
ARGYLL AND BUTE COUNCIL
COMMUNITY SERVICES

EXECUTIVE
15 DECEMBER 2011

COMMISSION ON RURAL EDUCATION CALL FOR EVIDENCE

1. SUMMARY


- 1.1 This report provides a draft response to the call for evidence from the Commission on Rural Education for consideration by the Executive and agreement to submit on behalf of Argyll and Bute Council.

2. RECOMMENDATION

- 2.1 It is recommended that the Executive consider the draft response to the call from evidence by Commission on Rural Education attached as Appendix A to this report and agree it be submitted on behalf of Argyll and Bute Council.

3. DETAIL

- 3.1 The Scottish Government established the Commission on the Delivery of Rural Education, chaired by Sheriff David Sutherland , to examine both how the delivery of rural education can maximise the attainment and life chances of young people in rural areas, and the link between rural education and rural communities.
- 3.2 The Commission will also review the Schools (Consultation) (Scotland) Act 2010 and its application and make recommendations on the delivery of all aspects of education in rural areas
- 3.3 Specifically the Commission has the following remit:
- 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 education in rural areas (pre-school through to higher & 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.

- 3.4 The Commission comprised originally 15 members (now reduced to 14 members) and has representation from COSLA, ADES, Parent Bodies, a head teacher, nominees from an academic background and lobby groups.
- 3.5 The Commission has issued a call for evidence from interested stakeholders to be returned by 12 January 2012. It is also expected that the Commission will visit a number of areas to hear evidence and it is anticipated that Argyll and Bute will be on that programme.
- 3.6 The draft response has been drawn together using the experience gained by Argyll and Bute Council in implementing its school estate review in compliance with the Schools (Consultation) (Scotland) Act 2010. 

4. CONCLUSION

- 4.1 The draft response attached at Appendix A is proposed as the Council's submission to the Commission on Rural Education..

5. IMPLICATIONS

Policy: None.

Legal: None.

Financial: None.

Personnel: None

Equal Opportunities: None.

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6 December 2011

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Commission on Rural Education Call for Evidence

Word Response Form

Please use key F11 to navigate between the fields on this form. To use the check boxes, right click, choose "Properties" and "checked" (or "unchecked" to remove a cross and change your answer).

Section A – Respondent Information Form

Please note that the Respondent Information Form must be completed to ensure that we handle your response appropriately. **Questions marked * must be answered by all respondents**, unless you are directed past this question.

Name of Organisation (if appropriate) **Argyll and Bute Council**

Title (e.g. Mr/Ms/Mrs/Miss/Dr) **Mr**

Forename Cleland Surname Sneddon

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* I am responding as: An individual **A group or organisation**

Do you consider yourself or your organisation as from or representing?

a rural area an urban area an area with both urban and rural components don't know / not applicable

If you are responding as an individual:

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

Yes No

* If you have agreed to your response being made available to the public, please tell us if we may also make your name and address available.

(Please select one option only):

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

Which of the following best describes your role in completing the questionnaire?

(Please select one option only):

Teacher (class, chartered, deputy, head, special) Parent/Carer
 Other educational establishment staff Pupil
 Non-teaching local authority employee Elected representative
 Other, please specify

If you are responding as a group or organisation:

* The name and address of your organisation will be made public (on the Commission's web site and/or in the Scottish Government library). Are you content for your response to also be made available?

Yes No

Which of the following best describes your organisation?

(Please select one option only)

School Government agency
 Other educational establishment Community Council
 Professional body Parent/Carers' organisation
 Local authority Pupils' group
 Other, please specify

Section B – Maximising attainment and achievement through rural education

Q1: The Commission is examining how the delivery of rural education can maximise attainment and outcomes to give pupils the best life chances. Curriculum for Excellence is the curriculum in Scotland which applies to all children and young people aged 3-18, wherever they are learning. It aims to raise achievement and attainment for all, enabling young people to develop the skills, knowledge and understanding they need to succeed in learning, life and work.

(a) To what extent do you agree or disagree that there are particular challenges to delivering Curriculum for Excellence in rural schools?

Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree
 Don't know / Not applicable


(b) To what extent do you agree or disagree that any challenges are particularly acute for small rural schools?

Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree
 Don't know / Not applicable

(c) Please explain your answers to (a) and (b) and provide further detail on what you think these challenges are?

Due to the geography of Argyll and Bute, it can be very challenging to make consortium arrangements for collaborative working for staff and pupils. New technologies can go some way to facilitating this, but cannot take the place of face to face meetings. The logistics and cost of travel can limit opportunities for partnership working and peer group interaction for both staff and pupils. One of the challenges is to provide opportunities for staff and students to work in collaborative way.

The challenges are particularly acute for schools with small rolls to establish peer group learning at each age and stage and there is a smaller pool of staff to draw their particular skills and experience from. Many rural schools exhibit innovation in how they deliver the curriculum in their circumstances which is to be commended but it is undoubtedly much more difficult to address. The activities that are developed to compensate for these challenges are often by exception (e.g. pupils travelling one afternoon a week to neighbouring schools to enjoy collaborative activities) and provide the type of experiences that pupils in larger schools benefit from on a daily basis.

Another challenge for an authority with a significant rural area is **the impact of the cost of maintaining such a large number of small establishments whilst trying to provide equity of provision**. Authorities **with a very significant under utilisation of school spaces** need to be able to take strategic decisions on the size of the asset base it requires to deliver the highest quality of education to a  children in its area. Maintaining and staffing **an asset base almost twice greater than necessary**, diverts scarce resources away from **value adding education activities** that impact on the quality of the education experience for all children in Argyll and Bute.

(d) Do you have any suggestions for how these challenges might be overcome or addressed?

Schools use a range of learning technologies to assist with pupil and staff interaction. Across Argyll and Bute schools, video conferencing and GLOW meet is used for delivering support across a variety of subjects.

Argyll and Bute have recently approved the creation of Joint Headships and are currently working towards the creation of Learning Communities.

Staff in rural schools meet in cooperative groups in order to maximise their opportunities for professional dialogue; however because of our geography this has implications for the management of time. We have developed a Teaching Head Teacher Network to try and provide opportunities for collaborative working, however this arrangement cannot replicate the spontaneous day to day interaction of teachers and head teachers.

There is significant scope to reduce the number of schools in certain areas in Argyll and Bute given the level of under utilisation particularly in the primary school estate. This would deliver a smaller number of more sustainable schools with combined rolls that would meet a number of the challenges highlighted above.

Q2: Do you think rural schools provide particular educational benefits to their pupils and, if so, what do you think these are?

Rural schools can engender a strong feeling of community and can form strong links with the wider local community. However such an ethos is not directly linked to the size of the school but rather is dependent upon the quality of the leadership of the head teacher and the skills of the class teacher(s). These same benefits will be identifiable in high performing urban schools. High quality staff are the key to high quality educational experiences for children and young people.

Q3: Do you think rural schools have particular disadvantages for their pupils and, if so, what do you think these are?

Modern pedagogies e.g. cooperative learning strategies are most effective in groups of four to six. Within such a group a spread of ability is necessary in order to provide intellectual support and challenge. The levels of support and challenge members of group can provide is influenced by the maturity level(s) of the group members. Too wide a range of maturity can restrict the ability of the group to provide an appropriate level of support and challenge to any individual within it.

It is a challenge for small rural schools to provide opportunities for to face large group interaction on a regular basis. This becomes particularly important as children move towards the P7 – S1 transition. Our secondary school rolls vary from less than 50 students to 1400 students.

The social development of the child is also important and the ability to form friendships across peer groups is a component part of that process. This is a challenge to achieve in small rural schools.

Q4: Getting it right for every child (also known as GIRFEC) is the Scottish Government's policy for improving outcomes for children and making sure that all agencies respond appropriately to needs and risks. The Getting it right approach is about making sure that leaders, managers and practitioners across all services work together when they need to, ensuring children and young people reach their full potential.

(a) To what extent do you agree or disagree that there are particular challenges to applying the Getting it right approach in rural schools?

Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree
 Don't know / Not applicable

(b) Please explain your answer to (a) and provide further detail on what you think these challenges are?

