

EAST AYRSHIRE COUNCIL

CABINET – 17 AUGUST 2011

MORATORIUM ON RURAL SCHOOL CLOSURES

Report by Executive Director of Educational and Social Services

1. PURPOSE

- 1.1** To seek approval for a formal position on the Moratorium on Rural School Closures proposed by the Cabinet Secretary for Education and Lifelong Learning.

2. BACKGROUND

- 2.1** On 31 May 2011 the Cabinet Secretary for Education and Lifelong Learning issued a letter entitled “Moratorium on Rural School Closures”. This letter was addressed to Local Authorities and a copy is available on the Members’ portal. The intention of the Cabinet Secretary’s letter was to seek local authority co-operation in imposing a Moratorium on Rural School closures. This is against the background of a stated intention by the Scottish Government to amend the Schools (Consultation) (Scotland) Act 2010. The letter also announced the intention to establish a Commission to look at the issues related to the delivery of rural education. Supplementary guidance on the Moratorium was issued on 2 June 2011 which is also available on the Members’ portal.
- 2.2** Since the announcement of the Moratorium, there has been considerable public and press interest in relation to the Cabinet Secretary’s proposal. Some of the issues are reflected in a press release issued by the convention of Scottish Local Authorities (COSLA) entitled “COSLA Leadership reject Moratorium on Rural School Closures”. This is also available on the Members’ portal.
- 2.3** Since the Cabinet Secretary’s announcement, a varied position is presented by Authorities across Scotland in terms of their response. The position taken by each individual Council tends to reflect its situation. Therefore, for example, Glasgow City Council has no requirement to develop a position on this issue since they have no rural schools. Other Councils that have rural schools have no current plans to close them within the Moratorium period which is identified as running between 20 June 2011 and 20 June 2012. At least one Council with firm proposals to close rural schools has now applied the Moratorium, arguing that since the Cabinet Secretary regards the present legislation as flawed, then it is impossible to proceed with a closure on a sound basis, particularly when it would fall to the Cabinet Secretary to either call in a proposal or express a formal view on its validity.

3. THE SITUATION IN EAST AYRSHIRE

- 3.1** Currently East Ayrshire has no plans approved by Cabinet to close any rural schools.
- 3.2** The potential list of primary and secondary schools classified as rural and therefore covered by the Moratorium is shown at Appendix 1. This information has been supplied by the Scottish Government. However, it should be noted that nursery schools and classes are also covered in Section 1 of Schedule 1 of the Schools (Consultation) (Scotland) Act 2010 and therefore by implication any nursery situated in a community identified in Appendix 1 would also be subject to the Moratorium. This position is confirmed in footnote 1 to the Cabinet Secretary's letter of 31 May 2011 and has been further confirmed in discussion with officers of the Scottish Government and the subsequent explanatory notes. It should be noted that the Moratorium does not affect issues such as a move of school, nursery class or stage of education. For example, the possible move of Muirkirk Nursery Class to the Primary School campus would not be covered by the proposed Moratorium.

4. PROPOSAL

- 4.1** The aforementioned highlights that there is no overall consensus on this matter across Scotland. There are two important elements that are reflected in thinking towards a practical approach to the matter. The first is the argument already advocated by one Council that to use legislation that the Scottish Government itself believes is flawed, could be easily open to challenge. Secondly, the Scottish Government has announced an intention to review the present legislation and has set a timescale for this review. Under the present legislation to conduct the full consultation exercise, culminating in a decision to close a school would take 6 months. To a community faced with a school closure an attempt to engage in a 6 month process that would culminate at the same time as a review of the legislation would not be well regarded. For these reasons, it is proposed that East Ayrshire Council should formally agree to complying with the Moratorium.
- 4.2** It should be noted however that the Scottish Government position does allow an element of flexibility in particular circumstances. Therefore in following the Moratorium, there may be cases, for example extreme fabric problems necessitate a school to be vacated for which a formal consultation process would be appropriate, as happened, for example, in the case of Crossroads Primary School. In such cases, the Council would only consider embarking on the process in prior consultation with the Scottish Government.
- 4.3** The position outlined above is consistent with an update from COSLA in an e-mail of 11 July 2011. This position recorded satisfaction with the remit and membership of the Commission for Rural Education as reflecting a partnership based approach with Councils that, in the words of the e-mail, 'allows local government to now observe the Moratorium (and with the conditions) originally set out in the Scottish Government letter'.

5. POLICY IMPLICATIONS

- 5.1** Members are familiar with the issues surrounding the number of surplus pupil places in the school estate and the costs of maintaining the fabric of many school buildings, as reflected in the Schools Estate Management Plan (SEMP) which is reported annually to Cabinet. For its duration, currently anticipated to last until June 2012, the effect of the Moratorium will be to reduce the Council's latitude to respond to pressures in the budget through school rationalisation options other than in particular or local circumstances.

6. LEGAL IMPLICATIONS

- 6.1** Nil.

7. COMMUNITY PLANNING IMPLICATIONS

- 7.1** Nil

8. HUMAN RESOURCES IMPLICATIONS

- 8.1** Nil

9. RISK MANAGEMENT IMPLICATIONS

- 9.** Nil.

10. RECOMMENDATION

- 10.1** It is recommended that Members of the Cabinet:

- (i) agree to the Cabinet Secretary's request for applying a Moratorium on the closure of Rural Schools in East Ayrshire;
- (ii) agree that in exceptional circumstances, the Executive Director of Educational and Social Services is authorised to contact the Scottish Government regarding a suspension of the Moratorium; and
- (iii) otherwise, note the contents of this report.

GRAHAM R SHORT

Executive Director of Educational and Social Services

11 July 2011

GS/JP

LIST OF BACKGROUND PAPERS

Nil

Anyone wishing further information should contact Graham Short, Executive Director of Educational and Social Services, Tel: 01563 576017.

Implementation Officer : Graham Short

APPENDIX 1

EAST AYRSHIRE COUNCIL			
Bellsbank Primary School	Remote Rural		
Catrine Primary School	Accessible Rural		
Crosshouse Communication Unit	Accessible Rural		
Crosshouse Primary School	Accessible Rural		
Dalmellington Primary School	Remote Rural		
Dalrymple Primary School	Accessible Rural		
Doon Academy	Remote Rural		
Dunlop Primary School	Accessible Rural		
Fenwick Primary School	Accessible Rural		
Kilmaurs Primary School	Accessible Rural		
Littlemill Primary School	Accessible Rural		
Logan Primary School	Remote Rural		
Loudoun Academy	Accessible Rural		
Muirkirk Primary School	Remote Rural		
New Cumnock Primary School	Remote Rural		
Ochiltree Primary School	Accessible Rural		
Patna Primary School	Accessible Rural		
Patna Supported Learning Unit	Accessible Rural		
Sorn Primary School	Accessible Rural		
St Xavier's Primary School	Accessible Rural		