



Briefing for the Public Petitions Committee

Petition Number: [PE1486](#)

Main Petitioner: Julie Wales

Subject: Class sizes and placing requests

Calls on the Parliament to urge the Scottish Government to improve national quality in the primary one academic year by reducing average class sizes to 18 with an upper limit of 20; direct additional funding to resource the measures taken with appropriate staff, accommodation and physical resources; protect the family unit through amendment to the current policy to ensure that siblings are not refused placing requests to be schooled alongside family members, and proactively prepare for future upsurges in the population to avoid displacement of siblings in primary schools.

Background

Class size

The petitioners call for an average class size of 18 and an upper limit of 20. Currently, the legal upper limit for P1 is 25. The table below shows the proportion of P1 pupils in classes of different sizes over the last six years. This shows that 42.6% of P1 pupils were in classes under 20 in 2012 compared with around a quarter in 2006 (26.5%).

	2006	2007	2008	2009	2010	2011	2012
1 to 18	15.9%	21.9%	22.4%	22.2%	30.1%	29.4%	27.7%
19 - 20	10.6%	16.3%	15.5%	15.0%	11.1%	14.5%	14.9%
21 - 25	40.6%	59.9%	58.9%	56.0%	45.8%	55.0%	56.5%
26 or more	32.9%	1.9%	3.3%	6.8%	12.9%	1.1%	0.9%
total pupils	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: Scottish Government, Table 3.3 school education statistics 2012.

The average P1 class size varies from 15.5 in East Renfrewshire to 23 in Midlothian. The table below show the number of local authorities for different average class sizes in 2012. There were three local authorities with an average P1 class size of 18 – the level requested by the petitioner.

average P1 class average class size	number of local authorities
18 or fewer	3
18.1 to 20.0	8
20.1 to 20.9	10
21.0 to 21.9	9
22 to 23	2

Source: Scottish Government, table 6.6. Pupil census supplementary data

Placing requests

The Education (Scotland) Act 1980 at section 28A, provides that local authorities shall place a pupil in the school chosen by the parents unless certain factors apply. One of these factors is that it would create a need to employ an extra teacher. This, combined with statutory class size limits, means that where a P1 class is already at the legal maximum of 25 pupils a placing request is likely to fail. The local authority is not required to refuse a placing request. Rather it has the ability to do so if the statutory factors for refusal apply - eg if an extra teacher would be required.

Parents can appeal against a failed placing request to an Education Appeal Committee and subsequently to the sheriff. If that appeal succeeds the pupil can be placed in the P1 class even if this takes the class above the legal maximum. However, the appeal has to succeed on its own merits – it cannot be used merely to circumvent class size limits. This issue was considered in [Comhairle Nan EileanSiar v. Scottish Ministers](#) [2013 CSIH 45]

Local authority guidelines

Under section 28B of the 1980 Act, local authorities are required to develop guidelines on their priorities for deciding admissions if a school is oversubscribed. These policies will often give priority to siblings. Once a class is full, the next placing request may be refused as it would require the creation of an extra class and employment of an extra teacher.

Population projections

The petition refers to an ‘upsurge’ in the pupil population. The birth rate is projected to increase until 2017, after which it is expected to drop steadily. The change is uneven across Scotland, with some local authorities expected to experience much larger percentage increases than others. Between 2010 and 2020 the largest percentage increases are expected in East Lothian (27% more births in 2020 than in 2010), Perth and Kinross (26%) and Stirling (18%). By around 2024, however, births are expected to return to 2010 levels. There will of course be a five year lag on pressure on P1 classes, so we might expect P1 cohorts to increase until around 2025 (source: GROS Population projections).

Scottish Parliament Action

There have been previous petitions on the issue of class sizes. For example, [PE1046](#) was lodged by the EIS in 2007. This called on the Scottish Parliament to “support significant reductions in class sizes in Scottish publicly

funded schools during the lifetime of the next Scottish Parliament.” In September 2008, the then Education, Lifelong Learning and Culture Committee [closed the petition](#), noting that they had held evidence sessions on the issue and intended to continue to work on the class size issue. During the whole of session 3 that Committee held a number of evidence sessions on the Scottish Government’s policy of class sizes of 18 in P1-3.

In 2009, [petition 1284](#) called for the Scottish Government and councils to “desist from applying any policy on class sizes which conflicts with the numbers stipulated by law and the statutory rights of parents under the Education (Scotland) Act 1980 to choose the school they wish their children to attend.”

Recent parliamentary questions include [S4W-13851](#) in March 2013. Richard Simpson, MSP asked about the application of the class size legislation to children of armed services personnel.

Scottish Government Action

The Scottish Government legislated in 2010 for maximum P1 classes of 25 and has a policy of encouraging classes of 18. COSLA has agreed to maintain teacher numbers in line with pupil numbers. A summary of policy on class sizes is available [here](#). In [March 2013](#), Cabinet Secretary Mike Russell stated that: "This Government is committed to progressive reductions in class sizes in primaries 1 to 3, and in areas of greatest deprivation." He also stated that there would be a consultation on class sizes.

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17 July 2013

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