) or from other agencies (e.g. health services);*

*Education Maintenance Allowances;*

*Council contracted work on managing the School Estate where applicable;*

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<sup>19</sup> Page 80, Parish N, Baxter A and Sandals L (2012) op cit

### *School security running costs.*

*(This list is not exhaustive).*

There are other areas of risk such as maternity cover or long term absence costs the scale of which could have a significant and adverse impact on a school budget. It also should be pointed out that the practice of resourcing schools for their staffing currently varies across Scotland with some authorities using average salaries, while others use actual. Application of a universal approach might therefore have a significant and adverse impact on individual school budgets.

Even taking a superficially simple issue such as an element of funding based on roll will quickly be compromised by factors such as the unpredictability of secondary school rolls at change of session caused by variable staying on rates or the phased induction of children into nurseries throughout the academic year.

Particular care is required in considering the case of small schools<sup>20</sup>, such as those that exist across North Ayrshire particularly on the island of Arran, when seeking to apply any universal solution. Such schools have much less flexibility in their budgets than larger schools and can be vulnerable to short term changes in their circumstances caused, for example by roll changes or staff absence. In such schools it is common for Head Teachers, for example to be class committed. Under current arrangements authorities can intervene to support schools in such circumstances but will be less able to do so with any further reduction in central budgets. In this context, particular account needs to be taken of early year's education and care, remembering that there are free-standing establishments, nursery classes, partner providers and childminders. The volatility of rolls, the variable incidence of the impact of additional support needs, coupled to high efficiency staffing models means they have a vulnerability to changes requiring a level of protection which is afforded by the strategic management of central resources. North Ayrshire Council believes that this will be a very important consideration as the country moves to almost double provision by 2020. Nurseries and small schools would be very vulnerable to any budget savings levels that were universally applied as there will be insufficient flexibility for them to respond without risk to their operation or the outcomes for children.

Increased budgetary responsibility, with its associated accountability would require an associated review of ancillary staffing to all schools, but particularly small schools and nurseries to ensure Head Teachers had adequate support to assume the increased responsibility.

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<sup>20</sup> The term "small school" is used as it might be generally understood rather than being applied specifically to schools of 70 or less pupils.

North Ayrshire Council believes that this requires a system wide review that takes into account the interrelated nature of children's services provision across a variety of agencies.

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### Question 15

What further controls over funding should be devolved to school level?

#### Comment:

One of the features of present devolved school management arrangements that is valued by Head Teachers is to strategically manage their budgets the ability to move resources from one area of spend to another. It is this ability that has allowed the creation, for example, of resource areas, enhanced ICT facilities or additional learning support facilities. This relies on two facilities being enabled – virement and carry forward. Under virement funds can be moved from one budget heading to another within a financial year, in this way a projected underspend in one area can be used to support spending in another area, for example for the purchase of additional software or staff cover. Using the carry forward facility schools can retain funding resulting from underspend in one financial year, within prescribed limits, so that they can be used in a subsequent year. This is a facility that can work in direct support of a school's improvement plan, which constitutes just one source of control. However it would be more difficult if National Imperatives dominated school improvement planning. Experience shows that the creation of such school-generated resources is better than the centralised purchase and distribution of resources.

Virement and carry forward only works, where there exists an accurate and well understood system of budget projection and financial modelling. This is to ensure that any under or overspend is known with a high level of confidence so that funds can be retained or moved in a way that secures best value and does not compromise financial rigour. In turn, this requires a sophistication of approach based on an understanding of how, under different budget headings, school expenditure is phased throughout the financial and academic years.

This latter point is important during the annual cycle of setting budgets. However funded, schools will, at points in their history, be expected to make savings under any arrangement where they have increased controls. To do this, there must be high quality information available on expenditure and on likely future pressure on the different budgetary headings. Head Teachers will require the support of sufficient suitably qualified and experienced staff to do this. They will require to assist the Head Teacher in conducting risk and impact assessments for any proposal to support sound governance. Even with such checks and controls, in the interests of securing equity, it is undesirable that such decisions can be left at school level with a level of strategic overview being necessary. In this context, and of central importance in this review, there requires to be clarity about where the accountability will rest for school expenditure under any direct funding model. If elements of accountability for expenditure are to remain with the local authority it follows that there must be a limit to the amount of control that can be passed to the school.

The self-evaluation toolkit issued in 2012 in association with the revised DSM guidelines outlines the further controls in terms of stakeholder involvement, including

staff and parents in budgetary decisions. Appropriate stakeholder involvement at school level is essential. The toolkit offers a number of appropriate prompts and it is therefore a good reference point for schools.

The controls that are given to schools and local stakeholders should not compromise the concepts of equity and inclusion. However, Head Teachers across North Ayrshire Council would welcome some additional input into areas such as staffing, recruitment and procurement.

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## Question 16

How could the accountability arrangements for education be improved?

### Comment:

As indicated in response to Question 12, there is considerable scope to realign, refocus and reorganise the various national agencies – Education Scotland and the Care Inspectorate; the General Teaching Council for Scotland and the Care Inspectorate – to simplify and streamline the inspection, audit and professional standards landscape. This would reduce bureaucracy and produce a more coherent system more readily understood by parents and communities. To achieve this it will be important that the independence of school inspection should be reasserted with a clear separation from the developmental functions of Education Scotland. North Ayrshire Council would support a realignment of these functions including consideration of a regional solution.

