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Children and Young People (Scotland) Bill: School Closures

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The Scottish Government is proposing to use stage 2 of the Children and Young People (Scotland) Bill to amend statutory provisions for consulting on school closures. This briefing gives background on school closure decisions and proposals for change.



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EXECUTIVE SUMMARY

School closures are almost always a controversial local issue and the way in which these decisions are made has been a perennial topic of debate throughout the life of the Scottish Parliament. The issue is often discussed in relation to rural schools, but some urban areas have also seen considerable changes to their school estate over the last 20 years. A decision to close a school is a decision for the local authority. However, there are statutory requirements to consult and in certain circumstances decisions can be referred to Scottish Ministers. The Schools (Consultation) (Scotland) Act 2010 (the 2010 Act) introduced new procedures including enabling Ministers to 'call in' a decision if a consultation is procedurally flawed or has 'failed to take account of a material consideration.' In these cases, Ministers can over-ride the local authority's decision.

Despite the 2010 Act, the issue of school closures has continued to be controversial. In January 2011 - less than a year after the 2010 Act came into force - the Cabinet Secretary said that he would consider the need for further changes. That same month, Comhairle nan Eilean Siar sought judicial review of Ministerial decision making under the new Act. In summer 2011, the Scottish Government announced a Commission on the Delivery of Rural Education and asked for a moratorium on school closures. The Commission reported in April 2013 recommending changes to guidance and legislation. The Court of Session made two interpretations of the 2010 Act that differed from policy intentions. Firstly, that Ministers ought to consider the merits as well as the procedural issues of a closure proposal when it is 'called in' and secondly, that the 2010 Act does not contain a presumption against closing rural schools. In consequence, the Scottish Government intends to bring forward stage 2 amendments to the Children and Young People (Scotland) Bill in order to amend the 2010 Act. These would:

- introduce a presumption against closing a rural school
- require provision of financial information in school closure proposals
- expand the role of Education Scotland
- clarify that Ministers will consider the merits of a proposal if it is 'called in'
- establish an independent referral mechanism following Ministerial call-in
- prevent a closure proposal from being repeated for five years

Between July and September 2013, the Scottish Government consulted on these changes. They received 226 replies and plan to publish an analysis on 18 November. In general, there were clear differences of view between local authorities and parents' groups. Local authorities tended to stress their statutory responsibility for the school estate and that educational benefit is not the only relevant issue when considering closure. In contrast, many parents' groups stress the primacy of showing educational benefit and value the involvement of those independent of local authorities – including Scottish Ministers, in the decision making process.

INTRODUCTION

The Scottish Government is proposing to use the Children and Young People (Scotland) Bill (the Bill) to make amendments to the Schools Consultation (Scotland) Act 2010 (the 2010 Act). This follows the report of the Commission on the Delivery of Rural Education (the Commission) (Sutherland 2013) and judicial review of the Minister's refusal of consent to close certain schools in Eilean Siar.

The Scottish Government consulted on these changes between 12th July and 2nd September 2013 (Scottish Government 2013a). The 226 responses were published in October (Scottish Government 2013b) and an analysis of these is due to be published later this month. Most responses were from individuals, but 19 local authorities and 46 parent councils (or similar) also responded. There are six proposals for change, one of which is specific to rural schools. These would:

- introduce a presumption against closing a rural school
- require provision of financial information in school closure proposals
- expand the role of Education Scotland
- clarify that Ministers will consider the merits of a proposal if it is 'called in'
- establish an independent referral mechanism following Ministerial call-in
- prevent a closure proposal from being repeated for five years

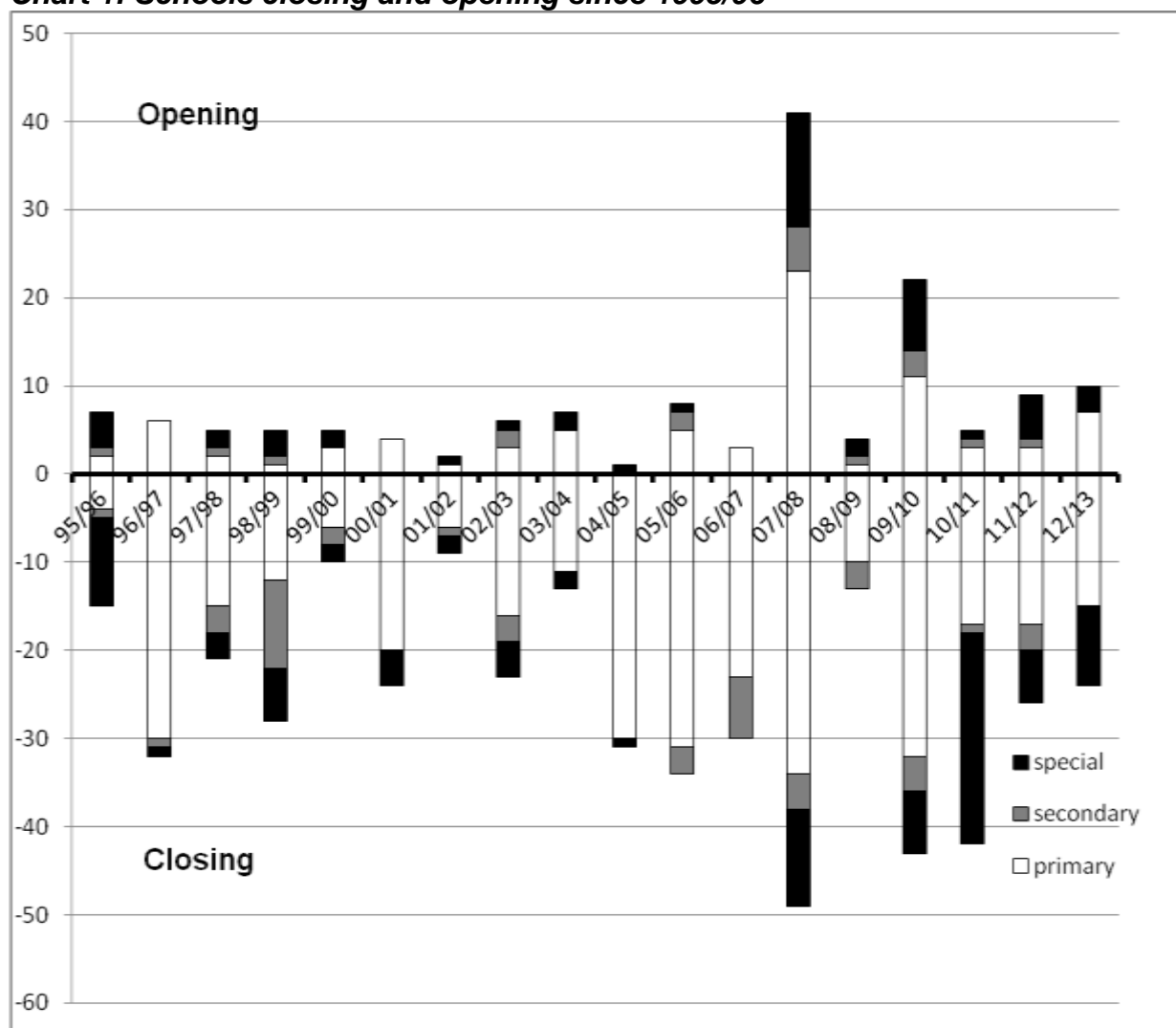
Managing the school estate is a function of local authorities. They have a statutory duty to provide adequate and efficient school education (s.1 Education (Scotland) Act 1980). They also have a general duty to ensure all their services constitute best value under the Local Government (Scotland) Act 2003. The statutory framework for consulting on changes to the school estate, including school closures must be considered in this general legislative context.

