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Council Building
2 High Street
Perth
PH1 5PH

04 September 2020

A virtual meeting of **Scrutiny Committee** will be held on **Wednesday, 09 September 2020** at **09:30**.

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

KAREN REID
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 Sheila McCole (Convener) Councillor Fiona Sarwar
Councillor Andrew Parrott (Vice-Convener) Councillor Colin Stewart
Councillor Chris Ahern
Councillor Michael Barnacle
Councillor Harry Coates
Councillor David Illingworth
Councillor Anne Jarvis
Councillor Grant Laing
Councillor Tom McEwan
Councillor Callum Purves
Councillor Crawford Reid

Scrutiny Committee

Wednesday, 09 September 2020

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 MINUTE OF MEETING OF SCRUTINY COMMITTEE OF 5 AUGUST 2020 FOR APPROVAL**
(copy to follow)
- 4 UPDATE BY ARMS-LENGTH EXTERNAL ORGANISATIONS**
- 5 FOI PERFORMANCE REPORT 2019-20** **5 - 14**
Report by Head of Legal & Governance Services (copy herewith 20/157)
- 6 DATA PROTECTION COMPLIANCE 2019-20** **15 - 24**
Report by Data Protection Officer (copy herewith 20/158)
- 7 EDUCATION AND CHILDREN'S SERVICES ANNUAL PERFORMANCE REPORT 2019/20** **25 - 58**
Report by Executive Director (Education and Children's Services) (copy herewith 20/159)
- 8 SUMMARY REPORT ON CARE INSPECTORATE AND EDUCATION SCOTLAND INSPECTIONS** **59 - 80**
Report by Executive Director (Education and Children's Services) (copy herewith 20/160)
- 9 ABERNYTE PRIMARY SCHOOL** **81 - 100**
Report by Executive Director (Education and Children's Services) (copy herewith 20/161)

IT IS RECOMMENDED THAT THE PUBLIC AND PRESS SHOULD BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM(S) IN ORDER TO AVOID THE DISCLOSURE OF INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

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PERTH AND KINROSS COUNCIL

SCRUTINY COMMITTEE

9 SEPTEMBER 2020

FOI PERFORMANCE REPORT 2019-20

Head of Legal & Governance Services (Report No. 20/157)

PURPOSE OF REPORT

This report describes the Council’s performance in relation to its obligations under the Freedom of Information (Scotland) Act 2002 and Environmental Information (Scotland) Regulations 2004 for the year 2019-20.

The report also provides an overview of some of the Council’s other information-related activities.

1. BACKGROUND

- 1.1 The Freedom of Information (Scotland) Act 2002 (“FOISA”) was fully implemented in January 2005 and established a general public right of access to all information held by Scottish public authorities.
- 1.2 The Environmental Information (Scotland) Regulations (“EIRs”) was implemented alongside FOISA in January 2005 and provide a right of access to environmental information held by Scottish public authorities.
- 1.3 It has been agreed that the Council’s performance in these areas should be reported annually to the Executive Officer Team and the Scrutiny Committee.
- 1.4 This is the report for the year 2019-20.

2. EXECUTIVE SUMMARY

- 2.1 The number of requests in 2019-20 decreased by 6.7% from the preceding year.
- 2.2 The Council continues to perform to a high level, but failed to meet its 95% target for responding to FOISA and EIRs requests for 2019-20.
- 2.4 The number of requests for review remain a small percentage of the total number received which would indicate good levels of customer satisfaction in terms of the quality the Council’s responses and the effectiveness of our process.

2.5 The Council's response rate was adversely affected by the workload arising from subject access requests and by the impact of measures to cope with coronavirus. In particular, it should be noted that while the timescale to respond was extended in the Coronavirus (Scotland) Act, the extension was abolished in the subsequent legislation, meaning that all requests that had benefited from the extension were automatically late.

3. PERFORMANCE

Context: Requests Received

3.1 During 2019-20, the Council received 1569 requests for information under FOISA. This represents a decrease of 6.7% from 2018-19, contrary to the general trend as illustrated in Figure 1 below.

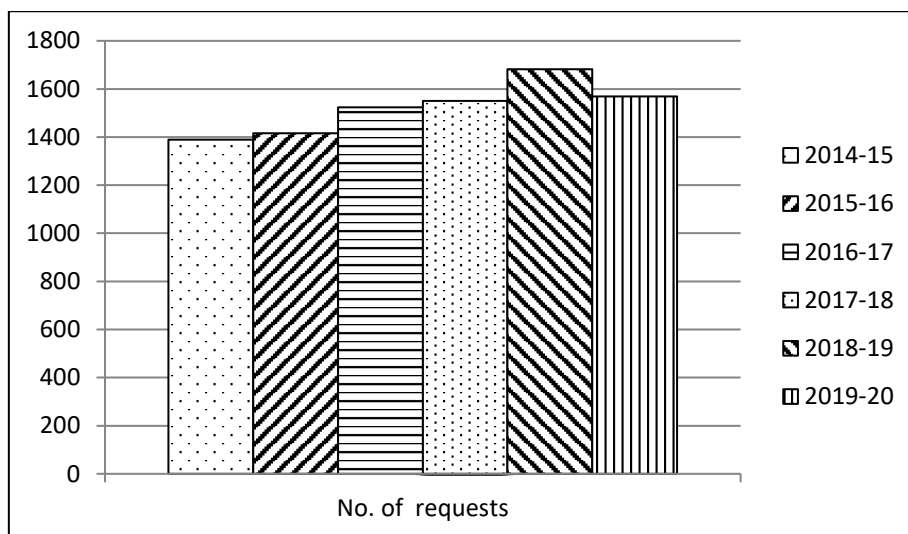


Figure 1 – Number of requests for information under FOISA / EIRS

3.2 Of the 1569 requests received: -

- 22 were subsequently rejected when clarification was not received from the applicant;
- 15 were withdrawn by the applicant; and
- 9 remain in process awaiting clarification from the applicant.

3.3 Of the 1569 information requests received, 239 were processed under the EIRs.

3.4 Figure 2 below shows the number of FOISA / EIRs requests received in the year broken down by month.

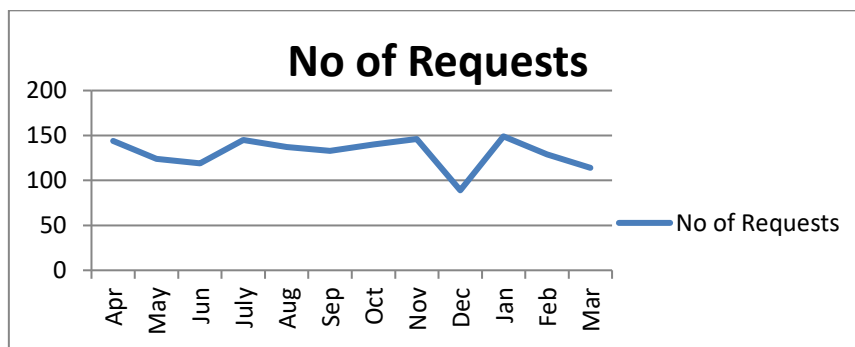


Figure 2 – Number of requests April 2019 to March 2020 by month

3.5 Analysing the requests based on the type of applicant shows the highest single group making requests are members of the general public. As a percentage of the total number, that equates to 41% of the overall total of requests received, a small decrease from 44% in 2018-19. A breakdown is illustrated at Figure 3 below:

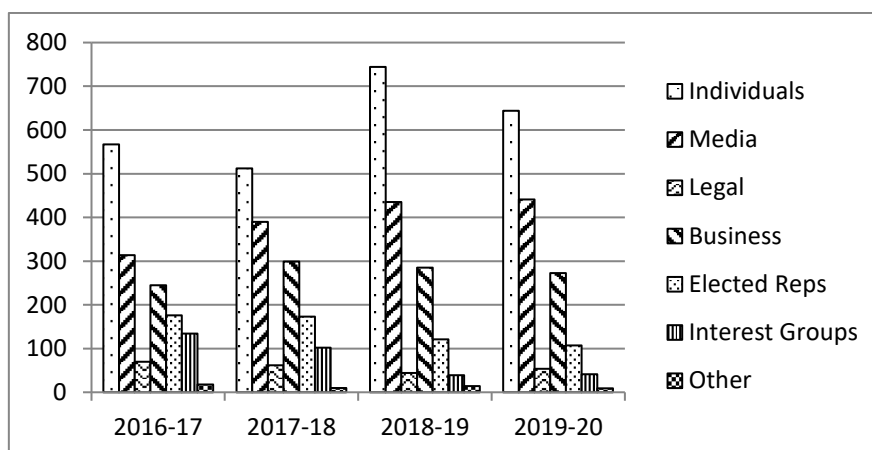


Figure 3 – Summary of Type of Applicant

3.6 In the course of the year, the Council may receive several requests from the same requester. During the year 2019-20 requests were received from 959 different requesters. The number of requests made is broken down as follows:-

- 774 requesters each made a single information access request
- 13 requesters making more than 10 requests each accounted for 244 requests
- 4 media organisations accounted for 71 requests
- 2 businesses accounted for 49 requests

In general, fewer requesters made large numbers of requests in comparison to previous years.

Performance Monitoring

- 3.7 The statutory timescale for processing requests for information under FOISA and the EIRs is twenty working days with the option for extension in some circumstances.
- 3.8 During 2019-20, 91% of requests were completed within the statutory timescale, which is below the Council's target of 95% for the first time in several years.
- 3.9 In general, the reasons for delays in processing times can be attributed to four causes:-
- (i) The complexity and volume of the information requested. In some cases, however, the delay was due to the non-availability of relevant staff to provide the information (e.g. school information requested during school holiday periods).
 - (ii) The Information Governance Section also processes subject access requests; several of these processed during the year have proved exceptionally time-consuming, which has impacted considerably on the overall workload.
 - (iii) The timescales for response were extended by the Coronavirus (Scotland) Act, but were subsequently abolished by the Coronavirus (Scotland) (No.2) Act. This had the effect of making any request that had benefited from the extension immediately late.
 - (iv) A number of the employees in the Information Governance Section were unable to work effectively from home for several weeks due to connectivity issues.
- 3.10 Of the 1523 valid requests processed: -
- 653 requests (43%) were satisfied in full
 - 518 requests (34%) were satisfied in part
 - 352 requests (23%) resulted in no information being issued
- 3.11 Where information was not provided, 35 requests were refused completely or in part on the grounds of excessive cost – the estimated cost involved in processing being in excess of £600.
- 3.12 The predominant reasons for not supplying information in respect of the remainder were that the information requested was: -
- not held by the Council;
 - personal data or information otherwise exempt under FOISA;
 - already available to the public
- 3.13 The Information Governance Team are assessing the current request handling system and looking at options to procure and implement a new request management system which will reduce the time taken to administer requests.

Reviews and Appeals

- 3.14 The Council received 36 requests to review its decision (complaints about the initial response), which represents 2.4% of the total requests received. A breakdown of the relevant review data is contained in Figure 4:-

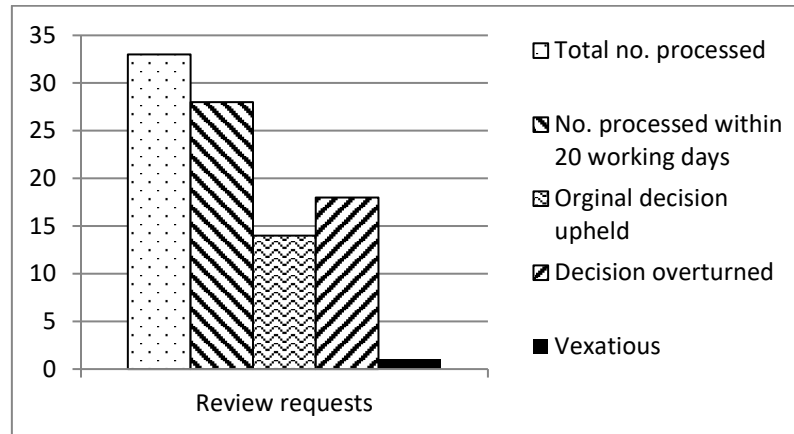


Figure 4 – Summary of request for reviews

- 3.15 5 reviews were processed outwith the statutory 20 working days deadline.
- 3.16 Of the 36 review decisions, 5 were subsequently appealed to the Scottish Information Commissioner during 2019-20, but all 5 are still under investigation by the Commissioner.

Surveillance & Interception of Communications

- 3.17 The Council has powers under the Regulation of Investigatory Powers (Scotland) Act to undertake directed surveillance and to utilise covert human intelligence sources. The Council also has powers under the Regulation of Investigatory Powers Act to obtain information ('intercept') about electronic communications.
- 3.18 Council officers have a duty to report on the use of these powers to the Council's elected members.
- 3.19 During the year, no directed surveillance was authorised and no covert human intelligence sources were used.
- 3.20 During the year no electronic communications information was obtained.
- 3.21 The Council's policy statement on the use of directed surveillance and the interception of communications is attached as Appendix 1.

4. CONCLUSIONS AND RECOMMENDATIONS

- 4.1 The council's processes and procedures for handling information requests are adequate and effective in ensuring high levels of compliance and performance.
- 4.2 The volume and complexity of requests present an ongoing challenge to meet response deadlines.
- 4.3 It is recommended that the Scrutiny Committee: -
- (i) Consider and comment on this report
 - (ii) Note the content of this report

Author(s)

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Approved

Name	Designation	Date
Karen Donaldson	Interim Chief Operating Officer	11/08/2020

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	None
Single Outcome Agreement	None
Strategic Plan	None
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IT)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal	None
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 Not applicable.

Corporate Plan

1.2 Not applicable.

2. Resource Implications

Financial

2.1 Not applicable.

Workforce

2.2 Not applicable.

Asset Management (land, property, IT)

2.3 The Head of Finance and Support Services, Housing and Community Care has been consulted and has indicated agreement with the report.

3. Assessments

Equality Impact Assessment

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) and 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 further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.3 Not applicable.

Legal and Governance

- 3.4 Part of the Governance framework.

Risk

- 3.5 Not applicable

4. Consultation

Internal

- 4.1 None

External

- 4.2 None.

5. Communication

- 5.1 None.

2. BACKGROUND PAPERS

None.

3. APPENDICES

Appendix 1 - Policy Statement – Directed Surveillance and Interception of Communications.

The Regulation of Investigatory Powers (Scotland) Act 2000

The Use of Powers to Conduct Directed Surveillance and Interception of Communications

Policy Statement

The Regulation of Investigatory Powers (Scotland) Act gives powers to Local Authorities to undertake directed surveillance and to utilise covert human intelligence sources in prescribed circumstances

In prescribed circumstances the Council also has powers under the Regulation of Investigatory Powers Act to obtain information ('intercept') about electronic communications.

Where grounds to exercise such powers are established, the Council will only undertake directed surveillance or the interception of communications when no other reasonable means are available to obtain the necessary information, and then only with the prior approval of the Head of Legal and Governance Services and in accordance with statutory guidance .

Reviewed April 2020

PERTH AND KINROSS COUNCIL

Scrutiny Committee

9 September 2020

Data Protection Compliance 2019-20

Report by Data Protection Officer (Report No. 20/158)

PURPOSE OF REPORT

This report is the professional assessment of the Council's compliance with the General Data Protection Regulation (GDPR) by the Data Protection Officer (as is required to be provided by him in accordance with the legislation). This report relates to the year 2019-20.

1. BACKGROUND

- 1.1 The GDPR requires a public authority such as the Council to appoint a Data Protection Officer (DPO) and defines tasks that the person must undertake. These tasks include monitoring and reporting on compliance with the GDPR.
- 1.2 The Council's Data Protection Policy sets out that the DPO will present a report on the Council's data protection compliance to the Council's Senior Management and the Scrutiny Committee annually or more frequently if considered necessary.
- 1.3 It should be noted that responsibility for compliance with data protection legislation lies with the Council rather than the DPO.

2. EXECUTIVE SUMMARY

- 2.1 Given the breadth of the Council's activities and the huge number of interactions and transactions involving personal information entailed in the delivery of its services, it is unlikely that Council will ever be able to state categorically that it is fully compliant with data protection legislation. The DPO is confident, however, that the current level of compliance is reasonable and continues to gradually improve.
- 2.2 The DPO is satisfied that the principal pillars of GDPR compliance are all in place and are generally becoming accepted as normal practice across the Council. Where procedural failings have occurred regarding data protection, these can reasonably be attributed to a lack of training / awareness and general workload pressures.
- 2.3 Whilst the Council would wish to avoid any data breach, the total number of breaches recorded in the year is very small given the volume and wide range of personal data that is processed across the Council in the course of a year.

2.4 The DPO has highlighted issues arising from a lack of adequate resources, supplier intransigence, and changes to international transfers of personal data.

3. COMPLIANCE

3.1 Policy

3.1.1 The Council has a Data Protection Policy which satisfies the separate requirements of the GDPR and the Data Protection Act 2018.

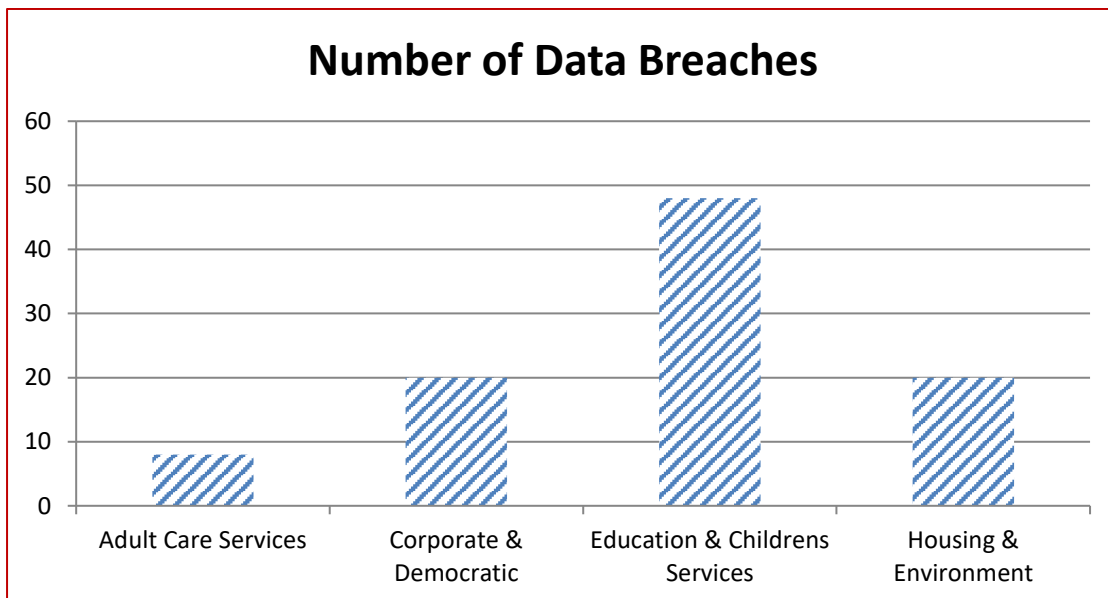
3.2 Data Breaches

3.2.1 A data breach is defined as an incident involving “a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data”.

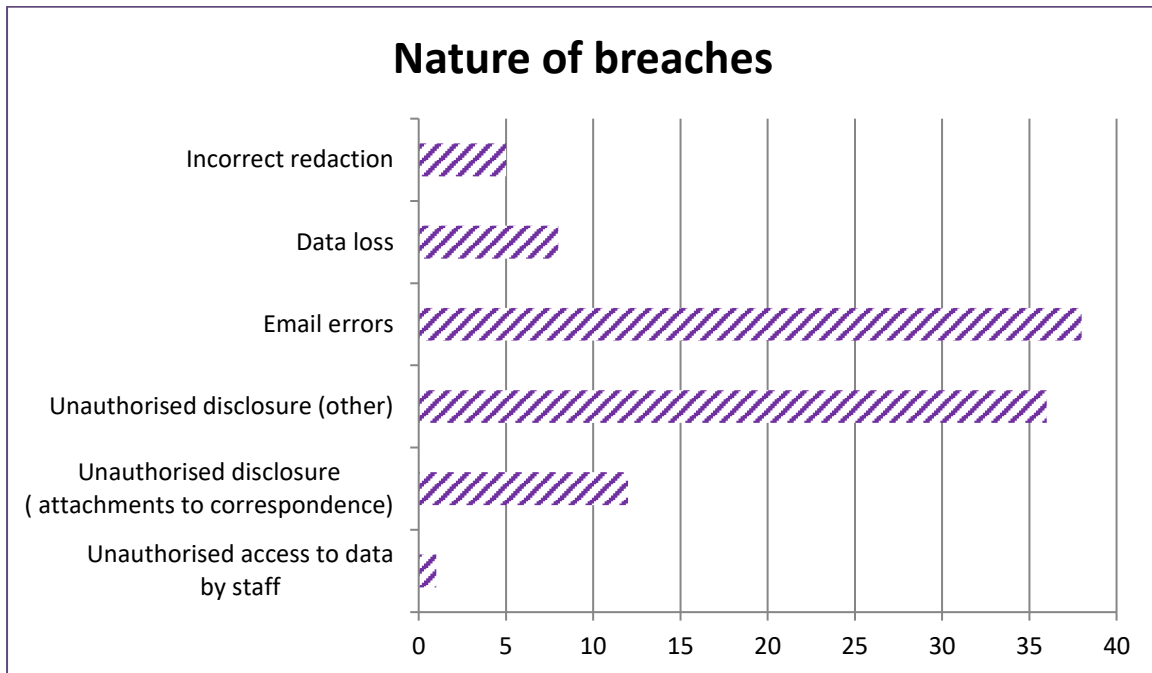
3.2.2 The Council is required to maintain a register of data breaches and, where appropriate, report them to the Information Commissioner’s office.

