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Council Building  
2 High Street  
Perth  
PH1 5PH

23/03/2022

A Meeting of the **Lifelong Learning Committee** will be held virtually on **Wednesday, 30 March 2022 at 09:30**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**THOMAS GLEN**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

***Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.***

**Members:**

Councillor Caroline Shiers (Convener)  
Councillor John Duff (Vice-Convener)  
Councillor Kathleen Baird  
Councillor Liz Barrett  
Councillor Angus Forbes  
Councillor Ian Massie  
Councillor Xander McDade  
Councillor Beth Pover  
Councillor Callum Purves  
Councillor John Rebbeck  
Councillor Crawford Reid  
Councillor Fiona Sarwar  
Councillor Lewis Simpson

Mr Andy Charlton  
Mrs M Conroy  
Mr Adrian Ferguson  
Mr Martin Gowrie  
Mrs Audrey McAuley  
Miss Teresa Moran  
Ms Carolyn Weston



**Lifelong Learning Committee**

**Wednesday, 30 March 2022**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES**
- 3(i) MINUTE OF MEETING OF LIFELONG LEARNING COMMITTEE 5 - 8**  
**OF 31 JANUARY 2022 FOR APPROVAL**  
(copy herewith)
- 3(ii) MINUTE OF MEETING OF CHILDREN, YOUNG PEOPLE AND 9 - 12**  
**FAMILIES PARTNERSHIP OF 3 DECEMBER 2021 FOR NOTING**  
(copy herewith)
- 4 AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019 13 - 20**  
Report by Executive Director (Education and Children's Services)  
(copy herewith 22/68)
- 5 RESERVED PLACES IN SCHOOLS 2022/2023 AND MAXIMISING 21 - 30**  
**CAPACITIES UPDATE**  
Report by Executive Director (Education and Children's Services)  
(copy herewith 22/69)

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## LIFELONG LEARNING COMMITTEE

Minute of meeting of the Lifelong Learning Committee held virtually on Monday 31 January 2022 at 9.30am.

Present: Councillors C Shiers, J Duff, K Baird, L Barrett, A Forbes, I Massie, X McDade, B Pover, C Purves, J Rebbeck, C Reid, F Sarwar and L Simpson; Mr A Charlton and Professor T Moran.

In attendance: S Devlin, Executive Director (Education and Children's Services); J Pepper, Depute Director (Education and Children's Services); G Boland, J Cockburn, G Doogan, S Johnston, F Mackay, D Macluskey, K Robertson, and C Taylor (all Education and Children's Services); S Hendry, C Irons, A Brown, M Pasternak, A McMeekin and B Parker (all Corporate and Democratic Services).

Apologies for absence: Mrs A McAuley and Mrs C Weston.

The Convener led discussion on items 1 – 3 and 5 – 7 and Vice-Convener Duff on item 4 and for a short time during item 5 when the Convener lost connectivity.

Councillor C Shiers, Convener, Presiding.

### 1. WELCOME AND APOLOGIES

The Convener welcomed all those present to the meeting. Apologies for absence were noted as above.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

### 3. MINUTES

#### (i) Lifelong Learning Committee

The minute of meeting of the Lifelong Learning Committee of 3 November 2021 was submitted, approved as a correct record and authorised for signature.

#### (ii) Executive Sub-Committee of Lifelong Learning Committee

The minute of meeting of the Executive Sub-Committee of Lifelong Learning Committee of 2 November 2020 was submitted and noted.

#### (iii) Joint Negotiating Committee for Teaching Staff

The minute of meeting of the Joint Negotiating Committee for Teaching Staff of 21 September 2021 was submitted and noted.

**(iv) Children, Young People and Families Partnership**

Minute of meeting of Children, Young People and Families Partnership of 18 June 2021 was submitted and noted.

**4. REVIEW OF DEVOLVED SCHOOL MANAGEMENT**

There was submitted a report by the Executive Director (Education and Children's Services) (22/21) proposing changes to the Perth and Kinross Council's Devolved School Management (DSM) Scheme as a result of Scottish Government revised National Framework and Guidelines. The Framework required Councils to undertake a review of their current scheme in light of the revised National Framework and Guidelines and produce a revised DSM Scheme by April 2022.

**Resolved:**

- (i) The revised Perth and Kinross DSM Scheme attached as Appendix A to Report 22/21, be approved
- (ii) The three-year review of the Perth and Kinross DSM Scheme to include a glossary of terms, be noted.

**5. SCHOOL ESTATE TRANSFORMATION PROGRAMME – CLEISH PRIMARY SCHOOL**

There was submitted a report by the Executive Director (Education and Children's Services) (22/22) (1) providing an update on the position of Cleish Primary School as part of the School Estate Transformation Programme, (2) seeking approval for the Executive Director (Education and Children's Services) to reduce the capacity of the school from 64 pupils to 50 pupils to facilitate improvements to the suitability of the school in the short term and (3) noting the intention to explore in more detail, the preferred option (Option 5) of a major refurbishment of the school in the medium term.