In any realignment of the organisation of education and associated governance structures, care must be taken that the current well understood systems of accountability are not compromised. Such clarity should not be achieved by the addition of more bureaucracy. Thus, any move towards direct funding of schools with control existing at school level clearly calls into question part of the role of local authorities; it also has clear implications for wider authority services. If such changes require increased bureaucracy in terms of planning and reporting at school level there will be a distraction from learning, teaching and improving outcomes that this authority would find unacceptable.

The Governance review (page 16) draws attention to Section 70 of the Education (Scotland) Act 1980, as amended. This is an important safeguard which should be retained. It is however only one of a range of other measures which can be used to hold the education service to account. These include statutory appeals mechanisms, the Additional Support Needs Tribunal, use of individual Council complaints mechanisms, complaints to elected members, complaints to the Public Sector Ombudsman (although certain exemptions apply to education), the Information Commissioner, and in certain circumstances the sheriff's courts. There are, therefore, no shortage of formal accountability procedures. It should also be noted that since January 1999 there have been only 9 orders made under Section 70 of the 1980 Act and therefore it cannot be reasonably inferred that education authorities have a predisposition to ignore their statutory duties. Similarly 0 (zero) inquiries have been ordered under Section 67 of the same act. Since the enactment of the School Education (Ministerial Powers and Independent Schools)(Scotland)Act 2004 there have been 36 interventions by Scottish Ministers, none of which have been in relation to education authority schools, all have been in relation to independent schools. From an education authority perspective at least there appears no need to enhance the ministerial powers currently available. North Ayrshire Council believes that schools, without authority support and guidance would find it almost impossible to respond on an individual basis to the range of complex legislation that supports the rights of

children and families to question or appeal decisions. This authority provides legal, financial and expert senior officer advice guidance and support to schools and establishments which must be protected otherwise the system will fail.

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### Question 17

Is there anything else you would like to add regarding the governance of education in Scotland?

#### Comment:

#### **Negotiating Committees and Related Matters**

The governance review does not consider the relationship between the negotiating arrangements that exist at national level through the Scottish Negotiating Committee for Teachers (SNCT), at authority level through the Local negotiating Committee for Teachers (LNCT) and at school level to reach agreement on collegial matters. These mechanisms work well in North Ayrshire. They give our teachers a strong voice at organisational all levels on the arrangements governing the terms and conditions of their work. The existence of these mechanisms should be considered when reviewing governance arrangements, and particularly the aspiration to greater empowerment of decisions at school level.

#### **Community Learning and Development (CLAD)**

CLAD is an important service in supporting the learning of children and young people. This service is delivered by the Economy and Communities Directorate in North Ayrshire nevertheless it is an integral part of learning. It plays an increasingly important role in community planning and North Ayrshire's integrated children and young people's service plan; the inspection of CLAD is undertaken by Education Scotland and schools are involved in inspections of learning communities. There is therefore a strong case to consider CLAD in the governance review. In doing so it should be noted that the pattern of delivery of CLAD varies significantly across Scotland with ten Councils separating CLAD by placing them in a department other than the one responsible for the delivery of educational or children's services. Effective delivery of CLAD services is a responsibility within statute of the education authority and so it must be considered in any new governance arrangements. Community Learning and Development across North Ayrshire should be able to maintain strong and effective links with schools, contribute to lifelong learning and contribute to the positive outcomes achieved by young people.

#### **Education Authorities**

When a Council Committee sits as an education authority, under the terms of the Local Government (Scotland) Act, as amended there requires to be three Church representatives, but authorities, including North Ayrshire Council, have extended this representation to include wider stakeholder involvement. This includes teacher, parent and young person's representation. The pattern, however, varies across Scotland as does the extent of the voting rights of these additional members. Given the scope of the governance review and its intention to seek greater involvement of parents, communities, teachers and young people in educational decisions there is clearly scope to review the models used across Scotland and identify best practice

with a view to issuing guidance or other taking other appropriate measures. North Ayrshire Council also has a strong Youth Cabinet fully supported by Elected Members and the Authority. This is a model of best practice that should be considered nationally as a way of further involving young people in the development of policy and operational arrangements for their education.

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*Note: This response reflects work undertaken by the Association of Directors of Education (ADES) to compile their response to the Governance Review.*



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 5**

**20 December 2016**

#### **Cabinet**

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**Title:** **Irvine High Street Public Realm**

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**Purpose:** To present the evolving design principles and proposed consultation strategy in relation to the public realm improvements at Irvine High Street and Bank Street.

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**Recommendation:** That Cabinet approves:  
a) the design principles to be presented to Cabinet ahead of wider community consultation in early 2017;  
b) the content of the proposed Engagement and Communication Strategy; and  
c) the intention to minimise disruption to retailers associated with the construction phase by commencing work on-site in early 2018.

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#### **1. Executive Summary**

- 1.1 The Irvine High Street and Bank Street Public Realm works is a key project that has emerged from the Irvine Vision, approved by Cabinet in June 2015. The improvement of this area will promote regeneration by creating a more attractive and accessible environment, encouraging visits, extending dwell time and associated spend and further investment. The project will also complement recent investment at Bridgegate and the Portal and Town House.
- 1.2 Initial work undertaken by LA Architects was presented to Cabinet in December 2015 where it was agreed to maintain the status quo in terms of traffic movement along High Street and Bank Street. Since then a new design team was appointed in September 2016. The new design team have carried out a review of the work previously undertaken, engaged with key stakeholders and developed key design principles and these are to be presented to the Cabinet meeting via a powerpoint presentation.
- 1.3 In addition, an engagement and communications strategy has been developed and is presented for approval.

