

SPICe Briefing

Schools (Consultation) (Scotland) Bill

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The Schools (Consultation) (Scotland) Bill ('the Bill') was introduced in the Scottish Parliament on 2 March 2009. It aims to revise and strengthen the statutory consultation process required when education authorities are considering changes to the school estate, particularly school closures.

A key policy aim is to safeguard rural schools and communities. The Bill therefore provides for education authorities to have special regard to any viable alternatives, the effect on the community and the effect on travel arrangements to an alternative school, before a rural school closure is proposed. The intention is to establish, in effect, a presumption against the closure of rural schools unless certain prescribed factors have been taken into account, although there is no explicit use of the wording 'presumption against' on the face of the Bill.

The Bill also intends to replace the current system for referring certain local authority decisions for Ministerial consent with a power for Ministers to 'call-in' decisions.

This briefing provides background on the subject of school closures, and an overview of the current framework for school closures, the Scottish Government's consultation on the Bill, and the Bill's provisions.



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KEY POINTS

- The Schools (Consultation) (Scotland) Bill ('the Bill') was introduced in the Scottish Parliament on 2 March 2009.
- The Scottish Government aims to revise and strengthen the statutory consultation process required when education authorities are considering changes to the school estate, particularly school closures.
- The subject of school closures, particularly small rural schools has been a contentious subject for a number of years, and has met with strong community opposition, parliamentary debate, and a proposal for a Member's bill.
- The most common argument has been for a 'legislative presumption against the closure of rural schools'.
- The Bill aims to ensure a robust process when education authorities consider closing a rural school. The intention is to establish, in effect, a presumption against the closure of rural schools unless certain prescribed factors have been taken into account, although there is no explicit use of the wording 'presumption against' on the face of the Bill.
- The Bill also intends to replace the current system for referring certain local authority decisions for Ministerial consent with a power for Ministers to 'call-in' decisions. This would be restricted to cases of school closures where there have apparently been failures in the consultation or decision making processes.
- In addition the provisions
 - expand the list of people and organisations to be consulted when a school closure is proposed, to include pupils, staff, community councils, and Bòrd na Gàidhlig where Gaelic medium education is affected
 - extend the timescale of consultation to at least 6 weeks, to include at least 30 days term time
 - require education authorities to publish an educational benefits statement
 - require HMIE to consider the educational aspects of every proposal relating to a school closure, and all other relevant proposals
 - require education authorities to take account of allegations of inaccuracies, respond and correct or take proportionate action where appropriate
 - require education authorities to publish a consultation report at the end of the consultation period
 - introduce a 3 week period after the consultation report has been published before an education authority can take its final decision.
- The Bill has achieved broad overall support from local authorities, parent councils and community councils.
- COSLA and a number of authorities originally questioned the need for legislation arguing that the proposals merely reflect current good practice, and that they undermined the principles of the Concordat.
- COSLA now fully supports the Bill and worked with the Scottish Government on its development.

BACKGROUND

The subject of school closures is a contentious one and has been subject to much parliamentary debate and campaigning from local communities for many years. Proposed school closures in rural areas have often faced strong opposition from the local community, who argue that the school is a community hub, as well as highlighting the educational benefits to pupils attending small rural schools. Particular areas of contention have focused on the quality of education authority consultations and the perception that closure proposals are triggered by mainly financial or capacity concerns without regard to the educational benefit to pupils. This has led campaigners to seek a 'legislative presumption against the closure of rural schools'. A recent example of this was Murdo Fraser's proposal for a Rural Schools (Scotland) Bill (later withdrawn) (Fraser 2008). The [SPICe Briefing School Closures – Update](#) (Georghiou 2006) provides some historical background on school closures as well as highlighting key areas of contention.

Proposed closures in urban areas can also face strong community opposition. A school estate review, which proposed a number of school closures, was withdrawn in Edinburgh in 2007 following campaigning from parents and pupils (Berry, Georghiou and Kidner 2008). Glasgow City Council has faced strong opposition regarding the closure of some of its schools¹. A six week consultation on proposals to merge 23 primary and early years centres was closed on 18 March 2009. Parents took direct action and occupied two of the schools proposed for closure after the consultation had ended ([BBC news online](#) 3 April 2009). Glasgow City Council published a [report](#) on the consultation on 9 April 2009 which indicated that around 8,000 responses were received, of which 96% were against the proposals. On 23 April 2009, the council approved the closure of 11 primary schools and 9 nursery schools, as well as keeping one primary and two nursery schools open (Glasgow City Council 2009).

The Scottish Government estimate that there are currently 60 statutory consultations carried out in Scotland annually, of which 44 are likely to be consultations on school closures (Explanatory Notes 2009). Sixteen cases are referred to Scottish Ministers annually, and the outcome of these are available on the Scottish Government's [website](#). A [list](#) of all schools recorded as opening or closing between 1995 and 2007 was made available in 2007 (Scottish Government).

CURRENT LEGISLATIVE FRAMEWORK

Education authorities have the power to close schools. They can discontinue or change the site of any educational establishment under their management, but they must follow a consultation procedure. The process to be followed by education authorities when considering school closures is set out in section 22 of the Education (Scotland) Act 1980 (c 44) ('the 1980 Act').

Regulations have been made under this Act and are contained in Statutory Instrument 1981 No. 1558 (S.159) The Education (Publication and Consultation etc) (Scotland) Regulations². The 1981 Regulations indicate who should be consulted when there is a proposal to close a school:

- The parent of every pupil attending the school affected by the proposal.
- The parent of every child known to the authority and who would be expected to attend the school, or stage of education to be discontinued, within two years from the date of the proposal.
- The parent council or combined parent council.

¹ See for example: '[City march over school closures](#)' BBC news online 14 February 2009

² As amended by 1987 SI No. 2076; 1988 SI No. 107; 1989 SI No. 1739; and 2007 SSI No. 315.

- The church, or denominational body, in whose interest the school is conducted, if appropriate.

CONSULTATION PROCEDURE

The procedure for consultation is as follows:

Parents

- The education authority must issue a notification to each parent and or guardian, either by post or by hand, and the authority can arrange for the pupil to deliver the notification to his/her parent.
- The notification must include a statement outlining the proposal and further information on where to obtain full details of the proposal.
- The notification shall both or either:
 - include an address for parents to make representations. Parents should be able to make representations for a period of not less than 28 days after the notification is deemed to have been received.
 - provide details of a public meeting set up to explain the proposals to parents and take account of their views. A meeting must be held not less than 14 days after the date on which the notification is deemed to have been received by the parent, and further it must be held outwith normal working hours and in a convenient location for attendees.
- As some parents will have children who are not yet of school age, the consultation may take the form of a newspaper advertisement which must contain the same information as the notification. The notification will be deemed to have been received on the day immediately following the date of the advert.

