



**Safeguarding our rural schools
and improving school
consultation procedures:** proposals for
changes to legislation

**ATL's response to the Scottish
Government's consultation
document**

September 2008

ATL – the education union

The Association of Teachers and Lecturers (ATL), as a leading education union, recognise the link between education policy and our members' conditions of employment. Our evidence-based policy making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members. We help our members, as their careers develop, through first-rate research, advice, information and legal support. Our 160,000 members – teachers, lecturers, headteachers, support staff and students – are empowered to get active locally and nationally. We are affiliated to the TUC, and work with government and employers by lobbying and through social partnership.

ATL is affiliated to the Trades Union Congress (TUC), Irish Congress of Trade Unions (ICTU), European Trade Union Committee for Education (ETUCE) and Education International (EI). The union is a member of the Social Partnership – working with the UK Government, employers and other unions on education issues. ATL is not affiliated to any political party and seeks to work constructively with all the main political parties.

Introduction

ATL is pleased to be able to respond to the Scottish Government's consultation on *Safeguarding our rural schools and improving school consultation procedures*. We view the issue of rural school closures firmly in the framework of their impact on poverty and social exclusion in their rural areas. We believe that breaking the link between poverty and low educational attainment remains as much of a challenge for rural schools as it is for their urban counterparts.

ATL fundamentally supports the principles outlined by the Scottish Government to underpin the proposals for change in establishing a system that is:

- more coherent and easier to understand;
- fairer and more workable;
- more open and transparent; and
- above all, one in which the public has more trust and confidence

We broadly welcome the proposals contained within the consultation paper and offer our response as a reflection of our genuine belief as to the significant contribution which rural schools make in enhancing the quality of lives within local communities and in combating poverty, inequality and social exclusion.

Where we do differ from the Scottish Government's proposals we do so on sound educational and evidence based reasons, utilising the experiences of our members from across the United Kingdom (UK). We do not seek however to impose solutions from elsewhere in the UK but rather hold them up as a mirror for those sought within this Scottish dimension.

Issues to consider

1. Do you support the proposal to require local authorities to have regard to certain matters before they proceed to consultation on the closure of a local school?

Yes. We believe that in doing so the impact of any potential school closure on the local community will receive fuller consideration than may currently be the case. ATL particularly welcomes the Scottish Government's suggestion that authorities 'will in effect be required to carry out a community impact assessment focusing in on the likely impact of the school's closure on the future sustainability and viability of the community in which the school is located and the wider area it serves.'

2. Do you agree with the four matters we propose requiring that authorities should have regard to before proposing a rural school closure? These are:

- **alternatives to the closure of the school;**

Yes. ATL would encourage the scoping of initiatives which offered alternatives to closure such as the potential for federation with another school to increase the school's viability, 'extended services' or 'childcare centre' status to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access.

- **likely overall impact of the school's closure on the communities which it serves;**

Yes. ATL has found from our experience elsewhere in the UK that rural schools often provide community embedded learning and support structures that mitigate some of the disadvantages due to socio-economic background. The direct cost of closing rural schools and reorganising provision can sometimes be as expensive as maintaining existing provision because of additional transportation costs and new capital developments. It is worth highlighting that rural communities without schools do not attract or retain young families who are the 'life blood' of rural communities.

- **likely impact of closure specifically on the community's subsequent use of the school's buildings facilities and grounds;**

Yes. We recognise that the Land Reform (Scotland) Act 2003 sets out a 'community right to buy' however there may not be the financial and/or professional resources within the local community for this to be a viable option.

- **likely impact that new travel to school patterns and arrangements would have on pupils and other school users and the environment**

Yes. We believe that within this matter local authorities should have regard to the:

- welfare and safety of the children;
- quality and availability of transport links to the alternative provision;
- effects of road traffic congestion;
- environmental costs of pupils travelling further to schools; and the

- recurrent cost to the local authority of transporting pupils to schools further away.

Travel to after-school activities is also worthy of consideration at this juncture. Participation in such activities has been shown to raise attainment of pupils from disadvantaged backgrounds. The ability to attend such activities should not be minimised when considering travel patterns and school/college transport provision.

3. Do you agree that it is not appropriate to set up a rural schools fund?

No. ATL understands the Scottish Government's position on a rural schools fund in relation to the new relationship with local authorities as agreed in the Concordat. The experience of ATL members in England, however, leads us to believe that the introduction of a rural schools fund would be a positive move for teacher, students, parents and local communities alike.

Furthermore, we do not believe there is any evidence from England to suggest that any scheme would 'create an unintended and perverse incentive for local authorities to propose rural school closures, just in order to access the funds. If the principles previously outlined in the proposed new system for school closures are adhered to then any attempt to manipulate closures on such a basis would be open to public scrutiny and ultimately fail.

