

REPORT TO: EDUCATION COMMITTEE – 18 APRIL 2005

REPORT ON: DETERMINING SCHOOL CAPACITIES - SECONDARY

REPORT BY: DIRECTOR OF EDUCATION

REPORT NO: 195-2005

1.0 PURPOSE OF REPORT

1.1 To revise the overall capacities of Dundee secondary schools taking cognisance of the Scottish Executive Education Department's Circular 3/2004 – "Guidance on Determining School Capacities".

2.0 RECOMMENDATIONS

2.1 The Education Committee is asked to:

- i. agree the Director of Education's revised definition of school capacity as described within this report.
- ii. agree the effect that this revised definition will have upon the overall capacities of Dundee secondary schools.

3.0 FINANCIAL IMPLICATIONS

3.1 None

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 None

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 None

6.0 BACKGROUND

6.1 Education authorities already determine school capacities for various purposes, and have developed their own methodologies and systems for doing so. The Scottish Executive issues guidance and advice to Education Authorities which sets out factors that they will want to consider when determining school capacities.

6.2 Two pieces of subordinate legislation are of particular relevance when considering school capacities.

- 6.3** Regulation 8 (1) of the Schools General (Scotland) Regulations 1975, states that:
- "An education authority shall determine from time to time the maximum number of pupils who may be suitably accommodated in every room to which this regulation applies in any school under their management and, in discharging their duty under this regulation, the authority shall have regard to the dimensions of the room and the type of equipment provided, or to be provided, the safety and health of the pupils to be accommodated and the type of instruction to be given, in the room; and any determination under the regulation may provide for different maximum numbers in relation to different types of instruction."
- 6.4** The School Premises (General Requirements and Standards) Regulations 1967, as amended, set out standards in relation to the minimum requirements for school sites, playing fields and educational accommodation. They also prescribe standards for the provision of ancillary accommodation including kitchen premises, sanitary facilities, washing accommodation, storage accommodation, medical inspection accommodation, and staff accommodation.
- 6.5** The Scottish Executive issued new guidance on this matter on 10 December 2004. This guidance is contained within Scottish Executive Education Department Circular 3/2004 "Guidance on Determining School Capacities". (see Appendix 1)
- 6.6** The guidance states that:
- "Authorities will want to ensure that their system for determining school capacities is open, transparent, fair and rigorous. They will also want to ensure that this system is applied consistently to schools across their area. Authorities will, of course, regularly review school capacities and revise them as necessary."
- 6.7** The capacities of Dundee's secondary schools were last reviewed in 1996. The publication of this new guidance is therefore an appropriate time for the authority to review and revise its system for determining school capacities.
- 6.8** The guidance states that there are a number of other factors which have to be taken into account when determining school capacities. These include:
- i. employment law, which sets minimum requirements for the authority's employees in relation to sanitary facilities, office accommodation, etc.;
 - ii. the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 (SI 1999/1080);
 - iii. the accessibility strategies that authorities are implementing under the Education (Disabilities Strategies and Pupils' Educational Records) (Scotland) Act 2002, and authorities' obligations under the Disability Discrimination Act 1995;

- iv. Maximum sizes for timetabled classes are detailed in the *Scheme of Salaries and Conditions of Service Document for Teaching Staff in School Education*. In determining school capacities authorities will need to ensure that class sizes will be in accordance with these limits, and any changes to them.

6.9 The Scottish Executive has indicated that at the beginning of the 2007/2008 school session the maximum number of pupils that will be permitted to be taught in an S1 or S2 class for English or Mathematics will be reduced to 20.

6.10 Changes in provision within schools have also had an effect upon the amount of available spaces where teaching can be carried out. Most notable amongst this has been an overall increase in the number of rooms required for Support for Learning accommodation.

6.11 The total number of places available in secondary schools has been determined according to a revised formula. The formula used is outlined in Appendix 2 of this report. The same formula has been used to determine the capacity of all Dundee secondary schools, thus making its use consistent across the authority.

6.12 The effect of this change would be a reduction in the overall capacity of Dundee's secondary schools by 1575 places. This would increase the overall occupancy of Dundee's secondary schools from 73% to 85%. (See Appendix 3)

6.13 In terms of Audit Scotland's Performance Indicator "Occupancy of Schools" this would have the effect of increasing the occupancy levels of Dundee's secondary schools as shown at Appendix 4.

6.14 It should be noted that the change in the overall capacity of schools has no effect upon the pupil intake to schools at S1 level. The present intake levels are outlined at Appendix 5. Schools have sufficient places available at S1 level to fulfil the needs of all priority 1 pupils entering.