The following sections consider the pattern of school closures and opening since 1995. It gives an overview of policy developments leading to the 2010 Act, the new process under that Act and developments since which have led to the current proposals for change.

SCHOOL CLOSURES SINCE 1995

The chart below shows that since 1995/96 there have been 467 schools or special units closed or merged and 150 opened.

Chart 1: Schools closing and opening since 1995/96

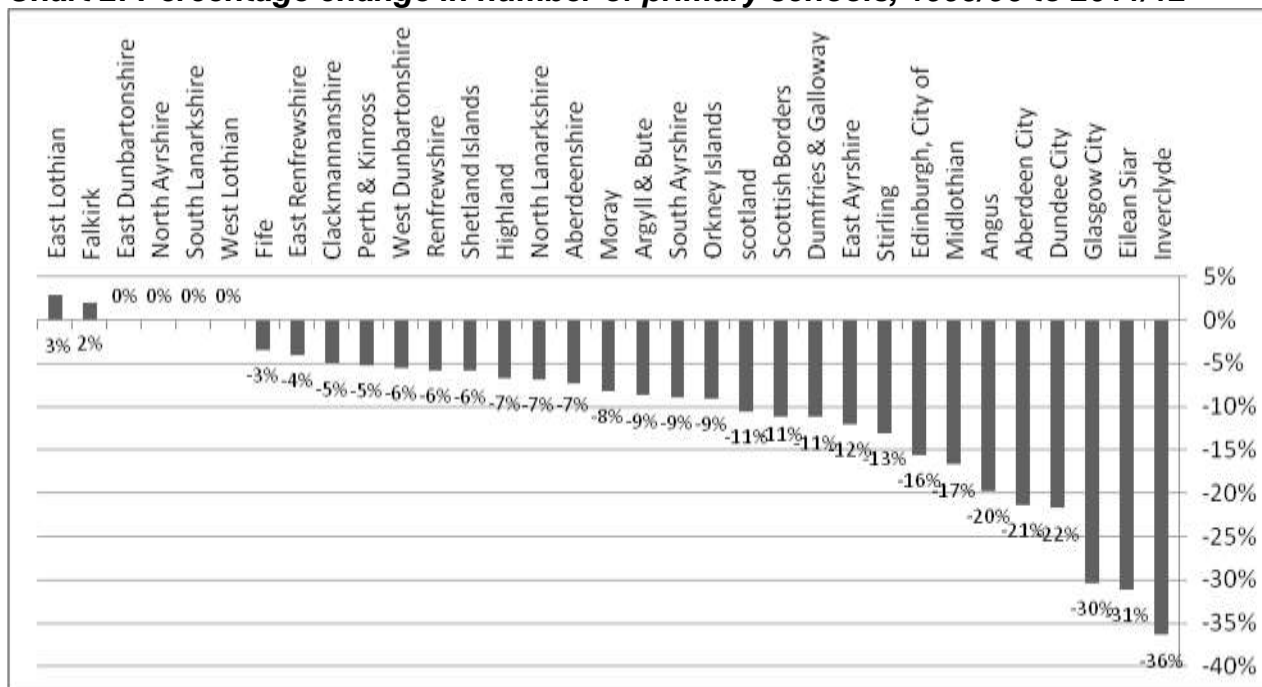


Based on an analysis of Scottish Government (2012) NB: includes mergers and where a special unit administratively becomes part of a mainstream school. A closure may refer to closure of a special unit within a school, rather than the closure of a whole special school. Often closure proposals include more than one school, or are a proposal for merging two schools. In these cases, the chart counts a merger as the closure of two schools and the opening of one.

While for every year since 1995/96, schools closing outnumber schools opening, there has been an increase in the number of schools opening in recent years. The largest numbers of closures were in 2007, 2010 and 2011, although 2007 and 2009 also saw the largest number of schools being opened.