**Motion (Councillors Shiers and Duff)**

- (i) The proposal to improve the suitability and condition of Cleish Primary School in the short, medium and long-term, be noted;
- (ii) The complexities associated with the refurbishment project detailed under Option 5 detailed in Report 22/22 and the uncertainties over cost, be noted;
- (iii) That more detailed design work on the most recent feasibility, as described under Option 5, will be taken forward, be noted;
- (iv) The proposal at 4.6 in Report 22/22 to undertake works to improve the condition and suitability of the building allowing the school to operate more effectively while detailed design work takes place, be noted;
- (v) That the capacity of Cleish Primary School be reduced from 64 pupils to 50 pupils, be approved.

**Amendment (Councillors Rebbeck and Sarwar)**

- (i) Notes that the more detailed design work on the most recent feasibility, as described under option 5 will be taken forward and that definitive proposals for the school building will be brought back to the appropriate Committee by April 2024 or sooner if possible.

This amendment replaces paragraph 5.6 (iii) of Report 22/22. The other recommendations in the report to be approved.

THERE FOLLOWED A RECESS AND THE MEETING RECONVENED AT 10.53AM.

The mover and seconder of the Motion agreed to incorporate the amendment but with a report to be brought back by summer 2024.

THERE FOLLOWED A BRIEF RECESS AND THE MEETING RECONVENED AT 10.56AM.

The mover and seconder of the amendment agreed to a report being brought back to the first meeting after the summer recess 2024.

**Resolved:**

In accordance with the amended motion:

- (i) The proposal to improve the suitability and condition of Cleish Primary School in the short, medium and long-term, be noted;
- (ii) The complexities associated with the refurbishment project detailed under Option 5 detailed in Report 22/22 and the uncertainties over cost, be noted;
- (iii) Notes that the more detailed design work on the most recent feasibility, as described under option 5 will be taken forward and that definitive proposals for the school building will be brought back to the first meeting after the summer recess 2024 of the appropriate Committee.
- (iv) The proposal at 4.6 in Report 22/22 to undertake works to improve the condition and suitability of the building allowing the school to operate more effectively while detailed design work takes place, be noted;
- (v) That the capacity of Cleish Primary School be reduced from 64 pupils to 50 pupils, be approved.

**6. SCHOOL NAMING CONSULTATION FOR THE NEW PRIMARY SCHOOL AT NORTH MUIRTON**

There was submitted a report by the Executive Director (Education and Children's Services) (22/23) (1) reporting on the outcome of the consultation process held to develop a suitable name for the new primary school which will be built on the site of North Muirton Primary School to replace Balhousie Primary School and North Muirton Primary School and (2) making a recommendation as to the name of the new primary school.

**Resolved:**

The proposal to name the new primary school Riverside Primary School, be approved.

**7. LIFELONG LEARNING COMMITTEE – NON-COUNCIL MEMBER**

The Committee noted the appointment of Mrs Margaret Conroy as the Church of Scotland representative on the Committee.







## **CHILDREN, YOUNG PEOPLE AND FAMILIES PARTNERSHIP**

Minute of virtual meeting of the Children, Young People and Families Partnership held on Friday 3 December 2021 at 10.00am.

**Present:** Councillor C Shiers, PKC  
 Councillor J Duff, PKC  
 J Pepper, Depute Director (Education and Children's Services) and Chief Social Work Officer, PKC  
 H Robertson, Head of Services for Children, Young People and Families, Perth and Kinross Council.  
 B Atkinson, Independent Chair of Child Protection Committee (up to and including Item 6)  
 J Cunningham, Scottish Children's Reporter Administration  
 L Sharkey, Chief Midwife, Women Children and Families Division, NHS Tayside

**In Attendance:** R Drummond; J Chiles and A Taylor (all PKC).

**Apologies:** Councillor J Rebbeck; and S Devlin, Executive Director (Education and Children's Services), PKC

J Pepper in the Chair

### **1. WELCOME AND APOLOGIES FOR ABSENCE**

J Pepper welcomed everyone to the meeting and agreed to Chair in S Devlin's absence. Apologies for absence were submitted and noted as above.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest in terms of the relevant Codes of Conduct.

### **3. MINUTE OF PREVIOUS MEETING**

The minute of the meeting of the Children, Young People and Families Partnership of 18 June 2021 was submitted and noted as a correct record subject to the following revisals:-

- (i) inclusion of a full-stop after 'approach' on line 3 in the second paragraph of Item 6(i).
- (ii) deletion of 'Education and Children's Services' and inclusion of 'Tayside Regional Improvement Collaborative' in the first paragraph of Item 6(ii).