7.0 CONSULTATION

7.1 This report has been subject to consultation with the Chief Executive, Depute Chief Executive (Finance) and the Depute Chief Executive (Support Services).

8.0 BACKGROUND PAPERS

None

ANNE WILSON
Director of Education

Date 09 March 2005

Ref:AW/NJ



SCOTTISH EXECUTIVE

Education Department

Circular No 3/2004

Chief Executives of Local Authorities

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10 December 2004

Dear Chief Executive

GUIDANCE ON DETERMINING SCHOOL CAPACITIES

During the passage of the Standards in Scotland's Schools etc. Act 2000 the Scottish Executive undertook to formulate guidance on the determination of school capacities before the commencement of the sub-section in the Act which introduces an exception to the duty to comply with placing requests on the grounds of school capacity.

This guidance meets that undertaking, in preparation for the commencement on 31 December 2004 of the sub-section concerning school capacity. This guidance was developed in consultation with representatives from COSLA, ADES, HMIE, the Scottish Parent Teacher Council, the Scottish School Board Association, and West Lothian Council. Teaching unions and other representative bodies were also asked for their comments. Education authorities have of course been determining school capacities for many years, and will have developed their own methodologies for their particular areas. This guidance is intended though to provide a useful context and framework within which to consider school capacities, taking into account local circumstances.

This guidance is principally for education authorities, but will also be of interest to parents and others. It will therefore be made available on the Scottish Executive website (www.scotland.gov.uk) and on the Executive's 'Parentzone' website (www.parentzonescotland.gov.uk)

Yours faithfully

COLIN M REEVES

DETERMINING SCHOOL CAPACITIES

PURPOSE

1. This circular provides guidance to education authorities on aspects of the determination of "school capacity". This is statutory guidance issued under Section 28A(1A) of the Education (Scotland) Act 1980 (the "1980 Act"), and authorities are required to have regard to it. It specifically addresses the exception to the duty to comply with placing requests in what will become section 28A(3)(a)(vii) of the 1980 Act, concerning school capacity, as from 31 December 2004.
2. Although education authorities are required to have regard to this guidance, it remains the responsibility of authorities under the 1980 Act to determine whether the individual circumstances of a placing request fall within any of the statutory exceptions.
3. Different factors will have a greater or lesser impact on school capacities depending on local circumstances, and the effective management of the relevant factors. In view of this we have not set out a single blueprint for authorities to follow when determining school capacities. It is for education authorities, as part of their duties and responsibilities, to determine school capacities and to be accountable to their electorates for their policies and decisions.

SCOPE AND COMMENCEMENT

4. Education authorities are responsible for the delivery of education services at the local level. That carries with it many attendant responsibilities, including the administration of the placing request system in their area. The legislation on placing requests sets the broad framework within which authorities may decide their own policies and guidelines, as appropriate.

5. The last three lines of Section 44(4) of the Standards in Scotland's Schools etc. Act 2000 will come into force on 31 December 2004. This inserts an amendment into Section 28A of the 1980 Act by way of a new sub-section which will enable authorities to refuse a placing request in certain circumstances if to allow it would have the consequence that the capacity of the school would be exceeded in terms of pupil numbers. The new provision on school capacity in relation to placing requests will become section 28A(3)(a)(vii) of the 1980 Act. It will read:

"though neither of the tests set out in sub-paragraphs (i) and (ii) above is satisfied, have the consequence that the capacity of the school would be exceeded in terms of pupil numbers".

The full text of the new Section 28A(3) of the 1980 Act is set out in the Annex to this guidance.

6. This guidance does not relate to placing requests involving a child or young person with additional support needs; such requests are governed by the Education (Additional Support for Learning) (Scotland) Act 2004. This Act is expected to be commenced in the autumn of 2005 and contains the same provision concerning school capacity as section 28A(3) of the 1980 Act.

BACKGROUND

7. Education authorities already determine school capacities for various purposes, and have developed their own methodologies and systems for doing so. Authorities may find it helpful to discuss with each other the different methods they use.

8. Authorities will want to ensure that their system for determining school capacities is open, transparent, fair and rigorous. They will also want to ensure that this system is applied consistently to schools across their area. Authorities will, of course, regularly review school capacities and revise them as necessary. Under Section 28B of the 1980 Act, authorities are required to make information available about their arrangements for placing children in schools. To aid transparency, we suggest that authorities consider detailing how they determine school capacities as part of this information.

9. There are many factors which impinge on school capacities and, in determining the capacity of any given school, authorities will need to consider how factors can be managed and what effect this will have on a school's capacity. Management of time and space in a school can reduce the impact physical and non-physical factors have on a school's capacity.

