

# **EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE**

Wednesday 13 May 2009

Session 3

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## EDUCATION, LIFELONG LEARNING AND CULTURE COMMITTEE 14<sup>th</sup> Meeting 2009, Session 3

### CONVENER

\*Karen Whitefield (Airdrie and Shotts) (Lab)

### DEPUTY CONVENER

\*Kenneth Gibson (Cunninghame North) (SNP)

### COMMITTEE MEMBERS

\*Claire Baker (Mid Scotland and Fife) (Lab)  
\*Aileen Campbell (South of Scotland) (SNP)  
\*Ken Macintosh (Eastwood) (Lab)  
\*Christina McKelvie (Central Scotland) (SNP)  
\*Elizabeth Smith (Mid Scotland and Fife) (Con)  
\*Margaret Smith (Edinburgh West) (LD)

### COMMITTEE SUBSTITUTES

Ted Brocklebank (Mid Scotland and Fife) (Con)  
Bill Kidd (Glasgow) (SNP)  
Hugh O'Donnell (Central Scotland) (LD)  
Cathy Peattie (Falkirk East) (Lab)

\*attended

### THE FOLLOWING ALSO ATTENDED:

Murdo Fraser (Mid Scotland and Fife) (Con)

### THE FOLLOWING GAVE EVIDENCE:

Donald Gunn MacDonald (Scottish Parent Councils Association)  
Judith Gillespie (Scottish Parent Teacher Council)  
Sandy Longmuir (Scottish Rural Schools Network)  
Nicola Welsh (Association of Scottish Community Councils)

### CLERK TO THE COMMITTEE

Eugene Windsor

### SENIOR ASSISTANT CLERK

Nick Hawthorne

### ASSISTANT CLERK

Emma Berry

### LOCATION

Committee Room 6



## Scottish Parliament

### Education, Lifelong Learning and Culture Committee

*Wednesday 13 May 2009*

[THE CONVENER *opened the meeting at 10:00*]

#### **Schools (Consultation) (Scotland) Bill: Stage 1**

**The Convener (Karen Whitefield):** I open the 14<sup>th</sup> meeting of the Education, Lifelong Learning and Culture Committee in 2009. The first item on our agenda is the Schools (Consultation) (Scotland) Bill. I am pleased that the committee has been joined by Murdo Fraser MSP, who, as I am sure members know, has a long-standing interest in the subject. I remind everyone that mobile phones and BlackBerrys should be switched off for the duration of the meeting.

I am pleased to welcome our panel of guests this morning: Donald Gunn MacDonald, vice-president of the Scottish Parent Councils Association; Sandy Longmuir, chair of the Scottish rural schools network; Nicola Welsh, national development officer with the Association of Scottish Community Councils; and Judith Gillespie, development manager with the Scottish Parent Teacher Council. The committee is grateful to you for submitting written reports in advance of today's meeting on the issues that we will discuss this morning. We understand that the Association of Scottish Community Councils is still consulting on the matter.

We move straight to questions. I will start by asking you about the requirement under the bill for educational benefits statements to be prepared. Do you welcome that move and do you think that there should be statutory guidance on what will be included in statements?

**Judith Gillespie (Scottish Parent Teacher Council):** Thank you for the opportunity to speak to the bill. In general, the proposal is very welcome, and we support putting in place a common process that gives everyone time to review what is on offer and correct any mistakes. We are pleased that it is now proposed that the best practice from authorities will become statutory.

We would like to explore further the issue of educational benefits statements. I heard you asking about statutory guidance during last week's committee meeting. It is interesting that the authority is required to put forward educational benefits for four different groups. We would like to

highlight that those four groups will not necessarily share a common benefit from what is proposed.

The committee heard a lot of evidence last week about the impact on pupils at the affected school, and on the users of the school facilities. The issue of children who might go to that school is not quite so clear cut. A few years ago, North Lanarkshire found that many of its primary schools in Cumbernauld were on one side of the main arterial road, while the population had shifted and now tended to live on the other side of the road. Obviously, the road caused a major barrier for the children in getting from their homes to school. North Lanarkshire went through the process of shutting the schools on one side and redeveloping them on the other side, and it developed joint Catholic and non-denominational campuses. At the time of the proposed closure, there was just as much anger and hostility as there has been recently in Glasgow, but those joint campuses are now generally held up as amazing examples of the way forward. People, including the parents at the schools, are very positive about them. It can be hard to second-guess the interests of people who will come into the system.

The final group whose interests are to be considered are the pupils of other schools in the authority areas. That is where the somewhat controversial costing figures that I put forward come into play. Last week, Murdo Fraser asked whether closure was an issue for secondary schools and he was given the response that it was largely a matter for primary schools. However, there is a knock-on effect for secondary schools in how a local authority is able to use the money that it has.

The rationale for school closures is nearly always population shifts. Those shifts might be within the boundaries of an authority or might be because of people moving to surrounding authorities, as is the case for Edinburgh. Although Edinburgh has lost 25 per cent of its primary school pupil population, there is a massive increase in East Lothian, which is busy building schools to accommodate those pupils, and West Lothian is under the same pressure. The City of Edinburgh Council is funded for the pupils in its schools so, if it loses pupils to other authorities, the funding that it gets is reduced proportionately and it is left with the difficult problem of distributing its education budget across the remaining pupils.

I am happy to talk in detail about the figures and why there is some point to them, but that is the general principle. The interests of the different groups are not identical. It is important that that is recognised and reflected in some way in educational benefits statements so that there is an understanding of how those different interests can be balanced.

**Donald Gunn MacDonald (Scottish Parent Councils Association):** Thank you for inviting us and for all the preparation that has gone into this important bill. I believe that it has cross-party support, which is encouraging.

I could take the opportunity to disagree with some of Judith Gillespie's statements—particularly the one that population shifts are nearly always the cause for school closures—but I will not. The convener's question was specific and I hope that we can focus on it.

The question was about the proposed new educational benefits statement. I thoroughly congratulate those who drafted the bill because it takes educational benefit on board. For once, we will have a system that is transparent and gives confidence to parents who get involved in the process.

The bill is part of a process of greater engagement with parents, users and clients—call them what you will. In particular, the provisions on the educational benefits statement will, over time, improve the track record and assist the development of the partnership between all the user groups and providers—the local authorities, the Scottish Government, Her Majesty's Inspectorate of Education, and parents. The bill should enhance the quality of education for every pupil in Scotland.

I congratulate you on including the requirement for an educational benefits statement, and the transparent rules for that requirement, in the bill. It is encouraging that you are broadening the idea of who is consulted by contacting various user groups of the present, of the future and within the community.

Thank you for giving me the opportunity to congratulate you on that part of the bill.

**The Convener:** You should not be congratulating the committee, I have to say. The bill is a Government bill and the committee's job is to scrutinise it. However, we may yet end up agreeing with the Government.

**Donald Gunn MacDonald:** I encourage you, then, to take that part to heart and I congratulate the drafters of the bill.

**The Convener:** I am sure that the civil servants and Government ministers involved in it will be pleased to learn of your comments.

**Donald Gunn MacDonald:** Am I congratulating civil servants? Tell that to Colin Reeves, ladies and gentlemen.

**Sandy Longmuir (Scottish Rural Schools Network):** I am grateful to be here. From the perspective of representing rural schools, we view

the educational benefits statement as vital to the first part of any proposal to close a school.

Central to the 2004 guidance that was issued by Peter Peacock was the idea that any closure should be for the benefit of the affected schools as well as the wider community. It was based on the premise that the minority should not be disadvantaged to benefit the majority. That was how Peter Peacock put it in 2004, and we would like that premise to be included in the current bill—we use the phrase that we should level up, not level down.

If an area is performing at a particularly high level in education, it should not be sacrificed for the benefit of others. That is especially true in a rural situation such as ours. The amount of money that can be spread around a whole authority area by closing a small rural school is very small.

The reasons that local authorities put forward for closing small rural schools often involve educational disbenefit. Local authorities will have to set down in the educational benefits statement what they view as disbenefit, and back up with information their theory on why the closure will improve the education. They must also say how they will mitigate any negative factors. We view that as a big step forward in the production of proposal papers for school closure.

**Nicola Welsh (Association of Scottish Community Councils):** We entirely agree with that. The educational benefits statement seems to be comprehensive. The terms seem to be a little general, so the guidance could perhaps specify the minimum consideration necessary, or the consultees to whom the local authority would have to speak at a minimum before generating a statement.

I do not know whether I am moving too far ahead, but if local authorities are required to hold a public meeting, it would be preferable if, in addition to the presentation of the proposal paper, there was some sort of independent information or there were some invited guests who would give a balanced view of the proposal, rather than the meeting simply involving the local authority and those on the floor, who do not always get the opportunity to speak.

**The Convener:** We will return to the issue of public meetings a little further on. Judith Gillespie has highlighted the fact that a proposed school closure will impact differently on different people. How confident are you that local authorities will be able to get the balance right in preparing the statement, in order to take account of the different experiences of people and of how losing that community resource will impact on a community, and on children's learning and social experiences? Does anything need to be done to ensure that

everybody has confidence in the preparation of the educational benefits report and statement?

**Judith Gillespie:** I think that what you are saying is important. The educational benefits statement is meant to cover four groups, so it is important for the local authority to recognise that there are different benefits for those groups and to be clear about why it is making a proposal.

Just to clarify, we approach the bill as something that applies generally to all schools and has an additional section for rural schools. In a way, our focus is on the bit that covers all schools, because school closures have been highlighted. It is important that we say that that is our focus. Getting the balance right is hard. The problem comes in interpreting the relative importance of the different benefits.

10:15

HMIE has a very important role in making recommendations. In our submission, we quote the interesting example of the Western Isles Council which, after being urged for a long time by HMIE to do so, proposed a programme of rationalising school provision. The proposal was highly complimented by HMIE, but when it came to be implemented by the council, the inspectorate said that it should not be. The real problem in considering different views is not whether the local authority can state them clearly but whether anyone can judge between them and decide where to strike the balance.

Sandy Longmuir's view is that priority should be given to the school subject to closure and that something good should not be sacrificed for wider interests. At least, I think that that is what he is saying.

**Sandy Longmuir:** It is, to a large extent. In our experience, the resources that are liberated as a result of closure are minuscule as far as the wider authority area is concerned. We very much adhere to the spirit of Peter Peacock's 2004 guidance, which made it very clear that the utmost must be done to level things up.

