



EDUCATION, LEARNING & LEISURE COMMITTEE – 23 MAY 2013

COMMISSION ON THE DELIVERY OF RURAL EDUCATION

1 Recommendations

The Committee is recommended to:

1.1 Comment on the content of the report.

1.2 Request a further update report which details the Aberdeenshire context at an appropriate time in the future.

2 Background / Discussion

2.1 The Commission for the Delivery of Rural Education was established in August 2011 by the Scottish Government to examine both 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 (the 2010 Act) and its application and make recommendations on the delivery of all aspects of education in rural areas.

2.2 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
- To examine and make recommendations on funding issues surrounding rural education

2.3 The work of the Commission was delayed awaiting the judgement of the Western Isles Council v Scottish Ministers where the case put by Western Isles Council was upheld.

2.4 The Commission produced its report on 19 April 2013. It contains 38 recommendations. The Commission report can be accessed via the following link

<http://www.scotland.gov.uk/About/Review/CommissionRuralEducation>

and recommendations are attached as an appendix to this report.

2.5 Some key recommendations for the EL&L Committee from the report are as follows:

- Consultation should be underpinned by stronger Scottish Government guidance
- Educational Benefits Statements are still an important part of the process. However, it is acceptable for these statements to indicate that the educational impact on pupils is neutral with no educational detriment to the children concerned
- Closure proposals should include absolute clarity with regard to accompanying financial issues and any financial agreement that is deployed and clear guidance should be provided by the Scottish Government with regard to presenting financial information
- Ministers should continue to have the power to call-in Local Authorities closure proposals and should base decisions on the merits of a case not merely compliance with legal procedures. Ministers have the following decision options: They can give consent (with or without conditions), withhold consent or an additional option of remitting the decision back to a Local Authority to re-consider again
- A series of recommendations relate to proposed guidance to Local Authorities with regard to consultation and the information that Local authorities are required to provide when addressing issues that arise during a consultation. There should be preparatory informal consultation as well as attention to the detail of consultations by Local Authorities.

2.6 The report from the Commission talks in detail about the definition of rural schools, quality of education in rural schools, the place of rural schools in their communities and the use of school buildings, funding for rural schools, the consultation process and makes specific comments on the 2010 Act.

2.7 The Scottish Government, COSLA and other interested parties will examine the recommendations of the report before issuing a full response. A further report will be taken to the EL&L Committee once these responses are forthcoming.

2.8 The Monitoring Officer and Head of Finance within Corporate Services have been consulted in the preparation of this report and have no comments.

3 Equalities, Staffing and Financial Implications

3.1 An equality impact assessment is not required. The reason for the report is simply for the committee to note and consider and there will be no differential impact, as a result if the report, on people with protected characteristics.

3.2 There are no direct financial implications arising from this report.

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24 April 2013

Appendix 1

Commission on the Delivery of Rural Education : Recommendations

Recommendation 1: The Scottish Government and local authorities should agree a coherent rural regeneration strategy to support economic outcomes for rural areas.

Recommendation 2: Local authorities and their partners should ensure that Professor Deacon's recommendation on the importance of children and family centres is realised as much as possible in rural areas, including support for the development of rural schools as community hubs offering integrated early years services either on a permanent or outreach basis.

Recommendation 3: Local authorities should recognise the importance of accessible early years provision in rural areas and work with their rural schools and other providers to ensure this is available in all areas and aligned with school areas where appropriate.

Recommendation 4: Local authorities should work closely in partnership with voluntary and third sector services to facilitate viable wraparound care provision in rural areas where there is demand, seeking innovative solutions to support families.

Recommendation 5: Further and higher education institutions, local authorities and schools should work together to provide the widest range of opportunities to young people and adults in rural areas, helping to widen curriculum provision in small rural secondary schools and working to ensure parity with provision in urban areas.

Recommendation 6: Local authorities, the Scottish Government, teaching institutions and trade unions should work together to explore innovative solutions to reduce the barriers to teaching in remote areas; and to ensure effective delivery of CPD to teachers in rural schools, learning from international best practice to reduce teachers' isolation and sustain skills and development.

Recommendation 7: There must be a commitment to resource the curriculum in small rural secondary schools to support the achievement of positive outcomes and destinations for young people. This will require innovative and flexible arrangements to be developed including use of local primary school teachers and other experts within the local community.

Recommendation 8: Local authorities should work in partnership with universities and the General Teaching Council for Scotland to facilitate and support a streamlined process for teachers who have the appropriate skills and wish to gain a dual qualification.

Recommendation 9: Strengthened guidance on school closures should address the links to be made between council services, and with regional and national bodies, when considering a potential school closure.

Recommendation 10: Local authorities should give consideration to rural proofing their policies where relevant, including changes to education provision, using approaches such as a rural proofing toolkit.

Recommendation 11: There is a strong need for research evaluating the impact on children and communities following a school closure and this should be sought by the Scottish Government.