There is considerable variation between different local authorities. Chart 2 shows that in some local authorities there has been little change - West Lothian, East Dunbartonshire, South Lanarkshire and North Ayrshire have the same number of primary schools as they did in 1995. A couple of local authorities have a few more - East Lothian and Falkirk. However, a few have seen a considerable reduction in numbers of primary schools, in particular Glasgow, Eilean Siar and Inverclyde, all of whose primary school estates contain at least 30% fewer schools than in 1995.

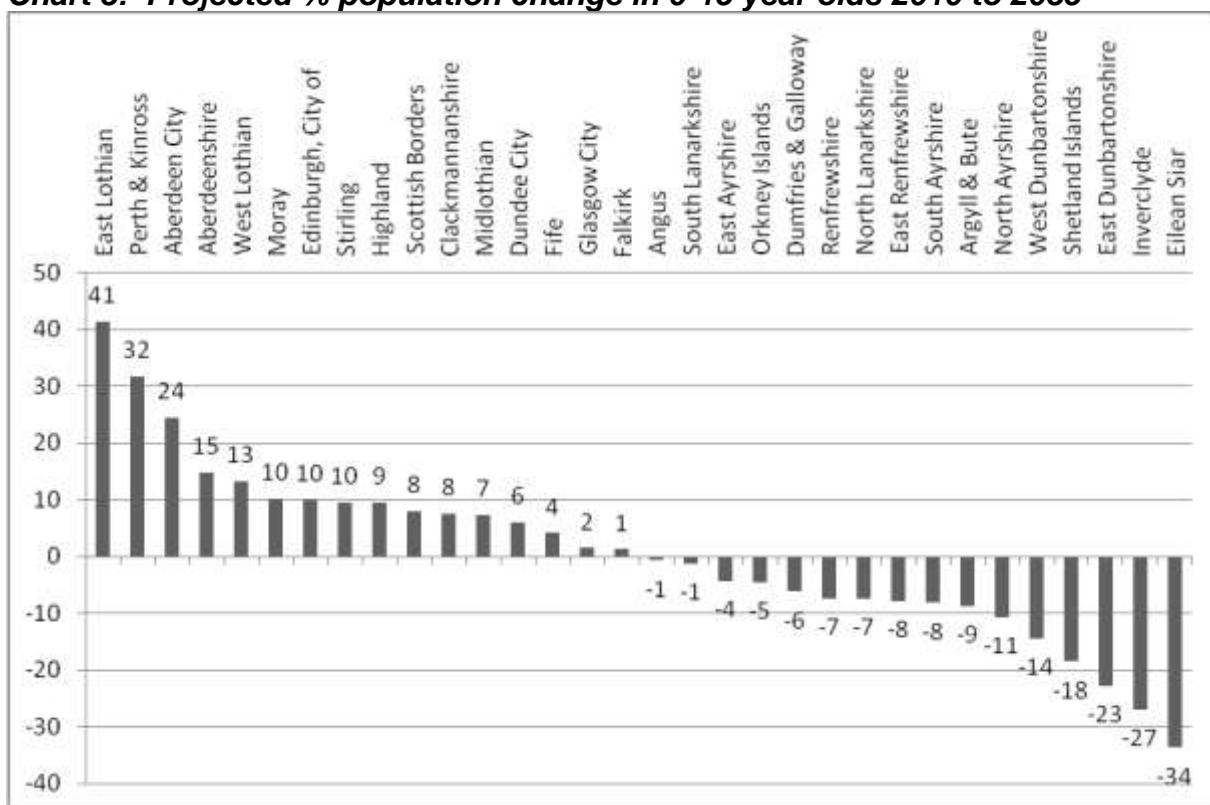
Chart 2: Percentage change in number of primary schools, 1995/96 to 2011/12



(analysis based on Scottish Government 2012, 2013c)

Chart 2 shows that that the issue of school closures is not only one for rural areas. It might be expected that population projections may indicate where school estate changes are likely to be most marked in future. Chart 3 below shows a very mixed picture, with some local authorities such as East Lothian, Perth and Kinross and Aberdeen City expected to see considerable increase in children whereas areas such as Eilean Siar, Inverclyde and East Dunbartonshire are expected to see considerable reductions.

Chart 3: Projected % population change in 0-15 year olds 2010 to 2035



(General Registrar Scotland, 2013)

MINISTERIAL DECISIONS ON CLOSURES PRIOR TO 2010

Prior to the 2010 Act, the applicable legislation on school closures was the Education (Publication and Consultation etc) (Scotland) Regulations (SI 1981/1558). Under these regulations local authorities had to seek the consent of Ministers:

- where a pupil attending a school to be closed would have to attend a new primary school five or more miles away or a secondary school ten or more miles away
- where the pupil roll was greater than 80% of its capacity. It is for education authorities to determine the capacity of a school. (This also applied to nursery schools).
- where it would reduce access to denominational education

The Scottish Government estimated that there were at the time around 60 statutory consultations carried out in Scotland annually, of which 44 were likely to be consultations on school closures. Around sixteen cases were referred to Scottish Ministers annually (Scottish Parliament 2009a).

POLICY DEVELOPMENT BETWEEN 1998 AND 2010

The consultation arrangements relating to school closures have been considered by the Parliament on a number of occasions over many years. Around 18 petitions on the subject have been received (see annexe 1), it has been the subject of committee consideration, parliamentary debate, a member's bill proposal and government legislation through the 2010 Act.

Prior to the establishment of the Parliament, Brian Wilson MP (then Scottish Office Minister for education and industry) outlined that there should be a 'test of proportionate advantage' when considering rural school closures (Georghiou 2006).

In 2000, the then Education Culture and Sport Committee asked COSLA to develop a Code of Practice on school closures (Scottish Parliament ECS Committee, 2000). In October 2001, COSLA wrote to the Scottish Executive indicating that they would not be producing a Code of Practice and asked the Scottish Executive to review the legislation (Szymoszowsky 2003). New government guidance was published in 2004 (Scottish Government 2004). In October 2005 the Minister for Education and Young People expressed concern about the variation in consultation procedures across different local authorities. He indicated that the Scottish Executive would work with COSLA on the issue (col 2688, Scottish Parliament Education Committee, 2005).