Parent Council or Combined Parent Council

- The education authority must supply the clerk of the Parent Council with the full details of the proposal and request a written representation within a specified period, not less than 28 days from the date of the request.

Church/denominational body

- The education authority must supply full details of the proposals to the church or denominational body and request a written representation within a specified period, not less than 28 days from the date of the request.

The guidance on school closures (discussed below) (Scottish Executive 2004) states that once all the representations have been received the education authority can make a decision on the proposal, but with general regard to:

section 1(1) of the 1980 Act, which states:

‘...it shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education and further education.’

and section 28(1) of the 1980 Act, which states:

‘In the exercise and performance of their powers and duties under this Act, the Secretary of State and education authorities shall have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.’

MINISTERIAL ROLE

While education authorities have the power to close schools, there are certain circumstances which require the authority to seek the consent of Scottish Ministers before implementing a decision, as set out in Schedule 2 of the 1981 Regulations. This applies where:

- Proposals to discontinue or change the site or catchment area of any school, other than a nursery school, where the change would result in any child at that school:
 - having to attend a different or new site of a primary school five miles or more away from the original school, measured by the nearest available route
 - having to attend a different or new site of a secondary school ten miles or more away from the original school, measured by the nearest available route
- Proposals must also be submitted to Scottish Ministers if the school concerned has a pupil roll which is greater than 80% of its capacity (unlike the distance criteria this applies to nursery schools). It is for education authorities to determine the capacity of a school. However, there is no single existing measure of capacity used across all education authorities (Scottish Executive 2003a). The regulations state that Ministers shall have regard to:
 - the authority’s assessment of capacity
 - the maximum number of pupils in attendance in any one year in the 10 years preceding the proposal
 - the curriculum of the school.

Sections 22C and 22D of the 1980 Act also contain provisions to refer decisions regarding denominational schools to Scottish Ministers.

- Broadly speaking section 22C requires closure proposals to be referred to Ministers where there would be a reduction in the proportion of denominational places available in an area.
- Section 22D allows other types of proposal to be referred to Ministers only if, after the relevant church or denominational body has had discussions with the authority about the continued provision of denominational education it still has concerns that there could be a significant reduction in such education.

The guidance on school closures (discussed below) states that the role of Ministers is to check that education authorities have complied with all the statutory requirements and processes, and that a reasonable decision has been reached. Ministers may also call upon HMIE for advice on the proposal particularly in relation to ‘the way in which the authority has presented its case and addressed and dealt with the various aspects of this guidance’ (Scottish Executive 2004).

GUIDANCE ON SCHOOL CLOSURES

The legislative framework for school closure proposals has remained the same for nearly 30 years. However, the guidance has been updated and amended in response to criticisms over the level and quality of consultation that is carried out by local authorities.

Before devolution, the Scottish Office Education Department published guidance for local authorities on fulfilling the legislative requirements in Circular No. 1074 of 1981 and again in Circular No. 1174 of 1988, which amended parts of Circular No. 1074. The circulars outlined the legislative requirements and recommended good practice.

Scottish Executive Guidance 2004

Between 2000-2004 there were a number of calls from the public and Members for the guidance to be revised, with particular regard to the advice given on consultation arrangements. As a result the then Minister for Education and Young People, Peter Peacock, issued '[Additional Guidance on Local Authority Proposals for the School Estate, including School Closures](#)' (Circular 2/2004) to local authorities. The guidance did not supersede earlier guidance.

The guidance is framed around the School Estate Strategy³, a joint strategy from the Scottish Executive and COSLA, which aims to 'promote and ensure the creation of a learning and teaching environment fit for the future and buildings which will deliver better public services both to pupils and the wider community' (2003b). Central to the strategy is the development by each education authority of a School Estate Management Plan which is intended to 'help authorities identify and draw together needs, priorities and funding streams, consider a wide range of complex issues bearing on the school estate and take a long term view of the future' (Scottish Executive 2004). Such plans are expected to be widely consulted upon.

The guidance states that good practice should dictate the quality and quantity of consultation, 'the emphasis should be on more consultation, more information, more time, rather than less; a fuller process rather than the minimum required to comply with the legislation' (Scottish Executive 2004).

Throughout the guidance it is emphasised that final decisions on how to fulfil statutory duties rests with the education authority, including decisions on whether to close, merge or change the site of a school. Scottish Ministers have no role, save in the circumstances outlined in the legislative framework. To emphasise this point it is stated:

'It is not the role of Ministers to second guess decisions taken by an authority or to act as some sort of 'appeal court' for those who disagree with a Council's decision. Ministers could never be in possession of all the local facts and 'intelligence' that informs a Council decision....' (Scottish Executive 2004).

The guidance also includes a range of factors authorities may want to consider when formulating proposals for change to the school estate. In summary these are:

- educational 'case' – the educational advantages for pupils
- travel distance and times
- future pupil and population projections
- community planning and use
- rural sustainability and development
- urban communities and regeneration
- financial considerations
- other alternatives – in terms of how buildings can be used
- the 'unique' local factors.

³ The Cabinet Secretary for Education and Lifelong Learning [announced](#) a review of the school estate strategy in September 2008.

Despite the guidance, the issue of school closures was still causing disquiet (see 'Timeline' in Georghiou 2006), and there were a number of calls, either for introducing a presumption against the closure of certain schools, or for a revision of the guidance because of unease at its interpretation by different local authorities.

In light of this, the Minister indicated in a written update on school closure policy that COSLA would be producing a '[Good Practice Guide](#)' for authorities to use alongside Scottish Executive guidance. The Minister emphasised that 'an assumption in favour of closure is no basis for a Council to proceed to close a school' (Scottish Parliament Education Committee 2006).

Scottish Government Guidance 2007

The Scottish Government re-issued the 2004 guidance in October 2007. This included a [covering letter](#) from Fiona Hyslop, Cabinet Secretary for Education and Lifelong Learning, to the Directors of Education, which indicated a commitment to consult on proposals for a legislative presumption against the closure of rural schools.

