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

1.0 EXECUTIVE SUMMARY

- 1.1 In response to the current Coronavirus (Covid-19) pandemic this report sets out proposals to further extend the statutory consultation exercise with regard to the proposal to close Skipness Primary School and to reschedule the public meeting to such a time during the consultation process that this is permissible under the Regulations relating to public gatherings.
- 1.2 Members are invited to:
- 1.2.1 Agree a further extension of the current consultation period, due to end on 31st August 2020, to 18th December 2020;
 - 1.2.2 Agree that a new date for the public meeting is established once the UK/Scottish Government restrictions on public assemblies allow it to proceed.

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2.0 INTRODUCTION

- 2.1 Skipness Primary School has been mothballed since October 2016 and since that time has had no pupils enrolled.
- 2.2 On 5th September 2019 the Community Services Committee agreed that the Education Service would undertake the required preliminary consultation and an Options Appraisal for Skipness Primary School. A report providing details of the Options Appraisal, which was carried out in accordance with Section 12A of the *Schools (Consultation) (Scotland) Act 2010* as amended, was tabled at the Community Services Committee held on 10th December 2019, where the Committee agreed to note the outcome of the preliminary requirements and requested that officers formulate a draft proposal.
- 2.3 At the Community Services Committee held on 12th March 2020, Members considered and agreed to adopt the draft proposal as a “relevant proposal” that would proceed to a statutory consultation under the 2010 Act. This statutory consultation opened on 19th March 2020 and was originally due to end on 15th May 2020. A public meeting was also arranged for 6th May 2020 at 7pm in Skipness Village Hall.
- 2.4 However, shortly after commencement of the consultation the coronavirus outbreak caused schools to be closed and restrictions on public gatherings were enforced as part of the “lockdown” measures. It was therefore clear that the consultation exercise would not be able to proceed as originally planned.
- 2.5 On 16th April 2020 the Business Continuity Committee met to deal with several items of Council business to be addressed during the pandemic, including the above. The Committee agreed to officers’ proposals to extend the consultation period from 15th May 2020 to 31st August 2020 and to cancel the public meeting scheduled for 6th May 2020, with a new date to be set once the Regulations imposing restrictions of public gatherings allow it to proceed. Notification of the rearranged public meeting is to be distributed to all relevant consultees in due course.

3.0 RECOMMENDATIONS

Members are invited to:

- 3.1 Agree to a further extension of the current consultation period, due to end on 31st August 2020, to 18th December 2020;
- 3.2 Agree that a new date for the public meeting is established once the UK/Scottish Government restrictions on public assemblies allow it to proceed.

4.0 DETAIL

- 4.1 Following agreement of the draft proposal at the Community Services Committee on 12th March 2020, officers commenced the statutory consultation exercise under the 2010 Act on 19th March 2020, with regard to the proposed closure of Skipness Primary School.
- 4.2 As part of the consultation exercise the Education Authority has published the proposal paper, advertised it, and notified Education Scotland and all of the relevant consultees as prescribed by Schedule 2 of the Act, inviting them to make representations on the proposal.
- 4.3 The original six week consultation period commenced on 19th March and was due to end at close of business on 15th May 2020, in order to meet the statutory requirements and include at least 30 school days. A public meeting was also arranged for 6th May at 7pm in Skipness Village Hall.
- 4.4 However, shortly after commencement of the consultation the coronavirus outbreak caused schools to be closed and restrictions on public gatherings were enforced as part of the “lockdown” measures. It was therefore clear that the consultation exercise would not be able to proceed as originally planned. Therefore, at its meeting on 16th April 2020, the Business Continuity Committee agreed to officers’ proposals to extend the consultation period from 15th May 2020 to 31st August 2020 and to cancel the public meeting scheduled for 6th May 2020, with a new date to be set once the Regulations imposing restrictions of public gatherings allow it to proceed.
- 4.5 It should firstly be noted that the consultation has remained open since 19th March 2020 and that it is still possible for stakeholders to submit written consultation responses in the meantime. This is because in terms of Section 6(4)(b) of the Act, the consultation period is required to run continuously.
- 4.6 The consultation period is also required to run for at least six weeks and include at least 30 school days in terms of Section 6(4)(c) of the Act. The original consultation timeframe was clearly set having regard to this requirement. However, due to the coronavirus outbreak, all schools in Scotland were closed shortly after 19th March 2020. Therefore, the further extension to the consultation period proposed by officers satisfies this requirement of at least 30 school days, starting from 12th August 2020.

- 4.7 In terms of fixing a new date for the public meeting, this is required to take place during the consultation period under Section 7 of the Act. The current Scottish Government Guidance (<https://www.gov.scot/publications/coronavirus-covid-19-phase-3-staying-safe-and-protecting-others/pages/gatherings-and-occasions/>) only allows for indoor gatherings of up to three households. This accordingly means it is not currently possible to hold a public meeting in the conventional sense. A public meeting of this nature would appear to be permissible in Phase 4. However, the timescales for a transition into Phase 4 have still to be determined. Accordingly, officers intend to liaise with the Scottish Government in the first instance to ascertain whether a public meeting can go ahead in the current circumstances and what forums the Scottish Government would deem acceptable for this (such as the suggestion of an online/virtual public meeting). Given that the public meeting is to take place during the consultation period, it should be noted that if the public meeting is unable to proceed in the current climate, a further extension of the consultation period may be subsequently required.
- 4.8 If the aforementioned is approved, dialogue will take place with Education Scotland to advise them of the changes and to work with them on altering the timelines at the back end of the process, including revised timescales for completing all the necessary reports and the final implementation date. A communication will also be issued to all stakeholders advising why and how the consultation period has been further extended. A notification of the change to the consultation timeframe will be posted on the Council's website (<https://www.argyll-bute.gov.uk/school-consultations-and-proposals>) and notice of the rearranged public meeting will be issued to all the relevant consultees once it is confirmed.

5.0 CONCLUSION

- 5.1 Given the current Coronavirus (Covid-19) pandemic this report sets out proposals to further extend the ongoing statutory consultation exercise with regard to the proposal to close Skipness Primary School and to hold a rearranged public meeting once the UK/Scottish Government restrictions on public assemblies allow it to proceed.

6.0 IMPLICATIONS

- 6.1 Policy – proposals in line with previous committee decisions
- 6.2 Financial – none arising from this report
- 6.3 Legal – proposals comply with *Schools (Consultation) (Scotland) Act 2010*
- 6.4 HR – none
- 6.5 Fairer Scotland Duty: none
- 6.5.1 Equalities - protected characteristics - none
- 6.5.2 Socio-economic Duty - none

6.5.3 Islands - none

6.6. Risk - appropriate measures put in place to ensure the learning and teaching environment remains safe

6.7 Customer Service – proposals allow all relevant stakeholders to engage for an extended period of time

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