In 2007, the SNP manifesto included a commitment to, "introduce a legislative presumption against closure of rural schools and tighten the regulations for closing all schools" (SNP, 2007). The new Scottish Government re-issued the October 2004 guidance in October 2007. Murdo Fraser MSP proposed a member's bill on rural school closures but this was withdrawn when, in April 2008, the Scottish Government issued a consultation paper on introducing its own legislation (Scottish Government, 2008). The resulting Schools (Consultation) (Scotland) Bill was considered by the Parliament between March and November 2009. The objective of the new legislation (as set out in the consultation) was to establish a new system that was:

- 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.

Although COSLA initially questioned the need for legislation, they worked with the Scottish Government to develop the proposals and supported the Bill as introduced. In their written evidence COSLA said:

“It is fair to say that COSLA originally viewed the Bill with a significant degree of scepticism.” [...] “It is only through hard work, partnership and a willingness by all sides to compromise that we have arrived at a Bill that local and Scottish Government can now all fully support.” (Scottish Parliament ELLC Committee, 2009)

During stage 1, there was general support for the proposals. However, there were three main areas of concern. These related to the role of HMIe, whether the ‘special factors’ that apply to rural schools should in fact be applied to all schools, and concern about what failure “to take proper account of a material consideration” meant in relation to the Ministerial ‘call-in’ procedure (Kidner 2010). The Act came into force in April 2010. It sets out the consultation requirements for various changes to the school estate. However this briefing focuses on consultation in relation to school closures only.

CONSULTATION ON SCHOOL CLOSURES UNDER 2010 ACT

The 2010 Act provides, among other things, for the consultation process which must be followed when a local authority propose to close a school. In summary it must:

- include in the consultation documents a statement of the educational benefits of closure and, where it relates to a rural school, how the local authority has had special regard to viable alternatives, the effect on the community and travel arrangements
- notify statutory consultees (including parents) and hold a public meeting
- send the proposal to Education Scotland
- consider any allegations of inaccuracies

At the end of the consultation period, the local authority must:

- send responses or a summary of responses to Education Scotland, who then prepare a report for the local authority on the educational aspects of the proposal
- prepare a consultation report, giving their response to; the Education Scotland report, consultation submissions and any alleged inaccuracies in the proposal paper.

If the local authority decides to close the school, they must inform Scottish Ministers, who can then ‘call-in’ the decision if they consider that the local authority has:

- failed in a significant regard to comply with requirements under the 2010 Act
- failed to take proper account of a material consideration

Ministers can consent, consent with conditions or refuse consent to the closure.

MINISTERIAL DECISIONS ON CLOSURES SINCE 2010

Since the Act came into force in April 2010, Ministers have been notified of decisions to close 84 schools and nurseries. Of these, decisions relating to 36 schools were ‘called in’. Of these 36, consent was granted for 27 (21 with conditions) and refused for 9¹.

There were various reasons for calling in a decision, but the most frequently mentioned were issues relating to travel to school (8), a lack of detail about the new school or date of change (7) and a failure to consider viable alternatives (6). In the cases where consent was refused, the more common reason given was a failure to consider viable alternatives (4).

¹ The figures in this section are based on analysis of Ministers’ letters on school closure decisions available on Scottish Government website ([Scottish Government online](#)).

Ministers refused consent to close 9 schools (11% of the schools notified to them). The local authorities involved were Aberdeenshire, Angus, Shetland and Eilean Siar. The table below lists each school, and shows the number of representations received by Ministers, the reasons given for call-in and the reason for refusal of consent.

Table 1: Refusals to consent to school closures

	<i>reps</i>	<i>reason for call in</i>	<i>reason for refusals</i>
Aberdeenshire			
Clatt school	9	viable alternatives, timescale	per call in letter
Logie Coldstone	16	impact on community, timescale	per call in letter
Angus			
Muirfield	50	whether notified consultees, road safety	inaccuracies in condition rating
Timmergreens		as above.	as above
Shetland			
Burravoe	65	viable alternatives	no educational benefit
Eilean Siar			
S1/S2 Shawbost	19	viable alternatives, travel	per call in letter
Shelibost	79	viable alternatives	per call in letter
Carloway	156	effect on local community	per call in letter
S1/S2 Lionel	611	viable alternatives, travel	per call in letter

The local authorities putting forward the largest number of proposals for closure were Highland (13 schools), Eilean Siar (12), North Ayrshire (8). The outcomes of these proposals are set out in the table below.

Table 2: Highest number of proposals for closure

	Schools/nurseries proposed for closure	Consent without call in	Called in?	Unconditional consent after call in	Conditional consent after call in	Refusal
Highland	13	4	9	3	6	0
Eilean Siar	12	8	4	0	0	4
North Ayrshire	8	3	5	5	0	0
Glasgow	7	2	5	5	0	0

DEVELOPMENTS SINCE THE 2010 ACT

MORATORIUM AND ESTABLISHING COMMISSION ON RURAL EDUCATION

In January 2011, the Cabinet Secretary had said that he would consider whether legislative changes were required (Scottish Parliament 2011). In June 2011, the Scottish Government acted to review the legislation, announcing a review of rural education and asking for a moratorium on rural school closures while that review took place (Scottish Government 2011a).

COSLA considered that the review of rural education had to be a joint enterprise with the full involvement of local government. They therefore opposed the moratorium, saying:

“There was a clear view that no case had been made for such a moratorium and that the terms in which the Cabinet Secretary had described the need for a moratorium undermined local government’s careful management of rural education [...] COSLA’s Leadership believes a commission may do some good but Local Government cannot be

simply a participant in this commission, it must be the co-author of its terms of reference, membership, ways of working, etc.” (COSLA, 2011)

In July the Scottish Government and COSLA agreed the membership and remit for the Commission on the Delivery of Rural Education (the Commission) (Scottish Government, 2011b) and COSLA agreed to recommend the moratorium to local authorities. The moratorium on closures was due to last for one year while the Commission was underway, but in June 2012 the Commission agreed to delay its findings pending the outcome of a judicial review on school closures in the Eilean Siar. COSLA therefore asked local authorities if they might avoid rural school closure proposals until the Commission reported (Moore 2013).