The Cabinet Secretary stated that she had 'little issue with the actual substance of the current guidance', but that her concern focused on how it was being applied by councils. She highlighted a number of areas of particular concern:

- Pupil projections and future demand for places – education authorities should exercise care when doing this as it 'can never be an exact science'.
- Where cases are referred for consent, Ministers will pay close attention to the material and information in the case presented by the education authority and the way it has followed the legislation and guidance.
- Where cases are referred for consent, the Cabinet Secretary will ask HMIE for independent and professional advice on the educational case presented by the education authority. It is recognised that other factors such as travelling times, financial considerations and issues for the local community will also be relevant, but the educational case is the 'key consideration'.
- The guidance should be read and acted on as a whole and 'in the spirit of the whole document'.
- Issues raised through consultation must be 'taken seriously, explored and also answered'. Those who participate in the consultation should get a response beyond the announcement of the final decision.
- Pupils are key stakeholders and strategies should be used to engage with pupils at an early stage on changes to education provision.

The policy aims of the issues raised in the covering letter have been carried forward as proposals in the Bill.

SCOTTISH GOVERNMENT CONSULTATION ON LEGISLATIVE PROPOSALS

The Scottish Government issued '[Safeguarding our rural schools and improving school consultation procedures: Proposals for changes to legislation](#)' for consultation on 1 May 2008 until 19 September 2008.

The consultation sought views on proposals to:

- require education authorities to publish an educational benefits statement
- improve the consultation process – for example by extending the list of people to be

consulted, increasing the period for consultation, and requiring HMIE to consider the educational aspects of every education authority proposal

- safeguard rural schools – by requiring authorities to have regard to certain factors before consulting on a closure
- require HMIE to consider educational aspects of every education authority proposal on a school closure and other relevant changes to the school estate
- revise the current system of automatic referrals to Scottish Ministers on grounds of capacity and distance, but to retain the ground denominational education.

The consultation document was very much focused on rural communities and the need to ensure accessibility to local services, especially for ‘small, fragile rural communities’. Reference was made to the educational and social benefits which can be delivered through small rural schools, that such schools can help communities to thrive, ‘to be more viable and resilient’.

The focus in the Bill and policy has now moved away from rural schools, although safeguarding rural schools is still a key objective (Scottish Government 2009a).

RURAL SCHOOLS FUND

In January 2008, Murdo Fraser MSP, published a [consultation](#) on the Rural Schools (Scotland) Bill (withdrawn 26 February 2009) with the aim of introducing a presumption against the closure of rural schools. Fraser suggested that a Scottish Rural Schools Support Fund may be desirable in order for communities and headteachers to apply for funding to subsidise the running costs or capital works to a school. The Scottish Government asked respondents whether they agreed ‘that it is not appropriate to set up a rural schools fund’ (2008a).

Consultation analysis shows that 53% of respondents agreed there should not be a rural schools fund (21% felt that there should be a fund; 26% did not give a direct response). For parent groups this went up to 62%, while 54% of local authorities thought a rural schools fund would not be appropriate (Biggar and Mulholland 2009).

The Bill does not make provision for a rural schools fund.

THE BILL

The Bill, if enacted, will revise existing legislative procedures regarding consultation on certain changes to the school estate, including school closures, and aims to meet the policy intentions of the Scottish Government as described above. It will repeal sections 22A and 22B of the 1980 Act (which currently provide for consultation on certain changes to the school estate, and consent from Scottish Ministers on capacity and distance grounds).

Overall, there has been broad support for the Bill from a range of stakeholders including local authorities, parent councils and community. Indeed many local authorities indicate that the provisions will formalise current best practice. Additionally, many of the stakeholders have commented positively on the breadth of the consultation carried out by the Scottish Government in the development of the Bill. COSLA, ADES⁴ and HMIE have worked with the Scottish Government on the Bill. However, there are a number of issues raised by stakeholders which are referred to in the relevant sections below.

⁴ Association of Directors of Education in Scotland

PROPOSED NEW PROCEDURE FOR CONSULTATIONS

The new procedure for consultation is set out in summary form here and discussed in more detail in the sections below.

- An education authority must:
 - prepare a consultation document including all core information and the educational benefits statement, and if it includes a proposal to close a rural school it must include an assessment of three factors
 - send a copy to HMIE
 - notify all mandatory consultees
 - hold a public meeting
 - run the consultation for at least 6 weeks, including 30 days term time
 - at end of the consultation period, send HMIE a copy of all responses or summary of oral and written responses and any other relevant information.
- HMIE will have 3 weeks to submit their views to the local authority, although this can be extended by agreement. During this period HMIE can enter the affected school and make enquiries and with any other persons considered appropriate. HMIE can take all this into account, including the educational benefits statement.
- The education authority must publish the consultation report. There is no time limit on this.
- The education authority must wait three weeks after publication of the consultation of the report before reaching a decision.
- If the proposal concerns a school closure, the local authority must notify Scottish Ministers no later than the end of the next working day after making it.

Ministerial involvement in school closures

- Ministers will have 6 weeks to decide whether or not to issue a call-in notice.
- During the first 3 weeks of this, anyone will be able to make representations to Ministers on whether the decision should be called-in.
- During this period, the education authority may not proceed further with the proposed closure. Ministers may come to a decision sooner than 6 weeks (but not before the 3 weeks for representations to be made to them has elapsed).
- Where a proposal is called-in, Scottish Ministers may refuse consent for the proposal or agree to the proposal fully or subject to conditions.

CONSULTATION PROCESS FOR ALL SCHOOLS

Sections 1-11 of the Bill proposes a range of provisions to update the process for consulting on school closures, and other changes, which the Scottish Government state are 'more rigorous, open and transparent than is currently the case' (Policy Memorandum 2009).

Overall support for the new consultation procedure came from 59% of respondents; support was lowest among local authorities (32%) and highest from individuals and parent councils/bodies (69% each). Only 1% did not support the changes overall (Biggar and Mulholland 2009).

The main issues raised concerned whether there is a need for legislation at all as opposed to guidance, and arguments that the new process could extend the timescale for closure considerations unnecessarily.

For example, Argyll and Bute argued that the current regulations are sufficient, ‘No authority would take the closure of a school lightly but we believe the matters which are considered should not be subject to prescription’ (Scottish Government 2008b). After working with the Scottish Government on the Bill, COSLA supports the proposals, although it was originally opposed on the grounds that it would conflict with the principles of the Concordat (COSLA in Scottish Government 2008b and Scottish Parliament ELLC 2009).