3.2.3 Between 1 April 2019 and 31 March 2020, the Council recorded a total of 96 data breaches (compared to 89 during the previous year).

3.2.4 The split of data breaches by Service is illustrated below: -



3.2.5 The nature of the data breaches was as follows: -



3.2.6 Almost all of the breaches were reported promptly to the DPO. In some cases, however, there were delays in providing the DPO with additional information or taking remedial action as quickly as requested by the DPO.

3.2.7 The DPO is satisfied that, in the main, where breaches have been identified, that the relevant area has been keen to engage with the DPO to amend and improve practice.

3.2.8 Of the 96 breaches, the DPO considered four of those required to be reported to the Commissioner's Office (ICO).

3.2.9 For three of the breaches reported, the ICO considered that the actions taken by the Council in response to the breaches were appropriate and did not require any further action. For the other breach, the ICO required a procedural change and the dissemination of information about the change to the relevant employees.

3.2.10 It would appear that employees across the organisation understand breaches caused by unauthorised disclosure and the DPO is confident that all significant data breaches of this type were reported during the year. The DPO is aware, however, that the other types of data breach are less well understood and will continue to provide advice and guidance about breaches and breach reporting.

3.3 Data Subject Requests

3.3.1 The GDPR gives data subjects a number of specific rights. Requests to exercise these rights have to be responded to within 1 month (interpreted by the Council as 28 calendar days). The DPO has responsibility for dealing with requests to exercise data subject rights received by the Council.

3.3.2 Between 1 April 2019 and 31 March 2020, the Council received 136 requests for access to personal information, of which:-

- 6 are still in progress
- 26 are on hold awaiting further information from the requester (normally proof of identity)
- 104 have been completed

3.3.3 Of the 104 requests that were processed

- 69 were completed within the statutory timescale (66%).
- 35 were late (Many of these requests were complex and involved the processing of a very large volume of information).

3.3.4 The Council received 7 other requests: -

- 1 request for erasure
- 2 requests regarding processing
- 1 request regarding access to information
- 2 requests for rectification
- 1 request to cease processing

3.3.5 The Council also received 19 complaints, either directly from the data subjects or via the ICO, about the way personal data had been handled. All of the complaints were dealt with appropriately and timeously.

3.3.6 The DPO is satisfied that data subject requests are being handled appropriately within the resources available.

3.4 Training

3.4.1 The DPO team has not delivered any planned LIG sessions this year, partly due to reduced demand and partly to workload. Face-to-face training has been provided when requested.

3.4.2 During the year, a number of data protection related Inside News Bulletins have been published as well as several 'Spotlight' slots on the Council intranet. These have been used to highlight particular issues or the availability of new guidance.

- 3.4.3 The DPO considers that there appears to be a good level of general awareness across the Council.
- 3.4.4 The DPO team planned to re-write the data protection e-Learning modules during the year, but this has not proved possible, largely due to the lack of available resources within the team.
- 3.4.5 The DPO considers that the lack of revised and up-to-date training material could be considered a significant weakness by the Information Commissioner's Office in the event of a reportable data breach.

3.5 **Documentation**

- 3.5.1 There is a statutory requirement for the Council to be able to provide evidence of its compliance with the legislation at all times. This is achieved through a number of key pieces of documentation: -
- Data Protection Impact Assessments (DPIAs)
 - Details of Processing Arrangements
 - Privacy Notices
 - Data Sharing Agreements (DSAs)
- 3.5.2 Responsibility for the creation of the first three all lie with the Council; the DPO has responsibility to assist and advise in their creation and to maintain registers of the documentation.
- 3.5.3 During the year, the DPO team identified that Services were finding the DPIA process daunting, so revised its presentation and introduced a simpler pre-DPIA checklist to allow the identification of projects that would require a full DPIA prior to the project going live. The DPO team is aware of a backlog of incomplete DPIAs and intends to progress this as a priority during 2020-21.
- 3.5.4 The DPO team had intended to review the Register of Processing Activities during the year, but this has not been possible due to resource availability.
- 3.5.5 In general, short privacy notices appear correctly wherever personal data is collected (i.e. electronic and physical forms). It is known that the matching detailed privacy notice does not exist in many cases. The DPO team had intended to try and address this situation during the year, but this has not been possible due to resource availability both within the DPO team and within Services which are required to provide us with details of processes undertaken.
- 3.5.6 The DPO team continue to work on Data Sharing Agreements as and when the requirement is identified. These are specialised documents and tend to be lengthy and time-consuming pieces of work, often needing extensive consultation with the other organisations involved.

3.6 Data Protection Officer

3.6.1 The role of the DPO is defined in the GDPR and the legislation places particular restrictions on both the DPO and the Council in terms of roles and responsibilities. The DPO, like the other Statutory Officers within the Council, has an independent and autonomous role and the Council cannot instruct the DPO how to undertake the role.

3.6.2 During the course of the year, the understanding of this new statutory and strategic role has been gradually developed across the organisation.

3.6.3 All formal advice provided by the DPO to the Council has been accepted to date.

3.7 DPO Resources

3.7.1 The legislation provides that adequate resources should be made available to the DPO to enable him to fulfil his role.

3.7.2 The Data Protection Officer's team comprises 2.5 FTEs

- the Information Governance Manager, who is the DPO
- the Senior Information Governance Officer
- 0.5 FTE Information Governance Officer

Both officers can deputise for the DPO. The team is also assisted by one of the Council's solicitors.

3.7.3 The members of the DPO team are all part of the Information Governance Section and have significant other responsibilities in addition to data protection - freedom of information, information security, information and records management, and corporate complaints handling.

3.7.4 As with many other teams across the organisation, resources are an issue as reflected in the outstanding activities identified above. Much of the business is responsive, with statutory timescales and constraints attached, which often means that in terms of managing the associated risks, development activities are sacrificed.

3.7.5 The DPO considers that whilst directing resources to "urgent" work is an adequate short-term strategy, an inability to delivery training, or review practice and policy may create the potential for greater risk to the organisation in the longer term.

3.7.6 In the report for 2018-19, the DPO advised that the demands of the function could not be met within current resources but was mindful of the financial climate in which the organisation was operating. That being acknowledged, the DPO flagged the lack of resources to the Council as a risk.

3.7.7 The DPO considers that this situation has not changed and the lack of adequate resources for the DPO function remains a risk to the Council.

3.7.8 The DPO considers that the function is being exercised appropriately and as effectively as it can be in the Council within the resources available.

3.8 Compliance Monitoring

3.8.1 This report has been based on the information currently available to the DPO team and cannot be considered a comprehensive assessment of the Council's compliance with data protection legislation during the year.

3.8.2 It had been intended that the DPO would work with Senior Management, and the Head of Legal & Governance Services in particular, as part of the Council's wider review of the governance framework to develop a more systematic approach to obtaining assurance as regards compliance across the organisation. This has not proved possible during the year for a number of reasons, but remains an intention for 2020-21.

4. ISSUES

4.1 The DPO is aware of issues with a small number of both live and planned projects where the processing of personal data is likely to be considered unlawful without changes being made. In all these cases, the Council is dependent on suppliers acceding to the Council's wishes, but the suppliers are proving reluctant to make the necessary changes. The DPO has highlighted these issues to the relevant officers.

4.2 The impending UK exit from the EU will make a minor change to data protection legislation in the UK, but will make a significant change in data protection terms between the UK and the rest of the EU. The degree to which this will affect the Council remains unclear.

4.3 The decision of the European Court of Justice in July 2020 regarding the EU-US Privacy Shield and other international transfers of personal data will affect the Council (regardless of Brexit). Clarification and guidance about this is currently awaited from the Information Commissioner's Office.

5. CONCLUSION AND RECOMMENDATION(S)

5.1 Whilst, like all other local authorities and organisations undertaking a similar range of functions and volume of activities, the Council is not fully compliant with data protection legislation, the DPO is confident that it a reasonable degree of compliance has been achieved and that progress towards increased compliance across all Services will continue.

5.2 It is recommended that the Committee:-

- (i) note the DPOs assessment of the Council's compliance with the requirements of data protection legislation;
- (ii) provide appropriate challenge and comment.

Author(s)

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Donald Henderson	Data Protection Officer	x77930

Approved

Name	Designation	Date
Karen Donaldson	Interim Chief Operating Officer	11/08/2020

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	n/a
Corporate Plan	n/a
Resource Implications	n/a
Financial	n/a
Workforce	n/a
Asset Management (land, property, IST)	n/a
Assessments	n/a
Equality Impact Assessment	n/a
Strategic Environmental Assessment	n/a
Sustainability (community, economic, environmental)	n/a
Legal and Governance	n/a
Risk	n/a
Consultation	n/a
Internal	n/a
External	n/a
Communication	n/a
Communications Plan	n/a

1. **Strategic Implication** N/A
2. **Resource Implications** N/A
3. **Assessments**
 - Equality Impact Assessment N/A
 - Strategic Environmental Assessment N/A
 - Sustainability N/A
 - Legal and Governance N/A
 - Risk N/A
4. **Consultation** N/A
5. **Communication** : N/A
6. **Background papers** : None
7. **Appendices** : None

PERTH AND KINROSS COUNCIL

**Scrutiny Committee
9 September 2020**

**Lifelong Learning Committee
4 November 2020**

**EDUCATION AND CHILDREN’S SERVICES
ANNUAL PERFORMANCE REPORT 2019/20**

Report by Executive Director (Education and Children’s Services) (Report No. 20/159)

PURPOSE OF REPORT

This report presents the Annual Performance Report 2019/20 for Education and Children’s Services. It summarises Service performance over the period of April 2019 - March 2020 in delivering better outcomes for everyone in Perth and Kinross, and reports on performance against our key performance indicators.

1. BACKGROUND / MAIN ISSUES

- 1.1 Service Business Management and Improvement Plans and Annual Performance Reports are a core element of the Council’s Service Planning Framework.
- 1.2 The Education and Children’s Services will be developed on a longer timescale this year, in line with the council’s ongoing Recovery and Renewal programme.
- 1.3 The Education and Children’s Services Annual Performance Report for 2019/20 reviews Service progress over the past year in meeting the targets and commitments set out in the Education and Children’s Services Business Management and Improvement Plan 2018/19.

2. PROPOSALS

- 2.1 The Service continues to make good progress to support vulnerable children and families, raise achievement for all, improve the quality of life for individuals and communities and to enable the delivery of high quality public services.

3. CONCLUSION AND RECOMMENDATION

- 3.1 The Annual Performance Report details progress against the Service’s targets and improvement actions over the last year and sets out how the Service will take forward its strategic objectives.

3.2 It is recommended that the Scrutiny Committee:

- (i) Scrutinises and comments as appropriate the Education and Children's Services Annual Performance Report 2019/20.

3.3 It is recommended that the Lifelong Learning Committee:

- (ii) Approves the Education and Children's Services Annual Performance Report 2019/20.

Author(s)

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Approved

Name	Designation	Date
Sheena Devlin	Executive Director (Education and Children's Services)	4 September 2020

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
None Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

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 all Objectives.

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 all Objectives.

1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Change and Improvement

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.

This section should reflect that the proposals have 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.

This report has been considered under the Act and 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 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.

The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

Legal and Governance

3.4 N/A.

3.5 N/A

Risk

3.6 Risks are identified and reviewed as part of the BMIP process.

4. Consultation

Internal

4.1 The Annual Performance Plan is developed in collaboration with Heads of Service, Managers and staff across Education and Children's Services.

External

4.2 N/A.

5. Communication

5.1 Wide communication of the finalised Business Management and Improvement Plan will take place once approved by Committee.

2. BACKGROUND PAPERS

2.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

3. APPENDICES

3.1 Appendix 1: Education and Children's Services Annual Performance Report 2019/20



Education and Children's Services

Annual Performance Report 2019/20

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1. INTRODUCTION

This report presents a summary of the work we have undertaken over the past year to ensure better outcomes for everyone in Perth and Kinross, and contribute to the delivery of the Council's strategic objectives. It allows us an opportunity to reflect on the progress we have made in the last year and report on our performance against identified performance indicators.

Improving outcomes for children and young people is the core business of Education and Children's Services. Our focus is to ensure that children, young people and their families receive appropriate experiences and support to best meet their wellbeing and learning needs and achieve positive outcomes. A key focus for our work is early intervention and prevention, raising attainment for all and closing equality gaps, delivering equity and enabling inclusion in all of our services.

We remain committed to ensuring that children and young people are safe, healthy, achieving, nurtured, active, respected, responsible and included and that they and their families receive the help they need, when they need it. We will continue to ensure that our services are responsive to the needs of people and their communities.

Whilst we do well in many areas, our ambition is always to do better. We are confident in our ability and capacity to continue to improve, supported by a workforce committed to delivering better outcomes and continuous improvement.

While current circumstances require us to plan for a process of recovery, it also provides an opportunity to evaluate our services with fresh eyes, and to learn valuable lessons from circumstances that have been forced upon us, to see what has worked well, and to make informed decisions about the best use of the resources at our disposal.

Thanks to all staff and partners for the contributions they have made and for their continuing efforts and commitment to delivering positive outcomes and improved services.

Sheena Devlin

Executive Director (Education and Children's Services)

2. VISION, STRATEGIC OBJECTIVES AND SERVICE PRIORITIES

Our Vision

We support the Vision of the Community Planning Partnership, for our area:

“Creating a confident, ambitious and fairer Perth and Kinross, for all who live and work here.”

This Plan aims to translate this vision into an agenda for Education and Children’s Services to deliver positive outcomes for our citizens and communities.

Perth and Kinross Council’s (PKC) Strategic Objectives

The vision is reflected in the Council’s five strategic objectives and these inform decisions about policy direction and budget spending:

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

The vision and strategic objectives support the delivery of the [Community Plan](#) and the Council’s [Corporate Plan](#). The following sections set out what we will do to support the achievement of these strategic objectives.

Education and Children’s Services Strategic Framework

During 2019, Education & Children’s Services used a collaborative process involving staff across the service to develop a new service Vision and Values, which built up over several iterations to produce a concise and focused statement.

Our Vision:	Improving Lives Together		
Our Values:	Ambition	Compassion	Integrity

Aligned with this are the service’s strategic priorities, which draw from the Tayside Plan for Children, Young People and Families.

ECS Key Priorities (based on Tayside Plan)				
Best Start	Learning & Achievement	Health & Wellbeing	Care and Equity	Safe and Protected

Best Start

Our children will have the best start in life, they will be cared for and supported to learn in nurturing environments.

We work alongside families to improve children's wellbeing and encourage early social and emotional development. In partnership with parents and carers, we support children in their early years to ensure all children and young people are given the best start in life.

Performance Summary for 2019/20

Expansion of Early Learning and Childcare provision

The expansion of Early Learning and Childcare (ELC) has been rolled out on a phased basis. As at March 2020, 52% of Perth and Kinross funded providers were providing 1140 funded hours to 3-5 year olds eligible families or families living in qualifying areas. 542, 3-5 year olds and 36 eligible two year olds (Strong Start) received 1140 funded hours in local authority settings. A total of 103, 3-5 year olds and 5 eligible 2 year olds received 1140 funded hours in funded provider settings, and three 3-5 year olds received 1140 funded hours in childminder settings. Overall, 62% of 1140 funded hours local authority setting Strong Start places were filled. PKC, Dundee and Angus authorities are also working in partnership to ensure children can access the funded hours across Council boundaries where required.

In each of the eleven ELC communities, there are local authority nurseries offering term time and 45-week patterns, and funded provider settings offering a variety of patterns. Within each ELC community, Additional Support Needs (ASN) hubs are being developed in local authority settings. These hubs will provide children, with additional and complex needs, access to the support and environment they require within the ELC community they reside in. Five local authority Early Childhood Centres (ECC) have been created within the most deprived areas of Perth and Kinross to support vulnerable children. The ECCs will offer a 50 week model of attendance in addition to the 45-week and term time attendance models.

A contract management process has been developed to ensure funded providers achieve and continue to meet the criteria outlined in the National Standard. All funded providers are required to achieve a Care Inspection quality grading of 4 (good) or above. This assures there is high quality ELC in each funded setting providing a positive impact on the children's experiences and outcomes. To ensure children have a high quality learning experience, there is a requirement to recruit and develop a high quality workforce with the skills, flexibility and expertise to deliver the future requirements of ELC, whilst contributing to improving outcomes for children and families. Good progress has been made in recruiting for these posts, such as Senior Early Childhood Practitioners (ECPs) (44 additional posts), Principal ECPs (7 new posts) and Centre Leaders (4 additional posts).

Work with Angus and Dundee City Councils, and liaison with colleges and universities has allowed for a shared vision on purpose and roles across the sector. The ELC workforce were surveyed across the authorities to gain information on qualifications, experience and skills, resulting in an event on Inspiring Leadership in February 2020 involving a total of 150 staff from local authority and funded provider settings and childminders from across the three authorities.

Play Framework

The Perth and Kinross Play Framework was launched in June 2019.

To support play in schools, there are currently 17 Play Pods in PKC school playgrounds. Play Champion programmes have been delivered to a number of schools and evaluations are being gathered. In August 2019, Forest Schools Training was delivered in Partnership with Perth College, participants included Early Years and Childcare staff. This was well received and further training has been arranged to support outdoor play and learning.

To support learning and play at home, Play Z cards, with simple play ideas for parents, have been produced and distributed through the Early Years and Childcare Teams, Schools and the Parenting Team to families to try at home. The Z Cards were also available on the Play Talk Read Bus (PTRB) when it visited Perth and Kinross between 16 - 20 September 2019. 148 families and 220 children visited the PTRB over 5 locations. 82% of those who visited the PTRB said they had learned something new and 90% said they would try different ways of playing with their child/ren at home.

To support play in the community, links have been made with a range of professionals including Parks, Roads, Planning and Architects, as well as getting involved with the Dunkeld Road Corridor and the other re-generation areas. Each local Action Partnership has been contacted, with staff attendance at a number of partnership meetings to give an overview of the Play Framework and gain support for its future implementation.

