The Committee will meet at 2.00pm in Festival Theatre, 13/29 Nicolson Street, Edinburgh.

1. **Special Educational Needs Inquiry:** The Committee will take evidence from the General Teaching Council—
   - Tony Finn, Depute Registrar (Education)
   - Matt Maclver, Depute Registrar (Education)

   and from Independent Special Education Advice—
   - Lorraine Dilworth, Director
   - Cathy Flynn, Development Worker

   and from the Forum on Scottish Education—
   - Fred Forrester, Hon. Chairman
   - Anne Paton, Church of Scotland Education Committee

   and from the Inclusion Group—
   - Laura Morrison, Project Co-ordinator
   - Kim Nicoll, Parent
   - Carina Mitchell, Parent

2. **Disabled Athletics in Scotland:** The Committee will consider letters from the Scottish Athletics Federation, UK Athletics, Scottish Disability Sport and sportscotland.

3. **Public Petitions:** The Committee will consider the following petition—

   PE 213 by Ms I Silavi and Miss S Silavi calling on the Scottish Parliament to examine the possibility of establishing a post of commissioner for the rights of disabled children.
4. **Update on Committee Business:** The Committee will be updated on business in its current work programme.

5. **Rural Schools:** The Committee will consider reports from Jamie Stone on issues facing rural schools and from Cathy Peattie on petition 175 about school closures in Argyll and Bute. (Papers to follow)

6. **School Infrastructure Inquiry (In private):** The Committee will consider the written evidence received in the School Infrastructure Inquiry.

Gillian Baxendine  
Clerk to the Committee  
Room 2.7 Committee Chambers  
Ext. 85204  
Email gillian.baxendine@scottish.parliament.uk

**************************************************

The following papers are attached for this meeting—

- SEN inquiry- submission from General Teaching Council ED/00/22/1
- SEN inquiry- submission from Independent Special Education Advice ED/00/22/2
- SEN inquiry- submission from Forum on Scottish Education ED/00/22/3
- SEN inquiry- submission from the Inclusion Group ED/00/22/4
- Note from Committee SEN adviser on oral evidence (Private paper) (All above Agenda item 1)
- Letter from Scottish Athletics Federation ED/00/21/4
- Letter from UK Athletics ED/00/21/5
- Letter from Scottish Disability Sport (All letters Agenda item 3) ED/00/21/6
- **Letter from sportscotland** ED/00/22/5
- PE 213 by Ms I Silavi Note by Clerk on PE 213 (Agenda item 4) ED/00/21/7
- School Infrastructure Inquiry written evidence (Private papers) Note by Clerk and committee advisers on written evidence (Private Paper) (Agenda item 6)

The following paper is attached for information—

- Church of Scotland letter on the Scottish Council for Research in Education
## Education, Culture and Sport Committee

**Meeting – Tuesday 27 June 2000**

### Papers circulated

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<thead>
<tr>
<th>Submission</th>
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<tr>
<td>SEN Inquiry - submission from General Teaching Council</td>
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<td>Note from Committee SEN adviser on oral evidence</td>
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<td>Letter from Scottish Disability Sports</td>
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<td>PE 213 by Mrs I Silavi</td>
<td><a href="http://www.scottish.parliament.uk/parl_bus/petitions/pe213.pdf">http://www.scottish.parliament.uk/parl_bus/petitions/pe213.pdf</a></td>
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Please note that as two agenda items are held over from the last meeting that the papers marked * are already published on web under papers for meeting on 21 June.
**Education, Culture and Sport Committee**

**Meeting – Tuesday 27 June 2000**

**Additional Papers circulated**

<table>
<thead>
<tr>
<th>Report from Jamie Stone on rural schools</th>
<th>Electronic version attached</th>
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<tbody>
<tr>
<td>Report from Cathie Peattie on PE175 (school closures in Argyll and Bute)</td>
<td>Electronic version attached</td>
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Note: The two papers above were circulated as unnumbered papers.
Mr Alistair Fleming  
Assistant Clerk to the Committee  
The Scottish Parliament  
Education, Culture and Sport Committee  
Edinburgh  
EH99 1SP  

Date:  
16 March 2000  

Dear Mr Fleming  

Special Educational Needs Inquiry  
I am pleased to respond to this Inquiry on behalf of the General Teaching Council. Our response is attached and I hope you find it helpful.  

Yours sincerely  

Matthew M Maciver  
Depute Registrar  
(Education)  

Enc  

If calling ask for Fiona Hands on Direct Dial 0131 314 6027  
E-mail:fionah@gtcs.org.uk
1 March 2000

Ref LD/SEMI/100

Dear Sir/Madam

SPECIAL EDUCATIONAL NEEDS INQUIRY

The Independent Special Education Advice (Scotland) - I.S.E.A. welcomes this inquiry and would like to submit the following evidence which we hope will assist the committee.

Background Information on I.S.E.A. (Scotland)

I.S.E.A. (Scotland) was established as a pilot project by Lothian Children in January 1998 after they received three years funding from BBC Children in Need. The project’s main aim is to provide information, advice and support to 200 families across Scotland who have a child with special educational needs on their rights and their child’s rights to an adequate and efficient education. I.S.E.A. (Scotland) became a registered charity in 1999.

When I.S.E.A. (Scotland) officially opened in February 1998, initial contact with parents was through a parents telephone helpline, we have never had to advertise the project as the majority of referrals are made through word of mouth by parents or other voluntary organisations.

I.S.E.A. (Scotland) gives advice, information and support across all aspects of Special Education. This includes assessments, understanding reports, Record of Needs, placing requests, exclusions, appeals, open access to school pupil records, information on schools, legal advice, etc.

As previously stated we were originally funded for three years to assist 200 families across Scotland. After only two years of operation 544 families have contacted the project and subsequently case files have been opened. In total these families have received a staggering 4,909 individual pieces of advice and information.

I.S.E.A. (SCOTLAND) 164 High Street, Dalkeith, Midlothian, EH22 1AY. Reg Charity No SC 029108
Tel No:- PARENTS ADVICE LINE 0131-454-0082 - ADMINISTRATION/FAX LINE 0131-454-0096
Special Educational Needs Inquiry Remit:-
With regards to the inquiry remit we would like to submit the following information for the committee’s attention. Under each of the four headings we wish to give samples of the information which has been derived directly from contact with parents and, where relevant, we have included statistical information in support of our response.

Diversity of Provision across Scotland

As a National Organisation we have an excellent overview of the main areas of concerns expressed by parents under this heading - some of these are:-

- Availability and access to specialist professionals for the assessment of children’s needs. Particular problems exist for children with Autism, Asperger Syndrome, Dyslexia, Speech and Language Disorders and Tourette Syndrome. A total of 392 parents asked for advice on how to access the specialists.

- Availability of units attached to mainstream primary - each year we have a number of cases, particularly from urban areas, which contain the majority of units where the multi-disciplinary team have made a recommendation for the child to attend a unit. Unfortunately demand outweighs the number of places available and we believe currently, one place exists for every thirty children.

- Availability and access to special schools - this is not just a particular problem associated with rural areas. A number of cases have come from East Lothian where parents wishing their child to attend special schools have to apply to Edinburgh or Midlothian - this in itself is problematic as priority, we believe from our experience, is given to children who live in the local authority area of the school

- Mainstream education for children with special educational needs varies from one local authority to another. We have noticed an increase in referrals, particularly from urban areas, where a child has attended mainstream primary but the Local Authority has insisted that their Secondary provision should be conducted in a Special School and in all these cases this has been against the parent’s wishes. One particular Local Authority has a reputation with parents that all special needs children in their area attend either a unit or special school, again against the parent’s wishes.

- Support Services - this covers learning support and outside agencies. The levels of auxiliary and learning support again varies from one authority to another and parents often move location to enable their child to receive a higher level of support. Other services vary in the way the service is delivered to the child and there appears to be an increase in urban areas where the child has to access these services outwith school either during school hours or prior to and after school. In rural areas the service appears, in the majority of cases, to be delivered in school.
Effectiveness of current integration strategies:

Unfortunately the current integration strategies do not appear, from our parents perspective, to be working very well - our statistics reveal that parents seeking our services have children placed in the following provision:

<table>
<thead>
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<th>Provision</th>
<th>Pre-school</th>
<th>Primary</th>
<th>Secondary</th>
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<td>Independent</td>
<td>1</td>
<td>8</td>
<td>13</td>
<td>22</td>
</tr>
</tbody>
</table>

As can be seen the majority of children are integrated and we have taken the four highest areas of concerns expressed by parents in each stage of education:

Pre-school

- Nursery staff with no appropriate training.
- Not sufficient levels of auxiliary support.
- Reduction in attendance hours.
- Children being placed in mainstream but not their local provision.

