

FALKIRK COUNCIL

Subject: RESPONSE TO SCOTTISH GOVERNMENT CONSULTATION PAPER - "AMENDING THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010"
Meeting: EDUCATION EXECUTIVE
Date: 27 AUGUST 2013
Author: DIRECTOR OF EDUCATION

1. INTRODUCTION/BACKGROUND

- 1.1 The Scottish Government propose to amend The Schools (Consultation) (Scotland) Act 2010 following on from the report made by Commission on the delivery of Rural Education, which was presented to the Government in April 2013.
- 1.2 The Government aim to take forward the legislative proposals contained in the Consultation Paper this year as part of the planned Children and Young People (Scotland) Bill which mean that they will come into force in 2014.

A copy of the Government's Consultation Paper is attached as **Appendix 1**.

2. AIM OF PAPER

- 2.1 To seek members approval that the proposed response can be submitted on behalf of Falkirk Council.

3. TIMELINES

- April 2013: Commission on delivery of Rural Education presented their report to the Government.
- July 2013: Government produced their consultation paper.
- 2 Sept 2013: Closing date for written responses to Consultation Paper.

4. REPORT BY COMMISSION ON THE DELIVERY OF RURAL EDUCATION

- 4.1 Role and Composition of The Commission

The Commission for Delivery of Rural Education was established in August 2011 by the Scottish Government and COSLA to examine how the delivery of rural education could maximise the attainment, achievement and life chances of young people in rural areas, and the link between rural education and rural communities. The Commission was also asked to review the Schools (Consultation) (Scotland) Act 2010 and its application and make recommendations on the delivery of all aspects of education in rural areas.

- 4.1.1 The Commission comprised of people from a range of stakeholder groups including parents, teachers, local authority officers, elected members, academics and representatives from partner organisations. The Commission members worked together to consider the balance between the preservation, support and development of rural communities, the provision of Rural Education, and ensuring the needs of school pupils were at the heart of decision making.

4.2 Aim of Commission

The Commission's remit was as follows:

- To review the Schools (Consultation) (Scotland) Act 2010 and its application;
- To examine how the delivery of rural education can maximise attainment and outcomes to give pupils the best life chances, and to examine, where appropriate, how this can be applied more widely;
- To make recommendations on how to reflect best practice on the delivery of all aspects of education in rural areas (pre-school through to higher and further education);
- To examine the links between rural education and the preservation, support and development of rural communities and to make recommendations on how these links might be strengthened if necessary; and
- To examine and make recommendations on funding issues surrounding rural education.

4.3 Findings/Recommendations of Commission

The Commission made 38 recommendations in the report they presented to the Government in April 2013. The 38 recommendations are summarised in **Appendix 2**.

5. SUMMARY OF FALKIRK COUNCIL'S PROPOSED CONSULTATION RESPONSE

- 5.1 A copy of the proposed response is given in **Appendix 3**.

Falkirk's response is very similar to the proposed response circulated by COSLA.

The key areas which have been highlighted in our proposed response are:

- The term "presumption against closure" must be clearly articulated and explained in an unambiguous manner.
- We are disappointed that the Government have chosen not to implement recommendation 20, which concludes that an Educational Benefit Statement can be used to demonstrate that no Educational detriment will result from what is proposed. (This, the Commission reported, saves authorities magnifying marginal differences to make a case. It also agrees that such proposals cannot be divorced from financial considerations.)
- The provision of transparent and, understandable financial/statistical information is critical in understanding how business decisions are made.
- We agree that Education Scotland play a pivotal role in receiving Local Authorities plans for planned school closures and also offer independent professional scrutiny and advice within the process.

- Given Education Scotland's role we do not feel that there is a need for a further Independent Review Group to be set up to review any such closure proposals. This we feel would add a further unnecessary bureaucratic layer to a process that is already resource intensive and we remain unconvinced of what added value this proposal would offer.
- We suggest that a 3 year moratorium be applied on considering same school closure proposals rather than 5 as suggested.. This 3 year period, in our opinion is more suitable as it aligns to the 3 year financial framework within which most Local Authorities work.

6. RECOMMENDATION

6.1 Education Executive are asked to:

- note the background as to the purpose of the Government's Consultation Paper; and
- agree that the response shown in Appendix 2 can be submitted to the Government.

.....
Director of Education

Date: 16 August 2013

Contact Officer: Gary Greenhorn ext 6684

LIST OF BACKGROUND PAPERS

1. Commission for Delivery of Rural Education Report (April 2013)

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 506683 and ask for Gary Greenhorn.