

SCHOOLS (CONSULTATION)(SCOTLAND)ACT 2010 – LUING PRIMARY SCHOOL

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides details of a draft proposal for Luing Primary School, formulated in accordance with the requirements of the *Schools (Consultation) (Scotland) Act 2010*, as amended (the 2010 Act).

2.0 RECOMMENDATION

- 2.1 It is recommended that the Community Services Committee agrees to adopt the draft proposal, as set out in **Appendix A**, as a “relevant proposal” that is now to proceed to statutory consultation under the 2010 Act.

SCHOOLS (CONSULTATION)(SCOTLAND) ACT 2010 – LUING PRIMARY SCHOOL

3.0 INTRODUCTION

- 3.1 On 8th December 2020, Argyll and Bute Council approved the mothballing of Luing Primary School, as no pupils had been attending the School since August 2020.
- 3.2 On 8th December 2020, the Community Services Committee also agreed that the Education Service would undertake the required preliminary consultation and an Options Appraisal for Luing Primary School. The Community Services Committee received a report on 25th August 2022 providing details of the Options Appraisal for Luing Primary School; carried out in accordance with the preliminary requirements set out in Section 12A of the 2010 Act. The Committee agreed to note the outcome of this consideration of the preliminary requirements, and requested that officers formulate a draft closure proposal, which is attached as **Appendix A**. If the draft proposal is approved, it will subsequently trigger a formal consultation process under the 2010 Act.
- 3.3 The statutory process for the closure of a rural school is laid out in the 2010 Act, as amended by the *Children and Young People (Scotland) Act 2014*. Those amendments to the 2010 Act introduced, amongst other things, a presumption against closure of a rural school and detailed specific preliminary requirements which the education authority is required to follow prior to formulating a rural school closure proposal.
- 3.4 There is a requirement to have special regard to the rural schools factors and it is necessary to consider and assess any reasonable alternatives to closure. It is also necessary to consider the impact on the wider community of a potential closure and the impact of any different travel arrangements. These factors have been considered as part of the preliminary requirements, and Options Appraisal, which were undertaken prior to the Proposal Paper being drafted.
- 3.5 The Council, as an Education Authority, has a statutory duty in terms of the *Education (Scotland) Act 1980* to make adequate and efficient provision of school education across its entire area for the current school population and future pattern of demand. This is reflected in “Our Children, Their Future” which is the Education Vision and Strategy for Argyll and Bute Council.

3.6 The Proposal Paper, attached as **Appendix A** of this report, addresses the various requirements in terms of the 2010 Act and recommends that Members agree to now move to a formal statutory consultation on the proposal to close Luing Primary School.

4.0 RECOMMENDATION

4.1 It is recommended that the Community Services Committee agrees to adopt the draft proposal, as set out in **Appendix A**, as a “relevant proposal” that is now to proceed to statutory consultation under the 2010 Act.

5.0 DETAIL

5.1 Luing Primary School has been mothballed since December 2020, and has had no pupils attending since August 2020. Luing Primary School has been designated as a rural school, in accordance with Section 14 of the 2010 Act.

5.2 The statutory process for the closure of a rural school is laid out in the 2010 Act, as amended by the *Children and Young People (Scotland) Act 2014*. Those amendments to the 2010 Act introduced, amongst other things, a presumption against closure of a rural school and specific requirements that the Education Authority is required to follow if they are considering formulating a proposal to do so. This includes consideration of certain preliminary requirements and this exercise has been previously undertaken and reported to the Community Services Committee on 25th August 2022. The draft Proposal Paper at **Appendix A** will, if accepted, allow officers to proceed to a statutory consultation on the proposal, in line with the process as required by the 2010 Act, and detailed within Section 21 of the Proposal Paper.

5.3 The draft Proposal Paper at **Appendix A** includes an assessment of:

- the school roll and predicted school roll;
- teacher numbers; and
- the condition of the school premises.

5.4 The Council has also undertaken an assessment of likely educational benefits and effects which this proposal may have if implemented on:

- the pupils of the affected schools;
- any other users of the school’s facilities;
- any children who would (in the future but for implementation of the proposal) be likely to become pupils of the School;
- the pupils of any other schools in the Council’s area.

5.5 The Council has also had special regard to the following factors if this proposal was to be implemented, given that Luing Primary School is classified as a rural school:

- likely effect on the local community;
- availability of the School's premises and other facilities for use by the community;
- likely effect caused by different travelling arrangements;
- environmental impact; and
- financial impact.

5.6 In addition, the Council has also considered how to minimise or avoid any adverse effects that might arise from implementation of the proposal.

5.7 Further details of the proposal for Luing Primary School are contained within **Appendix A**.

6.0 CONCLUSION

6.1 Attached as **Appendix A** to this report is a draft Proposal Paper in respect of Luing Primary School which sets out details of a draft closure proposal, recommended for adoption in order that it can now proceed to a statutory consultation exercise, conducted in accordance with the 2010 Act.

7.0 IMPLICATIONS

7.1 Policy – Preparation of this draft proposal for statutory consultation is in accordance with previous decisions of the Community Services Committee.

7.2 Financial – The financial implications are detailed within the draft Proposal Paper and will be subject to consultation, if agreed.

7.3 Legal – The Proposal Paper for Luing Primary School has been prepared following satisfaction of the preliminary requirements (Section 12A), and in compliance with the general requirements of the 2010 Act.

7.4 HR - None within this report.

7.5 Fairer Scotland Duty – None within this report.

7.5.1 *Equalities - protected characteristics* – See Section 20 of the Proposal Paper.

7.5.2 *Socio-Economic Duty* – See Section 20 of the Proposal Paper.

7.5.3 *Islands* – See Section 20 of the Proposal Paper.

7.6 Climate Change – Environmental impacts in regard to different travelling arrangements are outlined within Section 18 of the Proposal Paper.

7.7 Risk – None within this report.

7.8 Customer Service – None within this report.

DOUGLAS HENDRY

Executive Director with responsibility for Education

Councillor Yvonne McNeilly

Policy Lead for Education

For further information contact:

Wendy Brownlie

Head of Education – Performance and Improvement

Wendy.Brownlie@argyll-bute.gov.uk

Brendan Docherty

Education Manager

Brendan.Docherty@argyll-bute.gov.uk

16th May 2023

APPENDICES

Appendix A – Proposal Paper, Luing Primary School