

REPORT TO: EDUCATION COMMITTEE - 14 JUNE 2010

REPORT ON: CONSULTATION ON REGULATIONS TO REDUCE PRIMARY 1 CLASSES TO A MAXIMUM OF 25 PUPILS

REPORT BY: DIRECTOR OF EDUCATION

REPORT NO: 325-2010

1.0 PURPOSE OF REPORT

1.1 This report provides the Council's proposed response to a consultation exercise from the Scottish Government on draft regulations that would reduce primary 1 classes to a maximum of 25 pupils.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Education Committee:

- i. notes that Dundee City Council's policy already is to organise primary 1 classes to a maximum of 25 pupils; and
- ii. notes and approves this response to the Scottish Government's consultation exercise.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4.0 THE PROPOSAL

4.1 The Scottish Government is committed to reducing P1 - P3 classes to a maximum of 18 pupils as soon as is practicable. This commitment is set out in the Government's concordat with local government.

4.2 In March 2010 the Cabinet Secretary for Education and Lifelong Learning announced that a consultation exercise would be launched to seek views on a proposal to introduce legislation that would limit primary 1 classes to a maximum of 25 pupils.

4.3 The regulations are intended to put local authorities on a sounder footing when taking decisions regarding placing requests and in their efforts to balance the rights of parents to choose their child's school with the rights of all pupils to the best start in life. It is expected that the regulations will help to eliminate the largest P1 classes.

5.0 CONSULTATION QUESTIONS

5.1 **Views are sought on whether regulations to provide for the statutory maximum for P1 classes of 25 from August 2011 should be introduced.**

- 5.1.1 Currently primary 1 classes have a statutory maximum of 30 pupils, introduced by the Education (Lower Primary Class Sizes) Regulations 1999 (Statutory Instrument. 199/80). These regulations also apply to P2 and P3 classes.
- 5.1.2 Despite this regulation, Circular 1/2007, published on 2 April 2007, provided guidance about reducing P1 classes to a maximum of 25.
- 5.1.3 The Scottish Government believes that the introduction of a statutory maximum of 25 in P1 - P3 classes would assist local authorities in managing placing requests in the context of a national commitment to reduce class sizes.
- 5.1.4 Dundee City Council is of the opinion that the introduction of statutory regulations as described would bring greater certainty to the process.
- 5.1.5 Statutory regulations would also take away the discrepancy and confusion where guidance from the Scottish Government recommends a maximum of 25 children in P1 and 30 children in both P2 and P3, but current legislation states a maximum of 30 throughout these three stages.

5.2 Views are sought on whether we should regulate to introduce a maximum of 25 for P2 and P3 classes too.

- 5.2.1 Dundee City Council believes in principle that regulation to apply the same class size limits to P2 and P3 classes as those in P1 would ensure continuity of experience to benefit our youngest primary-aged children, and continuing progression towards a general reduction in class sizes. However, in practice, and in the current financial climate, such an extension is likely to cause considerable financial difficulty.

5.3 Views are sought on what would be an appropriate timescale for an extension to P2 and P3 classes.

- 5.3.1 Reference is made to paragraph 5.2.1 above. Dundee City Council in principle believes that a phased approach, introducing the regulation for primary 1 children in August 2011 followed by regulation for primaries 2 and 3 in August 2012, would be sensible. However, the Council urges caution, and continuing dialogue with local authorities around the financial implications.

5.4 Views are sought on the merits of replicating the approach adopted in the 1999 Regulations of permitting class size limits to be interpreted as a pupil/teacher ratio limit in exceptional circumstances.

- 5.4.1 Dundee City Council is in favour of class size limits being interpreted as a pupil/teacher ratio limit in exceptional circumstances. This would allow the local authority to adhere to the proposed regulations in schools where there are pressures on classroom accommodation.

5.5 Views are sought on whether 'excepted pupil' provisions in the 1999 Regulations have worked effectively and whether the same approach should be replicated in the new regulations.

- 5.5.1 The term 'excepted pupil' applies, for instance, to some pupils with additional support needs. It can also apply to a child who was initially refused a place at a school but was subsequently granted a place by the Appeals Committee (Placing Requests). This can lead to a situation in which the class size maximum limit is temporarily exceeded.
- 5.5.2 Without 'excepted pupil' provisions, schools could be faced with the need to restructure and reorganise classes if a placing request appeal were granted, leading to unacceptable disruption for pupils in the school.
- 5.5.3 Dundee City Council is therefore of the opinion that current 'excepted pupil' provisions work effectively and should be replicated in the new regulations.

5.6 Views are sought on whether Gaelic medium immersion classes at P1 - P3 and Gaelic medium composite classes need lower class size maximum numbers.

- 5.6.1 Dundee City Council Education Department does not currently offer Gaelic medium classes. However schools across the city have many children from a range of cultures where English is not their first language and where English may be a new language to the child.
- 5.6.2 Dundee City Council's opinion is that, in order to ensure equality of opportunity for all children and consistency of approach, Gaelic medium P1 to P3 class sizes should be viewed in the same way as other P1 to P3 classes, and that a special case should not apply to the Gaelic medium group.

6.0 POLICY IMPLICATIONS

- 6.1 This report has been screened for any policy implications in respect of sustainability, strategic environment assessment, anti-poverty, equality impact assessment and risk management.
- 6.2 There are no major issues.

7.0 CONSULTATION

- 7.1 This report has been the subject of consultation with the Chief Executive, Depute Chief Executive (Support Services) and the Director of Finance. Head Teachers and the teacher trade unions have also been consulted.

8.0 BACKGROUND PAPERS

- 8.1 Scottish Government paper: *Consultation on Regulations to Reduce Primary 1 Classes to a Maximum of 25 Pupils*
- 8.2 Excerpts from *The Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 - SCHEDULE - Regulation 4*

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28th May, 2010
JC/CM/MM