

Mr David Sutherland  
Chair, Commission on Rural Education  
Area 2A South  
Victoria Quay  
Edinburgh  
EH6 6QQ

11 January 2012

Dear Mr Sutherland

### COMMISSION ON RURAL EDUCATION - Call for Evidence

Consumer Focus Scotland welcomes the opportunity to submit evidence to the Commission on Rural Education. One of our predecessor organisations, the Scottish Consumer Council (SCC), had a long history of working on education issues. Consumers of education include those who have to make decisions about their children's or their own education, in effect parents, children and young people who must be equipped to make informed choices and have the opportunity to influence service provision.

The SCC had particular concerns regarding the consultation process for rural school closures. In 2008, the SCC published *Improving Consultation on Rural Schools Closures*.<sup>1</sup> This report set out a number of key recommendations to the Scottish Government, aimed at improving the consultation process for the closure of rural schools. Since publication, the Scottish Government has introduced the Schools (Consultation) (Scotland) Act 2010, which we broadly welcomed.

People living in rural areas often may not consider themselves as vulnerable; however due to their geographical location and the cost of goods and services in their area, they may be considered 'vulnerable' or 'disadvantaged' in comparison to their urban counterparts. We fully support the Commission's aims of examining how the delivery of rural education can maximise the attainment and life chances of young people in rural areas, as well as the link between rural education and rural communities. We believe it is important that pupils living in rural areas are afforded the same opportunities for achievement as their urban equivalents.

Rather than answering all of the specific questions set out in the Call for Evidence we have focussed our response on issues from Section C relating to the Schools (Consultation) (Scotland) Act 2010 and its application.

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<sup>1</sup> Scottish Consumer Council (2008) *Improving Consultation on Rural Schools Closures*  
<http://webarchive.nationalarchives.gov.uk/20090724135150/http://scotcons.demonweb.co.uk/publications/reports/reports08/rp09ruralfull.pdf>

## **Q10 (c) Do you have any comments on consultation under the Schools Consultation Act or how it could be improved?**

We broadly welcomed the Schools (Consultation) (Scotland) Act and its objective of establishing a new, more open, straightforward and transparent framework for consultation and decision-making, setting out more clearly the roles of local authorities and of the parents, pupils and communities consulted. We believe that, in addition to improving the practice of local authorities, the changes should contribute to a more positive experience for consultees and help to build a stronger relationship between local authorities and the communities that they serve.

We also welcomed the Act's emphasis on educational attainment over financial considerations when considering the closure of a rural school. We continue to support the requirement in the Act that Councils must have special regard to the likely effect of the school's closure on the local community as well as the likely consequences of the closure of the school on travel and transport arrangements.

Although we are generally supportive of the Act, we believe that a number of improvements could be made to the current statutory consultation process. A number of recommendations made by the SCC in response to the Scottish Government's 2008 consultation<sup>2</sup> are still valid and we believe these would improve the process of consultation on rural school closures if implemented.

In particular, we remain concerned that the Act states that local authorities are only required to provide a minimum 6 week consultation period. This is a significant divergence from the 12 week standard consultation period for both Scottish and UK Government consultations. In *Improving Consultation on Rural Schools Closures*, the SCC argued in favour of a minimum 12 week consultation period as good practice, as this would allow consultees to organise themselves and construct their argument. SCC research found that even in cases where the previous 28 day period was extended to 6 weeks, consultees found it difficult to build their arguments and prepare their responses in time.<sup>3</sup> We consider that a minimum of 12 weeks consultation is particularly essential when consultees wish to dispute information contained in consultation documents such as pupil projections and financial implications. We therefore recommend to the Commission that the Scottish Government should revisit the legislation to bring school closure consultations in line with the 12 week convention, ensuring that a minimum of 6 weeks of the consultation period occurs during term time.

SCC research found that there were serious issues concerning the quality of the consultation being carried out by local authorities.<sup>4</sup> It was notable that not all staff carrying out consultations had relevant expertise or knowledge. Conducting effective consultations with the public requires a specific set of skills including knowledge of how to facilitate meetings and analyse responses. Although we welcome the issuing of statutory guidance for local authorities, an investment is needed in improving the skills and capacity of the staff involved. We therefore re-iterate our earlier

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<sup>2</sup><http://webarchive.nationalarchives.gov.uk/20090724135150/http://scotcons.demonweb.co.uk/publications/responses/resp08/re09rura.pdf>

<sup>3</sup> See footnote 1

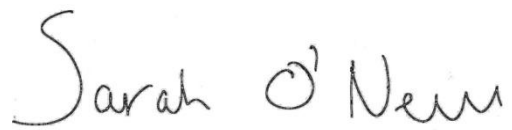
<sup>4</sup> See footnote 1

recommendations<sup>5</sup> that staff undertaking consultations on school closures should be required to have undergone training on conducting consultations, and on recording and analysing results.

Consultees are experts on their communities but they are not experts in education law or local government finance. The SCC therefore also recommended that consideration should be given to placing a duty on councils to provide financial support to enable parents and communities to access independent support and advice, for example through a grant to Parent Councils or Community Councils. Whatever mechanism is employed, it must be fast and easy to access to ensure that it is not an additional burden for consultees and should fit in with consultation timescales. We recommend therefore that the Commission should give consideration to how the Scottish Government can further support parents, pupils and community groups to access free, independent advice on responding to consultations on issues such as school closure. This should include ways of placing a duty on local authorities to fund access to advice and support.

I hope that you find these comments useful. Please do not hesitate to contact my colleague, Anne-Marie Sandison, Policy Manager on 0141 227 8434 or at [anne-marie.sandison@consumerfocus.org.uk](mailto:anne-marie.sandison@consumerfocus.org.uk) if you have any further questions.

Yours sincerely

A handwritten signature in black ink that reads "Sarah O'Neill". The signature is written in a cursive, flowing style.

Sarah O'Neill  
Director of Policy

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<sup>5</sup> See footnote 1