It is our opinion that the majority of parents wish integration at this stage but, unfortunately, when parents have had a bad experience we then find that they look to units attached to mainstream schools or special schools for the child’s primary education. It is vital that we get integration correct at this early stage.

Primary

- Learning and auxiliary support have inadequate resources in school and during break times - e.g. many parents are asked to collect their child at lunch time as there is no cover - resulting in their child missing out on vital interaction with their peer groups.
- Qualifications, training and support for teaching and auxiliary staff.
- Other services - i.e. speech and language therapist, occupational therapist, physiotherapist having to access these services out with school hours - e.g. lunch time, before and after school.
• Individualised Educational Programmes - in 90% of our cases the child does not have an IEP. In nearly every case the parents feel ostracized and also feel that their child is not progressing. We have found in a limited number of cases, where there is a good IEP following the manual of good practice, the parents can then judge, from an informed view, the quantity and quality of integration.

Again we find where the child and parent has had a bad experience at this stage they look to special schools, or the private sector and there is a definite increase in parents withdrawing their child from school into home education.

Secondary
• Availability, access and expertise to ICT for children
• Identity of a key person who has overall responsibility for co-ordinating support for the child.
• Advice and support for staff and pupil from speech and language therapist, occupational therapist, etc. These outside agencies seem to cease when the child enters Secondary school.
• Bullying is particularly problematic at this stage.

As with pre-school and primary education at this stage the same problems arise with resources for learning support, auxiliary support and IEP’s

Summary
Many parents and professionals are calling for new resources to be made available in order that children with special educational needs can be integrated effectively. We firmly believe that we must look into the effectiveness and quality of existing resources as a first step in reorganizing many of the outdated systems that these children are expected to fit into. If integration is to be successful for a child their needs must be properly identified and we would suggest that an Individual Integration Plan (IIP) along the lines of the IEP is drawn up which would be regularly monitored and reviewed by a multi agency team.

Effectiveness of transition arrangements
Unfortunately we have found that transition arrangements are inadequate in many of the cases, again we have given four examples:-

• Lack of information available on the child’s needs and services required prior to transition for parents and professionals.
• Clarification on the roles and responsibilities of professionals involved particularly at the Future Needs Meetings. Professionals either not attending or unable to contribute as they have never met the child or parents prior to the meeting.
• Information for parents on appropriate provision.
• Timing of transition meetings are often left too late.

We would suggest that there needs to be very clear guidelines established.
Special Needs Families
It is extremely unfortunate how this remit has been phrased “Special Needs Families” many of our parents take great exception to this. It is not the family who have special needs, it is the individual child. All our families ever want is for their child’s needs to be met and that the whole family is not ostracized by society as is often the case.

If we are to take integration seriously then we believe, as a first step the inquiry committee should make sure that the wording of this fourth remit be changed from Special Needs families to families who have a child with special educational needs.

These families need accurate and appropriate information, advice and support in order that they can make informed choices on the education of their child. This in turn enables them to become a fully active participant on an equal basis with professionals in the decision making process.

It is the unmet needs reported to us by the ever increasing number of parents contacting this project that has motivated us to undertake one of the first of its kind a grass roots consultation with parents throughout Scotland starting at the end of March through to the end of June 2000. There will be 34 Roadshows in total (Dates and areas enclosed). These Consultation Roadshows will go a long way to answering the questions that this inquiry are asking directly from the people involved.

We wish to ask this Committee to acknowledge this innovative piece of work and hold open this inquiry until the results are obtained from the consultation. We certainly feel that if the Scottish Parliament, and in particular this inquiry, want information from families on the ground, this is a unique way, at no cost, of obtaining information from those who really matter.

Yours sincerely

Lorraine Dilworth
Director
Reg Charity No SC029108

0131-454-0096
Administration/Fax Line
0131-454-0082
Parents Telephone Helpline

EH22 1AY
Dalkilby Street
164 High Street

Advice
Education
Special
Independent

Application Form:
I.S.E.A. Management Committee.

General meetings or special meetings to the
benefit of only full members may vote at
All members share the same privileges and
donations welcome.

£10.00

Individuals.

£10.00

Scotland.

£10.00

Scotland.

Full Membership:

Full Membership:

Associate Individual

(Can be Applied For)

Post Code:
Tel No.

Address:

Name:

For Parents who have a
child/young person

Special Educational Needs

Advice
Education
Special
Independent

I.S.E.A.
(Scotland)

I.S.E.A.
(Scotland)

Membership

I.S.E.A.
(Scotland)
Who is I.S.E.A. (Scotland):

I.S.E.A. (Scotland) is principally funded by the BBC Children in Need Appeal and for one year (1999/2000) by the National Lottery Charities Board to carry out specific project work.

I.S.E.A. (Scotland) aims to provide free INDEPENDENT advice and support across Scotland to parents who have a child with special educational needs.

This in turn will enable parents to participate in and make informed decisions on securing an education which allows their child to reach his/her full potential.

The law states that children and young people have special educational needs if they:

Have much greater difficulty in learning than most other children of their own age.

or

Suffer from a disability or handicap which prevents them being educated with their own age group.

or

Are under five years old and belong to either of these groups.

We can specifically assist parents in the following areas:

• Advice on the Local Authority’s legal duty towards children with Special Educational Needs.

• Information on the rights of parents who have a child with special educational needs

• Procedures on how to access assessments for your child.

• Help with understanding reports.

• Advice on Individualised Educational Programmes (IEP).

• Support and Advice on the Record of Needs.

• How to access your child’s records, both education and health

• Making a placing request for a school in or out with your Local Authority’s area.

• Support at meetings with school or the Local Authority.

• Information on independent second professional opinions on children’s needs and diagnoses.

• Advice and support when your child has been excluded from school.

• Legal Advice.

• Advice and representation at appeals to: Local Authority, Secretary of State, Sheriff Court.

I.S.E.A. (Scotland) operates the following Services:-

Parents Telephone Helpline:
The Helpline gives advice and information on all subjects covered on the inside centre page of this leaflet. Opening times are usually 10am to 1pm and 2pm to 4pm Monday to Thursday and Friday 10am to 12 noon (Outwith these times a 24 hour answering service is available).

CALL THE HELPLINE
0131-454-0082

Direct Support:

• Writing letters to your Local Authority.

• Someone to mediate between yourself and professionals on specific problems, getting your point across.

• Discuss and advise on reports, Record of Needs, Individualised Educational Programmes, etc.

Although this service is presently limited due to restricted funding please call 0131-454-0082 to discuss your individual child’s case.

Advocacy:

At present due to funding this service is restricted to providing support to parents who are about to embark on or are in the process of going through an appeal or taking legal action. However exceptions will be made depending on individual circumstances Please Telephone 0131-454-0082.
Are you satisfied with your child’s education?
Do you feel resources are meeting your child’s needs?
Do you feel fully involved in your child’s education?

If the answer to any of the above is No come along to our

ROADSHOW

And find out how you can help to make changes

We are also offering

Free Confidential Advice Surgeries on your individual child’s case with one of our advice workers.

SECURE AN APPOINTMENT NOW BY CALLING

0131-454-0096

ROADSHOW VENUE
I.S.E.A. Scotland
Roadshow - Areas

Commencing on 27 March to 29 June 2000
from 11am - 3pm (except those marked *)

If you wish to make an appointment to discuss your child's case,
please telephone 0131 454 0096.

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16 February 2000
Mr Alistair Fleming  
Assistant Clerk  
Education, Culture and Sport Committee  
Scottish Parliament  
EDINBURGH  
EH99 1SP

Dear Mr Fleming

SPECIAL EDUCATIONAL NEEDS INQUIRY

I enclose a copy of the Forum’s submission to the Education, Culture and Sport Committee.

I look forward to hearing from you in due course regarding the arrangements for oral hearings.

The following bodies are currently in membership of the Forum:-

Church of Scotland Education Committee  
Catholic Education Commission (Scotland)  
Convention of Scottish Local Authorities  
Educational Institute of Scotland  
Scottish Secondary Teachers’ Association  
National Association of Schoolmasters/Union of Women Teachers (Scotland)  
Professional Association of Teachers (Scotland)  
Association of Headteachers in Scotland  
Headteachers’ Association of Scotland  
Scottish Further and Higher Education Association  
National Union of Students (Scotland)  
Scottish Trades Union Congress  
Association of University Teachers (Scotland)  
General Teaching Council for Scotland  
Scottish Parent Teacher Council  
Scottish Community Education Council  
Scottish School Boards Association

Yours sincerely

FRED FORRESTER  
Secretary to the Forum

Encl.
FORUM ON SCOTTISH EDUCATION

Submission to the Special Educational Needs Inquiry instituted by the Education, Culture and Sport Committee of the Scottish Parliament

1. The current diversity of provision for education of special educational needs children across Scotland is diverse principally for historical reasons and not because of differences in philosophy in different areas. Historically, the Glasgow conurbation has had a much higher number of children in separate special schools, while the rest of Scotland has relied more on special units attached to mainstream schools and (increasingly in recent years) on integration of SEN children into mainstream education. In moving to a pattern of provision which could be applied across Scotland, the Committee must therefore take into account the different starting points in different areas and the absolute necessity for changes to be phased in at a pace commensurate with the provision by the Scottish Executive, through grant-aided expenditure of the necessary resources.