With regard to resource reallocation in larger urban environments, we heard last week that any benefits that relate to capacity are largely overstated by a number of parties. The class sizes in Edinburgh, for example, are in the top five largest in Scottish local authorities, with an average of more than 25 pupils in primary school classes. With the increase in births and inward migration, the City of Edinburgh Council estimates that, in the next eight years, there will be an additional 5,000 pupils. Schools are already at 72 to 73 per cent capacity, and that extra 5,000 will take capacity over 80 per cent. In its report "Room for Learning: Managing Surplus Capacity in

School Buildings", the Accounts Commission said that just over 80 per cent capacity was all that a local authority could reasonably be expected to achieve. We cannot have 100 per cent capacity in schools in a local authority area, because the situation simply becomes unmanageable. Placement requests, for example, need to be met and in order to manage things, we need spare capacity in schools and in the local authority area—after all, children do not come across in convenient lots of 33 per year. I point again to the Accounts Commission's conclusion that just over 80 per cent capacity is a realistic figure.

We have to examine how Edinburgh can make savings by closing some of its 90-odd schools. Edinburgh's primary school budget is about £112 million, £65 million of which is for teachers' pay, with another chunk for teaching assistants. Edinburgh can save £30 million a year through school closures only by cutting its education budget by 27 per cent, which means reducing teacher numbers. In Glasgow, for example, 27 per cent equates to 400 teachers. The question then is how to reallocate the saving of more than £1,000 per pupil to improve education—but how is the authority going to do that if it has already cut the budget for computers, books and teachers? That kind of argument is put forward all the time, but it simply does not stand up to economic analysis.

**Judith Gillespie:** That slightly misrepresents the situation in Edinburgh. The problem is not that the council wants to cut its education budget but that it wants to reallocate it to ensure that the money is spent on pupils in its schools. I do not think that I am being controversial in saying that East Renfrewshire is a high-performing authority; one of its many benefits is a very low number of unoccupied places, which means that it can spend its money on its youngsters. As you will be aware, local authorities are funded on the basis of the number of pupils in a school, not on empty places. As a result, the funding allocation that local authorities receive from central Government is decreasing in areas where the population is decreasing. It is a serious problem.

The other problem for places such as Edinburgh is that they have experienced considerable population shifts. As a result, schools in some parts of the local authority area are seriously overcrowded while, in other areas, the schools are very much underoccupied. It is like what happened in North Lanarkshire where, in order to meet its pupils' needs, the council had to move schools from one side of an arterial road to the other.

As I said earlier, I think that the proposed process is really good; there is, after all, no proposal for mass closure. The educational benefits statement sets out a number of different perspectives, and it is important to understand

how we prioritise the various interests and to recognise that, as we move forward with what is essentially a very good bill, local authorities need room to make any adjustments that are necessary to meet their population's needs. In authorities that have lost a lot of youngsters, the knock-on effect of the reduced income from central Government is that all schools have had their budgets cut. Nothing should ever be done simply for financial reasons, but we cannot ignore the impact of money when authorities are funded not for pupils going to different schools or for empty places but for the number of pupils actually in their schools.

**Donald Gunn MacDonald:** I feel that we are repeatedly going off and coming back on to the point, and I was pleased when Judith Gillespie came back on to the point and responded directly to your question about the educational benefits statement.

The proposals provide enough time for a local authority's view to be amended and returned to the authority for its reconsideration. It is certainly vital that communities and interest groups have that time. I cannot find the sections in question, but I am sure that they are in the bill.

I want to throw in two off-the-topic points, the first of which concerns East Renfrewshire. I am always amused when it is held up as the jewel in Scotland's crown. After all, it covers a very small geographical area whereas poor old Highland, which is as big as Wales or the nation state of Belgium, faces problems of supersparsity, the dilution of moneys as a result of having to fund school transport and having to deal with a total of 125 schools and 20-odd secondary schools. It is a different ball game.

Dear old Peter Peacock, whom I fondly remember as convener of Highland Council in the good old days when the councils were independent, could not even close schools. There was an agreement among councillors from Wick to Dalwhinnie not to interfere with anyone else's area, so the culture that he came from is completely different from the situation that Judith Gillespie has found in Edinburgh where—

**The Convener:** I can understand why panel members might want to illustrate their points with examples from various local authorities, but I do not want to get into arguments about which local authority is the best and discussing scenarios involving different councils. It would be helpful if the witnesses could stick to the matters in hand and focus on answering the committee's questions.

**Christina McKelvie (Central Scotland) (SNP):** Is the six-week consultation period that is specified in the bill appropriate for an education authority to

consult on the proposed changes to the school estate?

**Judith Gillespie:** It is a good length of time, given that it happens during the school term. After listening to last week's evidence, I agree that a very protracted consultation period, particularly if there is a further six weeks for reflection, will simply generate a huge amount of uncertainty. As long as people are well informed—the bill includes provisions to ensure that they are—and there is a public meeting, those safeguards will mean that the six-week period will be good for decision making.

**Sandy Longmuir:** We were involved in the drafting of that element of the bill. Having been involved in many consultations, I think that the six-week consultation period is perfectly adequate. When we came out of a meeting in which we were negotiating how long the consultation period would be, someone tapped me on the shoulder and said, "Put yourself back to 2004 when you first entered this. Is it enough time?" We have done a lot of work with Consumer Focus Scotland and Children in Scotland. Consumer Focus also asked me whether we would have managed to do what we did then if we had had only six weeks.

I have always looked at the period—and I still largely do—as a 12-week period overall. If everything is added together, there are 12 weeks, which is within the national guidelines. Consumer Focus still wants an initial stage of 12 weeks, and has proposed that, along with the initial educational benefits statement in the proposal paper, parents should be supplied with information on and assistance with how to get to the stage that we are at now. We go in and help communities get up to speed quickly. Last year, Eassie primary school had a 28-day consultation, which was the legal minimum, and we managed things, but if we did not have the necessary experience and had not been through the process before, it would have been impossible in 28 days to assimilate the information that we had at our fingertips.

Consumer Focus and the person who tapped me on the shoulder were right. Six weeks is a very short space of time for somebody whose school has never been threatened and who has never been involved in a consultation before. Consumer Focus is also right to say that if the period is to stay at six weeks, there must be assistance for parent groups at the start of the process. Along with the proposal paper, they should be told who to contact and who will give them information about help to fight a proposal.

We are totally in favour of the period after the consultation. We see the period of waiting for the HMIE report to come out and the three-week period before the vote as crucial. We have been through many consultations, and know that having



the time to get evidence to elected members and to compare one's evidence with the evidence in the consultation report is important. I do not want to use local authority examples again, but the single school example is Eassie primary school from last year. There was a move to vote within seven days of the end of the consultation period. The minimum legal period to consult was 28 days; seven days later, there was a move to vote on what had been proposed. There was no time to do anything. I would like that practice to end.

**Donald Gunn MacDonald:** Judith Gillespie is right. I support the idea that consultations should be within school terms, which is important. Cynics among us would say that documents sometimes arrive at the beginning of school holidays with a 28-day notice for responses. Community councils know that there are 14 days and a monthly cycle for planning permission responses. The committee must note the caveat that it is vital that consultations take place within school terms, and that the timing of consultations within terms is vital. For example, a consultation in late August, which will mature in the middle of October, will give people plenty of time.

There is another point about the length of time for interested parties to get up to speed. The bill is part of a legislative series that includes the Scottish Schools (Parental Involvement) Act 2006. We should consider all that will come out of that. If the parent group has confidence in the education authority and trust is built up, a six-week consultation period will be okay. However, that requires a track record of developing involvement with communities and trust in the local authority. I understand that, basically, local authorities have a three-year fiscal cycle, and that rationalisation of the school estate is on the cards. Perhaps there is no money to renovate 20 schools, but there may be money to build three new schools. If people have confidence and know what they are getting, many difficulties can be removed from the start.

Sandy Longmuir made a good point about schools having briefing papers that provide a back-up parachute, ensuring that they know where to make their voices heard if they get into trouble in consultations.

10:30

My particular hobbyhorse is how we can trust and have confidence in the local authority. The 2006 act established elected parent councils. As the body that represents those councils, we believe that each local authority should be encouraged, through various devices, to create local forums in its area to make the implications of budget decisions more widely known and establish shared responsibility for the budget. For example, the local community would know that the axe had

fallen on Murdo Fraser's wee school because of a development programme for the whole area, not because the school was being picked on. People would have confidence in their local authority when they heard news about closures, rather than raising their arms in surprise, saying, "Our school's being closed in six weeks!"

**Nicola Welsh:** The feedback to the community councils is that a six-week consultation period is probably inadequate. If the caveats to which people round the table have referred were included, I would be tempted to agree that six weeks would be sufficient. However, I suspect that those caveats will not be included. I would be keen, for example, for the public meeting to be held early in the process because that would be the first time that many people would hear counter-arguments to any proposals; thereafter, people would want to find out what support there was to help them to access relevant information. In that regard, it would be good if the bill provided for there to be an officer who would get all the information that people wanted. However, I suspect that that will not appear in the bill, so people will need adequate time to find out information.

**Christina McKelvie:** Thank you for your thoughts on that. On Sandy Longmuir's and Nicola Welsh's point about information, section 6 of the bill requires local authorities to give notice of a proposal and provide relevant information. How should that requirement be delivered? Should it be covered in guidance?

**Sandy Longmuir:** Yes. We probably skipped over the convener's earlier question about statutory guidance on HMIE's role. We believe that the guidance should be extended to cover the proposal paper as well as the educational benefits statement. One of the most heartening aspects of the consultation on the bill was local authorities' responses to the initial proposals—some of the responses astounded me. However, Colin Reeves told me that I should not be astounded, because he had done much work with local authorities. I welcomed their ready acceptance of many of the proposed measures. For example, we have had voluntary guidance on educational issues in Scotland for as long as anyone can remember, but authorities were asked specifically whether they would accept statutory guidance. Of the 27 authorities who responded, 19 said that they wanted statutory guidance not only on HMIE's role but in general. Statutory guidance should be wide ranging and cover the basic proposals, HMIE's statement and the final report.

**Judith Gillespie:** Section 6 is important, and I agree that the public meeting should be held early in the consultation period. Verbal communication is the easiest way for many parents to understand

the issues, and written material starts to make sense when read after a public meeting. If the written material comes first and there is then a long time until an open meeting is held at which questions can be asked, people can misunderstand the issues and become anxious. It is obviously important that notice of proposals should go out early on, but the public meeting should be held early on, too. Statutory guidance on good practice would be helpful in that regard.