GIRFEC methodology is based upon strong and effective partnership working which is focussed upon the needs of the child. There is evidence of partnership working being very strong in Argyll and Bute. A challenge to effective partnerships can be the difficulty in finding appropriate practitioners to cover for any absence. There is a smaller pool of professionals available.

Q5: Do you have any comments or suggestions on how to ensure the viability and sustainability of rural education? You may wish to comment on the following areas:

- attracting and retaining staff;
- school buildings;
- remote learning;
- use of technologies for learning.

Appropriate professionals can be attracted to a rural location as a lifestyle choice. The challenge for a rural authority is that of attracting high calibre staff and the provision of opportunities for career advancement. Inevitably promoted posts in a smaller school are not as financially attractive and in some cases Head Teachers can feel isolated from their peers. Argyll and Bute Council has had some difficulties in attracting competition for posts in some areas. One option is that of the Joint Headship. The success of a Joint Headship is dependent upon the experience and qualities of the appointee. A professional undertaking a Joint Headship must have a proven track record at a senior level – preferably at Head Teacher level.

In order to ensure our school estate is in a fit condition for purpose in a time of reducing finance available for planned maintenance and capital investment, adequate government funding could be put in place to supplement this. Ultimately though if authorities are operating a school estate that is significantly greater than actually needed, the situation is unlikely to be sustainable in the long term and is wasteful of scarce resource. Investment in asset sustainability however does not fully address the suitability of some properties for modern education delivery and such investment in properties that are unnecessary and will not be suitable is to the detriment of the maintenance of other schools .

For remote learning to be successful the authority needs to ensure that connectivity, software and hardware are fit for purpose. A strong and co-ordinated strategy to update and improve the skills of staff and pupils is necessary. Whilst new technologies may allow for wider subject choices and for new partnerships to open up (e.g. with further education colleges), the child's development is most ably supported by the quality of inter action with teaching and other staff and new technologies need to be complemented with face to face support.

Learning technologies are used widely across schools in Argyll and Bute. A different approach to the use of technologies is required – we need to move away from the idea of the computer suite towards the use of pupils' own devices whilst retaining an appropriate budget to provide access for those pupils who cannot provide an appropriate device. A clear I.T. strategy which allows the use of social networking sites and less restricted access is vital. For this to be safe and effective, there needs to be a clear understanding of risk and how these are managed.

Section C – The Schools (Consultation) (Scotland) Act 2010 and its application.

In Scotland, local authorities have a statutory duty to ensure the adequate and efficient provision of school education in their area. If a local authority proposes to change any part of the existing education provision then they must engage in formal consultation process. The process to be followed when a local authority is consulting on a relevant school reorganisation proposal is set out in the Schools (Consultation) (Scotland) Act 2010, referred to here as the “Schools Consultation Act”. Under the Schools Consultation Act, there are specific provisions relating to rural schools – including factors that Councils must consider before proposing to close any rural school – and there are specific duties on Scottish Ministers in relation to scrutiny (call-in) and consent to Council proposals.

This section seeks your views on the Schools Consultation Act and its current application.

Q6: Under the Schools Consultation Act, a rural school is defined using statistical data under the Scottish Government’s “Urban Rural Classification”. This divides areas of Scotland into 8 types, depending on the population size of the town or settlement together with the travel time needed to get to a larger town. For the purposes of the Schools Consultation Act, schools in the three rural categories Accessible Rural, Remote Rural and Very Remote Rural are considered to be rural schools. These are all schools in settlements with less than 3,000 people living in them and with different lengths of ‘drive time’ to a bigger town or settlement of more than 10,000 people.

(a) To what extent do you agree or disagree with the definition of a rural school for the purposes of the Schools Consultation Act?

Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree
 Don't know / Not applicable

(b) Please explain your or suggest any alternative?

Although the Urban-Rural Classification is useful in helping us to understand our areas, it is a blunt instrument when it comes to understanding our school estate. The classification of a school as being 'rural' relates to the point location of the school, and does not relate to whether the pupils within the catchment access it from areas classified as urban or rural. Within Argyll and Bute, this results in a number of apparent anomalies.

