



School Closure  
Review Panels

# ANNUAL REPORT 2018



**The Convener  
of the School  
Closure  
Review  
Panels**

The School Closure Review Panels and the Convener of the School Closure Review Panels are independent statutory bodies which have been created to enhance and strengthen the process of local authority school closures in Scotland.



School Closure  
Review Panels

Cabinet Secretary for Education and Skills  
St. Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

Dear Mr Swinney

I have pleasure in submitting this, the fourth Annual Report of the School Closure Review Panels, to the Scottish Ministers.

Mr Iain Nisbet  
Convener

School Closure Review Panels

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The office of the Convener of the School Closure Review Panels and the School Closure Review Panels were established by virtue of section 17A of the Schools (Consultation) (Scotland) Act 2010.

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# Foreword

by the Convener of the School Closure Review Panels

I am pleased to present my fourth annual report as Convener of the School Closure Review Panels. While there were no school closure decisions called in by Scottish Ministers for review, it remains necessary for me to retain the capacity to convene a panel at short notice in the event that this is required. Scottish Ministers considered twelve local authority closure proposals from seven different education authorities during 2018.

To maintain that state of readiness, much work continues behind the scenes, including ongoing training for School Closure Review Panel members. That training included data protection obligations for the panels and the Convener, highlighting the changes under GDPR. We were pleased to have input from Scottish Government's School Funding, Infrastructure and Organisation team. We also developed our learning on the voice of the child, making use of some excellent resources provided by the Children & Young People's Commissioner Scotland.

The training was well attended, and participation never less than enthusiastic. I am extremely fortunate to have such a dedicated and experienced pool of panel members who remain engaged and committed to the process of review, even while it is so seldom used.

For this year's report, I have invited the Chair of the National Parent Forum of Scotland to provide some thoughts on the importance of parental engagement. I trust that this will give a useful perspective which is relevant to anyone interested in school closure proposals - or indeed other proposals subject to consultation requirements. I am very grateful to Joanna Murphy for her useful and interesting article.

As always, I would like to conclude by commending and thanking the staff of the Scottish Arbitration Centre, for their invaluable support and assistance to both the panel and myself - which has been greatly appreciated.

Iain Nisbet

Convener  
January 2019

# ABOUT THE CONVENER AND THE PANELS



The School Closure Review Panels and the Convener of the School Closure Review Panels are independent statutory bodies which have been created to enhance and strengthen the process of local authority school closures in Scotland.

Scottish local authorities proposing to close a school within their area must do so in line with the requirements of the Schools (Consultation) (Scotland) Act 2010 (“the 2010 Act”) and it is for the Scottish Ministers to decide whether the authority has met these statutory requirements. The 2010 Act contains

the power for Ministers to “call in” a local authority school closure decision, if there is evidence that the requirements may not have been met. When the Scottish Ministers decide to call in a decision, they refer the decision to the Convener, who appoints a Panel of three to review the closure decision.

In making decisions on appointments of Panels, the Convener is independent of the Scottish Government and any other body or individual. The Convener is also independent of the Panels and has no input on review decisions made by a Panel. The Convener is responsible for providing the Panels with necessary staff and services for the delivery of their functions as well as making appropriate arrangements for training the persons eligible to be selected to serve as Panel members. The Convener is appointed for a period of up to five years and is eligible for reappointment

thereafter. The current holder of the Office of the Convener, Iain Nisbet, is appointed for five years.

The main statutory function of a Panel is to review a called in closure decision of an education authority. Each Panel is independent of other Panels, the Convener, the Scottish Government and any other bodies or individuals. School Closure Review Panels cannot become involved in any school closure unless the decision is called in by Scottish Ministers. The Convener appoints persons eligible to serve as a member of a Panel for a period of up to five years and each individual is eligible for reappointment thereafter. Currently there are twelve persons eligible to serve as a member of a Panel.

Further details on the Convener and Panels can be found at [www.scrp.scot](http://www.scrp.scot).

# PERSONS ELIGIBLE TO SERVE AS MEMBERS OF A PANEL



**Dr. Charles S.  
Bestwick**



**Russell  
Ellerby**

**Biographies  
can be found at  
[www.scrp.scot](http://www.scrp.scot).**



**Helen  
McGhee**



**Forbes  
Mitchell**



**Patricia  
Susan  
Quigley**



**Catriona  
Waddington**



**Sally  
Wainwright**



**Lesley  
Ward**



**Justin  
Willey**



**Alison  
Cook**



**Robin  
Johnston**

## **Administrative Support Services**

The Scottish Arbitration Centre (the Centre) provides administrative support to the Convener and the Panels, including the coordination of training for the Panels. The Centre is a not for profit company providing an administrative service to the Convener and Panels, and is not involved with the decision making of the Panels.

For more about the staffing structure of the Centre, see [http://www.scottisharbitrationcentre.org/?page\\_id=1668](http://www.scottisharbitrationcentre.org/?page_id=1668).

# The Year 2018

There were no new call-ins of school closure decisions in 2018. The year has seen the continuation of work around the practicalities associated with the establishment of new statutory bodies. For example, the Convener has updated data protection policy and guidance in light of GDPR coming into force.

