

PERTH AND KINROSS COUNCIL**Lifelong Learning Committee - 29 May 2013****COMMISSION ON THE DELIVERY OF RURAL EDUCATION****Report by Executive Director (Education and Children's Services)****PURPOSE OF REPORT**

This report informs the Committee of the publication of the Commission on the Delivery of Rural Education Report.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Cabinet Secretary for Education and Lifelong Learning announced the setting up of the Commission on Rural Education in June 2011 and a moratorium on rural school closures for one year, from 20 June 2011 until 20 June 2012.
- 1.2 The Lifelong Learning Committee was informed of the setting up of the Commission, the moratorium and the implications for Perth and Kinross Council in August 2011 (Report 11/430 refers). The Executive Director (Education and Children's Services) was instructed to report back to the Committee on the findings and recommendations of the Commission in due course.
- 1.3 It was anticipated that the Commission would report back in Spring 2012 with a number of recommendations on the way forward for the delivery of education in rural areas. However, this was significantly delayed awaiting the judgement in relation to the case of Comhairle nan Eilean Siar v. Scottish Ministers, the outcome of which required to be reflected in the final report and assisted in making recommendations for the future.
- 1.4 The Commission on the Delivery of Rural Education report was finally published on Friday 19 April 2013. This report contains 38 recommendations. The recommendations seek changes in the way in which councils deal with school closures but also look for improvement in the delivery of education services in rural areas.
- 1.5 The Commission was organised jointly between COSLA and Scottish Government and this partnership should also extend to implementing the final recommendations. The Scottish Government is currently considering the report and the key recommendations in more depth. Their response will determine what legislative changes are required.

- 1.6 A number of the recommendations complement the existing practices established in Perth and Kinross in relation to school closure consultations and Perth and Kinross Council has contributed fully to the proposed template for financial information based on our existing model. Recommendations 27-30 have been key factors in all statutory consultation proposals undertaken by Perth and Kinross Council since the introduction of the legislation in 2010.

2. PROPOSALS

- 2.1 It is proposed to await further guidance by the Scottish Government on the implementation of the recommendations contained within the Commission on the Delivery of Rural Education report prior to considering any further school closure proposals within Perth and Kinross.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 Perth and Kinross Council welcomes the publication of the report and agrees that new, clear and strengthened guidance and legislative change will be necessary to implement the recommendations. The enactment of any changes is likely to take place at a date as yet unknown and it is accepted that, in the meantime, any proposed school closure consultations would need to carefully consider the implications of the report.
- 3.2 It is recommended that the Committee:
- (i) Notes the content of the Commission on the Delivery of Rural Education report; and
 - (ii) Instructs the Executive Director (Education and Children's Services) to report back to Committee when the Scottish Government has considered the report in detail and has determined the proposals for implementation.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	None
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

2. APPENDICES

Appendix 1 – Commission on the Delivery of Rural Education Report

Commission on the Delivery of Rural Education



Commission on the Delivery of Rural Education

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Foreword

I am pleased to present the Report of the Commission on the Delivery of Rural Education.

Since we began our work in August 2011 we have endeavoured to obtain as much evidence as possible relating to education in our rural areas. This has included a public call for written evidence, meetings with various stakeholders, and (perhaps most importantly) visiting schools throughout rural Scotland from the Borders to the Shetland Islands, meeting pupils, teachers and parents. These visits included holding public meetings for all those interested in our rural schools and their communities. In addition, we were able to visit Finland and the Republic of Ireland which gave us further insight into how countries with similar rural communities address the challenges of providing education in these areas.

Traditionally, great store has been placed on education in rural Scotland and these values continue to be very evident today. Government both national and local should recognise both the importance of education in rural communities and the place of the school in the wider social fabric, but should also ensure delivery of an educational process fit for purpose in the 21st century, meeting the needs and aspirations of these communities.

The work of the Commission has been carried out with great commitment by its individual Commissioners. I am grateful for the time and effort expended without any remuneration and often at great personal sacrifice. Obviously we did not agree on all matters and discussions reflected the various viewpoints represented in the Commission. However, the readiness to understand and learn from other people's viewpoints has been reflective of the Commission's work generally and of the individual Commissioners' commitment to the important work before them.

We have presented our Report having read Lady Paton's judgment in the appeal to the Inner House of the Court of Session in the case of *Comhairle nan Eilean Siar v. Scottish Ministers*. We are mindful that this judgment is not a final decision but are grateful for the clarity contained therein.

Finally, I would wish to record my special thanks to Clare Morley of the Scottish Government's Learning Directorate, and Jane O'Donnell of COSLA, both of whom acted as Secretaries to the Commission. They have worked tirelessly for the Commission and much credit for the Commission's work and the preparation of this Report must be accorded to them.

David O. Sutherland
Chairman

Introduction

The Commission for the Delivery of Rural Education was established in August 2011 by the Scottish Government and COSLA 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.

The Commission comprised people from all key stakeholder groups including parents, teachers, local authority officers, elected members, academics and representatives from partner organisations.¹ The Commission members worked together to consider the balance between the preservation, support and development of rural communities, the provision of rural education, and keeping the needs of school pupils at the heart of decision making.

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.

The Commission agreed at the outset that it was vital to visit rural communities and to discuss these matters with local people, including pupils, parents and business people. In total, the Commission visited 12 local authority areas, including all those with large proportions of rural schools. The local authorities and schools involved in these visits were unfailingly helpful and generous in their time and the Commission would like to take the opportunity to thank them for their support. During these visits, the Commission held public meetings, to engage with a wide range of interests in each area. The thoughtful and passionate contributions at these meetings gave Commission members a clear understanding of how the delivery of education impacts upon all people in a rural community.

In addition to listening to the views of people living in rural communities in Scotland, the Commission also visited rural areas in Ireland and Finland and has considered how the similarities and differences in the approaches of these countries have impacted upon their educational outcomes.

The Commission also sought written evidence, from October 2011 to January 2012, and received almost 400 written responses from organisations, councils, parents and other community groups. The Commission also held formal evidence sessions where key stakeholders were invited to provide further information and to answer questions. All of this

¹ Commission members are listed in the Annex.

evidence has played a key role in helping the Commission to identify its recommendations. A summary of the written evidence has been published on the Commission's website www.commissiononruraleducation.org.

Finally, the Commission's work was significantly delayed when it became clear that the Commission would better serve Scottish rural communities by awaiting the judgement in relation to the case of *Comhairle nan Eilean Siar v. Scottish Ministers* and reflecting on this judgment within its recommendations. This was highly significant in interpreting the 2010 Act and assisted the Commission in making clear recommendations for the future.

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.

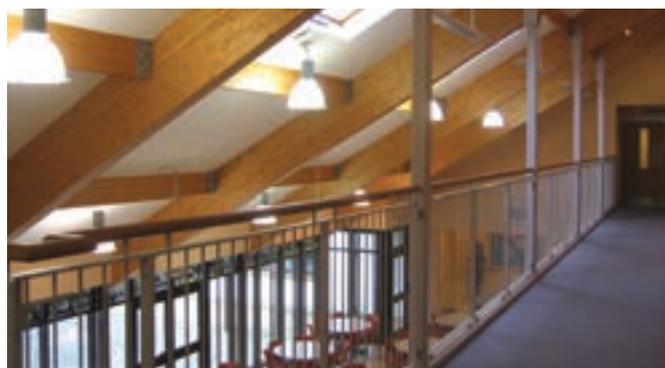
Recommendation 7: There must be a commitment to resource the curriculum in small rural secondary schools to support the achievement of positive outcomes and destinations for young people. This will require innovative and flexible arrangements to be developed including use of local primary school teachers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



Ardnamurchan High School (Highland)

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.



Windygoul Primary School (East Lothian)

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.



Loch Lomond

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.



Applecross



Chapter 1:

Setting the context

1. The Commission has sought to ensure its work reflects the context in which communities are living and working. The last five years have led to historic and unprecedented partnership working between national and local government in Scotland, but have also provided one of the most economically challenging climates in which to deliver public services. Following the Concordat of 2007, Scottish and local government have worked together in partnership to ensure the achievement of a number of key national and local outcomes. However, with demand for services on the increase and budgets decreasing in real terms, it has become necessary for many local authorities to consider their school estate, along with other key areas of local authority spend, as ways of meeting the efficiency agenda and ensuring that they deliver Best Value.

2. The Commission was challenged 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”. This is a broad remit around outcomes rather than a narrow focus on process and criteria, and that is how the Commission has approached its work.

3. The Commission considered there to be four specific national and local outcomes to be particularly relevant to maximising

educational attainment and achievement whilst supporting rural sustainability. These are:

- National Outcome 4 – “Our young people are successful learners, confident individuals, effective contributors and responsible citizens.”
- National Outcome 5 – “Our children have the best start in life and are ready to succeed.”
- National Outcome 10 – “We live in well-designed, sustainable places where we are able to access the amenities and services we need.”
- National Outcome 11 – “We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.”

4. As part of the requirement to monitor the outcomes for communities, there are a number of national performance indicators which cover educational attainment, positive destinations for school leavers and improving children’s services. However, there is no reflection of the particular challenges faced by children and young people in rural areas within this body of indicators. Moreover throughout its interaction with rural communities, it became clear to the Commission that the key issue was rural regeneration – taking place in some areas; and earnestly desired in others.

5. The Commission recognises that various policies are in place to promote rural development, most especially through the Scottish Rural Development Programme, but also through the policies of enterprise support delivered through Scottish Enterprise and Highlands and Islands Enterprise, as well as council economic development activities. The Commission concurs with the 2008 OECD report on Scotland that argues for a more integrated, multi-sectoral and place-based approach to rural development which recognises the great variations in wellbeing across rural Scotland and the particular challenges of fragile areas. The Commission believes that the regeneration challenge has taken on even greater significance in view of the impact of the financial crisis and recession and that a more integrated approach to rural regeneration is urgently needed. Our first recommendation is that the Scottish Government and local authorities should agree a coherent and integrated rural regeneration strategy to support social and economic outcomes for rural areas.

Recommendation 1:

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



Deeside



Chapter 2:

Education – a whole life approach

6. The Commission’s remit was a broad one, encompassing the full spectrum of education in rural areas, from early years provision, through school to further and higher education and including adult learning. In each, the Commission sought to understand where different issues were faced in rural areas and what solutions there might be to improve access for all.

Early years

7. Early years education plays a major role in developing the foundation for lifelong learning and achievement in all children². It is also an area that has developed greatly in the last 15 years and which will continue to develop rapidly, with the move to make Getting it Right for Every Child (GIRFEC) a statutory requirement and the Scottish Government’s commitment to increase the number of funded hours provided for 3 and 4 year olds (and some vulnerable 2 year olds) to 600 per year. While not mandatory, there is increasing uptake of early years education and this declines only slightly in rural areas. However, the Commission noted the increased barriers that families in rural areas face in accessing either childcare or early

years education. For example, no transport provision is made for early years education and this often means transport to a nursery is a significant undertaking for parents in rural areas. This can lead to a tension in some areas between the need for local community-based provision and a wish to align early years education within a local primary school.

8. The expansion in early years provision is likely to have particular challenges in rural areas and require a review of provision in each area. It is also an opportunity and, if rural areas are not to be left behind, it is imperative that rural communities move to more integrated service delivery. As in urban communities, parents of young children in rural areas have to make childcare decisions which take into account their employment and undoubtedly the childcare options are fewer in rural areas. On many of its visits, the Commission heard of the implications of lack of childcare in rural areas, often meaning that one parent has little option but to stay at home, although this was sometimes accepted as a necessary consequence of choosing to live in a rural area. Informal arrangements between parents sometimes existed and demonstrated rural communities helping themselves, but the fragility and dependence of these arrangements was clearly a limitation on economic activity. Parents in rural areas were very vulnerable to changes in early years provision, and the pattern of what was available influenced their choice of school.

² ‘Joining the Dots’ by S Deacon (2011)
‘Effective Pre-school, Primary and Secondary Education 3-14 Project’ by K Sylva, E Melhuish, P Sammons, I Siraj-Blatchford & B Taggart (2012):
‘Early Education and Children’s Outcomes: How Long Do the Impacts Last?’ by Goodman & Sianesi (2005).

9. In large areas of sparse population, it is difficult for local authorities to predict demand for early years provision. Many rural schools do not have nursery provision, due to historic patterns of provision and low numbers of pre-school children. This is complicated by not being able to assume that parents' preferred provision would always be at their local school as there are no catchment areas for this stage of education. Parents understandably use this flexibility to place children in the facility which fits best with their employment or other childcare arrangements.

10. The Commission has heard evidence from many stakeholders that an integrated approach to early years service provision could make a rural school more sustainable as the existing school could become a community hub for this and possibly a number of other services. In areas where there are few public buildings, rural schools present a great asset and opportunity to base, for example, health visitor and other outreach services close to the community and promote integrated accessible care. Professor Deacon's report *Joining the dots: A better start for Scotland's children* (2011) recommends that:

... "one of the most meaningful and practical things we could do to really improve the early years of children's lives in Scotland - and support parents and build stronger communities - and indeed make best use of the time and skills of many of our early years professionals would be to work now to develop a new generation of children and family centres across Scotland."

11. This recommendation applies to rural areas as well as urban areas, although different solutions will be required. The Commission believes that accessible early years provision which is well-aligned within the local school catchment area is important



for children in rural areas and will help make Professor Deacon's recommendation closer to a reality in these areas. It is likely that adopting a 'community hub' approach to integrating primary and early years education may improve the viability of some small rural schools. Whilst there are challenges associated with different terms and conditions of the workforce, the benefits in terms of efficiency and providing a seamless service for families should be considered. Where numbers are very low or significant distances involved, the Commission suggests that local authorities explore how partnerships with the third sector, already developing in some areas, could help fill this gap for rural communities in an efficient and effective way.