For example: Hermitage Academy, on the outskirts of Helensburgh, falls outside the settlement boundary, and is classified as 'accessible rural'. This is despite Helensburgh, itself, with a population of over 10,000, falling into the 'other urban' category of the Urban-Rural Classification.

Rothesay Primary and Rothesay Joint Campus are both located within the settlement boundary of Rothesay. Rothesay is a 'very remote small town'. Therefore neither of these schools are rural, despite much of their catchment area covering 'very remote rural' parts of Bute. However, North Bute Primary, with a comparable catchment area to Rothesay Primary, is a 'very remote rural' school. This is because North Bute Primary is located in Port Bannatyne, not in Rothesay. Port Bannatyne has a population of less than 3,000, and therefore is a rural area, according to the classification but is less than 3 miles from the centre of Rothesay.

Some kind of ratio that relates the size of the catchment area to the roll of the individual school would be useful. Also, it would be helpful to think about whether existing public transport provision

is adequate to cater for the needs of pupils, or whether local authorities must make special transport arrangements to cater for them.

Accessibility of a school to its pupils is more important than merely considering its location within the Urban-Rural Classification.

Q7: The Scottish Government's view is that educational benefits should be at the heart of any proposals to make a significant change to a school. The Schools Consultation Act specifies that local authorities have to prepare an educational benefits statement for all consultations under the Act. Local authorities must consider:

- the likely effects of the proposal on current and future pupils of the school, other users of the school's facilities and the pupils of any other schools in the area;
- explain how the authority intends to minimise or avoid any adverse effects of the proposal; and
- describe the educational benefits which it believes will result from the proposal and provide reasons for this.

(a) To what extent do you agree or disagree that educational benefits should be the primary consideration in making a significant change to a school?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree Don't know / Not applicable

(b) Please explain your answer, and provide any comments on how the educational benefits statement is used or how you think it could be improved?

Authorities should always have educational benefit at the forefront of any consideration to merge or close schools or in proposing to alter catchment areas however it is not a simple isolated consideration. To divorce any such proposal from the authorities' strategic planning for school estate or in how they deploy their resources to support the highest quality of education for all pupils in their areas is impractical.

The current Act and its associated guidance have produced a very adversarial process whereby opponents of a proposal believe to object to it implies that there is an argument to win by disproving the educational benefits statement of an authority. The result has been a massively disproportionate use of time and resources by both parties trying to "win" an argument by criticising the position of the other. It therefore engenders a bad feeling and the actual correct and proper consideration of education benefits and opponent's views is overlooked in the adversarial process.

It is also important to clearly emphasise that a proposal may produce some dis-benefits to pupils (e.g. an extended travel journey) that cannot be fully mitigated but they should not automatically mean a proposal should be rejected. Rather the whole range of benefits and dis-benefits should be considered together so that the overall impact on pupils is considered.

The role of Education Scotland could be strengthened by taking responsibility for independently assessing the relative arguments put forward with regard to educational benefits. Objectively they would be able to assess the educational benefits statement in a more sophisticated way based on the significant experience of the inspectors and avoid a simplistic debate of large and small schools or travel durations. Revised statutory guidance could also confirm to elected members that they would not be requested to judge the relative arguments but that they would be expected to take on board Education Scotland's advice in coming to a decision. The guidance would clarify for

opponents of proposals that their views would be independently assessed which would remove this point of debate from public meetings and allow a more straightforward opportunity for interested parties to explain their position.

It is crucial that the education benefit statements and the proposal papers are considered in a constructive and non emotive manner.

Q8: Sometimes Councils will propose the closure of a school. The Schools Consultation Act requires Councils to have special regard to three factors before deciding to propose and consult on a rural school closure. These are:

- if there is any viable alternative to the closure proposal;
- the likely effect of the school's closure on the local community; and
- the likely consequences of the closure on travel and transport arrangements.

(a) Do you have any comments on how these factors have operated in practice?

