

# **SCHOOLS (CONSULTATION) (SCOTLAND) BILL**

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## **POLICY MEMORANDUM**

### **INTRODUCTION**

1. This document relates to the Schools (Consultation) (Scotland) Bill introduced in the Scottish Parliament on 2 March 2009. It has been prepared by the Scottish Government to satisfy Rule 9.3.3(c) of the Parliament's Standing Orders. The contents are entirely the responsibility of the Scottish Government and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 23–EN.

### **POLICY OBJECTIVES AND BILL OVERVIEW**

2. The Bill's overarching policy objective is to update and strengthen the consultation practices and procedures that local authorities apply to all school closures and other proposals. Its aim is to establish a consultation process that is coherent, easy to understand, fair, workable, open and transparent and above all which commands the trust and confidence of the public. Other objectives are to ensure that the process for the closure of rural schools is robust from the very outset (and throughout) and to replace the current system for referring certain local authority decisions for Ministerial consent with a new system of "call-in". The Bill's provisions may be divided into three parts, each of which is directed at fulfilling a particular policy objective which, when considered together, achieve the aims.

#### *The Consultation Process for all schools*

3. The policy objective in this regard is to effect a comprehensive updating of existing consultation procedures for school closures, and other proposals affecting schools, in a way that meets modern expectations. The current regulations (The Education (Publication and Consultation Etc.) (Scotland) Regulations 1981 – "the 1981 Regulations") guarantee neither consistency of approach nor best practice and, while some local authorities undoubtedly go beyond the requirements of the 1981 Regulations, the Scottish Government believes that standards must be raised for all consultations. The Bill particularly seeks to establish a more open and participative approach to public consultation processes than is currently the case.

#### *Rural school closures*

4. In relation to rural schools, the policy objective is to ensure that a decision to consult on a closure proposal would not be made until the local authority had explored all possible alternatives and assessed the likely implications of closure. The intention is to ensure that the future of a rural school is considered in the wider context of rural development planning and the

sustainability of rural communities. The Bill therefore places a statutory duty on local authorities to “have special regard” to three factors before deciding to consult formally on closing a rural school. These factors would be reappraised by the authority following the consultation and prior to it taking the final decision on whether or not to close the school.

#### *Ministerial involvement in the process*

5. Under the current arrangements some local authority decisions on school closures and changes of site or catchment area require Scottish Ministers’ consent before they can be implemented. There are two criteria for requiring such cases to be referred to Ministers:

- where the proposal results in a child having to attend a different school, if the distance to the alternative school(s) exceeds 5 miles in the case of a primary school or 10 miles in the case of a secondary school; and
- occupancy / capacity of the school – if its roll is 80% or more of its capacity.

6. There is considerable misunderstanding and confusion about Scottish Ministers’ role in the current process. It is often mistakenly believed that the referral system is an optional “appeal” to Ministers, whereas in actual fact cases are referred automatically according to the criteria. Ministers do not “re-take” the local authority’s decision but focus their attention on whether the authority has complied with the statutory requirements and the guidance Ministers have issued on how they want to see consultations conducted. The policy objective here is to replace the referral system with a Ministerial power to call in decisions, but only in relation to school closures where there have apparently been failures in the consultation or decision making processes.

## **POLICY OBJECTIVES: SPECIFIC PROPOSALS**

### **The consultation process for all proposals in all schools**

7. The Scottish Government’s policy objective is to establish a system for consulting on school closures, and other changes that is more rigorous, open and transparent than is currently the case. The intention is that all proposals would follow the same basic sequence, the key stages of which would be:

- the decision to consult on a proposal is made by the education authority;
- the authority prepares a proposal paper, including an “educational benefits statement” (covered in paragraphs 11 and 12) and other required information;
- the authority publishes the proposal paper, advertises the fact and notifies Her Majesty’s Inspectors of Education (“HMIE”) and mandatory consultees;
- the authority meets certain consultation requirements, including holding a public meeting;
- the consultation ends, after a minimum of 6 weeks (to include at least 30 school days);
- HMIE finalise their report and send it to the authority;

- the authority then prepare and publish a consultation report, including certain required contents;
- the authority must allow 3 weeks to elapse before taking its final decision on the proposal.