#### **4. MATTERS ARISING**

##### **Youth Engagement Team (Item 4 refers)**

H Robertson advised that the Youth Engagement Team had been very successful over the summer period and remains fully operational on Friday and Saturday evenings. She also advised that the continuation of this work is being considered until end of March 2022 if a funding solution can be found. She further advised that Scott Street will remain available to young people throughout the Christmas and new year period-

#### **5. BUSINESS ACTIVITY OF THE PERTH AND KINROSS CHILD PROTECTION COMMITTEE**

There was submitted a report by the Independent Chair of the Perth and Kinross Child Protection Committee (G/21/153) providing a summary of the key business activities of the Perth and Kinross Child Protection Committee (CPC) since the last update report was submitted to the Children, Young People and Families Partnership (CYPFP) on 17 September 2021.

B Atkinson referenced the change to the national guidance for learning reviews and advised that the CPC were advanced in adopting the new model across Perth and Kinross.

L Sharkey also advised the Group that there had been some new national guidance recently released covering maternity and neonatal adverse event review processes for Scotland and offered to circulate a copy of the new guidance to the Group following the meeting.

Councillor Shiers made reference to the amount of change that is currently happening within the system and across the workforce and queried the arrangements in place to make sure that everybody is up to date and up to speed on the changes coming. In response, B Atkinson confirmed this was a challenge and one of the main things that will be required to be done is to update all our guidance which will be a significant piece of work, he also confirmed that the CPC continues to be well supported by the Council's Corporate Communications Team who assist with the distribution of information via newsletters etc.

The Partnership:

- (i) Noted and endorsed the contents of Report G/21/153.

#### **6. PERTH AND KINROSS CHILD PROTECTION COMMITTEE STANDARDS AND QUALITY REPORT 2020/21**

There was submitted a report by the Independent Chair of the Perth and Kinross Child Protection Committee (G/21/154) describing the impact of the COVID-19 pandemic on children, young people, and families, how performance has been maintained, and how services and agencies have successfully adapted, and also confirming that the CPC continues to focus on

learning and improvement and has prepared a programme of improvement work for 2021 and beyond.

The Standards and Quality Report is published by the Perth and Kinross Child Protection Committee, in compliance with Scottish Government guidance. The Standards and Quality Report for the academic year 2020-2021 provides an overview of the key activities and work of the Perth and Kinross Child Protection Committee to protect children and young people from harm, abuse and exploitation.

B Atkinson advised the report identifies changes, challenges and improvements and through the improvement plan there is now a clear route map for the activity that will be required to be carried out through the Practice Sub-Group that leads on our self-evaluation and improvement. He further advised this would be a rolling programme of self-evaluation and improvement and not just a one-off activity, but a consistent theme and approach developed throughout the year.

The Partnership:

- (i) Noted the wide range of work carried out by Perth and Kinross Council, and partners through the Child Protection Committee, to provide high quality services to protect children and young people, in particular the high level commitment to continuous improvement through self-evaluation.
- (ii) Endorsed the contents of this report and the Child Protection Committee Standards and Quality Report 2020-2021 and the contents of the CPC Improvement Plan 1 August 2021 to 31 July 2023.

B ATKINSON LEFT THE MEETING AT THIS POINT.

## **7. THEMATIC APPROACH TO PERFORMANCE REPORTING**

There was submitted a report (G/21/155) by the Executive Director (Education and Children's Services), concluding the sixth year of thematic reporting for performance/outcome information focused on children, young peoples and families; and (2) setting out a suite of information focused on contextual and inequalities information, for consideration and scrutiny by the Partnership

In summarising the report, J Chiles highlighted to members that Perth and Kinross has relatively low levels of deprivation in comparison to Scotland as a whole, he also advised that there was an on-going reduction nationally in teenage pregnancy rates and with specific regards to Perth and Kinross we continue to be towards the bottom end of the comparator scales.

J Pepper made reference to the Child Poverty Action Report and stated that it would be the intention that this be an agenda item brought to a future meeting of this Partnership.

R Drummond advised that PKAVS Young Carer's Hub were currently supporting 323 young carers and had 69 on a waiting list for a Young Carers Assessment as of 31 July 2021. In response, H Robertson subsequently

confirmed that this number had now been reduced to 59 on the list and contact had been with all and that individual support work will commence once staff are in place later this month and into January 2022.

J Pepper confirmed it was her intention that a comprehensive report on Young Carers would be brought to the next meeting of the Partnership in March 2022 ensuring that PKAVS as a major provider for supporting young carers was involved in its preparation.

The Partnership:

(i) Noted the information as set out Report G/21/155.

## **8. ANY OTHER COMPETENT BUSINESS**

There was no other business for discussion.