12. The Commission recognises that clarity around the funding source for such a centre and its operation would be required in order to make the business case to keep an 'unviable' school open. It was also noted that an opportunity exists within the current review of Community Planning to share or bank resources from a number of partners to support integrated service provision around agreed priorities such as early years provision.

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.



Tobermoray

Wraparound care

13. Another service that is more restricted in rural areas is access to before and after school care, often referred to as wraparound care. Wraparound care is increasingly demanded by parents and helps sustain employment. And in rural areas, with likely longer commutes to work, quality childcare or wraparound care linked to school provision can be critical to accessing employment.

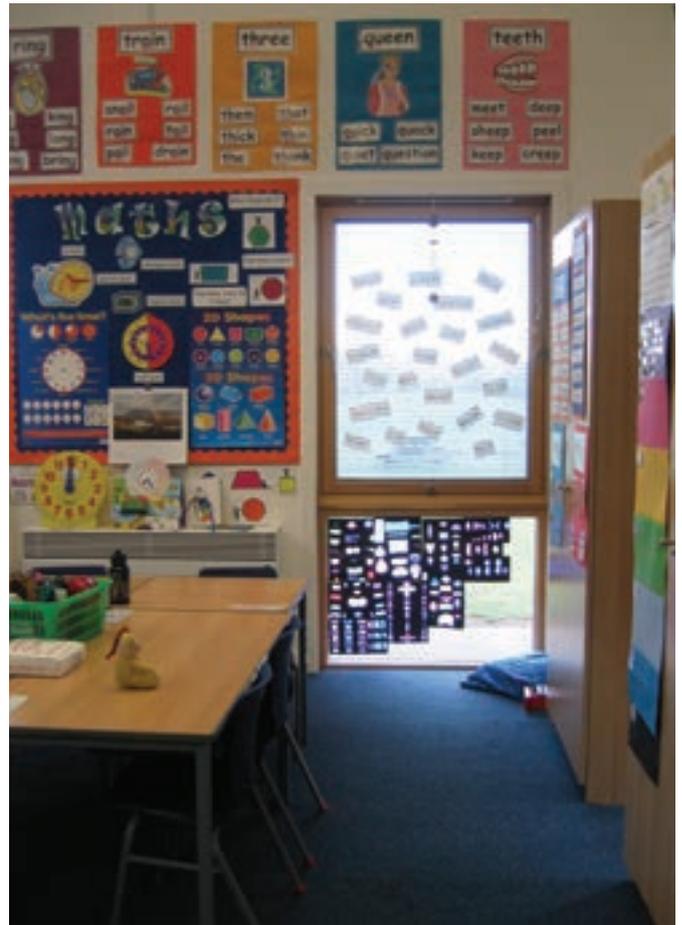
14. Expectations for wraparound care varied among the rural communities the Commission spoke to and there was recognition of the difficulties of providing it for low numbers. However, it was clear that some families make the understandable choice to bypass a local school and take their child to a school closer to their employment (reducing their need for childcare), or to a school offering wraparound care, or closer to family members who could assist, and that this can reduce the roll in the more isolated school.

15. There is no legal requirement for local authorities to provide wraparound care and if this service is available (in rural and urban areas) it is usually provided by third sector and private sector partners in conjunction with the local authority. The Commission heard practical examples suggesting that a wraparound or after school facility requires at least eight consistent pupil attendees to be viable and sustainable and it is often difficult to achieve this at small schools. Child minding is another option which plays an important role for many families and can be the only solution when the numbers of children are very low. However in rural areas, identifying child minders and sustaining their employment can also be difficult.

16. It is suggested that local authorities work closely in partnership with voluntary and third sector services to facilitate wraparound care provision where it is viable, and anything innovative to reduce the inequality in provision would be welcome. Where service provision is difficult to sustain, it is helpful to be open with communities about these difficulties so that there is a clear understanding of the risk that the service can only be sustained at particular usage levels.

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.



Gullane Primary School (East Lothian)

Providing wraparound care at a 'hub'

Sustaining wraparound care in rural areas can be difficult because of natural fluctuation in the numbers of children regularly accessing the service. In Highland, the Care and Learning Alliance (CALA), which provides out of school care in a number of locations, has found that the development of a 'hub' out-of-school club has resolved this issue for part of Nairnshire.

Based at a primary school, the out-of-school club delivers its service not only to the children attending that primary school but also to children from two nearby primary schools. While sustaining services across three sites was financially impossible, this 'hub' meets the needs of three local communities and the additional cost of taxi transport for children to the club is carefully monitored against increased fee income. Children benefit from the opportunity to socialise and play with a peer group from outside their own school and parents are provided with an affordable solution to their childcare needs.

Contact:

info@careandlearningalliance.co.uk



Stornoway

Further and higher education

17. The Commission's remit was to look at education from pre-school to further and higher education in rural areas, and the Commission sought to identify specific issues regarding further and higher education in all its evidence gathering. Nonetheless, the Commission's focus was largely on rural schools, given the very specific issues regarding these and the 2010 Act. The Commission acknowledges that it did not have the opportunity to fully engage with the wider issues around higher and further education in rural areas or vocationally sensitive³ education in rural areas.

18. The Commission noted the extent to which universities and colleges benefit rural areas: through their impact as employers and providers of teaching, training, research and knowledge exchange; and their potential to assist in meeting academic gaps for primary and secondary schools with small pupil numbers.

19. The Commission noted that there are many positive instances of institutions based or dispersed across rural Scotland including the University of the Highlands and Islands with its 13 academic partners located across the north and west of Scotland as well as in Moray and Perth and Kinross; but also Glasgow University and the University of the West of Scotland in Dumfries, Heriot-Watt University in Orkney and Galashiels and the Scottish Rural College in various locations. Equally, the Open University has long provided remote access to higher education opportunities. These have an economic and demographic impact; retaining population in rural areas; attracting inward migration and supporting a community to thrive through skills, knowledge and opportunities. However, locating further and higher education in rural areas can only partly respond to

³ Vocationally sensitive education is education that is responsive to vocational opportunities in the area.

demand in these areas, as some potential students will inevitably require or prefer to access opportunities in urban areas, or will seek these after graduation, perhaps only returning to the rural area decades later. Breaking down barriers so that wider opportunities are available in rural areas is very positive, but should not be expected to curtail individual choices to migrate to different areas.

20. The greatest benefits to communities and learners are likely to flow from a community hub model, where adults can access college and university education at their local school. Co-location can allow both school and learning centre to share and sustain the high quality facilities each require. It can also help embed learning opportunities in the community in a way that is transformative and promotes retaining that activity and the individuals concerned in the community. The Commission noted an example of the transformative impact of tertiary education in a rural area in Sabhal Mòr Ostaig in Sleat on Skye, a national centre of excellence in Gaelic Education and an academic partner of the University of the Highlands and Islands, which supports a large number of skilled, well paid jobs and has probably been instrumental in the population turnaround in the area.



Torridon

21. The Commission recognised that some people feel strongly that the local economy can be supported and sustained by a curriculum that pays attention to local economic opportunities. Historically these often related to land and fishing, but increasingly local economic opportunities relate to renewable energy and services including tourism. The Commission welcomes the work of the University of the Highlands and Islands and other institutions such as Heriot-Watt University in Orkney to deliver platforms of research and learning to support local development. The Commission would encourage higher education institutions to consider possibilities for applied research and teaching in remoter rural locations, using outstation, blended and distance learning approaches.⁴

Further and higher education supporting rural schools

22. Further and higher education institutions are beginning to play an important role in supporting the curriculum in small rural primary and secondary schools. Colleges and universities in rural areas are developing increasingly sophisticated distance learning and blended learning techniques to support a wide range of learners and with significant potential to meet a range of local needs while simultaneously enriching those living in rural areas. The Commission visited communities where there were gaps in the secondary curriculum provision due to the low pupil roll limiting the number of teachers and therefore the numbers of subjects which can be resourced. Whilst the Commission recognise that much can be delivered via Glow⁵ and other online facilities, it is suggested that

⁴ Outstation learning involves a physical centre in the rural area and distance learning is carried out remotely, e.g. through the internet. Blended learning combines some face-to-face teaching with distance learning.

⁵ Glow is the digital network for Scottish Education currently managed by Education Scotland.

further partnership work between further and higher education institutions and local authorities could help fill this gap and ensure further equality of opportunity between rural and urban pupils.

23. The Commission would encourage local authorities and schools to ensure that they are exploring all such opportunities with a view to maximising curriculum coverage in their schools.

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.



Eilean Donan Castle

Tertiary hubs

The University of the Highlands and Islands (UHI) Academic Partners support regional schools in a wide variety of ways. For example, West Highland College UHI operates across 10 centres in the West Highlands, serving some of the most remote and sparsely populated rural communities in the Highlands and Islands.

The college works with high schools to provide a range of Skills for Work courses, National Progression Awards and Highers, to support Curriculum for Excellence Senior Phase, and to provide vocational options and choices for pupils which would not be available through the schools themselves. Provision is demand-led, and supported in partnership with Highland Council and Skills Development Scotland.

Delivery mostly takes place in the college's learning centres, although there are occasions when college staff deliver lessons in the local school. Many of the college's centres are adjacent to the local school and community centre or other key community facilities. This enables the full range of secondary and tertiary provision to become accessible in a rural education 'hub', facilitates partnership working and best use of publicly funded resources, and provides local choice and opportunity for learners. It places education at the heart of local communities and contributes to a culture of lifelong learning, which in turn contributes to an up-skilled workforce and sustainable communities.

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Provision of university-level education in rural secondary schools

The University of the Highlands and Islands (UHI) is developing a range of opportunities for senior school pupils to engage in a substantive university curriculum for which they will be awarded credit at SCQF level 7 as a part of their S5/S6 study programme. The university plans to trial several different models of delivery and content based on the specific needs and resources of schools in different areas. These models will feature collaboration between UHI and schools in terms of curriculum design, delivery and assessment, and/or learner support. They will be based on the university's existing approaches to blended learning and networked delivery.

This initiative is particularly relevant to rural schools, where the UHI delivery method uses video and computing technology to link together small numbers of students into academically coherent classes and enable a broad range of options to be made available to remote schools.

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Chapter 3:

Educational quality in rural schools

24. The Commission has examined evidence on the delivery of education in rural Scotland, looking in particular to understand whether there were significant issues for schools in rural areas and how to ensure pupils in rural areas received the best possible opportunities.

25. The Commission received evidence from Education Scotland that small rural primary and secondary schools provide a positive educational experience for children and young people. The ability to deliver Curriculum for Excellence was considered specifically. All schools in Scotland face the challenge of providing a curriculum that enables children and young people to build on their prior learning as they move from stage to stage through their school experience. Both Education Scotland's evidence and the Commission's visits to a wide range of rural schools confirmed that this process is more complex in small and very small rural schools where teachers are required to plan for a wider mixed age group in one composite class. Despite these challenges, there is clear evidence that there is no general difficulty in delivering Curriculum for Excellence in rural primary schools, including very small schools, and indeed it can work very well. The Commission noted evidence that rural schools can achieve the highest levels of performance and outcomes, with a number of very small rural schools receiving very positive inspection

reports, including the identification of sector-leading practice.

26. Education Scotland did advise that meeting the different learning needs of a range of children at different ages and stages within one class in a very small school is difficult. Evidence from inspections of rural schools demonstrates that HM Inspectors frequently identify this as an area for improvement. In small rural schools where pupil numbers are low, opportunities for children to work collaboratively with peers of a similar age, stage and gender can be limited. Education Scotland's evidence demonstrated that schools are sensitive to these issues and the overall quality of children and young people's experiences is not diminished by these factors.

27. The Commission noted the level of individual attention possible in small schools and how much staff and pupils valued the 'family' atmosphere in these schools. The Commission came across good examples of smaller schools meeting the needs of pupils with additional support needs within mainstream classes and staff noted how much more was possible for these children within small schools. There can be difficulties associated with providing targeted and joined-up support for children and young people with more complex additional support needs in more remote rural areas. Most local authorities and their health colleagues make

efforts to overcome any distance barriers to ensure that appropriate specialist support is provided, although in rural settings it can be difficult to draw together the necessary support systems in order to meet the needs of a child or young person fully.

28. There are concerns about a narrowing of the curriculum in the smallest rural secondary schools with difficulty in providing a wide subject choice. As well as the viability of offering subjects which have very low numbers, appointing and maintaining the full range of teachers can be difficult, and mixed level teaching is often required. Suggestions to mitigate some of these issues are made elsewhere in the report. However, this does not detract from the high standards achieved by rural secondary schools. Communities', parents' and pupils' clear choice seems to be for schools to be located in the community, avoiding boarding wherever possible.

Teaching

29. The Commission visited many schools and classrooms in rural areas which were full of engaged and interested young people, committed to their school. Also, during the course of the Commission's visits to rural areas of Scotland, there were many opportunities to speak directly to the teaching and educational professionals who are working to provide the best possible education for children and young people. Many members of staff gave up their evenings to travel to, and contribute to, the Commission's public meetings, and provided a valuable insight into the rural schools in which they worked.

30. The Commission found that there are specific challenges and issues which are particular to teaching in remote areas and the Commission would encourage the many professional bodies and associations related to teaching in Scotland to consider these and how they impact upon the realisation



Achahoish Primary School (Argyll and Bute)

of positive educational outcomes and life chances for children and young people.

31. The Commission met some teaching professionals who felt isolated by the rurality of their position. These individuals felt that their access to continuous professional development (CPD) and to peer interaction was significantly limited. They did not feel that technology could adequately bridge this gap and felt that these limitations could impact upon their ability to teach as well as possible. However, this view was not universal and other teachers in similar situations experienced positive and regular CPD sessions in a 'cluster' group with colleagues from other schools during twilight or weekend sessions. The Commission would encourage all local authorities to consider innovative delivery of CPD to ensure that the effects of isolation are mitigated, including staying abreast of cost effective means to deliver effective CPD and learning from international best practice.

