



The Scottish  
Government

Education and Lifelong Learning

Research on the Consultation  
Safeguarding Our Rural Schools  
and Improving School  
Consultation Procedures



# **RESEARCH ON THE CONSULTATION SAFEGUARDING OUR RURAL SCHOOLS AND IMPROVING SCHOOL CONSULTATION PROCEDURES**

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Thanks also to the other members of the project team at George Street Research for their professional handling of various aspects of the project.

## EXECUTIVE SUMMARY

The consultation, *Safeguarding our rural schools and improving school consultation procedures - proposals for changes to legislation* was launched by the Scottish Government on 1 May 2008 and ran until 19 September 2008. This consultation set out proposals to change legislation to tighten up procedures for all public consultations relating to proposals for changes to schools, in particular introducing a legislative presumption against the closure of schools in rural areas.

Research to support this consultation consisted of the following strands:

- analysis and reporting on written responses made to the formal consultation paper;
- using qualitative social research methods to gather informed views from some specific key stakeholder groups (parents and carers and young people); and
- synthesising the evidence gathered through the written consultation and other strands of the consultation (such as 10 public meetings and online discussion forum on the Rural Gateway website) into this final report.

The consultation exercise resulted in 185 responses being submitted to the Scottish Government; 61 from individuals and 124 from organisations. There were 2 additional responses; one individual and one organisation; that were received too late to include in the data analysis. However these responses did not contain any issues not already raised.

The following section outlines the main points that were made in relation to each of the consultation questions. Where percentages are quoted, it should be borne in mind that not all respondents answered all questions and not all respondents specified their agreement or disagreement with proposal. Therefore no assumptions can be made about the views of the remainder.

### **Regard for certain matters before proceeding to consultation:**

The majority of respondents to the consultation supported the proposal to require local authorities to have regard to certain matters before proceeding to consultation on the closure of a rural school and the majority also agreed with the proposals on the four matters which local authorities should consider. A number also felt that all schools should be treated in the same way and that the four matters should be considered in relation to all, not just rural, schools.

### **Rural schools fund:**

Over half of consultation respondents agreed that there should not be a rural school fund; this was also the view at the deliberative workshops.

### **Definition of rural schools:**

The proposed definition was agreed across all strands of the consultation.

### **Requirement to publish an educational benefit statement:**

This proposal was agreed across all strands of the consultation. Half of the consultation respondents agreed that it should be left to the authority as to how it sets out the statement. Almost a fifth commented that there should be some form of guidance or guidelines from the Scottish Government; this view was echoed by most

attendees at the public meetings. Many believed this statement should have a much broader focus and title and should cover wider impacts, such as economic, community and transport, as well as longer term impacts.

### **Involving HMIE:**

The majority of consultation respondents agreed that HMIE's view should be sought. At the workshops and public meetings there was a feeling that HMIE should be involved from the start of the process, in addition to being involved at the end of the consultation.

Across all strands of the consultation, there was some support for the involvement of other independent viewpoints, from other relevant agencies and individual experts.

### **Changes to consultations on school closures:**

Over half of all consultation respondents supported the proposed changes and workshop participants were also generally supportive.

### **Statutory guidance:**

Over half of the respondents to the consultation supported the proposal in relation to the power to issue statutory guidance; the key theme to emerge was the need to ensure consistency across the country.

### **Present referral system:**

Almost half of the consultation respondents were not happy with the current system of referrals and workshop participants saw the current process as pointless, since it is largely focussed on process and does not contain a mechanism for appealing the decision. The main comment to emerge from consultation responses was the need for review of the current system. There was widespread support, across all strands of the consultation, for some form of safeguard or appeal process.

### **Future referrals:**

Half of the consultation respondents agreed that, in future, only school closures should be referable to Ministers. At the deliberative workshops, the focus of discussion was, again, on the need for an independent appeal process.

### **Provision of denominational education:**

Over half of respondents to the consultation agreed that there should be a responsibility for local authorities to satisfy themselves regarding the provision of denominational education. Over a quarter agreed the proposal to allow referral to Ministers if the relevant Church or denominational body had an objection. Very small numbers voiced disagreement with either of these proposals.

### **Key themes**

Several themes emerged across all strands of the consultation and these included:

- 1 A broader focus for the *Educational Benefit Statement* – to include economic, financial, community, development, transport/environmental and longer term impacts. Some guidance as to the content of the statement, to ensure consistency and fairness.
- 2 A need to have the same process for all schools, to avoid confusion and inequity and that the four 'have regards' should apply in all cases.

- 3 The need to ensure that all stakeholders are consulted – this includes a concern that the publicity and approach should be much more proactive and should include everyone in the community. Local authorities are concerned that the process should be transparent.
- 4 The need for meaningful consultation – this includes a call for more opportunities for face-to-face discussion and verbal input.
- 5 The need for a longer consultation period than the proposed 6 weeks – a variety of lengths was suggested, from the proposed 6 weeks to up to a year. Parents tend to want longer consultation times and local authorities shorter.
- 6 The need for more independent input – this includes suggestions that HMIE should be involved earlier in the process and that other agencies and individuals should be involved. There is a wide range of suggestions as to how this might be achieved and as to the extent of involvement needed.
- 7 The need for an appeal process independent of local government – a mechanism for independent adjudication is seen as an important feature of the consultation process.

# **1 INTRODUCTION**

## **BACKGROUND**

1.1 A consultation, “*Safeguarding our rural schools and improving school consultation procedures*”, was issued by the Scottish Government in May 2008. This document set out proposals to change legislation to tighten up procedures for consultation surrounding school closures, in particular introducing a legislative presumption against the closure of schools in rural areas.

### ***Timing of the consultation***

1.2 The consultation ran from 1<sup>st</sup> May to 19<sup>th</sup> September 2008.

### ***Nature of the consultation***

1.3 During this time views were sought from a range of stakeholders including parents and carers, young people, local authorities (including COSLA), teachers, headteachers, trade unions, rural communities, the general public, the Scottish Rural Schools Network and community councils.

1.4 The consultation involved a formal written consultation paper, a summary version and a questionnaire. Along with the publication of a web and paper-based consultation document, the Government used a range of other consultation methods to ensure that the views of all key stakeholders were adequately represented.

1.5 The consultation sought views on proposals for:

- specific issues to which authorities must have regard in the case of rural school closures;
- other questions relating specifically to rural schools;
- a requirement that an educational benefit statement be published by the authority;
- various measures to tighten up the statutory consultation process; and
- a referral system.

1.6 The consultation questions are in appendix 1

1.7 The consultation exercise consisted of the following strands:

- a consultation document and questionnaire<sup>1</sup>;
- deliberative workshops amongst parents and pupils in 12 locations across Scotland;

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<sup>1</sup> The consultation document was web- and paper-based. Copies of the full consultation paper, and the summary version, were sent to every school in Scotland (and nursery schools, where these were standalone nurseries). Responses to the main formal consultation paper were accepted in both hard copy and electronically (by post, to a dedicated Scottish Government email address or through completion of an online response form).



- a series of public meetings held in 10 locations across Scotland, attended by between 2 and 30 members of the public<sup>2</sup>;
- an online discussion forum and poll on the Rural Gateway website<sup>3</sup>.

1.8 Responses to the consultation questionnaires were received from 185 individuals and organisations. A further 2 responses were received after the data had been analysed. These were read and found not to contain any new issues.

**Table 1.1 - Total number of respondents by category**

<b>Respondent Type</b>	<b>No</b>
<b>Individuals (Inds)*</b>	<b>61</b>
<b>Organisation</b>	<b>124</b>
<b>TOTAL</b>	<b>185</b>
<b>Types of organisations</b>	
Parent Council/ parent body (Parents)*	42
Community Council/ Community Group (Comm)*	29
Local Authority including COSLA & ADES (LA)*	28
Education (Ed)*	15
Other	10
<b>TOTAL</b>	<b>124</b>

\* Letters in brackets show how these groups are referred to in charts throughout this report.

1.9 We did not identify any responses specifically from young people; there were, however, 2 responses from organisations representing young people.

## **RESEARCH TO SUPPORT THE CONSULTATION**

1.10 George Street Research was commissioned to:

- analyse written consultation responses;
- gather informed views (through deliberative workshops) from parents and carers and young people; and
- produce this report, synthesising the evidence gathered through all strands of the consultation process, including feedback from public meetings and the online discussion forum on the Rural Gateway website.

### ***Deliberative workshops***

1.11 These were held in twelve locations across Scotland, amongst parents (and in four areas, children). In total, there were 24 adult groups (covering a range of children's ages) and 8 groups of children (four primary school age and four secondary), with up to eight participants per group. The locations were chosen to ensure a range of urban and varying degrees of rurality and groups were recruited to include those with experience of school closure or re-location and without.

<sup>2</sup> Details of the public meetings are given in appendix 2.

<sup>3</sup> Results of the poll are given in appendix 3.

1.12 In order to allow a more detailed and informed discussion of issues to take place than would be possible in standard focus groups, the following format was adopted:

- Participants were recruited door-to-door and handed, at the time of recruitment, a briefing document summarising the key consultation issues and questions.
- They attended an evening workshop session lasting up to three hours, to learn more, discuss, and provide their considered views on the consultation questions.
- The workshop sessions involved an introductory presentation and question and answer session, breakout discussion groups and a concluding feedback session. A topic guide was developed to assist discussion and this is included in appendix 4.

1.13 All materials and transcripts generated during these workshops were analysed qualitatively and the findings are presented in this report alongside the analysis of consultation responses. Data included; transcripts of the discussions, flipcharts and other materials generated during the workshops, and moderator notes of the events.

### ***Analysis of consultation responses***

1.14 The following chapters document the substance of the analysis and present the main issues and views expressed in the responses. These follow broadly the ordering of questions in the consultation document.

1.15 Responses to the consultation questionnaire were examined for themes and sub-themes, with each of these given a code number. Codes were entered into our statistical analysis package, SNAP, alongside data from the closed (tick box) questions. Data tabulations were produced to show the strength and frequency of comments and which views were common to which types of respondent.

1.16 Responses that did not follow the consultation questionnaire structure were read and, where possible, comments assigned to the relevant question.

1.17 Where there are differences in opinion between any of the respondent types, these have been noted in the report.

1.18 Data from the closed (tick box) questions have been used in charts throughout the report. Throughout the report, where percentages are quoted, it should be borne in mind that not all respondents answered all questions and not all respondents specified their agreement or disagreement with the proposals. Therefore no assumptions can be made about the views of the remainder.

### ***Factual accuracy***

1.19 The views presented in this analysis have not been vetted in any way for factual accuracy. The opinions and comments submitted to the consultation

may be based on fact or, indeed, may be based on what respondents perceive to be accurate, but which others may interpret differently. The report, therefore, may contain analysis of responses which may be factually inaccurate or based on misunderstanding or misinformation on the issues, but nevertheless reflect strongly held views. In some instances, such inaccuracies and misunderstandings will be relevant findings in themselves.

### ***Interpretation of findings***

1.20 While the written consultation exercise was intended to give all those who wished to comment an opportunity to do so, views may not be representative of the Scottish population. This has to be borne in mind in interpreting the findings presented in this report. Given the primarily self-selecting nature of any consultation exercise, it should be noted that any statistics quoted here cannot be extrapolated to a wider population outwith the consultation population. It should also be noted that while the deliberative workshops were sampled to provide a more representative picture of the views of parents and young people, as with any qualitative research of this nature the numbers involved were small. Again, the views expressed in the deliberative workshops cannot be taken as indicative of the views of the general population.

### ***Contextual notes***

1.21 It is important to note that the views of respondents in the deliberative workshops were very much coloured by their attitudes towards their own local authority. This was a universal feature across all respondent types in all areas in which deliberative workshops were conducted.

1.22 Local authorities are generally mistrusted by parents who participated in the workshops. The perception was that schools are always closed for primarily financial reasons and that, however good a consultation process is, the local authority will have made its decision before a consultation is undertaken and will be unwilling to listen to the views they seek during any consultation. Most parents were very cynical about whether their views were likely to be properly considered by their local authority, or whether a consultation process would be likely to influence a Council's final decision.

1.23 It is also useful to bear in mind that deliberative workshop discussions about both the current and proposed referral mechanisms invariably became discussions about an appeal process. A referral process was not considered to meet the need for independent adjudication and this is what participants mostly wanted to talk about.

1.24 It should be borne in mind that detailed comment is generally given where there is disagreement or concern about a proposal. When they agree with a suggestion, consultees generally do not elaborate on the reasons for their agreement or approval.

## **2 RURAL SCHOOL CLOSURES**

### **Consultation questions:**

- Q1 Do you support the proposal to require local authorities to have regard to certain matters before they can proceed to consultation on the closure of a rural school?
- Q2 Do you agree with the four matters we propose requiring that authorities should have regard to before proceeding with a rural school closure? These are:
- alternatives to the closure of the school
  - likely overall impact of the school's closure on the communities which it serves
  - likely impact of closure specifically on the community's subsequent use of the school's building facilities and grounds
  - likely impact that new travel to school patterns and arrangements would have on pupils and other school users and the environment.
- Q3 Do you agree that it is not appropriate to set up a rural schools fund?
- Q4 Do you agree with the proposed definition of 'rural schools'?

### **BEFORE PROCEEDING TO CONSULTATION ON CLOSURE OF A RURAL SCHOOL**

2.1 The Scottish Government proposes to introduce a new provision in primary legislation that would require a local authority to consider specific matters before they make a decision to propose and consult on a rural school closure. The consultation asked *"Do you support the proposal to require local authorities to have regard to certain matters before they can proceed to consultation on the closure of a rural school?"*

#### ***Consultation responses***

2.2 In response to this question the majority (84%) simply commented that yes, they did support the proposal; this was the main comment across all respondent types. Only 2% specifically commented that they did not support the proposal; 2 local authorities and 2 community councils/ groups.