4. Do you agree with the proposed definition of "rural schools"?

Yes. We believe the proposed definition offers continuity with existing Scottish Government policy and therefore increases openness and transparency reducing the potential for a loss in public confidence with the new system.

5. Do you support requiring local authorities to publish a statement setting out the educational benefit of the school closure proposal?

Yes. ATL believes this would be a positive and necessary move towards increased openness and transparency. Too often parents, pupils, staff and the local community are left in the dark as to the reasons and/or benefits of school closures. The days of local authority meetings being held in private to avoid potential controversy surrounding proposed closures cannot be tolerated any longer. Whilst not everyone may agree with the local authority's benefit statement, publishing one is an important step forward and will allow interested parties to contribute to the debate. It would also suggest that the closure of schools is not a foregone conclusion, something the consultation document was concerned to stress (i.e. presumption against closure).

An Equality Impact Assessment may also be beneficial to the consultation process in addition to the educational benefit statement. Under the existing public sector duties, state-maintained schools and local authorities have an obligation to both tackle discrimination and promote gender, disability and race equality. The closure of a rural

school, by contrast, might disproportionately affect the life chances of, for example, disabled and/or black and minority ethnic pupils in the community. Every proposed school closure, therefore, should be accompanied by an appropriate equality impact assessment statement.

6. Do you agree that it should be left to the authority as to how it sets out an educational benefit statement?

ATL supports the Scottish Government's suggestion that the benefit statement should 'articulate what the benefits would be and for whom, and how any disruption or disbenefits would be minimised or countered'. We recognise that the needs of each local authority will be different, particularly when comparing rural to urban authorities, however we would like to see a framework for the benefits statement so that local authorities cannot pick and choose elements to strengthen their preferred position.

7. Do you agree that HMIEs views should be sought in all cases?

We would require further detail of the role of HMIE's before being able to make a judgement.

8. Do you support the proposed changes to the way consultations should be conducted? These are:

- **introducing a requirement that a consultation paper should be published containing certain information;**

Yes. ATL would also expect that the information contained within the consultation paper is devoid of jargon and accessible to the wider public, i.e. non-education professionals, parents and community groups.

- **establishing a mechanism for addressing allegations of factual inaccuracies in a consultation paper;**

We welcome a clear mechanism, including the proposal of a timescale to deal with inaccuracies and their implications.

- **extending the list of people who must be consulted;**

Yes. ATL particularly welcomes the proposals to consult with teachers and other school staff and their trade unions. School staff in particular act as a crucial link between the formal education institutions and the communities they serve, so are well-placed to comment on any implications on their pupils and the community served by their schools.

- **updating the way consultations are publicised;**

- **updating how people can respond to a consultation;**

Yes. ATL welcomes the proposals to update the way in which consultations are publicised and how people can respond to them taking into account the development in new technology since much of the original legislation came into force. That said not all rural communities are well served nor does everyone in them have access to new technology. The Scottish Government should ensure that all consultations are widely and easily accessible and are presented in a range of formats, taking into account any special requirements that any consultation respondents may have. This may, for example, include 'town hall meetings'.

- **extending the minimum consultation period to 6 weeks of term time; and**

- **introducing a requirement that the authority publish a Consultation report, 28 days before the final decision is taken.**

We are content with the proposals, taking into account our previous comments on accessibility.

9. Do you agree that Ministers should take a power to issue statutory guidance to which authorities would have to have regard?

Yes, we believe it would help to ensure consistency and conformity to required standards.

10. Are you content with the present system of referral of closure cases to Ministers?

In our response to Murdo Fraser MSP's Members' Bill we previously stated that 'ATL does not believe that the current consultation process is designed to aid communities to participate in such an important debate as the potential closure of their local school'. Once a proper consultation process is in place only then can the issue of referral of closure cases to Ministers be meaningfully addressed.

11. If, not, what changes would you wish to see made, and why?

We also in our previous response said that 'we would wish to 'see a more robust system which demonstrably involves local communities at the earliest point, prior to a formal consultation period being established'.

12. Do you agree with the proposal to place the responsibility on authorities to satisfy themselves regarding the provision of denominational education? If so, do you agree with the proposal to continue to allow referral to Ministers if the Church or denominational body has an objection?

ATL believes that local authorities have a role to play in the provision of denomination education and are content with the proposal for them to satisfy themselves regarding said provision. We further believe that the current system of referral to Ministers upon objections by the Church or denominational body should continue.

13. Do you agree with our proposal that in future only school closure cases should be referable to Ministers?

ATL is content with the proposal.

References

- ◆ ATL's response to Murdo Fraser MSP's Members' Bill consultation on *Rural Schools (Scotland) Bill: a proposal to introduce a presumption against the closure of rural school*
- ◆ ATL position statement, *Poverty and Social Exclusion in Rural Areas*, (2008)
- ◆ ATL position statement, *Faith Schools*, (2007).
- ◆ *Equality in Education: New Directions*, The University of Manchester, 2007

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