32. Potential routes to the development of appropriate, affordable and locally available CPD for teachers in rural schools should be included in the new arrangements for both career-long professional learning and a Scottish Masters in Education; both currently being developed in response to the recommendations of *Teaching Scotland's*

*Future: Report of a Review of Teacher Education in Scotland (2011)*⁶. The needs of rural schools, and associated CPD for rural teachers, should be identified and incorporated into the work of the National Implementation Board; the body tasked with ensuring that universities, local authorities and schools address those recommendations and the proposals of Teaching Scotland's Future – National Partnership Group (2012).

33. Headteachers in remote schools often have teaching responsibilities with varying levels of classroom commitment (teaching headteachers) or responsibility for more than one school (shared headships). There are advantages and disadvantages in either approach. The Commission noted that shared headteacher roles allowed councils to attract higher calibre candidates for leadership and provided a clearer career ladder for teachers wanting to stay in rural schools. They also noted that it required a period for a shared headteacher to achieve the alignment between their schools to allow them to work efficiently together and that both the choice of partner schools and of the individuals involved were important factors in making these arrangements work.

34. The absence of a management team around a rural headteacher due to the small size of their school can make their responsibilities particularly isolating; however, many rural headteachers enjoy their varied role and clearly gain great satisfaction from their school. Balancing resources is a key challenge, and the Commission saw examples of choices headteachers were making, for example to reduce their allocated management time and teach classes to save supply costs or allow more to be spent on visiting specialist teachers. Headteachers clearly valued what flexibility they had in order to make solutions work for their school.

⁶ www.scotland.gov.uk/Resource/Doc/337626/0110852.pdf

35. Teachers and local authorities spoke of the challenges that staff faced in finding affordable accommodation or dealing with the costs of travel in some remote areas. These issues may be a significant deterrent to moving to a remote area where there may be very few other employment opportunities for partners. Given the importance of securing stable staffing arrangements in schools, particularly those with very few teachers, the Commission would encourage local authorities and their partners in the Scottish Government, the teaching trade unions, universities providing teacher education, the General Teaching Council for Scotland (GTCS) and Education Scotland to explore innovative solutions that reduce the barriers to teaching in remote areas.

36. The Commission was told of difficulty experienced by small remote schools in relation to supply cover, both for sickness and planned absences, and that this added to the pressure on headteachers and staff in rural schools. The Commission was told that recent changes to teachers' pay and conditions which had reduced short-term supply teachers' pay could be a contributory factor to these difficulties. Supply provision in remote rural areas has always been challenging, given that the time and cost of travel to a remote school can deter some supply teachers. However, there is flexibility for local authorities and schools to develop solutions that ensure rural schools have the provision they need and the Commission would encourage innovation in this area.



Nesting Primary School (Shetland Islands)

37. The Commission noted demand for specific training or CPD for teachers wanting to specialise or evidence their proficiency in rural schools, for example, addressing the particular issues of multi-stage teaching required in very small schools. This kind of professional framework might improve recruitment in rural areas and the Commission would encourage local authorities, training providers (including universities), the GTCS and Education Scotland to consider how it could be addressed.

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.



Small secondary schools

38. The Commission took a particular interest in small rural secondary schools, and noted the importance these have to the wide areas they serve and the positive attainment levels they achieve. Some small rural secondary schools experience challenges in maintaining a core curriculum, either due to recruitment difficulties or resource constraints. The Commission came across secondary schools struggling, based on following a standard staff to pupil ratio, to maintain a curriculum for their pupils. For example, a school where there was only one teacher covering each of English, German and History, and where Home Economics and Business Studies had been dropped entirely from the curriculum, despite their relevance to tourism which was clearly one of the most significant employment opportunities in the area. The Commission heard evidence from the teachers, families and pupils that this type of situation led to an inequality of opportunity for those young people and would be likely to impact on future employment and higher education prospects. However, in other areas, the Commission noted the extremely high costs per pupil of maintaining very small secondary departments.

39. The Commission was also made aware that primary school teachers could teach S1 and S2 which could be helpful where schools were in sufficient proximity to use a more flexible staffing model. While not acting as a substitute for registered teachers, schools should be encouraged to use a range of expertise in local communities to enhance the experience of pupils. This is explored in more detail in the recent Education Scotland report 'The Involvement of External Experts in School Education'.⁷

⁷ http://www.educationscotland.gov.uk/resources/t/genericresource_tcm4735780.asp



Denholm Primary School (Scottish Borders)

40. The issues facing very small secondary schools raise the question of when it is acceptable for young people to be required to board to access secondary provision, either from S1 or at later secondary stages. In a few areas, where transport difficulties are insurmountable, this is accepted, but it is clearly very unwelcome in most cases and significantly influences families' decision to live in the area. The Commission heard from communities in Gairloch and Ardnamurchan where secondary schools had been built to prevent children being forced to board away from their families. The young people, their families and wider community members were very clear that they wanted the pupils to stay with their families and communities and that this was beneficial to all.

41. The Commission was concerned that where the decision has been taken to provide secondary education, there must be a commitment to resource such a curriculum to support the achievement of positive outcomes and destinations for young people, and that this will require innovative and flexible arrangements to be developed.

42. The Commission heard from a number of stakeholders that the difficulty in providing a core curriculum was exacerbated

by current secondary qualification practices where graduate teachers are encouraged to specialise in one subject only and could only complete a single lead subject during their induction year. It would help small, remote secondary schools if there was the opportunity for teachers to qualify with dual specialisms or if there was support for teachers, where appropriately qualified, to add a second subject/sector to their registration. The Commission recognised that the GTCS has a mechanism in place for adding another subject/sector to their registration through the Framework for Professional Recognition/Registration. However, it requires significant time and in some cases investment from individual teachers. Given the benefits dual qualification can offer both employers and teachers, the Commission suggested that local authorities work in partnership with universities and the GTCS to facilitate and support a streamlined process for teachers who wish to and had the appropriate skills to gain dual qualification. Greater opportunities of this type could provide an incentive to work in rural areas as a teacher, as well as delivering local authorities' duty to provide appropriate CPD for their employees.

43. The Commission recommends that the development of initial teacher education programmes incorporating dual qualification at secondary level (the ability for teachers to be registered to teach two subjects at secondary level) be taken forward with universities offering PGDE Secondary programmes and the GTCS. The Commission also recommends that all initial teacher education programmes provide the necessary learning and skills to understand rural economies and communities and the nature of teaching in rural education settings. Here it is recommended that the GTCS include such a requirement in its accreditation of all new and re-accredited initial teacher education programmes.

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.

Broadband

44. It is worth noting that a significant isolating and limiting factor for rural areas is insufficient broadband coverage. All stakeholders were clear that broadband access and other technological advances are not as developed as required in many rural areas and that this has a significant impact on the ability of schools and communities to perform as well as they could; and on the economic opportunities in and viability of these communities. **Those remote areas with most need of strong links to broadband provision often had the worst access.** Broadband improvement, it was felt, would provide much greater opportunities for otherwise isolated schools, with online learning for pupils and improved CPD opportunities for teachers; as well as the chance to benefit from further innovations likely to develop in the next decade. High quality broadband also significantly supports economic opportunities in rural areas.



Ardnamurchan High School (Highland)

Broadband in rural Sweden

Sweden aims to offer world-class broadband provision. The country is similar to Scotland as it covers a large geographical area but has a relatively small population who live predominantly in urban centres. Around 12% of the Swedish population is dispersed in rural areas.

At present, 86% of Swedish households have an internet connection, the highest level of uptake in Europe, and Sweden is the leading country in the EU for the deployment of very high-speed connections. It is estimated that access to wireless broadband is equal between rural and urban areas. However, there are still challenges in accessing fixed broadband in some rural areas in northern Sweden in particular. These areas rely on mobile broadband provision (3G & 4G). Mobile broadband coverage in Sweden's rural areas is 98.8% compared to 88.5% in the UK.

Sweden's geography and population distribution means that broadband coverage in all areas is not commercially viable and public funding supports extending broadband to other areas. Almost 70% of Sweden's municipalities have received some sort of public funding for broadband, pursuing a range of entrepreneurial approaches to support provision in their area. Public sector responsibility for the fibre infrastructure has had a galvanising effect in enabling rural communities to develop their own broadband solutions.

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45. Commission members found good access to computers in the schools they visited and modern online resources such as Glow were important to the vast majority of these. Glow is currently widely used across Scotland and has provided some useful alternative methods of delivering education. The Commission noted that the facilities available and the active support of teachers also played a key role in how widely and well Glow was used within schools. The Commission is aware that further development of Glow is planned and, if it continues to be developed in line with needs and expectations, would anticipate that its importance and value will increase, in particular for small rural schools.



Nesting Primary School (Shetland Islands)



Chapter 4:

Schools and their communities

46. People in rural Scotland have a long tradition of valuing and supporting education and the local school is usually seen as an important part of a rural community. It is clear that there will always be a need for rural schools – Scotland’s geography dictates that – and there are plenty of examples of vibrant, small rural schools.

47. However, during the course of the Commission’s work, a picture has emerged of a pattern of rural schooling developed in the 19th century. Although schools in many smaller and more remote settlements have closed, in other places schooling has adapted little to reflect the changed demographics and economic activity of modern communities.

48. For many remote, rural communities, the last 50 years have seen population decline, demographic change (ageing) and economic decline. However, some rural areas have experienced a significant reversal of earlier population decline. Although much of the growth has been in the expanding hinterlands of cities, as in rural Aberdeenshire, there are also examples of remoter communities where a reversal of decline has occurred both as a result of lifestyle migration, as in the Gairloch area in Wester Ross, and through strategic investments in specific rural communities. There are also areas such as Speyside where a mix of commuting and lifestyle migration has led to increases in population.

49. The net result across Scotland is a complex mosaic of demographic change. Where there are growth points, these are often areas for further strategic investment by councils, for example in new secondary schools. Where there is continued decline in population, there is often an associated decline in and rationalisation of public and private sector service provision, which can potentially still further reduce the attractiveness of living in such areas. Natural change in population, as lifestyles and economics alter, cannot be avoided.

50. Whilst national and local government are committed to a target to “increase population growth”, there are no national indicators reflecting on the demographic decline/sustainability of communities in rural areas of Scotland. If depopulation is a key issue for national planning purposes, then policy interventions would be given greater impetus if both national and local government monitored this formally as a national indicator. However, it is critical to note that services such as schools can only be sustained in areas where there is an underlying economic rationale. If an area cannot sustain a viable local economy, including basic as well as dependent service-related jobs⁸, it will not sustain a community. The co-ordination of

⁸ Basic jobs are those that generate sales of products or services outside the region; dependent jobs are those that service the needs of the regional population.

services can reduce the costs of each service and might help justify small schools in some cases but some economic activity in the area is required.

51. The Commission recognises that local councils have the responsibility to manage change in the provision of rural schooling and would encourage them to do so in a way that synchronises with other policies relating to rural development and sustaining the viability of rural communities. This will always require fine judgement on the authority's part, recognising and responding to trends but avoiding precipitating them. The Commission encountered evidence that local authority action is not always well joined up, for example, proposing new housing and school closure in a community at the same time. Further to this, there is a role for national government agencies to take proposed school closures into account when working under the National Planning Framework. The Commission suggests that strengthened guidance would be helpful on the links which should be made between council services, and with regional and national bodies, when considering a potential school closure. Further, the Commission recognises the Scottish Government's proposals for an enhanced role for Community Planning Partnerships which seek to strengthen partners' obligations to support effective service delivery and capacity building. This should create a more joined-up approach to sustaining rural communities.

52. The Commission is aware that some local authorities use a rural proofing toolkit for the development and implementation of any strategy or policy linking to their Single Outcome Agreement. This ensures that local decision makers take rurality into account where this is a significant factor for their communities and the Commission would encourage the wider adoption of this technique when reviewing the school estate.

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.



Windygoul Primary School (East Lothian)

The community impact of school closure

53. The impact on the local community is often a significant part of objections to school closure. The village school can be an important part of the symbolic capital of a community and schools are often referred to as “the heart of the community”. Both incomers who have invested in living in rural places and local people are often very opposed to closure. Closure of schools (or threats to do so) can significantly reduce the sense of community wellbeing. The Commission encountered strongly held views that school closure would have a very debilitating effect on the local community.

54. It is important to recognise that a school’s primary function is to provide pupils with the best possible educational experience. However, given the value and importance for their long-term future that communities place on retaining a school, it is correct that any rural school closure proposal should be subject to a thorough community impact assessment.

55. A key point which has been considered by the Commission is the degree to which the presence of a school is essential to the sustainability of a rural community.

56. In some of the communities the Commission visited, it found evidence that while a school closure had been resisted and closure still took place, the impact had been less than was feared, with communities adjusting to different school provision and community focus continuing in individual villages. Rural communities and their economic base vary widely, as does their remoteness, and this will affect their resilience to school change.

57. The Commission has considered arguments that there is no long-term impact on communities from a school closure if alternative state schooling is available within

a reasonably close distance and without adding a significant element to the journey to school, such as a ferry might. It also noted that some local authorities have policies which explicitly identify those schools that are very remote and isolated and for which there is little alternative but to maintain the school if primary-aged children are to live in that community. This may be a helpful and constructive distinction to make.

Strategic schools

The Scottish Borders Council identifies certain schools in its area as strategic schools due to their remoteness. These schools would only be proposed for closure in exceptional circumstances.

No fixed distance from an alternative school is used when deciding to classify a school as a strategic school. Classification is dependent upon the isolation of the community, the geography of its particular location and access to, and quality of, the road network.