## **9. DATES OF MEETING 2022**

Members agreed to the following dates for meetings the Children, Young People and Families Partnership in 2022;

Friday 4 March 2022 at 10.00am

Friday 17 June 2022 at 10.00am

Friday 16 September 2022 at 10.00am

Friday 2 December 2022 at 10.00am

**PERTH AND KINROSS COUNCIL****Lifelong Learning Committee****30 March 2022****AGE OF CRIMINAL RESPONSIBILITY (SCOTLAND) ACT 2019****Report by Executive Director (Education and Children's Services)****(Report No 22/68)****PURPOSE OF REPORT**

This report sets out the main new duties arising from the commencement of the Age of Criminal Responsibility (Scotland) Act 2019 (ACRA) on 17 December 2021. This Act raises the age of criminal responsibility in Scotland from 8 to 12 years of age and provides new and specific investigative powers for police investigating the most serious cases of harmful behaviour and new duties for local authorities.

The report alerts elected members to the duties and responsibilities of the legislation and its implementation in Perth and Kinross.

**1. BACKGROUND/MAIN ISSUES**

- 1.1 The Scottish Government introduced the [Age of Criminal Responsibility \(Scotland\) Act in 2019](#) (the Act). The Act is underpinned by the key principle that a child cannot be held criminally responsible for harmful behaviour that amounts to a crime or offence which occurred when the child was aged under 12 years of age. The child cannot be arrested or charged with offences.
- 1.2 The Act creates powers and duties designed to ensure that serious harmful behaviour by any child under the age of 12 can be investigated and for this to be carried out in a child-centred way that is in keeping with the ethos of removing children from criminal justice processes. The Act is supported by statutory and operational guidance [Age of Criminal Responsibility \(Scotland\) Act 2019 \(ACRA\) Operational Guidance For Social Work and Police](#) which has been produced by the Scottish Government in consultation with Social Work Scotland, COSLA and Police Scotland.
- 1.3 A three-year review period is embedded within the full implementation of the Act, stipulating that Ministers have a responsibility to evaluate the legislation to consider the future age of criminal responsibility. This does not mean an automatic increase in age; however, a Ministerial Advisory Group is currently reviewing national evidence on an increase to 14 years of age.
- 1.4 The Scottish Government has taken a phased approach to the full implementation of the Act as follows:

- On 29 November 2019, the offence ground of referral to Children’s Hearings was removed for children under the age of 12. From this date, the Children’s Reporter could no longer convene a Children’s Hearing on offence grounds where the child was under 12 years;
- The guidance-making and regulation-making powers of the Act commenced on 31 March 2020, making changes to the legal aid system in respect of appeals;
- An independent reviewer was appointed in March 2020 whose role is to consider whether information in relation to behaviour that took place when a child was under 12 should be disclosed or not;
- The disclosure provisions in the Act came into effect on 30 November 2020;
- Regulations associated with the provision of information to victims’ organisations, came into force in February 2021; and
- The final part of the Act, in relation to the decriminalising of children under 12 years in Scottish Law, came into effect on 17 December 2021.

## **2. POLICY INTENTION**

2.1 The ethos of the Act is to protect children from the harmful effects of early criminalisation, whilst also ensuring that any incidents of serious harmful behaviours by children under 12, can be investigated appropriately and timeously to safeguard the community.

2.2 These changes, via new legislation, are aimed at promoting the following outcomes:

- To create cultural change in the way Scotland views children whose behaviour causes serious harm. Increasing the age of criminal responsibility has the potential to bring about a positive cultural shift in Scotland’s understanding of how the harmful behaviour of children towards others can be linked with early childhood trauma and abuse;
- To protect children from the harmful effects of early criminalisation, while ensuring that children and their families receive the right support;
- The child’s wellbeing is the primary consideration and interventions must aim to protect children, reduce stigma, and ensure better life chances; and
- To protect the safety and meet the needs of those involved in an incident, including any victim(s) and the community.

## **2.3 Implementation and Impact**

2.4 The Act has been introduced gradually over two years and, although the law did not change until 17 December 2021, children under 12 stopped being criminalised via the Children’s Hearing on 29 November 2019.

2.5 The Act will have a significant impact on when and how agencies respond to serious and harmful incidents by children under 12 years old. It is anticipated that the introduction of this legislation will bring positive changes in practice. All investigative and planning activity triggered by a child who may have engaged in harmful behaviour (serious physical harm or otherwise) must have that child’s wellbeing as a primary consideration. All interventions must focus on protecting children.