8. In addition to proposals relating to school closures, it is the Scottish Government's intention that all the other categories of proposals that currently require to be consulted on under the 1981 Regulations should be retained. In the Bill they have been grouped together to create fewer (but broader) categories. The following 10 types of proposal will therefore trigger the new consultation process:

- permanently to discontinue a school (this includes special schools and nursery schools) or a stage of education in a school (e.g. years in a secondary school or a special class in a mainstream school);
- to establish a new school or stage of education in a school;
- to relocate a school or nursery class;
- to vary the catchment area or modify the guidelines for placing requests for a school;
- to vary the arrangements for the transfer of pupils from a primary school to a secondary school;
- to change the school commencement date of a primary school;
- to vary arrangements for the constitution of a special class in a school other than a special school;
- to discontinue arrangements for the provision of transport by the education authority for pupils attending a denominational school;
- to change a denominational school into a non-denominational school;
- to discontinue a further education centre which is managed by the education authority.

#### *Consultation requirements*

9. To establish a robust and respected consultation process, the Bill sets out a series of procedural requirements that a local authority must follow when carrying out a consultation. Among these are requirements to:

- produce a proposal paper containing certain core information, including full details of the relevant proposal(s), the proposed date for implementing it, an "educational benefits statement" and, for rural schools, details of the authority's assessment of the three factors (as set out in paragraphs 17 and 18);
- notify all mandatory consultees of the consultation and provide them with certain information, e.g. a summary of the proposal, information about where a copy of the proposal paper can be obtained and how to make representations;
- hold a public meeting;

- run the consultation for at least 6 weeks, to include at least 30 days of term time. This period aims to strike a balance between giving consultees a sufficient length of time to respond to a consultation whilst avoiding a lengthy period of consultation which may create uncertainty; and
- publish a consultation report following the end of the consultation, including the number of written responses to the consultation, a summary of the points raised and the authority's response to them, the HMIE report, the substance of any alleged inaccuracies and details of what action the authority took in consequence, and the authority's reconsideration of the three factors applying to rural schools.

#### *Mandatory consultees*

10. The Scottish Government wants to ensure that all those who would be directly affected by an authority's proposal(s) have the opportunity to make their views known. To achieve that aim the Bill requires that in respect of every proposal, an authority consults the pupils at any of the affected school(s); the Parent Council(s) of those affected school(s); and all staff (teaching and other) at the school. In addition, for certain categories of proposal authorities would also have to consult other relevant people or groups. These include persons authorised by the relevant church or denominational body (where the school is a denominational school), community councils and community planning partnerships (where there is a direct community interest in the proposal), Bòrd na Gàidhlig (where the proposal affects Gaelic medium education), and parents of children who would be expected to attend the affected school within the next two years.

#### *Educational benefits statement*

11. The Scottish Government wants to ensure that the educational benefits of any proposed changes are very clearly set out by the local authority. To achieve this the Bill specifies that an education authority must, for all consultations, prepare an educational benefits statement and publish it within its proposal paper.

12. The educational benefits statement would set out the authority's assessment of the likely educational benefits that it believes would result from the proposal. It should cover the impact on pupils at, and other users of, the affected school; the impact on any other pupils who may be affected by the proposal, but attending other schools within the local authority area, and on others who would be affected by the proposal; and how any disruption or disbenefits might be minimised or countered.

#### *HMIE role*

13. Given the importance that must attach to the educational benefits of any change some independent assessment of the educational aspects of an authority's proposals should be welcomed and valued. Her Majesty's Inspectorate of Education is ideally placed to provide that perspective, and the Bill therefore requires, in the case of every consultation, for HMIE to consider the educational aspects of an authority's proposal. To enable them also to take account of the educational aspects of views expressed during the consultation period the Bill would not require HMIE to submit their views (to the authority) until three weeks after they have received details of the written and oral representations made during the consultation period. The authority

would be required to consider the HMIE report and then prepare their consultation report (which must also include the HMIE report in full).

## **Rural schools**

14. As stated earlier, the Scottish Government's policy intention is to ensure that a decision by a local authority to close a rural school is only taken after a number of other considerations have been taken into account. Authorities must do everything they reasonably can to keep a rural school open before proposing closure. It is not however the policy intention that no rural school should ever be closed. There will be circumstances in which that is the right or only course of action.

15. The Bill aims therefore to establish a robust process of pre-consideration and decision-making. The Bill would require authorities to have special regard to three factors (set out in paragraph 17 below) in the context of proposing and consulting on closing a rural school.

16. The authority will be required to set out how it has considered the three factors in its proposal paper. The authority must reconsider the factors again in light of the consultation responses, and publish its reassessment in the consultation report. A presumption will thereby be established that no rural school will be proposed for closure (nor even the consultation process commence) unless and until these factors have been fully taken into account.