On the conclusion of the Commission's work, Cabinet Secretary, Mike Russell said,

"When Parliament passed the legislation, most people envisaged no more than a handful of cases being called in. However, it soon became clear that, despite the Parliament's good work, local government, communities and national Government interpreted the 2010 Act in widely differing ways. The number of call-ins has risen to a level that is far higher than expected, which is undesirable." (Scottish Parliament 2013)

There were around 16 cases per year referred to Scottish Ministers under the previous legislation (Scottish Parliament 2009a). Under the 2010 Act Ministers 'called-in' decisions in relation to 12 schools in 2010, 16 in 2011, 5 schools in 2012 and 3 schools in 2013. However, direct comparison is difficult because there hasn't been a complete year of implementation of the 2010 Act. It came into force in April 2010, so the 12 'call-ins' in that year relate to only 8 months. The 16 'call-ins' in 2011 relate to only half the year, reflecting the moratorium from June 2011. Certainly if that rate of 'call-in' had continued for the second half of 2011, it would have represented a considerable increase on referrals of closure decisions to Ministers under the previous legislation.

JUDICIAL REVIEW

In 2011 Eilean Siar sought a judicial review of the Minister's refusal to consent to close four schools. An initial decision in June 2012 and an appeal in 2013² confirmed that Ministers should have considered the merits as well as the procedural aspects of the consultation (Comhairle nan Eilean Siar v. Scottish Ministers [2012] CSOH 94, [2013] CSIH 6, [2013] CSIH 45). The court also found that the 2010 Act did not in fact contain a presumption against closing rural schools. The issues considered are discussed further on page 12. In July 2013, the Scottish Government wrote to local authorities describing the court's interpretation of the 2010 Act as:

“represent(ing) a significant shift in the role of Ministers in the call-in and determination of school closure cases. Previously Ministers looked only at whether the correct processes and procedures as set out in the 2010 Act had been followed” (Moore 2013b).

REPORT OF COMMISSION ON RURAL EDUCATION

The Commission, which had held up publication of its report pending the outcome of the appeal, published its recommendations on 19 April 2013 (Sutherland 2013) and the Scottish Government accepted all but one of the 38 recommendations (Scottish Government 2013d).

² The appeal was heard in two parts, resulting in two judgements in February and May 2013.

Michael Russell informed the Parliament in June 2013 that he would be using the Children and Young People (Scotland) Bill to make amendments to the 2010 Act to give effect to the Commission's recommendations and the findings of the Court of Session (Scottish Parliament 2013).

The Commission made 38 recommendations, only some of which required legislative change (these are discussed from p.12). Others related to rural education more generally, and many of the recommendations on school closure consultations related to improving statutory guidance. Revised guidance, expected in Spring 2014, is likely to cover:

- travel plans (recommendations 13, 27)
- future use of a school building following closure (recommendation 17)
- Educational benefits statement (recommendation 19)
- more thorough consideration of matters of 'special regard' (recommendation 25)
- corrections to papers under s.5 of 2010 Act (recommendation 28)
- informal consultation prior to statutory consultation (recommendation 29)
- identifying good practice (recommendation 30)
- consideration of the views of children and young people (recommendation 32)
- school capacity modelling (this would be statutory guidance under the Standards in Scotland's Schools etc Act 2000, and is expected in March 2014)

The Scottish Government will also consider options for research to evaluate the impact of a school closure on children and communities (recommendation 11).

The Scottish Government rejected recommendation 20 relating to the education benefits of closure. This was:

"It should be acceptable for an Educational Benefits Statement to conclude that the educational impact is neutral, with no overall educational detriment to the children directly concerned. In such circumstances, if a closure continued to be proposed, it would be essential that any other factors are fully and transparently scrutinised, including identifying clear overall benefit to the rural communities involved."

The Scottish Government said:

"if implemented, this recommendation would weaken the central principle of the 2010 Act, that a local authority must be able to demonstrate educational benefits to children affected by a school closure. Furthermore, while it is appreciated that financial factors are a consideration, there is a need to protect communities from decision that are primarily financially driven." (Scottish Government, 2013c)

COSLA had considered that the report represented a consensus and therefore expressed its disappointment that the Scottish Government did not support all the recommendations.

"We are disappointed that the whole package of recommendations has not been agreed and this is an issue we will be discussing with our Leadership Board tomorrow (Friday). Previously our consistent message has been to accept all 38 recommendations and we expected Government to do the same. We will see tomorrow what weight this specific recommendation being omitted has with Council Leaders and whether or not they feel that its removal does the job for which the commission was created. Some may say that 37 out of 38 is not a bad result, however that depends on the importance of the one recommendation that has been excluded." (COSLA 2013).

Given the Scottish Government's response to the Commission and local authorities' differing views of the Commission's report, COSLA decided not put in a submission to the consultation

on the proposed amendments to the 2010 Act. Five local authorities referred to their support for recommendation 20 in their response to the consultation on amending the 2010 Act (Edinburgh, Fife, Glasgow, South Lanarkshire, West Lothian) (Scottish Government 2013b). South Lanarkshire, for example, considered that recommendation 20 is:

"fundamental to any discussion about the future of a school and a presumption against closure."

In contrast, the Scottish Rural Schools Network disagreed with recommendation 20 saying:

"SRSN is concerned that the recommendation that the current legislative requirement to establish educational benefit be diluted, is a retrograde step given Scotland's long established principle that changes in education provision should be made for the improvement of education." (SRSN, 2013)

While recommendation 20 was the only one actually rejected by the Scottish Government, recommendation 34 (establishing an independent review) is being taken forward now, rather than, as the Commission proposed, first waiting to see the impact of the other changes.