A number of authorities raised concerns that the proposals could unnecessarily extend timescales for consultation (Edinburgh City Council, Falkirk Council, Renfrewshire Council in Scottish Government 2008b). For example, Dumfries and Galloway supported the proposals but said that ‘the likelihood of agreements being reached in less than one school session is unlikely’ (Scottish Government 2008b).

RELEVANT PROPOSALS

Section 2 introduces Schedule 1 which sets out the type of proposals that would require education authorities to conduct consultations according to the Bill’s provisions. Schedule 1 groups proposals into 10 broad categories, consolidated from the 23 categories listed in the 1981 Regulations.

The relevant proposals are:

1. A proposal to permanently close a school, all the nursery provision in a school or any other stage of education in a school. This also includes any other arrangements in respect of a school or stage of education which would result, or be likely to result, in the permanent closure of the school or stage of education.
 - a. If a proposal falls within this category but also in categories 2-9 below, it is to be considered as being a closure proposal.
2. A proposal to establish a new school or new stage of education in a school. This includes the establishment of a special class within a mainstream school.
3. A proposal to relocate a school or nursery class in whole or in part.
4. A proposal to vary admission arrangements. This may include any changes to the catchment area, changes to any authority guidelines on placing requests. The Explanatory Notes state other examples such as changes in selection procedures or converting a single sex school to a mixed school.
5. A proposal to vary the arrangements for transfer of primary pupils to secondary school, such as changing the relationship between a secondary school and its ‘feeder’ primary schools, or changing the age and time at which pupils transfer to secondary school.
6. A proposal to change the school start date of a primary school.
7. A proposal to vary the arrangements for special classes in mainstream school.
8. A proposal to end transport to and from a denominational school.
9. A proposal to change a denominational school into a non-denominational school.
10. A proposal to close a further education centre managed by the local authority. The Explanatory Notes indicate that such centres now exist only in Orkney and Shetland, and that further education colleges/centres elsewhere in Scotland are no longer run by local authorities.

STATUTORY CONSULTEES

Section 2 of the Bill introduces Schedule 2 which lists the relevant consultees for changes to the school estate.

As currently, where a school closure is proposed⁵, or where another change is proposed which might result in a closure, the following must be consulted:

- the Parent Council or Combined Parent Council of any affected school
- the parents of the pupils at any affected school
- the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper
- a person authorised by the church or denominational school must be consulted where the proposal, closure or otherwise will affect a denominational school.

The Bill proposes adding the following to the list of those who must be consulted:

- the pupils at any affected school
- the staff (including non-teaching staff) at any affected school
- the community council, if any, or community planning partnership
- any other education authority that the education authority considers relevant
- any other users of any affected school that the education authority considers relevant
- Bòrd na Gàidhlig must be consulted where the proposal, closure or otherwise will affect the provision of Gaelic medium education.

A number of respondents to the Scottish Government's consultation argued for the need to pay particular attention on how to consult with children appropriately and that guidance on this would be helpful (Glasgow City Council, Edinburgh City Council, Scotland's Commissioner for Children and Young People, West Lothian, Angus Council in Scottish Government 2008b). Some authorities indicated that in terms of school staff, a separate internal process is already carried out (Falkirk Council, West Lothian Council and Edinburgh City Council in Scottish Government 2008b).

EDUCATIONAL BENEFITS STATEMENT

The Scottish Government state that two fundamental statutory duties of education authorities are 'the endeavour to secure improvement in the quality of school education provided and to raise the standards of such school education' (Scottish Government 2008a). In line with emphasis on continuous improvement the Scottish Government wish to ensure that the educational benefits of any proposed changes are set out clearly.

This requirement makes 'educational benefit' a key factor in any consideration of changes to the school estate and echoes a point raised by the Cabinet Secretary in her letter to the Directors of Education in 2007.

Section 3 of the Bill requires education authorities to prepare an educational benefits statement which must include:

- the educational effects on pupils, other users of school's facilities, and children likely to become pupils, and pupils of any other schools in the authority's area

⁵ Please note the list of statutory consultees varies depending on the relevant proposal.

- an assessment of any other likely educational effects if implemented
- an explanation of how the authority intends to minimise or avoid any adverse educational effects if implemented
- a description of the educational benefits which the authority believes will result from the proposal and reasons for 'coming to the beliefs expressed'.

A separate educational benefits statement must be produced for each proposal if there is more than one proposal in the proposal paper (Explanatory Notes 2009).

As proposed in the consultation, the duty to publish an educational benefits statement is not overly prescriptive, although the Scottish Government may issue statutory guidance as the Bill includes a power for Ministers to do so.

There was widespread support for an educational benefits statement, with 88% of all respondents to the consultation expressing support. Two per cent did not support the statement and 10% did not respond (Biggar and Mulholland 2009). However there were mixed views on how the statement should be drawn up. For example, some respondents felt some sort of guidance would be helpful to ensure consistency, while others did not want it to be too prescriptive. Some parent groups indicated a desire to be involved in the development of the statement (East Neuk Parent Council Group and Dyke PS PC in Scottish Government 2008b).

THE PROPOSAL PAPER

The Bill will require education authorities to prepare a proposal paper which includes details of the proposal(s), an implementation date, the educational benefits statement(s), and a summary of the consultation process to be undertaken. The proposal paper can include more than one proposal.

The education authority must publish the proposal in electronic and written form, and make it available at its head office, on its website, at any affected school or at a public library, or another suitable place near the school. It must advertise the publication by means considered appropriate. It must also provide the information to anyone who may reasonably require it in an alternative format, without charge (Section 4).

Notice and consultation period

Section 6 of the Bill will require education authorities to give relevant consultees notice of the proposal, which must include summary information and details of where to obtain a copy of the proposal paper and how to make written representations.

The notice must specify the date of the consultation period, and if known at the time, details of public meetings to be held on the proposal.

The Bill specifies that the consultation period will be at least 6 weeks, beginning on the day the authority gives notice, and must include at least 30 school days (ie term time). The consultation period can extend over more than one term, but days when the school is closed such as weekends and holidays will not count towards the 30 days (Explanatory Notes 2009). This extends the consultation period which must currently be 'not less than 28 days'.

The Policy Memorandum states that the new consultation period will strike a balance between giving consultees enough time to respond while avoiding a lengthy period of consultation which can create uncertainty (2009).