17. The three factors to which the authority must have special regard when considering a rural school closure are:

- any viable alternative to closure;
- the likely effect on the local community if the school were to close;
- the likely effect of different travelling arrangements occasioned by the closure.

18. In more detail, these factors will require authorities to consider: alternatives to their proposals (perhaps to increase the school's roll, or to maximise use of the school's buildings etc.); the likely impact on the community of a school closing and on the community's subsequent access to or curtailed access to the buildings, grounds and facilities (including perhaps on the demographic affects – families moving into or out of an area – or on the viability of other community services); and the likely effect of new travel to school patterns on the environment and on pupils and other school users.

19. The Bill provides for the Scottish Ministers to create and maintain a list of all rural schools in Scotland, to which this part of the Bill would apply. The Government's Consultation Paper – *"Safeguarding our rural schools and improving school consultation procedures – proposals for changes to legislation"* – proposed basing that list of rural schools on the existing Scottish Government Urban/Rural Classification. A rural school would be defined as a school within any of the three categories of "Accessible Rural", "Remote Rural" or "Very Remote Rural". In practice this means that a rural school will be any school that is located in settlements of fewer than 3,000 people, also taking account of their relative geographical circumstances and remoteness. The Urban/Rural Classification system is updated every two years and it is therefore dynamic and responsive to demographic changes.

## **Scottish Ministers' involvement in school closures**

20. Many would regard school closure proposals as the highest profile or most far-reaching of all the prescribed proposals in terms of the breadth, depth and scale of potential impact on, or implications for, both the users of the school and the local community. The Scottish Government believes therefore that there should be some form of safeguard in the system around school closures, to ensure that the consultation process and procedures are fairly, fully and rigorously carried out. The Bill provides Ministers with a power to call in a closure decision, only after the local authority has taken its final decision, where it appears to them that there may have been failures in the consultation or decision making process, either by way of significant non-compliance with the new requirements of the Bill or by the authority failing to take proper account of a material consideration relevant to its decision. Ministers would have 6 weeks to decide whether or not to call a decision in. For the first 3 weeks of that 6 week period anyone could make representations to Ministers about whether the decision should be called in.

21. If Ministers decide to call in a closure decision, implementation of it is stayed until Ministers have decided (after appropriate investigation and consideration) to:

- refuse to consent to the closure going ahead, or
- grant unconditional consent to the closure, or
- grant consent to the closure proposal subject to conditions (for instance requiring particular school transport arrangements).

22. Ministers' practice in cases referred to them currently is principally to act as a check that authorities have complied with all the statutory requirements and guidance. The policy objective of replacing the current referral system with that of call-in is to ensure that there is a way of preventing a closure proceeding if there have been well founded allegations of significant failures or flaws in the consultation or decision making processes.

23. An authority's decision to close a school may be one which is unpalatable to a particular community or group of people – it will rarely please everybody – but that authority has to reach a decision that takes account of and balances all the complex and sometimes conflicting factors relating to a particular case, in the context of fulfilling all of its statutory duties to provide school education. The Ministerial call-in process is intended to provide a reassurance to those affected by any such proposal that a safeguard exists in circumstances where it appears that the new statutory duties contained in the Bill have not been properly fulfilled.

24. The responses to the Government Consultation Paper on the matter of the current system of referrals and what might replace it, differed widely. Most respondents did not favour retaining the current system but views as to what should replace it were polarised. Many favoured removing all possibility of Ministerial involvement whilst another significant group of responses sought additional Ministerial involvement – the potential for most or even all cases to be referred to Ministers, automatically or at the discretion of consultees. Ministers were attracted to neither extreme. The call-in process therefore represents a middle way. It provides a significant safeguard, but also avoids a level of involvement at the other end of the scale which would rightly have occasioned accusations of running counter to all the principles of the

Concordat with local authorities. The Scottish Government considers that the Bill's provisions strike the right balance.

25. The clear intention of the Bill is to bring the standards and practices in all consultations up to those of the best, swiftly and effectively. The expectation therefore is that call-ins will be relatively rare as it will be within an authority's own power to avoid the prospect of call-in by ensuring that its consultation and decision making processes are of a high standard and absolutely in accord with the provisions in the Bill.