The Act requires councils to consider all viable alternatives to closure prior to entering a statutory consultation process. There is however no definition of the criteria to be used by authorities in assessing the viability of an alternative. It is not practical for all alternatives to be considered prior to a consultation as many may only emerge in the process of the consultation itself. Equally, the viability of alternatives also needs to consider the likelihood and sustainability of the alternative – e.g. potential housing development at some future time when actual development completion rates are modest is not an alternative at the point of decision making. Additionally, the size of some small schools mitigate against the asset being shared by other users. Clarity around these statements would again remove an area of dispute.

The primary concern should be the educational benefits to children and young people. The likely effect of the school closure on the local community should not be allowed to have more importance than the educational benefits for children and young people. In practice the impact upon a community became an emotive issue which detracted from the discussion of educational benefits for children and young people.

The Council is aware that a number of rural communities in Argyll and Bute have declined in population numbers, age balance and economic vibrancy – many of its policies are directed to try to stimulate growth however these approaches are set within the wider national and global economic trends. However the presence of a primary school is not the determining factor for whether communities continue to thrive or decline – there is a greater discernable impact of access to employment, to affordable housing and economic diversity – and many communities have continued to decline whilst they have a primary school whilst others have continued to thrive in the absence of a school. Statements about a school being the focus of a community and without it the community would die are highly emotive and are impossible to challenge but in many cases are not supported by evidence.

The requirement to assess the likely effect of transport arrangements inevitably brings into question journey length and route. The precision of this information brought campaigners into conflict with authorities over these assessments. Satellite vehicle reports have been contested and formed the basis of much political dispute. Local authorities transport hundreds of thousands of pupils and undertake hundreds of millions of pupil journeys per annum using a mix of direct provision, contracted providers and public transport routes. They are in a good position to assess transport routes, safety issues, methods etc. In a rural authority travel to school often requires a significant journey simply because of geography.

(b) Do you have any suggestions for improvements or alternatives to the existing process?

Revised statutory guidance should be founded on the basis of proportionality regarding the assessment of the 3 areas for special regard. The guidance should provide clarity on what is expected of authorities in order to evidence the likely effect of the school closure proposal on the local community. This should be realistic in terms of cost and what is to be considered. Clarity around what this should encompass would be helpful.

Revised statutory guidance should provide a set of criteria to be used by authorities in assessing the viability of alternative proposals, potentially in an options appraisal format. This guidance should also be clear that alternatives may continue to be identified and be assessed throughout the statutory consultation process.

Argyll and Bute Council's record in transporting pupils is particularly good with comparatively few incidents annually. Caution should be exercised around any recommendations on improving transport arrangements or obligations on authorities arising from the schools consultation legislation. **The Council has many examples of parental choice being exercised which occasions longer travel durations for their children which emphasises that the issue for some parents is often more related to the quality of the education experience than the travel duration.**

Q9: Councils have to balance their duties under the Schools Consultation Act with their responsibilities for efficient management of the school estate. There is Scottish Government guidance on some aspects of this, for example, assessing and reporting Condition and Suitability ratings. Thinking about how Councils do this, do you have any comments on how they:

(a) make decisions about the school estate, including assessments of condition or suitability and how investment in school building is prioritised?

At the moment authorities assess the suitability and condition of schools using the Scottish Government's core facts criteria. Thereafter investment decisions are prioritised using the risks that are identified from this process and the business case for the investment is assessed as part of the Council's asset management planning process. This appraises options for addressing the identified risk and also measures the potential impact of the recommended measures.

Authorities need to have the ability to strategically plan for their school estate with regard to utilisation to ensure that they deliver best value in the use of resources to deliver the highest quality education service provision. If schools consultation legislation makes it almost impossible for authorities to take these strategic decisions it will produce adverse education outcomes for all pupils in authorities' areas.

(b) assess the capacity of primary and secondary schools?

It would be helpful to have a standardised approach to capacity modelling and it is reasonable to suggest that a standard model could be developed which could give comparability of data across the authorities and thus remove a point of contention. The model would have to be flexible enough to accommodate the constraints of existing schools and ensure that authorities do not face challenge to increase facilities in existing schools, e.g. if the standard model indicated that a school with nine teaching places should designate only six of these as classrooms, undoubtedly some existing nine teaching places schools would be unable to comply without extending the property.