Learning and teaching approaches to delivering the curriculum in early years

Nine schools took part in Learning through Play Action Research initiative with 78% completing the course. This high-quality learning and development opportunity has been delivered through partnership working by the Early Years team, Early Years Inclusion and Educational Psychology Service. All schools have access to materials to allow Learning through Play to be developed in their school using Nursery to Primary Transition guidance which reflects National guidance and complements the work of Learning through Play initiative.

An evaluation undertaken by Educational Psychologists detailed that during the sessions children were noted as needing much less direct support and those with Additional Support Needs (ASN) were coping for a lot of the session without the adult support that would have been required in more formal learning environments. Teachers noticed that children were actually choosing to do more formal learning activities such as number and writing jobs and that they were more enthusiastic and ready for direct teaching activities when they were gathered as a group.

The multi-agency 0-3 Partnership Group meets 4 times a year to identify support that children with complex needs may require at key transition points such as starting nursery. The group are currently developing a pathway for children with complex needs transitioning into Early Learning and Childcare settings.

Learning and Achievement

Our children, young people and their families will be meaningfully engaged with learning and, combined with high quality learning experiences, all children and young people will extend their potential.

Through meaningful engagement in learning, high quality learning experiences and skilful staff, all of our children, regardless of their circumstances, will be successful learners, confident individuals and responsible citizens who contribute to their communities. We have ambitious targets for raising attainment and achievement.

Performance Summary for 2019/20

Raising Attainment Strategy 2019-2022

A comprehensive Raising Attainment plan has been developed, outlining key priorities for 2020-2021 and beyond. Key roles and responsibilities for schools and the local authority are laid out in the plan with clear timescales.

A Raising Attainment Board has been formed to oversee the implementation of the Raising Attainment Strategy and a key priority of the board will be to track and monitor key performance indicators. Stretch aims and targets for improvement have been clearly identified and shared with schools.

The Raising Attainment Strategy has been shared in an interactive way on the PKC intranet, along with the implementation plan. Schools have access to key local and national information including PKC Equity Network bulletins, guidance and support. Education Support Officers have been supporting the development of 'shapshots' where schools are encouraged to develop presentations which demonstrate the impact of Pupil Equity Fund (PEF) interventions and strategies employed to close the poverty attainment gap.

Over the last year, our Navigate learning provision has supported 39 young people with additional support needs and their families/carers to improve their attainment. On average, young people who attend have achieved 6 National Level qualifications each, in addition to hours towards their Saltire awards; 100% of young people in the senior phase transitioned towards positive post-16 destinations. Attendance increased by 3.4% in comparison to the previous year and the curriculum expanded further by 10% for Broad General Education and 4% for S5 and above, increasing learning opportunities tailored to individual interests and strengths with the pupils voice at the core.

Work has taken part across this session to improve responses to emotionally-based school absence, raising awareness of the need for early intervention and developing confidence in key staff in assessing and responding to the needs of target pupils. This has led to a draft staged intervention framework being developed, with linked information and training.

Excellent Relationships, Excellent Learning and Teaching

The Excellent Relationships, Excellent Learning and Teaching Policy reflects input from pupils, practitioners and leaders across Perth and Kinross and sets out a clear aspiration for excellence, with identified outcomes and key responsibilities for all.

To support the implementation of the policy, the Education Support Team have created an offer of support, collaboration, guidance and resources for practitioners and schools, to

support them in achieving excellence. This includes career long professional learning (CLPL), targeted packages, and Creative Learning Network projects. The Perth and Kinross Education's Professional Learning Community on Glow provides an easily accessible platform for the wide range of professional learning opportunities, links to relevant research and the support materials and resources. The Learning and Teaching Newsletter, issued monthly, provides teachers with local and national updates, links to relevant reading and CLPL. The establishment of the Education Support Team has enabled us to support seven schools as part of the Inspiring Schools Programme to enhance knowledge, skills and understanding of highly effective teaching approaches and improve consistency in the quality of learning and teaching.

Inclusion Services

Extensive engagement with a range of key stakeholders including parents, carers, staff and partner organisations has been completed to further inform the review of Inclusion Services. In the survey of parents and carers, 850 responses were received, with over a quarter of the responses from parents or carers with a child with additional support needs. Over 700 Education Services staff also provided information on their knowledge, skills and confidence. Collectively, this information will help to shape improvements to be taken forward in 2020/21.

Digital Strategy

The Digital Strategy outlines the vision and approaches to embed digital literacy, skills, learning and assessment in schools. This strategy is aligned with the National Improvement Framework, the National Digital Learning and Teaching Strategy for Scotland and the PKC Raising Attainment Strategy. Our vision is to effectively and appropriately use digital technology to enhance learning and teaching, to equip children and young people with vital digital literacy skills, which will lead to improved outcomes and prepare them for life beyond school.

Learning is being enhanced by effective use of digital technologies across Perth and Kinross with an ever-increasing number of schools embarking on the journey towards Digital Schools status; Blairgowrie High School being the latest school to be successful in achieving the full award.

Bertha Park High School continues to embed digital technologies at the heart of its learning and teaching with 1-1 devices incorporated into all lessons enhancing the learning experience. Research is being conducted by Lews Castle College, UHI, into the impact of 1-1 devices, which will be concluded by the end of academic session 2020/21.

All pupils now have access to Office 365 applications within GLOW. Overall, GLOW usage increased by approximately 220% over the period 1 April – 31 December 2019. Data reflects increasing student access to GLOW learning and teaching resources from home. Evidence shows that Microsoft Teams adds value as a tool for sharing information and streamlining and improving communication. The Digital Skills team who provide GLOW user support (self-help resources, guides and webinars) have delivered over 60 school sessions to more than 450 staff.

In January 2020, an Education Support Officer was appointed to take forward the priorities of the Digital Strategy, including the Virtual Campus and the digital element of the Highland Perthshire Learning Partnership (HPLP).

A needs analysis and consultation exercise has been conducted with all Secondary Schools to finalise the best approach to the Virtual Campus (VC). A varied service and approach are being offered that provide opportunities for all schools to utilise the service with a wide range of pupils being targeted. The 3 approaches are:

- **5@3** – An online package of resources targeted at young people who are working at SCQF level 3.
- **Highers via VC** – A blended approach via Virtual Campus of teacher input and independent study directed by a teacher.
- **Level 7 extension** – A suite of easily accessible digital opportunities packaged together into a user-friendly format that extends a young person's achievement.

An element of the HPLP is to develop, share and sustain a dynamic and innovative learning offer. This includes elements of co-designed and delivered inset sessions between the two schools. Video conferencing and blended learning approaches have been developed with Perth College to offer a Foundation Apprenticeship in the HPLP. The HPLP is now working towards obtaining a Digital Schools Award.

Health and Wellbeing

Our children and young people will be physically, mentally and emotionally healthy.

Learning in health and wellbeing is designed to ensure that children and young people develop the knowledge and understanding, skills, capabilities and attributes which they need for mental, emotional, social and physical wellbeing.

Performance Summary for 2019/20

Health and Wellbeing Strategy

Schools have identified Health and Wellbeing Leaders to attend termly Network meetings. Health and Wellbeing Leaders identify tools to measure progress and achievement within Health and Wellbeing including use of wellbeing indicators, performance in Physical Education and progress through key curriculum organisers.

Schools are also using self-evaluation materials included in the Health and Wellbeing strategy to support improvement planning. Health and Wellbeing priorities identified through improvement plans were varied and reflected the individual needs and circumstances of school contexts. These included planned interventions for Growth Mindset, BounceBack, Restorative Approaches, Emotion Works, Rights Respecting Schools, and Outdoor Learning.

In order to progress approaches that improve sleep, a small-scale pilot was developed in collaboration with the Children & Young People Improvement Collaborative (CYPIC). This approach engaged young people to learn about sleep and contribute to plans to improve the quality and duration of the time they spent sleeping. The study then reflected the impact this had on engagement and learning.

Through the Health and Wellbeing Curriculum Leaders, schools are embedding the use of self-evaluation strategy to guide practice, linking to the interventions of the Relationships Framework where this is indicated in their self-evaluation. The leaders network is now well-established and using the action plan in the strategy to focus on self-evaluation tools and sharing good practice. Materials to support progression through the curriculum are being developed and implemented. A multi-agency group have used focus group data to commence the development of a local mental health pathway with key messages for self-help. Review of staff professional development needs is being undertaken through a final evaluation of the Mental Health Innovation Fund work.

Food insecurity

The Food Insecurity during Holiday Periods Short Life Working Group (FIHP) was established to support communities to utilise Council funding to support local initiatives aimed at reducing the impact of food insecurity for families across Perth and Kinross by providing fun, engaging activities for children and families with a healthy, nutritious meal as an element of planned events or activities. Projects were particularly focused in areas with higher levels of social deprivation or inequalities. The funding enhanced the support available to existing activities or offered the opportunity to run new activities that the groups/organisations would otherwise not be able to fund.

The total number of recorded attendances over the 2019 summer holidays across PKC was 3825, which provided support to over 700 families, supported by collaborative working from

PKC teams, registered charities, community groups and volunteers. It was estimated that around 111 volunteers gave up their time to support their community.

Feedback from parents, children and young people and those delivering activities has been very positive overall. In some cases, the effect the funding had on communities was to provide a vital lifeline for vulnerable children and families.

“The events are a lifesaver for me!”

“Saving money on food has been a benefit of coming and is really appreciated.”

“Overall this has taken the stress out of the summer holidays for me.”

The estimated costs per child ranged from £1.50 to £19.38 with the average costs around £7 per child, dependent on several factors such as rurality and availability of suitable accommodation.

The activities ranged from sporting and physical activity to crafts and trips to local facilities such as parks, museums, and libraries. Some areas offered the Cook It programme which helps families learn about creating healthy, nutritious, low cost meals and provided food for them to take home.

The FIHP programme offered families a place to go during holiday periods where they were able to take part in no cost activities with other families in their community. It has helped to build a positive, involved community spirit. It has also helped boost the confidence of family members with several comments relating to the positive impact of healthy eating and using local facilities. It has had an encouraging effect on young people who would normally have been “bored” over the holiday period and it has provided some consistency of learning on an informal basis.

Collaboration and future integration with the Food Share Network and food banks will continue to develop the strategy into the future. A Community Food Co-ordinator will be appointed to support this ongoing collaboration.

Perth and Kinross Child Poverty Action Plan

Perth and Kinross schools have been considering ways they can poverty-proof the school day. Some schools have undertaken Cost of the School Day training and have implemented measures to reduce the financial demand on families. A number of schools have produced a *Cost of the School Day* information sheet to share with parents. It details the costs incurred that are mandatory and those that are not.

Many primary schools now offer free school trips and use Pupil Equity Funding to reduce expenditure for some pupils. Many Parent Councils engage in fundraising to support the reduction of costs for families. A draft document regarding Cost of School Trips has been produced in collaboration with a group of secondary DHTs and HTs.

Secondary schools are looking at ways of reducing or eliminating costs for Home Economics, Craft Design & Technology and some Art courses. A working group has been established to review approaches to offer greater equity across all schools and to reduce costs to families across all areas.

Partnership work is evolving between ECS and the Welfare Rights team, and planning is ongoing to ensure all families receive entitlements including free school meals and clothing grants.

Further partnership with the Waste Management Team is working to establish effective approaches to recycling school clothing and equipment in localities. Consideration of enterprising approaches to sustainability may prove a positive message for young people. Examples of this can be found where school and community partnerships offer clothing swap sites targeted at reducing the impact on climate change.

ECS, in partnership with Housing, has led the 'Cost of Living' workstream within the Child Poverty plan, which is beginning to make a difference for families through developments such as: a new affordability model for Council house rents; a doubling of enquires and home visits by the Home Energy Advice Service to reduce fuel poverty; availability of grant funding to increase access to instrumental music tuition for eligible children; raised awareness of child poverty by schools and parent bodies and active participation in identifying opportunities to 'reduce the cost of the school day'; and scoping of two pilot projects to establish a food sharing network.

Care and Equity

Our children and young people who experience particular inequalities and disadvantage will achieve health, wellbeing and educational outcomes comparable with all other children and young people.

We focus resources on groups of children and young people that are more likely to experience inequalities and poor outcomes in health, wellbeing, education and post-school destinations. We are committed to closing the various 'gaps', increasing accessibility and broadening opportunities.

Performance Summary for 2019/20

Corporate Parenting Strategy 2017-2020

This year will see our current Corporate Parenting Strategy come to a conclusion. Consultation about developing our new strategy will begin shortly with our care experienced young people, their families and other corporate parents such as NHS Tayside and Police Scotland, Scottish Fire and Rescue, Skills Development Scotland, SCRA and our 3rd sector partners.

Support children and young people in their families and communities

The REACH Team continues to provide intensive, co-ordinated and flexible support for young people with multiple complex needs and their families, within their own homes and communities.

On 31 March 2020, the percentage of children being cared for in the community remained very high at 96%. During the year, 64 children and young people (who were cared for away from home) ceased to be looked after, just over half returned home to parents or relatives.

This approach prevents young people from being accommodated within a residential care setting and supports young people to successfully return home from residential accommodation. This has helped to reduce the number of young people accommodated away from home in a residential setting from 22 in 2017 to 10 in 2020, a level which has been maintained for the last two years.

The Primary Raising Attainment and Inclusion, Supporting Education (PRAISE) Team was set up in January 2020. The PRAISE team, in conjunction with ECS colleagues and other partners, helps to support children who are looked after at home to be able to fully participate and achieve within the school setting. By the beginning of March 2020, the team was actively working in nine schools within Perth and Kinross with 17 children. Good and trusting relationships were being made with the children themselves, stakeholders and increasing parental engagement. The commissioning of a mentoring service has been undertaken and this will commence at the start of the new term in August 2020.

Independent Advocacy

Independent Advocacy is a service which can help children, young people and those closest to them ensure their voice and views are heard at meetings and reviews. We continue to support and inform young people about their rights and their option to use an Independent Advocate. In addition to Independent Advocacy, we also encourage children and young people to use the mobile phone app Mind of My Own. The app helps children and young people organise and share their thoughts directly with their support worker.

Over 400 children and young people responded to a survey in December 2019 regarding their thoughts on bullying. Overall, most pupils felt they could talk to someone about any bullying – the majority of pupils choosing to tell a family member or a member of staff. In primary schools, children voiced a stronger sense that there were more transparent consequences and that something was being done. However, overall a quarter of respondents stated that they were not aware of the consequences/response to reported bullying. The information is informing a review of the Anti-bullying Strategy.

Young Carers

Young people often see their caring role as a positive experience. However, when they are required to take on too many caring responsibilities, or carry out caring roles that are not appropriate, there can be limiting or adverse effects on their health and overall well-being.

Working in partnership with our colleagues at PKAVS and the Health and Social Care Partnership (HSCP), we work with the Young Carer and the person they care for, to identify resources which can help to lessen the impact of their caring role to a level which better supports them to achieve their potential.

Working directly with PKAVS staff and Young Carers and their families, the Inclusion Team delivered an outreach event with schools. This resulted in an increase in awareness of support required by Young Carers and therefore an increase of referrals by schools to PKAVS and the support they can offer for children and young people.

Attendance

Children and young people, often with pre-existing additional support needs, can develop anxieties around school attendance which require careful amelioration and consistent, skilled partnership working, particularly with parents. Work has taken part across this session to improve responses to emotionally based school absence, raising awareness of the need for early intervention and developing confidence in key staff in assessing and responding to the needs of target pupils. Pilot feedback will be reviewed to roll out the work next session.

Safe and Protected

Our children and young people will be safe and protected from harm at home, school and in the community. Our communities will be safe and we will act to prevent and reduce crime and anti-social behaviour.

Our approaches to protecting vulnerable children and young people are integrated and focused on early identification, and immediate and effective intervention to remove and reduce the risk of significant harm.

Performance Summary for 2019/20

Services to protect children

The ninth annual “Getting it Right...Keeping Your Child Safe” event, focusing on online risks for children and young people, took place at Perth Playhouse and attracted an audience of around 550 delegates, comprising of both parents and professionals from across Tayside and beyond. The event was very positively evaluated with 96% of delegates reporting after the session that their knowledge was improved or much improved. All of the presentations were rated by over 75% of delegates as very good or excellent; one of the presentations was rated as excellent by 80% of delegates.

Assessments

In 2019, all assessments going to Child Protection Case Conferences and Assessment Reports for Children’s Hearing were reviewed and feedback provided to social worker and Team Leaders. For a period of 3 months panel members reviewed each report and provided feedback to the Service. This exercise has now been rolled out across other local authorities. Report writing training was completed for the whole service, and this will be offered again next year.

Tackling domestic abuse

Currently, we have 6 social workers and 3 senior practitioners trained in assessment and delivery of the Caledonian System and the Respect programme (for those who meet the criteria for the Caledonian System but require one-to-one input). A further 3 social workers have now successfully completed the screening process and will go on to complete Caledonian training.

All domestic aggravated Criminal Justice Social Work Report requests in Perth and Kinross are now assessed for Caledonian programme suitability using the SARAv3 risk assessment tool. Two PKC social workers continue to be seconded to jointly deliver – with colleagues in Dundee – the groupwork part of the Caledonian System.

Caledonian Women’s Workers continue to support partners/ex partners of men who are undertaking the men’s Caledonian Programme. In addition, they are involved in the risk assessment process and offering direct support to partners/ex partners at the pre-sentencing stage.

There has been progress in the discussions with prison based social workers at HMP Castle Huntly, the Scottish Prison Service and the Caledonian National Co-ordinator about delivering preparatory work with prisoners deemed suitable for the Caledonian System prior to their release from custody.

Criminal Justice Social Work Services (CJSW)

Initial work utilising the Care Inspectorate's guidance and framework on self-evaluation was carried out. Utilising the case file audit tools from the Care Inspectorate, internal audits were carried out on clients subject to Community Payback Orders which was useful in benchmarking practice and identifying areas for improvement.

Following the transfer of CJSW services to Education and Children's Services, a revised set of governance arrangements for CJSW was approved by the Council's Executive Officer Team and implemented from January 2020. These new arrangements cover four key areas of CJSW business:

- Business management and improvement.
- Community Justice Annual Report.
- Community Payback Annual Report.
- The MAPPA Annual Report.

The new arrangements will see CJSW business reported on a regular basis to ECS senior management team and elected members via Council Committees. This will enable ECS to develop an integrated and comprehensive approach to its strategic service planning and allow for scrutiny, challenge and quality assurance monitoring from senior managers, partners and elected members.

Presumption against short sentences

The extension of the presumption against short-term prison sentences, to sentences of less than 12 months, was introduced in June 2019. This means that a court should not pass a sentence of imprisonment of 12 months or less unless it considers no other sentence is appropriate. As a result of this, it was expected that the number of community-based disposals, mainly Community Payback Orders (CPOs), would increase.

In response to this, CJSW services carried out a review of current service provision and modelled what the impact of the projected increase in new CPOs on resourcing requirements would be. Across both teams responsible for managing CPOs, it was shown that there exists sufficient capacity to successfully manage any increases in these Orders. While it may take a number of months for the full effects of the introduction of the extension of the presumption against short term sentences to be known, data for 2019-20 showed that there were 347 new CPOs, an additional 25 CPOs when compared with the previous year's total of 322. This increase resulted in no resourcing issues for the CJSW service.

3. ORGANISED TO DELIVER

Governance and Management Structure of the Service

Education & Children's Services Senior Management Team (SMT) is responsible for providing strategic leadership and direction for the work of Education and Children's Services. SMT comprises of:

- Sheena Devlin, Executive Director (Education and Children's Services)
- Jacquie Pepper, Depute Director & Chief Social Work Officer
- Sharon Johnston, Interim Head of Education
- Hazel Robertson, Head of Services for Children, Young People & Families
- Greg Boland, Senior Business and Resources Manager

The service's *management structure* is detailed on the PKC website.

Customer Focus and Community Engagement

In the Blairgowrie local management group there have been a number of Parent Engagement sessions for English as an Additional Language (EAL) parents. In addition, in five of the Primary schools, a 'Language of the Month' project was implemented to encourage interest in Community Language and an EAL blog was also launched with information for both Parents/Carers and staff.