## **2. Background**

2.1 Proposals for an improved public realm in Irvine's town centre emerged from the Irvine Vision. As well as improvements to the streetscape and materials, the proposals will be designed to improve safety, pedestrian and vehicular movement, public transport infrastructure and air quality all of which will create an enhanced sense of welcome and activity. The study area includes High Street, Bank Street to the junction of East Road, and the vennels that connect to East Road Car park. A plan of the area is presented in Appendix One.

2.2 As previously presented to Cabinet, the nature of transportation movements and access to the subject area are fundamental to the development of a design solution. Currently, High Street North is closed to traffic other than buses to the south of Seagate. Cars can access High Street south but are required to turn right on to Bank Street at the Cross. Taxis currently have a dedicated rank on Bank Street. It was previously agreed by Cabinet to maintain the status quo in terms of traffic movement as this will:

- Retain around 12,000 bus trips per day as close as possible to the main attractors;
- Maintain reliability and journey times by separating buses from general traffic thus ensuring public transport remains an attractive mode of transport into Irvine town centre; and,
- Ensure a constant flow of people in and around the High St & Bank St areas, helping with activity and hence safety particularly in the evening, a feeling of community, and support for local businesses through discretionary spend.

Cabinet also previously approved a design approach which sought a balance between a contemporary and traditional design solution.

2.3 In September 2016, Land Use Consulting Ltd (LUC) were appointed to lead a multi disciplinary design team for the further development of the project. Their remit included a review of the previous work and the development of the detailed design proposals.

- 2.4 Work to date has included analysis of earlier design work, the commissioning of additional technical surveys to inform the design, stakeholder consultations and early engagement with businesses within the study area. Alongside this LUC have further developed the design solution and will present to Cabinet a series of observations and recommendations. The recommendations have taken on board an understanding of future maintenance concerns, the needs of motorised and non-motorised users of the town centre and the material palettes used at Bridgegate and the Portal and Town House.
- 2.5 An engagement and communication strategy has been prepared. This has been informed by discussions with elected members and is included as Appendix Two to this paper. The strategy seeks to ensure that the final design takes account of the varying needs of all users within the study area and therefore includes consultation with traders, residents, the North Ayrshire Access Panel and the wider community. In summary this engagement strategy sets out:
- How we will engage, through questionnaires, face to face meetings, the use of social media, recording a data base of contacts, and holding public consultation events;
  - Who we will engage with, including retailers / businesses, the public, residents, elected Members, internal Council Services, external partner organisations, the North Ayrshire Access Panel, etc.
- 2.6 The project was also the subject of a presentation to the Irvine Locality Planning Partnership on 28th November and this was well received.
- 2.5 The planned construction phase is estimated to last for 18 months. Through discussion with traders and elected members it is proposed to target a site start in early 2018 in order that disruption to retailers is limited to one festive season, and disruption to the construction programme through winter weather is also reduced.

### **3. Proposals**

- 3.1 It is proposed that Cabinet agrees to:
- a) the design principles presented to be presented to Cabinet ahead of wider community consultation in early 2017;
  - b) the content of the proposed Engagement and Communication Strategy; and
  - c) the intention to minimise disruption to retailers associated with the construction phase by commencing work on-site in early 2018.

#### 4. Implications

<b>Financial:</b>	<p>The design team are developing a design solution with an anticipated budget of up to £3.4M, made up of the following sources:</p> <ul style="list-style-type: none"> <li>● NAC Town Centre Capital Fund £0.6M</li> <li>● Irvine Bay Regeneration Company £1.8M</li> <li>● Strathclyde Partnership for Transport £1.0M</li> </ul> <p>IBRC funding towards this project has been included within their approved operating plan.</p> <p>An application for £0.49M was submitted to SPT in November 2016 with a decision expected by March 2017. A further application for additional funding will then be submitted in November 2017 and if successful this would bring their contribution up to £1M.</p> <p>In addition to the funding sources identified above, a bid for £0.45M from Sustrans will be submitted in February 2017.</p> <p>Failure to secure capital funding to meet the budget cost of £3.4M would lead to a requirement to reduce the scope of the project in terms of either its coverage or specification.</p>
<b>Human Resources:</b>	There are no Human Resource implications arising from the report.
<b>Legal:</b>	There are no legal implications arising from this report.
<b>Equality:</b>	The detailed design will seek to improve access for all users and consultation is on-going with the North Ayrshire Access Panel.
<b>Environmental &amp; Sustainability:</b>	The development of the scheme will provide improvements to the physical environment and levels of air quality.
<b>Key Priorities:</b>	This proposal supports the Council Plan Core Priority 1 – ‘Growing our economy, increasing employment and regenerating towns.’
<b>Community Benefits:</b>	Any construction contracts let will see the provision of appropriate community benefit in line with the Councils Community Benefit policy.



## **5. Consultation**

- 5.1 Consultation to this points has included a number of internal services, local Members and traders. In addition a comprehensive Engagement and Communication Strategy has been developed with input from the Business and Marketing teams and is included as part of this report as Appendix Two.



KAREN YEOMANS  
Executive Director (Economy and Communities)

### **Reference :**

For further information please contact Elaine Troup, Regeneration Manager on 01294324742

### **Background Papers**

Appendix One: Plan of Study Area

Appendix Two: Proposed Engagement and Communication Strategy.

Cabinet Paper of 8th December 2015, Agenda Item 6: Irvine High Street Public Realm.