- 2.6 The Act does not have staffing implications, but it does add additional responsibilities to the role of social workers when responding to children under 12 years old who have been involved in harmful behaviours. The additional responsibilities will require social workers to access specialist training to ensure that they have the knowledge and skills to respond appropriately and timeously.
- 2.7 The Scottish Government has delivered four basic awareness training sessions nationally and staff from Perth and Kinross Out of Hours Social Work Team and the Child Protection Duty Team have participated. Trauma informed training, specific to investigative interviews, is currently being developed by the Scottish Government and will be on offer nationally, for social workers already trained in joint interviewing, in March 2022.
- 2.8 Data analysis from Police Scotland indicates that in Perth and Kinross, the number of children who are expected to be subject to the new guidance is low, but this is difficult to predict. However, this will require a review if the age of criminal responsibility increases to 14-year-olds.
- 2.9 The Act sets out the police powers of investigation which allows for the removal of a child under 12 years old to a Place of Safety (POS). The use of these powers is limited to circumstances where a constable has reason to believe that a child, whilst aged under 12 is behaving in a violent or dangerous manner which has, or risks causing harm, to another person.
- 2.10 The legislation sets a high bar in relation to risk or harm for this power to be used. When this power is used, the child should only be kept in a POS for a maximum of 24 hours.
- 2.11 The Scottish Government requested that all local authorities provide it with detailed information on locally agreed options for actioning a request for a POS from the Police. The following options were reported to the Scottish Government:
- Family and friends (where appropriate);
  - Support base for young people (non-residential facility which can be made available 24/7);
  - Other social work offices (during the day and or until the support base can be made available);
  - Where necessary, an appropriate Foster Carer;
- 2.12 The child now has a right to have another person present. This person is called the “Supporter”. The Supporter must not be denied access to the child unless it is necessary to safeguard or promote the child’s wellbeing. If the interview is by agreement, the parent who gave agreement must be the Supporter. If the interview is by an Order, the Supporter must be over 18 years old and may be the parent of the child but does not need to be.
- 2.13 The Child Interview Rights Practitioner (ChIRP) is another new role and is central to the investigative interview process. The ChIRP must be a solicitor registered with the Children’s Legal Assistance Scheme.

Every child who is involved in an investigative interview will have an appointed ChIRP. The ChIRP will be providing the child with advice, support and assistance in connection with, and during, the investigative interview. The ChIRP must use a trauma-informed approach with the child and will be required to act in accordance with the [Age of Criminal Responsibility \(Scotland\) Act 2019: child interview rights practitioners – code of practice](#).

2.14 The ChIRP and the Supporter must both be present in the building where the child is being interviewed, but only one needs to be in the room when the interview is taking place.

### 3. CONCLUSION AND RECOMMENDATIONS

3.1 The full implementation of the Act has changed Scottish Law; children under 12 years old are no longer criminally responsible for their behaviour.

3.2 The Act provides powers to ensure that serious and harmful behaviour by a child under the age of 12 can be investigated, but this must be done in a child-centred way.

3.3 The Act is compatible with Getting it Right for Every Child (GIRFEC), the United Nations Convention on the Rights of the Child (UNCRC) as well as aligning with the intentions outlined in The Promise (Independent Care Review 2020).

3.4 It is recommended that the Committee:

- (i) Notes the new duties arising from the commencement of the Age of Criminal Responsibility (Scotland) Act 2019 and the arrangements for implementing this in Perth and Kinross; and
- (ii) Notes that the impact of implementation will be regularly monitored and reviewed.

#### Author

Name	Designation	Contact Details
Sharon Cooper	Service Manager, (Services for Children, Young People and Families)	<a href="mailto:ECSCcommittee@pkc.gov.uk">ECSCcommittee@pkc.gov.uk</a>  01738 475000

#### Approved

Name	Designation	Date
Sheena Devlin	Executive Director (Education and Children's Services)	16 March 2022

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes/None</b>
Community Plan/Single Outcome Agreement	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>No</b>
Workforce	<b>No</b>
Asset Management (land, property, IST)	<b>No</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>No</b>
Sustainability (community, economic, environmental)	
Legal and Governance	<b>Yes</b>
Risk	<b>Yes</b>
<b>Consultation</b>	
Internal	<b>No</b>
External	<b>No</b>
<b>Communication</b>	
Communications Plan	<b>Yes</b>

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

1.1 This section sets out how the proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to Objective No. (i) and (ii).

#### Corporate Plan

1.2 This section sets out how the proposals relate to the achievement of the Council's Corporate Plan Objectives:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to Objective No. (i) and (ii).

1.3 The report also links to the Education & Children's Services Vision, Values and Priorities in respect of the following key Priority area:

- Health and Wellbeing

## 2. Resource Implications

### Financial

2.1 The Head of Finance has been consulted and any financial implication to the implementation of this Act will be funded from within the Education and Children's Services budget.

### Workforce

2.2 There are no workforce implications to the implementation of this Act. There will be ongoing training implications for some of the work but the Scottish Government is currently funding this from staff within the current staffing compliment.

### Asset Management (land, property, IT)

2.3 Not applicable.

## 3. Assessments

### Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

This section has been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA.

### Strategic Environmental Assessment

3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

### Sustainability

3.3 Under the provisions of the Local Government in Scotland Act 2003, the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:

- In the way best calculated to delivery of the Act's emissions reduction targets.
- In the way best calculated to deliver any statutory adaption programmes.
- In a way that it considers most sustainable.

This section is not applicable.

#### Legal and Governance

3.4 Legal services have been consulted and proposed changes have been incorporated into the report.

3.5 The Age of Criminal Responsibility (ACRA) (Scotland) Act 2019 is a national legeslative change to the age of criminal responsibility.