## **Guidance**

26. The Government Consultation Paper proposed that Ministers would take a general power to issue statutory guidance in relation to the provisions in the Bill. The guidance currently issued by Ministers on closures and consultations is not statutory guidance. The specific question was also asked whether authorities should be left to decide how an "educational benefits statement" should be crafted or whether this should be the subject of guidance issued under a new statutory power in the Bill. The majority response, including from a significant number of authorities, was in favour of guidance on educational benefits statements. The Bill therefore includes a general power for Ministers to issue statutory guidance on the Bill's provisions, which would, for example, be used to issue guidance on the content of the "educational benefits statements".

## **CONSULTATION**

27. The proposals in the Bill have been developed following a wide-ranging and lengthy consultation period with parents, young people, local authorities and other interested groups. A formal consultation period ran from 1 May to 19 September 2008, allowing 3 months of term time, and over 4 months in total, for consultees to make their views known. The consultation used a number of different methods to establish the views of consultees, including the consultation paper "*Safeguarding our rural schools and improving school consultation procedures – proposals for changes to legislation*" (both full and summary versions)<sup>1</sup>, an on-line response form, public meetings, deliberative research workshops with parents and young people, and an on-line debate on the Rural Gateway website<sup>2</sup>.

28. Copies of the consultation paper were distributed to all local authority schools in Scotland (together with a covering letter from the Cabinet Secretary for Education and Lifelong Learning to Parent Council Chairs and Headteachers), all local authorities, and to groups with an interest in the issue (such as parent groups, the Scottish Youth Parliament, equality groups and other bodies). Ten public meetings, led by Scottish Government officials, were held around Scotland in a variety of locations and were attended by groups numbering between 2 and 30. Deliberative workshops were held in 12 locations, with 24 adult groups and 8 groups of children (with up to 8 participants per group).

29. 185 written responses were received to the consultation, including a mixture of individual (61) and group or organisation (124) responses. George Street Research was commissioned to

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<sup>1</sup> <http://www.scotland.gov.uk/Publications/2008/04/25131457/0>

<sup>2</sup> <http://www.ruralgateway.org.uk/cgi-bin/item.cgi?id=2256>

analyse these responses, along with the feedback from the other various strands of the consultation process.

30. The consultation revealed a wide range of views on the Government proposals set out in the consultation paper. There was clear majority support for several of the proposals that are now included in the Bill, for instance; the proposals to require local authorities to have regard to certain matters before proceeding to consultation on the closure of a rural school; an educational benefits statement to be produced by the local authority as part of a relevant proposal; the involvement of HMIE in consultations; and abolition of the current referrals system.

31. The issue of what should replace the current referral system, as already indicated, produced the most diverse and polarised set of views, not least because the consultation paper posed an open question on the issue and did not set out a specific proposal or recommendation.

32. A report summarising the responses to the consultations is being published at the same time as the Bill and contains full analysis of the various strands of consultation. It will be available to view on the publications page of the Scottish Government website – <http://www.scotland.gov.uk/Publications/Recent>.

## **ALTERNATIVE APPROACHES**

33. As described throughout this Policy Memorandum the Scottish Government's objective is to establish a new framework for consultation and decision-making that reflects people's expectations today and which sets out more clearly the roles of local authorities and of the parents, pupils and communities consulted. The aim is to put in place a more open, transparent process that is easier to understand; such a framework should encourage and deliver greater consistency of practice. The Scottish Government approached the task of fulfilling such an objective with an open mind.

34. The starting point was to consider carefully the current legislative framework governing how local authorities must handle closure proposals, which is set out in secondary legislation (the 1981 Regulations). This consideration acknowledged that those Regulations have been amended and added to over many years, in some cases in response to very specific events or cases. The result is a patchwork of rules within the Regulations, the oldest of which now date back almost 30 years, which focus in great detail on only some parts of the consultation process. From anecdotal feedback and Scottish Government officials' meetings with key stakeholders it is clear that the general impression of the current legislation is that it is difficult to understand and requires updating. Moreover, the context for consulting on changes to schools has moved on and today's expectations are of a more robust, thorough, fair and open consultation process. The Government therefore concluded that adjusting the current consultation framework would not suffice and that new legislation was required to put in place a more demanding set of requirements to meet these expectations.

