

# Children and Young People (Scotland) Act 2014

2014 asp 8

## PART 15

### SCHOOL CLOSURE PROPOSALS, ETC.

#### **80 Special provision for rural school closure proposals**

(1) Before section 12 of the 2010 Act (factors for rural school closure proposals), insert—

**“11A Presumption against rural school closure**

- (1) This section applies in relation to any closure proposal as respects a rural school.
- (2) The education authority may not decide to implement the proposal (wholly or partly) unless the authority—
  - (a) has complied with sections 12, 12A and 13, and
  - (b) having so complied, is satisfied that such implementation of the proposal is the most appropriate response to the reasons for formulating the proposal identified by the authority under section 12A(2)(a).
- (3) The authority must publish on its website notice of—
  - (a) its decision as to implementation of the proposal, and
  - (b) where it decides to implement the proposal (wholly or partly), the reasons why it is satisfied that such implementation is the most appropriate response to the reasons for formulating the proposal identified by the authority under section 12A(2)(a).”

(2) In that section—

- (a) subsection (3)(a) is repealed,
- (b) in subsection (4), after “(3)(b)” insert “ and sections 12A(2)(c)(ii) and 13(5)(b)(ii) ”,

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- (c) in subsection (5), after “(3)(c)” insert “ and sections 12A(2)(c)(iii) and 13(5)(b)(iii) ”.

(3) After that section, insert—

**“12A Preliminary requirements in relation to rural school closure**

- (1) This section applies where an education authority is formulating a closure proposal as respects a rural school.
- (2) The authority must—
  - (a) identify its reasons for formulating the proposal,
  - (b) consider whether there are any reasonable alternatives to the proposal as a response to those reasons,
  - (c) assess, for the proposal and each of the alternatives to the proposal identified under paragraph (b) (if any)—
    - (i) the likely educational benefits in consequence of the implementation of the proposal, or as the case may be, alternative,
    - (ii) the likely effect on the local community (assessed in accordance with section 12(4)) in consequence of such implementation,
    - (iii) the likely effect that would be caused by any different travelling arrangements that may be required (assessed in accordance with section 12(5)) in consequence of such implementation.
- (3) For the purposes of this section and section 13, reasonable alternatives to the proposal include (but are not limited to) steps which would not result in the school or a stage of education in the school (within the meaning of paragraph 12 of schedule 1) being discontinued.
- (4) The authority may not publish a proposal paper in relation to the proposal unless, having complied with subsection (2), it considers that implementation of the closure proposal would be the most appropriate response to the reasons for the proposal.
- (5) In this section and section 13, the references to the reasons for the proposal are references to the reasons identified by the education authority under subsection (2)(a).”.

(4) For section 13 of the 2010 Act substitute—

**“13 Additional consultation requirements**

- (1) This section applies in relation to any closure proposal as respects a rural school.
- (2) The proposal paper must additionally—
  - (a) explain the reasons for the proposal,
  - (b) describe what (if any) steps the authority took to address those reasons before formulating the proposal,
  - (c) if the authority did not take such steps, explain why it did not do so,

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- (d) set out any alternatives to the proposal identified by the authority under section 12A(2)(b),
  - (e) explain the authority's assessment under section 12A(2)(c),
  - (f) explain the reasons why the authority considers, in light of that assessment, that implementation of the closure proposal would be the most appropriate response to the reasons for the proposal.
- (3) The notice to be given to relevant consultees under section 6(1) must—
  - (a) give a summary of the alternatives to the proposal set out in the proposal paper,
  - (b) state that written representations may be made on those alternatives (as well as on the proposal), and
  - (c) state that written representations on the proposal may suggest other alternatives to the proposal.
- (4) In sections 8(4)(c), 9(4) and 10(2)(a), the references to written representations on the proposal include references to written representations on the alternatives to the proposal set out in the proposal paper.
- (5) When carrying out its review of the proposal under section 9(1), the education authority is to carry out—
  - (a) for the proposal and each of the alternatives to it set out in the proposal paper (if any), a further assessment of the matters mentioned in section 12A(2)(c)(i) to (iii), and
  - (b) an assessment, in relation to any other reasonable alternative to the proposal suggested in written representations on the proposal, of—
    - (i) the likely educational benefits in consequence of the implementation of the alternative,
    - (ii) the likely effect on the local community (assessed in accordance with section 12(4)) in consequence of such implementation,
    - (iii) the likely effect that would be caused by any different travelling arrangements that may be required (assessed in accordance with section 12(5)) in consequence of such implementation.
- (6) The consultation report must additionally explain—
  - (a) the education authority's assessment under subsection (5)(a),
  - (b) how that assessment differs (if at all) from the authority's assessment under section 12A(2)(c),
  - (c) the authority's assessment under subsection (5)(b),
  - (d) whether and, if so, the reasons why the authority considers that implementation of the proposal (wholly or partly) would be the most appropriate response to the reasons for the proposal.”.
- (5) In section 1 of the 2010 Act (overview of key requirements), after subsection (4) insert—
  - “(4A) In the case of a closure proposal in relation to a rural school, the education authority must also comply with—
    - (a) the preliminary requirements set out in section 12A when it is formulating the proposal,

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(b) the additional consultation requirements set out in section 13.”.

**Commencement Information**

**II** S. 80 in force at 1.8.2014 by S.S.I. 2014/165, art. 2, Sch. (with art. 5)

**Changes to legislation:**

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