#### Risk

3.6 Nothing other than the information already set out the report.

### **4. Consultation**

#### Internal

4.1 Not applicable.

#### External

4.2 Not applicable.

### **5. Communication**

5.1 The Perth and Kinross Child Protection Committee issued communication to partner agencies internally in December 2021 about what the Age of Criminal Responsibility (ACRA) (Scotland) Act 2019 legeslative changes mean for practice in Perth and Kinross.

## **2. BACKGROUND PAPERS**

- [Age of Criminal Responsibility \(Scotland\) Act in 2019](#)
- [Age of Criminal Responsibility \(Scotland\) Act 2019 \(ACRA\) Operational Guidance For Social Work and Police](#)

## **3. APPENDICES**

3.1 There are no appendices to this report.



**PERTH AND KINROSS COUNCIL**

**Lifelong Learning Committee**

**30 March 2022**

**RESERVED PLACES IN SCHOOLS 2022/2023  
AND MAXIMISING CAPACITIES UPDATE**

**Report by Executive Director (Education and Children's Services)**

(Report No 22/69)

**PURPOSE OF REPORT**

This report proposes the number of reserved places for session 2022/2023, within primary and secondary schools, in accordance with Section 28A of the Education (Scotland) Act 1980, as amended. This allows places to be protected for local children to attend their catchment school. This report also informs Committee where primary class capacities have been maximised during school session 2021/2022.

**1. BACKGROUND/MAIN ISSUES**

- 1.1 Reserved places refer to the number of places which, in the opinion of the Education Authority, are reasonably required to accommodate pupils likely to become resident within the catchment area of a school during the period of considering placing requests and during that school year.
- 1.2 This allows the Education Authority to calculate and retain a certain number of places for children from families likely to move into the catchment area of schools which have classes with a limited number of spaces in some or all stages. The legislation allows the Education Authority to refuse some or all placing requests made for a particular school on the grounds that children from within the catchment area may become resident during the year. The purpose of Reserved Places in Schools is to support the Council's [School Admission Policy](#).
- Places are reserved to try to accommodate these children, where possible, in their catchment school, allowing the Education Authority to take positive steps to protect places in schools for catchment pupils.
- 1.3 The strategy for the implementation of reserved places within Perth and Kinross Council was approved by Committee in March 1997 for session 1997/98 (Report No 97/145 refers). Further annual reports to Lifelong Learning Committee have been approved for each subsequent session.
- 1.4 The criteria used for the number of reserved places within schools for the current session is:
- a) Schools which have classes with a limited number of spaces at specific stages;

- b) Historical or anticipated patterns of migration, information about known movements of families in to (or out of) an area and any current residential development in the area; and
- c) The possible pattern of movement indicated by the current session's trends and roll projections for 2022/2023.

The scheme needs to be justifiable and operated fairly, particularly as parents can appeal to the relevant Education Appeal Committee and thereafter to the Sheriff Court.

## **2. OPERATION OF CRITERIA**

2.1 The operation of the criteria for session 2021/2022, to date, has ensured that only 4 primary pupils (3 families) have moved into an area and have been unable to attend their catchment primary school as their first choice of school. In respect of secondary schools, no secondary school pupil has moved into an area and has been unable to be granted a place in their catchment secondary school.

2.2 The application of reserved places is most commonly utilised during the process for managing the new P1 and S1 intakes each year where parents may choose to have their child attend a school other than their catchment school. For session 2021/2022, 276 placing requests were made for P1 places in primary schools and 192 of these requests were granted and 84 were refused. 11 of the refusals related to children who live outwith Perth and Kinross. This represents a positive outcome for 69.6% of P1 parents who made a placing request for their child to attend the primary school of their choice outwith their catchment area.

Overall, 93.4% of the P1 intake for August 2021 were granted a place in the school they asked for.

In respect of S1 places, 126 placing requests were submitted and 100 of these requests were granted and 26 were refused. This represents a positive outcome for 79.4% of parents who made a placing request for their child to attend the secondary school of their choice outwith their catchment area.

Overall, 98.3% of the S1 intake for August 2021 were granted a place in the school they asked for.

2.3 Where a placing request is refused, parents have a statutory right of appeal to the Education Appeal Committee and, thereafter, the Sheriff Court. For session 2021/2022, 39 appeals were considered by the Education Appeal Committee and no appeals were considered by the Sheriff Court.

2.4 The historical pattern of migration and house building continues to be monitored to ensure as accurate information as possible when considering the annual requirement for reserved places.

2.5 For session 2022/2023, there are some fluctuations in the reserved places from the previous school session.

There are a number of schools whose reserved places have been altered in light of experience in administering placements throughout session 2021/2022. In addition, where additional building work has been undertaken in schools or reconfiguration of class structures, this can lead to the reduction in the requirement for reserved places. Reserved places may be increased where residential build has taken place or is planned within school catchment areas. Reserved places have also been altered where school rolls have increased or decreased.