2.3 The key theme to emerge from other comments was the need for local authorities to be aware of the impact that any school closure would have on the local community; 15% of respondents stressed this point and this rose to 33% of those organisations in the education group. Respondents, particularly from the education group, felt that the proposals would ensure recognition of the effects of school closures on the community:

*“We welcome the recognition of the special role played by the local school in contributing to the sustainability of rural communities and the disproportionate impact of rural school closure upon the future regeneration and viability of small communities which form such an important part of the Scottish landscape.”*

(education)

- 2.4 Fourteen percent of respondents wanted to ensure that all stakeholders should be involved and informed during the consultation process. Again, those in the education respondent group were most likely to suggest this (27%). A local authority commented:

*“There is a need to discuss viability issues with the parent body and the local community well before proposals for consultation for closure are considered. There is a need to be open about issues that might impact on the school at an early stage so that parents, pupils and users can be fully involved in developing proposals and aid a good understanding of the issues and impacts.”*

- 2.5 There were comments, from 9% of respondents, that proposals should apply to all schools; not just rural schools; this figure rose to 43% amongst local authority respondents and one local authority response noted that they *“believe, as do many authorities, that the same approach to school closures should apply to all schools regardless of where they are located”* while an education respondent explained why this was a cause for concern:

*“The main concern we have with these proposals is the potential impact on non-rural schools (those not covered by the enhanced provisions) because of the extra protection afforded to rural schools.”*

- 2.6 Six percent overall, and 14% of local authorities, felt that the process needs to be transparent.

*“As parents of a small Island rural school we feel strongly that decisions of closure should undergo a thorough and resilient process to prevent knee-jerk reactions to budget constraints. It would also help the community accept any decisions made if they believe they are made fairly and transparently.”*

(parent council/ parent body)

*“There is a need to be open about issues that might impact on the school at an early stage so that parents, pupils and users can be fully involved in developing proposals and aid a good understanding of the issues and impacts.”*

(local authority)

- 2.7 Six percent of respondents also thought that schools should not be closed for purely financial reasons, one individual summed this up *“Saving money must not be the only reason to close a school”*.

### **Comments from other strands of research**

2.8 The deliberative workshop findings confirm a general agreement that local authorities should have regard to certain matters before proceeding with a consultation on the closure of a rural school. However, here too there was some discussion as to whether these should apply only to rural schools, with the majority (in both rural and urban locations) feeling that all schools should be treated equally in terms of the legislation. While each closure proposal should be considered on its merits, on a case-by-case basis, parents and children generally felt that the requirement should be for all aspects to be considered in all cases.

*“Why is it only rural schools? Why don’t these things matter in towns?”*  
(parent)

2.9 This point was also made in public meetings and a commentator responding to the *Great Rural Debate on Schools* on the Rural Gateway website<sup>4</sup> noted.

*“Again, in some areas I know where this has been an issue, the distance and travel time to the neighbouring larger school has been no more than many children in urban areas have to face with no complaint.”*

### **FOUR MATTERS FOR REGARD**

2.10 The proposed matters to which local authorities should have regard before consulting on the closure of a rural school are:

- alternatives to the closure of the school;
- impact on the communities served;
- impact on subsequent use of buildings, facilities and grounds;
- impact on pupils, other users and the environment.

2.11 Respondents were asked *“Do you agree with the four matters we propose requiring that authorities should have regard to before proposing a rural school closure?”*

### **Consultation responses**

2.12 The main response in relation to this question was agreement with the four matters proposed; from 81% of respondents. There was very little difference in responses across respondent types. Only 1% overall said no, they did not agree; this comprised 1 individual and 1 local authority. The remainder made other comments which are described in the following paragraphs.

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<sup>4</sup>The statement for debate, running from 5th – 19th September 2008, was: *Can a rural community thrive without a local school?*

- 2.13 There was specific agreement, from 17% overall, with regards to the proposal to consider the likely overall impact of a school's closure on the community; 3% disagreed with this proposal. Agreement with this proposal was noted in 21% of responses from community councils/ groups.
- 2.14 The other proposal which attracted specific comment from respondents was that authorities have regard to the likely impact on the use of school buildings, facilities and ground; 5% of respondents specifically mentioned their agreement with this proposal; no disagreement was noted in responses.
- 2.15 Regard for the educational impact on pupils was seen as an important consideration by 8%; this rose to 32% amongst local authority responses with one stressing *"no matter the geographical context, all reviews of existing provision should give priority consideration to the educational impact on the pupils affected."*
- 2.16 One other local authority, however, wondered *"is it of educational value to close a school on grounds of financial efficiency if the savings are re-cycled to lower class sizes? There is clearly a balance of factors in arriving at a closure or non-closure decision and this will need more definition."*
- 2.17 The need for alternatives to closure to be considered, and perhaps independently verified, was mentioned by 5%, and an organisation from the 'other' sub-group commented on possible alternatives:

*"We would like to see arts/ crafts/ heritage use endorsed as extending community use as an alternative use to closure. This may also apply to a decision to 'mothball' a property as again it is no use to the community if closed to them and allowing continued use may help attract people with families as they see the school is more likely to re-open if being used!"<sup>5</sup>*

- 2.18 As with the previous question on the proposal to require local authorities to have regard to certain matters, respondents were keen to see all stakeholders involved and informed during the process; this was mentioned by 10%.
- 2.19 Nine percent of respondents felt that wider strategic or operational considerations need to be taken into account; 21% of local authorities and 27% of education respondents made similar comments, including one respondent from the local authority sub-group who commented that:

*"Account should be taken of the wider school estate strategy, including the condition, suitability and efficiency of provision and budget considerations. In certain circumstances, the local 'pain' associated with closure will be more than offset by the wider 'gain' from the reinvestment of savings in the school estate."*

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<sup>5</sup> "Mothballing" is a term used to refer to occasions when a school's roll has naturally fallen to zero and the authority continue to hold the school (and keep it wind and rain proof) with a view to re-commencing education at the school if and when there are pupils in the area.

2.20 The comment that proposals should apply to all, not just rural, schools was again noted; in 5% of responses to this question; one local authority felt *“The two sections in the paper are separate though closely related. Perhaps the unique considerations associated with rural schools could be subsumed into an impact/educational benefit statement set out for all individual closure proposals.”*

### **Comments from other strands of research**

2.21 In the deliberative workshops, as noted above, there was a great deal of discussion as to whether these matters should rightly only be required to be considered in the case of a rural school. Those who live in very remote rural areas tended to agree that they should be an exception and that the local school is often of vital importance to a community, with wide ranging potential impacts should it close.

2.22 However, most participants in both rural and urban locations, whilst accepting that these matters are important to a rural community, felt that there is no reason why they should not be considered for every proposed school closure. They pointed out that schools can be just as important to urban communities, that transport issues and safe routes to school, whilst different in nature, can be just as much a concern in an urban environment as a rural one and that the future of school buildings and other facilities are important, wherever those facilities are located.

*“Like the damage to local shops and things could be just as bad in a town. I mean even in a place like Edinburgh, if a school shuts down in one place, the whole of that area is going to be affected and that’s a big area you know.”*

(parent)

2.23 Indeed, when workshop attendees began to discuss the issue of school closures, the areas covered by the four matters (such as community impact), rather than educational benefit or disbenefit, were the areas that people instinctively and spontaneously discussed. It would be fair to say that the ‘matters for regard’ are actually the key issues for most parents (and children), across all types of location, when it comes to thinking about and talking about school closures. Parents commented:

*“Another thing in that statement they should be looking at, if they are planning to close it, is how much it would cost in the long term to do that, you know? – because sometimes it can cost more to actually shift kids by transport ..”*

2.24 There was discussion in all of the deliberative workshops about the advantages and disadvantages of small rural schools and the wider contexts in which school closures might be considered. Many were realistic about the financial aspects of these decisions and wanted to see this aspect treated more openly during consultations.



2.25 Others also discussed the social implications for children educated in very small schools. One commentator responding to the *Great Rural Debate on Schools* on the Rural Gateway website<sup>6</sup> noted.

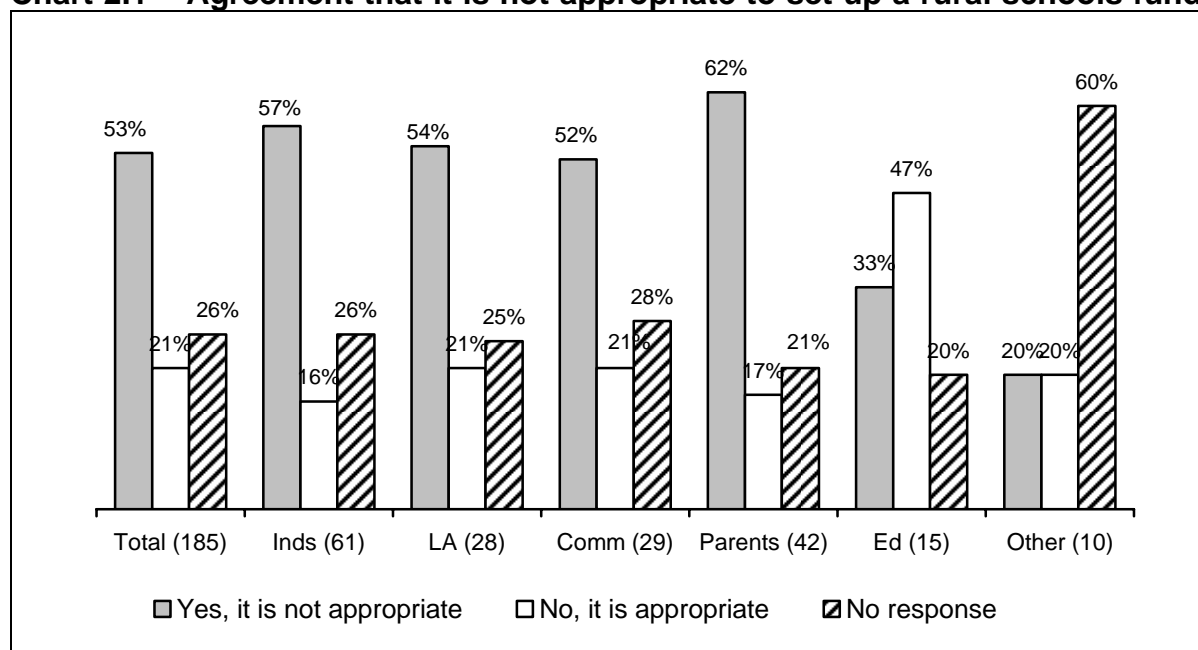
*“Essentially, there is a minimum size for schools to be viable and provide our children with acceptable academic and social education. Unless there is good reason to believe that local demographic projections will be sufficient to maintain this minimum level, the schools should close.”*

## A RURAL SCHOOLS FUND

2.26 The consultation document stated that the Scottish Government “does not consider it appropriate to support the creation of a fund to which schools or the community could apply directly, in order to subsidise the running costs of, or capital works to, a local authority school”. Respondents were asked “Do you agree that it is not appropriate to set up a rural schools fund?”

### Consultation responses

**Chart 2.1 – Agreement that it is not appropriate to set up a rural schools fund<sup>7</sup>**



2.27 As can be seen in chart 2.1, 53% of all respondents agreed that there should not be a rural schools fund while 21% felt that there should; 26% did not give a direct response.

<sup>6</sup>The statement for debate, running from 5th – 19th September 2008, was: *Can a rural community thrive without a local school?*

<sup>7</sup> Key to abbreviations as given on Page 2: Inds = Individuals, LA = Local Authorities, Comm = Community Councils and Groups, Parents = Parent Councils and other Parent bodies, Ed = Education related.

- 2.28 A number of respondents (9%) mentioned the possibility of using the Scottish Government Grant Aided Expenditure (GAE) settlements, with some suggesting that a rural factor be included; one education respondent said *“if additional finance is available for rural schools, we would prefer to see it channelled through adjustments to the existing GAE mechanism”*. Eight percent of respondents pointed out that rural schools cost more to run and maintain.
- 2.29 The impact of closing a rural school would, 5% commented, have a more wide ranging impact on the socio-economic stability and growth of its area than would a school in an urban location. This theme is illustrated by the following comment from an individual:

*“There are issues around the rural school as a major part of rural socio-economic stability and growth/ viability that would not be the same in any urban environment.”*

### **Comments from other strands of research**

- 2.30 This issue was not discussed in any great detail in the deliberative workshops, but there was a consensus in agreement with the proposal that it is not appropriate to set up a rural schools fund.
- 2.31 At the public meetings there was some concern that the costs of supporting rural schools should be reflected in any funding settlements.

