

Report To: Education and Communities Committee **Date:** 10 March 2015

Report By: Corporate Director of Education, Communities and Organisational Development **Report No:** EDUCOM/31/15/WB

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Subject: Amendments to the Schools (Consultation) (Scotland) Act 2010: School Closure Review Panels

1.0 PURPOSE

- 1.1 This report is to give members of the Education and Communities Committee an update on the arrangements for the School Closure Review Panels to take on their statutory duties from 30 March 2015 as part of the amendments to the Schools (Consultation) (Scotland) Act 2010.
- 1.2 This Act was amended in part 15 of the Children and Young People (Scotland) Act 2014.
- 1.3 A report on amendments to the Schools (Consultation) (Scotland) Act 2010 which came into force on 1 August 2014 was presented to the Education and Communities Committee in November 2014.

2.0 SUMMARY

- 2.1 The Schools (Consultation) (Scotland) Act 2010 sets a rigorous, open and transparent system for consulting on school closures and other changes to the school estate as proposed by Councils.
- 2.2 Education Scotland has produced guidance in relation to the amended Schools (Consultation) (Scotland) Act 2010 designed to support Councils when they propose changes to the school estate.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Education and Communities Committee note the arrangements for the School Closure Review Panels to take on their statutory duties from 30 March 2015 as part of the amendments the Schools (Consultation) (Scotland) Act 2010.

Patricia Cassidy
Corporate Director of Education, Communities and Organisational Development

4.0 BACKGROUND

- 4.1 The Schools (Consultation) (Scotland) Act 2010 was amended in 2014 in part 15 of *The Children and Young People (Scotland) Act 2014*. The amended Act stipulates that a Council has to consult with parents, children, young people and the wider community when it proposes changes to its school estate. This includes changes such as proposals to close schools or change a school's catchment area. The Schools (Consultation) (Scotland) Act 2010 sets out the process that Councils must follow when they do this.

5.0 PROPOSALS

- 5.1 It is proposed that the Education and Communities Committee note the arrangements for the School Closure Review Panels to take on their statutory duties from 30 March 2015 as part of the amendments the Schools (Consultation) (Scotland) Act 2010.

6.0 SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010 – SCHOOL CLOSURE REVIEW PANELS

- 6.1 The final stage of amendments to the Schools (Consultation) (Scotland) Act 2010 is to establish the new provision for School Closure Review Panels which will come into force on 30 March 2015.
- 6.2 This means that any school closure case which is called in by the Scottish Ministers on or following 30 March 2015 will not be remitted to Ministers for determination but will be referred to a School Closure Review Panel.
- 6.3 Any case which has been called in by the Scottish Ministers before 30 March 2015 will continue to be determined by Ministers.
- 6.4 The new legislation is available at: www.legislation.gov.uk/asp/2014/8/part/15 This sets out amongst other details, how a Panel will be constituted to consider each case that is referred by Scottish Ministers, and the statutory deadlines on a Panel's consideration.

7.0 IMPLICATIONS

- 7.1 There are no direct financial costs associated with the information provided in this paper.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

7.2 Legal

Failure to comply with the Schools (Consultation) (Scotland) Act 2010 will result in a breach of our statutory requirements.

7.3 Personnel

There are no personnel implications.

7.4 Equalities

It would be appropriate to undertake an equality impact assessment of proposals made to ensure equality of opportunity for all.

Repopulation

7.5 N/A

8.0 CONSULTATIONS

8.1 N/A

9.0 BACKGROUND PAPERS

9.1 'Schools (Consultation) (Scotland) Act 2010 as amended – Overview and guidance for education authorities August 2014'. This document is available from the Education Scotland website (www.educationscotland.gov.uk).