If a strategic school experiences a drop in pupil numbers then the Scottish Borders Council would discuss options to maintain the school’s viability as part of its small schools review process. The option of mothballing the school would be considered, initially for a period of two years.

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58. The Commission has seen cases of careful consideration of the community impact of closure by a local authority, and understands the diversity of communities (of place and interest) that each authority serves and the hard choices they have to make. The Commission could not identify any pertinent research evaluating the post-closure

impact on children or communities and was disappointed not to be able to commission detailed research to definitively assess the community impact of school closure. This means that the key issue of whether families would leave or young families not move to an area due to a school closure is very difficult to assess. The Commission considers that there is a strong need for this type of research and would recommend that this should be sought by the Scottish Government.

59. The Commission heard from a very wide range of communities who said that their community would be severely compromised without the incentive that a rural school provides to encourage young families to move to or remain in the area. In some of these areas, the school was the last public building in the community and without this service, there was a view that community numbers would slowly dwindle. An example was noted from the Scottish Rural Schools Network (SRSN) of the village of Hutton in the Scottish Borders which locals describe as “dying” and “a ghost town” after school closure in 2005. The Commission also heard from Highlands and Islands Enterprise which, whilst acknowledging the importance of local employment and affordable housing, deemed the presence of a school to be the next most important factor in supporting the sustainability of a community. The Commission also received evidence from small businesses of the importance they placed on services such as schools in choosing where to locate. Also, the Commission found instances where the school had become a real focal point for the community, with provision of services and interaction with older people, providing a meeting place for groups from parents and toddlers to lunch clubs for older people – the type of community service hub discussed in Chapter 2.

60. Other local authority stakeholders and the Scottish Parent Teacher Council suggested that there is a fairly broad view of ‘community’ within current Scottish thinking where the existence of a school is not always a pre-requisite for a community to exist or thrive. An example of the Island of Grimsay in Uist was noted by the Society of Local Authority Chief Executives (SOLACE). This community had gone from two schools to no school provision since the 1990s and remained one of the most economically vibrant communities in the Western Isles, due to its thriving fishing industry, and the building of many new homes. There were also examples of rural school buildings which were not widely used by community groups and while this will be for a range of reasons, it suggests that, in these instances, the school building itself is not the essential requirement to the community. Relating to this point, the Commission found a number of examples of communities which continued to depopulate despite the presence of the school – in the Western Isles (Scalpay in Harris), Moray (Cabrach), Dumfries and Galloway (Glenzier), Highland (Inverasdale) etc. The Commission’s review of the scientific and other literature on school closures found there was a lack of robust evidence on how pre-school, childcare and school proximity (and freedom from threat of closure) links to the sustainability of communities.



Nesting Primary School (Shetland Islands)

61. The Commission noted how strongly communities are attached to their schools and the strength of opposition to closures even when the proposed alternative school is only a short distance away. When opposition is strong even where the receiving school would be relatively close (examples include schools three miles away from the next), it is difficult for objective evidence-based decisions about community impact and the best way to provide effective and efficient education services for an area to be agreed by some community groups.

62. A school alone cannot sustain a rural community. The Commission noted that other issues are likely to be as critical to maintaining a working age population. The Commission received a strong message on its visits to communities that while they place great value on a school in their community, the two most important factors in sustaining the community are jobs and housing. Without employment opportunities and affordable housing, families can neither move to an area nor remain there. While local schools are strongly desirable in a similar way to local healthcare and a local post office, it seems likely that rural communities do generally manage to tolerate travelling a further distance to school. This finding is consistent with other Scottish rural studies.⁹

63. In summary, stakeholders' interpretations of community impact vary widely and it is challenging to objectively measure in advance the true community impact of a school closure. The 2010 Act requires education authorities to have special regard to the likely effect on the local community and authorities have gone to different lengths to fulfil this. It is likely that better practice still needs to develop

⁹ Voices from Rural Scotland (2008) <http://www.cvsnorth.co.uk/Downloads/Communities/Voices-from-Rural-Scotland-SCVO-Carnegie-Report.pdf>
Our Rural Future (2011) <http://www.scotland.gov.uk/Publications/2011/03/08135330/0>



and would be supported by the research recommended above. More thorough pre-statutory consultation (Recommendation 29) would also help gather evidence regarding community impact. The Commission also recognises that the intense effort that goes into campaigns against school closures may leave negative feelings in a community where a campaign has been unsuccessful. How long such feelings last and whether they have long term effects on community wellbeing is yet to be addressed through rigorous research.

64. Whilst it is only right that the concerns of community groups are considered during school closure proposals, these must be carefully balanced during the decision making process with an accurate assessment of the needs of young people in the area.

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.

Making the most of rural schools

65. Finding the best possible way to support and sustain the majority of rural schools is vital to supporting rural communities. Many stakeholders suggested that rural schools could be developed as hubs for the community and offer a range of community services (e.g. community learning centre, libraries, health practitioners, crèche/nursery provision, care for older people, other social work services etc) supporting greater integration and alignment between local authority and other Community Planning Partnership services. Not only would this ensure a more seamless service to local residents but this would allow public sector partners to share the building and ongoing maintenance costs associated with new buildings. Many local authorities are developing good practice in this area.

Co-location of services

The Commission visited a new building which successfully combines a fire station and 21 pupil primary school on the same site, in a first for mainland Scotland.

The £3.2 million project, which opened in 2012, was funded by the Highland Council and the Highland and Islands Fire and Rescue Service, and is an example of joint investment in the area which benefits both organisations.

The two classroom school provides improved facilities for pupils including a Multi-Use Games Area, eating area and joint play area whilst the fire station occupies the lower ground floor to make best use of the sloping site. The new building, which was planned with input from the school's Parent Council, has enjoyed a positive response from pupils and from its head teacher who, aptly, is also a retained fire officer.

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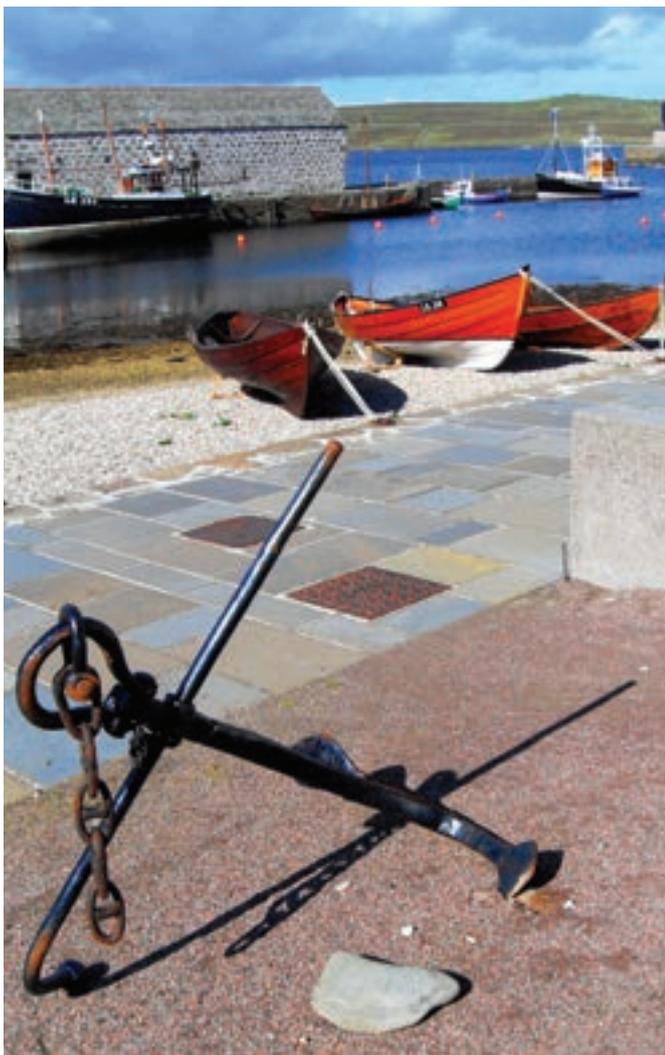
66. In many schools visited during its work, Commission members noted a strong focus on the natural environment and local culture. The positive use made of the outdoors, informed by the distinctive historic, geographical and cultural context of the school's location, is a great strength in some rural schools. Many of the schools visited demonstrated high levels of engagement with outdoor learning, health and wellbeing and education for sustainable development as advocated within Curriculum for Excellence and current educational initiatives related to sustainability and social responsibility.

67. Commission members were also struck by the commitment shown by parents and communities to their school, often actively participating in the school day alongside teaching staff, and fostering a close connection between the school and the community. This helps implement the four capacities of Curriculum for Excellence, most notably supporting children to become "responsible citizens" and "effective contributors". Many small schools appear to offer an excellent model for the benefits of a high level of parental input and engagement.

68. The Commission believes that 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. When making decisions around provision of services in rural areas, officers and politicians must reflect upon the distinction between basic and dependent economic activity. Services follow where there is an economic rationale; they cannot sustain a community which has no economic basis. Co-ordinated provision can reduce costs and justify continued small schools in some cases, but there is an economic bottom line which is real and must be considered alongside the needs for the many varied public services provided by local authorities.

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.



Lerwick Harbour

Communities assisting with education

The positive effect community involvement could have on education was observed in a 10-pupil school in Argyll and Bute. Parents and others in the community, including former pupils, assist with learning in a number of areas including art, music, health and wellbeing, horticulture and physical education.

The school makes extensive use of its surroundings. Pupils are given the opportunity to try activities such as kayaking, archery and orienteering because of the expertise of one volunteer. A long-term project linked to the rural location of the school involved a local farmer who allowed pupils to buy and rear a lamb which was later sold at market. In return, the children organise events for the community which demonstrate what they have learnt at school.

The children's positive engagement with their community was recognised as a particular strength of the school in its last inspection.

Contact:

<http://www.argyll-bute.gov.uk/forms/contact-us>

Distances and travel

69. Evidence to the Commission made it clear that increased daily travel for pupils is a significant issue for children and parents and that this should be considered carefully as part of any closure proposal. There is a strong argument that increased travel has a clear negative impact, reducing children and young people's time for other activities and their opportunities for physical activity. However, the strength of this factor varies with distance, from negligible, where the

distance is very short, to significant enough to suggest that, in the most remote areas, closure of a primary school should be avoided while children remain in a catchment area. In their evidence to the Commission, local authorities highlighted that there can be areas where two schools are in close proximity which are under-used and that, taking the restricted financial environment and expected future constraints into account, they considered a practical approach would be closure of one or merger between the two.

70. The Commission noted increases and decreases in opportunities with larger but more distant schools. For example, these might offer team sports and better sports facilities which were not an option for smaller schools. However, there was difficulty and inequality in accessing after school opportunities, and travel time reduced pupils' ability to be active locally. There is an impact on participation rates amongst children whose families could not afford the cost, do not have the transport or the time required. In practice, this can be moderated through creative or flexible approaches from local authorities (in planning activities and transport), although in the current economic climate this may be less likely, or by parents collaborating on transport.

71. Physical transport links are vital to rural Scotland, and the quality and reliability of these undoubtedly affect communities' reactions to school closure proposals. The Commission noted particular concerns about the quality of minor roads, winter snow clearance, supervision of young children on school transport and behaviour on school buses. It is understandable that parents feel real concerns about small children travelling significant distances in school transport and it is incumbent on the local authority to do everything it can to develop clear plans for longer travel arrangements and ensure adequate responsibility is taken for pupils' safety. Clearly addressing concerns about

physical transport links and alternative access to learning in adverse winter weather conditions at an early stage in any proposal is appropriate and would reduce parents' concern. Equally, the Commission recognised that in many countries children and young people travel considerable distances for education and with worse winters and even greater challenges of remoteness than in Scotland.

72. Increased transportation also brings an environmental and financial cost, and it is essential that it is accurately reflected in calculating the financial information regarding a school closure. Increased travel also increases exposure to poor road conditions in severe weather and it is sensible that local authorities should continue to give priority to gritting school routes. The Commission recognises that other community members also benefit from gritting and snow clearing of routes around a school.

73. However, the Commission also noted that where parents believe they are obtaining a better education or better outcome for their family, e.g. where they have chosen the school through a placing request or to access private education, childcare or employment, they accept a greater travel distance.

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.



Chapter 5:

School buildings

74. It is widely acknowledged that much of the current rural school estate across Scotland was established in the 19th century and that this may no longer match current requirements in relation to the fabric, layout, energy requirements or wider sustainability of the estate.

75. The Commission visited a variety of school buildings and experienced some of the benefits which can be gained for children and young people in purpose built, modern facilities. It was noted that new schools were impressive, raised aspiration and added value to the community where they were located, especially where a community hub offered more than a single service. It is clear that many small rural schools face problems around sufficient physical space, particularly for PE, as these requirements are greater in modern education. The Commission noted that some communities seem more willing to accept a school closure if the new facility is an improved one, albeit further away, or come round to support it once they experience the new facility. However, it is not achievable to provide new school buildings when every merger is proposed and local authorities can only do so on a priority basis.

76. On the other hand, the Commission noted that many of the older small rural school buildings do continue to meet the needs of modern education adequately and may have specific advantages including

ready access to the outdoor environment. This is a positive benefit to the pupils and one which many urban schools could not easily replicate (e.g. links to crofting, kayaking, forests etc). Pupils, generally, commented on how much they enjoyed playing and learning outside when asked to identify what they liked about their school. The Commission also noted good links between schools and village halls, where a school using the hall helped sustain this facility for the community (and, conversely school closure might threaten the viability of the hall). However, the standard of these facilities and their convenience varied.



Ardnamurchan High School (Highland)

Community impact

The Commission visited a thriving 160-pupil school serving the east mainland of Orkney. It was opened in 1996 and combined two smaller schools, both of which were in need of rebuilding. The proposed site for the new school was in the parish of St Andrews and this meant that the parish of Holm would lose a school within its physical boundaries. A number of members of the community were very much against this and held the very first opting out ballot under recently introduced legislation in Scotland. However, this was unsuccessful.