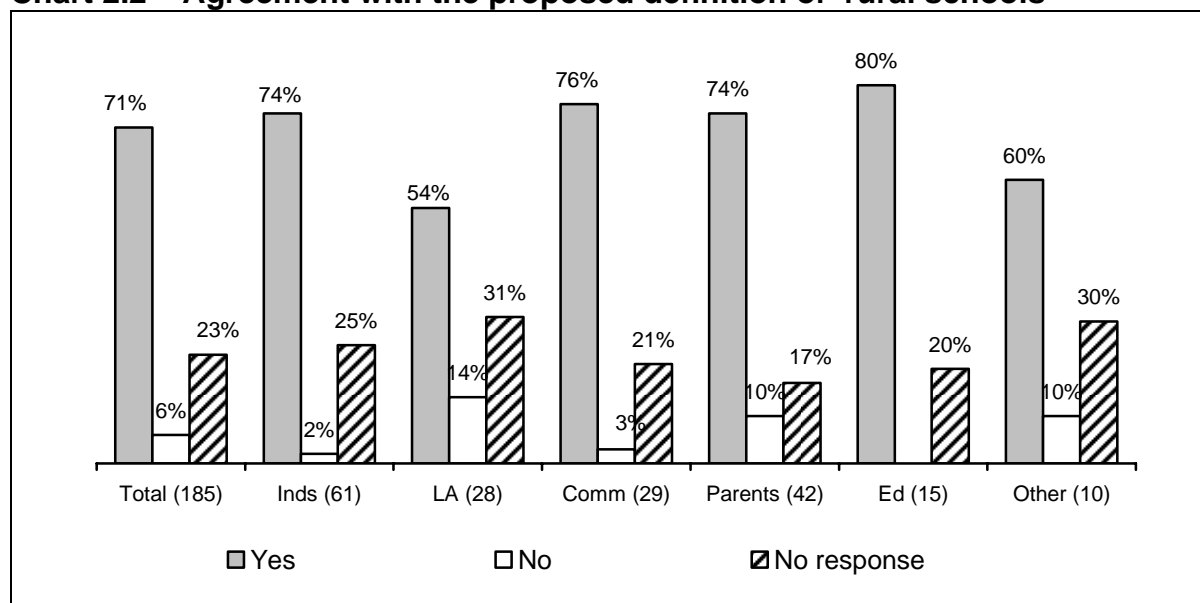
### **DEFINITION OF RURAL SCHOOLS**

- 2.32 Some of the proposals set out in the consultation would apply only to the proposed closure of rural schools; therefore there is a need for a clear definition of ‘rural schools’. The Scottish Government proposed that the Government’s Urban/ Rural Classifications are used to define rural areas *“so that any schools within those areas would automatically be designated rural for the purposes of these proposals.”*

### **Consultation responses**

- 2.33 Respondents were asked *“Do you agree with the proposed definition of ‘rural schools’?”*
- 2.34 As chart 2.2 shows, 71% of all respondents agreed with the proposed definition; local authorities were least likely to agree (54%). Only 6% disagreed while 23% did not give a direct response.

**Chart 2.2 – Agreement with the proposed definition of ‘rural schools’**



2.35 There were few additional comments in relation to the definition of rural schools:

- 6% made general positive comments regarding the definition (e.g. sensible, easy to understand, straightforward);
- 6% had concerns relating to the definition, including a local authority who commented *“from the national level we think that any definition which picks out certain schools has significant potential to cause confusion and division. We want to avoid a situation where certain schools qualify as rural and other neighbouring schools do not, simply because they are classified differently”*;
- 6% gave a variety of suggestions for other methods of classifications:

*“Drive time is a somewhat crude figure, which might better be replaced by the more realistic time taken by public transport – even in rural areas, a majority of people, and certainly children, do not drive or have use of a car.”*

(other organisation)

### **Comments from other strands of research**

2.36 The discussion in the deliberative workshops of the proposed definition of rural schools prompted limited reaction and no active disagreement. Some groups discussed the problems that they thought might arise when applying such a definition and some participants had difficulty working out what the classification of their area would be.

*“See if you're in the middle of a consultation, and at the same time there's a planning application going through for a massive big boost of housing in that area, that could alter the definition of that particular rural area.”*

(parent)

*"I suppose everybody's got a different definition of what "rural" is, you know? Some people might see "rural" like my definition of rural. It's in the middle of nowhere. It's got no streetlights just about, coz it's in the middle of nowhere. But some people might say, "Aye. It's in the middle of nowhere, but they've got streetlights at least", you know?"*

(parent)

*"It has to be really tight though, because otherwise you're going to end up with arguments over whether it is actually rural, and which category it best falls into. And I could just see that descending into challenges."*

(parent)

In summary:

The majority (84%) of respondents to the consultation supported the proposal to require local authorities to have regard to certain matters before proceeding to consultation on the closure of a rural school; only 2% specifically disagreed. This view was echoed by participants in the deliberative workshops and public meetings.

The majority (81%) also agreed with the proposals on the four matters for regard; across all strands (and particularly strongly amongst parents and local authorities), participants wanted to see these matters considered for all, not just for rural, schools. Only 1% of consultation respondents stated that they disagreed.

Just over half (53%) of consultation respondents did not want to see a rural school fund established. Twenty-one percent of consultation respondents did want to see one established while 26% did not state a preference. This matter was not widely discussed at the workshops although where it was there was a consensus of opinion that there should not be a rural school fund. At public meetings, attendees wanted to see funding settlements reflect the costs of supporting rural schools.

Consultation respondents agreed with the proposed definition for rural schools (71% agreed, 6% disagreed and 23% did not say); those attending workshops or public meetings also agreed, though some found it confusing. However, there were some concerns about the difficulties and impacts (in terms of equity) of applying such a definition and, again, comment that all schools should be treated in the same way.

### 3 AN EDUCATIONAL BENEFIT STATEMENT

#### Consultation questions:

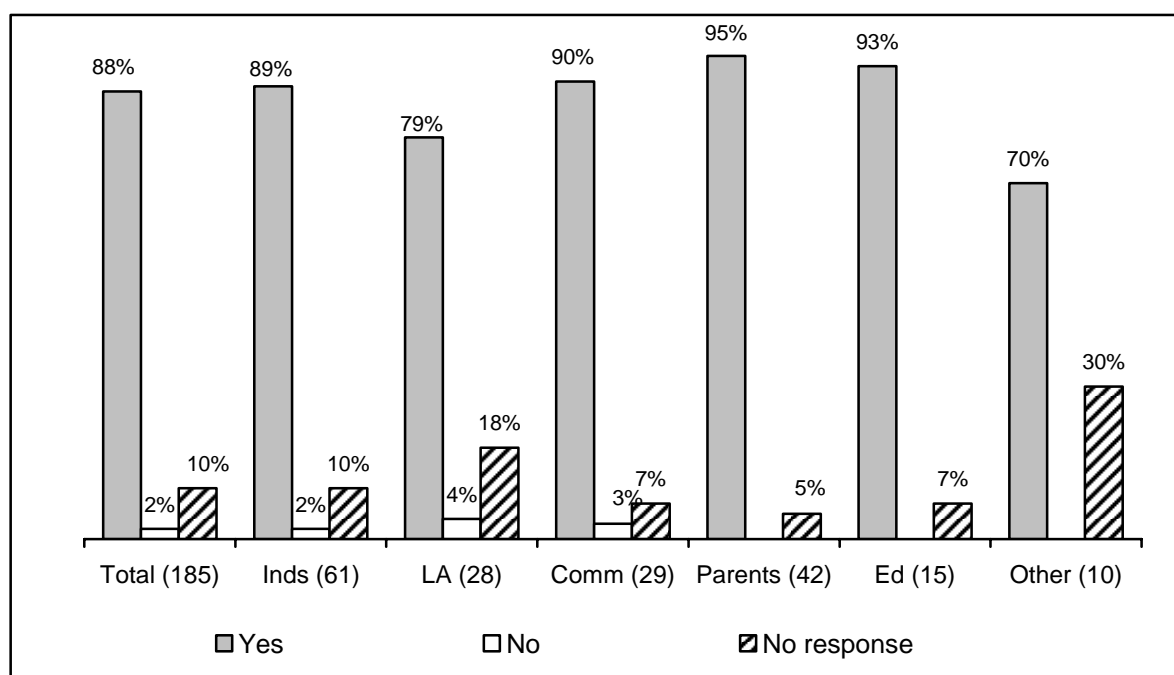
- Q5 Do you support requiring local authorities to publish a statement setting out the educational benefit of the school closure proposal?
- Q6 Do you agree that it should be left to the authority as to how it sets out an educational benefit statement?

- 3.1 The consultation set out proposals which would require local authorities to publish an educational benefit statement to clarify what overall educational benefit the authority believes will result from the closure of a school. This would include the impact on pupils and any other users of the school.
- 3.2 The Scottish Government do not intend to prescribe what should be in the statement or how it should be set out *“beyond that it should articulate what the benefits would be and for whom, and how any disruption or disbenefits would be minimised or countered”*.

#### Consultation responses

- 3.3 The consultation document contained 2 questions on the subject of the educational benefit statement; the first asked *“Do you support requiring local authorities to publish a statement setting out the educational benefit of the school closure proposal?”*

**Chart 3.1 – Support for requiring local authorities to publish an educational benefit statement**



- 3.4 As chart 3.1 shows, there was widespread approval for this idea; 88% expressed support with only 2% disagreeing. Ten percent did not provide an answer.
- 3.5 Comments from 10% of respondents stressed the need for transparency about reasons for any proposed closure; this was highest amongst the education respondents (27%) and lowest amongst individuals (3%). A respondent from the education group felt that *“this would represent an important priority in ensuring maximum transparency”* while a parent council/ parent body agreed *“It is very important to have real transparency in all issues related to school closures”*.
- 3.6 Seven percent wanted to see the views of all stakeholders taken into account in relation to the educational benefit of a schools closure; 14% of parent councils/ parent bodies made similar comments.

*“Too often parents, pupils, staff and the local community are left in the dark as to the reasons and/or benefits of school closures. The days of local authority meetings being held in private to avoid potential controversy surrounding proposed closures cannot be tolerated any longer.”*

(education)

- 3.7 The socio-economic impact of a school closure affects the whole community; 6% stressed the need to also take this into account, including a local authority who felt *“any consultation on a school closure proposal should include not only an analysis of the educational impact but also the wider implications for the community”*.
- 3.8 While 5% made general, positive comments about educational benefit statements; for example that they would be simple or effective; a further 5% were concerned about the word ‘educational’ and wanted clarification as to exactly what was covered by this term.

### **Comments from other strands of research**

- 3.9 The proposals surrounding an educational benefit statement resulted in lively debate during the deliberative workshops. Some participants’ initial view was that the local authority should not be the sole author of this statement, again coloured by their mistrust of their local council. However most, after some discussion and consideration, came to the view that it is reasonable that the council should set out its rationale in this way, as long as it is genuinely in the spirit of an opening statement to initiate a discussion.

*“But if they did that straight away; like, you know, “We’re thinking of closing it because of reasons a, b and c”, then you would have an idea from the beginning, and you would feel involved, and then that would be your time to say, ‘Right. Well I disagree with that because...’”*

(parent)

- 3.10 Many participants felt that the term 'educational benefit statement' is rather disingenuous and too restrictive. 'Impact statement' and 'closure statement' were among the alternatives suggested. There was a widely held view that school closures are usually proposed for primarily financial reasons, rather than for reasons of educational benefit and that these should be acknowledged and openly discussed in the same way.

*"Well we know it's [finance] at least one of the reasons, so I'd expect them to mention it at least."*

(parent)

*"But when you were saying like if the statement doesn't mention how it'll benefit financially and things, I ..Honestly, if it didn't say something about finance, I wouldn't believe them to tell you the truth!"*

(parent)

*"I was going to say in defence of the council, they're not allowed to close a school for financial grounds, so if they write down and said this is too expensive to run, they're not allowed to do that."*

*".....Well that seems to me a very stupid rule to have."*

(parents)

- 3.11 So, participants often felt that the statement should have a broader focus and title and should present all the benefits and disbenefits (financial, community, building/ facility and educational) in a more balanced way.

- 3.12 Others mentioned the impact on local employment, for example a cleaner in the school, local businesses such as shops where children go at lunchtime or parents go during the school-run. The knock-on impact on others who depend on local shops (older people without transport, for example) was also mentioned.

*"They could be quite alarmed if a school's going to close, because there's a knock-on effect to the shops because people aren't going to stay in an area where there's no school."*

(parent)

*"If people have got to travel with the kids, they might shop over there, and so the local shops suffer."*

(parent)

- 3.13 Children too were more concerned about the non-educational impacts of having to change schools and frequently mentioned travel distance, having to leave home earlier in the morning, worries about whether they would still be with their friends and so on.

*"Well, how far away it was from your house and that sort of thing or [would you have to] drive really far to get to school .... and whether your friends would be going to the same school."*

(child)

*“They have to deal with people complaining about the earth being damaged because they're forcing them to go to different schools that are further away.”*

(child)

3.14 Most participants recognised that there can be benefits to closing schools and mentioned issues relating to the social advantages of going to a bigger school or a school where more opportunities or facilities can be made available.

*“And probably if there's 2 schools close together, it's maybe better value for money if they pool resources, so, you know, is it better to have 2 schools with sort of half measure facilities, or get one school that's more super-duper?”*

(parent)

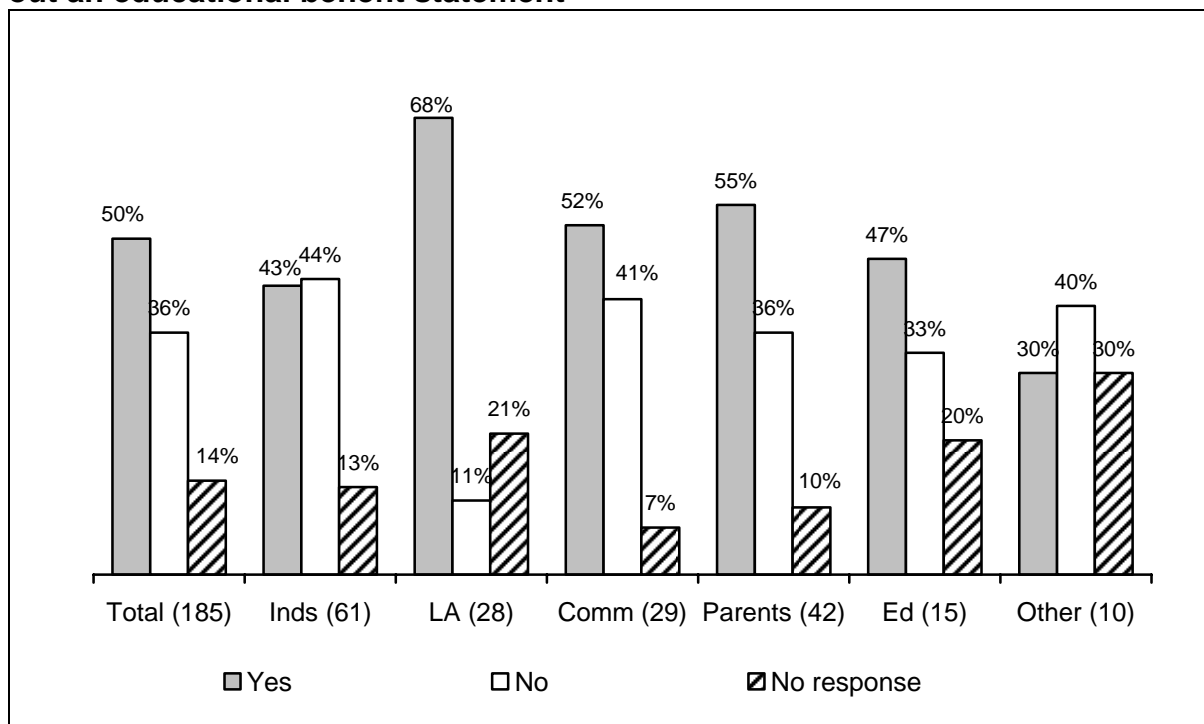
3.15 At the public meetings there was widespread support for the idea of an educational benefit statement and attendees felt that the educational benefit should be set out in detail. In addition, attendees felt that the benefits had to directly relate to the pupils at the school proposed for closure.