Recommendation 12: Local authorities, together with their health and other Community Planning partners, should consider rural education holistically for their area, from early years to further and higher education, actively seeking solutions to enhance the viability of rural communities.

Recommendation 13: Local authorities should do everything they can to develop clear plans for travel arrangements and ensure adequate responsibility is taken for pupils' safety. This planning should be undertaken at an early stage in any proposal for change.

Recommendation 14: Schools and local authorities should promote use of school buildings by community groups.

Recommendation 15: Local authorities should encourage and accept help with school fabric and maintenance from parents and communities where appropriate.

Recommendation 16: The Scottish Government should seek to provide more clarity and support on the legal issues faced by local authorities over some school buildings, to help resolve the future of these buildings without lengthy delays.

Recommendation 17: Local authorities should address clearly the future use of a school building in any consultation document proposing school closure.

Recommendation 18: Education Scotland should have a wider role in providing a detailed response to the proposed educational benefits and a more sustained involvement in a school closure proposal.

Recommendation 19: Educational Benefits Statements must continue to be a very important part of a closure proposal and further guidance should be provided to ensure these are of a higher quality.

Recommendation 20: It should be acceptable for an Educational Benefits Statement to conclude that the educational impact is neutral, with no overall educational detriment to the children directly concerned. In such circumstances, if a closure continued to be proposed, it would be essential that any other factors are fully and transparently scrutinised, including identifying clear overall benefit to the rural communities involved.

Recommendation 21: School closure proposals should be accompanied by transparent, accurate and consistent financial information, rigorously evidencing any financial argument that is deployed. The impact, if any, of the proposal on the

General Revenue Grant that the authority would receive in future should be clearly provided.

Recommendation 22: Clear guidance and a template for financial information should be developed to ensure financial information is presented in a complete and consistent manner.

Recommendation 23: A consistent approach to school capacity modelling should be agreed between the Scottish Government and local authorities.

Recommendation 24: A new, clearer understanding of 'a presumption against closure' should be set out by the Scottish Government in the statutory guidance accompanying the 2010 Act to reduce conflict and provide clarity and protection for communities and local authorities.

Recommendation 25: Clearer statutory guidance should be provided to ensure a more thorough and uniform approach to the matters of special regard, ensuring that these are given **full** consideration **before** conducting a closure consultation under the 2010 Act so that this consultation is on the local authority's conclusions in relation to each matter.

Recommendation 26: When considering alternatives during a closure proposal, the local authority should always include keeping the school open as an option.

Recommendation 27: All local authorities should clearly articulate their travel policy for school pupils and allow it to be debated locally on a regular basis.

Recommendation 28: The Scottish Government and local government should review section 5 (Correction of the paper) of the 2010 Act, with a view to providing clear statutory guidance on the minimum information to be provided by local authorities and addressing issues that arise during a consultation.

Recommendation 29: There should be stronger guidance on how to undertake informal consultation, and a clear expectation that this is an important and effective preparation for statutory consultation. A new title such as 'pre-statutory' consultation would make this clearer.

Recommendation 30: Local authorities should ensure that all school closure consultations receive sufficient attention to detail, in order that communities have confidence in both the specifics regarding their school and the local authority's wider plans and commitments.

Recommendation 31: Once a school closure proposal has undergone full consideration under the 2010 Act and it is agreed not to close the school, local authorities should make no further closure proposal for at least five years unless there is a significant relevant change.

Recommendation 32: Local authorities should ensure that all school closure consultations include appropriate consultation with children and young people and use the results of these exercises in their statutory consultation.

Recommendation 33: Scottish Ministers' role under the 2010 Act, as set out in the judgment in the case of *Comhairle nan Eilean Siar v. Scottish Ministers*, requires consideration of both the process followed and the merits of a school closure proposal that has been called in. Ministers should have three options in relation to these proposals, to:

- (a) Consent, including consent with conditions;
- (b) Refuse consent; or
- (c) Remit the proposal back to the local authority for reconsideration.

Recommendation 34: The referral mechanism for school closure decisions should continue to be to Scottish Ministers, as an accessible mechanism that communities value. Once a sufficient period of time has elapsed for the impact of the Commission's other recommendations to be assessed, a further review could consider the effectiveness of alternative approaches.

Recommendation 35: The Scottish Government should provide more clarity and transparency around the Ministerial call-in process and decision, including the provision of clear, detailed reasons in the letter of decision, within a set timescale. There should also be a short increase in the time for Ministers to consider representations prior to a decision to call-in a school closure proposal.

Recommendation 36: There should be no change to the consultation timescales set down in the 2010 Act. The Scottish Government should provide a clear timeline for closure consultations to assist authorities and communities.

Recommendation 37: The current definition of a rural school should not be altered. The Scottish Government should carry out a narrow and restricted review in conjunction with local authorities to address any anomalies that arise from the current definition.

Recommendation 38: The Scottish Government should provide more guidance on mothballing schools, including the safeguards necessary to ensure that any greater use of this approach is appropriate and in keeping with the presumption against closure.