Now there is widespread consensus that the amalgamation was very good for the pupils, the staff and the respective communities. The school excels in sports and team games and has a school band and an orchestra. The communities are thriving, attracting newcomers, and it is the only school in Orkney with a growing roll, so much so that the Council is currently planning to extend the accommodation. Parents regard the school as “the perfect size”.

Contact:

customerservice@orkney.gov.uk



Bunessan Primary School (Argyll and Bute)

Community use of schools

77. School buildings should be used by as many community groups as possible. It represents best value for the local authority to make maximum use of its asset and can provide important facilities for the community. This type of usage, sometimes denoted as a ‘community school’, is based around close engagement between school and community and local partners to deliver a wide, accessible range of services, opportunities and facilities to complement those available elsewhere in the community.¹⁰

78. The Commission noted numerous positive examples where rural school buildings were used by a variety of groups (including wraparound care groups), sometimes with very low or no charges, and very flexible approaches from headteachers. This made a significant contribution to community wellbeing. However, the Commission heard of many community groups who were unable to access the school for lets due to either the costs associated with the let or the need for a key holder to be present on site at all times (due to health and safety guidelines or council policy). These groups requested that arrangements be more flexible to allow them to make use of the school as a community building. It was noted that enhanced rights of access must be exercised responsibly by communities and occasional problems were likely but should not restrict reasonable use of an asset.

79. The Commission encountered parents and community members who voiced a concern that procurement and health and safety legislation prevented school staff or parents pursuing small actions to improve their schools using local contractors or

¹⁰ Guiding Principle 9 from Building Better Schools: Investing in Scotland’s Future (2009) <http://www.scotland.gov.uk/Resource/Doc/285201/0086644.pdf>

community members at no or lower cost than the normal procedures. The Commission understands that local authorities are encouraged to maintain a balanced approach to encourage local trades people and businesses to be involved in their community whilst striving for the most effective use of public money. It was clear that local authority policy varied widely in its flexibility and the Commission would encourage local authorities to develop more uniformly constructive policies of accepting community assistance at schools (see example on page 49).

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.

Future use of school buildings

80. It would be helpful for the local authority to address clearly in a school closure consultation what future use of the school building is proposed. In some situations a positive approach is to make the building available to the community to maintain a public or community function in the location. Where there is not demand for this, sale for housing or commercial development may be the preferred option and this is likely to be better than the building deteriorating unused.

81. It is important that local authorities resolve any legal issues around their options to dispose of a school building and these should be addressed prior to consultation so that communities can consider a clear proposal. The Commission heard from many local authorities that have empty school buildings which could be put to alternate use by community groups but were hindered by the historical ownership of the land or building. Legislation such as the School Sites Act 1841 and the Education (Scotland) Act 1945 allowed landowners to sell or donate a maximum of one acre of land to charities/religious bodies for the provision of schooling. This land then reverted back to the original owner if the school ceased to exist. Legal teams across Scotland have spent years trying to locate and identify the original owners in order to dispose of the land properly. This incurs both time and costs for the local authority and can mean a former school remains empty and unused for a long period. Local authorities would welcome more clarity and support on the legal issues they face, to help resolve the future of a school building without the current delays.

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.



Chapter 6:

Educational Benefits Statements

82. When the 2010 Act was passed, the Cabinet Secretary for Education and Lifelong Learning emphasised “the need for educational benefit to be the driving force in any proposed closure”. This was underpinned by Section 3 of the Act and made Educational Benefits Statements an important and controversial part of school closure decisions. This set a very high bar for closure proposals to reach, and created unrealistic expectations in parents that closure would be based solely on educational issues and not affect schools which were providing a high standard of education but at a high cost per pupil. The Educational Benefits Statements made by some local authorities and the report provided by Education Scotland have not provided the detail or considered the issues which communities expected.

83. As authorities gain experience using the 2010 Act, better practice could be expected to arise and this should be promoted through more detailed guidance on Educational Benefits Statements, making it clear that an assessment of educational benefits should focus on those children directly affected, distinguishing between this and the likely effect on pupils at other schools indirectly affected by a closure proposal (if relevant) and be rigorous in defining claimed benefits.

84. The Commission would also support a wider role for Education Scotland in providing a detailed response to the

proposed educational benefits and having a more sustained involvement in a proposal; for example, to confirm whether a concern has been resolved or remains.

85. Education Scotland advised the Commission that any school, irrespective of size, could be excellent and that such excellence is dependent on the quality of staff rather than the size or physical facilities, and could change relatively quickly. The 2010 Act nonetheless places a clear responsibility on local authorities to list educational benefits and give the reasons and evidence for believing these to be true; and on Education Scotland to provide an independent and expert report on these. Education Scotland’s report is informed by any recent inspections it has carried out, and the Commission had some concern that where there had not been a recent inspection, this evidence would not be available.

86. The Commission considered whether educational benefit should be the only determining factor in school closures or not. The Commission recognised that Parliament’s intention in passing the 2010 Act was to give educational benefit primacy in school closure decisions. However, the Commission also recognised that the educational difference between schools is more often marginal than decisive and that requiring an authority to magnify small differences in provision has led to tensions between communities within

a local authority's area, which benefits no party in these decisions. Understandably, communities have little confidence in overstated educational benefits and suspect another agenda. The Commission, however, saw examples of local authorities which consulted well, genuinely exploring viable alternatives to closure, exhausting all possibilities and which were open about the financial aspects of closure proposals. Where closures were progressed, parents from those authorities said that while they were sad to lose their schools, they nonetheless understood every aspect of the proposal, including the financial arguments, and came to accept the need for closure and merger. These authorities also gave communities ownership of the closure and transfer processes.

87. The Commission agreed that the Educational Benefits Statement should remain an essential and critical part of any school closure proposal. The majority of the Commission considered that it should be acceptable to conclude that the educational impact of a closure proposal 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 crucial that any other factors were fully and transparently scrutinised and identified clear overall benefit to the rural communities involved.

88. Three members of the Commission were unable to support this position or Recommendation 20. In their view the primacy of establishing educational benefit is a fundamental component of the 2010 Act and was the clearly expressed will of Parliament. While acknowledging that supporting factors should be fully considered, establishing educational benefit must remain the clear focus and the primary driving force behind school closure proposals.

89. The Commission agreed that it is unrealistic to suggest that closure proposals are only made for solely educational reasons and recommends that there should be a place for setting out transparent financial information in a closure proposal.

90. Clear guidance on the appropriate financial information to include would ensure that this was presented in a complete and consistent manner, rigorously evidencing any financial argument that is deployed. It is important to avoid an argument that any cost saving from a closure would leave more funds for other educational purposes and have an educational benefit to the majority of children in the area, as this could be an argument against many aspects of rural service provision. Remoteness should always be a key consideration, recognising the impact of moving education provision an unreasonable distance from any community.

91. This wider approach would allow local authorities to make a detailed Educational Benefits Statement as well as including other relevant factors such as their strategy for schooling in the area and financial issues. This would recognise and allow an honest debate about why, in many cases, local authorities feel compelled to propose a 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.



Glenfeshie

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.



Chapter 7:

Resources for rural education

92. The Commission has sought to understand how rural schools are funded and address the contested area of the cost savings that can be achieved by closing rural schools. There is not a direct relationship between the resources available and their use to support rural schools. However, there is much clarity that can be provided on the funding implications for a local authority in maintaining or closing a small rural primary school, and this detail and the importance of understanding it is set out in this chapter.

93. In summary, when cost is often one of many considerations behind closure proposals it is vitally important that the cost implications of a proposal are accurately and transparently understood.

94. The cost of the provision of small schools varies across local authorities, related to the different challenges faced in each area and the policy choices the authority has made. The cost also varies with the size of school with the strongest correlation being with the pupil to teacher ratio. Small schools with full class complements can operate at a similar cost per pupil to larger schools. Single teacher schools with low pupil numbers have very few pupils per teacher and per school building and can be significantly more expensive on a per pupil basis. Standard teaching staff levels provide trigger points

for additional teachers and while the additional costs of operating a sub-optimal pupil:teacher ratio are similar for small and large schools, the change in cost per pupil at a small school due to the arrival or departure of a few children can be much greater than at a larger school.

95. Many of these different factors are addressed through the funding settlement from the Scottish Government to local government which supports the funding of education provision in Scotland. This distribution uses a needs based model which provides more resources to areas with the highest needs, often due to deprivation or rural factors. In particular, the small size of school is taken into account through an additional element of funding per pupil in rural primary schools with fewer than 70 pupils. There are further elements in respect of Gaelic medium education, and island needs, to mention just two. It is the size factor that is most relevant to the debate around the accurate resource implications of closing small rural schools. The Commission recommends that it is essential that local authorities understand and include the impact of a closure proposal on their local government finance settlement in presenting the costs or savings from the closure, and that this level of detail should be provided at pre-consultation stage.

How are rural schools funded?

96. Delivery of education is the responsibility of Scotland's 32 local authorities and they receive a block grant, the General Revenue Grant, from the Scottish Government to fund this (and other public services).

This local government finance settlement is calculated using a mechanism called Grant Aided Expenditure (GAE) which identifies need for services in all 32 authorities and apportions the grant in accordance with that need, such as the additional cost of supporting small rural schools.

97. For any local authority this addition to the revenue grant can be calculated. In 2011-12, the size of impact ranged from approximately £2,600 to £2,900 per pupil.¹¹ If the number of qualifying pupils increases or decreases, the gain or loss to any local authority would be the number of pupils multiplied by this value, irrespective of actions other local authorities had taken in relation to their own rural primary school provision.

98. This GAE funding factor funnels equal support towards all pupils in this category of school although the costs of provision are markedly greater in the smallest schools and only slightly greater than average in the schools with close to 70 pupils. However, if all local authorities have a range of different sizes of small schools and make decisions on the basis of supporting outcomes not manipulating a funding mechanism to maximise revenue (and this principle is agreed between national and local government), there is no reason why this support cannot effectively

provide the greatest funding to those with the greatest need. The effectiveness of each 'secondary indicator' such as this in the local government settlement is reviewed each time the settlement is calculated to ensure that it accurately reflects need.

99. It is critical to understand that GAE is not a budget, target or expenditure guideline for local authorities and still less for individual schools. As a result of the Concordat in 2007 between the Scottish Government and local government, it is for local authorities to determine how they allocate all the funds they receive in the local government settlement and funds are not 'ring fenced' for particular purposes.

100. Nonetheless, given that this funding element is directly linked to the number of pupils in small schools, when considering the revenue savings from a specific school closure proposal, a complete picture of the financial impact on the local authority must include the impact of the proposal on the authority's future local government finance settlement. To illustrate this it is helpful to consider some different scenarios based on actual data:

- A school with a roll of 54 was proposed for closure to merge with a much larger new campus. The proposal document estimated savings of £125,000 per annum but contained no allowance for GAE which was a significant factor. The school did not close and the authority currently attracts around £213,000 per annum through GAE in respect of the school which now has 69 pupils.
- A school with a roll of 11 pupils was proposed to merge with another school of 23 pupils making a combined roll of 34. There was no GAE impact as the total roll following merger was still below 70 pupils and as such this was not a factor in the closure debate. The closure went ahead.

¹¹ This data is derived from the following Scottish Government statistics, and an additional pro-rata uplift also applies since 2007.
<http://www.scotland.gov.uk/Topics/Statistics/18209/201112Settlement/201112Tables>
<http://www.scotland.gov.uk/Resource/Doc/1070/0113601.pdf>

- Five small schools with rolls of between 16 to 50 pupils were proposed for closure such that mergers ultimately resulted in no school with a roll of less than 70. The local authority went ahead with these closures but the savings were estimated¹² to have been outweighed by the loss of GAE which resulted in an annual loss of income to the authority estimated at around £440,000¹³ for 2012-13.

101. This section is based on detailed information the Commission received in a tripartite paper produced in association with Scottish Government officials, COSLA and the Scottish Rural Schools Network (SRSN). This paper is available as an appendix to the Commission report. SRSN also offered further detailed analysis of the impact of GAE, including examples of the impact it calculated on specific local authorities, which SRSN believes it is important to read alongside the data in this Chapter. This detail, which is solely the work of SRSN, is included amongst the evidence papers submitted to the Commission available on its website.



Lobster Pots

¹² Rolls were modelled in line with roll variation for the local authority area.

¹³ Excluding the uplift referred to in the footnote to paragraph 97.

Cost variation with size

The cost of education in small schools is closely related to the number of pupils, and the data below is intended to illustrate this variation with size. Two local authorities provided the data below, to demonstrate variation between authorities and that the trend is similar. It is also worth noting that very few pupils are in schools in the smallest categories and that it is likely that these are particularly remote, often strategic schools. The Commission is grateful to both authorities for permission to publish this data.

School roll	Scottish Borders Council		Comhairle nan Eilean Siar	
	Average total cost per pupil	Number of pupils	Average total cost per pupil	Number of pupils
10 and under	No schools	none	£18,763	15
11-20	£8952	70	£11,883	102
21-30	£6603	56	£8494	45
31-50	£5332	501	£8954	170
51-70	£4626	757	£8133	191
70 and over	£3699	6807	£5477	1316

It is important to understand that this table is intended to give the cost of running the schools concerned. It does not take into account the additional revenue in respect of all pupils in these schools that a local authority receives through GAE, as set out in paragraphs 95-98.

It is also important to note that while the costs for Comhairle nan Eilean Siar’s schools display a similar trend, these costs are influenced to some extent by the Comhairle’s model of Gaelic medium education. The Comhairle also regularly benefits from the funding protection mechanism known as the ‘floor’, which, in common with other authorities which benefit from the ‘floor’ mechanism, has the effect that its overall funding settlement is less reflective of GAE factors than the settlements received by the majority of Scotland’s local authorities.

