

**CONSULTATION DETAIL and TIMELINE FOR ARDCHATTAN AND ASHFIELD
PRIMARY SCHOOLS**

1.0 EXECUTIVE SUMMARY

- 1.1 On 14th December 2017, Community Services Committee agreed that the Education Service would undertake the required preliminary consultation for both Ardchattan and Ashfield Primary schools. This report presents an outline of the statutory responsibilities and next steps for an Authority whilst considering the possible closure of rural schools.
- 1.2 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.
- 1.3 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. 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.
- 1.4 It is recommended that the Community Services Committee:
 - a) Note the background to the detail and programme to complete the preliminary consultation requirements, undertake an options appraisal, consult and prepare a proposal paper on the closure of Ardchattan and Ashfield Primary Schools;
 - b) Continue to be aware of the legislation in respect to the proposed closure of a rural school, and
 - c) Request further updates on the progress in taking forward the statutory processes to be presented to future meetings of the Community Services Committee.

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PRIMARY SCHOOLS**

2.0 INTRODUCTION

- 2.1 On 14th December 2017, Community Services Committee agreed that the Education Service would undertake the required preliminary consultation for both Ardchattan and Ashfield Primary school. This report presents an outline of the statutory responsibilities and next steps for the Education Authority whilst considering the possible closure of rural schools.
- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 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. This includes the introduction of a preliminary consultation process.
- 2.6 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 detail and programme to complete the preliminary consultation requirements, undertake an options appraisal, consult and prepare a proposal paper on the closure of Ardchattan and Ashfield Primary Schools;
- b) Continue to be aware of the legislation in respect to the proposed closure of a rural school, and
- c) Request further updates on the progress in taking forward the statutory processes to be presented to future meetings of the Community Services Committee.

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 On 14th December 2017, Community Services Committee agreed that the Education Service would undertake the required preliminary consultation for both Ardchattan and Ashfield Primary school.
- 4.4 The preliminary requirements which the Education Service 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;
 - (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 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.

5.0 Options Appraisal

- 5.1 To meet the preliminary requirements Education Officers are preparing an Options Appraisal for each school which will include the following:
 - Context;
 - The local area and communities around the schools;

- Detail on individual schools involved;
- Community engagement;
- Options for consideration regarding reasonable alternatives;
- Analysis of options;
- Detailed analysis of reasonable options including educational benefit statements; financial impact and environmental impact, and
- Conclusion.

5.2 The options being considered will be for the school(s) to remain mothballed, to reopen the school(s) or for the school(s) to close.

6.0 Proposal Paper

6.1 Following the completion of the Options Appraisal and the preliminary requirements the Education Service will prepare a Proposal Paper. The Proposal Paper will contain:

- Details of the proposal;
- Proposed date for implementation;
- The educational benefits statement;
- Other supporting evidence of information;
- Information about the financial implications of the closure;
- The details of the steps the Council has taken to comply with sections of the Act specific to rural schools, and
- A summary of the consultation process.

6.2 The Education Authority requires to publish the Proposal Paper, advertise the fact and notify Education Scotland and other relevant consultees as prescribed by schedule 2 of the 2010 Act.

7.0 Consultation Process

7.1 The consultation period is required to be a minimum of six weeks to include 30 days of term time. During this time public meetings will be held in the relevant communities.

7.2 The Act identifies a core set of relevant consultees who should be consulted in connection with the proposal. These are the Parent Council, parents of pupils attending an affected school as well as the pupils themselves, parents of pupils likely to attend an affected school, the community council, staff at an affected school, any trade union which appears to the Education Authority to be representative of those staff, and any other users whom the Education Services considers relevant.

7.3 Following the end of the consultation, Education Scotland should be provided with copies of written representations, a summary of oral representations made at the public meetings and any other relevant information.

7.4 Education Scotland will then prepare a report considering the educational aspects of the proposal document. In doing so HM Inspectors will consider the

following:

- The educational benefits statement;
- The representations received by the Authority during the consultation, and
- Any further representations received directly by Education Scotland.

It is anticipated the report from Education Scotland will be completed in three weeks of receiving the Authority Consultation Report.

8.0 Consultation Report

8.1 On receipt of the Education Scotland report, the authority will prepare and publish an Authority Consultation Report. It must contain:

- An explanation of how the proposal was reviewed;
- The Education Scotland report;
- A summary of all points raised during the consultation;
- An explanation of the Scottish Government Ministerial call in process, and
- Detail specific to Rural School closure.

8.2 It is anticipated that the Options Appraisal Process, the preliminary requirements, and the Consultation Process will commence at the end of March 2018, with the consultation closing at the end of June 2018.

8.3 The Education Service will complete the preliminary consultation requirements, undertake an options appraisal, consult and prepare a proposal paper on the closure of Ardchattan and Ashfield Primary Schools. The Consultation Report will be presented for consideration and approval to the appropriate Council Committee in autumn 2018.

9.0 Authority Decision

9.1 A minimum of three weeks after the publication of the consultation report the Education Authority must publish its final decision.

9.2 If the Education Authority decides to close one or both schools:

- It must notify Scottish Ministers within six working days of the decision, sending a copy of the proposal paper and consultation report, and
- Publish a notice on the Argyll and Bute Council website that Scottish Ministers have been notified, making clear the detail regarding the opportunity to send representations to the Minister.

10.0 CONCLUSION

10.1 The Children and Young People (Scotland) Act 2014 introduced a presumption against closure of a rural schools with additional steps, as outlined above, 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. This paper presents an outline of the statutory responsibilities of an Education Authority whilst

considering the possible closure of rural schools and the alternative options being considered.

- 10.2 Ardchattan and Ashfield Primary Schools have been mothballed since 2014 and 2016 respectively. This paper notes the background to the detail and programme to complete the preliminary consultation requirements, undertake an options appraisal, consult and prepare a proposal paper on the closure of Ardchattan and Ashfield Primary Schools. Further updates on the progress in taking forward the statutory processes will be presented to future meetings of the Community Services Committee.

11.0 IMPLICATIONS

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| 11.1 | Policy | Consultation will be in line with existing consultation policy and statutory requirements. |
| 11.2 | Financial | There will be resource implications with officers time spent on preparing the reports and consultation documents and events. |
| 11.3 | Legal | Proposals set out within this paper requires strict adherence to key legislation as set out in the Schools Consultation (Scotland) Act 2010, as amended. |
| 11.4 | HR | A number of stages, as set out in this paper, relies on the provision of Officer time to all required stages are undertaken within the proposed timescales. |
| 11.5 | Equalities | Equalities duties will be considered as part of the consultation process and options appraisal preparation. An Equalities Impact Assessment will also be prepared. |
| 11.6 | Risk | Potential reputational risks to the council may be faced in consulting on the closure of rural schools. |
| 11.7 | Customer Service | Information for all stakeholders will be provided as part of the wider consultation process. |

Ann Marie Knowles
Acting Executive Director of Community Services

Cllr Yvonne McNeilly
Policy Lead for Education and Lifelong Learning

For further information contact:
Anne Paterson
Acting Head of Education

Tel: 01546 604443

Email: anne.paterson@argyll-bute.gov.uk

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