

Mr Murdo Fraser MSP  
Room M2.17  
The Scottish Parliament  
Edinburgh  
EH99 1SP

**Douglas Sinclair**  
Chair

**Martyn Evans**  
Director

1 April 2008

Dear Mr Fraser

**Consultation Document on the Rural Schools (Scotland) Bill: A proposal to introduce a presumption against the closure of rural schools**

The Scottish Consumer Council (SCC) welcomes the opportunity to respond to the consultation document on the Rural Schools (Scotland) Bill.

The SCC aims to make all consumers matter, and has a specific remit to represent the interests of people who experience disadvantage. We have a history of involvement both in education policy and in rural advocacy and have recently provided support to the Scottish Rural Schools Network as an important avenue for parents in rural areas to have their voices heard in national policy debates.

We do not wish to respond to all of the questions but wish to focus on two key issues: consultation criteria and complaint and appeal processes.

**Consultation criteria (question 2)**

From our discussions with the Scottish Rural Schools Network, we have been concerned that the current standard of consultation on school closures is not consistent. While some communities appear satisfied with the process (if not the outcome) others appear to have reasonable concerns regarding the way that the consultation was carried out. We are also concerned that the legislation underpinning the statutory consultation on school closures is significantly out-of-date and does not reflect current best practice.

We agree with the draft Bill that there should be consultation criteria that better reflect the expectations of rural communities and existing good practice. However at present there is limited evidence on what these criteria should consist of. In order to fill this evidence gap, the SCC has commissioned research into rural school closures. The aims of this research are:

- To identify relevant literature on school closures, with a particular focus on rural schools.
- To explore current consultation mechanisms used by local councils.
- To explore the experience of parents, community members and local authority officers where a rural school has been closed or threatened with closure.
- To recommend what should be included in consultation criteria for rural school closures.

We anticipate that this research will be published in Summer 2008 but are happy to discuss interim findings in advance if that would be of assistance to the Bill development.

### **Complaints and appeal procedures (question 1)**

The SCC hopes that the consultation criteria will reduce the need for an 'appeal' mechanism for school closures by ensuring that the process is right first time. The consultation paper suggests three potential mechanisms:

1. All proposals to close rural schools would have to be referred to Scottish Ministers;
2. The community would have the right to appeal to the Scottish Government on a decision to close a rural school; or
3. The community would have the right to appeal to a specially convened body which operates independently of the local authority and Scottish Government.

At present Scottish Ministers must consent where the closure would result in primary school children being required to travel more than five miles and secondary school children being required to travel more than ten miles. The first proposed option would remove this restriction, requiring consent from Scottish Ministers in all cases of closure of rural schools.

We are concerned that the options presented do not take into account other developments across the public sector. The Independent Review of Regulation, Audit, Inspection and Complaints Handling of Public Services in Scotland (the Crerar Review) concluded that the current landscape of public sector scrutiny is overly complex. The Crerar Review specifically recommended that creating a new external scrutiny organisation to deal with an issue should not be an option. The Scottish Government accepted this in principle in their response to the Crerar Review, stating that there will be a *'working assumption that no further bodies are introduced unless there are clear and compelling reasons and where every other avenue has been explored'*.

The Crerar Review endorsed the conclusions of earlier SCC research into Complaints in Education that argued that system for external review of complaints and appeals is 'confused and confusing'. The Scottish Government has convened an action group to explore the development of a Fit-for-purpose Complaints Procedure. In light of these developments, SCC strongly recommends that the draft Bill refrain from setting up new appeal bodies or routes.

I hope that these comments are helpful. Should you wish to discuss any aspect of this response further, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Martyn Evans'.

Martyn Evans  
Director