PROPOSED CHANGES

Proposed amendments to the 2010 Act were consulted on between July and September 2013 (Scottish Government 2013a). The Cabinet Secretary wrote to the Education and Culture Committee on 28th September outlining the policy proposals (Russell 2013) and individual consultation responses were published in October (Scottish Government 2013b). Overall, there was support for the proposals, although there was some uncertainty over the criteria for an independent review mechanism and differences between parents' groups and local authorities on the proposal for a five year moratorium between closure proposals and on the primacy of educational benefits in any argument for closure.

Nineteen local authorities responded to the consultation and generally agreed with most of the proposals with the exception of the independent review mechanism and the proposal for a five year moratorium. The Scottish Rural Schools Network considered that the problems experienced were about implementation rather than the legislation itself, although in general, they supported the proposed changes as did parents' groups generally.

The remainder of this briefing looks at the proposed changes in more detail.

PRESUMPTION AGAINST CLOSURE

The Scottish Government propose to make it clear that there should be a presumption against the closure of rural schools in the 2010 Act. This follows the Court of Session decision that, despite the Government's policy intention, the 2010 Act does not contain such a presumption. There have been calls for such a presumption since the establishment of the Parliament. Three of the eighteen petitions to the Parliament on school closures asked specifically for a presumption against closure (PE725, 753 and 872) and in 2007, the SNP manifesto included a commitment to create such a presumption.

The 2010 Act requires local authorities to have 'special regard' to certain factors when a proposal concerns the closure of a rural school. The Policy Memorandum for the Bill (Scottish Parliament 2009b) stated that the 'special regard' for rural schools establishes a presumption that

“no rural school will be proposed for closure (nor even the consultation process commence) unless and until these factors have been fully taken into account.”

The consultation which led to the 2010 Act explained what the Scottish Government meant by a ‘presumption against closure.’ The policy was:

“to achieve a situation in which a decision to close a rural school would always be a decision of last resort; one which would not be taken until all possible alternatives have been explored and all the likely adverse implications have been identified and actions planned to minimise their impact” (Scottish Government 2008).

The decision not to use the word ‘presumption’ in the Act itself was explained:

“Simply stating in legislation ‘there shall be a presumption against’ anything is problematic as it can be widely interpreted, or misinterpreted, leaving a great deal to be clarified by the courts. Rather, we propose establishing a robust process of consideration and decision-making which achieves the same effect. By setting out in legislation matters to which authorities must have prior regard, a presumption is not created that no rural school will ever close but that none will close unless and until those matters have been fully taken into account.” (Scottish Government 2008)

The statutory guidance on the 2010 Act states:

“The Act also introduces a presumption against the closure of rural schools by ensuring that a decision to consult on a rural school closure proposal is not made until the local authority has had regard to all viable alternatives and assessed the likely implications of closure” (Scottish Government 2010).

However, the Court of Session found that there was no legislative presumption:

“I do not accept that the terms of section 12 give rise to a legislative presumption against the closure of a rural school. [...] It is not appropriate to refer to, for instance, a ministerial statement and thereby read a policy aim into the Act.” ([2013] CSIH 45 at para 46)

The Court went on to describe what the legislation actually requires:

“ the question is whether, on the facts of the particular case, the education authority can fairly be described as having had special regard to the rural factors [...] If it can, then, [...] the weighing exercise ultimately carried out by the authority when taking account of all the relevant factors, including the rural factors, is very much a matter for them in exercise of their discretion.” ([2013] CSIH 45 at para 49)

In other words, special regard must be had to rural factors, but this does not mean that a decision against closure must inevitably be more likely.

In the consultation, most responses from local authorities welcomed the clarity they expected would be produced by an explicit statutory presumption. However three local authorities opposed creating a legislative presumption. Eilean Siar considered that a statutory presumption would not provide any greater clarity or protection. Instead it may create the impression of a ‘veto’ that doesn’t exist. While Fife Council supported the statutory change for the purposes of clarity, they did not support the policy that rural schools should be subject to different processes from urban schools. East Ayrshire Council supported the change, but want a review of the classification of rural schools (something that was rejected by the Commission in their recommendation 37).

Parents' groups tended to support a statutory presumption. For example, Barcaldine Primary School Parent Council said:

“The Presumption against Closure must be core to any legislation and ensures that any closure of a rural school happens only after exhaustive measures to properly examine alternatives.” (Scottish Government, 2013d)

MERITS CONSIDERATION

The Court of Session found that a proper construction of the 2010 Act required Ministers to consider the merits of a proposal as well as the procedural aspects. The Scottish Government proposes legislative amendment to clarify that “Ministers’ role in determining school closure proposals is to consider both process and merits” (Russell, 2013).

Under the 2010 Act, when considering whether to 'call in' a closure proposal, Ministers must consider whether the local authority failed in a 'significant regard' to abide by the legislative requirements and whether they failed to take into account a 'material consideration.' The Guidance on the Act described 'call-in' as essentially a consideration of procedure:

“This Ministerial power is intended as a safeguard, in closure cases, to help to ensure that the consultation and decision-making processes and procedures are fairly, fully, openly and transparently carried out” (Scottish Government 2010).

However, the Court of Session considered that the current legislation requires more than checking that the procedure has been complied with:

“Ministers are not, in terms of the statute, mere checkers of procedural aspects leading to a decision; rather they are part of the decision-making process itself.” ([2012] CSIH 6 at para 49)

The Court explained how coming to a view on 'material consideration' required consideration of the merits of the proposal:

"we consider that section 17(2), properly construed, requires consideration of the merits of the closure proposal. In order properly to assess whether a 'material consideration' has been left out of account, there must in our view be some appreciation and weighing up of various factors including arguments for and against closure, representations made, rural factors (if relevant) statistics, costs, educational benefits, community needs and other such matters. [...] Ministers, having called in a closure proposal, are obliged and not merely entitled to have regard to all the circumstances, including both the procedural aspects and the merits.” (para 54)

This issue of how to interpret 'material consideration' had been raised during the passage of the legislation. The Education Committee, in its stage 1 report, considered that there was a lack of clarity (Scottish Parliament Education, Lifelong Learning and Culture Committee 2009 at para 118).