2. Current education authority integration strategies have not always been driven by educational principle. In a significant number of cases, changes have been driven by budgetary considerations. This has sometimes resulted in bad practice, with, in the worst cases, the needs of SEN pupils being neglected within inadequately resourced integrated settings. It has to be recognised that integration is not a cheap option. Indeed, in the areas where it has most successfully been piloted, there has been an increase in overall expenditure at least in the early years.

3. The Record of Needs procedure has been corrupted to the point where its future must be considered. On the one hand, teachers have encouraged the opening of records in order to gain access to additional resources; on the other hand, education authorities have resisted the opening of them because of fears over the cost implications. A particular area of tension arises with pupils who have emotional and behavioural difficulties (EBD). While EBD is recognised as a legitimate special need, it is also ill-defined in the sense that the borderline between serious indiscipline and EBD is difficult to draw. Glasgow City Council will not approve of the opening of a Record for an EBD pupil. It is also the case that the more articulate the parent, the more likely it will be that a Record will be opened. There are no reliable, nationwide criteria for opening a Record. We suggest that the Committee should give careful consideration both to Record of Needs and to the fraught area of EBD pupils. Some EBD pupils are, almost by definition, unsuitable for integration in that they have already been excluded from mainstream education.
4. It is the view of the Forum that policy on special educational needs should be firmly focused on the interests and needs of each individual child. Decisions about whether a particular child's needs should be met through separate provision, through integrated provision or through some combination of the two should be taken pragmatically in the case of each individual child and should not be driven either by particular philosophies or by financial considerations. These principles should apply to all SEN, but they are particularly relevant to severe low incidence disabilities.

5. The Riddell Committee, although formally concerned with severe low incidence disabilities, raised a number of questions which must be considered by the Committee during its inquiry.

6. For instance, Riddell recognised that the cost of educating children who are unable to attend school is considerable, since one-to-one teaching is usually required. There is a lack of clarity at present on the issue of who funds the education of children who are in hospital for considerable periods - the home education authority or the education authority for the area where the hospital is situated. As in the case of several other low incidence situations, the financial impact on a small education authority can be severe. There is a case for some kind of national funding provision for cases of this kind. The staff development needs of teachers involved in this type of work must also be considered.

7. We note that the Riddell Committee recognised that specialist provision or residential placement will continue to be the best option for some children. Furthermore, we welcomed the acceptance by the Scottish Executive that integration of children into mainstream provision has significant cost implications for education authorities. Additional hypothecated financial provision under the Excellence Fund arrangements is the right way forward and the additional £6m per year proposed for this purpose for each of the next two financial years is an appropriate first step. There should be some examination, however, of whether basing the amount of grant on the population aged 2 to 19 in an education authority area provides the right degree of fine-tuning for some low incidence needs. A particular need may arise suddenly in a small education authority where the incidence of that need has been nil for a number of years. There may be financial implications in this which are not adequately provided for in the general hypothecated grant arrangement.

8. There are substantial difficulties in promoting inter-authority provision, including consortium arrangements, inter-authority fees arrangements, joint funding arrangements and arrangements for involving the voluntary and non-statutory sectors. Some of the 32 education authorities have concentrated on making their own provision rather than having joint working arrangements with their neighbours, even in areas of provision where joint working is obviously required on pragmatic grounds. The difficulties are greatest in areas
where disaggregation took place during the most recent reform of local
government. We urged the Scottish Executive to be proactive in securing joint
working arrangements in the provision for special educational needs.

9. We would be concerned if the specialist provision in the seven national grant-
aided schools were to be compromised by the change proposed by the
Executive in funding arrangements. The charging (after a transitional period)
of full economic fees by the seven schools would probably lead to less
placements by education authorities in them. Indeed, the change is perhaps
intended to lead to this. We would suggest the establishment of some kind of
national review procedure for disputed cases, for example where the parents
sought placement in one of the grant-aided schools and the education authority
denied this. Resort to the courts in such cases is clumsy and time-consuming
and probably productive of social inequality, since socially-excluded parents
are less likely to take legal action. A transitional period for any changes is
absolutely imperative.

10. The Forum would wish to give oral evidence to the Committee in support of
the above submission.
Dear Committee

We would like to contribute information to your enquiry into special educational needs.

We are a voluntary organisation, currently working with 25 families who have special needs children. One of our main objectives is to support families with education problems. In order to do this we supply them with information to allow them to make informed choices. We are also currently working with four families, who are finding educational issues very demanding. The families are all very able to advocate for themselves, but the children’s views are often left out of discussions. In order to rectify this situation the Inclusion Group is working with the children themselves in an advocacy role.

We feel through working with all of the families we can give a reflective view of special educational issues that parent’s find frustrating, confusing and detrimental.

We hope you find our comments both constructive and helpful.

Yours sincerely

Laura Morrison
Project Co-ordinator
The diversity of provision across Scotland in special needs education

Dundee has a good range of provision in S.E.N. compared to neighbouring authorities. The primary schools all cater for S.E.N. This creates confusion for Parent’s because even though their local school caters for S.E.N. very often the children still have to travel to the other side of the city for their educational needs to be met. The reason for this is units have been created according to the child’s diagnosis (e.g. sensory impairment, cerebral palsy, challenging behaviour and autism) Dundee is not that big a city, but the extra travel time and the cost of travel to the Education Department must be taken into account. We would advocate for schools being enabled to cater for all of the local pupils regardless of need.

Secondary provision is far from satisfactory, but in all fairness to our Education Department they are trying to rectify this. Unfortunately this will not happen overnight and without the proper management and funding will remain an unsolved problem. The difference between primary and secondary education is a major problem for all children. The fact there are more pupils, a larger school, new subjects and so many different teachers can be frightening for most children. This is a major obstacle for children with S.E.N. Another factor for S.E.N. children is as they get older the gap between themselves and their peer group often widens. Once most children reach secondary school age they are independent in most things. Unfortunately this is often not the case for S.E.N. children. This often restricts their leisure and social time with their peer group and thus excludes them. This exclusion continues in the school because they cannot contribute to the social interaction that the other children take for granted. If a placement has broken down, the choices involved are either a segregated school or residential school often at a great distance from their family and community. Although both options have a place in people’s preferences, we do not feel they should be the only options available to the children.

Local Special Needs School
This school is for the dedicated use of S.E.N. pupils. It is a fairly new building compared to all the other schools in Dundee. It has excellent facilities and provides children with a high pupil-staff ratio. The school caters for children from neighbouring councils, unfortunately for many of the children this adds an extra two hours to their day in travel time. The school has 180 pupils, so there is a high demand for the special provisions they have. The children have a very mixed range of needs which means that sometimes even with a high level of staff, needs are not always met to the full advantage of the children. This school is sometimes the only offer the children receive for their educational needs to be met. Parents often request the school because they feel their child will be safer in this kind of environment.
The effectiveness of current integration strategies at all levels of pre-school and school education

We do not feel these are working nearly as well as they could. Training, support, careful planning and money are needed to ensure efficient integration. Attitudes of both children and adults are an important factor in this.

The effectiveness of transition arrangements for pupils at each stage

Each transition stage is a nightmare for most parents. There are no clear guidelines and no specific information to allow them to make informed choices. Parents feel their opinion gets lost in meeting and decisions are taken without their wishes being respected. The children often suffer because arrangements are not made for them to adjust to the transition at a pace they can deal with.

The transition stage at sixteen into adult services can also be a nightmare. If a child can move on then they are encouraged to do so. Many children who have complex and profound needs stay at school until they are 18. Mainstream children have to leave at sixteen years old unless they have the ability to further their education. It must be questioned if this extra time at school is beneficial for S.E.N. children. For some children it may be that planning for adult services should start far earlier.

How well the requirements of special needs families are understood and how far education services cope with these often-diverse needs.

We feel this is an area where there could be much improvement. Families don’t often come across a problem with this until there is a problem in the child’s educational needs being met. Once there is a disagreement of this nature, even families who know what they want feel as though they’re up against overwhelming odds. Many of our families feel that the minute they have made a complaint, for whatever reason, they are made to feel inferior, ungrateful and a troublemaker. This feeling remain with the families for the rest of their time in education and often prevents them from bringing complaints forward. There are also barriers for a large number of parents when they go into situations where the professionals far outnumber them. The jargon used can feel threatening and parents often feel undermined when they question a point being made. This results in them losing confidence and leaving them with feelings of resentment because their views are not being taken into account.
Recommendations for Action

We would like to recommend the following actions be considered.

