

**NORTH AYRSHIRE**  
COUNCIL

**Freedom of Information (Scotland) Act 2002**

**Review**

**Applicant:** D Brisbane

**Address:** [request-546590-b66b715e@whatdotheyknow.com](mailto:request-546590-b66b715e@whatdotheyknow.com)

**Reference:** 101003049044

**Request for Information**

A request for information was received from the Applicant by email dated 22nd January 2019 in terms of the Freedom of Information (Scotland) Act 2002 ("the Act"). The Applicant requested the following information:

*"Dear North Ayrshire Council*

*Could you please provide me with the following information in respect of each primary school in your area; for every year from (and including) 2010 to (and including) such future year as information exists.*

- 1) The school commencement date and if different, the appropriate latest date (both as defined in the Education Scotland Act 1980) on or before which a child must attain the age of five years in order to come within the category of children whom your local authority consider of sufficient age to commence attendance at that primary school on that school commencement date*
- 2) A description of the decision-making process and factors taken into consideration by your local authority when deciding on the school commencement date and/or appropriate latest date together with copies of any relevant guidance and policies used to inform or guide the decision.*
- 3) Details of decision maker(s), who has been consulted including advisers in relation to the decision-making process on the school commencement date and/or appropriate latest date together with information and copies of documents relevant to such consultations and copies of such advice.*
- 4) Details of the timeframe for the decision-making process and dates when the school commencement date and/or appropriate latest date were (or in relation to future years will be or are expected to be) fixed for each year.*
- 5) The documents in which the school commencement date and/or appropriate latest date were (or in relation to future years will be or are expected to be) officially recorded and fixed for the purposes of section 32 of the Education (Scotland) Act 1980 and the documents or location where they were (or in relation to future years will be or are expected to be) published or made known to the public.*

6) Details of any changes made to any school commencement date and/or appropriate latest date under subsections 32(2)(b) or 32(5)(b) of the Education (Scotland) Act 1980, the reasons for such change and details of any consultations carried out on changing the school commencement date (or dates) in respect of schedule 1, paragraph 6 of the Schools (Consultation) (Scotland) Act 2010 since its commencement on 5 April 2010.

Yours faithfully,  
D Brisbane”

## **Response**

This request was acknowledged and given the reference number 101003049044 by North Ayrshire Council on 23rd January 2019.

A substantive response to the Applicant's request for information was sent to the applicant on 25<sup>th</sup> January 2019 as follows:-

*“Dear D Brisbane*

*Thank you for your request for information dated 22 January 2019 which was received by North Ayrshire Council on 22 January 2019.*

*We have now completed our research for the information and the responses to your questions are listed below.*

*Please see the attached document with your request and the response.*

*Your right to seek a review*

*Should you be dissatisfied with the way in which North Ayrshire Council has dealt with your request, you have the right to ask us to review decisions. Your request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter. We will reply within 20 working days of receipt. Staff not involved in your original request will undertake the review. If you are not satisfied with the result of the review you then have the right to make a formal complaint to the Scottish Information Commissioner at <http://www.itspublicknowledge.info/Appeal>.*

*A request for a review should be made in writing to the:*

*The Information Governance Manager,  
Data Service,  
Cunninghame House,  
Irvine  
Ayrshire  
KA12 8EE  
Email : [FreedomOfInformation@north-ayrshire.gov.uk](mailto:FreedomOfInformation@north-ayrshire.gov.uk)*

*The supply of documents under the terms of the Environmental Information(Scotland) Regulations 2004 does not give the applicant or whoever receives the information any right to re-use it in such a way that might infringe the Copyright, Designs and Patents Act 1988. This includes making multiple copies, publishing or otherwise distributing the information to other individuals and the public.*

*While efforts have been made to ensure the accuracy of this information, its accuracy is not warranted. In particular, the Council accepts no liability for onward sale or transfer of this information to any third party and for any reliance placed on such information by you or by a third party.*

*Yours sincerely  
Judith McGibney  
FOI Co-ordinator"*

The document attached to the response read as follows:-

*"North Ayrshire Council does not set the guidance for registering children for education - the Scottish Government set the guidance for all schools in Scotland. The Council therefore gives notice under Section 17 of the Freedom of Information (Scotland) Act 2002 that this information is not held. Summarised this means that in Scotland, almost all children between the ages of 4 and a half and 5 years old will start primary school at the start of the term in August each year. All children whose 5th birthday fall between 1 March on the year of enrolment and end of February the following year, should enrol in primary school.*

*To further advise and assist please find the link below for the Scottish Government Freedom of Information Requests and North Ayrshire Council's information on Primary School Enrolment:*

**<https://www.gov.scot/about/contact-information/how-to-request-information/>**

**<https://www.north-ayrshire.gov.uk/education-and-learning/admissions-and-enrolment/primary-school-enrolment.aspx>**

### **Request for Review**

The Applicant contacted the Council by email on 4th March 2019 to request a review. The terms of the email were as follows:-

*"Dear North Ayrshire Council,*

*Please pass this on to the person who conducts Freedom of Information reviews.*

*I am writing to request an internal review of North Ayrshire Council's handling of my FOI request 'School Commencement Date'.*

*I appreciate your reply, however, you may have misunderstood the question. I am interested in understanding how the Local Authority set the actual commencement date in August each year for starting school. Therefore each of the questions relate to how this date is decided and the actual date that the child must start school.*

*A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.whatdotheyknow.com/request/school\\_commencement\\_date\\_21](https://www.whatdotheyknow.com/request/school_commencement_date_21)*

*Yours faithfully,  
D. Brisbane"*

## **Review**

I consider that the Applicant's email of 4<sup>th</sup> March 2019 is a valid request for review. I have noted that the applicant considers that the questions asked may have been misunderstood. I agree with that assertion.