## **Irvine High Street / Bank Street Public Realm**

### **Engagement and Communication Strategy**

**November 2016**

The public realm improvements proposed for Irvine Town Centre (High Street and Bank Street) form one of a series of major regeneration projects emerging from the Irvine Vision consulted upon during 2014 and approved by NAC in June 2015.

The improvement of this area will promote regeneration by creating a more attractive and accessible environment, encouraging visits, extending dwell time and associated spend and further investment. This project will also complement recent investment at Bridgegate and the new Leisure Centre.

This Engagement and Communication Strategy has been developed to support the project by:

- Allowing the design team an increased awareness of any issues in the town centre that may influence the design;
- Ensuring the relevant stakeholders are being engaged in the process;
- Promoting the support available to businesses via the Business Team; and
- Establishing means of communication with those who will be impacted by the works, both the construction phase and by the completed improvements.

There are a number of different methods of engagement proposed through this strategy with the aim of targeting all key users of the town centre and fully understanding the needs of people working, living and visiting Irvine.

The strategy covers:

1. How we will engage; and,
2. Who we will engage with;

#### **1. How we will engage**

During the early stages of the design development it is essential that we contact as many people as possible. This will allow us to introduce the project and to obtain important information from people who regularly use the town centre. In order to do this we will:

- Distribute business and residents questionnaires which will allow us an improved understanding of people's needs / requirements;
- Identify and speak to a range of community groups;
- Consult with internal (Council) and external stakeholders;
- Establish a database of those keen to be kept up-to-date with the project;
- Use social media, the council website and local newspapers to keep people informed; and
- Hold community wide consultation events, the first of which will be early in 2018.

#### **Business and Resident Questionnaire**

In order to build relationships with businesses and residents in the affected areas a questionnaire will be prepared and delivered (by hand) to all businesses and posted to all households in the study area. As an initial step in the engagement process the feedback from this exercise will be invaluable, it will contribute to the design process and will support future communication routes.

- The questionnaire is the starting point for the engagement process however it cannot be seen in isolation. It's the start of an ongoing process with follow-up and ongoing contact with stakeholders and is a key stage in introducing the benefits of the project.
- All businesses will receive a hand delivered questionnaire with a follow-up visit to collect the completed questionnaire, where necessary. This method, although time consuming, will ensure the best response rate.

- The questionnaire will include a location map and contact details.
- This will allow people to provide contact details which can be fed into a database for the project and to be kept up-to-date with progress.

## **2. Who we will engage with**

In order to deliver this project successfully engagement with a range of stakeholders is essential. Following on from the positive work carried out by Working for Irvine Together (WFIT) it is the intention to speak to groups across Irvine to help inform the evolving design and also to keep people up-dated with progress. The following groups have been identified however this list is expected to increase:

The list of groups is extensive and will include:

- Elected Members
- Irvine Locality Planning Partnership
- North Ayrshire Access Panel
- Elderly Forum
- Residents
- Retailers / businesses
- Irvine Incorporated Trades
- Irvine Burns Club
- British Legion
- Irvine Carters Society
- General public

We will also be engaging with different departments within the Council and with key external stakeholders to ensure they have the appropriate level of involvement in the design development. This includes key project funders, bus and taxi operators and service and utility providers.

North Ayrshire Council stakeholders include:

- Business Team;
- Streetscene;
- Roads;
- Lighting;
- Active Travel + Transport; and
- Planning / Building Standards.

External stakeholders + funders include:

- IBRC;
- Strathclyde Passenger Transport;
- Stagecoach;
- SUSTRANS;
- Utility providers; and
- Scotland's Towns Partnership.

A comprehensive database of contacts will be generated via the business and residents questionnaires which will be invaluable throughout the project. This will record all communication, events and presentations to ensure the community is kept well informed.

Working closely with the Business Team we will use this project as a method of promoting the Business Team's services and their new town centre location. Together we will offer local businesses a range of support that will include:

- Retail workshops – a programme of 3 free workshop sessions/topics will be planned before and during the works. Topics could include retail masterclass; customer service; and window dressing. These will be ring-fenced specifically for the businesses in the affected area, and put on by the Business Team over and above their normal schedule of business workshops.
- 1-to-1 specialist retail surgeries (access to 1 hour sessions with a retail consultant following the more generic workshop delivered to a larger group, they could then focus in on one or two key issues with consultant in a more private environment).

Often the most common complaints can be not knowing who to speak to. In order to combat this the intention will be to:

- Establish one primary named point of contact for the project. This will need business cards with a direct landline, mobile and dedicated e-mail address. A dedicated page will be created on the NAC website.
- Identify a named contact (and a substitute) in each relevant council department, planning, building control, streetscene, cleansing, Business Growth team, etc.
- The willingness of the various depts to respond is key so a strong working relationship is essential.
- Require a similar arrangement of a named contact from the contractor(s) when appointed.

### Communications

Regular communication with stakeholders is essential with each conversation being recorded in the database. Support from the Communications team will be essential to ensure the right message is released, that social media and websites remain up-to-date and relevant..

- Consider the use of flyers, poster, the local press, local radio (Irvine Beat) and the Big Screen to publicise milestones or upcoming events.

### Town Centre base

As a recognisable town centre location / hub for the project, space will be set aside within Bridgegate House. This will provide a permanent display space to start the engagement, the presence of which will be increased as the project gets closer to the construction phase.

### Events

- Community engagement event around the developing design is planned for January 2017;
- Meet the contractor event;
- School visits to the site / or by contractor to school – identify nearby secondary school(s) to participate (careers based).





