

The Convener of the School
Closure Review Panels

ANNUAL REPORT

2020



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
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Dear Mr Swinney

I have pleasure in submitting this, the sixth 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 sixth annual report as Convener of the School Closure Review Panels. This year has seen the Panel resume its review of Perth and Kinross Council's decision to close Abernyte Primary School. The Panel had previously convened to consider the decision on 23 July 2019 and reconvened following the dismissal of the petition for judicial review of the Scottish Minister's decision to issue a call-in notice. The Panel refused consent to Perth and Kinross Council's proposal in respect of the closure of Abernyte Primary School.

Ongoing training for persons eligible to serve on Panels has continued. The annual training day took place in November this year with persons eligible to serve on Panels joining remotely. The varied programme included input from Scott Blair, advocate, and the Scottish Government's School Organisation Team. Persons eligible to serve on Panels also had the opportunity to hear from their colleagues who served on the Panel this year.

The training was well attended, and participation never less than enthusiastic. I am extremely fortunate to have such a dedicated and experienced persons eligible to serve on Panels who remain engaged and committed to the process of review.

Finally, I would like to take this opportunity to thank the persons eligible to serve on Panels for their continued commitment and the staff of the Scottish Arbitration Centre, who provide invaluable administrative support to both the Panels and myself. Their patience, hard work and support during this last year has been greatly appreciated, as ever, but especially so given the difficult circumstances in which that support was provided this year.

Iain Nisbet

Convener
February 2021



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 serve on Panels. The Convener is appointed for a period of up to five years and is eligible for reappointment thereafter. The current Convener, Iain Nisbet, has agreed to extend his appointment for a further three years until January 2023.

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. Panels cannot become involved in any school closure unless the decision is called in by Scottish Ministers. The Convener appoints persons eligible to serve on Panels for a period of up to five years and each individual is eligible for reappointment thereafter. Of the nine persons eligible to serve on Panels, seven have confirmed their reappointment for a further period.

Further details on the Convener and Panels can be found at **www.scrp.scot**.

PERSONS ELIGIBLE TO SERVE ON PANELS

Biographies can be found at www.scrp.scot.



**Dr. Charles S.
Bestwick**



**Russell
Ellerby**



**Justin
Willey**



**Helen
McGhee**



**Forbes
Mitchell**



**Lesley
Ward**
(Stepped down
December 2020)



**Catriona
Waddington**



**Sally
Wainwright**



**Robin
Johnston**
(Stepped down
December 2020)

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 persons eligible to serve on 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.

THE YEAR 2020

There were no new call-ins of school closure decisions in 2020. On 29 May 2020 the convened Panel resumed their review of the call-in of the decision taken by Perth and Kinross Council's decision to close Abernyte Primary School. The Panel's proceedings had been suspended pending the outcome of a judicial review. The Outer House of the Court of Session refused the petition for the judicial review and the Panel subsequently refused consent to Perth and Kinross Council's proposal in respect of the closure of Abernyte Primary School on 28 July 2020.

The Convener

The Convener has exercised his statutory functions during the year. These functions include appointing persons eligible to serve on Panels, making arrangements for the training of these persons, and appointing Panels when required.

Training

One of the statutory responsibilities of the Convener is to make appropriate arrangements for the training of the persons eligible to serve on Panels.

In November 2020 an afternoon of online training was arranged to bring the persons eligible to serve on Panels together. Training sessions included talks by Scott Blair, advocate, and Jerry O'Connell, from the Scottish Government's School Organisation Team. There were also opportunities for those persons eligible to serve on Panels, who had been Panel members, to reflect and share their experiences. The feedback for the training day was extremely positive.

Resignations

In December 2020 Lesley Ward resigned as a person eligible to serve on Panels. Lesley served as Chair of the Panel that reviewed Aberdeenshire Council's decision to close Crimond PS Dyslexia Unit and Kellands PS Dyslexia Unit in 2015. In 2019 Lesley served as Chair of the Panel that reviewed Perth and Kinross Council's decision to close Abernyte Primary School.

In December 2020 Robin Johnston also resigned following new work commitments that would affect his ability to meet the timescales of a review.

Recruitment

A recruitment process is currently underway for additional persons eligible to serve on Panels. The successful candidates will join the existing seven persons eligible to serve on Panels.

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 2020

Payment for service and other expenses by Scottish Government.

The actual expenditure for the period from 1 January 2020 to 31 December 2020 was £69,617. This is a decrease of £9,600 on the expenditure for 2019.

Expenditure breakdown 2020	
Administrative, business, financial and payroll services, including staff costs and office overheads	£58,781
Training and recruitment and accommodation hire	£1,141
Additional costs, including annual report, IT and postage	£902
Fees for Convener	£600
Fees for Panel Members	£6,000
Expenses for Convener and Panel Members	£400
Legal Advice	£1,793
Total	£69,617

CALL-INS

THERE WERE NO NEW CALL-INS OF SCHOOL CLOSURE DECISIONS IN 2020. ON 29 MAY 2020 THE CONVENED PANEL RESUMED THEIR REVIEW OF THE CALL-IN OF THE DECISION TAKEN BY PERTH AND KINROSS COUNCIL'S DECISION TO CLOSE ABERNYTE PRIMARY SCHOOL.

Perth and Kinross Council

Perth and Kinross Council's decision to close Abernyte Primary School was called in and referred to the Convener on 16 July 2019. The call-in notice was issued under section 17(2)(a) of the Schools (Consultation) (Scotland) Act 2010 which states that the Scottish Ministers can issue a call-in notice if it appears to them that the education authority may have failed in a significant regard to comply with the requirements imposed on them under the Act.

A Panel was convened on 23 July 2019 to review the decision. The persons appointed to the Panel were Lesley Ward, who took the role of Chair, Helen McGhee and Justin Willey.

In August the proceedings for the call-in were suspended following an order being granted for interim suspension pending the outcome of judicial review. The judicial review was sought by Perth and Kinross Council in relation to the Scottish Ministers' decision to issue a call-in notice under the 2010 Act.

The Outer House of the Court of Session refused the petition for the judicial review and The Panel subsequently refused consent to Perth and Kinross Council's proposal in respect of the closure of Abernyte Primary School on 28 July 2020.

The full decision of the Panel can be found on our website:
https://scrp.scot/?page_id=16

Conclusion

This year has seen the Panel resume its review of Perth and Kinross Council's decision to close Abernyte Primary School. The Panel's proceedings had been suspended pending the outcome of a judicial review. The Outer House of the Court of Session refused the petition for the judicial review and the Panel subsequently reconvened. The Panel refused consent to Perth and Kinross Council's proposal in respect of the closure of Abernyte Primary School on 28 July 2020.

In November 2020 an afternoon of online training was arranged to bring the persons eligible to serve on Panels together. The Convener plans for additional online training going forward.

In December two persons eligible to serve on Panels resigned and so the Convener began a recruitment process for their replacements.



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