Preparing our People for the Future

In-service programmes for school staff included delivery of a total of 32 workshops over 2 days in November and February, including a range of workshops for Pupil Support Assistants such as 'Precision Teaching in Literacy', 'The Importance of Enhancing Playtimes' and 'Using DASH to report an incident – how, why and what next?'. All were delivered over the two dates by members of the Inclusion Team, Educational Psychologists, specialist teachers and Allied Health Professionals.

In addition, a range of bespoke training was delivered in several schools, covering:

- Effective ASN planning and meetings.
- Outcome based planning.
- ASD/ADHD – simplifying the complexities.
- Lego Therapy.
- An introduction to managing behaviours that challenge.

Partnership Working

From August 2019, an extensive workforce development programme was initiated by the Tayside Collaborative, with PKC leadership, to enhance the knowledge and skills of practitioners working with families with children in their early years. This involved delivery of the Solihull Approach foundation programme which brings together a range of good practice approaches that aid child development and encourage positive behaviours. It helps practitioners to address emotional problems in a different way and build greater confidence in their own skills and practice so that they have greater impact in their interactions with

parents and children. By March 2020, 271 practitioners from Education, Services for Children, Young People and Families, Health and partner organisations had completed the training and a further 19 had trained as trainers to deliver further training.

Within the Tayside Collaborative development of a Mental Health Strategy, local partnership working has included work on a local mental health pathway with key wellbeing messages and a collation of resources for young people. Following on from the Scottish Government's announcement of 'Counselling in Schools' funding, collaboration has centred on a Tayside-wide approach to support the Mental Health Strategy and local partnership working has proceeded with third sector partners and will be enhanced by a multi-agency steering group.

Performance, Self Evaluation and Risk Management

Inspection results from the Care Inspectorate for services providing Day Care for children, such as nurseries, playgroups, wrap-around care and afterschool clubs, have remained high, with services being rated as Good or better in 81% of settings for the quality of Care and Support they provide, 73% for the quality of Staffing, 84% for the quality of the Environment, and 47% for the quality of Leadership and Management. Inspection results from nurseries inspected by Education Scotland continue to be very positive. During academic session 2019/20, two centres have been inspected. Of the 6 quality indicators inspected, all received evaluations of 'Good' or above.

Inspection results from schools within Perth & Kinross inspected by Education Scotland also continue to be very positive. During academic session 2019/20, four primary schools and one secondary school were inspected. For primary schools, of the 6 quality indicators inspected, almost all received evaluations of 'Good' or above. In most inspection reports for primary schools, partnership working with parents and agencies impacting on improved learning experiences of children was highlighted as a strength. The Headteacher of Inchtute Primary School was commended for leading her team to ensure that wellbeing is at the heart of the school and a child-centred approach is taken in all aspects of school life. Any areas for improvement identified during an inspection are addressed through a school action plan, developed in consultation with the Quality Improvement Officer and shared with the school community.

In the inspection of Perth Grammar School in November 2019, the enhanced provision was noted as a strength of the school for providing high levels of targeted support for young people with more significant additional support needs.

Education and Children's Services strategic risks are outlined below.

Strategic Objective	Service Risk	Residual Risk			
		Impact	Probability	Score	
All objectives	The pace, scale and expectations of change become increasingly outwith our control.	3	2	6	
All objectives	The responsibility for leading on partnership working and commissioned services is not equally shared.	4	3	12	
All objectives	Systems, information and data are not fit for purpose to support modern working practices.	3	3	9	
All objectives	Additional legislative responsibilities are underfunded.	4	3	12	
All objectives	We fail to deliver on expected budget savings.	5	4	20	
All objectives	We fail to fulfil all statutory duties (current and new).	3	3	9	
Learning and Attainment	We fail to meet the requirements of the National Improvement Framework.	4	3	12	
KEY					
Impact:	1 - Insignificant	2 - Minor	3 – Moderate	4 – Major	5 – Critical
Probability:	1 – Rare	2 – Unlikely	3 – Possible	4 – Likely	5 – Almost Certain

4. KEY PERFORMANCE INDICATORS

The following section provides a performance update on key performance indicators for 2019/20. The data provided covers the year to 31 March 2020.

Pre-birth and Early Learning							
Indicator	Performance			Targets			
	2017/18	2018/19	2019/20	2019/20	2020/21	2021/22	2022/23
The proportion of children starting P1 who meet all expected development milestones #	81%	81%	-	85%	+2%	+2%	+2%
The target of 85% is being met in the higher (least deprived) SIMD quintile 5, however, there is still work to do, by all partners, in supporting children and families where one or more milestones are not being met in quintiles 1 and 2.							

Note that indicators in the Learning and Attainment section are based on the academic year from August to July and so are only available up to 2018/19.

Learning and Attainment							
Indicator	Performance			Targets			
	2016/17	2017/18	2018/19	2018/19	2019/20	2020/21	2021/22
Percentage of pupils (P1, P4 & P7 combined) achieving expected levels in:							
Literacy #	71%	76%	76%	77%	<i>Comparator authority average</i>		
Numeracy #	68%	74%	73%	75%	<i>Comparator authority average</i>		
Percentage gap between pupils achieving expected levels between ACORN¹ 1 and ACORN 4/5:							
Literacy #	27%	18%	19%	17%	9%	8%	7%
Numeracy #	27%	16%	19%	15%	9%	8%	7%
These indicators measure both excellence - raising overall performance for all, and equity – narrowing the poverty-related gap. Steady progress in levels achieved is shown across all stages and areas, and there are early signs of some progress in closing the poverty-related gap. Literacy and numeracy strategies have been established to support improvement in key areas.							
School leavers achieving 5 or more SQA subjects at SCQF level 5 #	62%	66%	64%	66%	<i>Exceed virtual comparator</i>		
School leavers achieving 5 or more SQA subjects at SCQF level 6 #	35%	36%	37%	39%	<i>Exceed virtual comparator</i>		
Results for SCQF level 5 remain high, and above the Virtual Comparator. Results for SCQF level 6 are generally increasing, but have fallen slightly behind the Virtual Comparator.							
Tariff scores:							

¹ ACORN is a small-area classification used in P&K alongside or in place of SIMD to understand communities and households.

Learning and Attainment

Indicator	Performance			Targets			
	2016/17	2017/18	2018/19	2018/19	2019/20	2020/21	2021/22
Lowest 20%	159	173	161	153	<i>Exceed virtual comparator</i>		
Middle 60%	868	892	853	857	<i>Exceed virtual comparator</i>		
Highest 20%	1867	1921	1916	1871	<i>Exceed virtual comparator</i>		
Overall the average tariff points have remained relatively steady, and are generally higher than the authority's virtual comparator.							
School leavers achieving Literacy and Numeracy at SCQF Level 4 [#]	86%	90%	89%	90%	<i>Exceed virtual comparator</i>		
Looked After school leavers achieving Literacy and Numeracy at SCQF Level 4 [#]	71%	75%	63%	69%	<i>Exceed virtual comparator</i>		
Reflecting improvements seen in CfE levels, the literacy and numeracy qualifications achieved by school leavers is generally increasing. Care should be taken when interpreting measures for Looked After Children due to the small numbers involved. Performance is lower than the whole leavers cohort, but in line with and slightly above the virtual comparator.							
% Attendance for Primary School pupils [#]		95%	95%	96%	95%	95.5%	96%
% Attendance for Secondary School pupils [#]		91%	91%	92%	92%	92.5%	93%
Exclusion incidents per 1,000 Primary pupils [#]	9.3	5.8	7.6	TBC	TBC	TBC	TBC
Exclusion incidents per 1,000 Secondary pupils [#]	46.1	44.9	55.4	TBC	TBC	TBC	TBC
Overall attendance in secondary is steady although primary attendance has fallen slightly over recent years. The number of exclusions from school continues to reduce in both primary and secondary.							
% of school leavers moving onto positive destinations [#]	94.5%	96.2%	97.5%	97%	97%	97%	98%
The proportion of young people entering positive destination on leaving school has been generally improving, and is also largely maintained in the follow-up survey.							
Participation measure for 16-19 year olds (NOTE : FINANCIAL YEAR, NOT ACADEMIC)	93%	94%	93%	92%	93.5%	94%	94.5%
The participation measure reports on the activity of the wider 16-19 year old cohort, including those at school. Once again, Perth and Kinross is performing above the national average (92%), and is doing so in every individual age group as well as overall.							

Indicator	Performance			Targets			
	2017/18	2018/19	2019/20	2019/20	2020/21	2021/22	2022/23
Number of young people achieving awards	650	471	442	600	600	600	600
<ul style="list-style-type: none"> • <u>Duke of Edinburgh</u>: 1348 participants achieving 360 awards • <u>Youth Achievement</u>: 7 awards • <u>Dynamic Youth</u>: 56 awards • <u>Hi5</u>: 19 awards. <p>The numbers of awards reflects the nature of the service, as it now has targeted early interventions rather than attendance at universal youth provision. Duke of Edinburgh figures have dropped due to the expedition season being cancelled because of the COVID-19 situation.</p>							

Looked After Children, Care Leavers and Young Carers

Indicator	Performance			Targets			
	2017/18	2018/19	2019/20	2019/20	2020/21	2021/22	2022/23
% Looked After Children with more than 1 placement in the last year (Aug-July) #	24%	31%	29% (Mar 2020)	20%	20%	20%	20%
<p>New Indicator Out of 269 children and young people who were looked after and accommodated on 31 March 2020, 77 had more than one placement in the previous year. Of the children and young people who experienced placement moves, almost half (35) did so to return to their family. This approach allows children to be with their family with the added safety of legal order.</p>							
% of looked after reviews (accommodated children) which are held within statutory timescales	75%	87%	82%	95%	95%	95%	95%
<p>During the 2019/20 reporting year 360 looked after children reviews took place. Most reviews took place on time (82%) however, 64 reviews were delayed. To help improve the performance, the service is piloting a new approach to the reviewing timescales. The supplementary 72-hour review has been withdrawn allowing professionals to prioritise the statutory reviews.</p>							
% of children with an approved permanence plan within 4 months of the decision to recommend for permanence	35%	56%	39%	85%	85%	85%	85%
<p>Of the 18 young people considered at Fostering and Permanence Panel within the reporting year, 7 were considered within 4 months from the Looked After Review which recommended permanent alternative care. Care should be taken when interpreting measures due to the very small cohort.</p>							
% of children approved for permanence and who have been accommodated less than 12 months	63%	67%	61%	85%	85%	85%	85%
<p>The majority of children who were approved for permanence had been accommodated for less than 12 months. The children who were accommodated for 12 months or more consisted of four family groups. Care should be taken when interpreting measures due to the very small cohort.</p>							
Balance of care for looked after children (LGBF) #	95%	96%	96% (Mar 2020)	90%	90%	90%	90%
<p>On the 31 March 2020, the percentage of children being cared for in the community remained very high at 96%.</p>							
Proportion of Activity Agreement participants progressing onto positive destinations	86%	88%	84%	88%	88%	88%	88%
<p>59 young people left Activity Agreements with 50 going onto positive destinations. With the new No One Left Behind strategy the emphasis is now aiming at the most vulnerable through 12 weeks interventions, recording positive steps to employability and not focusing on the destination.</p>							

Looked After Children, Care Leavers and Young Carers

Indicator	Performance			Targets			
	2017/18	2018/19	2019/20	2019/20	2020/21	2021/22	2022/23
% of Care Leavers in touch with Aftercare services between the ages of 16-25	84%	84%	84%	90%	90%	90%	90%
299 care leavers engaged with Aftercare, out of a total of 354 care leavers. Performance has remained strong over the last three years with the cohort increasing incrementally each year in line with the extension from age 21 to 25 years brought about by the Children and Young People (Scotland) Act 2014.							
% of children/young people in community placement beyond the age of 16	50%	55%	57%	<i>Annual improvement</i>			
<i>Looked After</i>	24	57	70				
<i>Continuing Care</i>	17	23	28				
This is a complex measure as there are a range of choices for young people to take at age 16, such as Independent Living, Supported Lodgings etc. Critically, all Young People are fully informed of their rights to remain in care settings, and supported to make the best choice for themselves.							
% of young people referred to Services for Young People and who engaged with the service	-	88%	78%	<i>Baselining</i>			
This is a new indicator and sets a benchmark. The aim of the indicator is to show how the service is engaging with young people and through other measures we will show the quality of that involvement and the difference this is making to young people.							

Safeguarding and Child Protection

Indicator	Performance			Targets			
	2017/18	2018/19	2019/20	2019/20	2020/21	2021/22	2022/23
% of initial child protection case conferences (ICPCCs) within timescales	76%	45%	71%	85%	90%	92%	92%
<p>During the reporting time period there have been 59 ICPCCs for a total of 106 children and young people. This year's figure is similar to the 2018/19 figure of 62. However, the percentage of ICPCCs taking place within timescales has increased from 45% in 2018/19 to 71% in 2019/20. The majority of ICPCCs now take place within timescales however the target of 85% is yet to be achieved.</p>							
% of Unborn Baby Initial Case Conferences held within timescales	27%	71%	67%	87%	90%	92%	92%
<p>Out of a total of 15 Unborn Baby Case Conferences, 10 were completed on time.</p>							
% of child protection review case conferences within agreed timescales	91%	89%	92%	95%	95%	95%	95%
<p>Out of a total of 145 review case conferences, 133 were completed on time.</p>							
% of children on child protection register over 12 months	12%	8%	12%	TBC	TBC	TBC	TBC
<p>There were 81 children and young people on the register at 31 March 2020. There were 17 fewer children on the register this year compared to last year (census dates).</p> <p>Of the 81 children and young people, 13 (12%) have been on the register for over 12 months. This is a slight increase on the percentage last year (10%).</p>							
Proportion of Young Carers with a completed Young Carers Statement	-	-	30%	<i>Baselining</i>			
<p>The Young Carers Statement (YCS) is an individual assessment of need to determine if support is required and at what level. The YCS should adequately reflect the Young Carers support needs as children first, and ensure that Young Carers have the same access to opportunities which will enhance their ability to achieve their potential in line with their peers.</p> <p>As at 31 March 2020 there were 284 Young Carer's receiving support from PKAVS.</p>							

Creating a safe and sustainable place for future generations

Indicator	Performance			Targets			
	2017/18	2018/19	2019/20	2019/20	2020/21	2021/22	2022/23
Percentage of Criminal Justice Social Work Reports (CJSWR) submitted to court on time	99%	98%	97%	99%	99%	99%	99%
<p>By the end of Quarter 4, 813 out of 839 Criminal Justice Social Work reports had been submitted to court by 12pm the day before the case was due to heard as per Criminal Justice Social Work National Standards. 26 reports were submitted after 12pm. Of these 26 reports, 24 were submitted by 5pm on the day before court with the remaining 2 reports submitted on the day of court owing to social worker illness.</p>							
Number of new Community Payback Orders	391	322	347	400	450	400	400
<p>The largest increase has been in CPOs with a Supervision and no Unpaid Work requirement. These increased by 47% from 53 in 2018-19 to 78 in 2019-20. The presumption against short-term prison sentences of less than 12 months was introduced in the summer of 2019 and it is possible that this may have contributed to the increase in CPOs in 2019-20.</p>							
Percentage of Community Payback Order clients with improving:							
Employment / training / education situation	50%	64%	62%	60%	61%	65%	65%
Views on offending	76%	68%	65%	75%	75%	75%	75%
Attitudes concerning desistance / stopping offending	94%	91%	89%	90%	90%	90%	90%
Engagement with services	91%	91%	91%	90%	90%	90%	90%
<p>Questionnaires distributed to clients at different stages of their Community Payback Orders sought to assess progress in a number of key areas. Analysis of 87 questionnaire responses showed that on all 4 key measures, more than 60% of clients showed improvements.</p>							
Number of job requests for the unpaid work team	329	380	355	350	350	350	350
<p>This figure of 355 requests made to the Unpaid Work Team for work to be done in communities throughout Perth and Kinross is 7% below the figure of for 2018-19.</p> <p>The number of requests continues to highlight both the success of the marketing that the team carries out to highlight its achievements and capability through social media and local press and the implementation of a more efficient system for recording requests. As a result of this, the unpaid work team had to temporarily suspend the receipt of new requests in order to clear a backlog that had developed. Had this suspension not taken place, the number of requests received would have surpassed the total for 2018-19.</p>							

Creating a safe and sustainable place for future generations

Indicator	Performance			Targets			
	2017/18	2018/19	2019/20	2019/20	2020/21	2021/22	2022/23
Average weekly hours worked by clients to complete the unpaid work requirement of Community Payback Orders:							
Level 1 (up to 100 hours)	4.8	4.8	4.6	5.1	5.2	5.5	5.5
Level 2 (101 up to 300 hours)	6.6	6.4	6.2	6.6	6.7	7.0	7.0
2019-20 saw a relatively consistent performance compared to previous years for both Level 1 orders (20 to 100 hours) and Level 2 orders (101 to 300 hours). Extensions of requirements owing to client ill health and the employment commitments of clients contributed to the 2019-20 figure.							

Prisoners receiving a social work induction within 5 days of allocation	58%	60%	TBC	61%	62%	65%	65%
Statutory case closures signed off with 5 working days of release	89%	50%	TBC	82%	83%	85%	85%
Data for these indicators is not yet available due to delays in obtaining information from the Scottish Prison Service.							

PERTH AND KINROSS COUNCIL

Scrutiny Committee

9 September 2020

Executive Sub-Committee of Lifelong Learning Committee

2 November 2020

**SUMMARY REPORT ON CARE INSPECTORATE AND
EDUCATION SCOTLAND INSPECTIONS**

Report by Executive Director (Education and Children's Services) (Report No. 20/160)

PURPOSE OF REPORT

This report provides an overview of the performance of Education and Children's Services inspected and reported over the past year by the Care Inspectorate and Education Scotland, since the previous report of this type, and sets out the Service's approach to implementing improvement actions arising out of inspection.

1. BACKGROUND

1.1 Care Inspectorate

1.1.1 The [Care Inspectorate](#) is the unified independent scrutiny improvement body for care and children's services. Since April 2008, regulated care services in Scotland have been inspected using a framework of quality themes and quality statements. Services are measured against the National Care Standards and quality themes:

- Quality of Care and Support;
- Quality of Environment or Information;
- Quality of Staffing; and
- Quality of Management and Leadership.

Each quality theme is graded on a 6-point scale in which 1 = unsatisfactory, 2 = weak, 3 = adequate, 4 = good, 5 = very good and 6 = excellent.

1.1.2 The Care Inspectorate conducts unannounced inspections for all regulated services as the usual inspection method unless there are practical reasons that this is not appropriate. There are longer intervals between inspections for better performing services and a greater focus on risk-based inspections for poorly performing and high-risk services such as those which provide 24-hour residential care.

1.1.3 Following an inspection, the Care Inspectorate may set out a series of:

- Recommendations: statements that set out actions the care service provider should take to improve or develop the quality of the service.

- Requirements: statements which set out what is required of the care service provider to comply with relevant legislation.

1.1.4 Care service providers must submit an action plan to the Care Inspectorate addressing any requirements and recommendations identified. Progress against the action plan is monitored by the Care Inspectorate through annual return and self-assessment forms submitted by the care service provider and through subsequent inspection.

1.1.5 Tables 1a and 1b below set out the frequency of inspection for different service types. The Care Inspectorate may inspect more often than shown on this table. A proportionate approach is taken in relation to the depth of evidence to be sampled and gathered in accordance with the current risk level.