(1) A review of the current placing procedures of children with S.E.N. Every attempt should be made to allow the children the opportunity to access their local schools. This would save on transportation costs and the money saved could be used in the local school.

(2) A review of residential placements. If local authorities are sending four of five children with similar needs to residential placements at a cost of £70,000 each. This money could be more efficiently spent providing local facilities with specialised staff to meet the needs. This could be run in conjunction with Social Work and Health-board. This would ensure a holistic approach to the all of the child’s needs. It would also allow them to be a part of their own community.

(3) Money has to be allocated to authorities to allow integration to work effectively. A clearly defined model of integration has to be put in place. Staff training and support must be provided regularly. Extra teaching resources must be provided or integration is only tokenism. (Children will not be able to reach their full potential without the proper support mechanisms)

(4) There must be clear guidelines for transition agreed by the relevant agencies in consultation with parents in each authority. Education and Social Work departments to take a lead on this. A framework to be issued by The Scottish Executive.

Discussions with adult services must begin earlier for children identified, as having complex needs which cannot be readily met within existing services. For some, this may mean that planning starts while the child is still at primary school age.

Booklets and workshops to allow parent’s the opportunity to make informed decisions about their child’s education should be available in each local authority.

(5) The parent and young person’s views should be acknowledged and respected in any decisions made.

(6) An independent local appeals committee should be appointed for each authority. They could then hear local disputes in education. This would ensure a fair hearing by both parties and all views taken into consideration.

(7) Meetings should be as informal as possible. Parents should be spoken to and not at. Language used should be clear, concise and free of jargon.
19 June 2000

Gillian Baxendine
Clerk to the Committee
Education, Culture and Sport Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

Dear Ms Baxendine,

Disabled Athletes in Scotland

With regard to your letter of 1 June, we concur with the comments of the Scottish Athletics Federation (SAF). Our position on this is quite clear. Issues regarding UK or Scottish selection and selection standards are the matter for the relevant body at UK and Scotland to determine. However, the agreement that sportscotland has with UK Sport who manage funding of UK Athletics (including disability athletics) is that there should be clear consultation in planning and monitoring with all Home Country Associations.

This is the requirement across all sports to ensure that the procedures do not disadvantage Scottish athletes in relation to their English, Welsh and Northern Irish Counterparts. We have reiterated this to UK Sport and have been offered a meeting by Ken Kelly the UK Athletics Disability Co-ordinator to clarify the situation.

If SAF have agreed that their input is best determined by Scottish Disability Sport (SDS) on behalf of SAF; then UK Athletics should be consulting with SDS. SDS have an international reputation of high standing and are fully involved in planning and selection issues with the 2002 Scottish Commonwealth Games Team and we see no reason why they should not be involved in this process. As stated we are raising this directly with UK Athletics and will be liaising closely with SAF and SDS in this process.

Yours sincerely,

Jim Breen
Deputy Chief Executive

cc  Richard Brinkley Scottish Disability Sport
    David Moorcroft UK Athletics
    Frank Clement Scottish Athletics Federation
    David Joy Scottish Athletics Federation
    John Gilmour Scottish Executive Sports Policy Unit
The General Teaching Council is pleased to respond to the initiative by the Education, Culture and Sport Committee to hold a major inquiry into Special Educational Needs.

The Committee's letter of 22 December 1999 and its New Release of Wednesday 8 December 1999 were discussed fully by the Council's Education Committee on 9 February 2000. The views of the Education Committee were then endorsed by full Council at its meeting on 1 March 2000.

Council acknowledges that the issue of Special Educational Needs is a wide and complex one. It was also an area of substantial development in a relatively short time. The policy of integrating special needs pupils into mainstream education and the general move towards social inclusion had significant effects on the education system.

In particular the Council was interested in the fact that these policies affected the lives of teachers in many different ways. Some pupils had very specific difficulties and there was general agreement that there was a need to look again at the training needs of teachers. An autistic child, for example, would place different demands on a teacher than a deaf child would. Significantly, too, the range of difficulties which children now presented in schools was both extensive and complex. It was therefore very difficult for teachers to be able to address effectively the needs of some children with relatively unknown or recently diagnosed difficulties. Teachers need to be educated to recognise the different needs of children in their care.

Members accepted the positive advantages of inclusion and were committed to social inclusion and integration.

Nevertheless, there was an acceptance that sometimes it was better for a specific child with very specific difficulties to be educated in a special school. In such circumstances it was felt that the expertise and resources available in such a school would benefit the individual child. Parents were often aware of this and, despite the fact that they may wish their child to be part of mainstream education, understood the benefits to be gained from specialised attention.

There was also a need to understand that a policy of integration does have an effect on other children within the system. For the most part that effect is beneficial. Schools begin to reflect the wider society and pupils understand better the differing needs of other people within that society. That learning process should lead to a more caring adult world.

Yet there was an acceptance that, given the now considerable and indefinable range of expectations of teachers, these expectations created pressures which would inevitably affect the learning process. Some teachers in some circumstances felt quite inadequate and pupils in general suffered as a consequence.

9/...
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Ultimately the Council was unanimous that, whatever the difficulties, the entitlement of the child was paramount. Much progress had been made in the recent past within the mainstream education system to meet the specific needs of many individual children? That progress has to be maintained but it will not be achieved without acknowledging that there are educational, training and resource implications involved.

Matthew M Maclver
March 2000
19 June 2000

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Matthew M Maclver
March 2000
Report to the Education, Culture and Sport Committee on the Issues Facing Rural Schools

1. Introduction

1.1 During discussions in March 2000 teachers, councillors and directors of education in Dumfries and Galloway, Borders and Highland identified several key issues currently facing rural schools.

1.2 These issues fell broadly into two categories: those concerning the funding of rural education (section 2) and those concerning pressures on rural teachers (section 3).

1.3 Although rural school closures are not currently under consideration in any of the above Council areas, the issue of closures was also discussed (section 4).

1.4 Finally, teachers, councillors and directors of education described current efforts to address the issues facing rural schools (section 5).

2. Funding Education in Rural Areas

2.1 Teachers, councillors and directors of education expressed concern that the national focus on the needs of urban/central belt schools has led to the neglect of certain funding issues of importance to rural schools.

2.2 Two points of particular concern are the need for funding for capital improvements and the increasing cost of transportation:

- Directors and teachers pointed out the urgent need for refurbishment of rural school buildings, many of which are in a bad state of disrepair or lack sufficient space. Insufficient capital funding was cited as a major problem by directors; in particular, the uncertainty of capital funding from year to year makes it difficult for authorities to plan ahead, and several commented on the need for an expansion of ring-fenced funding for infrastructure.

- The cost of transportation is increasingly becoming an issue for rural education authorities. Transportation accounts for a significant percentage of rural schools' running costs; in the Highland area, for example, the annual budget for transport is over £7 million out of a total revenue budget of about £116 million. Transportation is especially costly in rural areas because students travel greater distances to school on average and fuel tends to be more expensive.

2.3 Another point of concern is that rural schools may be disadvantaged by the way in which certain national initiative funding is allocated. In particular, areas with many small schools may be hurt by their high ratio of school buildings to pupils if funding is allocated on a per-
pupil basis. One example cited was that of the National Grid for Learning initiative, in which the allocation of funding to provide schools with internet access failed to take into account the fixed costs associated with wiring each school building.

3. Difficulties Attracting Staff, Stress on Head Teachers

3.1 Directors of education reported difficulties staffing schools in rural areas. In particular, directors have had trouble attracting applicants for promoted posts.

3.2 The causes of this shortage of applicants are unknown. One director speculated that it might be due to external economic factors such as lack of suitable employment for applicants' spouses in the area. Another mentioned the lack of facilities in areas outside the central belt for training and retraining teachers. A third reason might be the increasing pressures placed on head teachers in rural schools.

3.3 Stress on head teachers is an especially acute problem in small schools, which often employ teaching head teachers. Balancing teaching with their other duties, including an increased administrative load under Devolved School Management, puts a great deal of pressure on these teachers.

3.4 Education authorities in rural areas are currently in the process of implementing pilot programmes designed to reduce stress on head teachers (see section 5).

4. Rural School Closures

4.1 None of the directors or councillors consulted are currently considering closing schools in their areas. However, all recognised that, given the constant fluctuation of school roles and economic prosperity, this issue may arise in the future.

4.2 In Dumfries and Galloway, for example, the director of education and councillors are in the process of establishing principles, in consultation with school boards, for a future area-by-area review of school provision. Broadly, they have agreed that any future review will have to take into consideration the educational, financial and community aspects of school provision.