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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 6**

**20 December 2016**

#### **Cabinet**

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**Title:** **Energy Efficiency within the Council's Non-Domestic Estate**

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**Purpose:** To seek the approval of Cabinet to invest in energy efficiency within the Council's non-domestic built estate on an 'invest to save' basis.

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**Recommendation:** That Cabinet agree to undertake energy efficiency improvements to a number of buildings within the Council's non domestic build estate on an 'invest to save' basis as part of the first phase of a Non Domestic Energy Efficiency Programme.

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#### **1. Executive Summary**

- 1.1 In 2015/16 the Council was responsible for consumption of over 75,000 MWhs of energy across its property estate of over 700 buildings. The Climate Change (Scotland) Act 2009 and the Scottish Government's ambitious energy targets compel authorities to take action on their carbon footprint to deliver economic, social and environmental benefits.
- 1.2 This context is reflected within the Council's Environmental Sustainability & Climate Change Strategy 2014-17. The strategy includes an action in relation to tackling energy efficiency within the estate as part of the Council's wider sustainability programme, which includes projects to generate renewable energy, reduce waste, and reduce transport emissions.

- 1.3 An opportunity has been identified to accelerate the Council's current annual energy efficiency programme by using a new Scottish Government framework (the Non Domestic Energy Efficiency Framework (NDEEF)), as one of three 'pathfinder' projects in Scotland. The NDEEF takes the form of a 'whole building' approach to energy consumption reduction by considering a number of buildings simultaneously. Officers, with grant funding for technical support secured from the Scottish Government, have completed the robust technical assessment work which is a prerequisite for tendering through the NDEEF. This work demonstrates the potential to use the framework to implement energy efficiency measures across an initial phase of 14 buildings within the Council estate to deliver financial savings of £80-100k per annum, carbon savings of 400 tonnes per annum, and other non-financial benefits.
- 1.4 A full draft tender documentation pack to call off from the NDEEF has also been prepared, as this was included within the scope of the grant support secured.
- 1.5 Members' views are sought on the investment proposals outlined within this report.

## **2. Background**

- 2.1 The Climate Change (Scotland) Act 2009 sets legally binding targets in relation to greenhouse gas emissions reduction (42% by 2020, based on a 1990 baseline). Furthermore, there are linked national ambitions including an energy efficiency target to reduce total final energy consumption in Scotland by 12% (against a baseline of average consumption in 2005-07).
- 2.2 The Council has clearly set out its aspirations in terms of sustainability, through publication of the Environmental Sustainability & Climate Change Strategy 2014-2017. This includes the strategy and actions relating to reduction in energy consumption and carbon emissions from our estate to deliver carbon reductions, financial savings, energy security, improved indoor environment for building users, job creation and public leadership on climate change action.
- 2.3 In 2015/16 the Council was directly responsible for consumption of over 75,000 MWhs of energy across its estate of over 700 buildings. The scale and variety of the estate means that there is a significant opportunity to reduce consumption further, building on the 12% reduction in carbon emissions over the last three years alone.

- 2.4 Since the late 1990s, the Council has had an annual rolling programme of implementing energy efficiency measures. This programme has increased in scale in recent years, and includes projects such as energy efficient lighting retrofit, voltage optimisation, improved heating controls and behavioural change. There is an ambition to accelerate this programme further and increase the scale of investment to deliver financial savings, carbon savings and other benefits.
- 2.5 The Scottish Government's Non Domestic Energy Efficiency Framework (NDEEF) has been identified as a potential route to deliver energy efficiency interventions at scale within the Council estate. The NDEEF is a newly established route to the procurement of 'spend to save' Energy Performance Contracts (EnPCs), helping the public and third sectors maximise opportunities for improving energy efficiency in public buildings through a whole building approach.
- 2.6 An EnPC is a contract whereby the contractor identifies and agrees a range of energy efficiency measures to be implemented on an agreed portfolio of buildings, and thereafter underwrites the performance of these measures by guaranteeing a level of saving to the client using established measurement and verification methodologies. Prior to entering into the procurement process for an EnPC, the contracting authority usually undertakes extensive technical assessment work. This work is to understand the scale and scope of potential energy efficiency interventions and savings levels which provides confidence to procuring authorities regarding likely capital costs and revenue savings, and also gives a benchmarked reference point for the future evaluation of NDEEF tender returns.
- 2.7 Officers, with support from technical advisers paid for in part by £50,000 grant funding secured from the Scottish Government, have been developing the business case for a Council led NDEEF project. This grant funding was secured on the basis that the Council will be one of three 'pathfinder' projects in Scotland. The associated technical assessment work is now completed, as is the preparation of draft procurement documentation.
- 2.8 The agreed portfolio of buildings for the proposed NDEEF project was identified through consideration of the full list of Council building assets, which were then assessed for suitability for NDEEF using a variety of factors. These factors included energy consumption levels, energy rating, age of building, occupancy level, and certainty of future use. The number of buildings has been selected on the basis of advice from the Scottish Futures Trust, who are the authors of the NDEEF. Including too many buildings is not attractive to the market, who prefer a phased approach to limit their exposure.

