



# Schools (Consultation) (Scotland) Act 2010

**2010 asp 2**

*Special provision for rural schools*

## **12 Factors for rural closure proposals**

- (1) Subsection (2) applies in relation to any closure proposal as respects a rural school.
- (2) The education authority must have special regard to the factors mentioned in subsection (3).
- (3) The factors are—
  - (a) any viable alternative to the closure proposal,
  - (b) the likely effect on the local community in consequence of the proposal (if implemented),
  - (c) the likely effect caused by any different travelling arrangements that may be required in consequence of the proposal (if implemented).
- (4) For the purpose of subsection (3)(b), the effect on the community is to be assessed by reference (in particular) to—
  - (a) the sustainability of the community,
  - (b) the availability of the school's premises and its other facilities for use by the community.
- (5) For the purpose of subsection (3)(c)—
  - (a) the effect caused by such travelling arrangements includes (in particular)—
    - (i) that on the school's pupils and staff and any other users of the school's facilities,
    - (ii) any environmental impact,
  - (b) the travelling arrangements are those to and from the school of (and for) the school's pupils and staff and any other users of the school's facilities.

### **13      Explanation of approach**

- (1) Subsections (2) and (3) apply in relation to any closure proposal as respects a rural school.
- (2) The proposal paper must additionally explain how the education authority complied with section 12 when formulating the proposal.
- (3) The consultation report must additionally explain—
  - (a) how the education authority complied with section 12 when reviewing the proposal under section 9(1),
  - (b) any change of attitude that the education authority has had which is attributable to its compliance with section 12 when reviewing the proposal under section 9(1).

### **14      Designation of rural schools**

- (1) In this Act, a “rural school” is a school which is designated as such by its inclusion in the list of rural schools maintained by the Scottish Ministers for the purposes of this subsection.
- (2) In determining the question of rurality when considering whether a school falls to be included in or excluded from the list of rural schools, the Scottish Ministers are to have regard (in particular) to—
  - (a) the population of the community (or settlement) in which the school is located,
  - (b) the geographical circumstances of that community (or settlement) including its relative remoteness or inaccessibility.
- (3) The list of rural schools is to be accompanied by an explanation of how the Scottish Ministers devised the list—
  - (a) by reference to subsection (2), and
  - (b) if they consider it appropriate, by reference to any recognised criteria available from a reliable source.
- (4) The Scottish Ministers are to—
  - (a) monitor the list of rural schools (and update it as regularly as they consider necessary),
  - (b) publish it (including as updated) in such way as they consider appropriate.
- (5) An education authority must provide the Scottish Ministers with such information as they may reasonably require of it in connection with the list of rural schools.