4.3 Closures of small rural schools become an issue due to a lack of consensus on the educational, financial and community potential of schools under consideration for closing:

- Some councillors’ and directors’ views are based on the assumption that very small schools, while often serving a valuable function as community centres, do not offer pupils the range and quality of educational opportunity that larger schools can offer; others’ views are based on the assumption that the quality of education is at least as good, if not better, in small schools than in large.

- Some feel that the disproportionately high per-pupil spending necessary to maintain very small schools cannot be justified in the context of providing quality education for students across the whole of an authority; others take the view that closing very small schools cannot be justified on financial grounds because the savings made are often short-term and insubstantial.
4.4 The lack of agreement on the basic facts of the educational, social and financial benefits or drawbacks of small schools combines with unclear messages from the Scottish Executive on national school closure policy to compound the controversy over any proposed closure.

5. Pilot Programmes and Ideas for the Future

5.1 Education directors, councillors and teachers described several initiatives already underway to assist in financing and sustaining rural schools and alleviating teacher stress. In addition, they outlined some ideas for future initiatives.

5.2 Programmes already being implemented include:

- The recent introduction of pre-school classes to some rural primary schools, which, aside from the obvious benefit of providing pre-school education to more children, has helped to sustain smaller schools by bringing in additional national funds and encouraging pre-schoolers to stay on as they reach Primary 1 age;

- The use of joint management, which, by assigning one head teacher with solely administrative duties to multiple schools, aims to free other teachers from administrative burdens and facilitate co-ordination between schools;

- The use of other management pilots, which, though not introducing ‘super-heading’, cluster schools for the purpose of sharing curriculum development and DSM functions.

5.3 Ideas for the future include:

- The increased use of paraprofessionals, information technology and travelling teachers (as opposed to reliance on the model of one full-time, GTC-certified teacher for each classroom) as a way to maintain the financial sustainability of small schools;

- Increased provision of clerical/secretarial support and teaching assistants to help alleviate stress on head teachers;

- Increased community use of some rural schools (e.g. for meeting space or the provision of library, IT or Post Office services) as a benefit to the community, though not necessarily as an effective way of increasing financial sustainability.

6. Priorities for Committee Investigation

6.1 Committee research into the quality of education provided in Scotland’s small rural schools and the feasibility of community use of such schools would provide valuable information to authorities as they review educational provision in the future.

6.2 There is a need for examination of the methods used to allocate national education funds in order to determine the validity of perceptions that allocation methods place rural schools at a disadvantage, and, if necessary, to propose changes to such methods.
6.3 As authority efforts progress in attracting teachers to rural schools and reducing teacher stress, a Committee investigation into the most effective strategies for accomplishing these goals would form a basis for the promotion of such strategies at the national level.

Ellen Van Scyoc, Intern to Jamie Stone MSP - April 2000
Visit to Moray Council – 1.6.00

While Dumfries & Galloway, Borders and Highland were all visited during March – at the wish of the Committee, and after some slight delay, Moray Council was visited on 1.6.00. The councillors and officials consulted were:

- Alastair Keddie, Chief Executive
- Donald Duncan, Director of Education
- Alistair Farquhar, Education Officer
- Councillor Sandy Keith, Chairman of Education

Issues with implications for rural schools were identified by the Council as being:

- The amount and pace of change in recent years (particularly as applicable to smaller schools) has been a difficulty. Headteachers’ management time and responsibilities have greatly increased – particularly in view of performance measurement and accountability. Best Value and devolution of management/resources combined with the necessity to provide a geographic equality of provision also present challenges.

- ‘Turbulence’ IE turnover or rapid upward and downward in school roles (particularly arising from changeover in RAF personnel – 10% of the UK total) presents the Council with a problem, particularly as regards staffing and management time, both in the core and in the classroom. For obvious reasons turbulence particularly impacts on smaller schools.

- The need to provide headteacher relief in schools with class-committed headteachers is a difficulty for the Council. This, combined with the requirements arising from the changes in the 5-14 curriculum puts strain on budgets.

- The Council’s Inclusion Policy and high cost per pupil in small rural schools have resource implications in both Capital and Revenue costs. The Council is of the opinion that this is insufficiently recognised in the authority’s annual settlement.

- Nursery provision in rural areas – the cost of providing the associated transport on a mandatory basis would be an additional budgetary burden for the Council.

- While Excellence Funding is most welcome, the Council nevertheless encounters difficulty with the ‘three year lump’ nature of the funding. It is for this reason that the authority has had to go down the staff secondments route, as opposed to taking on permanent staff. Budgetary difficulties again arise from this inescapable factor.
By way of constructive suggestion for the future the Council flagged-up the following:

- While DSM is a successful reality for council such as Moray, it might be helpful if the Scottish Executive itself considered following suit in terms of devolving additional powers to determine local spending priorities and budgets to Scotland’s education authorities.

- In terms of ‘clusters’ Moray now has a group of schools operating on a hub and spokes management/co-ordination basis. (One secondary being the hub, and its feeder primaries making up the spokes.) While there may be potential for reviewing management arrangements in a rural schools context, the Council identifies possible legal problem in advancing this model in that present legislation would appear to indicate that each and every school must have its own headteacher. If it did turn out that this hurdle could be got over, then Moray would wish to investigate possible alternative models.

On the issue of school closures Moray has recently closed three primary schools (Edinvillie, Boharm and Glenrinnes) and an annex at Tomintoul. In addition to stressing that the closures were driven by curricular and social factors – as opposed to financial necessities – the Council made the following points:

- No more closures will be considered during the lifetime of the present administration.

- The delay in the Scottish Executive confirming some of these types of closure decisions can cause operational difficulties. For instance Moray had frozen recruitment since the consultation exercise began in October 1999. (In order to more easily relocate potential closure list staff.)

- The delay in Scottish Executive confirmation also stalled induction processes for pupils leaving closure schools. By way of tackling this point, and the previous one, Moray is of the opinion that Scottish Executive should establish a timeframe for responding to councils.

- Moray considers that the Scottish Executive’s Social Inclusion agenda is closely focussed in the Central Belt. Should the Scottish Executive wish to keep more rural schools open, then it will have to shift that focus.

By way of comment on the definition of ‘rural’ schools in Moray – and also on any changes to the present school closure mechanism that the Scottish Parliament might feel inclined to consider, the Council stressed that:

- Formerly ‘rural’ communities in Moray have evolved into present-day ‘commuting’ communities. Indeed the whole of Moray is now one commuting area. This does not however lessen the need to take account of rural deprivation and its effects.

- If the Scottish Parliament was inclined to ‘tweak’ the present rules governing school closures – then it should avoid impinging on the present powers of Scottish education authorities. Scotland’s councils are democratically elected and it would be helpful if the Scottish Executive’s powers and controls could be lessened.

[Signature]
June 2000
1. Background

1.1 Argyll & Bute Council announced proposals for the closure of six primary schools, and commenced their consultation process on 16th March 2000. The consultation period lasted until 29th April 2000. The schools under threat are Toward; Bridge of Orchy; Drumlemble; Ulva; Newton, and Glassary.

1.2 The remit for this report derives from the petition of Prof. Neil Kay, on behalf of Toward School Board. This petition asserts that the consultation carried out by the Argyll and Bute Council was inadequate and based on “incorrect material facts”, and hence prejudicial to a fair hearing. The petition document raises a number of subsidiary points. The evidence set out below takes the form of summaries of the positions of those involved, garnered from written and oral sources.

1.3 Availability of time has been a real problem, during a period of increasing parliamentary workload, with little more than a month allocated to investigate and write this report. I visited Dunoon and two nearby schools on the 6th/7th June. I would have liked to spend longer in the area, and in particular to visit all schools, but this was simply not possible. Of necessity, correspondence and telephone conversations were used to gather views more widely (and email submissions continue to arrive as I write this report).

1.4 The attached SPICe paper (Annex A) outlines legislative requirements for considering school closures. These are minimum requirements. Clearly, we should also consider good practice, and recommendations made by government and other authorities.

Evidence

2. Petitioner Prof. Neil M. Kay (on behalf of School Board of Toward Primary)

2.1 The basis of the petition is that “the closure proposal may be based on incorrect material facts”. It asks the Scottish Parliament “to inquire into the educational issues that may arise from this situation, and take those actions it may deem appropriate to deal with the public interest aspects that may be established from its enquiry”.

2.2 The petition presents Toward Primary as an indicative case for the closure programme as a whole. It characterises the Council’s justification for closure as educational gains from larger peer groups, combined with predicted falling school rolls, and savings on the cost of maintenance.

2.3 In regard of the first point, Neil Kay writes that the Council produced no evidence to support the assertion that larger peer groups would be beneficial. Further, the amalgamation would produce larger class sizes and fewer teachers in merged schools. He believes that other educational benefits would thus be foregone. Since the Council did not present these factors, there was a lack of balance.
2.4 The second point, he argues, confuses "predictions" with "projections based on past trends". (A point which is dealt with further below by Cllr Dick Walsh)

2.5 Regarding the third point, Neil Kay notes that Accounts Commission indicators on class size did not accompany those for capacity; and that the inclusion of savings from "teacher-related costs" exaggerated the savings from "costs of maintaining school buildings".