RELEVANT LEGISLATION

10. The general role and responsibilities of education authorities are set out in legislation. Two pieces of subordinate legislation are of particular relevance when considering school capacities. These are:

- Regulation 8 from the Schools General (Scotland) Regulations 1975 (SI 1975/1133); and
- the School Premises (General Requirements and Standards) Regulations 1967 (SI 1967/1199), as amended.

Schools General (Scotland) Regulations 1975 (SI 1975/1133)

11. Regulation 8 (1) of the Schools General (Scotland) Regulations 1975, states that:

“An education authority shall determine from time to time the maximum number of pupils who may be suitably accommodated in every room to which this regulation applies in any school under their management and, in discharging their duty under this regulation, the authority shall have regard to the dimensions of the room and the type of equipment provided, or to be provided, the safety and health of the pupils to be accommodated and the type of instruction to be given, in the room; and any determination under the regulation may provide for different maximum numbers in relation to different types of instruction.”

Regulation 8 also requires education authorities to ensure that each school keeps a record of these maximum numbers of pupils for each room in the school. Under the regulations “room” means every room that is, or may be, used for any form of instruction and open plan teaching areas.

School Premises (General Requirements and Standards) Regulations 1967 (SI 1967/1199)

12. The School Premises (General Requirements and Standards) Regulations 1967, as amended, set out standards in relation to the minimum requirements for school sites, playing fields and educational accommodation. They also prescribe standards for the provision of ancillary accommodation including kitchen premises, sanitary facilities, washing accommodation, storage accommodation, medical inspection accommodation, and staff accommodation. Authorities should be aware of these Regulations when determining school capacities. For further information, please contact Harry McWilliams in the Schools Division of the Scottish Executive Education Department on 0131 244 0943 and at Harry.McWilliams@scotland.gsi.gov.uk.

Other legislation

13. Other legislation that may be relevant when determining school capacities includes:

- employment law, which sets minimum requirements for the authority's employees in relation to sanitary facilities, office accommodation, etc.;
- the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 (SI 1999/1080);
- the accessibility strategies that authorities are implementing under the Education (Disabilities Strategies and Pupils' Educational Records) (Scotland) Act 2002, and authorities' obligations under the Disability Discrimination Act 1995.

PHYSICAL FACTORS

14. Authorities will of course take into account a wide range of physical factors when determining school capacities. However this does not mean that all such factors will necessarily have an impact on any given school's capacity, and the degree of impact such factors have will differ from school to school.

15. It may be that authorities can address and 'adjust' the impact of physical factors on a school's capacity through management solutions. For example, the impact of narrow corridors may be reduced if a one-way system is in operation. Equally the impact of particular "pinch points" in a school may be reduced by timetabling to minimise the problem.

Physical size of school

16. Whilst the physical size of a school will clearly limit its capacity, education authorities will want to consider the flexible use of space, and how the use of space affects school capacities. In determining school capacities authorities will need to take into account:

- the size and number of classrooms;
- the size of dining spaces;
- the number of toilets;
- any circulation requirements;
- the size and number of any staircases;
- planning to improve access to education for pupils with disabilities.

17. Also relevant may be the design of the building (open plan, modern, traditional, etc.) and how this bears on the use of space. If a building includes community facilities within the school authorities will need to decide which parts of the building are to be taken into consideration when determining a school's capacity.

Teaching Facilities

18. In determining school capacities authorities will need to consider specialist areas for the teaching of specific subjects. These will include areas and facilities such as:

- science labs;
- sports facilities;
- craft workshops;
- teaching kitchens;
- ICT rooms;
- music rooms and studios;
- art rooms;
- libraries;
- TV, video, multimedia rooms;
- drama rooms and studios;
- other non-classroom teaching areas, such as general purpose rooms used by classes as necessary.

Some schools make provision for pupils with additional support needs, and this may also need to be considered by authorities when determining capacities. Authorities need to make a judgement about how the number, size, and availability of areas and facilities such as those above, and the flexibility with which they can be used, will affect a school's capacity.

Non-Teaching Facilities

19. Non-teaching facilities can have an impact on school capacities. These include such things as:

- pupil social space;
- parenting rooms;
- the size of any playground(s);
- storage facilities;
- the number of toilets;
- dining spaces.

Temporary School Accommodation and Facilities

20. The status accorded to temporary school accommodation is also a factor to be considered when determining school capacities. Authorities may wish to distinguish between permanent and temporary accommodation, and will want to make clear how temporary accommodation has been taken into account in the determination of any given school's capacity.