Both local authorities noted to the Commission that their spending on education is more than the GAE funding streams mentioned above and is supplemented from other funding sources due to local policy decisions.

Financial and economic challenges around service delivery

102. The Commission noted the financial pressures faced by local authorities and which compete against the requirements of the 2010 Act when allocating resources to meet all the needs in local authorities.

103. There is a significant financial challenge associated with maintaining service provision for local authorities across Scotland. As

funding is reduced for all local government services, the demand for services continues to steadily increase. The Commission is aware that the pressure on service provision, due to an ageing population projected in the next 10 to 20 years, will significantly increase these challenges and the rationalisation across public services which will have to be considered.

104. Local authorities across Scotland have made significant savings over the last three financial years whilst trying to maintain service delivery. Local authorities gave evidence that there is now very little scope to make savings without reduction in service delivery and local services will be affected over the short to medium term as the need to make further savings continues to contribute to strategic decision making. With increasing demand for services, coupled with a highly restricted financial environment, the Christie Commission¹⁴ found that approximately £40bn of savings must be made over the next 10 years just to maintain current levels of service delivery. The Commission, therefore, recognises that local authorities are no longer in a position to provide the same level of service in any area and reductions in service are not only likely but inevitable.

105. For most local authorities and particularly rural ones, the three biggest areas of education spend are on teachers, buildings and transport. With very little flexibility related to teachers' costs or transport, this often means the only place to seek to make significant savings is on staff where closing a small school leads to reductions in overall staff numbers and costs. While savings in buildings costs may also be made, modifications to receiving buildings or new build costs and increased transport costs must be considered alongside these savings. Such costs may be substantial. In making any assessment it is essential that the full financial facts are considered including the substantial level of funding received in direct proportion to the number of pupils in these smaller schools, as well as the requirements of the 2010 Act in relation to these schools.

¹⁴ Report on the Future Delivery of Public Services by the Commission chaired by Dr Campbell Christie (2011) <http://www.scotland.gov.uk/Publications/2011/06/27154527/0>



Uist

106. Financial pressures affect rural local authorities as much as they do more urban areas. The current interpretation of the 2010 Act does not allow local authorities to acknowledge the impact of the financial climate on their decision making. The Commission concluded that it was not sustainable or transparent for financial factors to be hidden from closure proposals. Irrespective of the GAE funding factor which provides funding support in respect of many of the small rural schools in Scotland, the Commission recognised that in the current economic circumstances it was understandable that local authorities felt constrained to consider all expenditure. This includes expenditure on small rural schools, and that these could not be protected from the financial pressure placed on all services or favoured unreasonably over alternative education spend or other services. However, decisions should not be taken on simplistic financial assumptions and must comply with the 2010 Act and its guidance (revised as necessary following this Report).

107. If financial issues are to be a factor in school closure decisions, alongside educational factors (as discussed in Chapter 6), it is critical that this is based on accurate and transparent data, not assumptions or crude estimates of complex matters. This will require an agreed methodology and template across local authorities for deriving individual school costs irrespective of variation between local authorities' education budgets, but taking into account factors such as Gaelic provision.

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.

Duties on local authorities

108. Since 2003, local government in Scotland has been delivering services against the strategic background of Best Value legislation as set out in the Local Government in Scotland Act 2003. This required all local authorities to "make arrangements to secure continuous improvement on performance (while making an appropriate balance between quality and cost); and in making those arrangements and securing that balance, to have regard to economy, efficiency, effectiveness, the equal opportunities requirements and to contribute to the achievement of sustainable development".¹⁵

109. This has prompted the Commission to consider the extent to which there is a tension between the requirement Best Value places on local authorities' asset and resource management and the needs of delivering services to sparsely populated rural areas. This tension has led to a perceived conflict between the provisions of the 2010 Act and the judgement Audit Scotland makes on a local authority's achievement of Best Value and continuous improvement.

110. Low school occupancy or 'capacity' figures are often part of a school closure proposal and proposals sometimes draw on an Accounts Commission Report¹⁶ which suggested schools with less than 60% utilisation offered potential for rationalisation. This interpretation was clarified by Audit Scotland in its evidence to the Commission where it was pointed out that the report acknowledged that some schools would also run 'under capacity' due to local demographics. However, this 'principle' and the now discontinued use of school capacity figures as a statutory performance indicator by the Accounts Commission, gave capacity significance in local authorities' assessment of schools.

¹⁵ The Local Government in Scotland Act 2003 Best Value Guidance (2004) <http://www.scotland.gov.uk/Publications/2004/04/19166/35250>

¹⁶ Room for learning - Managing surplus capacity in school buildings, Accounts Commission (1995) http://www.audit-scotland.gov.uk/docs/local/pre1999/nr_9509_surplus_capacity_school_buildings.pdf

111. In fact, the Accounts Commission's 1995 report, and the guidance accompanying their statutory performance indicators, identifies other relevant factors including whether there is suitable alternative provision locally; isolated rural schools and the impact of closure on travel time; and the role of the school within the community. If capacity is considered in the context of these relevant factors, there is less tension between Best Value and the approach of the 2010 Act. The Commission concluded that local authorities should focus on sound management of their resources to meet the needs of all communities in their area, including regular reviews of the school estate and that an undue focus on capacity was likely to be unhelpful and unnecessary. To ensure that figures are consistent and reliable, the Commission suggests that a consistent approach to capacity modelling is agreed across Scotland.

112. The Commission concluded that capacity measurements had little place in the assessment of the viability of small remote schools. For many small schools with limited facilities, one of their few advantages is a relatively large classroom space which is used to excellent effect to support the small group and individual learning necessary for multi-stage composite classes. Under-used capacity compared to urban norms is almost inevitable in serving a sparse population. Where 'real' spare capacity exists, in the form of surplus classrooms or other space, it would be better to consider it as an opportunity to base additional services at the school, such as health, childcare, adult learning or employment services. This would allow local authorities to work with partners to co-fund the building or facility, making it more economical to maintain.

113. One solution to improving value for money should be promoting innovation in rural asset management and use, by empowering communities to support their

schools, for example in accepting practical assistance from communities as discussed in Chapter 5. This reflects the aims of national and local government as set out by the Christie Commission in 2011. Where there are barriers to this, the Commission strongly encourages national and local government to work together to remove these.

Recommendation 23:

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

Parents helping with school upkeep

In Moray, parent and community involvement in school building works is relatively common. Parent groups and voluntary organisations in both rural and urban areas have carried out tasks such as classroom painting, minor improvements and snow clearance. The Commission visited a small school where parents had painted and carried out other improvements to the toilets with the permission of the local authority. With the support of parents and the community, pupils had also helped to refurbish the gymnasium and were proud of their achievements.

Moray Council welcomes this type of community involvement but has indicated that, while helpful, it does not significantly address the overall maintenance requirements of its schools. The local authority also highlighted the need for community involvement to be carefully monitored in order to ensure that procurement, health and safety and building regulations are adhered to.

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Chapter 8:

School closure consultations

114. The 2010 Act was intended to overhaul and improve the consultation process relating to various changes to schools, and to establish a presumption against closure of rural schools. The Commission examined the delivery of the 2010 Act and how this matched its intentions. A key issue is whether the Act delivers, and what is meant by, ‘a presumption against closure’.

115. Although demand for ‘a presumption against closure’ was a crucial part of the origin of the 2010 Act and during its passage through Parliament, the ‘presumption’ is not explicit in the 2010 Act. Instead, Parliament passed legislation which aimed to deliver this through compliance with specific requirements. This has meant that the meaning and impact of ‘a presumption against closure’ under the 2010 Act has been unclear and divisive for communities and local authorities. It has left a gap between high expectations from communities that rural schools enjoy a very high level of protection; and local authorities seeking to meet the letter of the requirements in the 2010 Act and not a wider ‘presumption’.

116. The Commission considers that a clearly agreed interpretation of ‘a presumption against closure’ set out in the statutory guidance accompanying the 2010 Act would reduce conflict and provide clarity and protection for communities and local authorities. The Commission suggests that

‘a presumption against closure’ requires that proposals to close rural schools should require a strong, positive case for closure following revised guidance on the 2010 Act.

The presumption against closure is delivered through compliance with all relevant aspects of the 2010 Act including particularly the matters of “special regard” (see below). In the Commission’s view, a closure proposal should:

- Demonstrate that the matters of “special regard” have been fully considered **before** consulting on closure;
- Provide a clear Educational Benefits Statement setting out the educational benefits and demonstrating that there is no educational detriment¹⁷; and
- Set out a clear, rigorous analysis of the resource implications of the proposal.

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.

¹⁷ The views expressed in paragraph 88 also apply here.

Matters of special regard

117. The 2010 Act establishes three tests or matters of “special regard” – factors which the education authority is required to consider in proposing the closure of a rural school. Proper consideration of these is intended to deliver ‘the presumption against closure’. Some of the difficulties with the Act have arisen where an authority was perceived to have given these only cursory consideration or to have left consideration to take place through the closure consultation rather than ahead of it. This is unsatisfactory and the Commission recommends that clearer statutory guidance is provided to ensure a more thorough and uniform approach to these. This should ensure that the matters of “special regard” are given **full** consideration **before** conducting a closure consultation under the 2010 Act so that this consultation can be on the local authority’s conclusions in relation to each matter.

Section 12(3) of the 2010 Act, establishes three factors to which an education authority is required to have special regard. These are:

- (3) (a) any viable alternative to the closure proposal,
 (b) the likely effect on the local community in consequence of the proposal (if implemented),
 (c) the likely effect caused by any different travelling arrangements that may be required in consequence of the proposal (if implemented).

“any viable alternative to the closure proposal”

118. It seems clear that a rigorous, high quality assessment of “viable alternatives” is required. In the view of the Commission, when considering alternatives, the proposal to keep the school open should always be

included. The Commission understands that a closure proposal is often only made as a last resort and when the local authority sees no option to keep the school open. However, to exclude the possibility of keeping it open at this critical stage amounts to a presumption in favour of closure.

119. It is important to involve the community in this assessment of “viable alternatives”, giving them confidence in this assessment and the opportunity to bring other factors into account.

Communities making schools viable (1)

In 2008, Angus Council proposed the closure of a small rural primary school. One of the reasons given for closing the school was that the children were unable to take part in adequate PE lessons as the community hall, where the lessons had previously taken place, had become unsafe. Having taken account of the views of the school community, the decision was taken to keep the school open.

Following a campaign by the local community, including school pupils, funds were raised to replace the hall. The funding came from a range of sources including the Scottish Rural Development Programme, SportScotland, Angus Council, charitable trusts and local benefactors.

The new hall opened in 2010 and is run by a community association. It is used by the community for a range of activities including yoga, art classes and coffee mornings. The school continues to have strong links with the local community and makes use of the hall for PE, drama productions and is involved in the community café which operates from the building

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Communities making schools viable (2)

In 2003, Scottish Borders Council proposed the closure of one of its rural schools. In response, the local community suggested that the council refurbish the school building and they would raise the funds to build a new community centre adjacent to it, including a hall which the school could lease.

The local authority agreed to delay the closure to give the community the chance to raise the necessary funds for the community centre. Once the community had secured the necessary £1.8m funding for the hall, funding to refurbish the school was provided by Scottish Borders Council and the community and local authority worked together to deliver both projects.

The community facility opened in late 2011. It provides hall space for the refurbished school and allows school meals to be prepared in its kitchen. The pre-school and after-school clubs have now relocated to the centre whilst the community has benefited from a new space to host activities and groups.

The project has helped secure the future of not only the school but the whole community.

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“the likely effect on the local community in consequence of the proposal (if implemented)”

120. Much concern around rural school closure centres around the consequences for the local community, through losing its local school. This is an area which would benefit from stronger statutory guidance to ensure that local authorities make a careful assessment of the wider impact

of a school closure and commit to any appropriate mitigating action to address negative community impacts. The research recommended earlier (Recommendation 11) should also help understand the likely community impact of a proposal.

“the likely effect caused by any different travelling arrangements that may be required in consequence of the proposal (if implemented)”

121. The Commission suggests that no decision to require a child to travel a greater distance to school should be taken lightly and that careful consideration of children’s wellbeing is essential, with a focus on minimising travel and waiting time. Moreover, it is important to develop innovative solutions to ensure that children at a further distance from the school are not excluded from after-school activities. Most local authorities have their own guidelines on maximum travel times and it is appropriate that these are set locally taking into account local circumstances. The Commission recommends that all local authorities clearly articulate travel policies and allow it to be debated locally.

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.



Carse of Gowrie

Socio-economic studies

Where requested by a community, Shetland Islands Council commissions socio-economic studies, as part of its statutory consultation, to assess the likely impact of a school closure on a community. The studies are undertaken by an external consultant to ensure they are perceived as independent and objective. They look at factors including the economy of the area, the known and potential impacts of closing the school and any mitigating actions which could be taken should the school close. The studies also provide an estimate of any financial savings associated with the school closure.

The studies draw on previous research by Shetland Islands Council and other organisations but also include information obtained from the local community through visits and discussions.

A socio-economic study allows Shetland Islands Council to have a more informed understanding of the potential impact of a school closure and it has been suggested that communities find the studies helpful as an independent assessment of the likely effects of the school closure proposal.

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Consultations

122. The Commission does not underestimate the effort that completing all aspects of a closure consultation entails for a local authority and the investment of officers' time and potential delay entailed by carrying out such procedures. However, the clear lesson from closure experiences across Scotland is that taking the time to conduct a high quality consultation is crucial in achieving an outcome that satisfies local authority and community. The Commission would emphasise that local authorities should

make every effort possible to persuade parents of the positive educational impact of the proposals and that closure proposals are much more likely to succeed where the authority has parental support. Achieving that support is likely to mean having a clear, openly articulated argument and being prepared to enter into a debate about it with the possibility of compromise or reaching a different conclusion.