- 2.6 The total number of reserved places proposed for 2022/2023 has been decreased to reflect the factors outlined in section 2.5. Reserved places fluctuate on an annual basis and the total number of reserved places each year has varied between 92 and 958 since their introduction in 1997.

### **3. PROPOSALS**

- 3.1 It is proposed that the reserved places required for session 2022/2023 are accepted as outlined in Appendix 1. The Executive Director (Education and Children's Services) will publish the Reserved Places in Schools 2022/2023 and implement this in full for session 2022/2023.
- 3.2 In order to provide accurate and clear information, Education and Children's Services publishes the reserved places required on Perth and Kinross Council's website. The published information shows the reserved places at each individual stage for each school. This format allows parents/carers to clearly understand how many reserved places are being held at each/any stage in the school each session.

### **4. MAXIMISING CAPACITIES**

- 4.1 On 16 May 2018, the Lifelong Learning Committee approved the report Maximising Primary School Capacities ([Report No 18/158 refers](#)). This report gave approval for the Executive Director (Education and Children's Services) to apply the Scottish Government space capacity metric of 1.7m<sup>2</sup> per pupil for primary schools, if required, to accommodate children living in the catchment area.

This provides an additional mechanism to manage the accommodation available in primary schools where there are challenges in accommodating catchment pupils. It also ensures that teaching staffing budgets are not exceeded while providing pupils with the best opportunity to attend their catchment school.

- 4.2 This report also agreed that the Executive Director (Education and Children's Services) would provide Committee with an annual update on the use of this variation within primary schools.
- 4.3 During session 2021/2022, the capacity of some primary school classrooms was temporarily maximised at the following primary schools to allow catchment pupils to be admitted:

- Community School of Auchterarder (Primary)

- Dunbarney Primary School
- Robert Douglas Memorial (RDM) Primary School
- Ruthvenfield Primary School
- Viewlands Primary School

4.4 At the time of this report, it is too early to report whether it will be necessary to apply the space capacity metric of 1.7m<sup>2</sup> to any classes for session 2022/2023. The allocation of places for the new school session will be concluded by 30 April 2022 in line with the statutory timescales and will be reported to Lifelong Learning Committee as part of the next annual Reserved Places in Schools report.

## 5. CONCLUSION AND RECOMMENDATIONS

5.1 The reserved places procedure allows children moving into a catchment area of a school a greater likelihood of attending that school. Reliable historical and anticipated patterns have been established as accurate information is collected.

The annual revision of the reserved places procedure ensures that Education and Children's Services stringently manage pupil intakes for each school ensuring, where possible, that local children can attend their catchment school.

5.2 It is recommended that Committee:

- (i) Approves the number of reserved places, within schools which have classes with a limited number of spaces at specific stages, for session 2022/2023 as shown in Appendix 1;
- (ii) Requests the Executive Director (Education and Children's Services) to revise these numbers each year to reflect historical or anticipated patterns of migration, information about known movements of families in to (or out of) an area, and any current residential development;
- (iii) Delegates responsibility to the Executive Director (Education and Children's Services) to keep under review the reserved places for all schools in light of any building work in schools and in light of residential development; and
- (iv) Notes the primary schools where class capacities have been maximised during session 2021/2022.



**Author**

<b>Name</b>	<b>Designation</b>	<b>Contact Details</b>
Karen Robertson	Service Manager (Business Services)	<a href="mailto:ECSCCommittee@pkc.gov.uk">ECSCCommittee@pkc.gov.uk</a> 01738 475000

**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Sheena Devlin	<b>Executive Director (Education and Children's Services)</b>	<b>16 March 2022</b>

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan/Single Outcome Agreement	Yes
Corporate Plan	Yes
<b>Resource Implications</b>	
Financial	No
Workforce	No
Asset Management (land, property, IST)	No
<b>Assessments</b>	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Sustainability (community, economic, environmental)	No
Legal and Governance	Yes
Risk	No
<b>Consultation</b>	
Internal	Yes
External	No
<b>Communication</b>	
Communications Plan	Yes

### 1. Strategic Implications

#### Community Plan/Single Outcome Agreement

1.1 This section sets out how the proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

This report relates to Objective No. (ii).

#### Corporate Plan

1.2 This section sets out how the proposals relate to the achievement of the Council's Corporate Plan Objectives.

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to Objective No. (ii).

1.3 The report also links to the Education & Children's Services Vision, Values and Priorities in respect of the following key Priority area:

- Learning and Achievement

## 2. Resource Implications

### Financial

2.1 N/A

### Workforce

2.2 N/A

### Asset Management (land, property, IT)

2.3 N/A

## 3. Assessments

### Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The reserved places procedure presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **relevant** and the following positive outcomes expected following implementation:

The outcome is not considered to result in an equality issue but has a positive outcome in terms of fairness. A consequence of reserved places is that it will ensure that children can, as far as possible, attend their catchment schools, thus limiting any adverse impact for low-income families.