I have investigated the position and have ascertained that further information can be released to the applicant. That information is attached to this document.

The Council apologises that this information was not included with the information released on 25<sup>th</sup> January 2019.

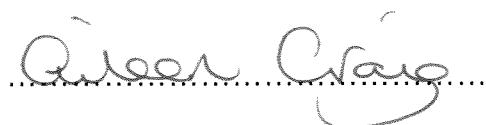
## **Conclusion**

- The Applicant's request for review is upheld
- The information available is attached to this document.

## **Right of Referral to the Scottish Information Commissioner and Appeal**

I confirm that if the Applicant remains dissatisfied with the decision of the Council, he/she has the right to refer the matter by way of a formal complaint to the Office of the Scottish Information Commissioner, details of which are undernoted. Such a referral has to be made within a period of six months from the date of receipt of this review in terms Section 47(1) of the Act. Further, when a decision has been made by the Commissioner both the Applicant and the Council are entitled to appeal to the Court of Session, on a point of law only, against such a decision in terms of Section 56 of the Act.

Such an Appeal has to be made within 42 days of the date of the Commissioner's intimation of his decision.

A handwritten signature in cursive script, reading "Aileen Craig", written over a dotted line.

Aileen Craig  
Senior Manager, Legal Services  
1<sup>st</sup> April 2019  
Undernote referred to:  
Office of the Scottish Information Commissioner,  
Kinburn Castle,  
Double Dykes Road,  
St Andrews,  
KY16 9DS.  
<http://www.itspublicknowledge.info/Appeal>

## **FOI Review Response**

Could you please provide me with the following information in respect of each primary school in your area; for every year from (and including) 2010 to (and including) such future year as information exists.

1) The school commencement date and if different, the appropriate latest date (both as defined in the Education Scotland Act 1980) on or before which a child must attain the age of five years in order to come within the category of children whom your local authority consider of sufficient age to commence attendance at that primary school on that school commencement date.

**School commencement dates for pupil since 2010 have been/will be as follows:**

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Mainland	17/08	17/08	16/08	19/08	18/08	18/08	17/08	16/08	20/08	19/08	18/08
Arran	17/08	17/08	16/08	19/08	15/08	17/08	16/08	16/08	20/08	19/08	18/08

**The latest date by which a child must attain the age of 5 years to commence school on the school commencement date is 28 February of the following year.**

2) A description of the decision-making process and factors taken into consideration by your local authority when deciding on the school commencement date and/or appropriate latest date together with copies of any relevant guidance and policies used to inform or guide the decision.

**North Ayrshire Council liaises with both East and South Ayrshire Councils regarding school holiday calendars and the allocation of holidays, teaching days and in-service days. Draft proposals are then issued to schools for their consultation and final proposals are agreed within the LNCT (Local Negotiating Committee for Teachers). Example letter to schools attached.**

3) Details of decision maker(s), who has been consulted including advisers in relation to the decision-making process on the school commencement date and/or appropriate latest date together with information and copies of documents relevant to such consultations and copies of such advice.

**The process for determining the school calendar is detailed in the response to Q2.**

4) Details of the timeframe for the decision-making process and dates when the school commencement date and/or appropriate latest date were (or in relation to future years will be or are expected to be) fixed for each year.

**North Ayrshire Council aims to agree the school calendar more than 12 months in advance of the academic year. For example, the holiday calendar (including pupil return date) for 2020/21 was agreed at the March LNCT.**

5) The documents in which the school commencement date and/or appropriate latest date were (or in relation to future years will be or are expected to be) officially recorded and fixed for the purposes of section 32 of the Education (Scotland) Act 1980 and the documents or location where they were (or in relation to future years will be or are expected to be) published or made known to the public.

**Schools are asked to notify staff, parents, pupils and other interested parties of school term dates and details are also published on the North Ayrshire Council website.**

<https://www.north-ayrshire.gov.uk/education-and-learning/information-for-parents-and-carers/school-term-dates.aspx>.

6) Details of any changes made to any school commencement date and/or appropriate latest date under subsections 32(2)(b) or 32(5)(b) of the Education (Scotland) Act 1980, the reasons for such change and details of any consultations carried out on changing the school commencement date (or dates) in respect of schedule 1, paragraph 6 of the Schools (Consultation) (Scotland) Act 2010 since its commencement on 5 April 2010.

**Not applicable.**

**EDUCATION AND YOUTH EMPLOYMENT**

**Head of Service (Learning, Teaching & Curriculum): Andrew McClelland**

**Cunninghame House, Irvine KA12 8EE**

**Tel: 01294 310000 Fax: 01294 324404**


**www.north-ayrshire.gov.uk**

Your Ref:

Our Ref: AMcC/CD

*If telephoning please call: 01294 324272*

7 March 2019

Proud to be  Overall Council of the Year 2017

**To: Head Teachers of All Mainland Primary, Secondary and ASN Schools**

Dear Colleague

**PROPOSED SCHOOL TERM AND IN-SERVICE DATES: SESSION 2020/21**

Following discussions with authorities in Ayrshire and our LNCT, I attach a copy of proposed school term and in-service days for session 2020/21. These should be regarded as provisional until I write to confirm these dates.

There is no statutory requirement to receive approval from Parent Councils, however I would be grateful if Head Teachers could now consult with Parent Councils and advise me by **Monday 18 March 2019** if they wish to suggest any changes. A nil return is not required. If no contrary proposals are received by this date, I will write to confirm the dates.

I hope you find this helpful and thank you for your support in this matter.

Yours sincerely

Andrew McClelland

Head of Service

Enc

Copy to: Ken Campbell, Commercial Services  
Audrey Sutton, Connected Communities