## HOW THE EDUCATIONAL BENEFIT STATEMENT SHOULD BE SET OUT

### Consultation responses

3.16 The consultation also asked *“Do you agree that it should be left to the authority as to how it sets out an educational benefit statement?”* Half (50%) agreed, 36% disagreed and 14% did not give a direct answer to this question.

**Chart 3.2 – Agreement that it should be left to the authority as to how it sets out an educational benefit statement**





3.17 As can be seen from chart 3.2, local authorities were most likely to agree (68%) that responsibility for setting out an educational benefit statement should be left in their hands.

3.18 There was a variety of comments in relation to this question; the most common was that there should be some form of guidance or guidelines from the Scottish Government in relation to the educational benefit statement. Eighteen percent of respondents felt this should be the case and this included:

- individuals (18%);
- local authorities (21%);
- community councils/ groups (10%);
- parent councils/ parent bodies (21%);
- education (27%);
- other organisations (10%).

3.19 Some respondents suggested that, in the interests of consistency and accountability, there should be some national guidelines on the content of the educational benefit statement.

*“I would feel happier if national government set out guidelines. I am suspicious of an authority setting out the statement when the same authority wants to make financial cuts. There needs to be accountability to another agency.”*

(individual)

*“It may be worthwhile for the Scottish Government to work with COSLA/ ADES to draw up guidance for local authorities so that parents can see a consistent approach.”*

(local authority)

3.20 There was a call for all stakeholders to be involved in the process (14%); 8% made comments that the views of a local authority might be biased towards the closure. One parent council/ parent body commented *“There should be guidelines to avoid authorities following their own pre-determined agendas.”*

3.21 Standardisation was seen as important by 13%; this included 32% of local authorities, one of whom commented *“We believe that there should be an agreed national framework with a degree of flexibility for authorities to personalise their statement according to their individual circumstances. This would ensure a systematic approach across authorities.”*

3.22 Some respondents included suggestions for what should be contained in the educational benefit statement:

- should cover all issues and provide evidence (7%);
- must include social/ economic aspects (5%);
- should have examples of good practice (4%);
- should include input from HMIE (4%).

### **Comments from other strands of research**

3.23 Attendees at the public meetings felt that there should be some form of guidance issued by the Scottish Government on what an educational benefit statement should contain.

3.24 Participants at the deliberative workshops were prepared to accept the educational benefit statement as an opening argument, though they too would prefer that some guidelines about its content should be provided. They also talked about other types of information they would like to see included in the statement:

- wider socio-economic issues;
- non-educational impacts on pupils;
- time based impacts i.e. what will be the short and longer-term benefits/disbenefits;
- population projections and planned development in the area and how these fit with the resultant educational provision;
- how any money saved will be spent;
- the performance of the school compared to the performance of the alternative education being proposed for the children affected.

In summary:

The proposal to require local authorities to publish an educational benefit statement was supported by 88% of respondents to the consultation. Only 2% said that they disagreed, 10% did not supply a response. Participants at deliberative workshops and public meetings also saw this as a reasonable step.

Across all strands, there was a desire for the statement to cover the wider, as well as educational, implications. Financial, economic, transport and community-related issues were most frequently mentioned, along with some analysis of the longer term impacts. Some suggested the statement should have a different title (i.e. not using the word '*educational*'), to reflect this.

Half (50%) of consultation respondents agreed that it should be left to the authority as to how it sets out the statement; over a third (36%) disagreed and 15% did not give a direct response. Some respondents commented that there should be some form of guidance or guidelines from the Scottish Government, as did many attendees at the public meetings. Comments from workshop participants also supported this view.

## 4 HMIE INVOLVEMENT

### Consultation question:

Q7 Do you agree that HMIE's views should be sought in all cases?

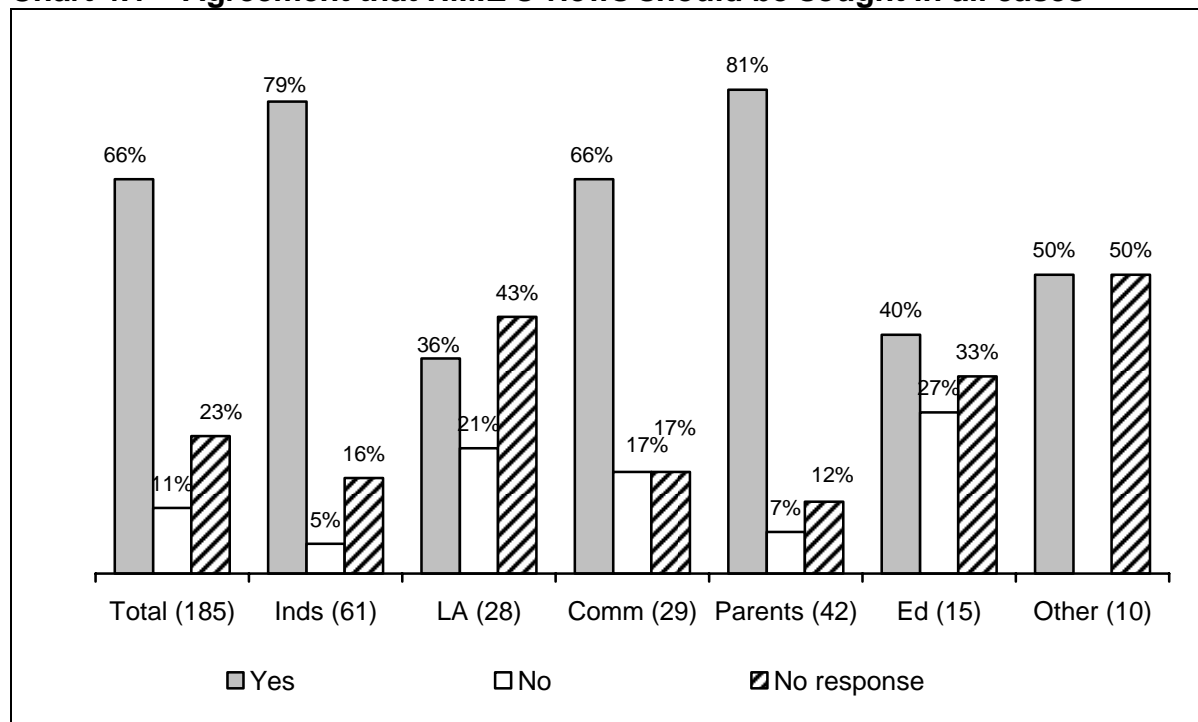
4.1 Her Majesty's Inspectorate of Education (HMIE) is the independent body charged with promoting improvements in standards, quality and achievements in Scottish education. The Scottish Government recognises that parents and others affected by a proposed school closure may be very interested in HMIE's view of the educational impact of any closure and so proposes that *"when consultations are being conducted, HMIE should be a mandatory consultee, with an obligation placed on them to respond and set out their views, of course only on matters within their competence."* The consultation pointed out that it might be of greater advantage for HMIE to be able to look at all the issues that arise during a consultation period and so proposed that HMIE should respond after the consultation period.

### SEEKING HMIE'S VIEWS

#### Consultation responses

4.2 Respondents were asked *"Do you agree that HMIE's views should be sought in all cases?"*

**Chart 4.1 – Agreement that HMIE's views should be sought in all cases**



4.3 Chart 4.1 shows a difference in opinion between respondent types; while 66% overall agreed that HMIE's views should be sought in all cases, this rose to 81% amongst parent councils/ parent bodies. Only 36% of local authorities and 40% of education respondents agreed; however the large percentages of no responses should be noted (43% of local authorities and 33% of education respondents did not give a direct answer).

4.4 Eleven percent overall disagreed that HMIE's views should be sought; 23% did not give a direct answer.

4.5 Reasons for involving HMIE were given in 10% of responses and these included the fact that HMIE has knowledge and understanding which would be beneficial to the process as well as the following comments:

*"As the HMIE is independent, both authority AND parents will be assured of a bias-free report and so will have an unquestionable document to work from."*

(parent council/ parent body)

*"Authorities and HMIE are presently engaged in partnership working to improve the educational provision for youngsters and families and therefore engagement should be welcomed at anytime during the consultation process"*

(local authority)

4.6 Other suggestions for ways in which HMIE might contribute to the process came from 8%, for example:

*"Could the HMIE also take into consideration the proposed school for the new catchment area? It would be useful to have the HMIE view on the capability of the proposed school to accommodate the increased intake."*

(community council/ group)

4.7 Six percent gave general, positive comments regarding HMIE's involvement in the process. One individual said *"Their views are highly relevant in this case, and it would be a waste of an existing public resource not to request their view"*.

4.8 While 11% of the total said that HMIE should not be included, only 9% gave reason. One local authority felt:

*"We are unsure of the value of the views of HMIE – all their comments on the educational standards of a particular establishment, and indeed local authority, are published on their website. In the past they have been unwilling to comment on the relative merits of different sizes of establishments, so we do not know what additional information they could bring to the debate."*

4.9 There were some suggestions, from 6%, that other agencies should also be involved, with one individual commenting *"it should be noted that with regard to financial impact statements, transport implications, and information pertaining*

*to rural development issues expert views should also be sought from Audit Scotland, Development Organisations and other appropriate bodies.”*

- 4.10 The exact nature of HMIE’s involvement would need to be clarified; 6% wanted to see more detail on how HMIE would be involved. Five percent commented that HMIE should only consider the educational benefits a closure might produce and should not consider any other issues which might result from a consultation process.

### **Comments from other strands of research**

- 4.11 At the public meetings and the deliberative workshops, attendees and participants were universally in agreement that HMIE’s views should be sought. Comments from the deliberative workshops included:

*“Well if they’re inspecting the schools, they would know the good schools.”*

(parent)

*“Your inspectors are going to come down I suppose maybe on the educational aspects as well. If it is a school that’s failing, then they’re going to pick that up, and then it is a good reason to close it.”*

(parent)

- 4.12 There was much discussion among parents, however, about which stage in the process this would be best done (with some wanting HMIE to be more actively involved from the start). Many, at both the workshops and public meetings, felt that information about the school’s performance and that of other affected schools, from HMIE inspection reports, should be considered from the start of the process and included in the consultation document or even the educational benefit statement. Workshop participants said:

*“They don’t actually get much of a say though, do they? They get to look at it all, but they don’t actually get a say.”*

(parent)

*“But is it too late by the time they get it?”*

(parent)

*“Then if they come in at the latter stage. Like their [the council’s] minds could have been made up. Are they actually going to take much notice of what they’re saying?”*

(parent)

- 4.13 Most felt that there was a need for more independent input and again this stemmed from deep-seated mistrust of local councils by the parents who participated in the workshops. Many, after discussion, came to the view that HMIE may not be best placed to undertake this wider independent role.

*“I don’t really see where they could get involved in any decent input because really the Inspectorate of Education are responsible for*

*assessing what goes on in schools, ... They look at what goes on in schools, the performance of the schools, how the schools are run. Building a new school or closing a new school [sic] I don't think would come under their remit."*

(parent)

*"Depends. If it is a huge financial issue, maybe it should be somebody that's totally independent, but, you know, is it measuring the cost against, say, the cost to the community if you like?"*

(parent)

4.14 A range of alternative suggestions was made, from involving HMIE much more and earlier in the process, to handing the whole consultation process over to an independent body to conduct.

4.15 Suggestions between these extremes included involving other agencies (though participants were unsure which) setting up a new organisation or, preferably, some kind of panel. This would be either a permanent national pool that could be drawn from or a specifically recruited ad hoc panel for each case. On balance, probably most felt that local knowledge was important and that it would therefore be important to ensure local representation on any panel. Expertise people would like to see involved, in addition to educational expertise, included neighbouring authorities, community representatives, planning experts, transport experts and so on.

4.16 Such a body could be involved in various stages of the process, but most commonly, workshop participants thought it should review the consultation report and make recommendations that the local authority would be obliged to seriously consider.

In summary:

The majority of consultation respondents (66%) agreed that HMIE's view should be sought and this was echoed in the public meetings and workshops. Eleven percent of consultation respondents disagreed that HMIE's views should be sought; 23% did not give a direct answer.

At the workshops and public meetings it was suggested that HMIE should be involved from the start of the process, rather than only at the end of the consultation.