The issue of capacity modelling has been used to cloud the bigger issues of educational benefits – arguments about whether a school is at 44% occupancy or 55% occupancy are actually irrelevant to the bigger issues relating to the quality of education experience for pupils but became the focus of a number of campaigners.

(b) manage and measure local information such as projected population numbers and pupil rolls?

The Council accurately projects our pupil rolls for two years in advance. There is 98% uptake in Argyll and Bute’s preschool education. Data is also provided by our health partners for children from 0 – 3 years.

Cross checks are undertaken with birth rate data which is published for authority areas. Further checks are carried out by datazone (which don’t align well with school catchments areas); health visitor figures, pre 5 registrations, and house building permissions.

Longer term projections are based on GROS population projections – currently projecting up to 2033. The Council has had regard to these projections which for 2011 is within 7 primary pupils of the actual roll. This level of accuracy is unlikely to be repeated for each year however the GROS projections to provide an indicator that is part of the bigger picture that is compiled with all of the cross checks and data sources above. It is difficult to think of any more that an authority could do to project future rolls and in Argyll and Bute, the Council has a very good picture of school population trends and what issues may impact to change trends (e.g. MOD staff deployments, accelerated house building, etc)

Greater clarity on what data sources are appropriate for planning assumptions would remove particular areas of contention around future demand/supply assessments.



Q10: The consultation process Councils must undertake is set out in the Schools Consultation Act.

(a) How satisfied or dissatisfied are you with the statutory consultation process currently applied by Councils under the Schools Consultation Act?

- Very satisfied
 Satisfied
 Neither satisfied nor dissatisfied
 Dissatisfied
 Very dissatisfied
 Not applicable

(b) How satisfied or dissatisfied are you with the informal consultation sometimes undertaken by Councils in advance of statutory consultation under the Schools Consultation Act?

- Very satisfied
 Satisfied
 Neither satisfied nor dissatisfied
 Dissatisfied
 Very dissatisfied
 Not applicable

(c) Do you have any comments on consultation under the Schools Consultation Act or how it could be improved?

Argyll and Bute employee Code of Conduct, like most other authorities, explicitly prohibits employees being publicly critical of their employer. In the case of the statutory consultation with staff it is recognised that strongly held views on such an emotive issue could bring employees into conflict with the code. Consultations with employees took place in dedicated meetings where



they were able to **freely share opinions** without any prejudice to the code but they were requested to remain neutral in a public setting.

An acknowledgement in revised guidance of the potential conflict that staff encounter when having to comment publicly on the proposals would be helpful. In addition recognition that a “protected” setting for staff to comment openly is acceptable would be welcome.

The use of the **“Participants, not Pawns”** guidance issued by Scotland’s Commissioner for Children and Young People opened up new challenges from campaigners. Addressing the pupil consultation question is difficult to resolve. The guidance is helpful and the issue is simply one of interpretation. The provision within the revised guidance of examples of good practice would be helpful and an outline of areas for questions that are appropriate to different ages would be helpful.

The statutory consultation process was very time consuming. Officers and senior managers were **required to collect and collate very specific information related to the educational benefits of facts and figures.**

One major outcome of the consultation was the large number of FOI enquires that were received throughout the months prior to and during the consultation process.

Argyll and Bute Council did decide to carry out **informal consultations on the advice of HMIE.** These meetings did provide the council with an in depth knowledge of the strength of feeling within communities. Clear guidance regarding the necessity to hold these meetings and a clear explanation of the exact procedure that should be followed would enhance the process.

More precise information around the nature of the call in process is critical. **The understanding was that a call in by Ministers would only be on the basis of process** however some authorities had decisions on some schools called in and other decisions not when the same process was applied. The perceived political dimension to calls ins is unhelpful and it would be better if an independent judicial board was established to review decisions where an appeal is lodged – this would ensure that **process is the focus of decisions** on whether a decision is called in.

Q11: The Schools Consultation Act requires Her Majesty’s Inspectorate of Education (HMIE), who are now part of the Scottish Government agency Education Scotland, to be involved in the consultation process. They are required to prepare and submit to the Council a professional and independent report on the educational aspects of the proposal being consulted on.