Table 1a: Services Subject to Statutory Minimum Frequency

Service Category & Type	Statutory inspection frequency	For services with high or medium RAD ¹ or grades of unsatisfactory, weak, adequate
Care Homes for children	1 inspection each 12 months	1 inspection each 12 months plus follow-up inspection and/or additional scrutiny or improvement intervention(s) according to risk & intelligence
Housing Support Service combined with Care at Home	1 inspection each 12 months	1 inspection each 12 months plus additional scrutiny or improvement intervention(s) according to risk & intelligence

Table 1b: Services Subject to Risk Based Inspection Frequency Guidelines

Service Category & Type	Definition of Better Performing Services	Frequency for Better Performing Services	Frequency for Services not Meeting the Better Performing Definition
Adoption services	Low RAD & Grades 4 or more	1 inspection each 24 months	1 inspection each 12 months
Day care of children (Registered for 0-16 years ie under 3s)	Low RAD & Grades 4 or more	1 inspection each 24 months	1 inspection each 12 months
Day care of children (registered for 3-16 years ie no under 3s)	Low RAD & Grades 4 or more	1 inspection each 36 months	1 inspection each 12 months
Fostering services	Low RAD & Grades 4 or more	1 inspection each 24 months	1 inspection each 12 months
Housing support (not combined with Care at Home)	Low RAD & Grades 4 or more	1 inspection each 24 months	1 inspection each 12 months

Source: Care Inspectorate, Scrutiny and Inspection Plan Summary 2016/17, Frequency of inspection rules for regulated care services, Summary Guide 2016/17.

More information on the Risk Assessment Document, the Care Inspectorate's risk assessment tool, can be found in the [Care Inspectorate's Risk Assessment publication](#).

1.2 Education Scotland

- 1.2.1 Each year, Education Scotland inspects and reports on the quality of education in pre-school centres, primary schools, secondary schools, special schools, community learning and development services, colleges, and residential educational provision.
- 1.2.2 Education Scotland also inspects the education functions of local authorities and carries out joint inspections of services for children. Independent sector inspections are outwith the scope of this report.

Pre-School Centres/Schools

- 1.2.3 From August 2016 new approaches to inspection were introduced in a phased manner, including full and short inspection models. For school inspections, the following HGIOS4 Quality Indicators (QI) are evaluated on a six point scale:

Full inspection Model

- 1.3 Leadership of Change
- 2.3 Learning, Teaching and Assessment
- 3.2 Raising Attainment and Achievement
- 3.1 Ensuring Wellbeing, Equality and Inclusion

Short inspection Model

- 1.1 Self-evaluation for self-improvement
- 3.2 Raising Attainment and Achievement

- 1.2.4 A further QI is negotiated with the school which will enable school staff and inspectors to focus on a particularly challenging issue or new initiative. From October 2019, inspections instead look at elements of school empowerment.
- 1.2.5 A short letter is provided to report the inspection, highlighting strengths and aspects for development, and includes a table indicating the QI evaluations against the six-point scale. The inspection evidence gathered during the inspection is published online as a document called the Summarised Inspection Findings (SIF).

1.3 Joint Inspections

- 1.3.1 From August 2013, the Care Inspectorate and Education Scotland began a programme of joint inspections of nursery classes and pre-school centres. The outcomes from these inspections are reported publicly in one report produced jointly by both scrutiny bodies. In each report there will still be separate evaluations of both the Quality Indicators considered by Education Scotland and the Care Standards considered by the Care Inspectorate. Two joint inspections (Goodlyburn Primary School and Braco Primary School) have been published since the previous version of this report.

1.4 Analysis of inspection outcomes

- 1.4.1 There are a number of factors which make the analysis of the inspection gradings complex over this reporting period.

1.4.2 These factors include:

- Improvements and changes to the inspection models and quality frameworks mean that it is more difficult to make direct comparisons between years; specifically, it is recognised that the Care Inspectorate have higher expectations of providers when undertaking inspections, in parallel with the introduction of the National Standard for Early Learning and Childcare;
- The number of inspections carried out within the local authority area varies from year to year; and
- The selection of Quality Indicators and themes can vary from inspection to inspection.

2. SERVICES PROVIDING DAY CARE FOR CHILDREN

2.1 This section presents an overview of the performance of services providing day care for children inspected over the past year (2019/20) where Perth and Kinross Council is the registered provider, and for services registered as partner providers². The Care Inspectorate Inspection Reports are reported to the Executive Sub-Committee of Lifelong Learning Committee by exception - where any grading has been awarded an evaluation of **unsatisfactory**, **weak** or **excellent**. In the past year, no services have been reported for receiving **excellent** gradings and one service was graded as **weak**.

2.2 All 27 inspections of services providing day care for children in 2019/20 were unannounced.

2.3 To date in 2019/20, 74% of grades awarded were **good** or better, which is a decrease from 2018/19 (91%). The proportion of **excellent** and **very good** grades awarded is 29% in 2019/20, a decrease from 2018/19 (55%). Appendix A provides further details and some interpretation of the figures. When looking at individual indicators, care must be used in interpretation as some may be evaluated much less than others and therefore subject to greater change from year to year.

2.4 Appendix B shows performance from 1 April 2013 to 23 March 2020 by Quality Theme for all inspected services providing day care. It is common for only certain Quality Indicators to be assessed during an inspection; therefore, each quality indicator will likely have a different total number of assessments during a given time period.

Analysis and Improvements

2.5 Overall, the Quality of Care and Support, and the Quality of Staffing show good performance. The Quality of Environment measure has seen some reduction in the latest two years. This has been recognised in the Service's own quality assurance of establishments, with the intention of improving performance in this area. The Quality of Leadership and Management has seen similar reductions. Turnover of management staff from partner providers to other positions has partly contributed to this trend.

At the time of writing, information available for services inspected and published between 1 April 2019 and 14 February 2020.

This measure is also affected by the small number of inspections involved, with only 11 of the 38 inspections including the Leadership and Management theme.

- 2.6 Some recent decreases in evaluations for Early Years services can be linked to higher expectations from Care Inspectorate inspections and the introduction of the National Standard for Early Learning and Childcare. This has been recognised in the Service's own quality assurance of establishments, with the intention of improving performance in this area.
- 2.7 A range of improvement projects are underway. Focusing on the quality of environment, a new learning and development resource, available to all Early Years settings across the Local Authority and Partner Providers, focuses on practitioner reflection on quality of environment and experiences offered to children. Grants have been provided to partners to improve outdoor provision and IT, and new furniture has improved the indoor environment at a number of local authority settings.
- 2.8 Focusing on leadership and management, a range of training and development sessions for staff in leadership roles across Early Years settings are underway. Senior Early Childhood Practitioner (ECP) training is now in its fourth round and covers pedagogical leadership. A 3-year programme of improvement, using established methodologies, will involve all Early Years teachers and Principal ECPs.
- 2.9 We continue to monitor, support and challenge all centres through a planned programme of improvement visits. Furthermore, we are undertaking joint training and development work with colleagues in the Care Inspectorate to ensure we develop consistent approaches to our respective scrutiny roles where this is possible.

3. SUPPORT AND RESIDENTIAL CARE SERVICES

3.1 Woodlea Cottage

- 3.1.1 The Care Inspectorate undertook an unannounced inspection of Woodlea Cottage in December 2018. Woodlea Cottage is a care home service providing respite and short breaks for up to five children aged from 7 to 18 with severe, complex and enduring needs arising from learning and physical disabilities. Children using the service can do so for up to 28 consecutive days. Staff also provide an outreach service to children and their families, although this is not part of the registered care service.
- 3.1.2 The Care Inspectorate identified a number of key strengths and the inspection found the Quality of Care and Support and the Quality of Staffing to be **Very Good**. The Quality of Environment and Quality of Management and Leadership were not inspected.
- 3.1.3 The findings of this inspection and an update on progress made towards implementing the areas for improvement were reported to the Executive Sub-Committee of Lifelong Learning Committee on 20 May 2019 ([Report No: 19/148 refers](#)). Woodlea Cottage was first inspected in November 2010. The grading history for the 5 latest inspections are shown in Appendix C, Table C1.

This service has received consistently high gradings over this period and is operating at a highly effective level of quality for children and families with complex care and support needs.

3.2 Wellbank House

3.2.1 The Care Inspectorate undertook an unannounced inspection of Wellbank House in May 2019. Wellbank House provides housing support to vulnerable young people aged between 16-24 yrs in order that they gain the skills necessary for independent living. The service can accommodate 10 young people. Staff also provide support to young people in satellite flats based in the community.

3.2.2 The Care Inspectorate identified a number of key strengths and the inspection found the Quality of Care and Support and the Quality of Management and Leadership to be **Very Good**. The Quality of Environment and Quality of Staffing were not inspected.

3.2.3 The findings of this inspection, and an update on progress made towards implementing the areas for improvement, were reported to the Executive Sub-Committee of Lifelong Learning Committee on 20 May 2019 ([Report No: 19/148 refers](#)). Wellbank House was first inspected in September 2008. The grading history for the 5 latest inspections are shown in Appendix C, Table C2. This service has received consistently high gradings over this period and is operating at a highly effective level of quality for children and families with complex care and support needs.

4. PRE-SCHOOL CENTRES AND SCHOOLS

4.1 This section presents an overview of the performance of Perth and Kinross Council's pre-school centres, including partner providers, and schools inspected by Education Scotland and reported to the Executive Sub Committee of Lifelong Learning Committee up to 23 March 2020.

4.2 For 2018/19 and the part of 2019/20 reported, 6 pre-school centres (including partner providers), 10 primary schools and 2 secondary schools were inspected.

4.3 Of the 20 pre-school quality indicators inspected during the above period, 2 received '**Weak**' gradings, 3 were graded as '**Satisfactory**', 6 were deemed '**Good**' and 9 received '**Very Good**'. A combined summary of achievement (2016/17 to date) is shown in Appendix D.

4.4 Of the 30 primary school quality indicators inspected during the above period, 1 received a '**Weak**' grading, 5 were graded as '**Satisfactory**', 16 were deemed '**Good**' and 8 received '**Very Good**'. A combined summary of achievement (2016/17 to date) is shown in Appendix D.

4.5 Of the 6 secondary school quality indicators inspected during the above period, 1 received a '**Weak**' grading and 5 were graded as '**Satisfactory**'. A combined summary of achievement (2016/17 to date) is shown in Appendix D.

- 4.6 Performance against comparator Local Authorities, and Scotland, is shown in Appendix E. Perth and Kinross consistently outperforms both the comparator group of local authorities and the Scotland average across both the primary and pre-school sectors, particularly when looking only at indicators graded as **Very Good** or better. However, these figures do represent relatively small numbers of inspections and should be viewed with some caution. There is not currently sufficient data available on secondary inspections to allow for benchmarking.
- 4.7 A public meeting is held after the publication of the initial inspection letter. Parents, the local elected members and members of the Lifelong Learning Committee are invited to the meeting providing them with the opportunity to discuss the findings of the report and to be consulted on the areas for improvement to be taken forward. Where further inspection activity is carried out, Education Scotland will report publicly to parents and stakeholders.
- 4.8 Areas for improvement identified during an inspection are addressed through a school action plan. Progress against the plan is monitored and a report prepared for parents/carers (and is also shared with the Area Lead Officer) within one year of the report being published.
- 4.9 Inspection reports are scrutinised by members of the Executive Sub-Committee of the Lifelong Learning Committee. Where a school has not been evaluated as good or better, members may choose to further scrutinise the progress made.
- 4.10 In addition to Education Scotland inspections, support for improvement is provided to pre-school centres and schools through the School Improvement Framework. A range of school specific information is submitted by all schools to Education Services in relation to performance management, planning for improvement and self-evaluation leading to improvements. Education Services staff use this information to work with headteachers to determine the nature and frequency of support/challenge visits that will be appropriate for each school over the course of any session.
- 4.11 School visits form the core of the school improvement framework and take the form of one or more of the following over a planned four-year programme:
- School improvement visit;
 - Learning and achievement visit; and
 - An extended learning and achievement visit.

During such visits the School Improvement Plan, the Standards and Quality Report and the Self-Evaluation Pro-forma are scrutinised and challenged to ensure appropriate account has been taken of any identified improvement actions and that work in these areas is having a positive impact on the quality of educational provision provided by the school.

- 4.12 Schools are also required to have robust processes of self-evaluation embedded in their quality assurance approaches. They are required to submit an annual summary of this work which is also subject to scrutiny by Education Services.

- 4.13 Continuing engagement activities, undertaken by Perth and Kinross Council, are reported to parents and stakeholders. This includes the publication of reports to parents on Extended Learning and Achievement Visits and follow-up reports on the school's website and on each school's page on www.pkc.gov.uk.

5. CONCLUSION AND RECOMMENDATION

- 5.1 The analysis of the gradings and reports by the Care Inspectorate and Education Scotland provide positive confirmation that the standards and quality in our services remain high and set a clear agenda for continuous improvement.
- 5.2 It is recommended that the Scrutiny Committee:
- (i) Scrutinises and comments as appropriate on the contents of the report.
- 5.3 It is recommended that the Executive Sub-Committee of Lifelong Learning Committee:
- (i) Comments as appropriate on the contents of the report.

Author(s)

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Approved

Name	Designation	Date
Sheena Devlin	Executive Director (Education and Children's Services)	4 September 2020

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

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 (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 Policy Framework in respect of the following key policy area:

- Change and Improvement.

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.

This section should reflect that the proposals have 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.

This proposals have been considered under the Act and Assessed as **not relevant** for the purposes of Strategic Environmental Assessment.

Sustainability

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.

3.3 N/A

Legal and Governance

3.4 N/A

3.5 N/A

Risk

3.6 N/A

4. Consultation

Internal

4.1 Relevant Heads of Service and Service Managers within Education and Children's Services have been consulted in the preparation of this report.

External

4.2 N/A

5. Communication

5.1 In the case of an initial Education Scotland inspection of a school, a public meeting is held after the publication of the inspection report with invitations going to parents, the local elected members and members of the Lifelong Learning Committee. These meetings give parents, carers and other members of the community the opportunity to discuss the findings of the inspection and to be consulted on the areas for improvement to be taken forward.

Where further inspection activity is carried out Education Scotland will report publicly to parents and stakeholders. Other continuing engagement activities undertaken by Perth and Kinross Council will also be reported to parents and stakeholders. This includes the publication of reports to parents on Extended Learning and Achievement Visits and follow-up reports on the school's website and on each school's page on www.pkc.gov.uk.

2. BACKGROUND PAPERS

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report:

- Education Scotland Inspection reports, published by [Education Scotland](#).
- Care Inspectorate Inspection reports, published by the [Care Inspectorate](#).
- Standards and Quality in Schools, Learning Communities and Pre-School Centres/Day Care of Children, Executive Sub-Committee of Lifelong Learning Committee, 19 August 2019 ([Report No: 19/216 refers](#)) and

28 October 2019 ([Report No: 19/294 refers](#)) and 27 January 2020 ([Report No: 20/21 refers](#)).

- Care Inspectorate Inspections of Support and Residential Care Services for Children and Young People, Executive Sub-Committee of Lifelong Learning Committee, 20 May 2019 ([Report No: 19/148 refers](#)).

3. APPENDICES

Appendix A: Summary of performance, services providing day care of children inspected by the Care Inspectorate.

Appendix B: Grading History, services providing day care of children inspected and published by the Care Inspectorate, 2013/14 onwards

Appendix C: Grading History for Woodlea Cottage and Wellbank House

Appendix D: Cumulative Overview of Education Scotland Inspections in 2016/17 - 2019/20 by Performance Indicator

Appendix E: Cumulative Pre School and Primary School Inspection Performance relative to Comparator Authorities, by Quality Indicator, Academic Years 2016/17 – 2019/20

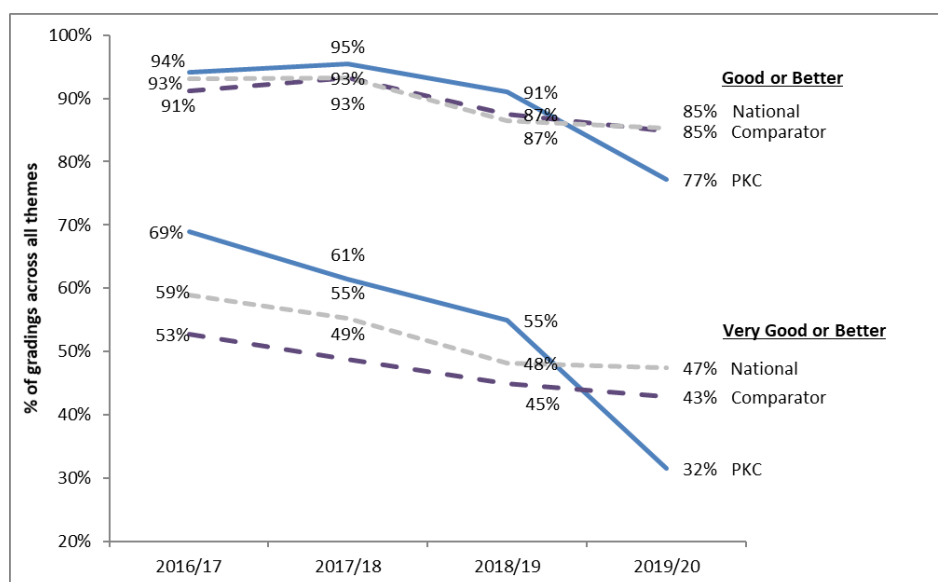
Appendix A: Summary of performance¹, services providing day care of children inspected by the Care Inspectorate^{2,3}

Table A1: Summary of performance – 2019/20 (to date)⁴

Number of services inspected = 27							
Quality Themes	Excellent	Very Good	Good	Adequate	Weak	Unsatisfactory	Indicators inspected
Care and Support	0	16	15	5	0	0	36
Environment	0	5	14	3	0	0	22
Staffing	0	4	7	4	0	0	15
Management and Leadership	0	4	6	8	1	0	19
Total	0	29	42	20	1	0	92
	-	32%	46%	22%	1%	-	

Table A2: Summary of performance - 2018/19⁵

Number of services inspected = 50							
Quality Themes	Excellent	Very Good	Good	Adequate	Weak	Unsatisfactory	Indicators inspected
Care and Support	5	26	16	3	0	0	50
Environment	3	16	13	4	0	0	36
Staffing	0	12	7	1	0	0	20
Management and Leadership	0	5	8	3	0	0	16
Total	8	59	44	11	0	0	122
	7%	48%	36%	9%	-	-	

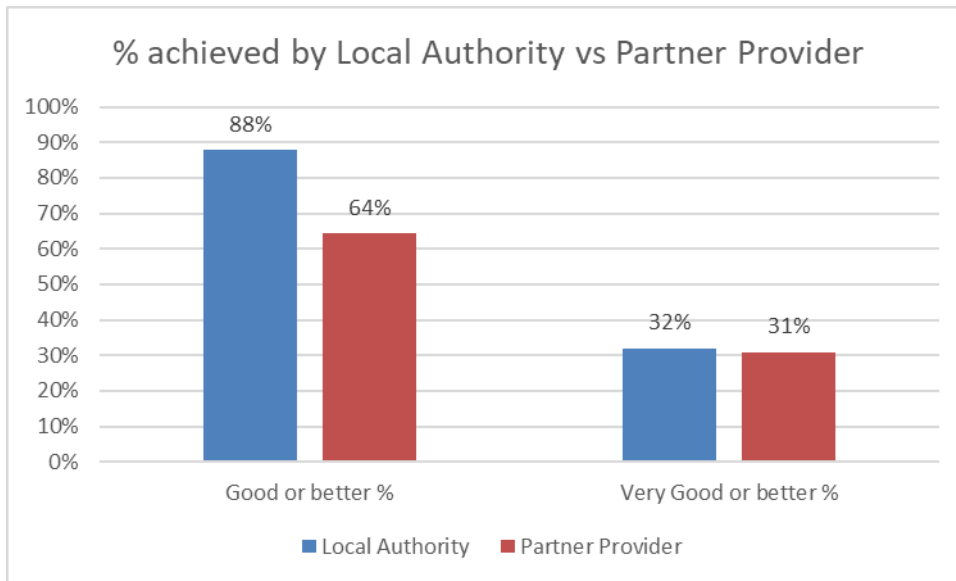


Commentary: The national trend down is linked to higher expectations from Care Inspectorate inspections and introduction of the National Standard for ELC. National and comparator figures are now available for 2019/20.