Pre-statutory consultation

The Highland Council has introduced a process of dialogue with communities to discuss the benefits and impacts of potential changes to the provision of education. This dialogue focuses on educational benefits and “putting our children’s education first”. It is undertaken in advance of any decision to carry out the consultation process required under the 2010 Act.

Following a high-level review of the school estate, analysis of options is undertaken at a local level. Proposals for changes to the school estate are discussed with councillors, head teachers, parents and community groups, giving them the opportunity to offer their views and put forward ideas of their own. Head teachers often involve staff and pupils. Proposals are then assessed for educational and community impact and a separate financial analysis undertaken.

The results of this process guide which proposals are taken forward to statutory consultation and the information gathered can also be used to support the statutory consultation process, especially the Educational Benefits Statement. The local authority has found that that this dialogue helps ensure more meaningful community engagement in any subsequent statutory consultation.

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123. School campaigners are increasingly informed and rigorous in examining proposals and supporting communities across the country. Attempts by local authorities to cut corners are unlikely to pay off and can lead to a loss of trust. Sustainable, integrated and empowered communities are unlikely to exist without high quality, integrated decision making processes that involve all the relevant parties and information.

124. There are serious concerns that the standard of consultation and accuracy of information provided has often been poor. The Commission noted the suggestion that there should be independent oversight of consultation processes. On balance, this could add a significant burden and bureaucracy to a process that is already onerous, and should be the responsibility of local authorities. There is provision within the 2010 Act relating to provision of accurate information but the Commission noted some concerns that this had not achieved its aim.

125. Many local authorities choose to conduct ‘informal’ consultation ahead of statutory consultation. This is a valuable part of the consultation process and provides a good opportunity to air and receive comments on the matters of special regard and to increase community confidence in this part of the process. If done well, it should avoid concerns communities often raise around lack of transparency; not having the information they required; and reliance on misleading information. However, it can be challenging to deliver informal consultation effectively, with communities easily put on ‘high alert’ and debate quickly becoming heated.

126. Guidance on the benefits, purpose and delivery of informal consultation, as well as a clearer definition such as ‘pre-statutory’ consultation would help ensure it played the positive role it could do and was not seen as an optional or minimal requirement.

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.

Reviews of more than one school

127. It has been interesting to note the advantages and disadvantages of carrying out a review of more than one school simultaneously and where the review sometimes covers a wide area of a local authority's school estate or even its entirety. This can be a successful, fair and transparent approach, where it gives all communities a clear understanding of the issues facing their schools and the local authority's plans for them. It is difficult for a community to

accept losing its school and concern about future threats to the neighbouring school can be very damaging to confidence in current proposals. An approach that balances one or more school closures with a strengthened commitment to the remaining estate, whether accompanied by new buildings or not, is a helpful and mature debate to have with communities. It can also reduce the feeling that particular schools are earmarked for closure or that reviews are only about closure. Nonetheless, such approaches are still often hotly contested by communities.

128 However, a wider review process can be negative, where it is not conducted thoroughly, with attention to detail for each individual school or where the focus is only on closure. It can also increase the complexity of understanding the options for each school.

129. It will be a decision for a local authority whether to review a narrow or wide part of its school estate. The Commission would recommend that whichever approach is taken, it is essential that sufficient attention to detail is taken in order that communities can have confidence in both the specifics regarding their school and the local authority's wider plans and commitments.

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.

Transparent triggers for reviewing the continued viability of a rural school

Scottish Borders Council has developed a process with transparent trigger points which initiate the review of a small school in its area. This is distinct from the consultation required by law to change a school's status, location or to close it.

A school normally faces a review if it meets two or more specified triggers. These include: a reduction in the number of teachers it requires, a roll that is forecast to fall below 13 pupils in the next three years, an operating cost that is three or more times higher than the authority average, an occupancy level of 45% or less, a significant decline in pupil performance or if the school needs urgent and unavoidable investment which is considered disproportionate.

A small school review aims to be an open and inclusive process. Parents, staff and community members are invited to participate in the review process. They have access to all evidence put forward by the authority and may challenge the information provided and submit their own data to be considered.

Scottish Borders Council considers that early investigation of roll forecasts, changing catchment areas or novel methods of operation demonstrates an approach intended to help support and sustain small rural schools.

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Frequent reviews of the same school

130. It is constructive for a local authority to conduct regular reviews of its school estate, and to have close and ongoing engagement with communities and schools over issues concerning them. For schools with low, falling rolls those discussions may include the viability of the school.

131. However, the Commission heard clear evidence of some schools facing repeated closure proposals at short intervals, and this repetition had a corrosive impact on the communities and schools concerned. Thus repeated closure proposals can lead to diminishing rolls and make closure more likely as parents avoid placing their child in a school perceived to be at high risk of closure.

132. To reduce this, it would be appropriate, once the full process under the 2010 Act has been exhausted and it has been decided not to close a school, to give that school and the parents and pupils concerned a breathing space to operate without feeling that this substantial threat may reappear at any moment.

133. Unless a significant relevant change occurred, the Commission would recommend that local authorities make no further closure proposal for at least five years.

Recommendation 31:

Once a school closure proposal has undergone full consideration under the 2010 Act and agreement is reached 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.

Five years moratoriums

In the Scottish Borders Council area, if a school is subject to statutory consultation on closure but the decision is taken not to close it, the Council will be asked to exempt the school from statutory consultation on closure for five years.

This policy aims to give a community certainty on a school's future. The local authority was aware that a school subject to continuous threat of closure can have difficulty in attracting and retaining pupils, leading to a spiral of decline. The Scottish Borders Council has indicated that the policy of having at least five years between consultations on closure proposals has enabled it to have more meaningful discussions with the community about supporting a school and has helped to build trust.

In the past, Moray Council had a policy of undertaking reviews of the viability of schools where the roll fell below 60% and, following a decision not to proceed towards closure, schools were given a five year 'moratorium' before they could face further review. This 'moratorium' was introduced to avoid schools being repeatedly reviewed for closure which would have an impact on teacher morale and could adversely affect pupil numbers.

However, the local authority found that whilst this provided a period of security for individual schools it hampered more strategic consideration of the school estate. For this reason individual reviews based on the 60% threshold ceased several years ago and Moray Council has recently decided to conduct a strategic review of all its schools.

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Ullapool Harbour

Consulting children and young people

134. An important aspect of school closure consultations is how the children and young people affected are consulted. Children and young people have a right to be consulted on proposals that affect them, and there is a guidance booklet, *Participants not Pawns*,¹⁸ provided by the Commissioner for Children and Young People on how to do this under the 2010 Act.

135. The Commission heard evidence of the concern and stress school consultations can cause for children and young people. The Commission emphasises the responsibility of local authorities, schools and parents to minimise this, dealing sensitively and appropriately with young people's concerns, taking into account their views and reassuring them regarding the proposals. Some of the proposals in this report should reduce the likelihood of sudden and unexpected consultations, and of repeated consultations during a child's schooling.

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.

18 http://www.childreninScotland.org.uk/docs/Participantsnotpawnsguidance20100315_000.pdf



Chapter 9:

Appeals

136. The Commission gave detailed consideration to the issues that have arisen in relation to Ministerial call-in and delayed its report in order to take account of the court case of *Comhairle nan Eilean Siar v. Scottish Ministers*,¹⁹ which offered the first case law on the 2010 Act.

137. This case provided a significant ruling that the 2010 Act requires Ministers, when they have called in a closure proposal, to consider both the process applied by the local authority and also the merits of the case. The Scottish Government and local government more generally, though not Comhairle nan Eilean Siar in this case, had argued that the intention of the 2010 Act was for Ministers to have a narrow role providing a ‘safety net’ against non-compliance with the process required in the 2010 Act. However, the Court concluded that Ministers are “not mere checkers of procedural aspects leading to a decision; rather they are part of the decision making process itself”. The Court goes on to provide that where Ministers consider that an authority has failed to take proper account of a “material consideration”, then there must be some “appreciation and weighing up of various factors”. It notes that Ministers have a balancing role in considering a case, such that even if it was concluded that there

had been a procedural error but the case for closure was compelling, Ministers would be able to consent to the closure proposal.

138. The ruling goes on to note that if a flaw in the consultation procedure followed by the local authority, despite “widespread, genuine consultation” caused Ministers to require the local authority to go back to the start of the process and re-consult, that could be a waste of time and resources. Such an outcome could undermine the authority and local community and result in a loss of public confidence in the procedure. It concludes that having called a case in, the 2010 Act requires Ministers to consider not only whether the correct process has been followed but also the merits of a proposal in determining whether to give their consent or not to it.

139. The Commission commended the Court’s findings in the case of *Comhairle nan Eilean Siar v. Scottish Ministers*. The Commission agreed that once a local authority’s proposal to close a school had been called in by Scottish Ministers, the 2010 Act requires (and is right to require) Ministers to consider both the process that has been followed and the merits of the proposal that has been made. A balanced and appropriate decision, taking into account any flaws in the process, can only be made with an understanding of the merits of the proposal.

¹⁹ *Comhairle nan Eilean Siar v. Scottish Ministers* (2013) CSIH 6
<http://www.scotcourts.gov.uk/opinions/2013CSIH6.html>

140. The Commission noted the Court’s clear view of the primacy of the local authority in taking decisions about school closures and that they were “particularly well-placed to know and appreciate the local community’s circumstances and needs”. The Commission also noted the Court’s comments on the shift in public policy represented by the 2010 Act, with only closure decisions being referable to Ministers. Nonetheless, given the importance of these decisions to the communities involved and the history of flawed proposals, the Commission felt that Ministers’ ability to consent, including the ability to consent with conditions, or to refuse consent should continue.

141. The Commission would recommend that a further option should also be open to Ministers, to remit the closure proposal back to the local authority. In its view, particularly in cases in which Ministers’ consideration of the merits of the case gave rise to doubts regarding the proposal, it would be very helpful to have an option of referral back to the local authority to give further consideration and bring forward a revised proposal, if it wished, which would be considered again. Although in theory it would be possible for a local authority to repeatedly make the same proposal without addressing the flaw or material consideration pointed out by Scottish Ministers, in practice it would be clear that the flaw must be addressed, failing which Ministers would be likely to refuse the proposal.

142. With this additional option, the Commission hopes that the cases where Ministers concluded that the local authority’s proposal was so significantly flawed that no reasonable authority could arrive at that conclusion, and it was appropriate to refuse consent, would be increasingly rare.

143. The Commission considered that strong, clear guidance for local authorities to follow in complying with the 2010 Act should

make it much less likely that flawed closure proposals would be made; and thereby make it easier for Ministers to identify flaws in the process that had a material impact on the decision.

144. The Commission also considered whether referring cases to Ministers was appropriate, and what possible alternative approaches might be. On balance, the Commission concluded that it was important that closure proposals were subject to referral elsewhere, and that the current system had advantages of no financial barrier for parents or communities, and of clear separation from local authorities. However, once a sufficient period had elapsed and the impact of the other changes proposed by the Commission have taken effect, consideration could be given to whether this meant that a different approach to reviewing decisions might be merited.

145. However, the Commission recommends that the Scottish Government introduce significantly more clarity and transparency around the Ministerial call-in and the determination process. It would be helpful if the process applied by the Scottish Government was clearly articulated, including how officials would seek further information regarding representations and how decisions would be communicated. The Commission would also recommend that decision letters issued by the Scottish Government provide detailed reasons, to let those directly involved in the case understand why a conclusion has been reached and to allow those in other areas to learn from these judgments.

146. The 2010 Act provides a three-week period, once representations have been received, for Ministers to decide to call-in a closure proposal and the Commission accepted concerns that in highly contested cases this short period resulted in cases being called in that would not have been

if Ministers had longer to weigh the representations received. The Commission recommends that a short extension to this period (i.e. two to three weeks) would be in everyone's interests if it prevented unnecessary call-ins.

147. On the other hand, the Commission also heard a strong view from local authorities and communities that Ministers should not have an unlimited period to make a decision on a proposal that they had called in. The Commission recommends that a time limit for this consideration is introduced and it is accompanied by improved arrangements for notifying those affected by the decision in a timely and sensitive manner.

148. Finally, the Commission noted the bitter disputes that can develop around school closures, between communities and those elected or paid to serve them. The Commission found the same experience in its visits to Finland and Ireland. While the measures recommended should go a long way to ensuring decisions are taken in the best way, it may also be worth local authorities using conflict resolution processes to build common ground with communities, reverse suspicion and identify acceptable outcomes.



Moorfoot Primary School (Midlothian)

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 be 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.





Chapter 10:

Detailed comments on the 2010 Act

Roll projections

149. Roll projections have a clear and important purpose in understanding the future need for a particular school. Nevertheless, they are often a highly contested aspect of closure proposals and this is in part due to the difficulty of accurately projecting numbers of children in a small community more than a very few years ahead. Other factors include uncertainty over future development and unmet housing need in the area, and significant levels of placing requests both into and out of small schools.

150. Particular difficulties arise where only one source of information is used for projections or local knowledge is not taken into account. From the evidence the Commission has heard, best practice in roll projections would include regular and transparent reviews of roll projections for all schools, informed by community knowledge and experience, as well as using other relevant data from a range of sources.



Achahoish Primary School (Argyll and Bute)

Roll projections

Highland Council draws on a wide range of information to produce school roll projections. Projections are based on NHS records of pre-school children and the latest pupil census but also take into account other factors which have an impact on pupil numbers including: placing requests, house building, and population modelling. Area and regional education officers are actively involved in the forecasting process. The local authority considers its roll projections to be valid up to ten years into the future and they are available to the public on the Highland Council website.