**The Convener:** Section 7 requires the local authority to hold a public meeting—the comments about ensuring that such meetings are held early in the process are helpful. The section also places a requirement on the local authority to advise HMIE of the public meeting, but it places no requirement on the inspectorate to attend. Last week, the committee heard from various witnesses that no such requirement was being placed on HMIE because it would mean that, if HMIE representatives were unable to attend a meeting, the meeting would have to be cancelled. However, some witnesses thought that the inspectorate ought to attend. Do the witnesses have a view on that? Does section 7 go far enough? Is it enough to advise HMIE of a public meeting, or should it also be required to be present?

**Donald Gunn MacDonald:** Coming to the question blind, my immediate response is that HMIE representatives ought to attend as observers. I see no value in their being there unless they have had time to make considered judgments, but it would be beneficial to them to hear the discussion, the dialogue and alternatives to the view that is proposed by the local authority. To have HMIE representatives at the meeting officially as observers may be a good thing in itself.

**Sandy Longmuir:** My understanding is that the observer role is exactly the role that HMIE representatives are supposed to play. When officials went through the bill with me just before it was published, the reason that they put to me for not requiring HMIE to attend was the car breakdown reason: if representatives were required to attend a meeting but, for some unavoidable reason, could not attend, the meeting would have to be cancelled and the consultation process would fall apart. It was also put to me that HMIE would make every effort to attend meetings, especially any that appeared to be contentious or which concerned a proposal that was likely to be referred to the Scottish ministers. I would like HMIE representatives to be at every meeting if at all possible, but only as observers and to inform the HMIE report.

**Judith Gillespie:** The presumption should be that HMIE representatives would normally attend, but I would not want any meetings to be cancelled

if, for some reason, they could not be present. It would be helpful if the guidance could clarify that the expectation is that HMIE representatives would attend but that the public meeting would not be nullified if they were unable to.

**Nicola Welsh:** I agree.

**Elizabeth Smith (Mid Scotland and Fife) (Con):** I will expand the discussion on the role of HMIE. We had some interesting comments last week about the importance of HMIE reports. Would the witnesses care to comment about what should be in such reports—that is, not just opinion but the points that relate to educational and other benefits?

**Sandy Longmuir:** I think that HMIE would be reluctant to comment on anything other than educational benefits. I think that it would want to stick strictly to the educational aspects and not get involved in community or financial issues to any large extent because its remit is largely educational.

You will obviously interview HMIE representatives, who are the best people to say how they would approach such reports. However, we can look back at referral cases in the past couple of years. After a case has been reviewed, the HMIE report is published on the Government's website. It appears that HMIE goes into the school; interviews the children, staff members and community members; considers the school's track record and that of the school that the children are to go to; and then comes to a balanced professional view on what level of education the children are receiving and what level of education they are likely to receive.

I do not know whether I am allowed to use a case example again but, in the Western Isles case, the right to close two schools was refused on the basis of HMIE's professional judgment that it could not guarantee that the children's education would be improved by moving them to another school. That has happened in several referral cases. The process is open and transparent and can be challenged by anybody who wants to challenge it because the letters are published immediately they are produced, as are the reasons why HMIE's evidence has been used to refuse the closure of a school. We consider that to be best practice.

The closure proposals in the Western Isles were mothballed, but there is a case in Angus involving the merger of three glen schools—three very rural schools—into one, which the cabinet secretary allowed last year. HMIE reported on the proposal and said that it could see advantages in the three schools coming together. In general, we are encouraged by the way in which HMIE does things.

**Nicola Welsh:** The HMIE report is certainly welcome in that it provides a level of independent scrutiny of the process, but I would have thought that it would also help with the point that Judith Gillespie made about the educational benefits statement and the balancing of the benefits to the various groups of pupils or interested parties. I am thinking of a situation involving the merging of two large primary schools and one small special unit. Who determines the educational benefit to the three groups and assigns some sort of priority to them? HMIE will be able to provide a greater degree of educational scrutiny of the process, whereas I would be tempted to think that the local authority might take more of an economic view.

**Judith Gillespie:** HMIE will focus most on the education that a school provides, because that is very much its role. I understand what was said about the schools in Angus, but HMIE's specific role is to identify good education.

It is important to bear in mind that a lot of good teaching goes on in a lot of good schools. If we had a process whereby we shut down schools in which there was bad teaching—we do not have such a process—we might end up with a rather interesting and very different picture. The bill's real emphasis is on good practice and how we go about implementing it. There is no great rush to shut a huge raft of schools.

However, it is important that the other, complex pressures are understood, even if the priority is to keep a school open because the youngsters who go there get a good education. It is important for people to understand how the various competing claims will be balanced. HMIE's role is more to do with the current provision in the schools concerned, which could well be extremely good. No one is suggesting that the education that they provide is not of good quality. I do not think that anyone would suggest that; we certainly would not.

**Elizabeth Smith:** You say in your submission:

"Recent decisions on school closures would suggest that HMIE will give greatest weighting to the quality of education provided by the teachers in the affected school and not give proper consideration to the greatest imperative on the authority, which is to provide a good education service for all its pupils."

What is the evidence for that?

**Judith Gillespie:** That relates to the conflict that I have identified between the needs of pupils at the school and the wider local authority imperative. It seems to me that HMIE has gone into schools and said that the pupils there are receiving a good education, which is a legitimate role for HMIE to play. My reading of the evidence—although I might have misunderstood it—is that HMIE has been fair in evaluating the education that is

provided in schools. It is extremely important that no one would ever suggest that its judgment is not completely accurate.

**Elizabeth Smith:** I accept that, but are you pointing to other factors that should be taken account of in HMIE reports that would enhance the decision about the provision of good-quality education? If you are, that is quite a major issue.

10:45

**Judith Gillespie:** I hope that you will forgive me for straying slightly into budget cuts, which parents have told us have been a major area of concern throughout this year. People are really hurting as a result of budget cuts.

The Convention of Scottish Local Authorities has found that the balance of budget cuts is not even. The authorities in which the impact of the cuts is greatest are those that have a falling population. Authorities with a rising population do not have the same level of cuts. As I said, authorities are funded for the number of pupils in school, so those with falling populations have to spread their budgets more thinly. We have heard from several authorities about that impact, which is felt most acutely in secondary schools. That is partly because secondary school budgets are the largest, and it is always easier to take money from large budgets rather than small ones, where the money counts for more. Another reason is that the statutory requirements in relation to teachers, class sizes and class contact time in the primary sector mean that there is genuinely not a lot of flexibility in primary school budgets, whereas secondary school budgets have considerably more flexibility.

It might be right to shift the balance in that way, but we are hearing about a lot of pain from budget cuts, particularly in the secondary sector. We are hearing about staffing cuts and reductions in subject choices—it has gone well beyond books and suchlike. I am sure that the committee is aware that Anne Glover, the Government's chief scientific adviser, was heavily critical of the fact that some secondary schools have £1,000 a year to provide science. I am acutely aware of education budget cuts, because we have heard so much about them from people in schools and about how much they hurt. If a council takes 1.5 per cent out of a secondary school budget, as the City of Edinburgh Council has done, that is a large chunk and it really hurts.

**Elizabeth Smith:** As I understand it, there are two issues. The first is a quantitative one about resources. You make a strong point that resources are not as free now as they were previously. However, I am talking about the qualitative analysis in HMIE reports on the education that is

provided. The point that I am driving at is crucial, so I want to pursue it. You suggest that HMIE's qualitative analysis of a school should consider not just what teachers can deliver in the classroom, but the wider perspective of what is on offer for those children as they go about their business in the classroom and outside it. Those are important considerations in examining possible reasons for closure. Are you suggesting that HMIE should have a greater role in flagging up such issues?

**Judith Gillespie:** To clarify, although I spoke about cash reductions, those have a knock-on effect on the quality of education in secondary schools. We are absolutely not talking only about money—the issue is the quality of the education that secondary schools provide. The issue is difficult, and there is a conundrum to do with what we examine and how we evaluate. It is extremely hard to evaluate fully the impact of budget cuts across a raft of schools. HMIE goes into affected schools and examines the quality of education and the provision of resources and things such as extracurricular activities. That is good, but it is a hard job for HMIE to give a perspective on the impact on schools of shifts in population and cuts in overall budget. It is extremely valuable that HMIE examines schools, but I am not certain about how much it can give that wider perspective. That is the dilemma. One advantage of bringing the dilemma to the committee is that significant judgments might be made about it. If people take a conscious decision to support a school that is facing closure, at least we will have a conscious decision that recognises that dilemma. I believe that that is a helpful way forward. I really feel that it is important to highlight that dilemma. I have great respect for HMIE, but I am not sure that HMIE can resolve that dilemma.

**Elizabeth Smith:** I will be keen to hear Mr MacDonald's views in a minute, but let me first put a further question to Judith Gillespie. The logical deduction from what you have just said is that other stakeholders should be involved in the process. Who would those stakeholders be?

**Judith Gillespie:** One problem with any school closure is that many of those who might be affected by the closure are unaware of how it could affect them because they have little understanding of local authority funding. That is not really surprising because the funding is complex. People in the secondary sector are often completely unaware of how their school experience could be tied to other decisions. That is a dilemma. However, when the local authority prepares its educational benefits statement, it will have an awareness of that dilemma and will probably state it.

I am not sure whether HMIE's remit includes having a clear role in scrutinising the part of the

educational benefits statement that details the wider benefits. Such a role might be helpful. HMIE could use its professional expertise to validate or criticise what the local authority claims under the fourth dimension of the educational benefits statement. That might be a helpful way forward that would help to resolve the dilemma. The issue is how the position of that group of people is properly considered within the process, given that the individuals involved might be completely unaware that they are affected—that is often the nature of the way in which parents relate to other parts of the educational service. If HMIE had a clear role in scrutinising and evaluating that part of the education authority's statement, it could then say either, "Yes, the statement stands", or "No, it is flawed in the following ways".

**Donald Gunn MacDonald:** Convener, I was getting frustrated there—I am sorry for making that obvious to Elizabeth Smith—because I felt that the question was not really being answered. I take Judith Gillespie's point about HMIE's ability to assess the educational standards of pupils, but the children's wider social and educational experience also needs to be taken into account. That perhaps ought to be a more visible part of the HMIE report.

I should confess that, for my sins, I am a time-served headteacher who spent 25 years leading a small rural school and who taught for 33 years in a rural authority. Therefore, I know a wee bit about the game and I know about the frustrations that are involved when HMIE comes in. One frustration that I experienced—this was way back, when I got a very good report—was that the inspectors ignored much of the school's good work in extracurricular activities, supporting local voluntary organisations, community groups and everything else. As the identified Highland Council employee with a wee bit of sense who could write a few letters, I provided professional support to various committees and I was involved in all sorts of things in that small community.