### Strategic Environmental Assessment

3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

However, no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

## Sustainability

3.3 N/A

## Legal and Governance

3.4 The Head of Legal and Governance has been consulted in relation to the reserved places scheme. The scheme complies with the legal framework in relation to reserved places set out in the Education (Scotland) Act 1980, as amended.

3.5 N/A

## Risk

3.6 N/A

## **4. Consultation**

### Internal

4.1 Headteachers have been consulted in the preparation of the report.

### External

4.2 N/A

## **5. Communication**

5.1 The Reserved Places for 2022/2023 will be published on the Council website to ensure parents and schools are able to easily access the information. This report also forms part of the appeal information provided to parents where a placing request has been unsuccessful.

## **2. BACKGROUND PAPERS**

2.1 The Reserved Places in Schools supports the application and administration of the Council's [School Admission Policy](#).

## **3. APPENDICES**

3.1 Appendix 1 – Reserved Places 2022/2023

Primary Schools	Reserved Places Required 2022/2023	Reserved Places Breakdown 2022/2023																				
		P1	P2	P3	P4	P5	P6	P7	P1/2	P2/3	P3/4	P4/5	P5/6	P6/7	P1 - P3	P4 - P6	P4 - P7	P2 - P4	P1 - P4	P3 - P5	P5 - P7	Whole School
Abernethy Primary School	4	2								1	1											
Arngask Primary School	8								2					2		2		2				
Auchtergaven Primary School	6										2		2	2								
Balbeggie Primary School	2													2								
Balhousesie Primary School	6								2				2	2								
Blackford Primary School	6													2	2					2		
Braco Primary School	6											2		2	2							
Breadalbane Primary School	14	2		2	2	2	2	2	2													
Community School of Auchterarder	28	4	4	4	4	4	4	4														
Comrie Primary School	6								2	2	2											
Coupar Angus Primary School	2	2																				
Craigie Primary School	14	2	2	2	2	2	2	2														
Crieff Primary School	18	4	2	2	2	2	2	4														
Dunbarney Primary School	14	2			2	2	2	2		2	2											
Dunning Primary School	5								1	1		1	1	1								
Errol Primary School	4	2												2								
Forgandenny Primary School	3								1	1											1	
Fossoway Primary School	6								2	1	1	2										
Goodlyburn Primary School	14	2	2	2	2	2	2	2														
Inchture Primary School	14	2	2	2	2	2	2	2														
Inch View Primary School	28	4	4	4	4	4	4	4														
Invergowrie Primary School	16	4	2	2	2	2	2	2														
Kinnoull Primary School	14	2	2	2	2	2	2	2														
Kinross Primary School	36	6	4	6	4	4	6	6														
Kirkmichael Primary School	4											2			2							
Letham Primary School	14	2	2	2	2	2	2	2														
Longforgan Primary School	4												2	2								
Luncarty Primary School	10		2						2			2	2	2								
Madderty Primary School	6								2		2										2	
Meigle Primary School	3																3					
Methven Primary School	8	2								2		1	2	1								
Milnathort Primary School	28	4		4	4	4	4	4	2	2												
Moncreiffe Primary School	14	2	2	2	2	2	2	2														
Murthly Primary School	4																	2			2	
Muthill Primary School	6								2		2										2	
Newhill Primary School	20	4	2	2	2	2	4	4														
North Muirton Primary School	14	2	2	2	2	2	2	2														
Oakbank Primary School	28	4	4	4	4	4	4	4														
Our Lady's RC Primary School	14	2	2	2	2	2	2	2														
Pitcairn Primary School	20	3								2	5			5		5						
Pitlochry Primary School	14	2		2	2	2	2	2	1	1												
Portmoak Primary School	10								2	2	2		2	2								
Rattray Primary School	4	2							1	1												
Robert Douglas Memorial School	28	4	4	4	4	4	4	4														
Ruthvenfield Primary School	18											6			6						6	
Stanley Primary School	8	2									2	2		2								
St John's Academy (Primary)	14	2	2	2	2	2	2	2														
St Madoes Primary School	6									2	2	2										
Tulloch Primary School	28	4	4	4	4	4	4	4														
Viewlands Primary School	28	4	4	4	4	4	4	4														

Total 629

Secondary Schools	Total Reserved Places Required 2022/2023	Reserved Places Breakdown 2022/2023					
		S1	S2	S3	S4	S5	S6
Bertha Park High School	28	10	8	5	5		
Breadalbane Academy	8	4	4				
Community School of Auchterarder	15	5	5	5			
Crieff High School	12	4	4	4			
Kinross High School	22	8	8	4	2		
Perth Academy	14	6	4	4			
Perth Grammar School	14	4	4	6			
Perth High School	24	8	8	8			
Pitlochry High School	2		2				
<b>Total</b>	<b>139</b>						

Primary School	629
Secondary School	139
<b>Total</b>	<b>768</b>