35. Of all proposals on which authorities consult, school closure proposals occasion the greatest amount of uncertainty and anxiety locally, often arousing very strong feelings. At present, many parents, pupils and local communities have a less than clear understanding of their role or rights or of how the system actually operates. Parents often say that they have little trust

or confidence in the system and this was borne out by the research commissioned as part of the consultation on the Government's proposals (see paragraph 29). Many have concerns that their voices will not be heard or taken account of, or that their concerns and questions will not be addressed or answered. The current process does not require any explanation to be given of whether or how respondents' views have been considered and taken into account. In view of this, and in endeavouring to devise a new system that fulfils the overarching policy objectives set out at the start of this Memorandum, the Scottish Government concluded that it would stand a far greater chance of success if the task were approached as a whole rather than piecemeal or by tinkering at the edges.

36. Some of the consultation responses suggested that many, even most of the aims and objectives could be achieved without need for legislation, but by way of Ministers issuing further guidance. The Scottish Executive issued extensive guidance in September 2004, entitled "*School Closure Guidance: Additional Guidance On Local Authority Proposals For The School Estate, Including School Closures*", which the Scottish Government reissued in October 2007<sup>3</sup>. Guidance though is only guidance. Although it has resulted in some improvements to consultation practices, Ministers took the view that issuing new or more guidance would not fully achieve the policy objectives set out in this Memorandum, and that new legislation was required.

37. Some of the provisions in the Bill could have been proposed as amendments to the 1981 Regulations, but other significant provisions, such as those dealing with rural school closures and the Ministerial role, could not. Given that primary legislation was therefore going to be required in order to address the full range of the policy objectives, the Scottish Government considered it preferable, in terms of having accessible and transparent legislation, for all of the provisions to be included in a new Bill and to revoke the 1981 Regulations, rather than to amend heavily those Regulations and propose smaller scale primary legislation for the provisions that couldn't be made in Regulations.

38. The Bill as introduced offers similar arrangements to those proposed in the consultation paper. It does however include more specific provision in certain areas, particularly in relation to the Ministerial call-in process. The consultation process proposed in the Bill is as a result of full consideration and analysis of the consultation responses on the issue and extensive discussions with a wide range of stakeholders (with sometimes totally contrasting views). The Scottish Government considers that what is proposed in the Bill strikes the right balance between ensuring that local decisions are made at a local level by those with knowledge of all the immediate circumstances, wishes, concerns and views, and providing a safeguard in the system to ensure that consultations are fairly and rigorously carried out and the various requirements in this Bill are complied with.

39. A further option which the Government considered when preparing its Consultation Paper was the establishment of a "rural schools fund" to subsidise the running or capital costs of a rural school. However, the conclusion reached was that it would be inappropriate to create a fund to which schools or a community could apply directly for a number of reasons. Firstly, this would cut across the way that education is funded and delivered in Scotland and across authorities' statutory responsibilities to maintain school buildings and to provide school

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<sup>3</sup> <http://www.scotland.gov.uk/Topics/Education/Schools/Buildings/guidance>

education. The Government also concluded that creating such a fund would send a wrong signal that the issue of rural schools is principally about funding, whereas in fact there are always more than simply financial factors to be considered.

40. With regard to Ministers' roles in decisions, the Government was aware of a polarity of views even before embarking on its consultation. Concerns expressed over a number of years by those campaigning against certain school closures had made clear that some would like to see all closure decisions referred, or "appealed", to Scottish Ministers. On the other hand, local authorities have to take a wider view. They have statutory obligations related both to the provision of education and to achieving best value across the entire area for which they have responsibility. The local government view is that referring the final decision in every case to Scottish Ministers, or even appealing such decisions in most cases, would usurp authorities' ability to fulfil their statutory obligations. The Government concluded therefore that neither of these polarised positions – that there should be Ministerial involvement in all, or in no cases – could be adopted. A third option of appealing authorities' decisions to some sort of independent panel was suggested by a number of respondents to the consultation. However, in the Government's view, this option would share to a significant degree, many of the disadvantages of referrals or appeals to Ministers. There would also be the question of who would appoint such a panel and how independent they could be or would be perceived to be.

41. Ministers, having considered the policy and other implications of all these options concluded that a "middle way" needed to be found that avoided the significant disadvantages of either of the two polarised positions set out above. They decided that a power enabling them to call in decisions, but only in respect of closure cases and only where there have apparently been failures in the consultation or decision making processes, would provide the reassurance of a safeguard to parents and communities while allowing authorities the final decision on any closure assuming they had fully complied with the new consultation requirements of the Bill. Such a system of call-in would provide a measure of safeguard against such failures in respect of the highest profile decisions – those relating to closure – yet would draw back from involvement in local authority decisions and responsibilities unless authorities are not sufficiently careful to avoid the procedural failures that the Bill establishes as the grounds for calling in a case.