There was some support, at workshops, public meetings and in consultation responses, for more independent input and the involvement of other independent viewpoints with a wide range of suggestions as to how this might be done – such as involving agencies like Audit Scotland and organisations concerned with development and planning, or convening a panel of relevant experts and local knowledge/representation.

## **5 PROPOSED CHANGES TO THE WAY CONSULTATIONS SHOULD BE CONDUCTED**

### **Consultation question:**

Q8 Do you support the proposed changes to the way consultations should be conducted? These are:

- introducing a requirement that a consultation paper should be published containing certain information
- establishing a mechanism for addressing allegations of factual inaccuracies in a consultation paper
- extending the list of people who must be consulted
- updating the way consultations are publicised
- updating how people can respond to a consultation
- extending the minimum consultation period to 6 weeks of term time
- introducing a requirement that the authority publish a Consultation Report, 28 days before the final decision is taken

### **OVERALL SUPPORT**

5.1 Respondents were asked *“Do you support the proposed changes to the way consultations should be conducted? These are:*

- *introducing a requirement that a consultation paper should be published containing certain information;*
- *establishing a mechanism for addressing allegations of factual inaccuracies in a consultation paper;*
- *extending the list of people who must be consulted;*
- *updating the way consultations are publicised;*
- *updating how people can respond to a consultation;*
- *extending the minimum consultation period to 6 weeks of term time;*
- *introducing a requirement that the authority publish a Consultation Report, 28 days before the final decision is taken.”*

### **Consultation responses**

5.2 Overall support for the proposed changes came from 59% of all consultation respondents; this was lowest amongst local authorities (32%) and highest amongst individuals and parent councils/ parent bodies (69% each). In addition, 14% included general positive comments in relation to the proposals. Eight percent felt that most of the proposed changes were already included by local authorities in the current school closure process. Only 1% commented that they did not support the changes overall. The remainder commented on each proposal independently or added more general comments.

5.3 Two local authorities commented that they felt these proposals could lead to unnecessary delay; one said *“in our experience, the consultation period of 28*

days, as already set out, is sufficient. There is the risk that proposals will elongate and complicate the process”.

### **Comments from other strands of research**

- 5.4 In general, workshop participants were very supportive of the intention to tighten up legislation in this area and some expressed surprise that councils are not currently required to undertake some elements of the suggested process.

*“...as long as they make the information about what's going to happen readily available, it is distributed properly, then people have got the chance to look at, take it in, talk to other people about it, get them sorted. Then the report gets made up. Then they've got time to see the report once it's made, and then the decision gets taken. So, during the length of the consultation overall, people have got plenty of opportunity to have output into what's going to happen, even although the Council I suppose will have the final say-so.”*

(parent)

- 5.5 Comments on all stages of the proposed process were coloured often by a deep mistrust of the council and there was a great deal of cynicism that tighter regulation, though welcome, would not make much difference to the extent to which councils genuinely consult.

*“Sorry I don't want to be negative but I don't think it makes one iota of difference, because the councillors vote politically, it makes no difference what we said and we have consulted.”*

(parent)

*“It all comes down to you have the meetings and everybody says but ultimately they go and do what they want.”*

(parent)

*“Is this one possible advantage of this sort of approach though, that if there are a lot of embarrassing things, they would have to be publicly stated before they ignore you, then they have to publish it and I can see that as an advantage.”*

(parent)

*“Is all the consultations not really a waste of time, because they are going to go off and do whatever they're going to do anyway”.*

(parent)

### **SPECIFIC PROPOSALS**

- 5.6 In consultation responses and at the deliberative workshops, comments were made on each proposal independently of the others. The following paragraphs deal with each proposal in turn; each paragraph begins with responses to the consultation and then discusses findings from other strands of the consultation research.



- 5.7 It is important to bear in mind that, while we are able to quantify agreement and disagreement from consultation responses in relation to these proposals, some respondents chose only to make general comments or not to comment at all. Therefore no assumptions can be made about the views of the remainder.

#### *REQUIREMENT FOR CONSULTATION PAPER CONTAINING CERTAIN INFORMATION*

- 5.8 Twelve percent of responses to the consultation questionnaire included support for the introduction of a requirement that a consultation paper should be published with certain information that should be included; there was no specific disagreement with this proposal. One local authority noted that this would build on existing good practice in their area while another said *“Yes, this would clearly outline the considerations and issues facing the local authority.”*
- 5.9 Deliberative workshop participants supported this proposal and were content with the information that would be required in this document. The only thing that some would like added was information on the performance of the school, such as recent HMIE inspection reports. All agreed that such a document should be required to be published – some would like it to be written by an independent body or individual, rather than the council.

*“It’s the same if the consultation process wasn’t actually published. Who knows what everybody would say? There has to be somebody in there that’s impartial when it comes to putting anything down.”*

(parent)

#### *MECHANISM FOR ADDRESSING FACTUAL INACCURACIES*

- 5.10 Twelve percent of responses to the consultation questionnaire voiced support for the proposal to establish a mechanism for addressing allegations of factual inaccuracies; these were mainly short answers which did not elaborate further.
- 5.11 One parent council/ parent body felt that this proposal did not go far enough and wanted to see an appeal mechanism included, while a community council/ group felt it was important to include enough time for inaccuracies to be resolved and arbitrated.
- 5.12 A local authority felt this proposal would be difficult to translate into legislation but suggested that the *“consultation report should be expected to include reference to any allegations of factual inaccuracy, together with the education authority’s responses to these allegations”*. Another felt that *“legislation should be carefully worded to exclude matters of subjective, financial or statistical interpretation. It should only be the material facts that fall into this mechanism.”*
- 5.13 Again, workshop participants were supportive of this, but, because of lack of trust in their local authority would want to see some form of independent adjudication. Most did not feel it should be left to the council to address inaccuracies.

*“In the report they are going to have to respond to any inaccuracies in the consultation paper so who then points out if there is any inaccuracies in their response?”*

(parent)

#### EXTENSION OF LIST OF PEOPLE WHO MUST BE CONSULTED

5.14 There was support, from 13% of consultation respondents, for extending the list of people who must be consulted; no respondents specifically disagreed with this proposal. There was comment, from some local authorities, that this would build on existing practice. A parent council/ parent body made the following observation:

*“We welcome the proposal to ensure that teachers and staff and their representative trade unions should be consulted. This would ensure that those directly involved in delivering education to the pupils concerned were included. We would also propose that community users of school buildings should also be consulted”.*

5.15 Again, the need to ensure all stakeholders are involved was mentioned by 10% of consultation respondents, with 8% asking that community councils be included and 6% stressing that the whole community should be involved. In addition, 6% wanted to ensure that the views of pupils were taken into account with an education respondent commenting *“it will be important that the children of the school involved should be consulted and their voice heard. This is part of their role as responsible citizens.”*

5.16 In the deliberative workshops, there was universal support for the inclusion of the additional consultees, though many participants simply said that **everyone** in the affected areas should be consulted, since closure of a school may affect or be of interest to the entire community and, as such, there is no group or individual that should not be given the opportunity to have a say.

*“I mean the school's part of your community, so the whole community should be consulted when changes are being thought about.”*

(parent)

*“You take the whole school. In one wee corner shop, how much money he takes per day, 5 days a week ... then all of a sudden he gets nothing if that school closes. And you maybe get your old granny coming down for her paper. He's going to close, that wee granny can't even get her paper because she's got to go miles away somewhere else to get her paper. “*

(parent)

*“...but residents that stay round about it as well, because obviously there'll be an impact on their life as well. If the school's getting closed, .. as you say, what's going to happen? Are they going to put up flats or are they going to put up, you know, another business there?”*

(child)

*“Make sure every house in the actual catchment area for the proposed closure/ opening actually had a letter put through the door. Not just the parents or the kids at the school, but every address.”*

(parent)

- 5.17 As noted above, some consultation respondents wanted to ensure that the views of pupils were taken into account. There was also some discussion at the workshops amongst parents about the appropriateness of consulting very young children, with some concern that they would find it too upsetting or simply be too young to have a meaningful input. Many felt that children younger than about primary 5 should not be included.
- 5.18 However, participants in the children’s workshops (who were all primary 4 or older) thought that children of all ages should have the opportunity to have a say.
- 5.19 At the public meetings, attendees suggested that consultation with pupils could be done through the pupil council.
- 5.20 The importance of meaningful consultation with the communities affected was highlighted by most participants in the deliberative workshops and those responding in other ways. Another commentator on the Rural Gateway site summed this up:

*“Communities need to be involved in the decisions regarding their schools and ... frequently they are not.”*

#### **UPDATING THE WAY CONSULTATIONS ARE PUBLICISED**

- 5.21 Twelve percent of responses to the consultation questionnaire included support for updating the way consultations are publicised; no disagreement was noted. One local authority commented *“The use of Web sites and electronic responses is welcomed and is an approach already used by this Council”* and a parent council/ parent body added their view:

*“The most effective way of informing people of intended changes is via the school and then through word of mouth. However, it is important that as many methods of communication as possible are used to ensure that no one is left out.”*

- 5.22 This topic was much discussed in the deliberative workshops. Universally, participants wanted to see much more proactive and comprehensive publicity required of councils. It was not perceived to be sufficient to advertise in local papers and on the council’s website. Many would like to be personally contacted to be made aware of the consultation and suggested that letters should be sent to every household in the affected communities at the beginning of the consultation period, to let people know that the consultation was happening, where to access the consultation document and how they could give their views.

*“I think everyone should be invited, everyone in the community should be invited to respond to this, it should be pitched that way round. Special efforts should be made to get certainly the people on this list, they should be trying particularly hard to get responses from some of those, I guess it’s the other way round, that HMIE should have a duty to respond to this and the Gaelic people and whatever the planning partnerships or the community council should all have a duty to do this, rather than it being that they have to be asked, but everyone should be asked and the council should make it, it should be clear that an effort has been made to specifically talk to pupils and parents and staff.”*

(parent)

*“Well you’ve got to take it to the wider community because it’s going to affect everybody ultimately.”*

(parent)

#### UPDATING HOW PEOPLE CAN RESPOND TO A CONSULTATION

5.23 Nine percent of consultation responses contained support for proposals to update how people can respond to a consultation; there was no disagreement specifically to this proposal. One organisation, from the ‘other’ sub-group had looked into this matter and reported that:

*“Our research found support for the principle of a public meeting, though often their expectations were not met. We also welcome formalising the process of written responses, though the councils in our research did accept written responses and some included consultee response forms in their notification papers.”*

5.24 Again, the proposed measures were not considered by the deliberative workshop participants to be sufficiently comprehensive. There was a desire for much more in the way of opportunity for verbal and face-to-face input. Most felt that at least two public meetings should be held, one early in the consultation period and one later, to allow people time to think, gather information and put together arguments between times. Others pointed out that public meetings would need to be held at different times of day to be accessible to everyone, and that childcare would need to be provided.

5.25 Children in particular wanted to be able to give their views verbally, and very few would respond to any other format. That said, many did not think they would speak out at a public meeting, but would prefer smaller meetings, maybe just for children and young people, or meetings in their school, class by class, with teachers present too.

5.26 In addition to public meetings, many workshop participants wanted other mechanisms for dialogue with the council during a consultation period to be required. Suggestions included: a helpline or preferably a named contact with a direct number to call; council representatives and/ or local Councillors present in the community (at the school) for a reasonable period of time at various times during the consultation period, so that people could go and speak to them; smaller, more discursive events like workshops; and so on.

*“Important probably as well to have a known point of contact so that, you know, so if you're going to phone in about this or you're going to send the things to, you want to speak to someone about it, then you don't end up going through 6 different Council departments. You actually have a focal point of contact.”*

(parent)

*“A named, available, contact.”*

(parent)

5.27 Attendees at the public meetings, while welcoming the proposals for public meetings, also suggested that there could be additional, less formal, meetings between local authority officials and other interested parties.

#### **EXTENDING THE MINIMUM CONSULTATION PERIOD TO SIX WEEKS OF TERM TIME**

5.28 Ten percent of consultation responses included support for extending the minimum period of consultation to 6 weeks of term times. Again, there were comments that a longer time period is already used by local authorities:

*“On balance, this proposal is accepted. The extension to 6 weeks is in line with the requirements of meaningful consultation with the wider community and indeed many authorities already allow more than the statutory four week period.”*

(local authority)

5.29 One local authority said that they did not support the proposal as the whole consultation period would become too long and so *“is likely to mean a period of several months of uncertainty”*.

5.30 Nine percent felt that the consultation period should be longer than 6 weeks.

*“Our research found that even in cases where the 28-days was extended to 6-weeks consultees found it difficult to build their arguments and prepare their responses. This was particularly the case where consultees wish to dispute information contained in consultation documents such as pupil projections and financial calculations.”*

(‘other’ organisation)

5.31 Five percent voiced concerns on such issues as: extending the timeframe to 6 weeks could mean the process being delayed; or that the consultation period be interrupted by school holidays (although the consultation states that this period would be 6 weeks of term time).

*“However by extending the consultation process the likelihood of agreements being reached in less than one school session is unlikely.”*

(local authority)

5.32 Deliberative workshop participants, in general, did not feel that 6 weeks would be long enough. The main reason for this was that it would not allow enough

time to organise a campaign or set up an action group, put together information and papers and so on.