Note: Axis adjusted to emphasise differences

¹ Note that rounding of percentage figures may mean totals reported elsewhere do differ.
² Note that comparator and national proportions include all services for day care of children whereas Perth and Kinross figures only represent local authority and partner provider services. It also restates previous gradings when quality themes are not assessed.
³ Comparator local authorities are Argyll and Bute, Aberdeenshire, Stirling, Scottish Borders and Highland Council.
⁴ Inspected, published and reported to Lifelong Learning Executive Sub Committee by 23 March 2020.
⁵ Table updated from previously published figures to include the whole year 1 April 2018 to 31 March 2019.

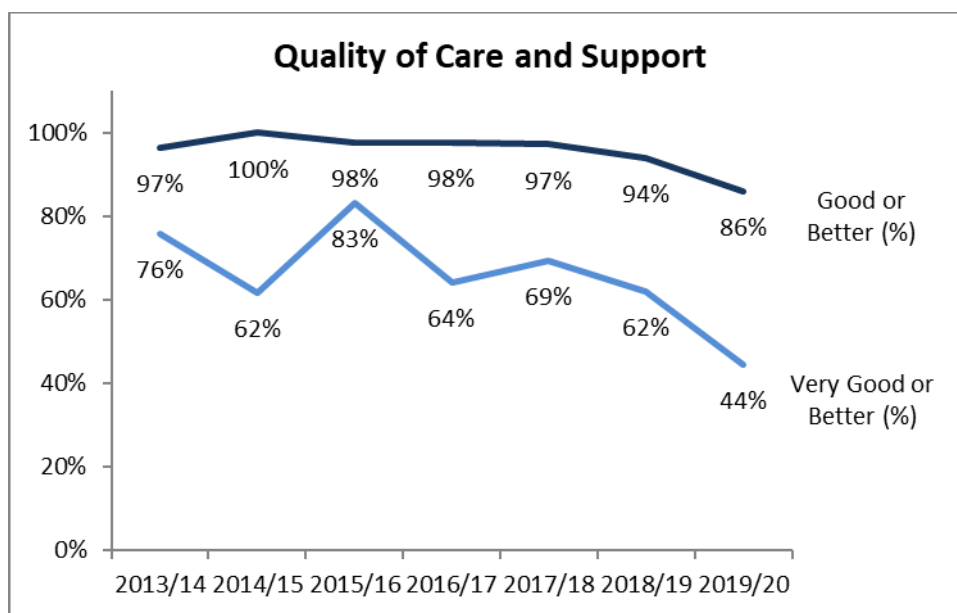
Summary to show the percentage achieved by local authority and partner provider individually for 2019/20.⁶



Commentary: A total of 77% was achieved by PKC for “Good or better”. 88% was achieved by local authority and 64% by partner providers. A total of 32% was achieved by PKC for “Very good or better”. 32% was achieved by local authority and 31% by partner providers.

⁶ Note that all percentage figures have been rounded to the nearest whole number.

Appendix B: Grading History, services providing day care of children inspected and published by the Care Inspectorate, 2013/14 onwards¹

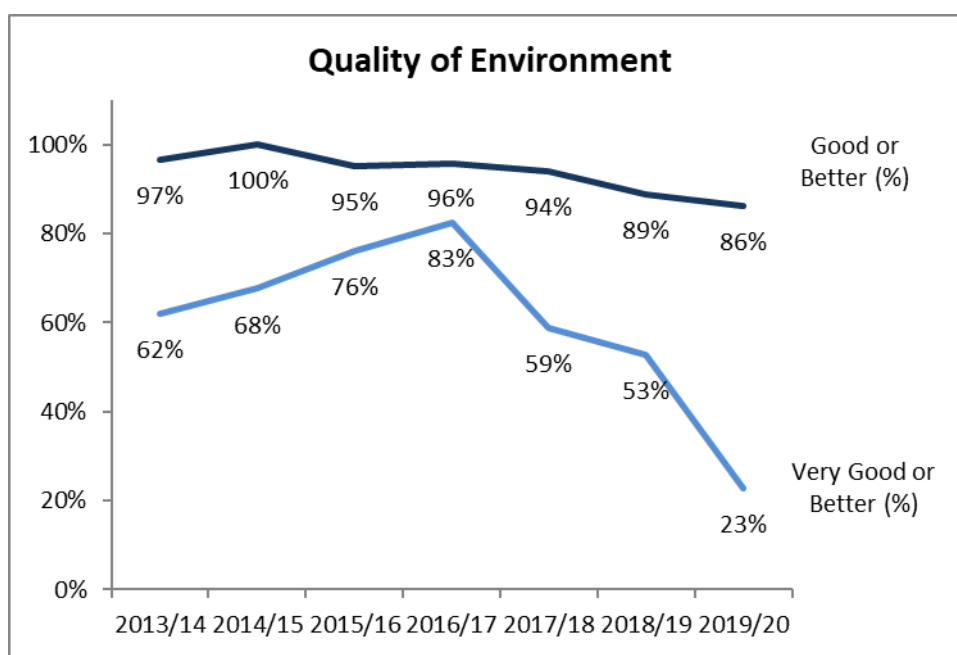


Commentary:

Performance over 6 years has been high and steady when looking at both 'Good or better' and 'Very good or better' ratings.

A recent decrease is linked to higher expectations from Care Inspectorate inspections and introduction of the National Standard for ELC.

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20 (part)
Number of Inspections	29	34	42	42	36	50	36



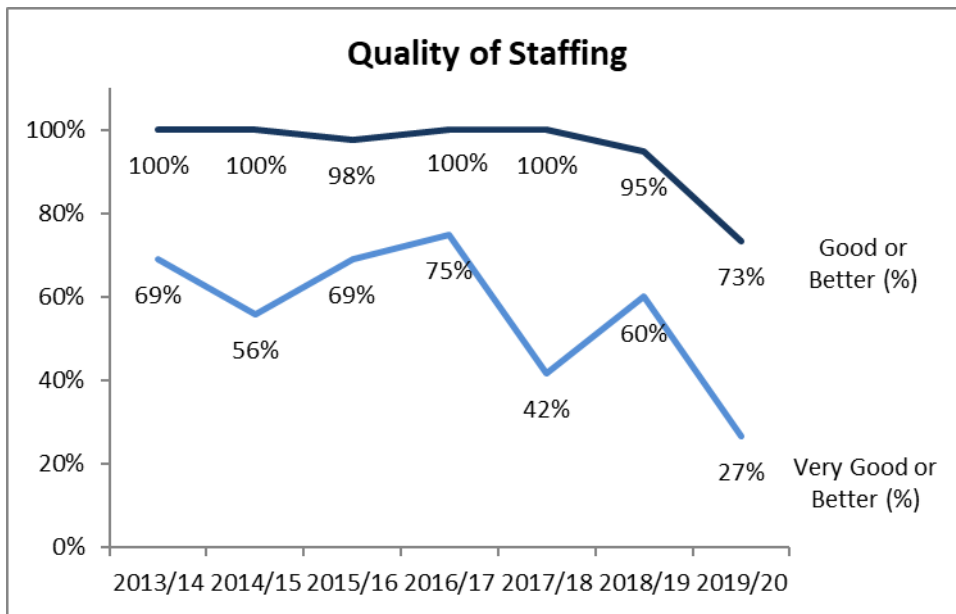
Commentary:

Performance over 6 years has been high and steady when looking at 'Good or better' ratings.

Performance is linked to higher expectations from Care Inspectorate inspections. This indicator has been recognised in the Service's own quality assurance of establishments, with the intention of improving performance in this area.

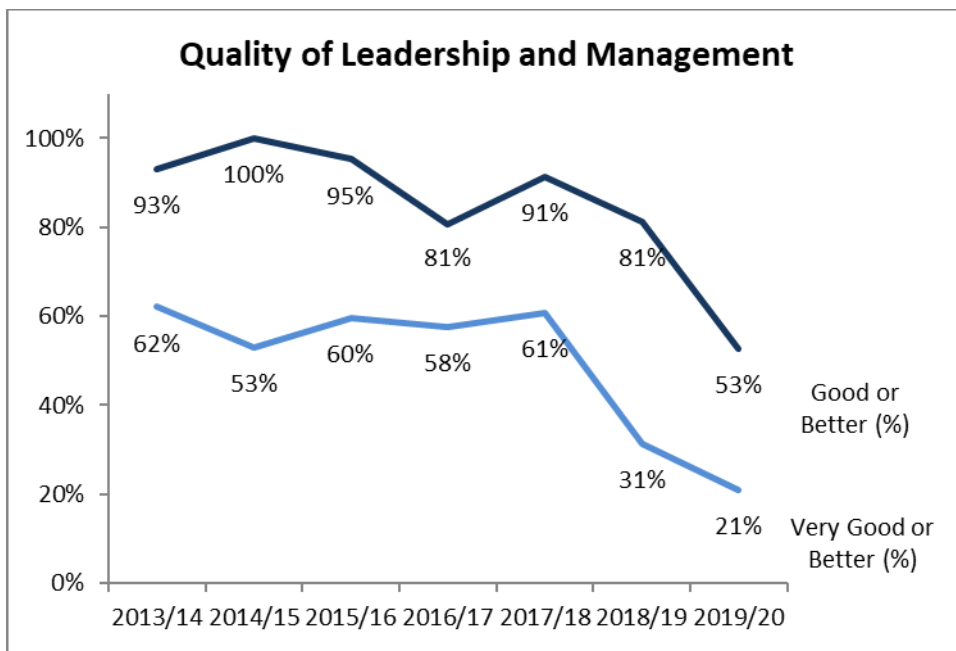
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20 (part)
Number of Inspections	29	34	42	23	17	36	22

¹ Inspected, published and reported to Lifelong Learning Executive Sub Committee by 23 March 2020.



Commentary: Performance over 6 years has been high and steady when looking at 'Good or better' ratings. When tightening to 'Very good or better' the overall trend is similar. Lower performance is linked to higher expectations from Care Inspectorate inspections.

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20 (part)
Number of Inspections	29	34	42	28	12	20	15



Commentary: Performance over 6 years has been high and steady when looking at Good or better ratings. Turnover of management staff from partner providers to other positions has partly contributed to a reduction from 'Very Good'. The Service has a development programme to upskill existing Early Childhood Practitioners (ECPs) to undertake management posts.

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20 (part)
Number of Inspections	29	34	42	26	23	16	19

Appendix C: Grading History for Woodlea Cottage and Wellbank House

Table C1: Grading History, Woodlea Cottage

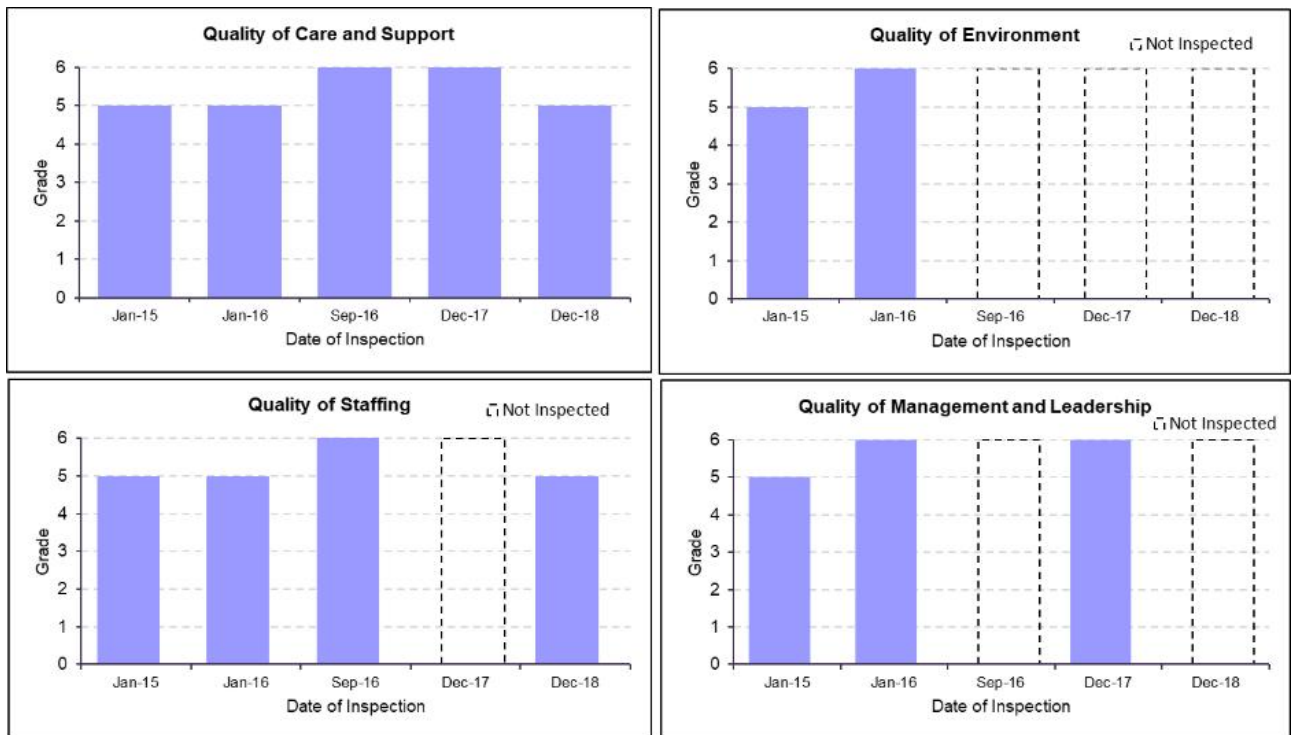
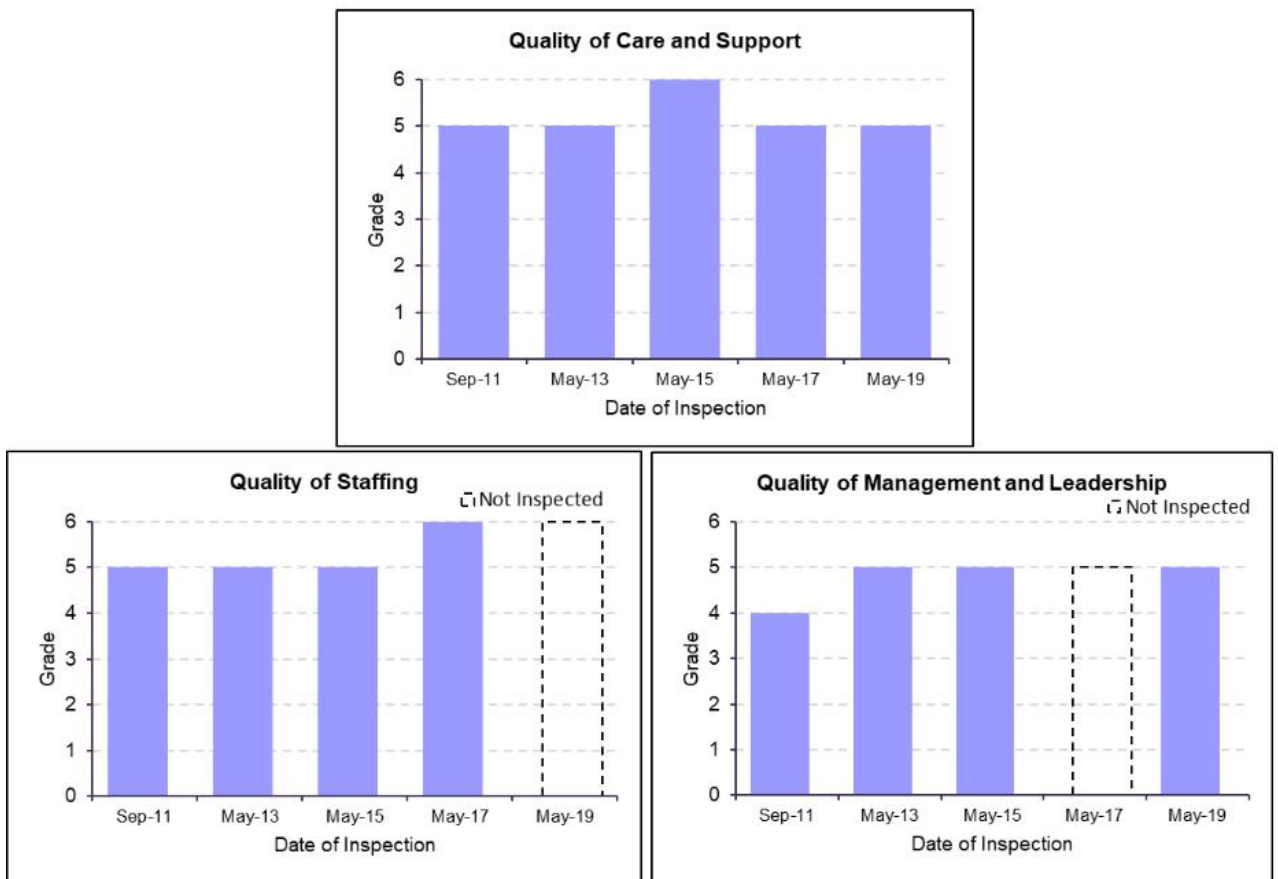


Table C2: Grading History, Wellbank House



Appendix D: Cumulative Overview of Education Scotland Inspections in 2016/17 - 2019/20 by Performance Indicator

Table D1: Pre-School Overview by Performance Indicator

Number of Pre-Schools inspected = 18 (1 Follow Through, 13 Full and 4 Short Inspections)						
QI Grading	Leadership of change	Learning, teaching & assessment	Securing Children's Progress	Ensuring wellbeing, equality & inclusion	Self-evaluation for self-improvement	All Quality Indicators
Excellent	-	-	-	-	-	-
Very Good	4	5	5	6	-	20
Good	5	6	9	6	1	27
Satisfactory	4	3	2	1	1	11
Weak	-	1	1	-	-	2
Unsatisfactory	-	-	-	-	-	-

Table D2: Primary Overview by Performance Indicator

Number of Primary Schools inspected = 21 (1 Follow Through, 11 Full and 9 Short Inspections)						
QI Grading	Leadership of change	Learning, teaching & assessment	Raising attainment & achievement	Ensuring wellbeing, equality & inclusion	Self-evaluation for self-improvement	All Quality Indicators
Excellent	1	-	-	1	-	2
Very Good	3	5	9	5	3	25
Good	5	8	6	5	-	24
Satisfactory	2	3	4	-	1	10
Weak	-	-	1	-	-	1
Unsatisfactory	-	-	-	-	-	-

Table D3: Secondary Overview by Performance Indicator

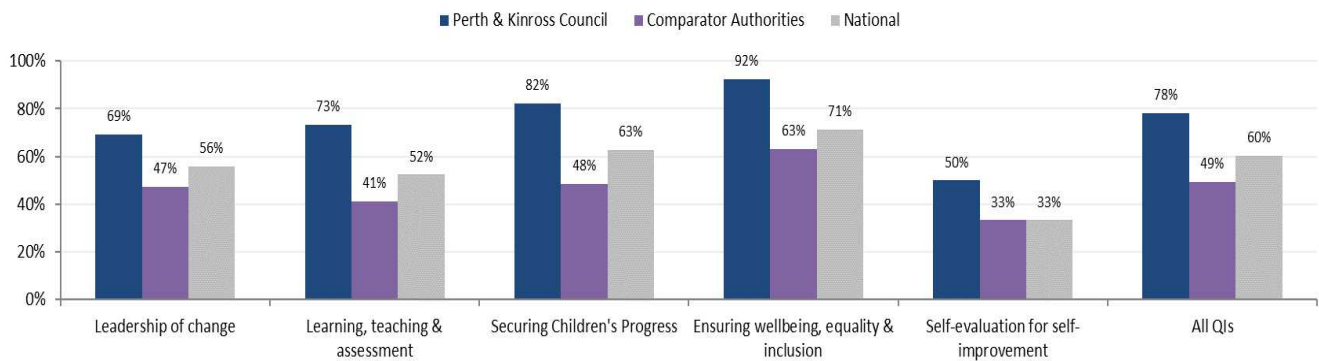
Number of Secondary Schools inspected = 2 (1 Full and 1 Short Inspection)						
QI Grading	Leadership of change	Learning, teaching & assessment	Raising attainment & achievement	Ensuring wellbeing, equality & inclusion	Self-evaluation for self-improvement	All Quality Indicators
Excellent	-	-	-	-	-	-
Very Good	-	-	-	-	-	-
Good	-	-	-	-	-	-
Satisfactory	1	2	1	1	-	5
Weak	-	-	1	-	-	1
Unsatisfactory	-	-	-	-	-	-

Appendix E: Cumulative Pre School and Primary School Inspection Performance relative to Comparator Authorities¹, by Quality Indicator, Academic Years 2016/17 – 2019/20

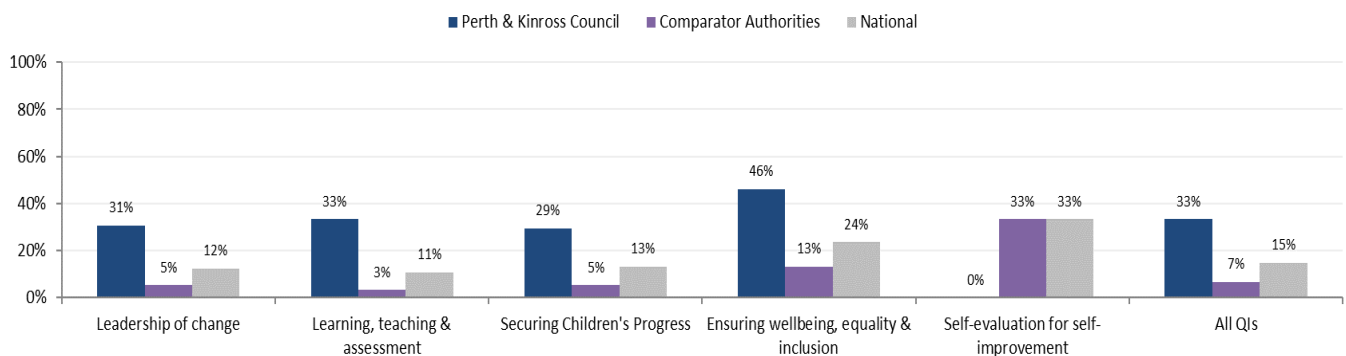
Commentary: Although inspection numbers are still relatively low within the new model, performance is consistently good across all quality indicators and well above comparators averages, especially at the higher end of 'very good or better'.