## **EFFECTS ON HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT AND EQUAL OPPORTUNITIES**

### **Human rights**

42. The European Convention on Human Rights Article 2 of Protocol 1 concerns the right to education. It provides that:

*"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."*

43. The UK entered a reservation to Article 2 of the First Protocol to accept it "only so far as it is compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure." The right to education contained in Article 2 of the First

Protocol is a right of access to educational institutions existing at a given time. States are given a wide margin of appreciation in order to determine how education is provided. The Scottish Government is satisfied that nothing proposed in this Bill affects that right. This Bill will provide safeguards so that a decision to close a school may only be made once those affected by the proposal are fully consulted and relevant factors are taken into consideration.

44. The Bill also supports the United Nations Convention on the Rights of the Child. Article 12(1) provides that:

*“State parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”.*

45. The Bill will require, for the first time, that pupils of the schools affected by the prescribed proposals must be consulted depending on their age and maturity. Those proposals and, in particular, the closure of a school would each constitute “a matter affecting the child”.

### **Local government**

46. The Bill will have an impact on local government in terms of the new responsibilities and requirements placed on education authorities. The policy objectives lying behind these are set out in detail throughout this Memorandum and the financial implications in the Financial Memorandum.

### **Equal opportunities**

47. In order to help deliver the principal purpose of creating a more successful Scotland with opportunities for all to flourish, through increased sustainable economic growth, the Scottish Government has five overarching strategic objectives – to make Scotland smarter, safer and stronger, wealthier and fairer, greener, and healthier. These objectives should be the focus of government and public services both nationally and locally.

48. While this Bill has no direct impact on equal opportunities as such, local access to educational opportunities plays an important role in creating a wealthier and fairer Scotland, particularly in remote and rural communities where the range of opportunities and services available locally may already be less than is available in urban areas. Creating a presumption of the type referred to in paragraph 16 in relation to rural schools, is intended to help redress some of that “imbalance” by ensuring that as many rural schools are retained as possible, meaning that those pupils who live in the rural communities affected have a much more equitable level of access to local education that might otherwise have been the case. Equality of availability of educational opportunity “locally” is also vital to encouraging wealth generation and to enabling people to share in the benefits of that. Closure of a local school or nursery in a rural location could potentially have significant adverse implications for the future sustainability of a whole rural community, far beyond the issue of the provision of education. In tightening the regulations governing the way in which all school closure proposals are handled, the intention is to establish a consultation process that is fairer and which is perceived to be so.

## **Island communities**

49. The provisions proposed in the Bill for rural schools are particularly pertinent for island communities where in almost all cases their schools would be included on the Scottish Government maintained list of rural schools. On islands a local school or nursery is often the focal point for community activity and its loss would certainly be likely to have a proportionately greater impact than would be the case in an urban area.

## **Sustainable development**

50. Maintaining rural schools supports the Scottish Government's wider endeavour to minimise environmental impact as a key component of a "greener" agenda. Whereas travel patterns to a local rural school may well involve walking and cycling, travel by vehicle may be unavoidable to a more distant school outwith the local community. A heightened focus by local authorities on assessing all aspects of the environmental and carbon impact of any proposal to close a rural school would be required as a result of this Bill. One of the three factors to which a council must have regard when considering consulting on closing a rural school is "the likely effect caused by any different travelling arrangements that may be required in consequence of the proposal (if implemented)".

51. Maintaining the provision of accessible school and nursery education in some small, rural communities can make a significant contribution to regeneration efforts and to the long-term sustainability of the local community. New families can be attracted to the area, while those already there may be more likely to stay. Conversely, the closure of a rural school can make an area less attractive to the young families who are often the lifeblood of such communities. In recognition of these factors the Bill proposes that one of the other factors to which a council must have regard when considering consulting on closing a rural school is "the likely effect on the local community in consequence of the proposal (if implemented)".



*This document relates to the Schools (Consultation) (Scotland) Bill (SP Bill 23) as introduced in the Scottish Parliament on 2 March 2009*

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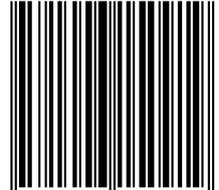
## **POLICY MEMORANDUM**

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Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by RR Donnelley.

ISBN 978-1-4061-5091-9



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