(a) To what extent do you agree or disagree with the role of Her Majesty’s Inspectorate of Education under the Schools Consultation Act?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree Don't know / Not applicable

(b) Do you have any comments on how this requirement has operated in practice or how it could be improved?

HMIE (Education Scotland) fulfilled an important and necessary role – **that of the truly impartial observer.** Any development of this role would be welcome but in particular the assessment of education benefits appears to be a logical extension of their role as outlined in the response to question 7 above.

Q12: Under the Schools Consultation Act, Scottish Ministers have powers to decide whether to “call in” or review a Council’s decision to close a school. This can be applied where it appears to

Scottish Ministers that the authority may have failed in a significant regard to comply with the requirements in the Schools Consultation Act or to take proper account of a material consideration relevant to the decision. When Scottish Ministers call in a proposal, they can then decide whether or not to allow the closure to go ahead.

(a) To what extent do you agree or disagree with the role of Scottish Ministers' and their call-in powers under the Schools Consultation Act?

Strongly agree Agree Neither agree nor disagree Disagree Strongly disagree Don't know / Not applicable

(b) Do you have any comments on the call-in process or how it could be improved?

The ability to "call in" a council's proposal(s) for the closure of a school or schools was intended to be used in exceptional circumstances only and where a breach in process had been identified. It was **not intended to be a mechanism to review decisions taken by authorities**. The same process has been used by authorities for those proposals which were called in as those which were approved. This suggests a political dimension to the use of the "call in" which was not intended.

The option noted above - to remit the arbitration of appeals to an independent quasi judicial board which would **limit itself to consideration of process only** would be logical and helpful to all parties in the process.

Q13: There is statutory guidance issued to local authorities, by the Scottish Government, intended to assist those who are involved in overseeing the consultation and decision making processes around proposed changes to their schools, as required in the Schools Consultation Act:

(a) Are you satisfied with the guidance to local authorities under the Schools Consultation Act?

Very satisfied Satisfied Neither satisfied nor dissatisfied Dissatisfied Very dissatisfied Don't know / Not applicable

(b) Please explain your answer, and provide any comments on how the support and implementation of the Schools Consultation Act could be improved?

Statutory guidance issued to the local authorities by the Scottish Government must be clear and unambiguous. Statutory guidance which is open to interpretation is unhelpful and the current guidance has contributed to the development of the adversarial position noted throughout this response.

Section D – Funding issues surrounding rural education

Under the Local Government in Scotland Act 2003, Councils have a statutory duty to make arrangements to secure Best Value. They must carry out their overarching duties on delivery of all council services, including responsibilities for managing the school estate in accordance with the Best Value duty. The Commission is also considering the funding issues surrounding rural education, including the relationship between the Best Value duty and the Schools Consultation Act.

Q14: Do you have any comments on how Councils deliver their Best Value requirement alongside the delivery of rural education and their responsibilities under the Schools Consultation Act?

Councils have an obligation to deliver Best Value: education is not exempt from this. Any decision which does not increase the efficiency of the school estate, impacts upon the education of all children and young people by creating a situation where the financial resource must be spread more thinly.

Authorities should have the ability to strategically plan for the size and use of its education estate and how it deploys its resources. It is right that any individual decisions by authorities should be subject to a statutory consultation process to ensure that decisions are taken diligently and with due process but the burden on authorities should be proportionate and balanced.

Q15: Do you have any other comments on the funding issues around delivering rural education?

The small schools element of GAE is allocated to authorities as a per capita payment (currently approximately £2,450 per annum) in respect of each pupil in schools which have less than 70 pupils enrolled.

This is calculated by dividing a national pot by the number of pupils in such schools and is set according to the term of the national finance settlement. As such a school with 69 pupils yields the greatest level of additional income to an authority, however if one additional pupil enrolls the payment drops to zero.

Local authorities are able to refuse placing request on the basis of additional costs but not the loss of potential income.

The payment is not reflective of the costs of compensatory activities faced by authorities operating small schools, e.g. additional transport costs to systemise inter school activities to provide appropriate peer learning opportunities etc.