I recall that the title of this committee is the Education, Lifelong Learning and Culture Committee. We have spoken about the impact of schools on pupils' educational attainment, but no one so far has spoken about the potential lifelong learning benefits that a school within a small community can provide. That is a complex issue, but I understand that HMIE has a community education inspectorate, although the issue is still slightly compartmentalised.

I suggest—I have jotted down some notes here—that HMIE could not only assess the school's educational standards but evaluate physical space against the potential to deliver the curriculum for excellence. Anyone who has seen some of the pathetic wee schools that I have walked into in my time—I was in teaching since

1972—will realise why there is an absolute need for school closures. I have seen schools that had perhaps four pupils, a pot-bellied stove still in the middle of the floor and floorboards so worn that the teacher tripped on them when they walked through the classroom. That is a fact.

We should take into account the community benefits, the potential of the school building to allow its teachers to deliver the curriculum for excellence and the social benefits to pupils from being in a school in the community. Many of those communities—as Sandy Longmuir will know—have a greater social intermix, in that grannies, uncles, neighbours, white settlers, pupils and teachers all meet together and form a cohesive community. I suggest that all those parts of the picture should be reflected in HMIE reports. I do not know how that would be done—people would need to be more enlightened than they are at present—but such matters should be included within an objective snapshot of the educational benefits to pupils, communities and others.

**The Convener:** Several members want to ask supplementary questions. I ask that supplementaries be kept short and that answers be kept as concise as possible. People should stick to the point. I ask panel members to think carefully about the language that they use in putting forward their point of view. We have just heard a statement that described people in a way that I personally find offensive.

**Margaret Smith (Edinburgh West) (LD):** In response to the comments about HMIE, I can speak as someone who spent time just a few weeks ago being interviewed by a lay inspector about one of my local high schools and its involvement with the community. I think that moves in the right direction are taking place.

I seek a point of clarification on some of what Judith Gillespie said. As a member who has had to deal with the consequences of potential school closures in my constituency, I want to clarify whether she and other panel members accept that HMIE should consider not just the consequences on the school that is under threat of closure and the wider effect on local authority budgets but the impact on neighbouring schools. Often, such schools provide another cohort of interested parents, who come late to the realisation that what is happening up or down the road will have an impact on their local school. In my experience, those parents often end up being the most vociferous people in the process because they do not have access to as much information as others because their school is not immediately affected by the closure. Should HMIE have a role in assessing the impact on the educational experience not only of the pupils in the school that is threatened with closure but of those in the

neighbouring schools that will experience a sudden influx of additional pupils?

**Judith Gillespie:** That is a significant point. For the school that is due to close, merger is often the easiest option because all the youngsters will go to the new school as a cohort and will not be split among different schools; for the receiving school, however, it is easier to accommodate a smaller group of pupils. There is a dilemma as to whether schools should be merged or whether the youngsters in the original school should go to different schools in the neighbourhood. Those are significant points that need to be evaluated carefully. Clearly, the issue depends totally on the other schools nearby.

I agree entirely that such moves and changes have a big impact on the receiving school, too, and that its views and needs have to be assessed. Although I have highlighted changes that parents have welcomed in retrospect, it takes a while to get to a situation in which people welcome closure. If the overriding decision is that a merger or some distribution of youngsters is necessary, it is important that a huge amount of help and support is put in place for all those involved, including the school or schools that will receive pupils. HMIE has a clear role in assessing what the needs of the receiving schools might be. That is a relatively unrecognised but important aspect of any school closure that has to be considered carefully.

11:00

**Sandy Longmuir:** There is no question but that HMIE should look at the receiving school in that situation. In the current referral cases that I mentioned earlier, it has looked at the receiving school.

From a rural perspective, for geographical reasons there is generally only one choice of school for the children to go to. The nearest school might be five miles away and the next nearest might be 10 or 15 miles away. There is no choice about which school to deliver the children to: generally, they just go from one school to the other. Invariably, that means that the receiving school will have larger class sizes, which has an impact on the parents of the children who go there.

In some cases, a very small school can be subsumed within a large school with no appreciable difference in class sizes, but merging a two or three-teacher school into a four or five-teacher school invariably leads to a reduction in staff numbers and an increase in class sizes. The resources are tighter and there is pressure on the playing field and the hall—there might be two sittings for the dining hall, for example. HMIE is right to look at the educational impact of that. We

have read the reports on the referral cases in detail and, as far as we can see, HMIE is making a good job of it.

**Donald Gunn MacDonald:** I agree with Sandy Longmuir that it is all a question of balance. Most cases are unique. The territorial imperative is strong in small communities: people really do not like sharing the goods that they have gathered for their school with other communities. Mechanisms have to be put in place to alleviate that, and such mechanisms should be in place long before a proposed school closure is announced.

In my experience, when there is potential for a school closure, it can be argued that the groups involved—two little schools and a bigger school, for example—should be sharing facilities anyway to alleviate the social problems that very small schools have. I am thinking of Dalwhinnie, Gergask and Newtonmore primary schools. For many years, when I was the head at Newtonmore, we offered experiences and opportunities to the smaller schools. The closure of one smaller school and its introduction into a bigger school, which probably has a falling school roll, could be seen by both sets of parents as an opportunity to provide a better educational and social experience. It is all to do with balance.

In another community, in Alness way back in the 1970s, there would have been a bloody war if there had been a proposal to put my Coulhill primary school children into Bridgend primary school, because one was an old town school and the other was a new school and there were terrific fireworks between the two.

**Ken Macintosh (Eastwood) (Lab):** I have a brief point for Sandy Longmuir. One of the most interesting and persuasive pieces of evidence was on the educational benefits of rural schools—the case that you have made—but I am not sure whether HMIE and other educationists fully accept the argument. Ultimately, if they do, there is a presumption underpinning every single attempted closure of a rural school that rural schools are educationally beneficial—more beneficial than other schools.

**Sandy Longmuir:** On balance that is correct, although that is not to say that there are no poorly performing rural schools; nobody will deny that there are some with bad HMIE reports.

Back in 2005, when the Scottish rural schools network first got going on a national scale, it was almost possible to identify the schools that were threatened with closure by their excellent HMIE reports. I could list them. In Moray, schools such as Inveravon primary school and Craigellachie primary school—schools with some of the best HMIE reports that had ever been received—were put up for closure. Down in Angus, it was Eassie

and Arbirlot primary schools. Eassie had probably the best HMIE report ever given at the time, although it has been superseded since by the new system. It received that report while it was in closure consultation.

I can go on. Channelkirk primary school in Oxtoun in the Scottish Borders had attainment figures of 100 per cent in reading, writing and arithmetic for several years. It was the best-performing and attaining school in the Scottish Borders but, although that was known at the time, it went into a closure consultation. Roy Bridge primary school in the Highlands faced a similar situation. Admittedly, its HMIE report came after the consultation, but it was a very good report for a school that had been threatened with closure for several years.

We have done an analysis of HMIE inspections. We come up against small schools that perform badly but, if we look at HMIE reports in the round, there is no question of there being any problem with small schools. One problem with analysing HMIE's work is that the inspectorate has a policy of comparing schools with others in their area—understandably, it evaluates schools in inner-city Glasgow against others in inner-city Glasgow—which means that it is difficult to make a national comparison with attainment in a small rural school. However, we have produced figures on how children who come out of such schools do. I am not trying to say by any means that every single such school attains at the level that I have described but, overall, they do better than others.

A point was made about Dalwhinnie primary school. The bill was launched there, and I was invited to that launch. The school has seven pupils, who are all gamekeepers' children. They are by no means from socially advantaged backgrounds but they are the most intelligent, articulate and confident pupils. Highland Council is to be congratulated on the standard of work on the wall and the display that was put on that day. The children were in front of television cameras and were totally natural and relaxed. If there was any social or educational problem in that school, it would have been shown up that day, but the pupils are exceptional and to be congratulated on how they conducted themselves that day.

The other side of the coin is an interesting story. Moray Council went to a stage 2 review on several schools that it proposed to close. It used 60 per cent capacity as the reason to propose closing a number of schools. Tomintoul primary school—a rural school—was one of them and, while it was in the closure consultation, it received the worst HMIE report on record. Moray Council's reaction was to remove the school from the closure consultation because it could not possibly close it when it was that bad.

That shows how perverse the situation is: Inveravon remained in the closure consultation, despite receiving one of the best HMIE reports ever in Moray Council, while the school that received the worst HMIE report ever was removed from it. I hope that that answers your point.

**Donald Gunn MacDonald:** The size of a school makes a difference to its potential to provide a breadth of curriculum and educational experience. I will be personal: my three children went through a school with about 70 pupils, and their cousins went through a school in Nairn with about 700 pupils. My sister-in-law constantly asked me, "Why are my neices always in the festival? Why are they always in the school team and starring in the drama production?" The reason was that, in small schools of about 70, it is possible to do things that all schools can do no matter what their size but very small schools cannot do on their own.

The rolls of small schools fluctuate. Dalwhinnie, by the way, is going down to four pupils, with the potential of two of them going to Newtonmore primary school. The challenge for very small schools is to co-operate and get involved with groups of similarly sized schools or the bigger schools in the area to ensure that all pupils in Scotland share a common breadth of educational and social experience.

**Claire Baker (Mid Scotland and Fife) (Lab):** I have a couple of questions about the proposals for dealing with corrections in a consultation. Last week the bill team clarified that, although there may still be dispute about factual inaccuracies, everything will be published in the final report, so it will be transparent if there has been dispute about some of the information. Do you think that the proposed provision is suitable and will achieve its aims? Are you satisfied that it is the appropriate way of addressing factual inaccuracies?

**Sandy Longmuir:** We are largely responsible for the inclusion of the provision in the bill. It is based on experience, as we are called in when there are problems. We are a bit like policemen—we see the negative side of life. There are local authorities that operate best practice—the responses to the consultation show how well some local authorities view their small rural schools—but that is by no means the case across the board. In a number of consultations, the information that has been provided has been dubious, to say the least, or downright inaccurate. In some cases, it has been easy to prove the inaccuracy of the documentation.

In one case—I will not mention names—a financial justification was given for the closure of a school, but in the spreadsheet analysis the totals at the bottom were all wrong. It took us the best part of a year to get the council to admit that it had totalled up the columns incorrectly. In the same

case, the council applied loan charges to refurbishing the existing school but not to building an extra classroom at the receiving school to accommodate the extra children who were to go there. It suggested that, all in all, it would save £500,000 by closing the school but, once the errors in the document had been corrected, it was clear that closing the school would cost the council money. We had incredible difficulty getting the council to admit that its figures were wrong. Eventually it produced a report in which it admitted that it had made £2 million-worth of errors in the original consultation document—without taking into account the grant-aided expenditure funding that was touched on briefly last week, which meant that millions would be lost to the authority over a period of years.

