

SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010 - KILCHRENAN PRIMARY SCHOOL

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to update the Community Services Committee on the current situation of Kilchrenan Primary School, and invite Members to agree to the recommendations outlined.
- 1.2 Kilchrenan Primary School was mothballed by the Committee in 2022, with agreement that a review of the School's mothballing would be prepared for the Committee's March 2023 meeting at which Members can decide on a continued period of mothballing, or request officers to begin the formal preliminary consultation process to consider the future options for Kilchrenan Primary School.
- 1.3 It is recommend that the Community Services Committee:
- a) Note the decision of the Committee in March 2022, and the updated position of the School as set out within this report.
 - b) Agree that Kilchrenan Primary School continues to be mothballed on a temporary basis and the School premises be retained on a care and maintenance basis.
 - c) Note that there have been no requests to use the building since March 2022, but that should any be made they would be considered in the light of the current condition of the building, and any recommissioning works required.
 - d) Agree that the Education Service will undertake the required preliminary Consultation for Kilchrenan Primary School, in compliance with the preliminary requirements as set out in the Schools (Consultation) (Scotland) Act 2010, and thereafter prepare an Options Appraisal for members' consideration at the August 2023 meeting of Community Services Committee.

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2.0 INTRODUCTION

- 2.1 In February 2022 the Head Teacher of Kilchrenan Primary School retired and the Education Service was unable to recruit a replacement or a class teacher that would have allowed a shared headship arrangement.
- 2.2 Parents of children at Kilchrenan Primary School at this point reflected that they would rather their children be educated in a different setting. As a result there were no pupils remaining on the Kilchrenan roll. Other pupils resident in the catchment area were already attending school in Oban or Taynuilt.
- 2.3 In March 2022, it was agreed by members at Community Services Committee that Kilchrenan Primary School be mothballed, pending a further decision in March 2023 by Committee: either to continue the period of mothballing or to begin a preliminary consultation process to consider the future options for Kilchrenan Primary School.
- 2.4 The statutory process for the closure of a rural school is laid out in the Schools (Consultation) (Scotland) Act 2010, as amended by the Children and Young People (Scotland) Act 2014. The Act as amended introduces a presumption against the closure of rural schools and a requirement to carry out additional steps, before and during the consultation exercise.

3.0 RECOMMENDATIONS

It is recommend that the Community Services Committee:

- a) Note the decision of the Committee in March 2022, and the updated position of the School as set out within this report.
- b) Agree that Kilchrenan Primary School continues to be mothballed on a temporary basis and the School premises be retained on a care and maintenance basis.

- c) Note that there have been no requests to use the building since March 2022, but that should any be made they would be considered in the light of the current condition of the building, and any recommissioning works required.
- d) Agree that the Education Service will undertake the required preliminary Consultation for Kilchrenan Primary School, in compliance with the preliminary requirements as set out in the Schools (Consultation) (Scotland) Act 2010, and thereafter prepare an Options Appraisal for members' consideration at the August 2023 meeting of Community Services Committee.

4. DETAIL

- 4.1 There are presently no registered pupils at Kilchrenan Primary School. Registration for August 2023 enrolment at the school closed at the end of January 2023, with no pupils registered. A small number of pupils registering would not in itself alter the viability of the school. All members of staff from the school have either been redeployed into other posts within the authority or have accepted redundancy.
- 4.2 It was agreed by members at Committee in March 2022 that Kilchrenan Primary School be mothballed and the buildings be retained on a care and maintenance basis.
- 4.3 The mothballing of a school is a temporary closure. It does not require a statutory consultation to be carried out as it is an informal non-statutory measure. It is appropriate where the Authority considers that a school is not presently viable, but do not wish to close it immediately in order to assess the prospects of the number of pupils in the area increasing to the extent that the school should be re-opened in the future.
- 4.4 The Scottish Government's Statutory Guidance on the *Schools (Consultation) (Scotland) Act 2010*¹ stresses that this flexibility to close a school for a temporary period is not used to undermine the requirements of the 2010 Act to consult on all closure proposals. Mothballing is only appropriate for a temporary period, should be subject to at least an annual review and, in most cases, should last no more than three years in total.
- 4.5 In March 2022, the Council's Education Services received an enquiry from a local organisation with regard to whether the Council would consider leasing Kilchrenan Primary School to them for use as a commercial office premises, at least while the school building had the status of being mothballed. This request has not been progressed any further by the enquirer to date, and no other actions have been taken with regard to leasing the school buildings to any third party.

¹ <https://www.gov.scot/publications/schools-consultation-scotland-act-2010-statutory-guidance/>
Paragraphs 63-65.)

(See

- 4.6 It was agreed by Committee in March 2022 that if there are no registered pupils by the commencement of session 2023/24, a preliminary assessment of options regarding the future of the school would be undertaken by the Education Service. Registration for August 2023 enrolment at the school closed at the end of January 2023, with no pupils registered. A small number of pupils registering by the end of January 2023 for entry in August 2023 would not in itself necessarily alter the viability of the school. However, if a sufficient level of demand for the re-opening of the school was to be demonstrated, the Education Service would keep this under review, and present further reports to the Committee on this matter as appropriate.
- 4.7 It is proposed that a preliminary assessment of options regarding the future of the school be undertaken by way of a preliminary consultation, in accordance with the preliminary requirements of the *Schools (Consultation) (Scotland) Act 2010*.
- 4.8 The report to members on the preliminary consultation would take into account in its recommendations the likelihood of there being any pupils requiring educational provision at Kilchrenan Primary School in August 2023. The process would look to identify and assess the various options that are available regarding the future of Kilchrenan Primary School. Findings would be presented to the Committee in August 2023. In the event of a sufficient number of school age pupils seeking to attend the School, the school may require to re-open at the next appropriate session. In this eventuality a further report would be brought before members.

5.0 CONCLUSION

- 5.1 Should members agree, the Education Service will undertake the required preliminary consultation for Kilchrenan Primary School, in compliance with the preliminary requirements as set out in the *Schools (Consultation) (Scotland) Act 2010*, and prepare an Options Appraisal for members' consideration at the August 2023 meeting of the Community Services Committee.

6.0 IMPLICATIONS

- 6.1 Policy – None
- 6.2 Financial – The preliminary consultation, if agreed, will accrue a small cost. Should it be decided the mothballing of the School is to continue, there will be costs associated with the upkeep and maintenance of the school premises.
- 6.3 Legal – The provisions of the *Schools (Consultation) (Scotland) Act 2010* will subsequently apply if the Authority later decide to formulate a proposal under that Act in order to determine the future of Kilchrenan Primary School.
- 6.4 HR – None

- 6.5 Fairer Duty Scotland
 - 6.5.1 Equalities – None at present
 - 6.5.2 Socio-Economic Duty – None at present
 - 6.5.3 Islands – None at present
- 6.6 Climate Change – None
- 6.7 Risk – None at present
- 6.8 Customer Service – None at present

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6th February 2023