The consultation analysis found that 10% of respondents indicated support for this timescale, 9% felt it should be longer, there was also concern that extending the timescale would unduly delay the whole process (Biggar and Mulholland 2009). It was argued that the six week period may be too long, especially since some proposals are not controversial (Angus Council in

Scottish Government 2008b), or that it may ‘extend the period of uncertainty for pupils and parents’ (ADES in Scottish Government 2008b). The Scottish Commissioner for Children and Young People and the Scottish Consumer Council suggested that consultations should be 12 weeks in line with the convention for government consultations (Scottish Government 2008b).

The Scottish Consumer Council also raised concerns about the delivery of notices to parents, and that it is often through the method of ‘pupil post’. The council criticised the method of ‘pupil post’ arguing that some parents did not receive the notification until some time had elapsed, it can diminish the importance of the consultation and that children can read it and become distressed (Scottish Government 2008b).

Public meetings

Section 7 of the Bill proposes that education authorities must hold a public meeting on the proposal, and can consider more than one proposal at a meeting. The current regulations do not require education authorities to hold public meetings.

Notice of public meetings must be given to the relevant consultees and to HMIE. There is no reason given in the Policy Memorandum for notifying HMIE, given that their role (discussed below) does not require any involvement until the consultation period has come to an end. However, the intention is to allow the relevant person from HMIE to choose to attend the meeting (Scottish Government 2009c).

The Scottish Consumer Council conducted its own research on rural school closures and commented that ‘public meetings emerged as having key significance in influencing a community’s perception of the credibility of the consultation, and their level of satisfaction in feeling listened to’. The council stated that some consultees see the meetings as a chance to present their case and make councils aware of their strength of feeling and possibly influence the outcome (Scottish Government 2008b).

Corrections

In response to concerns that there is no mechanism for addressing possible inaccuracies within consultation papers (Scottish Government 2008a), section 5 of the Bill proposes a new duty for education authorities to look into any allegation of inaccuracy in the proposal paper. Education authorities will be required to consider whether there is an inaccuracy and decide whether to:

- publish a corrected proposal paper (in this instance the consultation period would begin again)
- issue a notice to all consultees correcting the inaccuracy (the consultation may be extended)
- take no further action.

Education authorities will be required to inform the person who made the allegation of the action taken, and in every case, even where unfounded, must set out details of the inaccuracy in the consultation report.

Twelve per cent of respondents voiced support for this specific proposal (Biggar and Mulholland 2009).

There was concern raised by a couple of education authorities regarding alleged inaccuracies, essentially that there is a need to distinguish between opinion and fact (Aberdeenshire Council, Moray Council in Scottish Government 2008b). Research from the Scottish Consumer Council indicated that:

‘..it was commonplace for consultees to challenge council data. Council officials generally felt that consultees would challenge the data presented, however robust’. (Scottish Government 2008b)

One parent council argued for an appeals mechanism to deal with factual inaccuracies (Roy Bridge PS PC in Scottish Government 2008b).

HMIE

The Scottish Government stress the importance of the educational benefits of any change, and therefore the Bill proposes that HMIE should conduct an independent assessment of the educational aspects of any proposal (Policy Memorandum 2009).

To achieve this, the Bill proposes (s.8) that HMIE are sent a copy of the proposal paper when published and, also copies of the representations made during the consultation as well as any other relevant documents. HMIE will then have three weeks to submit its report to the education authority. In that time HMIE can also enter the school and make enquiries, and make enquiries with anyone else considered appropriate.

HMIE must ensure that the report has regard to:

- the educational benefits statement
- the representations received by the education authority
- any further written representations made directly to HMIE on any educational aspect of the proposal which is considered relevant.

The Policy Memorandum (2009) states that the education authority will be required to consider the HMIE report and then prepare their consultation report.

Views on the proposed role of HMIE varied. While 66% of respondents supported this proposal, this figure rose to 81% amongst parent councils/parent bodies, and fell to 36% amongst local authorities. Overall, 11% did not support this proposal, which rose to 21% of local authorities and fell to 7% amongst parent councils/parent bodies (Biggar and Mulholland 2009).

Some local authorities are unsure about the role of HMIE in this context and suggest there is a lack of clarity (North Lanarkshire Council, Renfrewshire Council, Glasgow City Council, in Scottish Government 2008b, and ADES in Scottish Parliament ELLC 2009) specifically in relation to whether HMIE will be involved again to advise Ministers at a later stage as is current practice (Aberdeenshire Council, Moray Council, West Lothian Council in Scottish Government 2008b).

Aberdeen City Council, Aberdeenshire Council and Renfrewshire Council each suggested that it would be unnecessary for HMIE to be involved in every consultation (Scottish Government 2008b). However since the Bill's introduction Aberdeen City Council and Aberdeenshire Council have stated their support for the role of HMIE, although Aberdeenshire Council have reservations of HMIE ensuring consistency of approach in its evaluations (Scottish Parliament ELLC 2009). Clackmannanshire Council suggested that HMIE involvement in every consultation 'risks the generation of a significant number of adversarial situations being generated' (Scottish Parliament ELLC 2009).

Glasgow City Council state they have major concerns with HMIE's role and object to them being 'the equivalent of a consultee and their report being considered as part of the decision making process by elected members'. They also refer to the fact that 8,000 responses were received during a recent consultation in Glasgow and argue this 'goes beyond their capacity, function and area of expertise' (Scottish Parliament ELLC 2009).

HMIE recognise that under the proposals their involvement in the process will take place at an earlier stage and that their workload will increase as they will be required to comment on all relevant consultations. HMIE state they were fully consulted in the drafting of the Bill (Scottish Parliament ELLC 2009).

CONSULTATION REPORT

Sections 9 and 10 of the Bill propose that the education authority prepare a consultation report, taking into account all representations made during the consultation period and HMIE's report. The report must be made available in the same way as the original Proposal Paper, ie on the internet and in alternative formats on request.

The report will have to include:

- the number of responses
- a summary of the written and oral representations
- a statement of the authority's response to HMIE's report and all the representations
- a copy of the HMIE report
- a statement setting out how the authority has reviewed the proposal
- details of any inaccuracy alleged or found with detail on any further action taken.

Where the proposal concerns a school closure the report must also include:

- details of how to make representations to Scottish Ministers if the authority decide to implement the proposal.

Education authority decision

Section 11 of the Bill provides that an education authority can only proceed to implement a proposal, or make a decision to implement it, three weeks after the consultation report has been published.