Potential issues highlighted by roll projections, such as over capacity or significantly falling rolls, are discussed further at a local level and projections may be revised based on information received during these discussions. In order to improve accuracy, Highland Council reviews roll projections against actual rolls once available and discusses significant variances with area education managers. This can identify reasons for variances and provides an opportunity to refine the methodology for the projections if necessary.

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151. The Commission found that placing requests were a particularly difficult aspect of roll projections and it would be helpful for the numbers of placing requests both in and out of the area to be clearly shown in regular analysis of rolls. This will help understand where and why particular trends are emerging. It may be an issue of perceived quality; concern at (or desire for) a low roll; additional support for learning; or the needs of childcare or employment, all of which deserve attention from the education authority in judging how best to maintain schooling in the area.

Timescales

152. The Commission heard various views in relation to the timescales prescribed in the 2010 Act for consultation, and while there were some concerns from local authorities that the process was too time consuming, these were more than balanced by parents' and communities' desire that school closures be given proper consideration and not rushed. There was some support for longer time periods, but valid concerns that prolonged uncertainty around a school closure was unhelpful and almost as damaging as a closure decision. On balance, the Commission recommends no change to the consultation timescales set down in the 2010 Act. It would be helpful if a simple timeline showing all the stages of the closure proposal was provided to assist authorities and communities.

153. Finally, parents had a strong and reasonable view that school closures should be made at natural breaks in the education year, with a strong preference for this being at the end of the summer term. It is in pupils' best interests to have at least a term's notice of their future school and for the community to have the opportunity to mark the school's closure in an appropriate manner.

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.

The definition of a rural school

154. Much of the 2010 Act focuses on rural schools, as does the Commission's remit, and section 14 of the 2010 Act contains the key provision which designates a school as "rural" or not. It prescribes that Scottish Ministers should maintain a list of rural schools for the purpose of the 2010 Act. Scottish Ministers chose to devise this list using the Scottish Government Urban Rural Classification, and define a rural school as one in any of the three categories of "rural" in this 8-fold classification. This means that schools in settlements of less than 3,000 people are classified as rural, including 41% of Scotland's primary schools and 23% of Scotland's secondary schools.

155. The Commission considered evidence that there are a number of difficulties with the current definition. From local authorities' perspective, the number of schools classified as rural and with a presumption against closure is very high, including not just those schools in remote or fragile communities but the majority of schools in some rural authorities. This was reflected in communities' surprise that schools in relatively large rural centres were designated in the same way as very remote ones, and the terms of the definition were found to be relatively clunky and hard to relate to. Nevertheless, it was acknowledged that an

objective methodology was required and few alternatives were offered.

156. A more specific concern with the designation of rural schools relates to its dependence on postcode classification according to population density, leading to occasional anomalous classifications where a school is on the outskirts of a settlement, or a settlement has expanded since the postcode classification was revised. In these cases it seems perverse that the rural school legislation applies to a school that is to all intents and purposes an urban one and is not significantly different to its urban neighbours.

157. The Commission gave careful consideration to using a narrower definition of rural school, which might specifically designate those schools which serve remote rural communities and are a significant distance from their neighbours. While that option has some merit, the Commission concluded that until other aspects of the 2010 Act were working, it would be premature to amend the definition. The Commission was particularly persuaded by a view that rather than placing an additional and inappropriate burden for those schools which are classified as “Accessible Rural”, the consideration required for rural schools was close to the best practice which an education authority should aspire to for any significant changes to its school estate, rural or urban. The level of consideration should naturally reflect the degree of rurality given that proposals concerning more remote schools should give rise to more substantive concerns through application of the matters of “special regard”, e.g. regarding community impact and different travelling arrangements.

158. Notwithstanding this, the Commission would recommend that Scottish Ministers review their current list of rural schools in conjunction with local authorities to address the anomalies identified.

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.

Mothballing

159. The term ‘mothballing’ is used, according to Scottish Government guidance, to refer to a temporary decision to close a school where the roll has fallen to zero. It recognises the permanent impact on a community of closing the school and seeks to avoid that final decision until there is sustained evidence of no demand. It can be an appropriate and positive step where there is some prospect of revival in a community. Mothballing might be expected to be a much more frequent occurrence for early years provision which by its nature serves smaller numbers than a primary school, and serves very young children for whom travel is more onerous and a personal burden to their family.

160. The guidance assumes that mothballing would only be considered when the roll has fallen to zero. However, in practice, mothballing is also taking place when the roll is very low and the local authority considers the school (or early years provision) not to be viable for such low numbers on grounds of cost; or where either the local authority or parents consider the low numbers to not be in the educational interests of the children. Given that mothballing in these circumstances is a less permanent step than closure and responds to very low roll projections in a way that is reversible, it might be a welcome option for communities.

The difficulty is that there is no legal process for mothballing – compared to the detailed requirements relating to closure – and an extension of its use without any safeguards could amount to permitting school closure by the backdoor. Where communities and parents disagree with the course of action, they will also be concerned that temporary closure is likely to undermine future demand. For example, where pre-school provision at a school is mothballed while low demand still exists, it may reduce the likelihood that those children return to their catchment primary school, and mothballing would be likely to reduce awareness and support for a school.

Mothballing

Mothballing, rather than closing a school, gives the opportunity for it to re-open it should circumstances change. Highland Council successfully mothballed very remote rural primary school in 2002 and reopened it in 2005. When the roll of the school fell to one pupil the community were consulted on mothballing of the school, and the subsequent agreement to mothball it meant that the community was almost 25 miles away from the nearest primary school.

Three years later the community approached the local authority to ask it to reassess the school's mothballed status because of an increase in the number of school age children in the area. Following discussion, Highland Council reopened the school with a roll of three pupils in the primary school and two in the nursery. It remains open to this day.

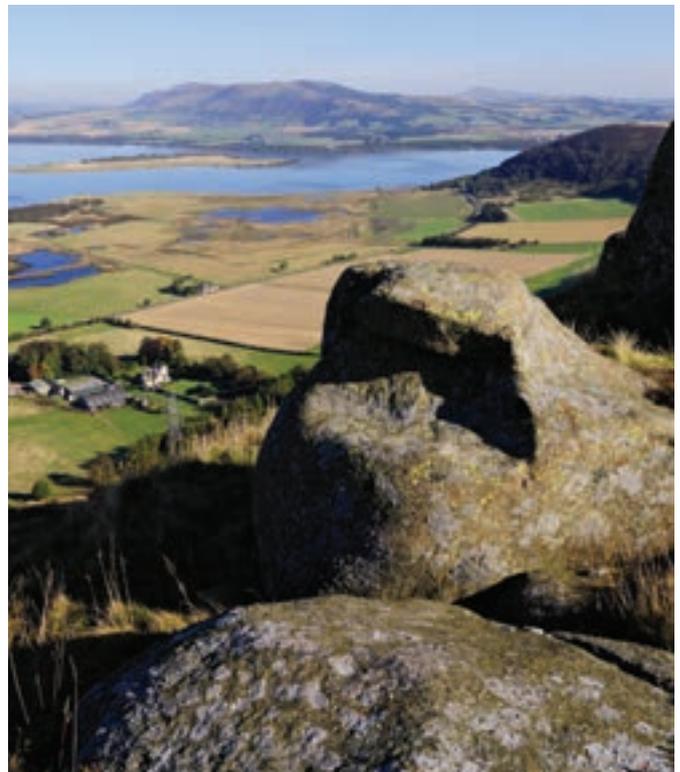
The increase in children is a result of increased employment opportunity at the local estate which is the only employer in the area.

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161. The Commission suggests that the Scottish Government provides more guidance on mothballing and the safeguards necessary to ensure that any greater use of this approach is appropriate and in keeping with the presumption against closure.

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.



Loch Leven



Annex:

Commission members

Sheriff David O Sutherland (Chair)
Professor Cara Aitchison – Head of Moray House School of Education, University of Edinburgh
Anne Baird – Argyll Rural Schools Network
Charles Bestwick – Scottish Rural Schools Network
Ann Brady – Chief Executive, Care and Learning Alliance
Malcolm Burr – Comhairle nan Eilean Siar, representing SOLACE (Society of Local Authority Chief Executives)
Peter Ferguson – Headteacher of Auchterhouse Primary School, Angus
James Fraser – Vice-Chancellor of the University of the Highlands and Islands
Councillor Stephen Hagan (Orkney Council)
Councillor Terry Loughran (Inverclyde Council)
Councillor Peter MacKenzie (East Lothian)
Councillor Anne Robertson (Aberdeenshire Council)
Glenn Rodger – Scottish Borders Council, representing ADES (Association of Directors of Education in Scotland)
Emily Shaw – Member of Scottish Youth Parliament for Shetland
Professor Bill Slee – James Hutton Institute
Jenna Storey – National Parent Forum of Scotland

Also:

Bob Cree-Hay, National Parent Forum of Scotland (resigned March 2012)
Sandy Longmuir, Scottish Rural Schools Network (resigned November 2011)

Photo Acknowledgements – Credits List

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2. Ardnamurchan High School (Highland)
3. Nesting Primary School (Shetland Islands)
4. Achahoish Primary School (Argyll and Bute)
5. Bunessan Primary School (Argyll and Bute)
6. Dunkeld – Lorne Gill/Scottish Natural Heritage

Recommendations

7. Ardnamurchan High School (Highland)
8. Windygoul Primary School (East Lothian)
9. Loch Lomond – Rober Haigh
10. Applecross – Ian Taylor

Chapter 1

11. Highland Cow Islay – Lorne Gill/Scottish Natural Heritage
12. Windygoul Primary School (East Lothian)
13. Craw Stane – Lorne Gill/Scottish Natural Heritage
14. Moorfoot Primary School (Midlothian)
15. Gullane Primary School (East Lothian)
16. Deeside – Lorne Gill/Scottish Natural Heritage

Chapter 2

17. Lobster Pots – Susan Scott
18. Denholm Primary School (Scottish Borders)
19. Achahoish Primary School (Argyll and Bute)
20. Ardnamurchan High School (Highland)
21. Bunessan Primary School (Argyll and Bute)
22. Children on hill – George Logan/ Scottish Natural Heritage
23. Tobermoray
24. Gullane Primary School (East Lothian)
25. Stornoway Houses – Paul Weychan
26. Torridon – Stuart Barrie
27. Eilean Donan Castle – Simon Elder

Chapter 3

28. Thistle – Keith Brotherston
29. Child on Bike – Lorne Gill/Scottish Natural Heritage
30. Children Outdoors – Lorne Gill/Scottish Natural Heritage
31. Red Squirrel – Lorne Gill/Scottish Natural Heritage
32. Children on Hill – George Logan/Scottish Natural Heritage
33. Achahoish Primary School (Argyll and Bute)
34. Nesting Primary School (Shetland Islands)
35. Stag – Laurie Campbell/Scottish Natural Heritage
36. Denholm Primary School (Scottish Borders)
37. Ardnamurchan High School (Highland)
38. Nesting Primary School (Shetland Islands)

Chapter 4

39. Denholm Primary School (Scottish Borders)
40. Windygoul Primary School (East Lothian)
41. Ben Lomond – Robert Haigh
42. Ardnamurchan High School (Highland)
43. Ullapool Harbour – Eleazar Do Rego
44. Windygoul Primary School (East Lothian)
45. Nesting Primary School (Shetland Islands)
46. Children on Beach – Lorne Gill/Scottish Natural Heritage
47. Lerwick Harbour – Paul Weychan

Chapter 5

48. Ardnamurchan High School (Highland)
49. Achahoish Primary School (Argyll and Bute)
50. Moorfoot Primary School (Midlothian)
51. Nesting Primary School (Shetland Islands)
52. Denholm Primary School (Scottish Borders)
53. Ardnamurchan High School (Highland)
54. Bunessan Primary School (Argyll and Bute)

Chapter 6

55. Stag – Laurie Campbell/Scottish Natural Heritage
56. Windygoul Primary School (East Lothian)
57. Windygoul Primary School (East Lothian)
58. Moorfoot Primary School (Midlothian)
59. Gullane Primary School (East Lothian)
60. Glenfeshie Estate – Lorne Gill/Scottish Natural Heritage

Chapter 7

61. Lobster Pots – Susan Scott
62. Denholm Primary School (Scottish Borders)
63. Achahoish Primary School (Argyll and Bute)
64. Ardnamurchan High School (Highland)
65. Bunessan Primary School (Argyll and Bute)
66. Lobster Pots – Susan Scott
67. Uist – Lorne Gill/Scottish Natural Heritage

Chapter 8

68. Thistle – Keith Brotherston
69. Ardnamurchan High School (Highland)
70. Denholm Primary School (Scottish Borders)
71. Bunessan Primary School (Argyll and Bute)
72. Ardnamurchan High School (Highland)
73. Carse of Gowrie Lorne Gill/Scottish Natural Heritage
74. Ullapool Harbour – Eleazar Do Rego

Chapter 9

75. Denholm Primary School (Scottish Borders)
76. Windygoul Primary School (East Lothian)
77. Ben Lomond – Robert Haigh
78. Ardnamurchan High School (Highland)
79. Ullapool Harbour – Eleazar Do Rego
80. Moorfoot Primary School (Midlothian)
81. Child on Bike – Lorne Gill/Scottish Natural Heritage

Chapter 10

82. Ardnamurchan High School (Highland)
83. Stornoway Houses – Paul Weychan
84. Torridon – Stuart Barrie
85. Nesting Primary School (Shetland Islands)
86. Denholm Primary School (Scottish Borders)
87. Achahoish Primary School (Argyll and Bute)
88. Loch Leven – Lorne Gill/Scottish Natural Heritage

Annex

89. Gullane Primary School (East Lothian)
90. Windygoul Primary School (East Lothian)
91. Windygoul Primary School (East Lothian)
92. Moorfoot Primary School (Midlothian)
93. Gullane Primary School (East Lothian)

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