*"Initially, people would just say "No", so everybody would be up in arms about it at first. They would need people to have like a cooling off time. Put it out there, cooling off time, and then let people think about all the issues there, and then get back to them. I don't think **6 weeks** is long enough time for that."*

(parent)

*"If there is an obligation to have a public meeting and the public meeting maybe the thing that kicked off your stuff, maybe one of the timings that needs to be in there is that the public meeting needs to be, the consultation can't finish until four weeks after the public meeting."*

(parent)

- 5.33 That said, those who had been involved in school closures in the past, pointed out that it is not helpful to prolong the consultation period too much, since this can result in a long period of uncertainty and anxiety, and in a loss of focus or momentum in any action the community takes.
- 5.34 Some wanted the consultation period to be as much as a year, though the general consensus was probably somewhere between a term and six months.
- 5.35 At the public meetings one of the main topics of discussion was time scales, both for consultation and decision making. Again, some were of the opinion that six weeks was too short with suggestions ranging mainly from 8 weeks to a term. Some attendees felt that schools should have notice of any consultation. However, in the one or two instances where the scenario was discussed, there was support for shortening the consultation period in straightforward cases where the closure is supported by the community.

#### *REQUIREMENT TO PUBLISH A CONSULTATION REPORT*

- 5.36 Support for the proposal to introduce a requirement that the authority publish a consultation report was noted in 7% of consultation responses. There was a small amount of disagreement; one local authority felt that this would add extra delay while another said that this proposal was not helpful *"it is likely to be seen as a further mini-consultation period"*.
- 5.37 An 'other' organisation commented that they had found *"a general lack of transparency in what happened to consultation responses following the close of a consultation and a concern that votes were being taken too close to the end of the consultation to allow for detailed analysis of responses."*
- 5.38 The requirement to produce a consultation report and stipulated content were generally welcomed by the workshop participants, though most would want it to be an independent report, not one written by the council. Some suggested that all the evidence and arguments should be handed over to an independent consultant or body, who would then be responsible for considering all the information and producing a report, perhaps with a recommendation (for or

against closure) that the council would be obliged to seriously consider and justify if not accepting.

*“But you are then trusting that the council is summarising the points, there is no evidence that if they have just seen some points that they think are relevant and just swept them under the carpet.”*

(parent)

*“I think our point is that if they write a report who is to say that the report is covering all of these things? ...so I suppose what we would be saying is fair enough, publish a report but who is going to check it?”*

(parent)

*“Why can’t you have somebody like HMIE producing this report that’s summing up all these things, the responses, the views of the community, the views of the council, because then it will be more a big deal, because it would be seen as an unbiased report than something that the council actually did.”*

(parent)

5.39 There was also some discussion around the distribution of the report, with many participants feeling that the timing and availability should be made clear well in advance and throughout the consultation period.

*“So it almost seems [that] earlier on that you need to say when the report will be published, and how it’s going to be accessible, so that people know.”*

(parent)

*“... so it’s not unreasonable to say that when they put the first advert out saying ‘We’re going to have a public meeting. We’re going to do this, and then a report will be published on ...’”*

(parent)

5.40 At the public meetings there was agreement, from some attendees, that there should be a time limit after publication of the consultation report for local authorities to have to make a final decision.

In summary:

Support for the proposed changes overall was identified in 59% of consultation respondents (only 1% said they did not support the proposed changes overall); workshop participants were also generally supportive. Many consultation responses dealt with the specific proposed changes on an individual basis:

- Parents would like to see some independent input to the consultation document and would like information on the performance of the school included;
- Parents and parent bodies wanted some independent input to resolving or adjudicating on inaccuracies;

- Parents wanted the consultation report to be independently produced and to include a recommendation as to the decision.

Key themes to emerge across all strands of the consultation included:

- The need to ensure that **all** stakeholders (in the broadest sense of the word and including the entire community) are **proactively** included and consulted and that consultation is meaningful – the proposals on publicity do not go far enough;
- The need for more opportunity for face-to-face discussion or for giving views verbally, with specific and appropriate opportunities for children to do this; and
- The need for a longer consultation period, though there is variation, with parents generally wanting longer and some local authorities concerned not to introduce lengthy delays to the decision making process.



## 6 MINISTERIAL POWER TO ISSUE STATUTORY GUIDANCE

### Consultation question:

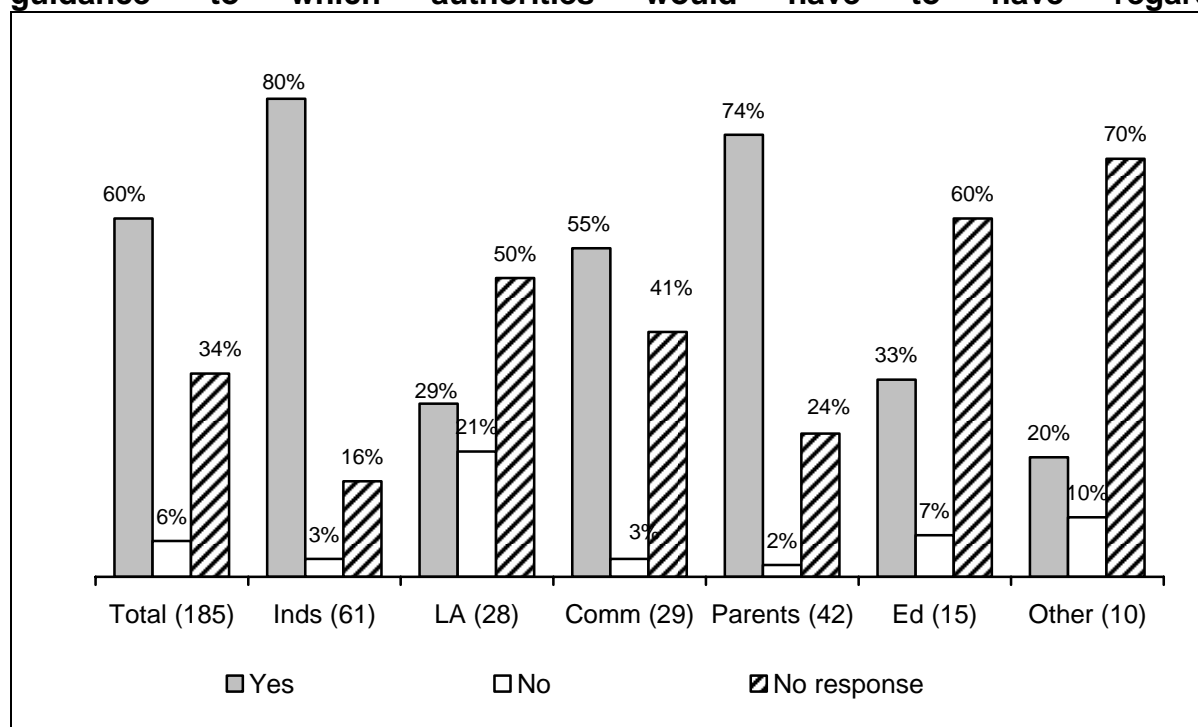
Q9 Do you agree that Ministers should take a power to issue 'statutory guidance' to which authorities would have to have regard?

6.1 The consultation document sets out proposals for a power which would allow Ministers to issue 'statutory guidance' in relation to the legislation and regulations proposed in the consultation. *"This would then have the status of guidance to which recipients, i.e. authorities would be obliged to have regard"*. The consultation asked whether respondents *"agree that Ministers should take a power to issue 'statutory guidance' to which authorities would have to have regard?"*

### Consultation responses

6.2 As chart 6.1 shows, there was support from 60% of respondents for this proposal; only 6% disagreed and 34% did not give a direct answer. Support was highest amongst individuals (80%) but fairly low amongst education respondents (33%), local authorities (29%) and other organisations (20%); although these sub-groups showed very high proportions of no responses.

**Chart 6.1 – Agreement that Ministers should take a power to issue 'statutory guidance' to which authorities would have to have regard**



6.3 The need to ensure consistency across Scotland was raised in 11% of all responses; this was particularly important to local authorities (36%):

*“This would ensure that all authorities have regard to the same factors which may be relevant to various types of proposals which may be consulted upon.”*

(local authority)

*“This is agreed to ensure consistency. However there is need for the Government to frame the essential elements for inclusion in a prescriptive manner to reduce further appeals within the system due to a lack of clarity in any educational benefit statement.”*

(local authority)

6.4 In addition, 8% of respondents commented that this proposal would ensure fairness. Six percent gave brief, general reasons for supporting the proposal, for example that it would be sensible or helpful.

6.5 There were some questions over the usefulness of this proposal, from 8% of respondents; an individual commented *“A major problem has been that the current “guidance” has been ignored all too often.”*

6.6 Five percent commented that statutory guidance should only be used for clarifying legislation. This was higher among local authority respondents (18%) who made similar comments, including one who commented *“The view of the authority however is that the statutory guidance prepared should be used purely as a means of clarifying the legislation and not used as a replacement or addition to legislation.”*

6.7 Other comments included:

- that the proposal would ensure transparency (4%);
- that the guidance should not be considered exhaustive (4%);
- that guidance should be given on a regional rather than national level (4%).

### **Comments from other strands of research**

6.8 In the deliberative workshops, there was not a great deal of discussion about the proposed ministerial power to issue statutory guidance, beyond a general agreement that it is a good idea.

In summary:

The majority (60%) of respondents to the consultation supported the proposal in relation to a power to issue statutory guidance; 6% disagreed while 34% did not give a direct answer. Agreement levels were lowest amongst local authorities.

The key theme to emerge across responses was the need to ensure consistency throughout the country and the advantages of statutory guidance as a mechanism for achieving this.

## 7 A REFERRAL SYSTEM

### Consultation questions:

- Q10 Are you content with the present system of referral of closure cases to Ministers?
- Q11 If not, what changes would you wish to see made, and why?
- Q12 Do you agree with the proposal to place the responsibility on authorities to satisfy themselves regarding the provision of denominational education? If so, do you agree with the proposal to continue to allow referral to Ministers if the Church or denominational body has an objection?
- Q13 Do you agree with our proposal that in future only school closure cases should be referable to Ministers?

7.1 At present, after a council has made its final decision to close a school, change its site, or change its catchment area, there are specific circumstances where the decision has to be referred to Scottish Government Ministers for agreement.

7.2 Cases are automatically referred if they meet certain criteria; these were listed in the consultation document:

- *where primary pupils are involved and the alternative school is 5 or more miles distant from the school to be closed;*
- *where secondary pupils are involved and the alternative school is 10 or more miles distant from the school to be closed;*
- *where the school to be closed is 80% or more full to capacity, at the time the proposal to close is made;*
- *where the closure would mean a reduction in denominational education provision in the area, or that there might be significant deterioration in the denominational provision.*

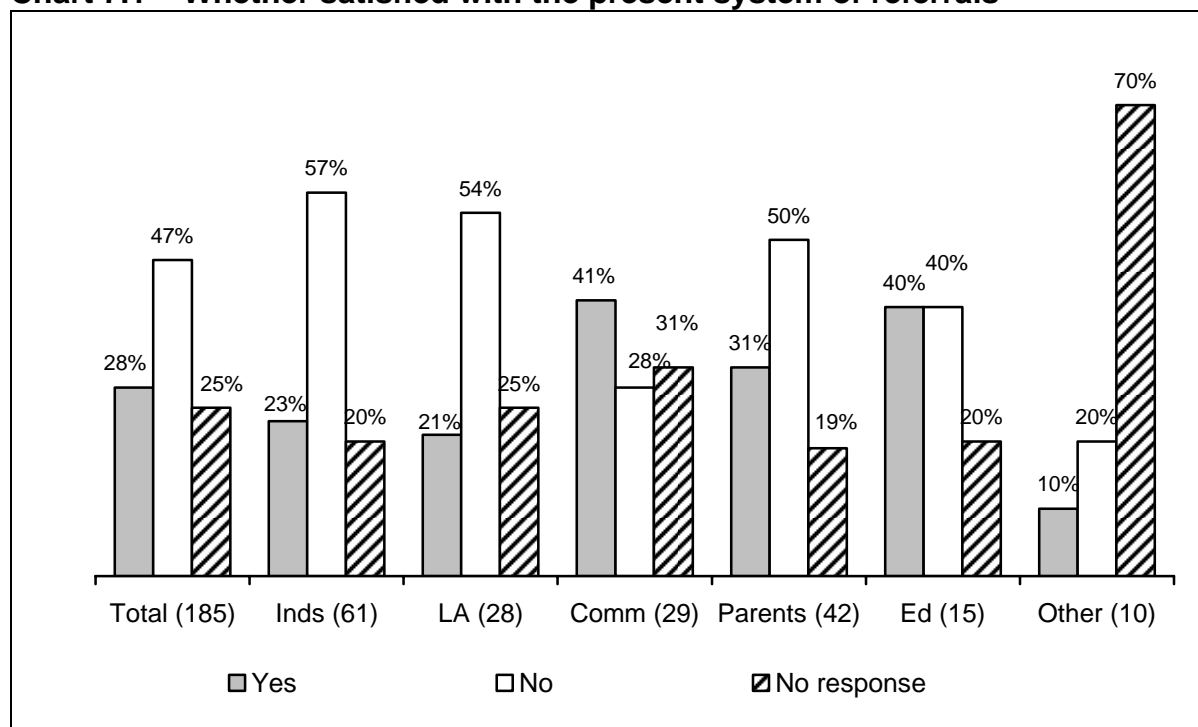
### PRESENT SYSTEM OF REFERRAL

7.3 Respondents were asked “*Are you content with the present system of referrals of closure cases to Ministers?*” and “*If not, what changes would you wish to see made, and why?*”

### Consultation responses

7.4 As shown in chart 7.1, almost half (47%) of respondents said that they were **not** happy with the current system of referrals. Just over a quarter (28%) said that they were happy while 25% did not give a direct answer.

**Chart 7.1 – Whether satisfied with the present system of referrals**



7.5 Reasons for discontent with the current process came from 11% of respondents and included the following comment from an individual respondent: *“In past experience it didn’t seem to get much attention from Ministers, they simply rubber stamped the decision that the council had already made. So what was the point?”* A local authority added *“It is acknowledged that the current system appears to rely on what are fairly arbitrary grounds for deciding on which cases should and should not be referred to Ministers.”*

**Comments from other strands of research**

7.6 The current system of referral was not understood by workshop participants and once explained, seen as rather pointless because it is not an appeal mechanism and is largely focussed on process. Some felt that Ministers should be responsible for the decision at the end of the day, or should at least have the power to overrule it.

