

**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 It is recommended that Community Services Committee:
- a) Note that the Executive Director has written to the relevant consultees advising that the Committee will be asked to further extend the consultation period until 23 December 2021.
  - b) Agree there is further extension of the current consultation period, due to end on 31 May 2021 to 23 December 2021;
  - c) Agree a new date for the public meeting is established once the UK/Scottish Government restrictions on public assemblies allow it to proceed.

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

---

**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 5<sup>th</sup> 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 10<sup>th</sup> 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 12<sup>th</sup> 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 19<sup>th</sup> March 2020 and was originally due to end on 15<sup>th</sup> May 2020. A public meeting was also arranged for 6<sup>th</sup> 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 16<sup>th</sup> 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 15<sup>th</sup> May 2020 to 31<sup>st</sup> August 2020 and to cancel the public meeting scheduled for 6<sup>th</sup> 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 was distributed to all relevant consultees.
- 2.6 However, restrictions on public gatherings continued as a result of the Covid-19 pandemic “lockdown” measures. It was therefore clear that the consultation

exercise would not be able to proceed as planned within the initial extension period.

- 2.7 On 27<sup>th</sup> August 2020 the Community Services Committee met and agreed to officers' proposals to extend the consultation period from 31<sup>st</sup> August 2020 to 18<sup>th</sup> December 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 was distributed to all relevant consultees.
- 2.8 Due to continued restrictions arising from the Covid-19 pandemic, on 8<sup>th</sup> December 2020 the Community Services Committee met and agreed to officers' proposals to extend the consultation period from 18<sup>th</sup> December 2020 to 31<sup>st</sup> May 2021. A new date to be set once the Regulations imposing restrictions of public gatherings allow it to proceed. Notification of the rearranged public meeting was distributed to all relevant consultees.
- 2.9 However, due to a further increase nationally in Coronavirus cases in the latter part of this year restrictions on public gatherings have continued and/or been re-imposed rather than relaxed and so it is now clear that the consultation exercise will not be able to proceed as planned within this extension period.

### **3.0 RECOMMENDATIONS**

It is recommended that Community Services Committee:

- a) Note that the Executive Director has written to the relevant consultees advising that the Committee will be asked to further extend the consultation period until 23 December 2021;
- b) Agree there is further extension of the current consultation period, due to end on 31 May 2021, to 23 December 2021;
- c) Agree 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 12<sup>th</sup> March 2020, officers commenced the statutory consultation exercise under the 2010 Act on 19<sup>th</sup> 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 19<sup>th</sup> March and was due to end at close of business on 15<sup>th</sup> May 2020, in order to meet the statutory requirements and include at least 30 school days. A public meeting was also arranged for 6<sup>th</sup> 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 16<sup>th</sup> April 2020, the Business Continuity Committee agreed to officers’ proposals to extend the consultation period from 15<sup>th</sup> May 2020 to 31<sup>st</sup> August 2020 and to cancel the public meeting scheduled for 6<sup>th</sup> May 2020, with a new date to be set once the Regulations imposing restrictions of public gatherings allow it to proceed.
- 4.5 It was identified within the note for extension of the consultation period on 16<sup>th</sup> April that if a public meeting was unable to proceed in the current climate, a further extension of the consultation period may be subsequently required. At its meeting on 27<sup>th</sup> August 2020, the Community Services Committee agreed to officers’ proposals to extend the consultation period from 31<sup>st</sup> August 2020 to 18<sup>th</sup> December 2020 due to the continuing restrictions on public gatherings as a result of the Covid-19 pandemic.
- 4.6 At the meeting of the Community Services Committee on the 8<sup>th</sup> December 2020, a further extension of the consultation period was proposed by officers’ due to a continuation of restrictions on public gatherings as a result of the Covid-19 pandemic. The Committee agreed to an extension of the consultation period from 18<sup>th</sup> December 2020 to 31<sup>st</sup> May 2021.
- 4.7 It should firstly be noted that the consultation has remained open since 19<sup>th</sup> 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.
- 4.8 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 19<sup>th</sup> March 2020 and after re-opening in August 2020 were closed again in January 2021. Therefore, the further extension to the consultation period proposed by officers satisfies this requirement of at least 30 school days, starting from 12<sup>th</sup> August 2020.
- 4.9 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. From 17<sup>th</sup> May 2021 Argyll and Bute has been allocated a Protection Level of 2 under the current Scottish Government Guidance, this only allows for indoor gatherings of up to four people from two households. This accordingly means it is not currently possible to hold a public meeting in the conventional sense. Accordingly, officers intend to liaise with the Scottish Government in the first instance to ascertain at

what point a public meeting can go ahead in the current circumstances and what forums the Scottish Government would deem acceptable for this. 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.

- 4.10 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

**Douglas Hendry, Executive Director with responsibility for Education**  
**Councillor Yvonne Mcneilly, Policy Lead for Education**

6<sup>th</sup> May 2020

**For further information contact:**

Simone McAdam, Education Officer  
[Simone.McAdam@argyll-bute.gov.uk](mailto:Simone.McAdam@argyll-bute.gov.uk)