Health and Safety

21. Health and safety issues will also be relevant. These include factors such as the avoidance of excessive over-crowding in corridors and stairs, and fire evacuation considerations.

NON-PHYSICAL FACTORS

22. As well as the physical size of a school's buildings and facilities other factors may have an effect on the number of pupils a school can accept. These include factors such as the class size limits and timetabling. Authorities will want to consider the points made in paragraph 9 above about the management of physical and non-physical factors, and the impact this can have on school capacities.

Class sizes

23. Statutory requirements on the size of classes are set out in the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 (SI 1999/1080). Maximum sizes for timetabled classes are also detailed in the *Scheme of Salaries and Conditions of Service Document for Teaching Staff in School Education*. In determining school capacities authorities will need to ensure that class sizes will be in accordance with these limits, and any changes to them. The most up to date information on class size limits can be obtained from Rod Minty of the Teachers Division in the Scottish Executive Education Department. He can be contacted on 0131 244 0988 and at Rod.Minty@scotland.gsi.gov.uk.

Timetabling

24. Timetabling will be a major factor in determining school capacities for secondary schools. Authorities will want to consider how timetabling can be used to optimise the use of classrooms and other facilities, and therefore increase a school's capacity. This will be closely linked to the availability of specific teaching facilities (e.g. science laboratories, sports halls). Authorities will also want to consider the amount of space needed for the safe circulation of pupils between lessons and at break and lunch times.

CONCLUSION

25. It is for education authorities themselves to determine the capacity of individual schools. Whilst this guidance sets out some of the factors they will want to consider when determining school capacities it is not exhaustive. Authorities will, of course, want to exercise discretion and take into account the individual circumstances of schools.

ENQUIRIES

26. Enquiries relating to this circular should be addressed to Ben Haynes in the Schools Division in the Scottish Executive Education Department, based in Victoria Quay, Edinburgh, EH6 6QQ, telephone 0131 244 7048. Enquiries can also be e-mailed to: schoolcapacity@scotland.gsi.gov.uk.

27. Electronic copies of this guidance are available on the Scottish Executive and 'Parentzone' websites at www.scotland.gov.uk and www.parentzonescotland.gov.uk. Hard copies of this guidance are also available by contacting Schools Division in the Scottish Executive on 0131 244 4485.

Scottish Executive Education Department
10 December 2004

Note

Summary reference is made in this guidance to relevant primary and secondary legislation, although it cannot be taken as an authoritative interpretation of any statutory provisions. Interested parties need to refer to the legislation and regulations directly for full details.

ANNEX

Section 28A(3) of the Education (Scotland) Act 1980, as inserted by Section 1 of the Education (Scotland) Act 1981, Section 28A(3A) to (3E) of the 1980 Act, Section 33 of the Education (Scotland) Act 1996, and Section 44 of the Standards in Scotland's Schools etc Act 2000, sets out the exceptions to the duty on an education authority to comply with a placing request. It states (with the new sub-section highlighted in bold):

“(3) The duty imposed by subsection (1) above does not apply-

- (a) if placing the child in the specified school would –
 - (i) make it necessary for the authority to take an additional teacher into employment;
 - (ii) give rise to significant expenditure on extending or otherwise altering the accommodation at or facilities provided in connection with the school;
 - (iii) be seriously detrimental to the continuity of the child’s education;
 - (iv) be likely to be seriously detrimental to order and discipline in the school;
 - (v) be likely to be seriously detrimental to the educational well being of pupils attending the school;
 - (vi) assuming that pupil numbers remain constant, make it necessary at the commencement of a future stage of the child's primary education, for the authority to elect to create an additional class (or an additional composite class) in the specified school or take an additional teacher into employment at the school; or
 - (vii) though neither of the tests set out in sub-paragraphs (i) and (ii) above is satisfied, have the consequence that the capacity of the school would be exceeded in terms of pupil numbers.**
- (b) if the education normally provided at the specified school is not suited to the age, ability or aptitude of the child;
- (c) if the education authority have already required the child to discontinue his attendance at the specified school;
- (d) if, where the specified school is a special school, the child does not have special educational needs requiring the education or special facilities normally provided at that school; or
- (e) if the specified school is a single sex school (within the meaning given to that expression by section 26 of the Sex Discrimination Act 1975) and the child is not of the sex admitted or taken (under that section) to be admitted to the school.”

but an education authority may place a child in the specified school notwithstanding paragraphs (a) to (e) above.”

FORMULA USED TO DETERMINE SCHOOL CAPACITIES

The total number of places available within a school is determined using the “Strathclyde Formula”. This formula is accepted throughout Scottish education as the most accurate way of determining the overall number of places in a school.