Pre School Centres

Quality Indicators (QIs) - Good or better (%)



Quality Indicators (QIs) - Very Good or better (%)

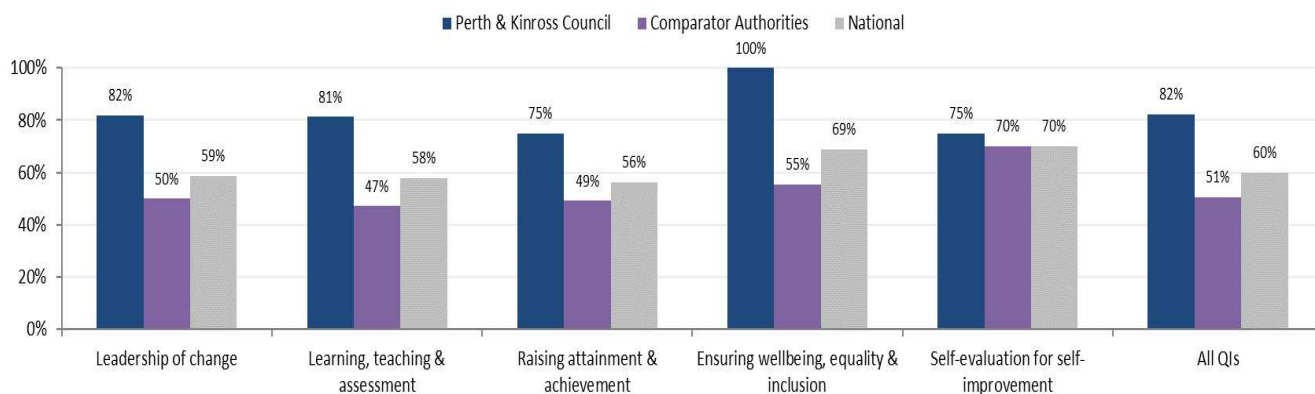


Quality Indicator	Leadership of Change	Learning, teaching & assessment	Securing Children's Progress	Ensuring wellbeing, equality & inclusion	Self-evaluation for self-improvement	All Quality Indicators
No. of Inspections in PKC	13	15	17	13	2	60

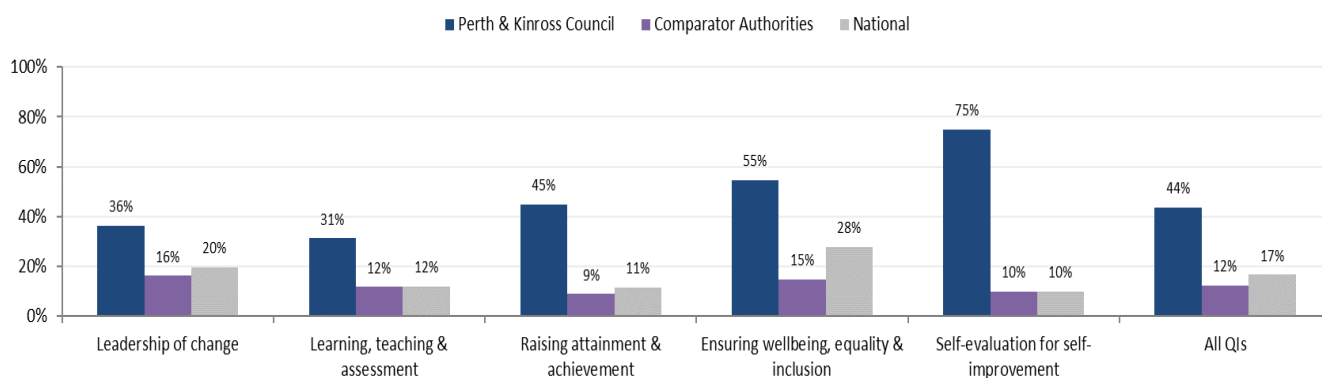
¹ Argyll and Bute, Aberdeenshire, Stirling, Scottish Borders and Highland Council. Comparator data up to July 2019 only.

Primary Schools

Quality Indicators (QIs) - Good or better (%)



Quality Indicators (QIs) - Very Good or better (%)



Quality Indicator	Leadership of Change	Learning, teaching & assessment	Raising attainment & achievement	Ensuring wellbeing, equality & inclusion	Self-evaluation for self-improvement ²	All Quality Indicators
No. of Inspections in PKC	11	16	20	11	4	62

² This indicator is only inspected in the previous 'Short' inspection model.

PERTH AND KINROSS COUNCIL

Lifelong Learning Committee

26 August 2020

Scrutiny Committee

9 September 2020

ABERNYTE PRIMARY SCHOOL

Report by Executive Director (Education and Children's Services) (Report No. 20/161)

PURPOSE OF REPORT

This report provides Lifelong Learning Committee with an overview of the decisions taken relating to the proposal to close Abernyte Primary School, the rationale for the Judicial Review actions and the outcome from the School Closure Review Panel.

1. CHRONOLOGY OF DECISIONS

- 1.1 **30 June 2010** - The Council approved the report 'Securing the Future – Towards 2015 and Beyond' (Report No. 10/357 refers). Education and Children's Services Service Review Programme within this report contained a re-design project to "review the school estate".
- 1.2 **20 June 2011** - The Cabinet Secretary for Education and Lifelong Learning announced the setting up of a Commission for the Delivery of Rural Education and requested a moratorium on rural school closures for one year. The moratorium was proposed to run from 20 June 2011 until 20 June 2012.
- 1.3 **30 August 2012** - The Council's Lifelong Learning School Estate Sub-Committee approved the School Estate Strategy ([Report 12/370 refers](#)). The aim of this Strategy was to ensure that the school estate was developed and managed in an efficient and effective way.
- 1.4 **30 March 2015** - As a result of the recommendations made by the Commission, the Schools (Consultation) (Scotland) Act 2010 was amended by the Children and Young People (Scotland) Act 2014. By 30 March 2015, those amendments had all been brought into force. New statutory guidance was introduced in May 2015. At this point, the moratorium on rural school closures was lifted.
- 1.5 **1 July 2015** - The Council's Transformation Strategy 2015-2020 'Building Ambition' and Organisational Development Framework were approved by Council ([Report No. 15/292 refers](#)). Together, they detail how Perth and Kinross Council will deliver transformation over the five year period. Accompanying the strategy was a programme of major reviews which are

considered to be key drivers and enablers of transformation across the organisation.

The programme of transformation reviews included “Securing the Future of the School Estate – Modernising the school estate by making efficiencies and more effective use of all existing resources.”

This was agreed against a backdrop of anticipated challenges in managing the school estate, in the context of the corporate estate, over the coming years. Some of the main challenges identified, and which still exist, are changing demographics, including population growth and movement, parental choice meaning that children do not attend their catchment schools, housebuilding in certain locations, deterioration in infrastructure, pressure on planned maintenance budgets, increasing running costs and extension to early years provision through changes in law and policy. The school estate is a significant and valuable asset for the communities of Perth and Kinross. The school estate therefore has to be managed in an efficient and effective way.

1.6 **24 August 2016** - Lifelong Learning Committee ([Report No. 16/347 refers](#)) approved the principles to be used as a basis for the transformation review, ‘Securing the Future of the School Estate’. This report detailed that the purpose of the review was “to support the delivery of better outcomes for all of our young people through more effective use and management of the school estate”. The principles approved by Lifelong Learning Committee, as a basis for the transformation review, were as follows:

- (i) Schools should have an occupancy rate, where possible, greater than 60% of the capacity and ideally should be operating at over 80% capacity;
- (ii) Every school should be rated as A or B, ie at least satisfactory for condition and suitability; and
- (iii) Life expired buildings¹ within the school estate should be prioritised for replacement.

It was proposed that each school in Perth and Kinross be assessed against the principles above and proposals put forward as follows:

- If the occupancy of a school is currently less than 60%, based on the school census 2015/16, or is projected to drop below 60% during the next 7 years, other than ‘very remote rural’ schools; or
- If the occupancy of a school is projected to exceed 95% during the next 7 years; or
- If the current condition or suitability of the school is ‘C’ or ‘D’, or there are life expired buildings.

For the transformation review of the school estate, an analysis of schools on a geographical basis, by Local Management Group, was to be developed based on the principles put forward in this paper. This high level analysis would highlight schools where a more detailed appraisal would be of benefit.

¹ Life expired buildings are defined as buildings which are uneconomical to maintain.

The detailed appraisals may recommend:

- Capital Investment;
- Reconfiguration of accommodation;
- New schools;
- Shared Headships;
- Catchment reviews; and
- Rationalisation through closure.

- 1.7 **2 November 2016** - Lifelong Learning Committee approved ([Report No. 16/485 refers](#)) by the Executive Director (Education and Children's Services). This report detailed the outcome of the high level review undertaken in respect of the school estate and proposed to proceed with further detailed work. Abernyte Primary School was included in the schools to be considered by an options appraisal as a result of being under-occupied at Census 2015. The school had 8 pupils and an occupancy level of 18% at that time. In November 2016, the overall suitability of the building was rated "A" (performing well and operating efficiently). The overall condition of the building was rated as "B" (Performing adequately but showing minor deterioration). A survey of the building was carried out in January 2017 in accordance with the Scottish Government Core Facts, to assess the current condition of the building. Condition, is an assessment of the physical condition of the school and its grounds. The overall condition of the building was rated "B" (Performing adequately but showing minor deterioration).

This review identified that Abernyte Primary School was operating under capacity and the pupil roll was very low. Abernyte Primary School had the lowest occupancy rate of any operational school in Perth and Kinross at that time. This report approved the development of an options appraisal in relation to the future of Abernyte Primary School due to under-occupancy.

- 1.8 **21 March 2018** - Lifelong Learning Committee ([Report No. 18/86 refers](#)) approved further assessment of the option to increase the catchment area for Abernyte Primary School to include the area of Inchtute Primary School catchment, which lies to the north of the A90. This took account of feedback from the Abernyte community and the outcome of the online survey of the parents/carers in the Inchtute Primary School catchment to the north of the A90. This assessment would seek to clarify whether a proposal to change the catchment area would provide an increased and sustainable school roll for Abernyte Primary School.
- 1.9 **22 August 2018** - Lifelong Learning Committee considered the Options Appraisal and agreed to commence formal consultation on a proposal to close Abernyte Primary School ([Report No. 18/243 refers](#)) in accordance with the Schools (Consultation) (Scotland) Act 2010.

The [Options Appraisal](#) considered the under-occupancy of Abernyte Primary School, which had 8 pupils and an occupancy level of 18% at Census 2015. The roll had decreased further and there were 5 pupils at the school at Census 2017 giving an occupancy level of 11%. The roll had fallen due to parents choosing to send pupils to attend other primary schools in the area.

The school roll in August 2018 was anticipated to be 6 pupils, giving an occupancy level of 14%.

The Options Appraisal considered the proposal to extend the catchment of Abernyte Primary School to include the area to the north of the A90 within the Inchtute Primary School catchment area, to create an increased and sustainable school roll. Meetings were held with parents/carers of children living within this area and in the Abernyte Primary School catchment area to determine whether this option would be likely to create an increased and sustainable school roll. The outcome of this assessment was that if the catchment was extended, the parents/carers of Inchtute Primary School children, living in the extended catchment area to the north of the A90, would not choose to send their children to Abernyte Primary School.

On the basis of the evidence gathered from the further assessment, including the very low number of children under the age of 5 years living within the catchment area, it was determined that a catchment change would not lead to sufficient pupil numbers to increase the roll and make it sustainable in future years.

1.10 **22 May 2019** - Lifelong Learning Committee considered the [Consultation Report](#), including the report from Education Scotland, detailing the outcome of the statutory consultation on the proposal to close Abernyte Primary School ([Report 19/153 refers](#)). The Committee approved the implementation of the following proposal that:

- Provision of a school at Abernyte Primary School be permanently discontinued with effect from 1 July 2020, or as soon as possible thereafter;
- The pupils of Abernyte Primary School catchment area permanently receive their education at Inchtute Primary School, from 2 July 2020 or as soon as possible thereafter; and
- The delineated catchment area of Inchtute Primary School be permanently extended to subsume the whole delineated catchment area of Abernyte Primary School from 2 July 2020.

2. INTERNAL GOVERNANCE AND SCRUTINY PROCESS

2.1 Since the enactment of the Schools (Consultation) (Scotland) Act 2010, the Council has undertaken 16 separate school proposal consultations which have included 8 school closure proposals. The Council has developed a high degree of internal and external scrutiny processes, including quality assurance and benchmarking with other local authorities. The Council has sought to continuously review and improve its own processes through learning and sharing of good practice from consultations being undertaken across the country. Perth and Kinross Council has been approached to support other local authorities with their consultation processes and was approached by the School Closure Review Panel on 7 December 2018 to provide a case study for inclusion in their 4th annual report for 2018.

2.2 Section 9 (1) of the Schools (Consultation) (Scotland) Act 2010 states that:

After the Education Authority has received Education Scotland's report, the Authority is to review the relevant proposal having regard (in particular) to:

- (i) Written representations received by the Authority (from any person) during the consultation period;
- (ii) Oral representations made to it (by any person) at the public Meeting; and
- (iii) Education Scotland's report.

The Education Authority has a statutory duty to review the proposal, having regard to the Education Scotland Report, written representations that it has received, and oral representations made to it by any person at the public meetings before preparing its Consultation Report and making its final decision on the proposal.

- 2.3 The Council took the opportunity to engage an external consultant with significant experience within education in local government, HMIE and in school consultations in Scotland. The rationale for this decision was to provide an additional layer of scrutiny and support and challenge in relation to the anticipated educational benefits of the Abernyte Primary School proposal, and in relation to the other issues raised during the consultation. The consultant had also been involved in the writing of the Schools (Consultation) (Scotland) Act 2010 Guidance. This was helpful, as part of the process of reviewing the proposal in light of the representations made during the consultation period. This service was commissioned to support the work of the Council by providing an independent assessment of the Council's proposal and the Council's steps in reviewing the proposal before recommending a final decision.

The advice and scrutiny of the Council's proposal included a thorough assessment of the legal tests which were required to be met in respect of a rural school closure proposal to test compliance. A summary of the feedback provided to the Council included:

- If the Council made no changes to its draft Consultation Report, there was not anything that would not meet the legal tests required.
- The Council should ensure the Educational Benefits Statement was strategic and focussed on the curriculum, learning and teaching and how the proposal would improve children's learning experiences.
- The Consultation Report would benefit from a structured summary introduction cross referencing each step in the legal process to the relevant sections and pages within the document.

- 2.4 The Council has reviewed school closure proposals undertaken by other local authorities including the content and detail of published consultation documentation. The Council has paid particular attention to Scottish Ministers' decisions on these proposals including advisory notes provided where local authorities have been notified of concerns that, in other circumstances, would have been considered material and resulted in a call-in notice being issued by Scottish Ministers.

The Council has also paid particular attention to the 3 previous call-in notices issued by Scottish Ministers in 2015 and 2019, the grounds for call-in and the determination made by the School Closure Review Panel in each of these cases.

- 2.5 Having gone through these processes, and having these independently reviewed, this provided a reassurance that the Council's processes were not out of line with other Councils. The Council's practices, when measured and compared to other Councils, identified that the evidence, arguments and the content of the Council's Proposal Paper provided, in some instances, more depth and more analysis compared against closure decisions which had been called-in by Scottish Ministers. In comparing the Council's proposal to other closure proposals which were competent, the Council was confident that due process had been followed.

3. REFERRAL TO SCOTTISH MINISTERS AND CALL-IN NOTICE

- 3.1 **27 May 2019** - Notification of the decision to implement a closure proposal in respect of Abernyte Primary School, taken by Lifelong Learning Committee on 22 May 2019, was sent to the Scottish Ministers within 6 days of that decision, in accordance with section 15 of the 2010 Act. Copies of the proposal paper, consultation report and relevant committee reports were attached, along with a link to the Council's website where all published documentation relating to the review of Abernyte Primary School was located.
- 3.2 **16 July 2019** - A call-in notice was received from the Scottish Government. This set out 3 areas which Scottish Ministers concluded that further investigation was merited that indicated that it may be that Perth and Kinross Council had failed in a significant regard to comply with the requirements imposed on it under the 2010 Act. The notice also advised that Scottish Ministers were referring the proposal to the Convener of the School Closure Review Panel. The call-in notice is attached as Appendix 1.
- 3.3 **23 July 2019** - A letter was received from the Convener of the School Closure Review Panel advising of the constitution of a School Closure Review Panel in relation to Abernyte Primary School.
- 3.4 The process followed by the Council in undertaking the statutory consultation, and the options appraisal that came before it, was rigorous. It is a process that has been used a number of times by the Council and no adverse comment had been made in relation to other decisions notified to Scottish Ministers. When carrying out a statutory consultation and options appraisal where a school has pupils in attendance, the Council proceeded, being mindful of the potential impact on pupils in attendance at that school. Additional work had been carried out in relation to the possibility of a catchment review for the school. As with all proposals relating to a school closure, the work undertaken and recommendations made had also been subject to rigorous challenge by Councillors when reports were submitted for their consideration at Lifelong Learning Committee.

The call-in notice prompted a number of questions about the reasons provided for the call-in and of the decision made by Lifelong Learning

Committee to close the school. There was concern about whether the reasons given evidenced failure in a significant regard to comply with the requirements of the Act, as was suggested in the call-in notice. This was discussed in detail with the Council's Legal Services.