2.9 The agreed shortlist of buildings for the proposed NDEEF project is:

Site	Building Type
Building Services Complex	Depot
Caledonia Primary School	Primary School
Glebe Primary School	Primary School
West Kilbride Primary School & Nursery	Primary School and Nursery
Glencairn Primary School	Primary School
Ardeer NC	Community Centre
Towerlands CC	Community Centre
Focus CC	Community Centre
Cranberry Moss CC	Community Centre
Castlepark CC	Community Centre
Brodict Hall & Arran Library	Library
Auchenharvie Academy	Secondary School
Kilwinning Academy	Secondary School
Irvine Royal Academy	Secondary School

2.10 The technical assessment work for these buildings included detailed energy audits, as well as consideration of future maintenance programmes and capital investment plans to inform decision making and identify any synergies to avoid or offset maintenance/capital investment expenditure.

2.11 The technical assessment work identified a suite of suggested energy efficiency interventions to the buildings for example lighting improvements, boiler replacement, heating control improvements, and draught proofing, the implementation of which would provide the following benefits:

- Guaranteed gross annual revenue savings on electricity and gas costs, anticipated to be in the region of £80-100k. In NDEEF contracts, the exact saving level is confirmed as part of the procurement exercise
- Carbon savings in the region of 400 tonnes per annum
- Increased energy security by reducing our vulnerability to energy price rises
- Improved thermal and lighting comfort, for the benefit of staff, pupils and visitors to our buildings
- The installation of a variety of energy efficiency measures in a range of buildings which will stimulate job creation as part of the implementation process
- Demonstrable civic leadership on climate change action through a targeted approach to energy efficiency

- 2.12 The anticipated capital cost for the proposed suite of energy efficiency measures across the 14 buildings is £800k-£1m. The capital investment and revenue savings are expressed within a range because the nature of the NDEEF is that contractors require flexibility to identify the measures where they are comfortable to guarantee performance. The technical assessment work is therefore designed to give procuring authorities the required level of confidence in terms of achievable savings and associated capital costs before calling off from the NDEEF.

### **3. Proposals**

- 3.1 Members have expressed their continued commitment to tackling climate change within the Council estate through publication of the North Ayrshire Environmental Sustainability and Climate Change Strategy 2014-17 (ESCCS). The ESCCS includes an action in relation to improving energy efficiency within the Council estate. The proposed NDEEF project provides an attractive opportunity to accelerate energy efficiency activity and deliver substantive revenue savings (£80-100k), carbon savings (400 tonnes per annum), as well as other non-financial benefits as outlined in this report.
- 3.2 Members are therefore invited to agree a programme of energy efficiency improvements to a number of buildings within the Council's non domestic build estate on an 'invest to save' basis through call-off from the Scottish Government's Non-Domestic Energy Efficiency Framework as part of the first phase of a Non Domestic Energy Efficiency Programme.

### **4. Implications**

<b>Financial:</b>	Assuming a capital cost of £1,000,000 the cost of borrowing will be £75,000 per annum. This will be funded from the savings generated by the project, resulting in a net saving to the Council of £5,000 to £25,000 depending on the final level of savings secured.
<b>Human Resources:</b>	None.
<b>Legal:</b>	None.
<b>Equality:</b>	None.
<b>Environmental &amp; Sustainability:</b>	The NDEEF proposal is expected to provide carbon reduction in the region of 400 tonnes per annum, which is a significant contributor to environmental improvement. The project also demonstrates public leadership in terms of action on climate change.

<b>Key Priorities:</b>	The project makes a direct contribution to the Council Plan Strategic Priority 'protecting and enhancing our environment for future generations' through the carbon savings, energy security and leadership on climate change action.
<b>Community Benefits:</b>	Not applicable.

## 5. Consultation

- 5.1 Internal consultation with colleagues in Finance & Corporate Support (Procurement) and Property Management & Investment was undertaken to inform the business case, for example the provision of building data such as floor plans and stock condition, and also in relation to advice on the NDEEF documentation.



CRAIG HATTON  
Executive Director (Place)

Reference : DH/HW

For further information please contact David Hammond Senior Manager (Sustainability & Directorate Performance) on 01294 324764

## Background Papers

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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 7**

**20 December 2016**

#### **Cabinet**

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**Title:** **Refugees, Asylum Seekers and Unaccompanied Asylum Seeking Children**

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**Purpose:** To advise Cabinet of the humanitarian commitments and support provided to vulnerable groups resettled in North Ayrshire and requests received from COSLA and the Home Office to support other programmes.

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**Recommendation:** That Cabinet:

- i. notes the work to date in meeting the Council's commitment to support the resettlement of refugees and UASC from Calais;
  - ii. awaits the development of legislation to enable the transfer of UASC from within England and Wales to Scotland; and
  - iii. agrees to pause progress on the widening of asylum dispersal beyond Glasgow to North Ayrshire while officers explore how appropriate support can be developed.
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### **1. Executive Summary**

1.1 In total there are currently five programmes of resettlement for Refugees, Asylum Seekers and Unaccompanied Asylum seeking Children that the Home Office and COSLA have asked the Council to assist with:

- The Syrian Refugee Resettlement Programme;
- Unaccompanied asylum seeking children from Calais camps;
- Widening of asylum dispersal beyond Glasgow in Scotland;
- Transfer of unaccompanied asylum seeking children currently being cared for in Kent;
- The Vulnerable Children Resettlement Scheme from the Middle East and North Africa region.

1.2 The Council continues to successfully resettle refugees from Syrian and has recently received five children displaced from Calais migrant camps.

- 1.3 Following discussions with the Home Office a number of concerns have emerged regarding the dispersal of asylum seekers and unaccompanied asylum seeking children (UASC).