It would be helpful if consideration were given to a sliding scale from the 70 pupil mark so that there is no immediate drop to a zero level of support should a 71st child enrol. Of further help would be some consideration given to the method of allocation – a 70 pupil school can be considered quite large in some rural authorities. A tiered weighting to the very small school sizes would be appropriate, i.e. the additional costs to operate a school with 50 pupils is not 5 times the additional costs of operating a school with 10 pupils.

Section E – Links between rural education and the preservation, support and development of rural communities

Part of the Commission's remit is 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.

Q16: Do you have any comments on the links between rural education and the preservation, support and development of rural communities?

The current Act requires authorities to have specific regard to the likely affect to the local community in consequence of the proposal. For some authorities this has involved exploring these issues with communities during the consultation phases and making comment within the consultation reports. For others, including Argyll and Bute, the expectations were that this would comprise uniquely commissioned research on each community.

There would be significant cost consequences to commissioning unique research and there is considerable doubt whether the impact of a school closure on a rural community could be easily

isolated from a range of other socio economic factors. Use of general research such as “Factors Influencing Rural Migration Decisions in Scotland” or the “Outer Hebrides Migration Study” which both suggested access to employment, economic diversity and access to affordable housing were of greater influence than the location of a school in a community were fiercely contested by campaigners.

Evidence of communities where growth has occurred either after a school closures or in the absence of a school at any time is presented alongside evidence of the general rural population decline in communities with schools. As an authority we do not accept that having no school is a detriment to a thriving community. We have many examples of this within Argyll and Bute, e.g. Ardentinny, Cairndow and Kilmelford.

The Council has a clear focus on developing sustainable and vibrant rural communities and its economic development and housing strategies are clear examples of our commitment. Any national government support for the work of the Council in developing our rural economy, infra structure, housing, transport, broadband development, etc would be welcomed.

Q17: Do you wish to highlight any sources of evidence in relation to this area of the Commission’s work that you think they should consider?

Nothing additional to the comments contained in this response

Section F – Any other comments

Q18: Please tell us if you have any other comments on the delivery of rural education that you would like the Commission to consider?

The Act as it stands at the moment is discriminatory against the closure of a school. Argyll and Bute Council contends that there are questions surrounding the educational benefits to children of a school where there are very few pupils.

The legislation surrounding the closure of schools should be uniform throughout Scotland: there should be no distinction between rural and urban.

There is a dilemma for local authorities such as Argyll and Bute which were tasked to review its school estate on the advice of HMIE who stated in their authority inspection in 2005 “Although plans were being developed to improve the school estate, more required to be done to address issues of increasing over-capacity in primary schools”.

A Follow-through report in 2007 stated “the authority face major challenges in the quality of its school building and in an over supply of school places. 70% of primary schools and 10% of secondary schools had less than 60% occupancy. Against Scottish Government definitions, 59% of the primary school estate was classified as Poor or Bad”.

Similar comments have been made by the Council’s external auditors and the issue is featured in the Council’s Assurance and Improvement Plan. The use of resources and assets is core to the ability of Councils to deliver Best Value to the taxpayer and school estate is not an area that should be excluded from this review.

If the outcome of the Commission’s review is relatively small change in the capacity of authorities to make strategic decisions on the use of the school estate, there needs to be a correlation with

the funding arrangements to support schools with very small rolls to ensure equality in access to educational outcomes for pupils.

It would be helpful if the Commission were to consider the position of authorities who encounter this dilemma.

Finally, the Council would wish to highlight the impact of the current process on its communities, on schools and on staff tasked with undertaking this work. **The campaign that was undertaken in Argyll and Bute was very difficult and in some cases distressing for those involved or affected by it. Any conclusion of the Commission should consider these comments and reflect the duty of care the Council has to its pupils, communities and staff.**

Submitting your response and help

Please email your response to:

CommissiononRuralEducation@scotland.gsi.gov.uk

If you email your response it is not necessary to send a hard copy as well. If it is not possible to email your response, hard copy responses can be sent to

Commission on Rural Education Secretariat
Area 2A South
Victoria Quay
Edinburgh
EH6 6QQ

If you have any problems with this form, please contact the email address above or telephone 0131 244 0877.

**Commission on Rural Education
October 2011**