

Amending the Schools (Consultation) (Scotland) Act 2010

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

FALKIRK COUNCIL EDUCATION SERVICES

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

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3. Permissions - I am responding as...

Individual

/

Group/Organisation

☐

Please tick as appropriate

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick ONE of the following boxes

Please tick as appropriate

☒ **Yes** ☐ **No**

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ **Yes**

☐ **No**

Consultation Questions

Q1. Do you support clarifying the presumption against closure of rural schools by stating it in legislation by means of an amendment to the 2010 Act?

Yes ☒ No ☐ Don't know ☐

Do you have any comments?

We support a statement which clearly explains what is meant by “presumption against closure” in a clear and unambiguous way.

Our view is that rural schools should not be treated in any way different from other schools, although we appreciate that the report must be agreed by all parties, which includes rural schools campaigners.

Given the ‘flexibility’ shown, we had anticipated acceptance of all the recommendations by all parties, including the Government. We are disappointed that the Government has chosen not to implement recommendation 20, given, in our opinion, that it offers a clear rationale and common understanding that business decisions can sometimes be made which have a ‘neutral effect’.

Q2. Do you support amending the 2010 Act to make it clear that relevant financial information should be included in a school closure consultation?

Yes ☒ No ☐ Don't know ☐

Do you have any comments?

Clear financial/statistical information is a vital and critical component for all key business decisions. School closures are no different.

Not being able to consider financial implications was a major problem with the 2010 Act and inevitably led to increased levels of ‘distrust’ amongst local communities affected by closure proposals.

Falkirk’s view is that recommendations 19, 20, 21 and 22 are an integral part in ensuring that transparent and clear information can be presented to augment business decisions.

Q3A. Do you support giving Education Scotland a more sustained role in a school closure proposal?

Yes ☒ No ☐ Don't know ☐

Do you have any comments?

Education Scotland offer an independent professional overview that can often be used to address many public misconceptions in a positive manner. This is critical when reviewing the Educational Benefits Statement.

Q3B. If so, would you prefer Education Scotland's role to be clarified through legislation or a Memorandum of Understanding?

Legislation ☐ Memorandum of Understanding ☒ Don't know ☐

Q4. Do you support amending the 2010 Act to provide clarity regarding Ministers' role in considering both the process and merits of the closure proposal?

Yes ☒ No ☐ Don't know ☐

Do you have any comments?

The recent court proceedings between the Scottish Government and Comhairle nam Eilean Siar means that clarity here is essential

Falkirk firmly believe that local authorities should remain the key decision maker as they are elected and accountable to the local people.

Q5A. Do you agree that the criteria specified in paragraph 5.6 are appropriate as a dispute resolution process under the 2010 Act?

Yes ☐ No ☒ Don't know ☐

If not, what criteria would you support?

We are not convinced that another 'bureaucratic layer' in an already resource intensive process offers any added value.

Q5B. Do you support replacing the current Ministerial determination of school closure proposals that have been called in with an independent referral mechanism such as arbitration?

Yes ☐ No ☒ Don't know ☐

If not, what other options for dispute resolution would you suggest?

See 5A above.

Q6A. Do you support a five year moratorium between closure proposals for the same school?

Yes ☐ No ☒ Don't know ☐

Do you have any comments?

Given that financial settlements are made currently on a 3 year basis, our view is that significant changes could arise during a 5 year period which could necessitate a further review of school closure.

We recommend a 3 year moratorium as more prudent and acceptable.

Q6B. If so, would you prefer this provision to be made in guidance or legislation?

Guidance ☒ Legislation ☐ Don't know ☐

Please send this form to schoolestates@scotland.gsi.gov.uk or

School Infrastructure Unit, Area 2-A South, Victoria Quay, Edinburgh EH6 6QQ

Email is preferred, if possible, and if you use email it is not necessary to send an additional copy by post.

If you have any queries, please contact Lucy Carmichael on 0131 244 0373 or using the email address above.