

SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Special provision for rural schools

Section 12 – Factors for rural closure proposals

41. Sections 12 to 14 place an additional set of requirements on authorities when they are contemplating any closure proposal (specified in paragraph 1 of schedule 1) as respects a rural school. These are in addition to the requirements set out in the previous sections of the Act as to how consultations regarding relevant proposals for all schools are to be conducted.
42. Section 12(3) specifies three factors which an authority must “have special regard to” (under section 12(2)) when considering and proceeding with a closure proposal for a rural school.
43. The first factor is any viable alternative to the closure proposal. A decision to proceed to consult on a proposal to close a rural school should not be taken until any viable alternative to closure has been considered.
44. The second factor that an authority must consider is the likely effect on the local community if the closure proposal were to go ahead. Section 12(4)(a) specifies that that effect must be assessed by particular reference to the sustainability of the community. “Sustainability” is not defined in the Act and therefore bears its ordinary, dictionary meaning. Its usage here therefore means sustainability in the widest sense, both now and looking ahead. Section 12(4)(b) also requires particular consideration to be given to the implications for community access to or use of (or not as the case may be) of the school’s premises (which includes the grounds) and facilities after closure.
45. The third factor in section 12(3) is the likely changes to transport and travel arrangements if the closure proposal were to go ahead. This requires particular consideration of the effect on pupils, staff and other users of the school that would be occasioned by the school’s closure, and any consequential environmental impact. This could include consideration of journeys to and from the alternative school, use of vehicles (both school buses and parents’ cars), and curtailed possibilities for pupils walking and cycling to school (because of the greater distances involved) etc.