



School Closure
Review Panels

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

ANNUAL REPORT 2021



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
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Cabinet Secretary for Education and Skills
St. Andrew's House
Regent Road
Edinburgh
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Dear Ms Somerville

I have pleasure in submitting this, the seventh 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 seventh annual report as Convener of the School Closure Review Panels. During 2021 the Scottish Ministers called in two school closure decisions which were taken by Falkirk Council. I convened a Panel to consider both matters. The Panel refused consent to Falkirk Council's proposals in respect of the closure of Bothkennar Primary School and Limerigg Primary School, and published its decisions on 24 September 2021.

In January 2021, I carried out a recruitment process for new appointments of people eligible to serve as a panel member, with support from existing members. We received a high calibre of applications and I appointed three new people, who joined the existing seven eligible panel members.

Ongoing training has continued, with an online training event in June 2021. The training served as an opportunity to hear from colleagues who had previously chaired or sat on panels, but also to discuss, develop and update the internal guidance for panel members.

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 school closure review.

I would like to take this opportunity to thank all panel members for their continued involvement and engagement, particularly over this challenging period. I would also like to thank the staff of the Scottish Arbitration Centre, who continue to provide invaluable administrative support to both the Panels and myself. This has been especially appreciated over this period of restrictions, remote working and other difficulties. Their patience, hard work and support during this last year has been greatly appreciated, as ever.

Iain Nisbet

Convener
January 2022



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, agreed to extend his appointment for a further five 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. 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 ten persons eligible to serve as a member of a Panel.

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

PERSONS ELIGIBLE TO SERVE AS MEMBERS OF A PANEL

Biographies can be found at www.scrp.scot.



Beverley Atkinson



Dr. Charles S. Bestwick



Russell Ellerby



Roddy Macleod



Helen McGhee



Forbes Mitchell



Catriona Waddington



Sally Wainwright



Justin Willey



Nairn Young

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. In 2021 the Centre successfully bid and won a competitive tender exercise to continue to provide administrative support to the Convener and the Panels for a further three to five years.

For more about the staffing structure of the Centre, see http://www.scottisharbitrationcentre.org/?page_id=1668.

THE YEAR 2021



There were two call-ins of school closure decisions in 2021. On 2 August 2021 a Panel was convened to review both the call-in of Falkirk Council's decisions to close Bothkennar Primary School and Limerigg Primary School. The School Closure Review Panel subsequently refused consent to Falkirk Council's proposal in respect of the closure of both Bothkennar Primary School and Limerigg Primary School on 24 September 2021.

The Convener

The Convener has exercised his statutory functions during the year. These 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 June 2021, a morning of online training was arranged to bring the pool of persons eligible to serve on a Panel together.

Recruitment

In January there was a recruitment process for new appointments of persons eligible to serve as a panel member. The interview panel were hugely impressed by the calibre of the candidates for the post, and three new persons eligible to serve as panel members were successful in their application. The appointments joined the existing seven eligible panel members.

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 2021

Payment for service and other expenses by Scottish Government.

The actual expenditure for the period from 1 January 2021 to 31 December 2021 was £70,496.48. This is an increase of £879.19 on the expenditure for 2020.

Expenditure breakdown 2021	
Administrative, business, financial and payroll services, including staff costs and office overheads	£56,855.16
Training and recruitment and accommodation hire	£0
Additional costs, including annual report, IT and postage	£560
Fees for Convener	£2,800.00
Fees for Panel Members	£9,800.00
Expenses for Convener and Panel Members	£22.92
Legal Advice	£458.40
Total	£ 70,496.48

THE CALL – INS

THIS YEAR SAW TWO CALL-INS BY THE SCOTTISH GOVERNMENT.

On 2 August 2021 a Panel was convened to review the call-ins of Falkirk Council's decisions to close Bothkennar Primary School and Limerigg Primary School. The School Closure Review Panel subsequently refused consent to Falkirk Council's proposal in respect of the closure of both Bothkennar Primary School and Limerigg Primary School on 24 September 2021.

Falkirk Council

Falkirk Council's decisions to close Bothkennar Primary School and Limerigg Primary School were called in and referred to the Convener of the School Closure Review Panels on 26 July 2021. The call-in notices were issued under s.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 2 August 2021 to review the two decisions. The persons appointed to the Panel were Beverley Atkinson, who took the role of Chair, Russell Ellerby and Charles Bestwick.

The School Closure Review Panel subsequently refused consent to Falkirk Council's proposal in respect of the closure of both Bothkennar Primary School and Limerigg Primary School on 24 September 2021.

The full decisions can be found on our website at https://scrp.scot/?page_id=16



CONCLUSION

The Convener and the Panels have worked on two call-ins and been involved in continued training. Further training for the persons eligible to be panel members will be organised in 2022. There will also be an opportunity for those who have sat on panels to reflect on their experiences and feedback will inform the Convener's plans for 2022 to ensure that both he and the persons eligible to be panel members are fully prepared for any future call-ins.



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