In announcing the consultation on the amendments, Mr Russell said:

“It will be important that the approach continues to respect the primacy of local authority decision making in this area and restricts potentially open-ended consideration. None of this is about second guessing local authority decisions. [...] We need to have a system that ensures that we do not interfere in decision making but can review the merits of a case alongside the process issues.” (Scottish Parliament 2013).

The Commission implied that consideration of the merits would be quite restricted:

“the Commission hopes that the cases where Ministers concluded that the local authority's proposal was so significantly flawed that no reasonable authority could arrive at that conclusion, and it was appropriate to refuse consent, would be increasingly rare” (Sutherland 2013 at para 142).

Out of over 80 schools or nurseries proposed for closure, there have only been refusals in relation to nine schools (four of which were subject to judicial review). 'Increasingly rare' would therefore imply that a refusal of consent would be an exceptional occurrence.

In the consultation responses, there was general support for clarifying to what extent and in what ways the Scottish Government would look the 'merits' of a proposal, although local authorities stressed that school closures are essentially a local decision.

Following call-in, Ministers can consent, consent with conditions or refuse consent to the closure proposal. At the moment there is no option to remit the decision back to the education authority for further consideration. Providing this further option was recommended by the Commission (Sutherland 2013 at para 141) and accepted by the Scottish Government.

INDEPENDENT REVIEW MECHANISM

The Scottish Government proposes that after the Minister's decision to call-in a closure proposal, there should be recourse to an 'independent review body' whose decision will be final (Russell 2013). In June, Mr Russell had outlined that this might be arbitration, an independent adjudicator or a panel:

“I believe that responsibility for considering whether a school closure proposal should be called in should remain the responsibility of Scottish Ministers. However, once a call-in decision has been made, proposals might well be best referred to a new independent decision-making body. I am exploring options for that body and considering alternatives, including dispute resolution mechanisms such as arbitration, an independent adjudicator or a panel.” [...] “I think that a number of options are available. For example, using the Scottish arbitration service is a reasonable and possible way forward.”(Scottish Parliament 2013)

The criteria for the review mechanism would be that it is low cost, accessible, time-limited, fair and objective and its decision should be final.

The Scottish Government's response to the Commission stated that: "we are concerned that there is a perception that Ministers' role in this process can never be impartial." (Scottish Government 2013d). This perception of partiality has been an issue in a number of closure proposals, but perhaps the most high profile example was the alleged involvement of Mr Russell in Argyll and Bute Council's closure proposals (Scottish Parliament 2011).

In the 2013 consultation, the Scottish Government acknowledged opinion that there should be an independent review mechanism instead of a role for Ministers. The Government considers however that: "it should continue to be the responsibility of Scottish Ministers to consider whether a school closure proposal should be called in" (Scottish Government 2013a).

In the consultation on proposed changes, ten local authorities were opposed to a further independent referral mechanism, generally on the grounds that it would lack democratic accountability and increase bureaucracy (Scottish Government 2013b). For example, Glasgow council referred to: "another tier of bureaucracy within an already over complex and time consuming system." Fife Council referred to the Commission's recommendation 34 which was

to let other changes become established before changing the call-in process. West Lothian considered that an independent panel would not remove politics from the process. East Dunbartonshire considered that arbitration would be inappropriate as it reduces recourse to appeal and in school closure cases there is limited scope for compromise – the school will either close or it won't.

The Scottish Rural Schools Network considered that an independent referral mechanism must be entirely independent and should give clear reasons for decisions:

“it is essential that the replacement body is seen to be entirely independent of the educational establishment, local authorities and pressure groups. A lack of such independence simply opens the way for those unhappy with a decision to replace complaints of political interference (seen under the current system) with accusations of cronyism. [...] Openness and transparency of decision making are key to public acceptance of decisions. Those requesting call-in, and local authorities, must be able to understand why complaints have been accepted or rejected” (Scottish Government 2013d).

EDUCATION SCOTLAND'S ROLE

Scottish Ministers propose that Education Scotland be given a specific legislative role to advise Ministers in relation to the call-in of a school closure proposal. Prior to the 2010 Act, the practice was for HMle (now part of Education Scotland), to provide an independent view on closure proposals that require ministerial consent, although this was not a statutory requirement (Education, Lifelong Learning and Culture Committee 2009 at para 79).

Under the 2010 Act, the role of Education Scotland is to conduct an independent assessment of the educational benefits of a proposal and report on this to the council. They do not have a specific role once a decision has been 'called-in' by Ministers. However, they do have a general statutory role to advise Ministers on education matters under section 66 of the Education (Scotland) Act 1980. This is not specific to school closure decisions, but covers any educational matter. Therefore while they already have a general duty to advise Ministers, the proposal is to give them a specific role to advise on school closures.

In submissions to the Commission people generally agreed with the role of Education Scotland under the 2010 Act. Some were critical, saying that it wasn't powerful enough and some felt that Education Scotland did not always consult widely and much depended on the individual inspector. Local authorities were mostly supportive, although there was some concern that Education Scotland sometimes commented on non-educational aspects (Scott et al, 2013). The Commission reported that Education Scotland did not always provide the level of detail in their report that communities expected. It recommended that the organisation should have a wider role in providing a detailed response to the proposed educational benefits and a more sustained involvement in a school closure proposal. The consultation paper on changes to the 2010 Act proposed:

- that Education Scotland advise local authorities before they start preparing an Educational Benefits Statement. This issue is to be taken forward using guidance rather than legislation
- legislative change to clarify how Education Scotland is to advise Ministers.
- that Education Scotland provide advice to the new independent referral mechanism

In response, the Scottish Rural Schools Network worried about potential conflict of interest if Education Scotland were to help prepare the Educational Benefits Statement and then prepare a report on it.

