

**PRELIMINARY CONSULTATION REQUIREMENTS FOR ARDCHATTAN AND
ASHFIELD PRIMARY SCHOOLS**

1.0 EXECUTIVE SUMMARY

- 1.1 Ardchattan Primary School was mothballed in 2014 with Council agreeing that if there were no registered pupils by the close of the registration period for session 2016/17 the Council would consult formally on the future of school provision at Ardchattan. In 2016 Community Services Committee approved the mothballing of Ashfield Primary School. Committee agreed that if there are no registered pupils by the commencement of session 2017/18 the school be considered for formal closure through the statutory process.
- 1.2 The statutory process for the closure of a rural school is laid out in the Schools (Consultation) (Scotland) Act 2010 as amended in the Children and Young People (Scotland) Act 2014. The Act as amended introduces a presumption against closure for rural schools and a requirement to carry out additional steps before and during the consultation exercise.
- 1.3 It is recommended that the Community Services Committee:
- a) Note the background to the proposal to consult on the closure of Ardchattan and Ashfield Primary Schools;
 - b) Note the legislation in respect to the proposed closure of a rural school, and
 - c) Agree that the Education Service will undertake the required preliminary consultation for both Ardchattan and Ashfield Primary school for members consideration at the meeting of Community Services Committee scheduled for 15 March 2018.

**PRELIMINARY CONSULTATION REQUIREMENTS FOR ARDCHATTAN AND
ASHFIELD PRIMARY SCHOOLS**

2.0 INTRODUCTION

- 2.1 On 24 April 2014 Council approved the mothballing of Ardchattan Primary School. Council agreed that if there were no registered pupils by the close of the registration period for session 2016/17 the Council would consult formally on the future of school provision at Ardchattan.
- 2.2 On 10 March 2016 Community Services Committee approved the mothballing of Ashfield Primary School. Committee agreed that if there are no registered pupils by the commencement of session 2017/18 the school be considered for formal closure through the statutory process.
- 2.3 The statutory process for the closure of a rural school is laid out in the Schools (Consultation) (Scotland) Act 2010 as amended in the Children and Young People (Scotland) Act 2014.
- 2.4 The Act as amended introduced a presumption against closure of a rural school and details specific requirements which the Education Authority is required to follow if they are formulating a proposal to close a rural school.
- 2.5 Neither Ardchattan Primary School nor Ashfield Primary School have had any pupils enrolled at either school since elected members approved their mothballing. This report provides Community Services Committee with an overview of the legislation in relation to the proposed closure of a rural school and an indication of the process and timescales to be followed.

3.0 RECOMMENDATIONS

It is recommended that the Community Services Committee:

- a) Note the background to the proposal to consult on the closure of Ardchattan and Ashfield Primary Schools;
- b) Note the legislation in respect to the proposed closure of a rural school, and
- c) Agree that the Education Service will undertake the required preliminary consultation for both Ardchattan and Ashfield Primary school for members consideration at the meeting of Community Services Committee scheduled for 15 March 2018.

4.0 DETAIL

- 4.1 The Children and Young People (Scotland) Act 2014 introduced amendments to the Schools (Consultation) (Scotland) Act 2010. Notably the presumption against rural school closure.
- 4.2 Both Ardchattan and Ashfield Primary schools are designated as rural schools. In the case of a closure proposal in relation to a rural school, the Education Authority must also comply with the preliminary requirements when it is formulating the proposal and the additional consultation requirements set out in the Act as amended.
- 4.3 The preliminary requirements which the Education Authority must follow are -
- (a) identify its reasons for formulating the proposal;
 - (b) consider whether there are any reasonable alternatives to the proposal as a response to those reasons, and
 - (c) assess, for the proposal and each of the alternatives to the proposal identified under paragraph (b) (if any):
 - (i) the likely educational benefits in consequence of the implementation of the proposal, or as the case may be, alternative,
 - (ii) the likely effect on the local community in consequence of such implementation,
 - (iii) the likely effect that would be caused by any different travelling arrangements that may be in consequence of such implementation.
- 4.4 For the purposes of this preliminary requirement, reasonable alternatives to the proposal include (but are not limited to) steps which would not result in the school or a stage of education in the school being discontinued.
- 4.5 The Education Authority should not publish a proposal paper in relation to the proposal unless it has complied with the preliminary requirements and it considers that implementation of the closure proposal would be the most appropriate response to the reasons for the proposal.
- 4.6 Officers in the Education Service will commence the preliminary requirements for each school and bring back to Elected Members a report detailing these requirements for the next meeting of Community Services Committee in March 2018.
- 4.7 Community Services Committee is also asked to be aware of the additional consultation requirements for any closure proposal as respects a rural school. The proposal paper must additionally -
- (a) explain the reasons for the proposal,
 - (b) describe what (if any) steps the Authority took to address those reasons before formulating the proposal,

- (c) if the Authority did not take such steps, explain why it did not do so,
- (d) set out any alternatives to the proposal identified by the Authority,
- (e) explain the Authority's assessment under para 4.3(c) above,
- (f) explain the reasons why the Authority considers, in light of that assessment, that implementation of the closure proposal would be the most appropriate response to the reasons for the proposal.

4.8 As per the terms of the Act, as amended the Education Authority must give the relevant consultees notice of the relevant proposal, or where only part of the proposal affects a particular consultee (or category of consultee), of that part of the proposal. In addition in respect of rural school proposal the Education Authority must give consultees:

- (a) give a summary of the alternatives to the proposal set out in the proposal paper,
- (b) state that written representations may be made on those alternatives (as well as on the proposal), and
- (c) state that written representations on the proposal may suggest other alternatives to the proposal.

4.9 When carrying out its review of the proposal, the education authority is to carry out:

- (a) for the proposal and each of the alternatives to it set out in the proposal paper (if any), a further assessment of the matters mentioned in para 4.3 (c)(i) to (iii) above, and
- (b) an assessment, in relation to any other reasonable alternative to the proposal suggested in written representations on the proposal, of:
 - (i) the likely educational benefits in consequence of the implementation of the alternative,
 - (ii) the likely effect on the local community in consequence of such implementation,
 - (iii) the likely effect that would be caused by any different travelling arrangements that may be required in consequence of such implementation.

5.0 CONCLUSION

5.1 The Children and Young People (Scotland) Act 2014 introduced a presumption against closure of rural schools, with additional steps which must be followed before and during the consultation exercise. The legislative requirements to be followed when considering carrying out a consultation on the closure of a school are detailed in the Schools (Consultation) (Scotland)

Act 2010 as amended.

- 5.2 Ardchattan and Ashfield Primary Schools have been mothballed since 2014 and 2016 respectively and officers in the Education Services will embark on the pre consultation requirements a laid out in the amended legislation bringing a further report to Community Services Committee in March detailing their findings.

6.0 IMPLICATIONS

- 6.1 Policy None at this time.
- 6.2 Financial None at this time.
- 6.3 Legal Adherence with the Schools Consultation (Scotland) Act 2010 as amended.
- 6.4 HR None at this time.
- 6.5 Equalities Will be considered as part of the consultation process.
- 6.6 Risk None at this time.
- 6.7 Customer Service: Information for all stakeholders will be provided as part of the wider consultation process.

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