The Scottish Government's consultation proposed 28 days between publication of the consultation report and a decision from the authority. The Bill now proposes a period of three weeks, which may reflect some of the concerns raised by education authorities. For example, Falkirk Council felt that this would create further delays in the process, while other authorities suggested a shorter period ranging between 7 and 14 days (Clackmannanshire Council, Edinburgh City Council, Angus Council in Scottish Government 2008b).

In practical terms, ADES questioned whether the report will include the 'formal recommendation to the council's decision making forum? If so, then there is the likelihood, particularly where the proposals are contentious, that the 28 days cooling off period will turn into a further mini consultation process.' The Bill does not specify whether authorities are required to state their decision in the consultation report and come to a conclusion three weeks later, or whether recommendations are made in the report and a decision is taken fully three weeks later.

However this proposal is welcomed by the Scottish Rural Schools Network⁶ who refer to circumstances where decisions have been voted on within hours of a report being published (Scottish Government 2008b).

RURAL SCHOOL CLOSURES

The Policy Memorandum states that the policy objective regarding rural schools is to ensure that a decision to consult on a closure proposal will not begin until all possible alternatives and implications have been explored, and 'that the future of a rural school is considered in the wider context of rural development planning and the sustainability of rural communities' (Policy

⁶ The Scottish Rural Schools Network have campaigned for changes to the legislative framework on rural school closures for a number of years.

Memorandum 2009). However, it is not the intention that no rural schools should ever be closed, 'there will be circumstances in which that is the right or only course of action' (Policy Memorandum 2009).

Special regard

Sections 12 to 14 of the Bill therefore make special provision for rural school closure proposals. Education authorities will be required to have 'special regard' to three factors before proceeding to propose the closure of a rural school:

- any viable alternative to the closure proposal
- the likely effect on the local community as a result of the closure, in particular, sustainability of the community and availability of the school building and facilities for use by the community
- the likely effect caused by different travel arrangements to an alternative school as a result of the closure, particularly for pupils, staff and other users of the school, as well as any environmental impact.

Education authorities will be required to:

- explain in the proposal paper how they had special regard to the three factors, and
- explain in the consultation report, how, after reviewing the proposal, it applied the three factors and whether there has been any change in attitude regarding application of the three factors.

The Policy Memorandum states that the 'special regard' for rural schools establishes a presumption that 'no rural school will be proposed for closure (nor even the consultation process commence) unless and until these factors have been fully taken into account' (Policy Memorandum 2009).

According to the consultation analysis, 9% of respondents felt that the proposals should apply to urban as well as rural schools. This figure rose to 43% among local authority respondents (Biggar and Mulholland 2009), for example, Aberdeen City Council, Aberdeenshire Council, EIS⁷, Falkirk Council, Glasgow City Council, North Ayrshire Council, Stirling Council, and West Lothian Council. Angus Council stated that the urban/rural distinction is unhelpful and 'likely to be counter-productive', and that the factors should apply to all schools stating:

'To enact legislation which has inbuilt tensions and conflicts would surely be a mistake and would surely lead to unhelpful and unnecessary debates and disagreements about different approaches being taken in different circumstances'. (Scottish Government 2008b)

The consultation analysis found that 81% of respondents supported the matters for special regard, and this did not vary greatly among types of respondents (Biggar and Mulholland 2009).

The Moray Forum⁸ welcome the factors for special regard, stating that they are each 'a significant factor in judging the rationale for rural school closure proposals'. They go on to state a rural school may

'provide a venue for the delivery of additional services to the community and that it is frequently the only facility available for hosting such services within a community. A rural school can also be a key factor for both population retention and encouraging inward migration to the community. Thus, in a rural context, the closure of a school marks a

⁷ Educational Institute of Scotland

⁸ The Moray Forum is a regional primary school campaign group within the Scottish Rural Schools Network.

highly significant loss of not just educational provision but of an economic driver for the community' (Scottish Government 2008b)

The Moray Forum further state that small urban primary schools can also 'enact important roles in supporting focus and cohesion within communities' and that community impact should be examined in urban environments' (Scottish Government 2008b).

While supporting the matters for special regard, a number of respondents indicated the importance of balancing the needs of the community while ensuring pupils have adequate education provision (Dumfries and Galloway Council, Glasgow City Council, South Lanarkshire Council, Stirling Council in Scottish Government 2008b). For example:

'A presumption against closure must not mean no change if the school system is to meet the current and future needs of communities and if councils are to meet their obligation to provide efficient and effective education provision. The key issue must be to ensure that the school system makes the best educational provision for all children whilst taking account of wider community needs and wishes.' (West Lothian Council in Scottish Government 2008b)

Others argued that funding implications 'cannot be completely ignored' (Perth and Kinross Council in Scottish Government 2008b). One parent council stated:

'It is important that rural schools are not kept open just because they are there. Small pupil numbers e.g. less than 5 and where an alternative school is 5-10 miles away should not be kept open if this causes major funding implications for the other local schools. All pupils are equally important and similar investment should therefore be in place for all on a proportionate and not disproportionate basis.' (Penninghame PS PC in Scottish Government 2008b)

What is a rural school?

The intention, as stated in the original consultation, is to classify schools as rural based on the Scottish Government's own Urban/Rural Classification (available in Annex 1). The classification contains three categories of rural which all relate to settlements of under 3,000 people.

- **Accessible Rural** - Settlements of fewer than 3,000 people and within 30 minutes drive of a settlement of 10,000 or more.
- **Remote Rural** - Settlements of fewer than 3,000 people and with a drive time of between 30 and 60 minutes to a settlement of 10,000 or more.
- **Very Remote Rural** - Settlements of fewer than 3,000 people and with a drive time of over 60 minutes to a settlement of 10,000 or more.

In the consultation document it is stated that using these categories there are around 900 primary schools, 90 secondary schools and 10 special schools. Across Scotland this means 41% of primary schools and 23% of secondary schools are rural schools. (A break down by local authority is available in Annex 2). According to figures from the latest pupil census this amounts to around 107,000 pupils in Scotland, which is approximately 15% of all pupils (Scottish Government 2009b).

Section 14 of the Bill will require Scottish Ministers to maintain the list of rural schools according to population and geographical circumstances including relative accessibility. The list must be monitored, updated and published.