We have encountered such cases in many local authority areas in Scotland. Roll projections are more of a grey area because they are open to interpretation, although they are not open to interpretation to the same extent when they are based on births. How can a council argue that a school roll will fall continually when the number of births in the area concerned has increased by 20 per cent in the past five years? In a case in which we are involved at the moment, the local authority is defending its position vehemently and insisting that its figures are right, although anyone can get information from the Scottish neighbourhood statistics website that indicates that the number of births in the town in question has increased by 20 per cent. The council is forecasting a fall of 10 or 12 per cent in the school roll over five years, by which time those children will be entering school.

That is the background to the mechanism for challenge. We were able to present case study after case study that showed what has happened. We begged that such a mechanism be included, and I think that it will go a long way towards doing the job. There are a couple of slight nuances that Mervyn Benford mentioned last week. The case of a council doing nothing is covered by a later section, which requires authorities, when they produce their finalised reports, to list the challenges that have been made to the accuracy of their information, to say what they have done about them and to indicate why they think that the challenges were wrong. In every instance, they must provide justification for their rejection of a challenge. That will go a long way towards doing the job.

**Claire Baker:** Last week I raised concerns about who judges the disputed information. Is it enough for everything to be included in the local authority's consultation report, even if agreement has not been reached? Is that a sufficient safeguard?

**Sandy Longmuir:** If there were not a referral or call-in process to provide the option of subsequent challenge, it certainly would not be enough. Any member of the school or community may request that the cabinet secretary calls in a proposal on the basis that flawed information has been provided. However, the process will probably be self-policing and never get to that stage, because the local authority will ensure that the numbers are right and that any challenge can be met. If everything works out properly, the call-in option will probably never be used.

11:15

**Donald Gunn MacDonald:** If what Sandy Longmuir said is correct, I thank him for answering my question about that situation. I understood from my reading of the bill that the call-in would be enabled only if there were demonstrated procedural error. However, if there can be a call-in because of flawed information, my question is redundant—it was about corrections not being made and whether, if the representative groups and the local authority failed to agree, the local authority view would prevail or an independent arbiter would make a judgment.

**Claire Baker:** My final question relates to the earlier discussion on the six-week consultation period and parents' ability to gather data to present an alternative position. Some parents will never have been involved in such a situation before. The Scottish rural schools network said that it tends to go into areas to offer support, but Sandy Longmuir will not do his job forever.

**Sandy Longmuir:** I hope not.

**Claire Baker:** There seems to be a lot of reliance on a small group of people's expertise and knowledge, but what happens when they are not around to provide that support? How can the bill ensure firmly that parents can access the information that they need to challenge proposals?

**Sandy Longmuir:** Parents should be given enough information about places to contact in the initial consultation proposal paper. Claire Baker referred to our network offering support, but we never barge in where we are not asked—for example, Murdo Fraser has referred a couple of cases to us.

**Claire Baker:** I meant that you go in with a rescue approach rather than an aggressive one.

**Sandy Longmuir:** We are unfunded and do that work out of our own pockets, which can be hard on some of us. For example, Roy Bridge to Arbroath is a fair distance and we might travel it 15 to 20 times, taking time off work to do so.

Consumer Focus Scotland said in its written evidence that communities should get financial

assistance—not us, because we are not asking for money—to help them prepare their case during the six-week period.

**Donald Gunn MacDonald:** If development programmes had a better track record, parent councils were established for every school and every local authority area had parent forums, with a healthy relationship between them and the local authority, the fears and disputes might disappear. In addition, a national body that represented the parent forums would provide the system with expertise and knowledge. I hope that we will hear more about that on 13 June. The bill is the first of a number of bills that will help establish relationships of trust, confidence and transparency, which may help the situation generally.

**The Convener:** Judith Gillespie said earlier that she would have to leave at 11.20. I thank her for her time.

**Aileen Campbell (South of Scotland) (SNP):** Sandy Longmuir referred earlier to section 11 of the bill, which provides for a minimum three-week period between publication of the consultation report and a decision being made. The bill team outlined the reasons for that at last week's meeting, while the SRSN submission noted the potential for closures without much consultation. I am keen to know a wee bit more about what the witnesses think about the three-week period and what it would allow them to do. Are you content that that would give sufficient time to present further reflections to the local authority?

**Sandy Longmuir:** We would probably have preferred four weeks, but we are down to arguing about one more week. We see the provision as vital—it is as important as any extension to the initial consultation period. The council's final report must include the HMIE report and a rebuttal of any allegations of factual inaccuracies. The provision in section 11 gives the community and people like us who can help, if we are asked, three weeks in which to assimilate and understand the council's position and to do any further financial or educational analysis that is needed to reinforce our case. It is essential—and part of their duties—that local elected members should make themselves available to representation in that period, so that points can be made beyond the report.

I gave the example of a case in which there was a 28-day consultation period and the vote was held less than a week after the end of that. We were ready for it—I hate to use the phrase—but we did not know that it would come that day. When we go into a consultation now, we know where to look for evidence and how to do the financial analysis that is required—there is a calculator for GAE on the website—but the three-



week period is irreplaceable. We need time to get to the elected members.

**Nicola Welsh:** I agree. We definitely need three weeks, if not four. Many people are not as experienced as Sandy Longmuir, so the original six-week timescale could be a struggle for them. The three-week period is essential. By the time that people have got through the first part of the consultation, they will, we hope, have learned enough to be able to respond within three weeks. To a great extent, they will be prepared for what they get.

**Aileen Campbell:** Last week the bill team said that the onus will be on councils to ensure that everyone knows that their reports have been published. Do you want councils to do anything further to ensure that everyone is aware that their reports have been published and are accessible?

**Sandy Longmuir:** It should be sent to key stakeholders as a matter of course. Anyone who responds to a consultation in writing should get a copy of the consultation report. Obviously, that will include the parent council, but it will also include many parents. If someone has taken the time to formulate a written response to a consultation, they deserve to see the report and how their evidence has been included and treated in it. The onus should be on councils to send the report to anyone who has shown an interest in the consultation during the normal consultation period.

**Donald Gunn MacDonald:** Throughout the documentation so far, the generous opinion has been held that local authorities are absolutely honest and do not have their own agendas. I am scared about making personal comments, but I can imagine situations in which local authorities have their own agendas, go through procedures and forget to send a report to the odd person.

This discussion has led me to realise just how important voluntary organisations such as the Scottish Parent Teacher Council, SPCA—which is going into liquidation because it has no more money—the Scottish rural schools network and the Govan Law Centre still are on the Scottish scene. Should we go through this world of ours expecting more and more from government and from organisations supported and paid for by government, or should we be generous in supporting voluntary organisations with a bit of cash to facilitate their work?

Sandy Longmuir and I are volunteers. I went to Morar for about five weeks and got involved in all sorts of problems between a Gaelic-speaking group and an English-speaking group concerning a dilapidated school that was built before 1872, so I know exactly what is being said. I want to make two points: first, our voluntary organisations are very effective at addressing problems; and,

secondly, they rely on volunteers. We must not have an excessively rose-tinted view of the motives of some local authorities when they go about their work.

**Aileen Campbell:** I have a question for Nicola Welsh. What do community councils do at the moment to make members of the wider community aware of the potential impact of a school closure? What role do you see community councils playing if the bill is passed?

**Nicola Welsh:** That issue is one reason why I would like the consultation period to be longer than six weeks. Generally, community councils meet monthly, so depending on when the proposal comes out in that cycle, it might be at the wrong time of the month. Community councils are not averse to holding special meetings, but even a two-hour evening meeting will not be enough to address a serious proposal. A community council would normally try to get information, perhaps by approaching the likes of Sandy Longmuir or Donald Gunn MacDonald, and then hold a public meeting, independent of the local authority public meeting. Community council meetings are public meetings, but there would tend to be a special meeting on such issues.

**Donald Gunn MacDonald:** I am a community councillor and, two nights ago, I attended Newtonmore community council. When we got to correspondence and consultations, it was half past 10 at night and we had a large pile of documents, which we simply noted. There is increasing pressure on community councils to deal with business.

**Nicola Welsh:** Community councils can announce special meetings, which might involve just an interest group. However, school closure proposals would probably require a full community council meeting with the public invited. That would be an opportunity for the community council to gather more information and to present it to the public.

**Aileen Campbell:** I presume that that is how you will continue when the bill is passed.

As I represent the South of Scotland, I am aware that some community councils are stronger than others. What does your association do to strengthen the arm of community councils that face school closures? How do you help such community councils to get the word out to people in the wider community that they face losing the school and the facilities that they use?

**Nicola Welsh:** The association would not be involved directly with getting information to the wider community in a community council area. If a community council had difficulties and contacted the association, we would provide support and advice on whom to contact. On a more general

level, we are establishing various forms of training to try to strengthen community councils throughout Scotland.

**Aileen Campbell:** Mr MacDonald made a plea to small schools to work together. In my experience, one and two-teacher schools from throughout the local authority area came together for sporting and music events and trips. Is such co-operation driven by individual headteachers and particular local authorities?

**Donald Gunn MacDonald:** Yes.

**Aileen Campbell:** Would greater co-operation reduce the likelihood of potential closure?

**Donald Gunn MacDonald:** When I was a headteacher, I pooled out-of-school funding for various small schools to give residential experiences for children from our little group of schools. We would take, say, 21 children who were going to primary 7 and provide them experience of one another and the social residential experience. Incidentally, I say to Sandy Longmuir that the children from the smaller schools had more difficulty integrating in the residential experience because they were away from home and were sometimes not so experienced in that. We then called in the out-of-school funding budget. Highland Council let me use part of it to take every small Gaelic-medium group of primary 5, 6 and 7 children in the council area to do the same thing. Rather than just children from our immediate territory, we took small groups of children in Gaelic-medium classes, who were isolated by geography and language, and put them together to enhance their social experience.

Schools are doing such things, but it is often led by individuals. In my experience, it has required a little extra funding. It also took the good will of parents and headteachers, for example, to travel the 22 miles to Kinlochlaggan to pick up one shinty player who was the best centre forward I ever had.

**Sandy Longmuir:** We started the network because two, three and four-teacher schools were under threat. At that time, several of our members said that if their schools became one-teacher schools, they would allow them to close because they thought that the children would not get the social experience. Evidence on the issue is patchy—no research has been done and no psychometric studies or psychological analyses have been carried out in small schools in Scotland.