2.6 Neil Kay also quotes from the presentation made by Argyll & Bute Council. This referred to "Buildings in the local area where the combined occupancy is under 60% (Accounts Commission recommends 80% occupancy)". Elsewhere the presentation stated that Accounts Commission documents "showed that despite the efforts made to date by Argyll and Bute Council, a problem with over capacity remains". Neil Kay believes that these are unfair representations of the documents, referring to the Accounts Commission's own version of its position (see below).

3. Argyll and Bute Council

Cllr Campbell Cameron, Education Convenor
Cllr Alison Hay, Council Leader

3.1 The Council disputes the School Board’s case and their perception of events. They believe that they carried out the consultation process in a proper manner, beyond the statutory requirements, and that they “have been open and honest, and (acted) for the best reasons”. They state that if there were no closures now, there would be budget implications for the future.

3.2 Campbell Cameron said that he was concerned about the number of, and the reasons for placement requests for Toward Primary. Both Councillors said that they felt that the Accounts Commission’s guidelines needed replaced because “80% was not a good starting point”. They also talked about the problems that Argyll and Bute faces because of distances and high transport costs. Overall, they felt that they were coping as best as they could with a difficult situation.

3.3 They deny that all schools below 60% capacity are liable to closure, and state that accessibility to other provision is a critical consideration for closure.

3.4 In response to criticism from the petitioners, they dismissed comments on the status of projected versus predicted figures as "semantic" and argued that "the costs identified in the consultative document are those associated with operating a school at Toward". (In this context, it may be noted that the Accounts Commission refer primarily to property, and that salaries do not feature in their “Case for Rationalisation” on page 23 of Room for Learning).

3.5 Regarding staffing ratios, Campbell Cameron points out that while the combined ratio for Toward/Innellan would be 1:17.7, this compares favourably to the Argyll and Bute average of 17.93. Cllr Cameron also avers that the Council genuinely takes account of consultations by noting that of ten previous exercises, only five resulted in closure.

Councillor Dick Walsh (ward 25 Auchamore & Innellan)

3.6 Cllr Walsh was the Convener of Argyll and Bute Council when the previous round of school closures took place. While he acted at that time in good faith, he now feels that the process is flawed.
"I support fully the concerns being expressed by parents, in particular the concerns that the consultative process is flawed in that the elected members on the council agreed to issue consultative documents and will consider the whole proposal against a background of incorrect material facts.

"All the advice and information to the elected members will come through the Director of Education, and from all the evidence presented so far, it is clear that his advice regarding future population projections and Accounts Commission performance indicators is far from correct".

3.7 Cllr Walsh challenges the peer group justification by quoting from HM Inspector of Schools report on Toward (1994) that "there was clear and excellent evidence of pupils from Primary 1 to Primary 7 co-operating well in groups." He challenges the projections, which are based on General Register Office trends, by pointing out the existence of numerous outstanding planning consents, empty dwellings and development proposals for the area. He also points out that the savings are based on budget figures rather than actual ones, giving catering as an example where real savings are £3,144 rather than the £10,744 advised; that savings on teaching do not mention redundancy costs; that increased transport costs may accrue.

Archibald C. Morton, Director of Education

3.8 Mr Morton identified Brian Wilson’s speech in Dunoon as underpinning the Council’s policy. He stated that the rationalisation, reducing capacity, would make more money available for enhancing the service. He said that the Consultation process, also used last year, was thorough, and based upon the Strathclyde model. A copy was supplied, and is available.

3.9 He detailed the criteria, but did not mention the test of proportionate advantage (see quote from Brian Wilson). This test is meant to take account of all advantages and disadvantages of closures. The slides, however, have been criticised for their concentration on the case for closure (larger peer group and savings), and lack of balance in presenting alternative views of the value of small local schools.

3.10 He outlined the problems which Argyll & Bute had as a result of demographic factors such as dispersed population and island communities, which are they believe not adequately recognised through funding. This case (for SINA) has been outlined in documents distributed to MSPs.

3.11 Archibald Morton also spoke of a significant number of other possible school closures.

Ronnie Gould, Education Officer

3.12 Mr Gould stated that Argyll and Bute Council had looked at alternative uses for school premises (e.g. playgroups, nursery, Gaelic medium education units) and that where possible this had been done. Freestanding community centres in most areas meant that community use of schools was limited. There is a relatively high level of special needs provision within local schools, in response to parents’ wishes. Mr Gould spoke of the application of the test of proportionate advantage, but presented no evidence as to how negative educational, social and economic effects had been weighed against educational and financial gains.
4. Toward and Innellan Primary Schools

4.1 Toward Primary and Innellan, the receiving primary for Toward, were visited. I met staff and pupils. While the schools had different styles, both schools had plenty of evidence that they are lively, active and progressive schools. Innellan is open plan – although some pupils were on a visit to secondary, the class was bustling with busy children. Toward was more intimate, with various groups engaged in activities such as computing and discussion.

4.2 I also met the Toward School Board Chair, Ann MacDonald. She felt that decisions had been made beforehand, that costings were not accurate, and that councillors had been difficult to contact. She spoke of rumours that other schools were to close, causing great uncertainty among parents. She noted differences in teaching approach between Toward and Innellan that had led some parents to transfer their children from Innellan to Toward, and felt that the merger would exacerbate the situation. She was very concerned about the consultation, because she had not heard until after Easter, too close to the summer term and the lateness of the decision and the early closure would make the planning of mergers very difficult. She referred to the last block of closures where one school had not been told that they were closing until the day before closure, and furniture was removed while pupils were still in class. Teachers, she said, shared her concerns about the uncertainty and short timescales, and that such action did not encourage good staff to stay in the area.

5. Other Schools

5.1 The Council proposed the closure of Glassary as part of the previous programme of closures, but then decided not to proceed. At that time, the Council made its criteria for inclusion clear, as agreed at an Education Committee meeting 29 October 1997. Though the current document does not specify criteria, Glassary School Board responded on the assumption that the basis was as used previously. The Council has not clarified which of the criteria they consider apply to Glassary. The School Board has argued that now, as previously, no criterion can be substantiated.

5.2 The School Board argue, with reference to HMI and other reports, that the potential shortcomings of education in small schools which are identified in the consultation document do not apply either to small schools generally or to Glassary in particular. They also argue that capacity and financial saving calculations are erroneous, that the social costs of closure are being overlooked, and that, contrary to assumptions, the community is expanding.

5.3 Glassary is over five miles from receiving schools, and would therefore be subject to consent from the Scottish Executive.

5.4 The Council has also previously proposed closure of Drumlemble. The School Board argues that its case is now stronger. They note that the local roll has risen and will continue to increase.

5.5 The Council’s capacity calculation of 99 has been challenged, on the basis that there is only space for three classes, and as these are composite, the capacity should be given as 75. They also complain that the Council produced no empirical
evidence to support its argument on educational gain; has overestimated financial gains, and has not taken account of social and economic factors.

5.6 Regarding the receiving school, they note that dining facilities are already inadequate, and merger would exacerbate the situation. Further, they argue that capacities there are overestimated, and that there will soon be a big influx to the area because of the sale of 170 former RAF houses.

5.7 The **Ulva Ferry** School Board complain that the consultation document
- ignores Gometra;
- does not allow for the catchment area of a receiving school’s Gaelic medium unit;
- includes teachers wage as savings;
- overestimates maintenance by basing it on past expenditure;
- minimises the importance to the community and,
- underestimates the increase in transport costs.

A consultation meeting speaker said that children could not get a proper education in small schools. The other speaker repeatedly referred to falling school rolls, despite a locally expected rise due to the existing number of pre-five children. When the question of Gometra was raised, it was stated that a child from there would be sent to Salen. Previously, it had been stated that they would be given home tuition, and subsequently that they would be educated through computer conferencing. When fears were raised of closure of receiving schools as part of the mooted total of nineteen closures, the figure was denied – but this figure did appear in the minutes of the Drumlembie consultation meeting.

5.8 They have since had difficulty obtaining promised further information, and are upset that communication in general has been poor, with the initial announcement and subsequent information revealed through press and radio rather than given directly.

5.9 Ulva Ferry is over five miles from receiving schools, and would therefore be subject to consent from the Scottish Executive.

5.10 I do not have written evidence regarding **Bridge of Orchy** and **Newton**’s case. I understand, however, that they share many of the misgivings outlined above concerning other schools.

5.11 This is the fourth attempt to close Newton, and parents decided not to mount a campaign this time, because they felt there had been an adverse effect on children during the last campaign. It was also noted that previous demands for improved transportation had been met, and the school roll is falling.