According to the consultation analysis, 71% of respondents supported the definition, 6% did not support it, and 23% did respond. Only 54% of local authorities supported the definition (Biggar and Mulholland 2009). For example, Clackmannanshire Council were concerned that increased car ownership might lead to questions over the category of 'accessible rural' and East Ayrshire

Council suggested it should only apply to schools with a drive time of over 30 minutes to an urban settlement (Scottish Government 2008b). ADES stated that the definition does not reflect the socio-economic reality of Scottish communities:

‘Given increased car ownership, journey to work patterns, shopping patterns and public transport the “accessible rural” category should not be included because it is strongly within the urban catchment.’ (Scottish Government 2008b)

Shetland Islands Council did not support the definition, and argued that the ‘particular and unique circumstances have been ignored in the definition of rural communities’ (Scottish Government 2008b).

MINISTERIAL INVOLVEMENT

MINISTERIAL POWER TO CALL-IN

The Scottish Government recognise that there is a degree of confusion regarding the role of Ministers in school closures as it is mistakenly seen by some parents and community groups as an appeals process. It is also suggested that the current capacity and distance grounds for referral are arbitrary.

Most respondents to the consultation did not favour keeping the current system of Ministerial referral (Policy Memorandum 2009). A number of local authorities were in favour of no Ministerial involvement as it was argued that it conflicts with the principles of the Concordat (Aberdeen City Council, ADES, Angus Council, Comhairle nan Eilean Siar, COSLA, Moray Council, Scottish Government 2008b) or more generally that local authorities are best placed to take decisions on school provision according to local circumstance (East Ayrshire Council, Glasgow City Council, Highland Council, West Lothian Council in Scottish Government 2008b). It was further argued that there were other means to deal with objections such as the Scottish Public Service Ombudsman or judicial review (Aberdeen City Council, Aberdeenshire Council, ADES, East Ayrshire Council, EIS in Scottish Government 2008b). Responses from other groups (in particular Parent Councils, Community Councils) were in favour of increased Ministerial involvement (Scottish Government 2008b). Over a quarter of respondents (28% according to consultation analysis) were content with the present system, this included local authorities, and representatives of parents and community groups (Biggar and Mulholland 2009).

The Scottish Government was not attracted to either extreme and have opted for a middle ground – the power to call-in. The Policy Memorandum states:

‘It provides a significant safeguard, but also avoids a level of involvement at the other end of the scale which would rightly have occasioned accusations of running counter to all the principles of the Concordat with local authorities. The Scottish Government considers that the Bill’s provisions strike the right balance.’ (Policy Memorandum 2009)

Sections 15-17 of the Bill therefore provides Scottish Ministers the power to call-in school closure decisions, for any school, ‘where 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.’ (S.17(2))

Since the Bill's introduction a number of authorities have indicated support for call-in with some caveats. Some suggest that the grounds for call-in are vague and need more clarity (Aberdeenshire Council, Glasgow City Council in Scottish Parliament ELLC 2009). Others suggest that it could lead to an increase in closure referrals or encourage objectors (Clackmannanshire Council, West Dunbartonshire Council in Scottish Parliament ELLC 2009). Some say they would still prefer decisions to be taken locally, but accept that power to call-in where necessary (Fife Council, Inverclyde Council, Moray Council, Comhairle nan Eilean Siar in Scottish Parliament ELLC 2009). On the other hand, Dumfries and Galloway Council suggests that the power to call-in could reduce the number of referrals as it places an onus on authorities to meet the requirements of the Bill (Scottish Parliament ELLC 2009).

Procedure

- Where an authority has decided to implement a closure proposal it must notify Scottish Ministers the day after and provide a copy of the proposal paper and consultation report.
- Scottish Ministers have 6 weeks from the day the authority took its decision to issue a call-in notice to the education authority.
- Within the first 3 weeks of this period Scottish Ministers are to take account of any relevant representations.
- An education authority must provide information at this stage to help Ministers consider whether to issue a call-in notice.
- During the 6 week period, the education authority may not proceed with the proposal, unless Scottish Ministers make a decision sooner indicating they do not intend to issue a call-in notice.
- A call-in notice has the effect of remitting the closure proposal to Scottish Ministers.
- Where a proposal is called-in, Scottish Ministers may refuse consent for the proposal or agree to the proposal fully or subject to conditions.
- An education authority must provide information at this stage to help Ministers consider whether to consent to the proposal.

DENOMINATIONAL EDUCATION

The Scottish Government propose to continue to allow referrals to Ministers if the church or denominational body has an objection (Scottish Government 2008a). Sections 22C and 22D of the 1980 Act allow for such referrals. The former allows a religious body to refer to Ministers a potential impact on the proportion of denominational places as a result of proposed changes; the latter allows a religious body to refer a proposal to Ministers if, following discussion with the authority, they still have concerns that there may be a significant deterioration in religious education. Maintaining referral for Ministerial consent in these instances provides an additional safeguard for denominational education and schools.

Some respondents to the consultation voiced concern over maintaining these proposals, suggesting it would not be equitable (ADES, Clackmannanshire Council in Scottish Government 2008b). For example ADES stated:

‘The existing referral reflects the particular historical circumstances which justified legal protection for denominational education. These social circumstances no longer exist. To continue the referral entitlement of the church or denominational body would give denominational schools rights which would not be available to non denominational school communities.’ (Scottish Government 2008b)

The Catholic Headteachers' Association of Primary Schools (Scottish Government 2008b) voiced concern that the legislation 'may provide an opportunity for others to provide an opportunity for others to propose amendments to related pieces of legislation, to the detriment of denominational education in Scotland'.

The consultation analysis indicates that only 4% of respondents to the consultation disagreed with the proposal to maintain referrals to Ministers on grounds of denominational education. Around 30% either did not comment or said 'don't know' (Biggar and Mulholland 2009).

FURTHER PROVISIONS

STATUTORY GUIDANCE

The Policy Memorandum states that the majority response from the consultation, including from a significant number of authorities, was in favour of guidance on the educational benefits statement. Therefore section 19 of the Bill includes a general power for Ministers to issue statutory guidance on the Bill's provisions.

Consultation analysis indicates that overall, 60% of respondents support Scottish Ministers having the power to issue statutory guidance, only 6% disagreed. Only 21% of local authorities stated a lack of support for this proposal (Biggar and Mulholland 2009).

TRANSITIONAL ARRANGEMENTS

Ongoing consultations

Under Schedule 3(3) education authorities will have to suspend any consultation on the school estate that is 'ongoing' at the time the Bill commences, and where no final decision has been taken, unless the consultation has included the matters in section 1 to 11 of the Bill. If the Bill's requirements have not been met, the consultation process falls and the authority must start the process again in accordance with the Bill.