11:30

However, there is a large body of evidence on home schooling, which is comparable with very small school groups. My perception of home

schooling came from television programmes about children who go to university when they are 14 and become top professors—I was not sure that I wanted my child to be like that. However, contrary to that perception, there is evidence from massive award-winning studies that have been replicated that children who are educated in vertical peer groups and small peer groups do not suffer social disadvantage.

I will run through a list of people who might have been disadvantaged by their attendance at small schools: Jamie McGrigor went to a very small school; Tavish Scott went to Bressay primary school in Shetland; Liam McArthur went to school on Sanday, in Orkney; Jim Hume went to Yarrow primary school in the Scottish Borders; John Farquhar Munro spent his schooldays in Glenshiel—the school is now Loch Duich primary school and has 20 pupils; and Jack McConnell went to Lamlash primary school on the isle of Arran, which currently has 63 pupils. We must not forget Aileen Campbell, who went to Collace primary school. An HMIE report on the school—the inspection must have taken place just after she left—concluded that

“Pupils’ personal and social development was very well extended through their classroom experiences and by a wide range of extra-curricular activities. They had very good opportunities to develop self-confidence and to co-operate with one another and with adults.”

Do you agree with that, Aileen?

**Aileen Campbell:** Yes, I do.

**Donald Gunn MacDonald:** What was the size of your school?

**The Convener:** I remind people that this is a parliamentary committee. It is the responsibility of committee members to question the panel, not the other way round. Time is getting on, so can we get back to the substance of the discussion?

**Donald Gunn MacDonald:** May I interrupt, convener, to ask for a point of information?

**The Convener:** No, Mr MacDonald, it is not appropriate for you to speak at this point. Mr Longmuir, will you finish making the point that you were attempting to make?

**Sandy Longmuir:** I will be brief, and I am sorry about the slight distraction. I was talking about the lack of psychometric analysis and I wanted to make the point that the people whom I named have chosen probably the most social employment that there is in Scotland. Standing for election is the biggest popularity contest and elected members must represent a huge number of constituents. Statistically, we would expect about four or five people from very small schools to be in Parliament, and if people were socially disadvantaged by their attendance at such schools

we would expect to find just one or no members, rather than double the expected number.

That is a small-scale example and an awful lot more research is required, but my serious point is that the evidence from research on home schooling and from environments such as the Parliament is that no social disadvantage follows people through to later life.

**Kenneth Gibson (Cunninghame North) (SNP):**

I noted the comment about local authorities having their own agendas. I do not always agree with local authorities but I think that they are committed to delivering the best possible education, as is everyone else. Authorities' motives should not be impugned, even if we do not agree with their approach.

Much has been said about rural schools—that is a difficulty for a member who does not speak until late in a meeting. Section 12 of the bill will require an education authority to “have special regard” to three factors in relation to a proposal to close a rural school. Authorities will be required to consider:

“(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).”

The Moray forum argued that community issues are also highly relevant to urban schools. However, the bill team told the committee that the loss of a school in a rural area could have a “greater impact”, as the community would be likely to have fewer other available services and pupils would need to travel further for their education. SPTC said in its submission that it is

“concerned that the legislation seems to make community viability a priority over good educational provision for children.”

It is unfortunate that the witness from SPTC had to leave early. What do the other witnesses think about the factors to which education authorities must have special regard when a school closure is being considered?

**Sandy Longmuir:** We—as the interest group that we are—see that as vital. The bill provides that three factors must be considered when there is a proposal to close a rural school, which almost copies the situation as it has been in England since 1998—statutory guidance there on rural school closures is made up of those three points, which include community impact. When we first raised our petition, we never said that no school should close and we made it a priority that children's education be placed above any community factor. If the education in a school is

disadvantaging the children, the community aspect is secondary.

As, I hope, we have established—and as it says in the Scottish Parliament information centre briefing that I have—education that is provided by rural schools is generally up there. The committee heard evidence to that effect last week. The second factor of which cognisance must be taken is that such schools are very important to their local communities. Again, the procedure that is set out in the bill goes a long way towards acknowledging that. As I think I said in our submission, we have great sympathy for urban communities and do not wish to diminish the community impact of a school closure in an urban area. If you applied the three criteria to all schools, rural schools would separate themselves out anyway because of certain criteria such as the distance to travel to the next school. In many rural areas, the school is the only community-funded resource left within a fair geographical area. Such schools become even more important to their communities than do schools in urban areas.

Another factor is finance, which settles itself out. In most urban situations, there is no requirement to provide the extra cost of transport if, as in one case that I can think of, two schools are only 600m apart. In most urban environments, schools do not meet the distance criterion that means local authorities have to pay for additional transport. We have case studies from numerous councils in which the additional cost of transport incurred when closing a school is substantial. Yet another factor is grant aided expenditure funding, which applies to rural schools that have fewer than 70 pupils, but not to urban schools. If all the criteria were to be applied to all schools, the rural schools situation would separate itself out in any case, although we agree that urban schools can be important in their communities.

**Kenneth Gibson:** Before other panellists speak, I ask whether schools are essential to the viability of communities. A school closure was proposed in my constituency: one of the arguments against it was that one family had come from as far away as Oxford to attend because the grandparents had gone to the threatened school and the school attracts young families to the area. What is your view on that?

**Sandy Longmuir:** The phrase “the Moray magnet” was used during the proposed 21 school closures in Moray in 2005. Those small schools in beautiful settings were receiving fantastic HMIE reports and attracting people from all over—I spoke to people from Australia who had come to settle in Moray.

There is no question that small rural schools are important to the viability of a large number of rural communities. They are important both in attracting

people and maintaining a village atmosphere. Such schools often use the village hall as a gymnasium, for sports and even for dining and that is said to be a bad thing. It is far from it—in the rural environment, it is the best of things. The local authority funds the village hall for the time that it uses it as a gymnasium, for meals or for pantomimes, so such usage is critical to keeping the hall going. The local authority does not then have to fund the building of a new 100m<sup>2</sup> gymnasium because it can use an existing building at very little cost at the same time as maintaining the viability of the village. Far from being a bad thing, the symbiosis of the school and hall in the village enhances the environment for everybody.

**Donald Gunn MacDonald:** Convener, is it all right if I comment?

**The Convener:** Yes.

**Donald Gunn MacDonald:** Thank you. The viable alternative in a rural situation could often be the use of existing facilities, such as the village hall, but it is often up to headteachers to pull down money from budgets they do not have. I ask people to consider flexible alternatives to closure throughout Scotland as part of the presumption against rural school closure, in order to provide the facilities for the curriculum for excellence. The use of village halls and other community facilities is one such alternative.

We should be aware that we are probably using outdated statistics on transport and travel—I have noticed a reference to the five-mile rule. I live in an area in which complying with the five-mile rule would have been impossible. Historically, travelling to a school that was 12 miles away from my school was almost impossible for three months of the year because of bad weather, bad roads and the travel time. Nowadays, a good school bus could cover those 12 miles safely in 15 minutes. Climate change means a decrease in snow and ice in rural areas, so travel rules can be slightly relaxed, given better buses and accommodation.

I say to Sandy Longmuir that a famous study by a friend of mine in Norway—Professor Karl Jan Solstad—examined the effect of travel on schoolchildren. The research was conducted in 1972 or 1973 and it concerned the effect on children of travelling distances to school. I have a copy of that and I am happy to give it to anybody.

As for the effect on the community, when a school closes, a local authority all too often sells it and its grounds to generate money. When I was a youth club leader for many years, I used the school facilities in whichever community I was in for youth clubs. I do not know whether the cabinet secretary has built into her figures the fact that if a school is closed but the community facility is kept

open, the local authority will have a continuing cost.

**Kenneth Gibson:** When Mervyn Benford from the National Association for Small Schools gave evidence last week, he said:

“Many of the arguments in proposals to close small schools are to do with the small peer groups. That is somebody’s opinion—no evidence has ever been produced to show that children in small peer groups do less well ... we find that small school pupils in mixed age and ability groups, with few specialist teachers, in old buildings and with small peer groups are at the top of national performance figures ... We have a model that goes beyond education budgets, because the cost of educational failure impinges on health budgets, social services budgets, police budgets and so on.”—[*Official Report, Education, Lifelong Learning and Culture Committee*, 6 May 2009; c 2324, 2310.]

The SPTC’s representative is no longer here, but the SPTC’s submission talks about schools that

“often have a very limited mix of children and do not provide pupils with the range of peers/potential friends/role models that it would be reasonable to expect in a town”,

almost as an argument for having larger schools and for having fewer smaller schools. What is your view on that? Are you aware of evidence that suggests that smaller schools—whether urban or rural—are detrimental to children’s education and overall development?

**Sandy Longmuir:** I have probably partly answered the question. We look all the time for evidence across the board that argues against the case that we make for rural schools, because we would hate to disadvantage children. The priority is always the children. We have looked everywhere for such research evidence, but we have not found it. We have no doubt that some children do not fit into a small-school environment and have a nervous disposition, but if that is compared with social failure on a huge scale elsewhere and if we look in the round at whether a significant portion of children are disadvantaged by attending small schools, all the evidence from home-schooling studies and so on points to the fact that such children are not disadvantaged and that they turn out to be decent individuals.

Mervyn Benford referred to studies in America, such as the student teacher achievement ratio project—the STAR project—which costed the benefit of splitting up schools and followed how children developed. It dealt with the saving in tax dollars through a reduction in vandalism, crime and so on. That was followed through extensively and it was found that keeping smaller schools had a cost benefit.

You referred last week to the best study that we have found, which is from France—it probably could have been done only there. One set of

cantons pursued the policy that you suggested—going for larger single-stream schools—while another set of cantons kept vertically integrated multi-age classes. The children involved were followed through school and to university, and it was found that those who had been to smaller schools paid more tax, obtained better jobs and were not educationally disadvantaged. The study also showed that transport to larger schools cost more.

11:45

**Donald Gunn MacDonald:** This is terribly complex. In comparing groups for educational achievement, matched groups must be used, or the comparisons have to be like for like. I am not being disrespectful, but large urban schools in certain parts of the country have a considerable weight of social problems to come to terms with: those social problems, rather than the quality of teaching or the intelligence of the catchment group, affect the performance of the pupils.

Home-study pupils are a very different group. The unusual results and high quality of performance that come through in longitudinal studies of home-study pupils do not reveal that there is anything better about the child, but probably show what we have identified as quality parenting and a mature and beneficial environment for learning.

