

SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Process for all schools

Section 5 – Correction of the paper

17. [Section 5](#) provides for inaccuracies and omissions of relevant information, and alleged inaccuracies and omissions of relevant information, in and from the proposal paper to be dealt with during the consultation period. It places a duty on an authority to look into any allegation of inaccuracy or omission of relevant information in or from a proposal paper.
18. [Section 5\(2\)\(a\)](#) obliges the authority to ascertain whether in fact the proposal paper does indeed contain an inaccuracy or omission of relevant information after which the authority must decide what action it will take in accordance with section 5(3). It may:
 - (a) publish a corrected proposal paper (in accordance with section 6, which would require a new consultation period of at least 6 weeks to be set) and give notice of that fact to all the same relevant consultees who were notified of the publication of the original proposal paper;
 - (b) issue a notice, again to all the relevant consultees, correcting the inaccuracy or omission of relevant information in the paper (for example, by way of a formal “erratum” or other explanation) and in addition may extend the original consultation period which had been set; or
 - (c) take no further action.
19. [Section 5\(2\)\(b\)](#) also requires the authority to inform the person(s) who made the original allegation of inaccuracy or omission of relevant information as to exactly what action, if any, it is deciding to take in line with subsection (3).
20. In every case, if the procedures in section 5 have been triggered and gone through, the authority must set out details of the inaccuracy or omission in the consultation report. This is the case even where the authority takes no action in relation to the inaccuracy or omission or concludes that the allegation of inaccuracy or omission of relevant information is unfounded.