7.7 When the argument was put that the Government wishes to ensure that local decisions are taken locally, by the locally elected representatives, many understood this point of view and conceded that in an ideal world this is how things should work. However, given their lack of trust in their local councils and their scepticism about the effectiveness or genuineness of any consultation exercise, they did not want the council to have the power to make the final decision. A desire that there should be an appeal, rather than a referral system was widely expressed and discussed.

*“Well that’s just the Local Authorities make the decision, and they can do it. You know? OK – they’ll have all this consultation and like but, no, it should go higher. It should go to the Ministers.”*

[Is that because you think the Ministers are the best people, or just because it's someone else has to do it?]

*“Someone else has to look at all the information and all the consultation and, you know, just sort of have a final say about it. And that's why we spoke about having, you know, a committee with Ministers and educators, and, you know, other people on it.”*

(parent)

## **POSSIBLE CHANGES**

### ***Consultation responses***

7.8 Responses to the consultation question on what changes respondents would like to see, and why, showed 9% of all consultation respondents making general comments on the need for a review of, or improvements to, the system.

7.9 Nine percent commented generally on the need for an appeal process, the majority of these comments coming from individuals; including one person who asked for *“Some way in which communities have a way to appeal a bad decision”*; although all groups apart from ‘other’ organisations made similar comments.

*“The problem is that the present system could result in councils targeting schools that do not have to be referred for financial reasons, because they know that the schools that would be referred might be refused. This would result in a two-tier system. There should be an additional right of referral or some sort of appeal procedure if schools had evidence to suggest this was happening.”*

(parent council/ parent body)

7.10 More specific comments included that Ministers should not be involved at all. Although only 8% of all respondents gave this response; this figure rose to 46% amongst local authorities:

*“Just as certain matters are devolved to the Scottish Government, the provision of education is devolved to local authorities. Consequently, authorities should have the freedom to decide the pattern of local provision without recourse to Ministers.”*

(local authority)

*“If Ministers give clear and unequivocal statutory guidance then the only ministerial intervention in the process should be in the event of an authority failing to have regard to the guidance.”*

(local authority)

7.11 Looking at the possibility that appeals could go through a judicial procedure, 4% of respondents, mainly local authorities, felt that this should be the case. One education respondent said *“The existing route, to judicial review if necessary, appears to be acceptable for many other purposes, despite its bureaucracy. [the respondent] is unsure why an exception should be made for school closures”*.

- 7.12 Other comments from consultation responses included a variety of other themes and these are summarised in the following paragraphs.
- 7.13 Six percent of all consultation respondents felt that all closures should be referred to Ministers and this included a parent council/ parent body who said *“All closures should be referred to Ministers so as to give a much more balanced view of the local situation and need based on the evidence provided by the local community as well as that of the local authority”*. There were no comments from local authorities on this issue.
- 7.14 Again, 6% commented that there should be an independent review body, although no education respondents made this comment. An individual felt *“There should be provision for an independent body to act as arbiter on school closures as required. This issue has not been given due weight in the consultation document.”*
- 7.15 There were suggestions, from 6% of respondents, that appeals should be made to a public ombudsman and one individual suggested *“perhaps there should be established some kind of adjudication body which determines if a matter can be referred to Ministers. The value of such a body is that it is possibly less susceptible to political pressure than Ministers are”*.
- 7.16 Concerns over the timescales in relation to the decision-making process were raised by 6% of respondents, mainly local authorities.
- 7.17 Six percent of respondents suggested that transport or distance criteria should be taken into account; one parent council/ parent body felt more needed to be done on this issue and described their particular concern: *“The current system of referral on grounds of distance should be abandoned in rural areas on grounds that distance is no describer of terrain and two miles of sea, cliff or mountain may be perilous”*.
- 7.18 Other comments on possible changes to the referral system, from smaller numbers of respondents, included:
- that it is the local authority's responsibility and should be managed locally (5% of respondents comprising mainly local authorities);
  - that the public should have more of a voice in the appeal process (5% of respondents);
  - the need for openness and transparency (5% of respondents).

### **Comments from other strands of research**

- 7.19 Workshop participants discussed this issue at length and with feeling. Parent participants did not trust their local council and expressed a very strong desire that the legislation should include provision for an independent appeal system, not a referral system (i.e. one where individuals and communities can complain about a decision to some external body and have it reviewed, rather than one where cases are either automatically referred or not).

7.20 In the deliberative workshops, the entire focus of discussion on this topic was about the need for an appeal system. Similarly at the majority of the public meetings attendees wanted to see some form of appeal process and there was a feeling that the decision to refer should be based more on the level of disagreement with the decision (for example through a parent vote) rather than criteria linked to the case.

7.21 Many public meeting attendees wanted to see an independent panel deciding on any appeal. Some felt the appeal process should be de-politicised, although others disagreed. Suggestions for panel membership included: a parent and a local Councillor from outwith the affected area; someone with financial expertise; HMIE; and perhaps a lawyer or someone who had experience in arbitration. Many attendees felt that the panel should look at the process rather than the final decision.

7.22 Workshop participants also wanted the legislation to include a mechanism for independent adjudication. Recourse to the law if the legal process has not been properly followed was not perceived to be sufficient reassurance. It was generally viewed as likely to be far too expensive, probably very lengthy and difficult for a community group to have real access to.

*“They should have some kind of Parliamentary committee set up where it should be a standard Parliamentary committee that should review these documents to. No matter what Council they're from, they should be reviewing them so that the same people are looking at these statements.”*

(parent)

*“The Councils have got to be answerable to someone, and – if they weren't – then effectively they would do what they wanted, like they normally do just now. But if they put education in the hands of the local Councils and there was no input from the Government at all, I think it would be a lot ..they would be a lot worse off.”*

(parent)

7.23 Children too felt that, for a fair decision, there needs to be some higher/ independent authority involved.

*“...but if we took it up there, maybe they'd be more fair because it's... instead of them being against us, it's like judging between the two.”*

(child)

7.24 However, on balance, most workshop participants came to the view that the role of appeal/ adjudication is probably not best filled by Government Ministers and there was much discussion about who such an adjudicator should be.

7.25 Independence from the council was a key attribute as far as workshop participants were concerned and others included local knowledge, some educational expertise, perhaps economic understanding, knowledge of planned development in the area and so on. Some suggestions included a national pool

of experts, from which a panel could be drawn, a specially established local group and HMIE.

*"I would say a committee of experts, especially including people from the education side of the Government, and people from consultancy roles of which sort of everybody knows the Government use a lot of."*

(parent)

*"...people who are qualified...people who have proper education qualifications who have worked in the field."*

(parent)

*"The local Council have got to be accountable to someone, and hence if the same body's seeing the process from start to finish, they could see the objections that were put in by the people, and then they could question the Council's decision."*

(parent)

7.26 At the public meetings, there was some support for a minimum time period after a final decision, within which a school's future could not be reconsidered.

7.27 At one public meeting, attendees wanted to see consideration given to safeguarding provision of Gaelic education in the same way as provision of denominational education.

## **FUTURE REFERRAL TO MINISTERS**

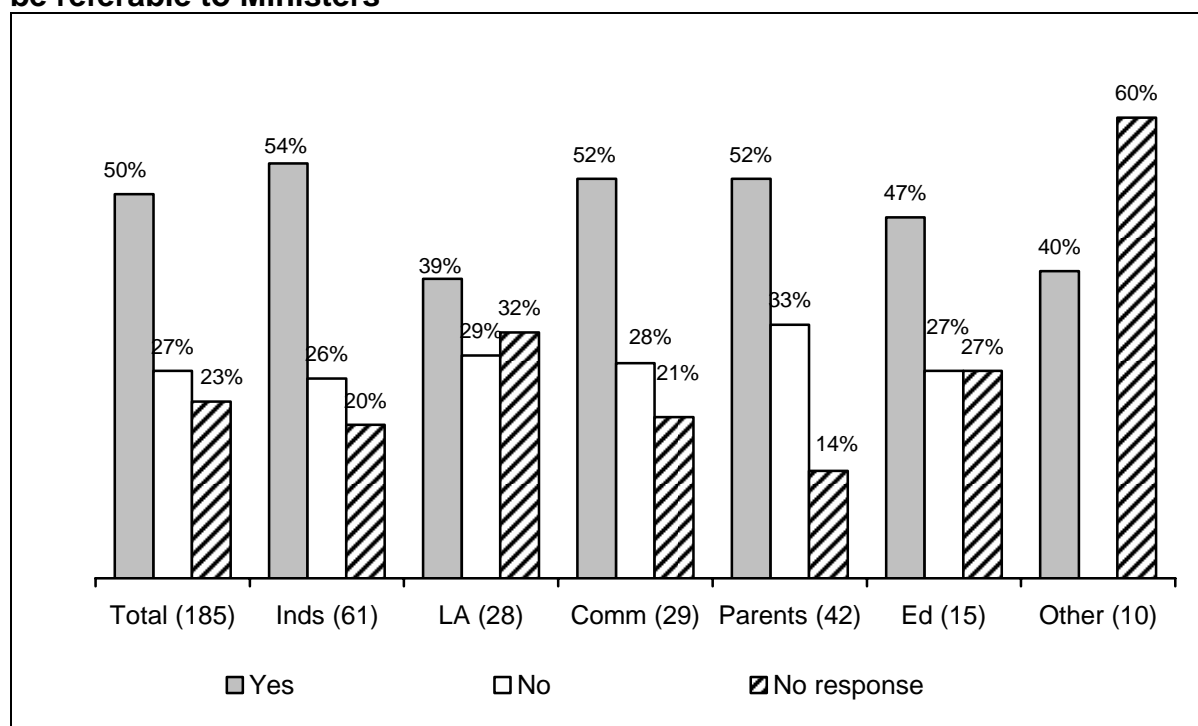
7.28 The consultation document asked respondents *"Do you agree with our proposal that in future only school closure cases should be referable to Ministers?"*

### ***Consultation responses***

7.29 As shown in chart 8.1, half (50%) of respondents agreed with the proposal, 27% disagreed and 23% did not give a direct answer. Individuals were most likely (54%) to agree; fewer local authorities agreed (39%).



**Chart 7.2 – Agreement with the proposal that only school closure cases should be referable to Ministers**



7.30 An additional comment in relation to this question showed that some respondents wanted to see clarity on the issue of whether amalgamations are included as closures (6%). One individual pointed out “if two schools are to merge, then in reality one is closing, so it must be referred to the Minister. We can’t have anything slipping through the net!!” and a parent council/ parent body said:

*“The proposal to restrict referrals to school closures alone is alarming as it would seem obvious that councils will simply stop describing them as such. Where new building is taking place, closures are/ may be presented as mergers. Any change in legislation should be very clear in its description of closure, merger and any other terms employed in the movement of pupils from one building to another.”*

7.31 Four percent said that Ministers should not be involved in the school closure process; one local authority commented:

*“In a time of partnership and agreement, it seems out of place to retain the ability for the Minister to overturn the decision of locally elected members. The necessity to refer to Scottish Ministers dates back to a time when much larger Regional Councils had responsibility for education. The unitary authority structure is much smaller, and given a number of developments in local government such as community planning and multi-member wards using Single transferable vote, this does seem to undermine the principle of empowering local authorities and communities.”*

7.32 Four percent of respondents also included comments that local matters are, and should be, the responsibility of local authorities. One organisation from the local authority group commented:

*“If a council takes a decision to close a school for the best of reasons, and consults the community properly, then we would see no need for Ministers to become automatically involved as they currently do under certain circumstances. Local authorities understand their communities and are able to respond to their needs, and this should be recognised when reforming the present system of referrals. We therefore propose ending all referrals to Ministers or denominational bodies.”*

7.33 Four percent, however, commented that they thought Ministers should have some form of involvement, with comments similar to *“There should be an opportunity to refer all concerns re rural schools to Ministers. Even if referrals have not been made in the past, the opportunity should still be there”* (parent council/ parent body).

7.34 Changes to catchment areas were mentioned; 4% felt that these should be referable; 4% also commented on inconsistencies in referrals relating to catchment areas or site changes; one parent council/ parent body commented *“parent councils and authorities may disagree over things such as catchment areas”*.

### **Comments from other strands of research**

7.35 In the deliberative workshops, the focus of the discussion on this issue was again largely on the need for more independence and an appeals system, rather than which particular cases might be referred to Ministers. Referral for the purpose of checking that the procedure has been correctly followed was viewed as not going far enough.

*“I think an appeal system would be better. Again where it was looked at independently, I don’t feel a Minister, although they have the power to say whatever, I don’t think they have the knowledge or understanding of the effects of the things that they are talking about and doing, I don’t think they give a hoot.”*

(parent)

### **DENOMINATIONAL EDUCATION**

7.36 The Scottish Government propose that, in future, only school closures should be referred to Ministers, and put forward their proposed requirements for referrals relating to denominational education:

- where closure would mean a reduction in the proportion of denominational places in an area;
- if the church or denominational body, after discussion with the local authority, still had concerns that there may be a significant deterioration in denominational education.

7.37 Ministers would only give consent *“if they are satisfied that adequate arrangements have been made for the religious instruction of the ...children who will no longer receive or be likely to receive school education in a denominational school.”*

7.38 The consultation asked *“Do you agree with the proposal to place the responsibility on authorities to satisfy themselves regarding the provision of denominational education? If so, do you agree with the proposal to continue to allow referral to Ministers if the Church or denominational body has an objection?”*

### **Consultation responses**

7.39 Fifty-four percent of respondents agreed with the first part of this question; the proposal to place responsibility on authorities; only 2% said that they disagreed.