I am worried about our definition of small, which is why I asked Ms Campbell what size her school was. I maintain that the best size for a school is 60 to 80 pupils, which gets the social mix going and allows the range and raft of educational opportunities, which build up quality educational attainment. What is small? I am sorry to say to Sandy Longmuir that I have found that children from very small primary schools, with two to six pupils, need the support of a larger number of children to get involved in games, choral verse and all the other things that are beneficial to our children. That is personal experience: I have done no empirical study. My view is based on 33 years of primary school teaching—three as a teacher, five as an assistant head of a large school with 650 pupils, and 25 years spent in a lovely environment in Newtonmore, where the school roll varied from 70 to 105 in my days there.

I am aware of the money magnet, which in other places is disrespectfully called the Volvo syndrome. People of a particular class, who tend to buy such estate cars, are keen to have their children mixed together. Mummy does not work, but daddy is working—they are a nice nuclear family—and they tend to pick certain schools, congregate there and even move to the catchment area. I hope that the Australian child to whom Sandy Longmuir referred is not travelling daily—

that was my only fear. I hope that that was helpful, convener.

**The Convener:** It would also be helpful if we could stick to the point, because a number of members want to ask questions.

**Kenneth Gibson:** There are some islands where there is no real alternative to having a school with perhaps only half a dozen pupils; the alternative would be to ship them to the mainland or other islands, which would be a concern.

A point was made earlier about the money that might be saved from the closure of a school. That looks at the impact in a two-dimensional way because it looks just at the education budgets, and not at the impact on the community or the long-term development of the children. Do any of the witnesses believe that the money saved would have a marginal impact at best? A school with 17 pupils in my constituency might be closed with no savings in the first two years but a saving of perhaps £50,000 a year thereafter. Does anyone believe that such a sum, when distributed around local authorities with thousands of pupils, would have any impact whatever on the receiving communities?

The SPTC submission states:

“it is important that local authorities can adjust their school provision to meet the changing needs of parents and pupils in their area and to release much needed money back into their schools”—

which would otherwise

“suffer cuts in service as a consequence.”

Do you accept the other point that is made in the SPTC submission, that

“change is quickly accepted and new parents coming into the school often wonder what the fuss was about”?

**Sandy Longmuir:** I am not good at multitasking.

In the context of the discussion about finance I will talk about Cabrach primary school—I expected someone to mention that case, but no one has. Cabrach is a very small school, which was up for closure two years ago but was retained, on advice from the Cabinet Secretary for Education and Lifelong Learning.

We had recommended mothballing the school, because we could not envisage how the community could regenerate in the area. My view is that not all schools should be saved—one of the network’s founding criteria was that we would not go out on a limb and defend every school. Kenneth Gibson’s point about island communities is 100 per cent correct: there will continue to be schools in such remote places.

We conducted a financial analysis, in which we considered how much benefit there would be if Cabrach primary school closed. Moray Council is

small, and we found that the closure of Cabrach would increase the budget for every other child in the area by less than £10 per annum. Cabrach had only two pupils at the time, but to our surprise its roll has increased, so closure would have even less impact now.

We also showed that even without the GAE impact there would be no financial benefit whatever to closing Roybridge primary school. We have not studied the situation in Glasgow, because that is not our remit, but we suspect that if we were to conduct a similar financial analysis of proposed school closures in urban areas we would find that the savings would not be as great as is claimed, given the evidence on capacity that the committee heard from Neil Kay at last week's meeting.

We have done financial case studies for numerous schools throughout Scotland. For example, we convinced elected members of Scottish Borders Council that it would cost the council money to close Channelkirk primary school in Oton. The school had a roll of 53 at the time, but is now bursting at the seams.

The birth rate in Scotland has increased by 18 per cent since 2002 and there is evidence that a large number of people want their children to be educated in rural areas—I do not know whether they are the Volvo brigade. That has an impact on finance and capacity issues.

**Donald Gunn MacDonald:** I want to hammer home Sandy Longmuir's point about the presumption against closure, although I agree with him that sometimes a school deserves to be closed, for educational and other reasons.

I recommend to the committee that greater emphasis be placed on the ability of very small schools to use modern technology to communicate with peer groups in other places. For example, Canna primary school has two pupils. Webcam links would allow those children to interact with their peers and other teachers, to the enrichment of the curriculum. There are opportunities for small island schools, if they can be encouraged to take advantage of modern technology.

We must bear in mind that we need schools that are fit for purpose in the 21<sup>st</sup> century. We need schools that allow access, so that handicapped pupils do not need to use stairs, for example. Some of our built school estate is not fit for purpose and there must be rationalisation. I presume that that is what is happening in Glasgow. Better communication between parent groups, parent councils and local authorities would take much of the angst out of the situation.

**Kenneth Gibson:** No one has responded to the SPTC's comment that

"change is quickly accepted and new parents coming into the school often wonder what the fuss was about."

Is that the case? Is a school closure quickly forgotten about when children start at their new school, or does the issue hang over and cause difficulties for years?

**Sandy Longmuir:** Last year, Consumer Focus Scotland—it used to be the Scottish Consumer Council—analysed consultation practices. We talked at length to a researcher who had carried out case-study interviews in communities in which schools had closed three or four years previously, in the Midlothian Council and Fife Council areas. Her comment following those interviews was that people were still grieving for their schools.

Recently, there have been newspaper reports—including in *The Times*, I think—on Hutton primary, which was closed in early 2005, in which people talked of their sense of loss and about there being no children's voices in the village any more. They still remembered the community as it had been.

The point is valid that incomers to an environment such as that would accept it as it was and move on with their lives. If someone does not know that something existed, and they have no experience of it, how can they miss it? However, the point that their lives may have benefited from and been enriched by having a school in the village is also valid.

**Donald Gunn MacDonald:** The effect may be hidden, yet it can prevent community development, including achieving the critical mass that rural communities need to be viable. If there is no school in a village, young families will not move there. Instead, there may be an increase in holiday homes, and we all know about that.

I remember the Beeching cuts—my goodness, I do. For those who are younger than I am, I am referring to cuts in the railway network. Rural communities still suffer the effects of those cuts, but no one is saying on a daily basis, "My station was closed in 1959," or whenever it was. Although it is hidden, there is still an effect on community and social development.

Another effect of school closure on small communities is that people lose a community facility that can be used for other purposes.

**Nicola Welsh:** The reason for closure is a factor. People tend to make the best of what they have got in the circumstances. If closure results from a falling school roll, it can take a while for people to get over it, but if the reason for closure is the poor state of the school buildings, people are happy that their children are going to a better facility. Certainly, when that happened in my local area, people liked the new facility, because it was much nicer. That said, there is still an awful lot of

complaints. The new facility is not ideal—for example, it does not have as much space as the old one—but, even so, people recognise that it is better than having to have buckets in the hall.

**Margaret Smith:** I listened with great interest to Sandy Longmuir's comments about whether the three criteria should apply only to rural school closures or whether they are valid for all school closures. As he said, rural schools are most affected by the three criteria, but, as I said last week, the criteria are equally important to schools in socially deprived communities in urban areas and to schools in the rural fringes of cities. What are the other two panel members' views on the matter?

**Nicola Welsh:** I agree that the three criteria should not be used specifically for rural schools. That said, I recognise that they are necessary. Rural schools receive very good HMIE reports. If a rural school is to be closed down, HMIE reports can be used to compare schools. If their reports are equally good, children may be moved from one school to the other without any detrimental effect. The educational argument might be that one school should close, but we need HMIE reports as a fall-back position to ensure that the views of communities are considered. The process is equally valid in urban environments. I have nothing on which to base this opinion, but I tend to agree with Sandy Longmuir that rural schools would fall out of the process; they would score higher on certain points.

**Donald Gunn MacDonald:** I have little to add, except to say that, in urban areas, schools are often located just round the block from each other and are not fit for purpose. Working and learning in a new building that is fit for the 21<sup>st</sup> century, is equipped with modern heating and ventilation, and is designed to satisfy curriculum for excellence needs is hugely pleasurable.

12:00

**Ken Macintosh:** I will address my questions on the ministerial power of call-in to Mr Longmuir first. All the witnesses have made their views on that power known in their written evidence—for example, the SRSN says that it would prefer an appeals system. However, the committee does not have a general picture of how the call-in system has been used and what might happen in the future. How many decisions have ministers called in? Judith Gillespie suggested in her evidence that when decisions are called in, the results are mostly in parents' interests and against local authorities.

How many decisions are not called in? If most of the decisions that are called in go the parents' way, those that are not called in count against

that. To what extent do parents and threatened schools rely on the call-in procedure as the final way to resolve their difficulties? Do parents mostly resolve their difficulties with their local authority before that stage?

**Sandy Longmuir:** What is in place is not a call-in process but a referral process that involves three criteria. That process is not available to all communities—it is available to communities only when children are more than five miles from the alternative school, when a school is more than 80 per cent full or when some denominational situations are involved. Only when decisions fall into one of those three categories do communities have access to a minister. They are automatically referred, so the number depends purely on how many qualify.

**Ken Macintosh:** So a minister does not choose to call in a decision.

**Sandy Longmuir:** A minister does not choose to call in a decision; decisions are referred automatically.

Until the change of Government in 2007, closure was allowed in all the cases of automatic referral. When Peter Peacock was a minister, he said in a parliamentary answer that no decisions had been overturned. Since 2007, it is probably fair to say that most proposed closures have been refused, especially if proposed in small rural environments, but not all have been refused—I referred to the glen schools in Angus and the two mothballed closures in the Western Isles.

I cannot give you figures for the schools whose rolls were 80 per cent full, because many of them were in urban areas. In the past two years, the number of rural schools involved has been about 10—or probably slightly less.

**Ken Macintosh:** I return to the bigger picture. Under the bill, call-in will be a matter for ministerial discretion. To what extent do communities and parents work with councils to resolve disputes and disagreements before the question of call-in arises?

**Sandy Longmuir:** Most issues are resolved before call in, but we feel that an extra element is needed. Some local authorities have denied issues for two years—a council has voted to close a school and has denied the validity of claims, despite overwhelming evidence against it. A call-in process is needed for such rogue circumstances. The inequity of the existing system is that it is not available to all. Some parents rely on it and think, "We're okay—we're more than five miles away, so we've got a referral to a minister." I referred to Channellkirk, where people went out with a wheel to measure the distance to the school that was to be built and found that it was 4.9 miles, which falls outside the criterion. The criteria provide an

arbitrary way of deciding whether people have the right to an appeal.

Will the new process be depended on? I hope that, if the bill says that anybody can appeal—anybody can request a ministerial call-in—using the system will be much less necessary than it has been for those that are currently referred, because a practice will be instilled. To be fair to local authorities, they have expressed willingness to go down that road and to be more open and transparent. Decisions will be right in the first place, so I hope that the number of call-ins will be far lower than the number of referrals.

