

# PROPOSED CHANGES TO YOUR CHILD'S SCHOOL

## GUIDE TO THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010 AS AMENDED



## INTRODUCTION

The Schools (Consultation) (Scotland) Act 2010 ('the 2010 Act') sets out the consultation process that local authorities must follow when proposing a permanent change to any of their schools – such as a closure, relocation or change of catchment area. As a parent/guardian, you'll want to know that, regardless of any change, your child's education remains the priority and that their needs must be met. You play a vital role in your child's education and your opinions are crucial when a change to their school is being proposed.

This leaflet provides details on what you can expect from your local authority, Education Scotland and the Scottish Government when your child's school is being proposed for closure or another major change, and the role and rights you have to ensure that your voice is heard. The 2010 Act ensures that your role and that of your community is secure.

# LOCAL AUTHORITY ROLE AND RESPONSIBILITIES

Over time, school buildings deteriorate and populations change, so to continue to ensure the best possible education, local authorities may review and propose changes to their schools.

When proposing a major change to a school(s) the local authority must:

- Publish a proposal paper, including a statement of the educational benefits of what's proposed
- Set a consultation period of at least 6 weeks of term time
- Let parents and the Parent Council know about the consultation and invite responses
- Hold a public meeting
- Invite Education Scotland to prepare a report on the educational aspects of the proposal
- Publish a consultation report which responds to issues raised through the consultation period

If there is a proposal to close a rural school, the local authority must also comply with additional requirements, including considering reasonable alternatives to the proposal and only proceeding if closing the school is the most appropriate response to the reasons it has identified for making the proposal. For rural schools, these steps must be carried out by the local authority before publishing the proposal paper.

## MY ROLE

A consultation on a change to your child's school will often include more than one option, so your views and responses can really shape future decisions – you might even have a suggestion that the local authority hasn't thought of. You can play your part by:

- Submitting a written response to the local authority's proposal paper
- Attending the public meeting and asking questions
- Informing the local authority if you think that its proposal paper has significant inaccuracies or omissions
- Reading the consultation report and Education Scotland's report
- Speaking to your local councillors before they vote on a final decision

Your school's Parent Council can play a key role in engaging with the local authority early on, and then throughout the process. It can also help during the consultation period by canvassing parents' views and setting up discussions and meetings.

## EDUCATION SCOTLAND'S ROLE

Her Majesty's Inspectors (HMI) working within Education Scotland are involved in every proposal that a local authority consults on under the 2010 Act.

- HM Inspectors must review the local authority's proposal paper along with other relevant documents. The review will have a particular focus on the educational aspects of the proposal
- HM Inspectors sometimes attend and observe the public meeting. However, when they do attend, they are not allowed to participate in any discussion or debate. If they don't attend then the local authority must provide HM Inspectors with a written summary of the meeting
- HM Inspectors must prepare a professional and independent report on the educational aspects of the proposal being consulted on

- In preparing their report, HM Inspectors will consider the local authority's proposal paper. They will also take account of written responses that the local authority has received, a summary of oral representations made at the public meeting held about the proposal and any other relevant documents
- HM Inspectors may visit schools affected by the proposal when they are preparing their report. In this case, it is possible that they will meet parents, children and staff so that they can hear their views about the proposal

### **What happens once HM Inspectors have written their report?**

- When HM Inspectors have written their report, they will send it to the local authority. Once they have done this, they have no more involvement with the proposal, unless it is a school closure proposal
- The local authority must review its proposal in the light of HM Inspectors' report, as well as all the written and oral representations it has received
- The local authority then needs to publish its consultation report which will contain the full text of HM Inspectors' report as well as a statement from the local authority stating how it has taken account of the report as well as any written and oral representations
- When Scottish Ministers are considering whether to call in a school closure proposal, they may seek HM Inspectors' advice. Equally, if the proposal is called in for review by a School Closure Review Panel, the Panel may also call on HM Inspectors' advice

## **SCOTTISH GOVERNMENT'S ROLE**

Local authorities are locally elected and accountable, and will therefore take the final decision on proposed changes in most cases. However, if the decision is to close a school and you think that your local authority has failed to follow the process properly or has failed to take account of an important issue in reaching its decision, then you can ask Scottish Ministers to call in the decision for review. Local authorities must publicise the opportunity for interested parties to make such a request to Ministers, which must be made within 3 weeks of the local authority's decision being taken. Ministers then have a further 5 weeks to decide whether or not to call in the decision.

Scottish Ministers will only call in decisions where there is strong evidence that the local authority has failed significantly. If a decision is called in, Ministers must refer the proposal to a School Closure Review Panel for further investigation.