5.12 At Bridge of Orchy, the meeting were apparently told that local development proposals need not be considered unless there was a “done deal”, and that the main savings were from staff costs. Elsewhere savings have been presented as from building costs. Unfortunately, with one exception, no minutes of meetings are available, so it is difficult to confirm such anomalous reports.
6. Other local comment

6.1 Several people have referred to the short timescales for consultation, and also for subsequent closures and mergers. Generally, parents are happy with the educational quality of their schools, though not necessarily so regarding proposed alternatives.

6.2 Other concerns include

- safety aspects arising from increased road travel;
- the costs arising from merger (e.g. school boards insisting on open selection procedure for new head teacher);
- the consequences to social services of an ageing population as a result of families not locating / staying where there is no local primary school; and,
- the purpose of the £900,000 paid as an interim measure pending consideration of SINA for Argyll & Bute, if not for supporting island communities and their schools?

6.3 Parents (and politicians) have also expressed concern about wider educational issues in Argyll & Bute. Their fears are based on a “vision paper for education” entitled “Putting Children First”, in which the Director of Education proposes fundamental changes to education within Argyll & Bute. These include primary 7 children attending secondary schools as part of a lower school (P7-S3), which would attend in mornings and early afternoon, while the upper school (S4-S6) would attend afternoon and early evening.

6.4 Off the record discussions with parents and staff also give an impression of an autocratic approach. There is evidence of a divide and rule strategy with the receiving school being encouraged to support closures, as they would get the benefit of additional resources. It has been noted that previous consultations have been controversial, in regard to the decision making process and lobbying activities, and the lack of submissions supporting closure.

6.5 The Church of Scotland Presbytery of South Argyll has published a report on proposed school closures in Argyll and Bute. The report challenges the assumptions of educational and financial gains, and states that “only one side of the debate seems to be presented by the Education Department”. The report comments on social and economic consequences, arguing that “the role which the primary school plays in a rural community cannot be over-estimated.”

7. Comment from Scottish Ministers and other relevant bodies

Brian Wilson

7.1 Speaking at a seminar in Dunoon, Brian Wilson said:

“No school should close on financial grounds alone. There must also be a credible educational justification for closure. I am now inviting education authorities to apply a test of proportionate advantage to any proposed closure of a rural primary school. In other words, do the educational and financial gains deriving from a closure stand up to scrutiny and do they outweigh the negative
effects - on that rural community and the children and their families - which that
closure will have?

“It is Important that all those consulted on closure proposals feel that they have
been listened to, and have the opportunity properly to assess the balance of
arguments for and against. This will put an onus firmly on the education
authority to demonstrate the case for closure, as well as on the community
affected to demonstrate the case for retention.

From "No rural school should be closed solely on cost grounds" Scottish Office News

SPICE
7.2 A SPICE briefing, "The legislative requirements for considering school closures"
is attached (Annex A), but in particular, I wish to highlight section 7.

" In addition, the notification should ensure that parents can understand
whether and how their children will be affected by the proposals. Notification
should also offer to make available further details on request and further
detailed information should include:

• a full explanation of the reasons behind the authority’s proposal and when and
how the closure will be implemented

• the educational, financial, demographic and social factors taken into account in
the authority’s consideration of the closure

• the alternative arrangements planned by the authority, including information
about any travel arrangements and changes in the facilities currently
available."

ADES and CoSLA
7.3 Response of the Association of Directors of Education Scotland and CoSLA to
the Education, Culture and Sports Committee’s Inquiry into School Infrastructure,
May 2000

11. A number of schools, particularly in rural areas, are currently under threat
because of their maintenance and refurbishment requirement. If rural schools
are to be justified solely on financial grounds, further closures are inevitable.
We need solutions that recognise the social and economic importance of rural
schools to rural life.

This point is reiterated in paragraph 37 of the response.

Audit Scotland / Accounts Commission
7.4 The content and status of Accounts Commission documents is a crucial element
in the respective cases of the Council and objectors. Several slides used in the
consultation process referred to directions given by the Accounts Commission.

“Surplus capacity exists and the consequence can be that education authorities
find themselves heating, cleaning and maintaining buildings which are
significantly under-utilised thereby diverting increasingly scarce resources from key elements of education provision.

“In schools with declining rolls, property costs per pupil have risen, with growing pressure on the resources available for staff development, supplies and services and the proper maintenance of suitable buildings.”

“The Local Government (Scotland) Act 1994 places a duty upon new councils to achieve economy, efficiency, and effectiveness in the use of their resources… the Commission will require external auditors to review progress with the management of new councils over future years.”

“The new councils will inherit a situation which cannot be allowed to continue. Value for money in school education budgets, which will be under severe pressure, will only be achieved by reducing the costs of surplus places.”

“The local government Act of 1994 places a responsibility on councils to achieve economy, efficiency and effectiveness in the use of their resources.

“Requirement on authorities to obtain best value.

“Argyll and Bute is one of six Councils with the highest percentage of primary schools operating at 60% or less.”

The above sheets were all attributed to the Accounts Commission. The OHP headed Criteria for Closure also contained:

“Buildings in the local area where the combined occupancy is under 60% (Accounts Commission recommends 80% occupancy).”

7.5 The petitioner complain that this is not a balanced reflection of the Accounts Commission’s views.


"many viable schools have surplus capacity. Indeed, no authority wide system can be expected to run at 100% in any circumstances. Some elbow-room is always needed. Perhaps little over 80% can realistically be achieved."

7.7 This figure of 80% figured prominently in the case presented by Argyll & Bute, being mentioned in three out of nine slides during the consultation presentation. On page 19 of Room for Learning, a figure of 60% is referred to "as being a realistic focus on the potential for rationalisation" while acknowledging the "initial physical limitation on authorities' scope to reduce surplus capacity in a local area context."

7.8 On page 21, the calculated figure of 168,000 surplus Primary School places, is pared down to 22,000 which are considered "disposable". The deductions include 77,000 which have greater than 60% occupancy, plus 46,000 places which "cannot be rationalised in the local area" and a further 10,000 in "isolated rural schools". The document also discusses the measurement of capacity (p.12). It is noted that this figure depends upon a number of factors, and that capacity may vary (e.g. due to maximum size for a composite class, or various possible changes in the allocated purpose of rooms).

7.9 Also noteworthy are paragraph 83 and the accompanying box 7 (on page 30).
7.10 A companion management guide, "Managing Surplus Capacity in School Buildings", also notes that while it is "acknowledged by educational advisers that reduced pupil numbers can adversely affect the quality of secondary education"… "there are no clear educational arguments for closing small primary schools." Rather there are divergent views on optimal and minimal school, class and peer group sizes, which must be viewed in the context of pertinent social and economic factors, and which may commit councils to maintaining small primary schools.

7.11 Finally, further clarification of the Accounts Commission position may be found in a letter to Neil Kay.

"It is not the role of the Commission to set, or recommend, an occupancy target for schools. It is for each council to review its school building provision to ensure effective use of resources and respond to the challenges facing its education service by taking appropriate action. To identify to councils where there may be the greatest scope for rationalisation, the report suggested that councils should focus their attention on schools less than 60% occupied. As you no doubt appreciate, the report was directed to the national picture and did not contain specific recommendations for individual councils."

8. English Guidelines

8.1 It is instructive to note the factors included in the guidelines for English closure proposals (taken from DfEE news release 195/00, 9 May 2000, "Government strategy is keeping rural schools alive" - Schools Minister Jacqui Smith, http://www.dfee.gov.uk/news/news.cfm?prnumber=195&pryear=00 )

8.2 These address

• The accessibility of alternative schools
• The standard of the school and the standards of alternative schools
• The overall supply of school places in the area and the likely future demand for places
• The overall effect of the closure on the local community
• The cost implications of the possible options
• Any points made by the LEA
• Any points made by the school proposed for closure
• The views of parents and other interested parties
• The effect on the school journey, including long-term transport costs, whether the closure will result in more pupils experiencing longer journeys to school and more pupils being driven to school by car.

9. Conclusions

9.1 As clearly stated from the outset of the petition process, “it is for the Council alone to take executive decisions in relation to the provision of services for which it is responsible in Argyll and Bute”. However, such decisions should be mindful of criticisms of factors in the decision making process. This is particularly so where
those criticisms refer to the fairness of the way in which the views of the public are
gathered and taken into account. The Council has clearly recognised this by delaying
their decision on the closures. I hope that they will now take account of the following
comments, before proceeding to make their decision.

9.2 In a letter to the Public Petitions Committee, Campbell Cameron states that the
consultation document “is not the definitive statement used by Members at the time
of decision making. Indeed the whole purpose of the consultative process is to
ensure that the information given to the Council when they come to consider their
decision is full and accurate”. The petitioners have sought to show that inaccurate
statements contained within the consultation documents are indicative of persistent
flaws in the thinking underpinning the decision making process, and that these flaws
are prejudicial to the chances of a school or school board receiving a fair hearing.