**Donald Gunn MacDonald:** I feel ignorant here, and I would not mind clarification from someone after the meeting. I understood from the documentation that call-in resulted only from procedural problems or flawed information. That was why I asked whether there was an arbiter or a court of appeal. I still do not know—someone will need to put me right on that.

What I am clear about, however, is that I find pages 4 and 5 of the SPTC submission absolutely confusing, and I cannot support much of what is in it. I do not know where points 15 and 16, and point 17—the conclusion—are coming from. The committee has no time to read the submission at the moment, but I wanted to say that for the record.

**Ken Macintosh:** I have a question on cost benefit analysis. A number of issues that have to be consulted on and considered are not necessarily given priority in the bill. Educational benefit may not be given priority but it is given prominence. Last week's witnesses wanted to see more about cost benefit analysis in the bill. That is a tricky issue. Many of the arguments that we have heard are about the cost benefit of pupil teacher ratios. A school might be more efficient cost-wise if the classes are full to capacity, but as our policy is for smaller class sizes, that is a strange argument.

My understanding of the bill is that a lot of that information will be outlined in the initial closure proposal, and that there might be some guidance on how it should be included. Will that be sufficient to address the need for clarity? I ask because I get the impression that many rural and urban school closures will be driven by budgetary constraints. Judith Gillespie argued that if you have, let us say, 20 schools of varying sizes, and you have been salami slicing the budget of every school, there comes a point at which the small schools cannot be cut any more and the big schools have to absorb any necessary cuts. After a while, the local authority decides that rather than keep on cutting big schools' budgets it will close one of the smaller schools. I surmise that that is the sort of thinking that goes on. None of that is spelled out—it is all

left up in the air. Is that satisfactory? Is there a way to address it?

**Sandy Longmuir:** Again, it comes back to the unseen statutory guidance. One thing that was encouraging in the evidence from the bill team last week was the response to your question about GAE entitlement, and whether the local authority would be expected to put any such entitlement in the cost benefit analysis. The answer was yes, if finance was a material consideration in the closure and an amount of revenue grant was going to be lost, the local authority would be expected to put that in the proposal.

As far as I am concerned, that impacts across the board. All other factors should be in the proposal paper as evidence. If the council can make a case that there is a huge financial benefit from a closure, it should do so. As far as I understand it, this is not a "no closure at all" bill; in rural situations, it is closure as a last resort. The local authority must say that it has attempted to remedy the problem—financial, educational or whatever—before it comes to a closure situation.

I await with interest the statutory guidance on exactly what should be in proposal papers and how financial issues should be addressed. I was heartened by what the bill team said last week about how such evidence will have to be presented and how it could be challenged.

**Donald Gunn MacDonald:** It is interesting to note that way back in 1962 or 1964, G Y Mackie, the Liberal MP for Sutherland, got up in Westminster and spoke about the fact that you could send every child from Sutherland to Eton or Harrow because of the huge cost of delivering the education system in Sutherland. It would be interesting to know how many Conservative front-bench spokesmen would have come from Sutherland if that had been the case.

It is interesting that there are huge differences in pupil costs in the system. The cost per pupil at Kinlochbervie high school, for example, is £10,000-plus, whereas the pupil unit costs at Inverness secondary schools are £2,000 to £4,000. That is a consideration. If cost benefits to pupils in an area can be proven, they should be in the authority's report and clearly stated as potential benefits of reorganising the school system.

**Margaret Smith:** I will stay with the subject of costs. Sandy Longmuir suggested that the new process would result in fewer call-ins. The financial memorandum estimates that the total additional cost of the bill will be £134,000 per annum, but there are differences in the submissions that we have received. COSLA, Moray Council and Fife Council have suggested that the costs would be minimal. Aberdeenshire



Council, on the other hand, has argued that the assumptions in the financial memorandum on the number of call-ins cannot be guaranteed. Do you think that the number of call-ins will remain about the same or reduce? Is the additional cost of £134,000 in the financial memorandum reasonable?

**Nicola Welsh:** I am afraid that I am not in a position to say what the costs will be. However, I hope that the bill will create a higher standard of procedure throughout and will therefore reduce the number of call-ins. It will be more likely to do so and increase confidence if it is stated that ministers will, rather than may, call in decisions in cases of significant procedural failure. That would ensure a great deal less procedural failure.

**Donald Gunn MacDonald:** Apart from personal and subjective evidence, I have very little evidence on the costs of clustering small schools, on shared heads and on there always having to be two adults in a school at any time. If truth be told, I am sure that a system in which there is always a non-teaching headteacher who floats around between schools is expensive to operate.

There will be significantly fewer call-ins if good procedures are set up. The bill allows for that. Those procedures can be extended through good co-operation between parent councils and parent forums and the establishment of parent forums in every local authority, so that all factors can be discussed quietly and sensibly over time. Only during times of crisis, such as those in Aberdeen city and the Borders recently and in Glasgow at the moment, when there has been a lack of structures to ensure effective communication, has the panic button been pressed and the call-in apparatus exercised. If we want to reduce the number of call-ins, we need increased transparency and mechanisms so that consultation is on-going, and not just something that happens at crisis points.

**Margaret Smith:** "Increased transparency" seem to be the buzzwords of the week.

**Donald Gunn MacDonald:** I feel like an amoeba.

**Margaret Smith:** Last week, the bill team confirmed that revenue grant for rural schools that have fewer than 70 pupils is being reviewed. Sandy Longmuir has already touched on that grant, and given us a fair idea of how it works in practice. Are panel members concerned about the possibility of a change and the possible withdrawal of funding for rural schools? What would be the consequences of that?

12:15

**Sandy Longmuir:** Pre-2005, few local authorities understood the revenue grant or knew that they were getting additional funding for rural schools. Local authorities' current knowledge of it largely came from us, because we regard it as vital. Everybody is now aware of the revenue grant and knows how it works and how it is funded. It would be bizarre for the Government to introduce a bill in support of closure as a last resort, while withdrawing the main supplementary method of funding rural schools. To be fair to the Government officials to whom I have spoken, they are aware of that contradiction. After all, the title of the Government's consultation document was "Safeguarding our rural schools and improving school consultation procedures—proposals for changes to legislation". I cannot see how the Government politically could withdraw the revenue grant, but it is under review, which I regard as a dangerous situation.

**Donald Gunn MacDonald:** I am concerned about the use of a single school-roll figure for making certain decisions. If I may, I will use personal experience to illustrate what I mean. I worked in a school with a roll that never went above 95 pupils, which meant that I never had non-teaching time or a fifth teacher in the school. If I had had 96 pupils or had created a ghost pupil—I certainly never did that, though—I would have had non-teaching time and an extra teacher.

The key figure for the revenue grant is a school roll of fewer than 70, but I hope that people see the sense in using a sliding scale instead. Currently, a school with 69 pupils gets the grant but one with 71 pupils does not. The same process happens with the staffing standards. If there are up to 41 pupils in a primary school, there are two teachers; if there are up to 47, there are 2.5 teachers; and if there are 48, there are three teachers. That makes it an anxious moment for parent councils when they hear that a family is moving out of the area, because it can mean that they will lose a teacher. With respect, 70 is an arbitrary figure, so perhaps there should be a sliding scale that includes that figure. I hope that the committee will consider that.

**Aileen Campbell:** Just for Mr MacDonald's benefit, there were 16 pupils when I first went to Collace primary school and 33 when I left—it was a great wee school. If I had been asked whether I wanted my school to close, I would probably have said no. That brings me to my question about pupil engagement with the process. What are your views on that? How would such engagement best be achieved by the bill?

**Sandy Longmuir:** I am greatly encouraged that as broad a spectrum of people as possible will be approached for their views. I know from my own

children and from children at schools across Scotland whom we have met that there are a number of very articulate 10, 11 and 12-year-olds. I am not a psychologist, but I know that there are ways of interviewing much younger children so that they give useful answers to questions that are possibly more serious than they realise. I am not an expert in that, but I would welcome the use of such methods. The views of older primary children and all secondary school pupils should be heard. The evidence should be weighted by age.

**Nicola Welsh:** Pupil councils could be the first way in. They already exist and they could disseminate information to the pupil cohort. The local authority could speak to pupil councils. My local authority recently sent elected members to a high school to explain how the authority worked. That was extremely successful, and everybody got on board. It would be good if the local authority went into schools and spoke to pupils, preferably after pupil councils had given other pupils the information.

**Donald Gunn MacDonald:** That is another example of how to increase transparency. Pupil councils are a useful tool, and can sometimes be enlightening. Given the modern approach to children's rights, it is important that we consult children on proposals for their schools. When I was assistant head in a 650-pupil school in Alness, some children moved out of the school because they felt that Bridgend had a better football team. That just shows that we must weigh evidence about school rolls against other factors, because schoolchildren are an impressionable group. It is interesting that when those who are in charge of a school seek the views of the children—as HMIE does—through a questionnaire, and the children are not happy in their school, the response is sharp and negative. The consultation of children must be considered, but with a wise head.

**The Convener:** That concludes the committee's questions. I thank the witnesses for their attendance and their answers, which the committee will reflect on further in our consideration of the bill.

The meeting is suspended to allow our witnesses to leave.

12:20

*Meeting suspended.*

12:25

*On resuming—*

## Petition

### Foreign Languages Policy (PE1022)

**The Convener:** I reconvene the meeting. Agenda item 2 is consideration of PE1022, on foreign language learning. The clerks circulated a briefing paper on the petition in advance of the meeting for members' consideration. Members will note that there is a recommendation in the paper to write to the Cabinet Secretary for Education and Lifelong Learning seeking her views on the petitioner's proposals. Do members want to follow that recommendation or take another of the courses of action that the paper highlights?

**Ken Macintosh:** It is sensible to write to the cabinet secretary. Because of its specific nature, it is difficult to know what to do with the petition. We must also take into account our work programme. However, the recently published statistics on the uptake of modern languages give us cause for concern and make it clear that there is a problem that we need to address. I would welcome the cabinet secretary's view on whether the petitioner's suggested review is possible.

**Margaret Smith:** I agree that we should write to the cabinet secretary. Given the recent statistics, we should keep a watching brief on the issue. I appreciate that, as the briefing paper indicates, this committee and its predecessor committees have not focused on particular areas of the curriculum, so it would be difficult to start going in that direction. However, it is right for us to be concerned about particular areas, for example modern languages, and probably science and maths. I would be interested to hear what the cabinet secretary has to say. I agree with Ken Macintosh's comments in that regard.

**The Convener:** In that case, we will write to the cabinet secretary and await a response. We will also notify the petitioner of our course of action on the petition.

*Meeting closed at 12:27.*

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