The Convener's statutory functions include appointment of persons eligible to be selected as a member of a Panel, making arrangements for training of these persons, and selection of Panels.

## **Training**

One of the statutory responsibilities of the Convener is to make appropriate arrangements for the training of the persons eligible to be selected as a member of a Panel.

In October 2018, a training day was arranged to bring the pool of persons eligible to serve on a Panel together to reflect on the two review processes of the previous years, and to remind the Panel members of the review process and of their statutory duties.

Training sessions included talks by members of previous Panels on their personal experience of chairing a Panel and a reflection on working on a Panel, and a data protection update by a guest speaker from Thorntons Law LLP.

Feedback suggested that the training day was well received. Most participants found all sessions useful and of good quality.

## **Resignation**

In July 2018 Donald Gilles tendered his resignation following new work commitments that would affect his ability to meet the timescales of a review.



# Finance

## Background

The Scottish Arbitration Centre provides administrative services to the Convener and Panels, and has done since the establishment of the two bodies.

## Expenditure 2018

Payment for service and other expenses by Scottish Government.

The actual expenditure for the period from 1 January 2018 to 31 December 2018 was £59,676.42. This is a £5,874.93 increase on the expenditure for 2017.

## Expenditure breakdown 2018

Administrative, business, financial and payroll services, including staff costs and office overheads	£54,712.50
Training and development and accommodation hire	£913.45
Additional costs, including annual report, IT and postage	£1884.24
Fees for Convener	£1000
Fees for Panel Members	£600
Expenses for Convener and Panel Members	566.23
<b>Total</b>	<b>£59,676.42</b>



# Guest Contribution

Joanna Murphy, Chair, National Parent Forum of Scotland [www.npfs.org.uk](http://www.npfs.org.uk)

Parental engagement is high on the policy agenda at the moment. As Scottish Government and COSLA develop the Empowering Schools reforms, it is a useful opportunity to remind local authorities of their responsibilities: not only to support their schools to encourage and develop collaborative partnerships in their communities, but to do so themselves too.

Due to the statutory nature of school closure proposals, consultations are communicated on a widespread scale, and usually invoke a large and strong parental response. However, this does not mean that they are always communicated or conducted well. A room of angry parents spearheading a media campaign is not a sign of a healthy collaborative partnership. While I am delighted to hear of the successes of parents who have become an empowered group and worked together to achieve their aims, I

would rather this situation never occurred, as building a “them and us” relationship is unhelpful at all levels.

The Schools (Consultation) (Scotland) Act 2010 guidance explains the value of pre-consultation in engaging and empowering communities to understand and help shape the proposals that affect them. Regular engagement between local authorities and parent councils rightly forms part of this guidance.

We do have some local authorities that exemplify good practice, with parent council groups working closely with their Parental Involvement Officer and Director of Education, and crucially with a mechanism in place to reach their entire parent forum directly. These local authorities also consult well on statutory consultation, as they have built up collaborative relationships

with the parent councils in their communities. They have also supported parent councils in communicating with their wider parent forum, so that they are truly representative of the parents in their school.

At the other end of the spectrum, we have some local authorities that have no mechanism in place for cross authority collaboration. These local authorities tend to have a member of staff who has parental involvement as a tiny part of their remit, and a Director of Education who is a faceless entity to most parents. Where this is the case, parent councils unfairly take the burden at times of perceived crisis. Often, in these situations, parents feel that a consultation has been a bureaucratic exercise and that their view has not truly been taken into account.

So, it is clear to me that effective consultation and collaborative working all year round would lead to better consultation for statutory consultations. In my opinion, good communication is a keystone of this. The general lack of good, direct communication for parents (from schools, local authorities and Scottish Government) is a fundamental issue in our Scottish education system.

Local authorities should not assume that schools will transform their letters to Head Teachers into parent friendly documentation as, in reality, the school will forward the information directly to their parents. Council staff need to ensure it is suitable for parents from the outset and written in jargon free plain English.

I believe that school closure proposals attract parents to engage because they can see the real relevance to their individual child. Those

seeking parents' views should always try to relate it to the family and their child.

Public meetings are a key part of school closure consultations, and it is right and proper that the guidance reminds local authorities that "maximum advance notice of the details of the public meeting is desirable." This is essential for all meetings where parents are invited and they have to be at times that suit parents, not council staff. We would also urge, with all consultation, that local authorities look to remove the barriers for parents to contribute. For example, is there budget to pay for childcare or to cover parents' travel costs for public meetings? Are there translators available? Are 'easy to read' versions of the consultation documents made available? Is a paper version available for those without online access?

When parents are involved in their children's learning, it benefits children, families and schools: children do better. We need to keep parents at the heart of their child's learning. As Chair of the NPFS, I will continue to strive for a political and legislative environment which champions the voice of parents.

# Conclusion

The fourth year of the existence of the Convener and Panels has seen training being provided for all persons eligible to serve as Panel members. Systems have been evaluated to ensure that they are fit for purpose and further internal guidance has been developed. As a result of this activity, the Convener and Panels are well prepared to deal with any call-ins which may arise in 2019 or beyond.





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