In cases where a consultation can proceed, and where it concerns a rural school, the education authority must ensure that any documents to be published, such as the consultation report, include an explanation of how the three factors for special regard were met.

In all cases where consultations can proceed, they will be subject to the new call-in procedures, rather than the current requirements for automatic consent.

Completed consultations

Schedule 3(4) refers to situations where an authority has completed a consultation and has taken a decision to implement the proposal at the time the Bill commences. The authority may proceed with implementation unless

- it has modified the proposal in any material way
- the proposal requires the consent of Scottish Ministers in respect to distance or capacity under the existing 1981 Regulations.

COSTS

The Financial Memorandum estimates that 60 statutory consultation are carried out annually, 44 of which are likely to be on school closures. Sixteen cases are referred annually to Scottish Ministers.

The Scottish Government worked with COSLA and ADES in order to assess the costs to local authorities. Given that the Bill contains provisions which are already current practice, it is suggested there will be minimal additional cost. The provisions which are estimated to increase costs are: correcting inaccuracies, holding a public meeting, involving HMIE, and advertising the proposal. The annual additional cost of these provisions is estimated to be £58,750 across Scotland.

It is further estimated that the cost of setting out the special factors with regard to rural schools could involve an additional £2,200 across Scotland. This would bring the total cost to local authorities, per annum to around £61,000, an average of less than £2,000 per authority.

In consultation with HMIE, it is estimated that their involvement in the new procedures will require 5 days of an Inspector’s time for each of the 60 consultations, with a cost per consultation of £1660. Offsetting these costs with the advice already given by HMIE to the 16 cases referred to Scottish Ministers each year, the total annual cost will be £73,000.

Therefore the total additional cost of the Bill per annum is estimated at £134,000.

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Scottish Government consultation responses referred to in the text are:

[Aberdeen City Council](#)

[Aberdeenshire Council](#)

[Angus Council](#)

[Argyll Bute Council](#)

[ADES](#)

[Catholic Headteachers' Association of Primary Schools](#)

[COSLA](#)

[City of Edinburgh Council](#)

[Clackmannanshire Council](#)

[Comhairle nan Eilean Siar](#)

[Dumfries and Galloway Council](#)

[Dyke Primary School Parent Council](#)
[East Ayrshire Council](#)
[East Neuk Parent Council Group](#)
[EIS](#)
[Falkirk Council](#)
[Glasgow City Council](#)
[Highland Council](#)
[Moray Council](#)
[Moray Forum](#)
[North Ayrshire Council](#)
[North Lanarkshire Council](#)
[Penninghame Primary School Parent Council](#)
[Perth and Kinross Council](#)
[Renfrewshire Council](#)
[Roy Bridge Primary School Parent Council](#)
[Scotland's Commissioner for Children and Young People](#)
[Scottish Consumer Council](#)
[Scottish Rural Schools Network](#)
[Shetland Islands Council](#)
[South Lanarkshire Council](#)
[Stirling Council](#)
[West Lothian Council](#)

Written evidence received by the Education, Lifelong Learning and Culture Committee and referred to in the text are:

[Aberdeen City Council](#)
[Aberdeenshire Council](#)
[ADES](#)
[Clackmannanshire Council](#)
[Comhairle nan Eilean Siar](#)
[COSLA](#)
[Dumfries and Galloway Council](#)
[Fife Council](#)
[Glasgow City Council](#)
[HMIE](#)
[Inverclyde Council](#)
[Moray Council](#)
[West Dunbartonshire Council](#)

ANNEX 1 - SCOTTISH GOVERNMENT URBAN/RURAL CLASSIFICATION

| | |
|--------------------------|--|
| Large Urban Areas | Settlements of over 125,000 people. |
| Other Urban Areas | Settlements of 10,000 to 125,000 people. |
| Accessible Small Towns | Settlements of between 3,000 and 10,000 people and within 30 minutes drive of a settlement of 10,000 or more. |
| Remote Small Towns | Settlements of between 3,000 and 10,000 people and with a drive time of between 30 and 60 minutes to a settlement of 10,000 or more. |
| Very Remote Small Towns | Settlements of between 3,000 and 10,000 people and with a drive time of over 60 minutes to a settlement of 10,000 or more. |
| Accessible Rural | Settlements of fewer than 3,000 people and within 30 minutes drive of a settlement of 10,000 or more. |
| Remote Rural | Settlements of fewer than 3,000 people and with a drive time of between 30 and 60 minutes to a settlement of 10,000 or more. |
| Very Remote Rural | Settlements of fewer than 3,000 people and with a drive time of over 60 minutes to a settlement of 10,000 or more. |

ANNEX 2 - RURAL SCHOOLS BY LOCAL AUTHORITY

| Local authority | Number of rural schools (primary, secondary and special schools) | Rural schools as a % of all schools |
|---------------------|--|--|
| Aberdeen City | 1 | 1 |
| Aberdeenshire | 123 | 71 |
| Angus | 33 | 52 |
| Argyll & Bute | 78 | 80 |
| Clackmannanshire | 3 | 12 |
| Dumfries & Galloway | 80 | 65 |
| Dundee City | 1 | 2 |
| East Ayrshire | 22 | 35 |
| East Dunbartonshire | 6 | 12 |
| East Lothian | 19 | 45 |
| East Renfrewshire | 5 | 16 |
| Edinburgh, City of | 2 | 2 |
| Eilean Siar | 47 | 96 |
| Falkirk | 14 | 22 |
| Fife | 47 | 27 |
| Glasgow City | 0 | 0 |
| Highland | 159 | 73 |
| Inverclyde | 2 | 5 |
| Midlothian | 13 | 33 |
| Moray | 31 | 57 |
| North Ayrshire | 15 | 23 |
| North Lanarkshire | 19 | 12 |
| Orkney Islands | 24 | 86 |
| Perth & Kinross | 56 | 64 |
| Renfrewshire | 6 | 9 |
| Scottish Borders | 45 | 59 |
| Shetland Islands | 38 | 93 |
| South Ayrshire | 21 | 38 |
| South Lanarkshire | 36 | 24 |
| Stirling | 29 | 55 |
| West Dunbartonshire | 1 | 2 |
| West Lothian | 14 | 17 |
| Scotland | 990 | 36 |

Data supplied by Scottish Government (2009).

RELATED BRIEFINGS

[SB 08-19 The School Estate \(263 KB pdf\)](#) - 16 April 2008

[SB 06-61 School Closures - Update \(248 KB pdf\)](#) - 8 September 2006

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