The capacity of the school is calculated as (total places (t.p) x0.76)-150=

A standard classroom has a capacity of 30 pupils.

The formula takes into account differences in the numbers of pupils that can be accommodated in specific subject areas. These are:

All practical classes (art and design, music, science, craft, design and technology, home economics, business studies, computer studies) – class maximum of 20

Standard figures used throughout are:

Games hall – maximum of 60

Gymnasium – maximum of 30

Language Lab, Lecture Room, Swimming Pool – maximum of 20

Areas which are not taken into account:

Staff Room, Library, Preparation Room, Common Room, Communication Studio, Resource Area, Home Economics Flat and All Ancillary Accommodation

In addition, the new formula for determining school capacities does not take into account:

Pottery Rooms, Music Practice Rooms, Sixth Year Laboratory, Small Teaching Area, Fitness Room and all Support for Learning rooms.

The new formula also takes into account the Scottish Executive’s indication that at the beginning of the 2007/2008 school session the maximum number of pupils that will be permitted to be taught in an S1 or S2 class for English or Mathematics will be reduced to 20.

SECONDARY SCHOOL CAPACITIES

PRESENT SITUATION

	School Roll (September 2004)	Capacity	Occupancy (%)	40% or less	41-60%	61-81%	81% or more
Baldragon Academy	633	1249	51		✓		
Braeview Academy	783	1215	64			✓	
Craigie High School	830	1233	67			✓	
Grove Academy	948	958	99				✓
Harris Academy	1263	1446	87				✓
Lawside Academy	910	1037	88				✓
Menzieshill High School	827	1313	63			✓	
Morgan Academy	901	1085	83				✓
St John's High School	889	857	104				✓
St Saviour's High School	517	1170	44		✓		
OVERALL	8483	11563	73			✓	

SECONDARY SCHOOL CAPACITIES

PROPOSED CHANGES AND EFFECT

School	Present Capacity	Proposed Capacity	Change	Present School Roll
Baldragon Academy	1249	990	-259	633
Braeview Academy	1215	990	-225	783
Craigie High School	1233	959	-274	830
Grove Academy	958	876	-82	948
Harris Academy	1446	1339	-107	1263
Lawsid Academy	1037	929	-108	910
Menzieshill High School	1313	1020	-293	827
Morgan Academy	1085	914	-171	901
St John's High School	857	1050	193	889
St Saviour's High School	1170	921	-249	517
OVERALL	11563	9988	-1575	8483

	School Roll (September 2004)	Capacity	Occupancy (%)	40% or less	41-60%	61-81%	81% or more
Baldragon Academy	633	990	64			✓	
Braeview Academy	783	990	79			✓	
Craigie High School	830	959	87				✓
Grove Academy *	948	876	108				✓
Harris Academy	1263	1339	94				✓
Lawsid Academy	910	929	98				✓
Menzieshill High School	827	1020	81				✓
Morgan Academy	901	914	99				✓
St John's High School +	889	1050	85				✓
St Saviour's High School	517	921	56		✓		
OVERALL	8483	9988	85				✓

* The capacity of Grove Academy will increase with construction that is scheduled under the Dundee Schools PPP Project

+ The capacity of St John's High School is the capacity of the new school building that is to be constructed

APPENDIX 4**AUDIT SCOTLAND PERFORMANCE INDICATOR****OCCUPANCY OF SCHOOLS – SECONDARY**

Occupancy	Number of Schools under previous definition	Number of Schools under new definition
Under 40%	0	0
41% to 60%	2	1
61% to 80%	3	2
81% or more	5	7

SECONDARY SCHOOLS – S1 INTAKE LEVELS

School	Intake Level
Baldragon Academy	160
Braeview Academy	160
Craigie High School	200
Grove Academy	180
Harris Academy	220
Lawsid Academy	180
Menzieshill High School	180
Morgan Academy	180
St John's High School	180
St Saviour's High School	100
OVERALL	1740

Priority 1 pupils are defined as:

Children attending a school designated as an associated primary school of the specified school.

Or

Children attending a school outside Dundee whose catchment area is within the catchment area of the specified school. (for example, Invergowrie Primary School)

Or

Children normally permanently resident within the catchment area of the specified school but who have been unable to obtain a place at the primary school into which catchment area they have moved following an unsuccessful application for enrolment or placing request.

Or

Children attending a primary school in Angus as at 31 August 2003, residing in Dundee and not having priority 1 status for a Dundee secondary school will be designated as Priority 1 pupils for the Dundee secondary school within which catchment area they reside.