In addition, there was a concern that there did not appear to be a consistent approach to the process followed by Scottish Ministers, based on previous school closure proposals, where Scottish Ministers had sought to clarify facts and asked for additional information prior to making a decision on whether or not to consent to or call-in previous school closure proposals.

The inconsistency in approach and the reasons provided for the call-in, warranted further investigation and legal advice was sought from external solicitors on 16 July 2019.

3.5 **26 July 2019** - Solicitors acting for the Council wrote to the Scottish Ministers in relation to the call-in notice. In that letter, a request was also made to have sight of the representations made to the Scottish Ministers. It was considered that it was important to have sight of these, as the call-in notice made several references to the representations.

3.6 **2 August 2019** - The Council received the representations through its solicitors, the content of these was reviewed and further legal advice taken in relation to the call-in notice from external solicitors and a Queen's Counsel (QC).

4. REASONS FOR PROCEEDING WITH JUDICIAL REVIEW

4.1 The Council, as Education Authority, has responsibility for managing the school estate under the Education (Scotland) Act 1980, and must do so in a way which ensures that adequate and efficient education is provided in the area, and in a way which represents best value. Therefore, the Council as Education Authority, is charged with making decisions about the school estate such as making or changing school catchments, establishing new schools and closing schools.

In terms of the Schools Consultation (Scotland) Act 2010, Scottish Ministers may call in an education authority decision to implement a school closure proposal in limited circumstances. The Act states that this may happen if it appears to the Scottish Ministers that the education authority may have failed:

- (a) In a significant regard to comply with the requirements imposed on it by (or under) this Act so far as they are relevant in relation to the closure proposal, or
- (b) To take proper account of a material consideration relevant to its decision to implement the proposal.

4.2 The [Schools \(Consultation\) \(Scotland\) Act 2010 Statutory Guidance](#) specifically makes the provision that "Ministers may follow up issues with the education authority, which has a duty (under section 17(3) to the 2010 Act) to provide any information in connection with the closure proposal which Ministers may reasonably require for their consideration at this stage.

The purpose of Ministers' consideration at this stage is to seek maximum clarity so that cases need not be called in unnecessarily." This did not occur on this occasion in respect of Abernyte Primary School and this approach was not consistent with other school closure proposals notified by Perth and Kinross Council.

4.3 The call-in notice was considered having regard to the important principle that decisions relating to the school estate are primarily the responsibility of the Council, and are made by Lifelong Learning Committee. Alongside this, the statutory grounds for call-in were considered. Internal legal advice was sought on 16 July 2019 which indicated some concern about the reasons set out in the call-in notice regarding the following areas:

- The adequacy of the reasons set out in the call-in notice;
- Whether Scottish Ministers had made an error in law in some aspects of the notice; and
- Whether Scottish Ministers had acted unreasonably in some aspects of the process.

On the same date, external legal advice was sought and, thereafter, an opinion was also sought from a QC in relation to the adequacy of the call-in notice. The advice given by external legal advisers was consistent with the advice given by Legal and Governance Services.

4.4 The purpose of the challenge by way of judicial review was to provide clarity on the responsibilities, powers and duties in respect of the roles of both Scottish Ministers and Perth and Kinross Council in relation to decisions about school closures. Consideration was given to whether the concerns about the call-in could adequately be addressed or canvassed through the School Closure Review Panel process, without the need to embark on separate legal proceedings through judicial review. However, it was considered that the issues raised could not be raised or addressed through that process, as they fundamentally related to the interplay between the Council's decision making powers, and the role of Scottish Ministers in calling in decisions to implement closure. The role of the School Closure Review Panel is to review the Council's process and decisions in relation to the closure decision, not those of the Scottish Ministers.

On **7 August 2019**, having considered legal advice, the decision was made to lodge a petition for judicial review of the Scottish Ministers' decision to call-in the decision of Lifelong Learning Committee to implement the school closure proposal for Abernyte. The legal advice and options were discussed by the Council's Chief Officers prior to a final decision being made, and in line with the Scheme of Administration, Legal and Governance Services instructed external solicitors to engage a QC to raise the petition in the Court of Session in Edinburgh. The competence of legal action is an operational matter determined by Council Officers but non routine court action is not instigated without discussion with the Council Leader and relevant Convener.

4.5 The grounds for judicial review are narrow and judicial review is not a remedy which can be used simply because there is disagreement with a decision.

Judicial review is a remedy which relates to the legality and reasonableness of the decision.

In this particular case, the decision in question was the Scottish Ministers' decision to call-in the Council's proposal to close Abernyte Primary School, but the reasons for seeking judicial review of this decision were wider than Abernyte Primary School, as these reasons were also relevant for all future closure decisions.

From the legal advice received by the Council, both internally and externally and from the QC engaged to deal with the case, there were a number of grounds for seeking judicial review which were set out in the petition. These were:

- The adequacy of the reasons set out in the call-in notice;
- That Scottish Ministers had made an error in law in some aspects of the notice;
- That Scottish Ministers had acted unreasonably in some aspects of the process; and
- That Scottish Ministers had acted unlawfully or ultra vires in some aspects of the process and notice.

4.6 **27 August 2019** - The Court of Session granted permission for the Council to proceed with the petition and granted an order suspending the School Closure Review Panel process for the duration of the judicial review proceedings.

4.7 **18/19 February 2020** - Court of Session case heard by Lady Wise.

4.8 **7 May 2020** - The [Court of Session Judgement](#) was published which dismissed the Council's petition. The court did find that the Scottish Ministers had erred in law in one aspect of the call-in notice, although did not find that this impacted on the validity of the notice in this case.

5. SCHOOL CLOSURE REVIEW PANEL

5.1 **21 May 2020** - The Council committed to postpone the proposed closure date for Abernyte Primary School to 1 July 2021, regardless of the outcome from the School Closure Review Panel and advised Abernyte Parent Council accordingly.

5.2 **29 May 2020** - The School Closure Review Panel reconvened to consider the proposal in respect of the closure of Abernyte Primary School.

5.3 The Council provided all additional information as requested by the School Closure Review Panel.

5.4 **28 July 2020** - The School Closure Review Panel published its [decision](#) on Abernyte Primary School and refused consent to Perth and Kinross Council's proposal in respect of the closure of Abernyte Primary School. In line with the Scheme of Administration, advice was sought and Legal and Governance

Services confirmed that there was no grounds for appeal, as any appeal is restricted to a point of law, and the Council accepted the decision of the School Closure Review Panel.

6. IMPLICATIONS OF THE JUDICIAL REVIEW

- 6.1 The outcome of the Judicial Review is not just relevant to Perth and Kinross Council, but to all local authorities undertaking school closure proposals.
- 6.2 The court clarified that the role of Scottish Ministers is to make a procedural decision and they act as “gatekeeper” in relation to closure decisions. This means that where Scottish Ministers do not seek information from the Council to clarify points raised in representations, then there is no procedural unfairness in the process. So, although the Scottish Ministers have power to seek further information or clarification from the education authority, they are not required to, and a failure to do this is not procedurally unfair, even where they have done so in other cases and there is inconsistency in approach.
- 6.3 The bar for Scottish Ministers to call-in an education authority decision to close a school is very low and all that is required is a tentative view that one of the grounds for call-in is met, based on the material before them. That the bar is so low does impact on local decision making and significantly impinges on the ability of Councils to make local decisions about how best to manage the school estate.
- 6.4 Reviewing a catchment area may not be considered a step to address a falling roll under the legislation. There should be clarity in proposal papers about any historical steps taken to address a falling roll, and if steps have not been taken, the reasons why not.

7. POINTS ARISING FROM THE SCHOOL CLOSURE REVIEW PANEL DECISION

- 7.1 Similarly, the outcome of the School Closure Review Panel is not only relevant to Perth and Kinross Council, but has implications for all local authorities in undertaking school closure proposals.
- 7.2 The way in which any Proposal Papers are drafted in future should include references to all evidence gathered at options appraisal stage and pre-consultation stage, as it may not be sufficient to include these evidence documents in their entirety as links within a Proposal Paper. This is a matter which all education authorities will need to reflect on, to ensure the correct level of detail is replicated in Proposal Papers from other published documents. Issues about the extent of the information contained in Proposal Papers do not appear to have been raised by the Panel or Scottish Ministers in relation to previous closure decisions made by education authorities.
- 7.3 Consideration should be given to the transparency of all financial information for school closure proposals. The error discovered late on in relation to the descriptor (but not the cost) of one of the items in the financial information for Abernaye Primary School, raised questions about other items on the list with a

similar description which the Panel felt that those with an interest had not had an opportunity to ask. From this, it can be concluded that it is not sufficient to rely upon and use the financial template provided by the Scottish Government to provide this information in the depth required.

It is important to provide not just information about the costs, but detailed explanations for each item beyond the headline description provided within the financial template.

The template provided by the Scottish Government does not necessarily support or suggest that this is needed as it is in the form of an excel spreadsheet. It may be helpful if the Scottish Government enhances the guidance on this when they review the Statutory Guidance.

7.4 In relation to previous steps taken to address the falling school roll, the School Closure Review Panel agreed with Lady Wise that what this is referring to is steps taken before the school was subject to review. The Panel noted the correspondence between 2012 and 2014 where the Parent Council raised the issue of the school roll, but because the Council did not explain in the Proposal Paper why no steps were taken to address this issue, there was a failure under the Act.

7.5 The Panel's view was that the proposal paper did not evidence the case for the conclusion regarding use of the school/impact of loss of school. Having considered other proposal papers as part of the internal governance and scrutiny process set out in 2.1 above, it was considered that the level of evidence described in the Proposal Paper was similar to that set out by other education authorities. However, the Panel's view was that it was not evident from the Council's Proposal Paper that the conclusion about community impact was correct as the evidence gathered for the Options Appraisal was not contained within the Proposal Paper. It will be necessary to include all evidence in the Proposal Paper for any future consultations.

In addition, the Panel felt there was insufficient information about the future plan for the building. It will be necessary to provide more information about this in future statutory consultations which may include examples of other buildings in similar circumstances.

As set out above in paragraph 2.1, internal governance and scrutiny processes gave assurance that the level of detail and evidence contained within the Proposal Paper for Abernyste was at least as detailed, and in some cases more so, than other Proposal Papers issued by other education authorities. The Panel has taken a different view on this and the main thrust of the decision is about the Council not evidencing that it had special regard to the requirements. This will be used to guide the content of future Proposal Papers.

8. FINANCIAL IMPLICATIONS

8.1 The total costs incurred for the Judicial Review are set out below:

External legal fees	£44,180.60
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Counsel fees and Court outlays	£38,361.80
Scottish Government legal costs	£27,258.00
Total	£109,800.40

It has been agreed that these costs are to be met from the central Corporate budget.

- 8.2 The annual recurring net savings of the proposal to close Abernyte Primary School was made up of staff costs and building running costs. The financial implications of the proposal were that there would have been a saving of approximately £108,213 per annum to be made if the proposal had been implemented. This saving will not materialise.
- 8.3 Any savings which would have arisen from the proposal to close Abernyte Primary School would have been allocated against Education and Children's Services budget savings targets, which have currently been set for the period 2020/21 - 2022/23. This would have mitigated against making alternative budget reductions within other areas of Education and Children's Services, with a corresponding reduction in service delivery.

9. NEXT STEPS

- 9.1 Within the Securing the Future of the School Estate, approved on 2 November 2016, it was recommended that the options appraisals were phased, and these were subsequently segmented into 3 phases. The conclusion of Abernyte Primary School completes Phase 1. Phase 2 is underway and is partially completed. The timescale for Phase 2 has slipped as a result of COVID-19 and lockdown, and how we undertake future work will be impacted by restrictions in respect of how we engage with communities and undertake pre-consultation and public meetings. In light of the outcome of the school closure proposal for Abernyte Primary School, the Council will review the remaining schools within Phase 2 to establish if any alternative actions are now required in order to conclude Phase 2.
- 9.2 In light of the outcome of the school closure proposal for Abernyte Primary School, the Council will consider and review the schools identified within Phase 3 to establish what, if any, impact the decision relating to Abernyte Primary School would have on the schools identified in Phase 3.
- 9.3 A representation for another catchment review for Abernyte Primary School has been received in light of the School Closure Review Panel's decision. It is proposed that this will be considered as part of the review of Phase 3 of Securing the Future of the School Estate.

10. CONCLUSION AND RECOMMENDATIONS

- 10.1 This report sets out an overview of the decisions taken relating to the proposal to close Abernyte Primary School, the rationale for the Judicial Review, action and cost of this action, and the outcome from the School Closure Review Panel. The report also provides Committee with details of the next steps in relation to the Securing the Future of the School Estate Review.

10.2 It is recommended that the Committee:

- (i) Notes and comments on the content of the report;
- (ii) Approves the next steps in relation to the review of Phase 2 and Phase 3 of the Securing the Future of the School Estate Review; and
- (iii) Notes that the matter will be considered by the Scrutiny Committee.
- (iv) Requests the Executive Director to bring back a scoping report for approval to November Lifelong Learning Committee which will outline all possible options for a catchment review to build a sustainable roll at the earliest opportunity, including looking at the possibility of a nursery.

Author(s)

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Sarah Rodger	Legal Services Manager	

Approved

Name	Designation	Date
Sheena Devlin	Executive Director (Education and Children's Services)	28 August 2020

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You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

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) Developing educated, responsible and informed citizens.

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) Developing educated, responsible and informed citizens.

1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Maximising Resources

2. Resource Implications

Financial

2.1 The financial implications are contained within the body of the main report in Section 8.

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 information presented in this report was 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 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 preparation of this report.

Risk

- 3.5 N/A

4. Consultation

Internal

- 4.1 N/A

External

- 4.2 N/A

5. Communication

- 5.1 N/A

2. BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

3. APPENDICES

Appendix 1 - Scottish Ministers Call-in Notice



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APPENDIX 1

Sheena Devlin
Executive Director of Education and Children's Services
Perth and Kinross Council
2 High Street
Perth
PH1 5PH

16 July 2019

Dear Ms Devlin,

CALL-IN NOTICE UNDER SECTION 15(3) OF THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010 PERTH AND KINROSS COUNCIL – DECISION TO ABERNYTE PRIMARY SCHOOL

I refer to Karen Robertson's email of 27 May 2019 notifying Scottish Ministers of Perth and Kinross Council's decision of 22 May 2019 to implement its proposal to close Abernyte Primary School.

As required under section 15(2) of Schools (Consultation) (Scotland) Act 2010 ("the 2010 Act"), a three week period began on 22 May 2019 for any person to make a representation to the Scottish Ministers requesting that the decision should (or should not) be called in by them for further investigation. That period expired on 11 June 2019 and 52 representations were received in total, which almost all requested that Scottish Ministers call in this decision.

Under section 17(2) of the 2010 Act, the Scottish Ministers may only issue a call-in notice if it appears to them that the education authority *may have failed*:

(a) in a significant regard to comply with the requirements imposed on it by (or under) this Act so far as they are relevant in relation to the closure proposal, or

(b) to take proper account of a material consideration relevant to its decision to implement the proposal.

After consideration of the information provided by the representations received, together with Perth and Kinross Council's consultation report and Education Scotland's report, the Scottish Ministers have concluded that there are grounds on which to call-in the decision to implement the closure proposal with reference to sections 17(2)(a) of the 2010 Act.



Financial information

The Scottish Ministers have concerns about Perth and Kinross Council's assessment of the financial savings that would result from the closure of Abernyte and that these savings have been overstated.

The Scottish Ministers are also concerned about the high refurbishment costs for a school with a "B" condition rating. In the Council's final report, it provided a detailed breakdown and rationale for the £330k refurbishment costs, however, in our view these costs appear to be high for a school with a "B" condition rating and are also stated to be "outwith five years" and therefore should not be included in costs the Council says are required in the next 2-5 years.

After careful consideration, the Scottish Ministers have concluded that further investigation is merited into the Council's assessment of the future capital costs the Council would incur if Abernyte were to remain open. There may be a failure with reference to section 17(2)(a) of the 2010 Act – that is, that Perth and Kinross Council may have failed *in a significant regard to comply with the requirements imposed on it by (or under) this Act so far as they are relevant in relation to the closure proposal*, in that the financial information the Council provided in terms of section 4(2A) of the 2010 Act appears to have been inaccurate.

Previous actions taken to address falling pupil rolls

The Scottish Ministers note that the Council has failed to describe in their report the actions they have taken in the past to address the reasons for closure and the reasons for not taking any steps, or to explain why it did not take any such steps (as required by section 13(2)(b) and (c) of the 2010 Act, respectively). In addition, the Scottish Ministers are concerned by representations they have received which contend that the Council has not taken the appropriate steps to address these issues despite evidence of letters from the local community to the Council about their concerns dating back to 2012. The Council's reports also appears to focus primarily on the pre-consultation activity undertaken by the Council in the run up to formally consulting on closure and do not appear to describe explicitly the previous action the Council had taken, nor why they did not take steps to address the problems identified.

After careful consideration, the Scottish Ministers have concluded that further investigation is merited into the efforts the Council has made to describe what steps it took to address the reasons for closure which is a requirement under section 13(2)(b) of the 2010 Act. There may be a failure with reference to section 17(2)(a) of the 2010 Act – that is, that Perth and Kinross Council failed *in a significant regard to comply with the requirements imposed on it by (or under) this Act so far as they are relevant in relation to the closure proposal*. Given the centrality of the unsustainably low pupil roll to the Council's proposal, such a failure would be considered to be a failure in a significant regard.

Community impact

The Scottish Ministers note that the 2010 Act requires that the local authority consider the impact on the community's future sustainability, availability of the school's premises and facilities for use of the community. There appears to have been significant distance between the local community and the local authority on the impact Abernyte's closure will have on the

community and, in the case of ownership of the playing field, a lack of knowledge on the part of the Council of the local position. This casts significant doubt as to whether the Council has had “special regard” to the likely effects of the proposed closure on the local community, as they are required to under section 12(2) and (3)(b) of the 2010 Act.

The Scottish Ministers consider that the Council appears to have underestimated the level of community use currently and restricted its interpretation of that to non-school related groups. The Council also relies on the use of the local Church as an alternative venue, which based on the information provided by respondents appears a doubtful alternative.

After careful consideration, the Scottish Ministers have concluded that further investigation is merited into the Council’s assessment of the impact of the proposal (if implemented) on the local community. There may be a failure with reference to section 17(2)(a) of the 2010 Act, that is, that Perth and Kinross Council failed *in a significant regard to comply with the requirements imposed on it by (or under) this Act so far as they are relevant in relation to the closure proposal*, in that they may have failed to have special regard to the factors for proposals for rural school closures in terms of section 12(2) and (3) of the 2010 Act. It appears that the potential failure would be a failure in a significant regard, as the enhanced protections for rural schools provided for in the 2010 Act requires the Council to have “special regard” to the rural factors.

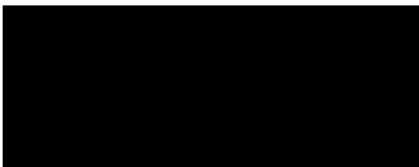
Conclusion

Therefore, in line with the powers available to them under section 15(3) of the 2010 Act, the Scottish Ministers are calling in the proposal under section 17(2)(a) of the 2010 Act for the reasons set out above.

As required, under section 17A(2) of the 2010 Act following call in, the Scottish Ministers are referring the proposal to the Convener of the School Closure Review Panel. The Convener is required to constitute a School Closure Review Panel which will review the proposal and reach a decision in terms of sections 17B and 17C of the 2010 Act.

Perth and Kinross Council may not implement the proposal (either in whole or in part) unless the School Closure Review Panel grants consent to the proposal (either with conditions or unconditionally) and either the period for making an appeal to the Sheriff has expired without any appeal being made, or, if an appeal is made, it is abandoned or the Sheriff has confirmed the Panel’s decision (in terms of section 17A(4) of the 2010 Act).

Yours sincerely,



Jerry O’Connell
WIR : School Funding, Infrastructure and Organisation