9.3 Whether such inaccuracies and flaws are prejudicial depends upon the extent to
which the Council is prepared to reconsider its proposals in the light of valid
criticisms that have been made.

9.4 Among these criticisms, the most pertinent to the petitioners’ case are:

• It appears, from the Council case presented in consultation meetings and
  subsequently, that the Council has inaccurately or selectively interpreted
  Accounts Commission documents. This is highlighted by comparison with the
  Accounts Commission’s own response.

• There is also strong evidence that, in at least some respects, “incorrect material
  facts” have been presented, including inaccurate information regarding the
  situation of particular schools.

• There is little evidence that the test of proportionate advantage has been applied.

9.5 There are also other aspects raised by this report, which in fairness to the
Council, cannot be deemed a failure of consultation on their part, but may be worthy
of attention with a view to revised guidance.

• The statutory minimum consultation period is 28 days. The Council allowed six
  weeks, but does even this extension give parents, School Boards and staff
  enough time to put their views forward? Should a minimum period be specified,
  between decision of closure, and consequent merger, to allow for better planning
  and consultation on this process?

• How can we ensure that parents in affected schools feel they are treated fairly?

• How can we avoid a “climate of fear” among parents and teaching staff, for whom
  even a reprieve one year is no guarantee that they will not be the subject of
  closure proposals the next?
10. **Recommendations**

- There must be an open and accountable approach to consideration of the viability of Rural Schools, both in setting criteria, and in the determination of parameters contained within those criteria.

- Criteria should be based on proportionate advantage; i.e. they should take account of all positive and negative consequences.

- Consultation documents should reflect differences of academic and other opinion on educational gains and losses. The social and economic consequences for local communities, including longer-term consequences, should be considered throughout the process. While acknowledging that financial considerations are clearly important, “no rural school should be closed solely on cost grounds”, and the financial considerations must include items such as the full additional costs of travel, and the cost of protected posts.

- Regard must also be paid to Life Long Learning, the development of community schools and pre-school provision. Only after all of these considerations are discussed, should rationalisation be broached. There has to be a system that allows all of the stakeholders to get round the table to find a way forward. This does not detract from the local authorities' role in making a final decision, however they may be better informed.

- When closures are inevitable, there must be a realistic time scale to allow for consultation and resolution.

- Local authorities make the final decision on Rural School closures. I propose that CoSLA be asked to develop a Code of Practise to look at the whole issue of rural schools. Their role, building communities, community planning, community consultation and when necessary what needs to be in place to implement a rural school closure.

- The Audit Commission might want to take another look at how their information is interpreted.
References
The following written sources were used in the compilation of this report.


2. “The Legislative Requirements For Considering School Closures”.  
   - Sue Morris, SPICE 15 June 2000

3. “Response of the Association of Directors of Education Scotland and COSLA to the Education Culture and Sport Committee’s Inquiry into Schools Infrastructure”, May 2000


6. Argyll & Bute Council Consultation materials, and “Putting Children First”, Archibald C Morton, Director of Education A&B council


8. Glassary Primary School Board, Report to Director of Education

9. Drumlemble School Board, Response to Consultative Document

10. Letter from Ulva Ferry School Board

11. Letter and Consultation Response from Councillor Dick Walsh

12. Report by the Business Committee of the Church of Scotland Presbytery of South Argyll (April 2000)
Annex A
THE LEGISLATIVE REQUIREMENTS FOR CONSIDERING SCHOOL CLOSURES

The legislative framework

1. The process to be followed by local authorities when considering school closures is set out in the Education (Scotland) Act 1980. The Scottish Office Education Department published guidance for local authorities on fulfilling these legislative requirements in Circular No. 1074 of 1981 and again in Circular No. 1174 of 1988, which amended some parts of Circular No. 1074. While the Circulars primarily outline the legislative requirements on local authorities, they also recommend good practice in relation to the legislation. In particular, the Circulars encourage local authorities to consult as widely as possible with parents of children who may be affected by school closures.

2. The context of the legislation was ‘the Government’s policy of relaxing where possible the detailed controls over local authorities and enabling local decisions to be made locally’\(^1\). In certain cases, however, consent must be sought from the Secretary of State before a school\(^2\) is closed. These cases are:

   — for primary schools, where closure would result in pupils having to travel more than 5 miles to another school
   — for secondary schools, where closure would result in pupils having to travel more than 10 miles to another school
   — for any school, where the numbers of pupils is more than 80% of the school’s capacity\(^3\)

Consultation on school closures

3. Statutory requirements for consultation were introduced in order to ensure that the delegation of more decisions to local level were accompanied by increased right for parents to be consulted on such decisions. The main legislative provisions on consultation are in sections 22A(1) and 22A(2) of the Education (Scotland) Act 1980:

   ‘Consultation on, and consent for, changes in certain educational matters

22A (1) Where an education authority make a proposal of a prescribed kind, they shall, in such manner as may be prescribed, publish it or otherwise make it available and consult such persons as may be prescribed and shall not reach a decision on it without having regard to any representations made to it by those persons.

22A (2) In this section ‘prescribed’ means prescribed for the purposes of this section by the Secretary of State by regulations and in so prescribing kinds of proposals the

\(^1\) Circular No. 1074, p5, para 19
\(^2\) SI 1987 No. 2076 (which amends SI 1981 No.1558) makes clear that this provision excludes nursery school or classes.
\(^3\) SI 1988 No. 107 (which amends SI 1981 No.1558) states that calculation of pupil capacity must have regard to: the authority’s assessment of capacity; the maximum number of pupils in attendance in any one year over the 10 years before the proposal for closure; and the curriculum of the school.
Secretary of State shall include proposals to discontinue or change the site of any school under the management of an education authority."

4. Regulations have been made under this Act and are contained in Statutory Instrument 1981 No. 1558 (S.159) The Education (Publication and Consultation Etc.) (Scotland) Regulations 1981. The regulations provide that where the proposal is to discontinue a school (or stage of education in any school) the persons to be consulted are:

i. 'the parent of every pupil in attendance at any school affected by the proposal;"

ii. 'the parent of every child, being a child of whose existence the authority are aware who would be expected to be in attendance at the school or stage of education to be discontinued within two years from the date of the proposal;"

iii. the School Board responsible for any school affected by the proposal;"

iv. any person authorised for the purpose by the church or denominational body (if any) in whose interest any school affected by the proposal is conducted.'

5. The regulations make clear that the definition of 'any school affected by the proposal' to close a school includes a school to which pupils may be transferred as a result of the closure.

Consultation with parents

6. The regulations outline the manner of consultations to be undertaken with parents. These must include notification in which the authority makes a statement outlining the proposal or the part of the proposal which affects parents and must include either or both of the following:

a) an address to which representations on the proposal may be submitted to the authority and a date not less than 28 days after notification is received for submission to be made

b) the date, time and place of any meeting arranged by the authority where members of the authority will explain the proposals, take questions on them and take account of parents’ representations. Any meetings arranged must take place outwith working hours and at a convenient location for parents

7. In addition, the notification should ensure that parents can understand whether and how their children will be affected by the proposals. Notification should also offer to make available further details on request and further detailed information should include:

— a full explanation of the reasons behind the authority’s proposal and when and how the closure will be implemented

— the educational, financial, demographic and social factors taken into account in the authority’s consideration of the closure

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4 As amended by 1987 SI No. 2076; 1988 SI No. 107; and 1989 SI No. 1739.

5 The definition of ‘stage of education’ means a yearly stage of a primary or secondary course of education or all the nursery classes in a school.
— the alternative arrangements planned by the authority, including information about any travel arrangements and changes in the facilities currently available

8. The regulations state that consultation with parents of children who are not currently attending the school because they are at the pre-school stage may be by means other than individual notification to each parent, by means of an advertisement in a local newspaper. While Circular No.1074 restates this, it also recommends that authorities attempt to consult with pre-school parents as far as is reasonably practicable.

9. The Circular also reminds authorities that the 1980 Act requires them to have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents.

**Consultations with School Boards**

10. The regulations state that the full details of the proposed closure must be made available to the clerk of the School Board of any school affected by the proposed closure at least 28 days before written representations on behalf of the Board are requested.

11. Circular No. 1074 states that the legislation permits authorities to delegate to School Boards the task of consulting with parents on proposals to close schools. The Circular stresses, however, that in such cases authorities must ensure that they consider the views of parents as reported by the Board and not merely the views of the Board itself.

**Consultations with Church or denominational body**

12. Where an authorised representative of the Church or denominational body has been identified, the local authority must provide full details of the proposed closure to this representative. As for School Boards, at least 28 days must be allowed for written representations to be made on behalf of the Church or denominational body.

**Sue Morris**

Scottish Parliament Information Centre

15 June 2000