## **2. Background**

### **Syrian Resettlement Programme**

- 2.1 In response to the humanitarian crisis in Syria the Council agreed, in September 2015, to resettle up to 100 refugees over the next 4 years. To date we have resettled and provided integration support to a total of 11 families i.e. 53 refugees (plus a new baby born in Sept).
- 2.2 The Home Office intends to charter a further flight early in March 2017 to Scotland with Syrian refugees who qualify for resettlement in the UK. Officers are currently working with COSLA and the Home Office to consider family reunification cases from this flight and we are developing plans for a further two families (10 people) to be accommodated at that time. There are significant benefits for linked families to be together and the positive influence this has on their integration and resettlement following the trauma they experienced.
- 2.3 Funding is provided by the Home Office over a five year period to local authorities participating in this programme to cover resettlement and integration costs. The funding available has been targeted to create capacity within services to ensure the successful support and integration of refugees into North Ayrshire's communities. A key element is the development of English language skills, the Council now employs three Arabic speaking staff and has put in place extensive English for Speakers of Other Language (ESOL) training. In addition support is provided from across the Community Planning Partnership to enable settlement and integration into our communities. This programme is progressing well with positive feedback from both service users, staff and the wider community.

### **Widening Dispersal – Asylum Seekers**

- 2.4 Due to a large increase in the number of asylum seekers to the UK the Home Office are keen to widen asylum dispersal beyond Glasgow in Scotland and have asked all local authorities to assist. On the 27<sup>th</sup> September 2016 Cabinet agreed to officers continuing discussions with the Home Office and COSLA to identify how the Council could further assist.



- 2.5 Officers have met with COSLA, the Home Office and Serco who are contracted by the Home Office to provide accommodation and associated support services. At that time detailed explanation was provided of how asylum seekers could be dispersed from initial accommodation in Glasgow to parts of North Ayrshire, the ratio of staff to service users and the ongoing support offered. It was noted that there is no English for Speakers of other Languages (ESOL) provision within the support contract. The Home Office advised of ongoing discussions with the Scottish Legal Aid Board to address the shortage of legal services available for asylum applications. There is no funding available to local authorities to provide additional or enhanced services. Where communities have received a larger number of asylum seekers over a period of time the third sector has developed support systems to supplement the services funded by the Home Office.
- 2.6 The Home Office funding provided to support the settlement and integration of refugees currently in North Ayrshire exceeds that which would be provided to asylum seekers via the Serco contract. In our experience extensive support, at least initially, and reducing as time progresses, is required to ensure their well-being following the traumatic experiences associated with leaving their country of origin. Further support in respect of English language skills is essential to their integration and move to self-support status. The essential 3<sup>rd</sup> sector support provision that has built up over time that exists in Glasgow for all asylum seekers including failed cases is not currently available in North Ayrshire and would require development.

### **Widening Dispersal – Unaccompanied Asylum Seeking Children (UASC)**

- 2.7 As part of the widening dispersal programme the Home Office require to transfer UASC mainly from Kent and are seeking to develop a voluntary dispersal scheme in Scotland. COSLA are working with Scottish local authorities and have established a working group to develop a national protocol to meet Scottish requirements. North Ayrshire's Health and Social Care Partnership are represented on this group. There is currently no legal framework in place to allow the transfer of UASC from English to Scottish local authorities and this prevents Scottish local authorities participating at this time however, appropriate legislation is being prepared. Without the legal basis both transferring and receiving authorities expose themselves to significant risk. As a result the protocol being developed by COSLA is delayed.

## **Unaccompanied Asylum Seeking Children from Calais**

- 2.8 Following an urgent request from COSLA to local authorities to accommodate unaccompanied asylum seeking children being displaced from Calais camps in October the Council agreed to provide a place of safety for up to 6 vulnerable children. 5 children aged 14 – 16 arrived on 30<sup>th</sup> November and are now being looked after and accommodated, their needs are currently being assessed.
- 2.9 Government funding set at £114 per child per day for children under 16 and £91 per person per day for 16 – 17 year olds is provided. This then ranges from £33,215 for those aged 16 – 17 and £41,600 per annum for a young person under 16. The leaving care rate is £200 per week. This is to cover costs incurred when looking after and accommodating the children, including health care and education.
- 2.10 Once the children's needs have been assessed the model of care will be developed to ensure their well-being is maintained within the funding available.

## **Vulnerable Children Resettlement Scheme**

- 2.11 The Council has also received a request from COSLA to support the Vulnerable Children Resettlement scheme. This scheme is designed to resettle 3000 people from the Middle East and North Africa Region. Scotland is expected to assist 300 people. The majority of children will come with their parents or carers who are not directly related. Funding is available for this scheme set at same level as for the Syrian Resettlement Programme.

## **3. Proposals**

- 3.1 Humanitarian protection is a principle supported by the Council as has been demonstrated in our commitments to the Afghan Relocation Scheme, the Syrian Refugee Resettlement Programme and providing a safe haven to Unaccompanied Asylum Seeking Children from Calais.
- 3.2 The Council continues to support Syrian refugees and have current commitments to resettle families up to March 2017 that will result in a total of 63 refugees being resettled in North Ayrshire, including family reunification cases. We have successfully and carefully managed the expectations and needs of the local communities with that of the needs of the vulnerable families resettled. In addition, we have in the last few weeks accommodated 5 unaccompanied asylum seeking children from Calais.