## **THE SCHOOL CLOSURE REVIEW PANELS**

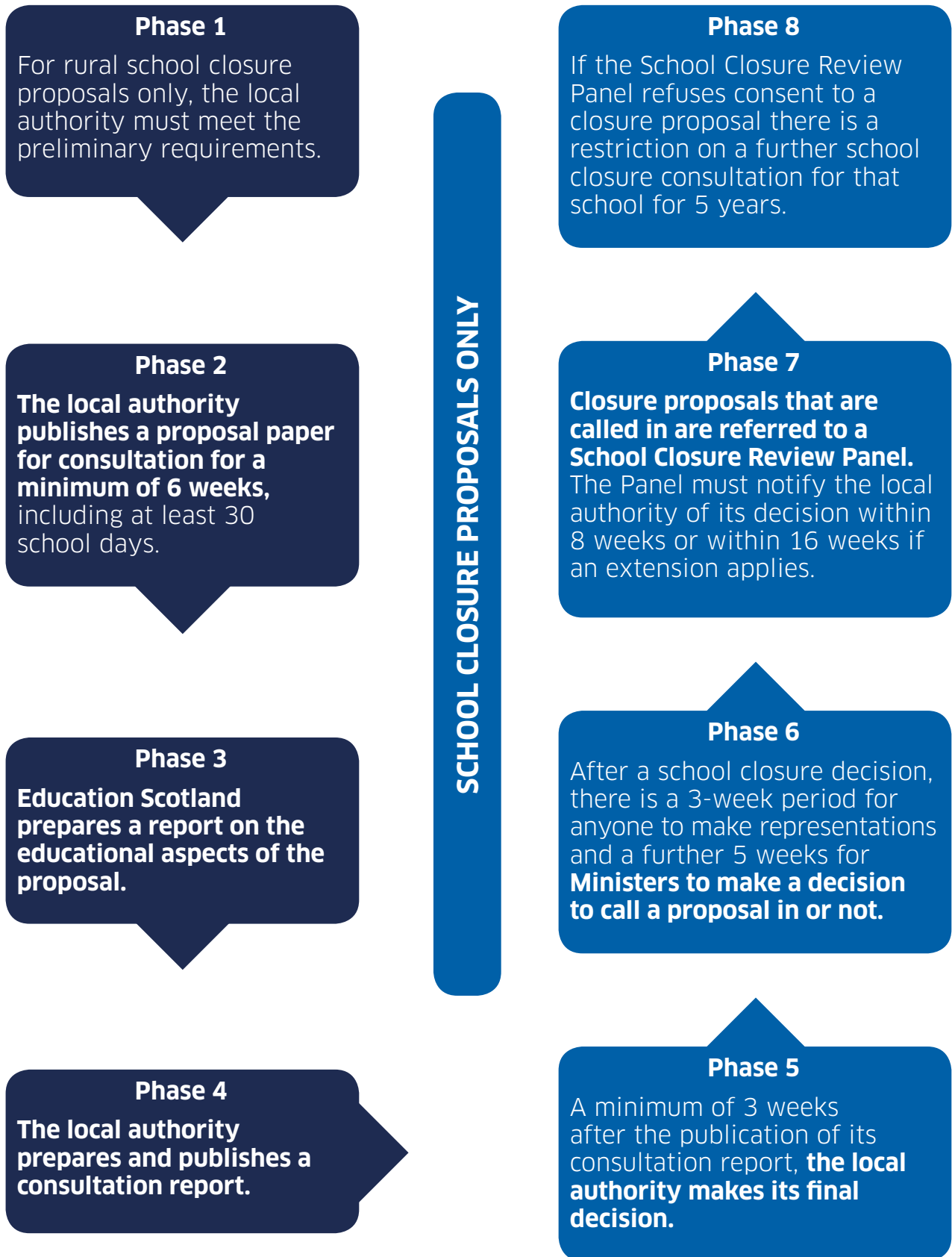
A Panel will then decide whether or not to allow the closure to proceed. The Panel may place conditions on the closure, or remit the proposal back to the authority to reconsider. If the Panel refuses consent to the closure, the local authority cannot publish a further closure proposal in relation to the school for 5 years, unless there is a significant change in the school's circumstances.

## WHERE CAN I GET MORE INFORMATION?

- The Schools (Consultation) (Scotland) Act 2010 can be accessed at: [www.opsi.gov.uk/legislation/scotland/acts2010/pdf/asp\\_20100002\\_en.pdf](http://www.opsi.gov.uk/legislation/scotland/acts2010/pdf/asp_20100002_en.pdf)
- The Statutory Guidance for local authorities on the Act: <http://www.gov.scot/Publications/2015/05/4615>
- The 'Changes to School Estate' page on the Scottish Government website: [www.gov.scot/Topics/Education/Schools/Buildings/changestoschoolestate](http://www.gov.scot/Topics/Education/Schools/Buildings/changestoschoolestate)
- Information on individual consultations and opportunities for public involvement should be sought from the relevant local authority
- Schools that have been designated as a rural school can be found at: <http://www.gov.scot/Topics/Education/Schools/Buildings/changestoschoolestate/Ruralschoollist>
- To request Scottish Ministers to call in a school closure decision, e-mail [schoolclosure@gov.scot](mailto:schoolclosure@gov.scot) or write to School Infrastructure Unit, Scottish Government, 2-A (S) Victoria Quay, Edinburgh EH6 6QQ. Representations can only be accepted during the appropriate period for each closure
- Further information on the School Closure Review Panels: <http://scrp.scot/>
- You can find this leaflet and information about any aspect of Scottish education on Parentzone: [www.parentzonescotland.gov.uk](http://www.parentzonescotland.gov.uk)



## SCHOOLS CONSULTATION TIMELINE



A more detailed timeline can be found at:  
<http://www.gov.scot/Resource/0047/00474417.pdf>





© Crown copyright 2016

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](http://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-78544-882-9 (web only)

Published by The Scottish Government, January 2016

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS36470 (01/16)

**w w w . g o v . s c o t**