7.40 In relation to the second part of the question; the proposal to continue to allow referral to Ministers; 29% said that they agreed and 4% disagreed.

7.41 Almost a quarter (22%), however, did not comment on this question at all and 11% said ‘don’t know’.

7.42 The main comment to emerge in relation to the proposals for denominational schools came from 5% of respondents who said that all schools should be non-denominational; this comprised 14% of community councils/ groups, 8% of individuals and 2% of parent councils/ parent bodies.

*“The remit of the state should be to provide a secular education, religious teachings can be taught elsewhere.”*

(community council)

### **Comments from other strands of research**

7.43 In the deliberative workshops, there was not great feeling on the issue of denominational education. All understood and were happy with the proposals.

In summary:

Almost half (47%) of consultation respondents were not happy with the current system of referrals. Just over a quarter (28%) said that they were happy while 25% did not give a direct answer. Workshop participants saw the current process as pointless.

Half (50%) of the consultation respondents agreed that, in future, only school closures should be referable to Ministers; 27% disagreed and 23% did not provide a direct answer. Local authorities were more likely to say that Ministers should not be involved at all. Overall, views were polarised as to whether or not Ministers should have any involvement.

There was a wide range of diverse views, expressed across all strands of the consultation, on the issue of whether or not there should be some form of

independent adjudication or appeal. Parents and parent bodies in particular were in support of such a suggestion.

Over half (54%) of respondents to the consultation agreed that there should be a responsibility for local authorities to satisfy themselves regarding the provision of denominational education; 2% disagreed. Over a quarter (29%) specifically agreed the proposal to allow referral to Ministers if the Church or denominational body had an objection; only 4% disagreed. A large number of consultation respondents did not address this subject or said that they did not know (33%). Workshop participants were also content with the proposals.

## 8 OTHER ISSUES RAISED

### Consultation question:

Q14 If you have any other comments or suggestions to make on, or any addition to, the proposals set out in this consultation paper, please include these in your response.

### Consultation responses

8.1 Finally, the consultation asked *“If you have any other comments or suggestions to make on, or any addition to, the proposals set out in this consultation paper, please include these in your response.”*

8.2 Many of the points made by consultation respondents related to issues covered at other questions in the consultation. It is generally the case in consultation exercises that respondents use a ‘general comments’ question to stress any point particularly important to them as well as taking the opportunity to add any additional comments they might have.

8.3 The main additional comment to emerge, from 10% of respondents, was a need for more discussion or consultation among stakeholders during any closure process. This comment was most apparent from community councils/groups (28%) and education respondents (27%). This comment had already emerged in responses across many of the consultation questions.

8.4 Once again, the need for some form of appeal process was stressed, at this question by 9% of respondents, although there were no comments of this sort from local authorities or ‘other’ organisations on this occasion. Eight percent wanted to see independent bodies involved in any closure process and this included comments such as:

*“In the case of rural schools, the Minister should also seek independent advice on the question on whether the “community impact assessment” referred to in paragraph 33 has been carried out in enough detail, and projections made over a long enough timescale. This may require the input of economic and/or social experts.”*

(parent council/ parent body)

8.5 Comments on the important role schools, especially rural schools, play in a community were evident in 9% of responses and the importance of educational provision was also raised by 9%.

*“I, like many others, believe there is a real need to protect Scotland’s rural schools which serve children very well in both educational and social development terms. After several years of monitoring the situation and having been contacted by numerous families and wider community groups, it is apparent to me that too many of our rural schools are being closed inappropriately.”*

(‘other’ organisation)

8.6 Eight percent of respondents made general positive comments welcoming the proposals, including one local authority who commented *“We recognise that school closures can be both emotive and divisive. We therefore welcome the opportunity to reform the system to ensure that decisions are taken in full consultation with communities involved.”*

8.7 The need for a full review of legislation surrounding school closures was raised by 8% and an individual said *“Any Bill introduced must be robust enough to restore public confidence in a system which is currently viewed as highly flawed.”*

8.8 The need for greater clarity, transparency or understanding of the process was mentioned by 8% of respondents.

*“We would also recommend that local authorities develop a “Small or rural schools policy” that provides an effective and transparent process to review schools in terms of future viability and where possible take steps at an early stage to address concerns.”*

(local authority)

*“My local school was faced with closure some three years ago as it was part of a larger plan covering the three local rural primary schools. . . . The [consultation] process wasn’t explained in advance and the council did a very poor job of explaining it – the whole process lacked transparency.”*

(parent council/ parent body)

8.9 In addition, 5% wanted to ensure that any school closure process was carried out thoroughly with all factors being considered and a local authority felt it *“important to stress however that all proposed school closures, be they rural or urban have a right to the same level of robust and transparent consultation during any proposed closure programme. The report does specify this in the text, but the title of the document, which refers specifically to rural schools, does not, prima facie, make such a point.”*

8.10 Eight percent of respondents made negative comments about local authorities:

*“Having been through a school closure proposal we were appalled at the manner in which the local authority tried to steamroller these proposals through and the lack of meaningful consultation with the local community, and everyone involved with the school, prior to presenting closure ‘option’” using arguments which were unfounded and caused severe concern over a thriving local school in superb old buildings and as a result this fear for the future has not been entirely diminished.”*

(parent council/ parent body)

8.11 Six percent included positive comments in support of rural schools with a parent council/ parent body commenting *“we have a great school here! It is very much a focus in our village; parents regularly help with special projects such as gardening and improvements and the general view is that our children receive excellent support in their education.”*

## **9 CONCLUSIONS**

- 9.1 There was support for most of the proposals contained in the consultation document from all those involved in the written consultation exercise, the deliberative workshops and the public meetings.
- 9.2 While there was agreement with the proposal for local authorities to have regard to certain matters before consulting on school closures, and for the four matters which local authorities should consider, there was some support for proposals to apply to all, not just rural, schools.
- 9.3 A rural school fund was not seen as necessary and the proposed definition of rural schools was supported.
- 9.4 There was agreement with the proposals in relation to the Educational Benefit Statement, although there was some support for guidance or guidelines on its content from Scottish Government and a view that the statement should cover wider benefits and disbenefits.
- 9.5 While there was agreement that HMIE's view should be sought, some consultees, parents in particular, suggested this should be earlier in the process than proposed.
- 9.6 The proposed changes to consultations on school closures were agreed, with strong support for proactive and meaningful consultation with all those involved, perhaps extending to the entire community. The opportunity for more verbal input and a longer (than the proposed 6 weeks) consultation period were suggested. Some, again mainly parents, wanted to see an independent body or bodies involved in the reporting process as there was some mistrust of local authorities.
- 9.7 The proposal in relation to statutory guidance was supported; this would ensure consistency across the country.
- 9.8 Overall, respondents were not happy with the current system of referrals and expressed a range of views as to the benefits of referral to Ministers.
- 9.9 Separate from this issue, but frequently raised spontaneously during discussions and in written submissions, there was support for some form of truly independent appeals process.
- 9.10 The proposals in relation to denominational education were supported by the majority of those who commented.
- 9.11 Respondents agreed that, in future, only school closures should be referable to Ministers but there were, again, calls for an independent appeal process.



## APPENDIX 1: CONSULTATION QUESTIONS

### Rural school closures

- Q1 Do you support the proposal to require local authorities to have regard to certain matters before they can proceed to consultation on the closure of a rural school?
- Q2 Do you agree with the four matters we propose requiring that authorities should have regard to before proceeding with a rural school closure? These are:
- alternatives to the closure of the school
  - likely overall impact of the school's closure on the communities which it serves
  - likely impact of closure specifically on the community's subsequent use of the school's building facilities and grounds
  - likely impact that new travel to school patterns and arrangements would have on pupils and other school users and the environment.
- Q3 Do you agree that it is not appropriate to set up a rural schools fund?
- Q4 Do you agree with the proposed definition of 'rural schools'?

### An educational benefit statement

- Q5 Do you support requiring local authorities to publish a statement setting out the educational benefit of the school closure proposal?
- Q6 Do you agree that it should be left to the authority as to how it sets out an educational benefit statement?

### Tightening the regulations for all school consultations

- Q7 Do you agree that HMIE's views should be sought in all cases?
- Q8 Do you support the proposed changes to the way consultations should be conducted? These are:
- introducing a requirement that a consultation paper should be published containing certain information
  - establishing a mechanism for addressing allegations of factual inaccuracies in a consultation paper
  - extending the list of people who must be consulted
  - updating the way consultations are publicised
  - updating how people can respond to a consultation
  - extending the minimum consultation period to 6 weeks of term time
  - introducing a requirement that the authority publish a Consultation Report, 28 days before the final decision is taken

Q9 Do you agree that Ministers should take a power to issue 'statutory guidance' to which authorities would have to have regard?

#### A referral system

Q10 Are you content with the present system of referral of closure cases to Ministers?

Q11 If not, what changes would you wish to see made, and why?

Q12 Do you agree with the proposal to place the responsibility on authorities to satisfy themselves regarding the provision of denominational education? If so, do you agree with the proposal to continue to allow referral to Ministers if the Church or denominational body has an objection?

Q13 Do you agree with our proposal that in future only school closure cases should be referable to Ministers?

#### Anything else?

Q14 If you have any other comments or suggestions to make on, or any addition to, the proposals set out in this consultation paper, please include these in your response.

## APPENDIX 2: LIST OF PUBLIC MEETINGS

<b>Location</b>	<b>Date</b>	<b>Number attending</b>
Banff Academy	25 June 2008	24
Forres Academy	24 June 2008	14
Hawick High School	11 June 2008	16
Holyrood Secondary School, Glasgow	28 August 2008	2
Kyle Academy, Ayr	12 June 2008	13
Oban High School	18 June 2008	14
Perth High School	10 June 2008	16
Plockton High School	19 June 2008	3
Tain Royal Academy	23 June 2008	14
Southesk Primary School, Montrose	9 June 2008	30

## **APPENDIX 3: GREAT RURAL DEBATE ON SCHOOLS**

Results of a poll which appeared on the Rural Gateway website during the Great Rural Debate on Schools

The poll asked "*Can a rural community thrive without a local school?*"

The results were:

No: 61%

Yes: 29%

Don't know: 10%

Total participants: 41

## APPENDIX 4: TOPIC GUIDE

### Deliberative Workshops Safeguarding our Rural Schools Final Topic Guide

*The following topic areas have been developed to provide a framework for discussion. All relevant topic areas should be discussed and covered at some stage during the session, but should be addressed in such a way that facilitates a relaxed and natural flow of conversation.*

**Throughout deliberative workshop sessions, refer to the consultation document and briefing note as appropriate.**

**At the start of children's workshop sessions, discuss any parts of the consultation on which they want clarification eg. some may not understand what the term 'rural' means.**

#### **Role play**

For each proposed stage of the school closure process, ask respondents to think about how they would handle this from the perspective of those involved in the consultation process eg being a parent, pupil, local resident using community facilities, local authority employee, elected representative etc

### **1 Proposals for handling all school closures and consultations**

Moderator prompts – to be used as appropriate

- Views on whether local authorities should provide a statement setting out the educational benefit of a school closure proposal; should it be up to the local authority to set out an educational benefit statement and why / why not; what should be the key focus(es) of the educational benefit statement (directly affected pupils, non directly affected pupils parents, others etc) and why?
- Is there a need for Scottish Government to issue some form of guidance to local authorities as to the contents of the educational benefit statement and why / why not?
- Should local authorities be required to publish a consultation paper containing certain specified information? Are there any other elements that should also be included in the consultation paper; if so, what are these and why should they be included;
- Who should be informed about the consultation process and why (all parents, Parent Council, etc)? Who should the consultation paper be distributed to? What channels should be used to distribute the consultation paper? How should local authorities advertise the consultation and who to?
- Views on time period needed for the consultation (6 weeks / longer / etc);

- Who should be consulted as part of the consultation process and why?
- Should the views of HMIE be included as part of the school closure proposal?; What are the advantages / disadvantages of this; at what point in the consultation process should HMIE be involved; at what point in the consultation process should HMIE be providing their views?
- Views on whether a public meeting should be held; Should any other form of meeting be held eg informal meeting between LA officials and Parent Council / Pupil Council etc
- What channels should be available for the provision of written comments?
- Views on provision of a consultation report by local authorities; how soon after the end of the consultation period should this be produced? Who should be provided with copies? How should copies be provided?
- What should the time period be for local authorities to make final decisions once the consultation report is produced?
- Should Ministers have the power to issue statutory guidance for local authorities?

## **2 Proposals for handling rural school closures**

Moderator prompts – to be used as appropriate

- Details of any involvement in threatened closure of a school attended by child(ren) or closure of a school attended by child(ren); what was the process / outcome of this
- Views on the proposal to require local authorities to have regard to certain matters before they can proceed to consultation on the closure of a rural school
- Views on whether four matters to be required are appropriate and why / why not; are there any other matters that should be taken into account alongside these and, if so, what
- Should the Scottish Government set up a rural schools fund – why / why not; what would be the advantages / disadvantages
- Views on proposed definition of rural schools; if not in agreement, what modifications / changes should be made to this to make it acceptable

## **3 Referral system**

Moderator prompts – to be used as appropriate

- Views on current system of referrals to Ministers; what are the advantages / disadvantages of this system? what changes / improvements could be made to this system?
- Views on the proposal that in the future only school closure cases should be referable to Ministers

- Should there be some form of appeals process in place and, if so, what form should this take / who should be involved in this?

### **Finishing off the session**

Have respondent views' changed through the deliberative session; in what way and what factors brought about this change?

Try to see what consensus can be reached on each of the issues under discussion and provide brief write-ups under each of these headings and sub-headings

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