- 3.3 It is recommended that we build capacity within our services and upskill our staff and services in looking after and accommodating UASC. This will present an opportunity for evaluation and learning before making further commitments to other displaced or unaccompanied asylum seeking children. As children move on from the current facility this will create opportunities to accept other UASC once the national legislation and supporting transfer protocol has been agreed.
- 3.4 At this time the support offered to asylum seekers through the Home Office contract does not meet the standard provided to refugees in North Ayrshire and would result in vulnerable people receiving differing levels of support around their well-being and integration. It is therefore recommended that we pause progression of this initiative while we explore with the Home Office how appropriate support could be developed.
- 3.5 Officers will continue to focus on meeting our commitment to Syrian Refugees and accommodating UASC from Calais before considering the resettlement of other vulnerable groups/families, with an emphasis on family reunification cases to optimise our humanitarian efforts and opportunities for successful resettlement and integration.

#### 4. Implications

<b>Financial:</b>	Models of care and support are being developed that ensure the needs of UASC from Calais and refugees are met. There may be financial implications if these needs cannot be supported within the funding available.
<b>Human Resources:</b>	Additional staffing will be required to support refugees and UASC from Calais.
<b>Legal:</b>	The legal implications as a result of this report are contained within the Immigration Act 2016.
<b>Equality:</b>	This report will have a positive impact on unaccompanied asylum seeking children and refugees.
<b>Environmental &amp; Sustainability:</b>	There are no environmental & sustainability issues arising from this report.
<b>Key Priorities:</b>	Resettling refugees and accommodating unaccompanied asylum seeking children will contribute to achieving the Single Outcome Agreement ambition 'of increasing the working age population' in North Ayrshire and will contribute to 'life chances of vulnerable children and young people are improved'.
<b>Community Benefits:</b>	There are no community benefit implications arising from this report.

## **5. Consultation**

- 5.1 The Health and Social Care Partnership and the Education and Youth Employment Directorate have been consulted on the content of this report and they support the humanitarian approach to continue to resettle Syrian refugees and to look after and accommodate unaccompanied asylum seeking children.



**CRAIG HATTON**  
Executive Director (Place)

Reference : CH/CN/LB

For further information please contact Carol Nelson, Senior Manager  
(Housing East) on 01294 310174

### **Background Papers**

Cabinet Report Widening Asylum Dispersal - 27th September 2016

Cabinet Report Unaccompanied Asylum Seeking Children from Calais – 8<sup>th</sup>  
November 2016



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 8**

**20 December 2016**

#### **Cabinet**

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**Title:** **Award of Contract - New Build Office  
Accommodation, Quarry Road, Irvine**

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**Purpose:** To advise the Cabinet of the result of the tender exercise for the Design & Build Contract for New Build Office Accommodation, Quarry Road, Irvine

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**Recommendation:** Agree to approve the award of the contract to Clark Contracts Limited

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#### **1. Executive Summary**

- 1.1 North Ayrshire Council requires to establish a Design and Build contract for the construction of the New Build Office Accommodation, Quarry Road, Irvine.
- 1.2 In order to comply with the Council's Standing Orders Relating to Contracts and Contract Procedure Rules and Public Contracts (Scotland) Regulations 2015 a formal tender exercise was advertised via the Public Contracts Scotland advertising portal.
- 1.3 The contract term is for 45 weeks with the proposed award to Clark Contracts Limited.

#### **2. Background**

- 2.1 A formal notice was advertised on 17th June 2016 under the restricted procedure in the Public Contracts Scotland procurement portal. The return date was 15th July 2016.
- 2.2 The contract notice attracted 28 expressions of interest from a range of potential suppliers of which 13 submitted European Single Procurement Documents (ESPD).
- 2.3 Following evaluation of ESPD's the following 6 suppliers, were short-listed to receive Invitation to Tender documents: Ashleigh (Scotland) Limited, CCG (Scotland) Ltd, Clark Contracts Ltd, McLaughlin Construction Ltd, McTaggart Construction Limited and Maxi Construction Ltd.
- 2.4 The return time and date for completed Invitations to Tender was 19

October 2016 at 12 noon at which point 4 submitted responses.

- 2.5 The 4 tenders received were evaluated against the stated evaluation criteria of 20% Quality and 80% price.

### 3. Proposals

- 3.1 It is proposed that the contract be awarded to Clark Contracts Limited.

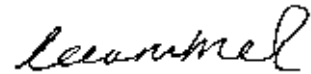
### 4. Implications

<b>Financial:</b>	The total value of the Design & Build contract is £2,591,122.32. A total budget for construction (including design) of £2.6m is available for this contract.
<b>Human Resources:</b>	None
<b>Legal:</b>	In order to comply with the Council's Standing Orders Relating to Contracts and Contract Procedure Rules and Public Contracts (Scotland) Regulations 2015 a formal tender exercise was advertised via the Public Contracts Scotland advertising portal.
<b>Equality:</b>	None
<b>Environmental &amp; Sustainability:</b>	None
<b>Key Priorities:</b>	This contributes to the Council Plan Priority 1: Growing our economy, increasing employment and regenerating towns.
<b>Community Benefits:</b>	Clark Contracts Limited will deliver the following Community Benefits during the contract period: 2 new entrant apprentice joiners, 2 new entrant labourers and 1 new entrant Quantity Surveyor, 1 x 5 day work placement for a school pupil, 1 x 15 day work placement for a school pupil and 1 x 5 day work placement for a teacher.



## **5. Consultation**

- 5.1 There was consultation with Property Management and Investment throughout the tender process.



LAURA FRIEL  
Executive Director (Finance and Corporate Support)

Reference : NAC/2076

For further information please contact Alistair Munn, Team Leader (Policies & Procedures) on 01294 324547

### **Background Papers**

Tender Outcome Report