“While it is proper for Education Scotland to issue guidance on the proper preparation of Educational Benefit Statements, it will create a conflict of interest if ES then have to adjudicate on an EBS that they have had a hand in preparing.”

Argyll Rural Schools Network supported the change but were looking for improvements as they believed that, “Education Scotland’s judgements in proposals have until now inspired no public confidence.”

In general, local authorities supported an enhanced role for Education Scotland, although some were concerned about the capacity of the organisation to take on such a role (eg North Ayrshire, South Lanarkshire, East Ayrshire, Glasgow). Only North Lanarkshire council opposed the change commenting that they had had experience of Education Scotland writing their report with limited discussion with the council. Six councils preferred change through a memorandum of understanding and five supported legislative change.

FINANCIAL INFORMATION

The Scottish Government proposes a statutory requirement that local authorities provide “transparent, accurate and consistent” financial information in their school closure proposals. This will be supported by ‘detailed guidance.’

One of the objectives of the 2010 Act was to create trust in the process. However, in the submissions to the Commission on Rural Education, “there was a strong view, particularly among parents and parent organisations that the process needs to be more open and transparent” [...] Many parents felt that decisions had often already been taken by the council, and that their views would not be listened to. A significant number felt they were not being provided with all the information they need, or that the process was not transparent” (Scott et al 2013).

The Commission agreed that it is unrealistic to suggest that closure proposals are made solely for educational reasons and recommended that there should be a place for setting out transparent financial information in a closure proposal.

“Clear guidance on the appropriate financial information to include would ensure that this was presented in a complete and consistent manner, rigorously evidencing any financial argument that is deployed. It is important to avoid an argument that any cost saving from a closure would leave more funds for other educational purposes and have an educational benefit to the majority of children in the area, as this could be an argument against many aspects of rural service provision. Remoteness should always be a key consideration, recognising the impact of moving education provision an unreasonable distance from any community.

This wider approach would allow local authorities to make a detailed Educational Benefits Statement as well as including other relevant factors such as their strategy for schooling in the area and financial issues. This would recognise and allow an honest debate about why, in many cases, local authorities feel compelled to propose a school closure.”

The Commission also recommended that a ‘template for financial information’ be developed (recommendation 22). In the consultation, most local authorities supported the development of a more standardised way of presenting financial information (Scottish Government 2013b). However, some referred to the difficulties in providing accurate information. For example, East Ayrshire referred to difficulties assessing the impact on GAE allocations, redundancy costs and pupil support costs. Fife Council said that local authorities should not be prevented from considering the financial factors associated with a school closure decision.

Parents' groups welcomed the provision of more transparent financial information. For example, Glassary Primary School Parent Council said: "The relevant financial information in relation to any school closure consultation should be clear, concise, honest and freely available."

Challenging local authority information

Linked to the provision of information is the ability to challenge the accuracy of such information. Under s.5 of the 2010 Act the Local Authority must respond to any allegations of inaccurate or incomplete information. It can issue a corrected paper and, under s.10(3), must respond to allegations in its report on the consultation.

The Commission recognised that there were 'serious concerns' about the accuracy of information provided in consultation proposals, noting that, "There is provision within the 2010 Act relating to provision of accurate information but the Commission noted some concerns that this had not achieved its aim." The Commission therefore recommended that s.5 be reviewed, "with a view to providing clear statutory guidance" which the Scottish Government accepted.

FIVE YEAR MORATORIUM ON REPEATING A CLOSURE PROPOSAL

The Scottish Government intends to introduce a statutory five year moratorium on repeating a school closure proposal (Commission recommendation 31). It will allow an exception for a "significant, relevant change" which will be defined. The consultation asked for views on the following examples:

- significant change in the school roll
- change in physical condition of the school
- change in the view of the community
- significant change in local authority resources

The SSRN referred to repeated consultations on a few small rural schools and support the five year moratorium. They would like the provision to be retrospective and are concerned about the definition of 'significant change'.

"We strongly believe that the provision should be retrospective – the number of schools actually affected will be very small – but many of those are in extremely fragile communities where repeated closure threats and long running uncertainty have had a highly corrosive effect.

We are concerned about extending the concept of "significant relevant change" beyond those directly related to the school in question. As the Commission itself pointed out, redeployment of resources to benefit a wider community can always be used to justify the removal of any or all services in rural areas."

Parents' councils also supported the five year moratorium. For example, Ulva School Parent Council said: "Having seen first-hand the threat of closure of our own school, we feel it would be extremely difficult for the school pupils, staff and parents as well as the wider community to cope with repeated closure proposals at any less than 5 year intervals."

On the other hand, ten local authorities oppose this proposal. If it is to go ahead, then they would prefer it was as guidance rather than legislation. There was concern that it undermined the ability of local authorities to manage their budgets. For example, Glasgow Council said it: "challenges the primacy of local authorities to determine how and when it will conduct their business." Edinburgh Council stated:

“Local Authorities should have unfettered ability to pursue changes in policy which it considered to be appropriate taking into consideration any changes in local circumstances.”

Most of the concern was about what would be considered a ‘significant change’ that would allow a proposal to be repeated within five years. There were clearly differing views about what would count as ‘significant’. For example, the EIS believe that budgetary considerations should not be considered a ‘significant change’ but East Ayrshire Council think that it should. There was also suggestion from Eilean Siar and ADES that three, rather than five, years would be a more appropriate timescale.

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ANNEXE 1: SCHOOL CLOSURE PETITIONS

2000

- PE72 Petition by Parents and Community Association of Boharm calling for the Scottish Parliament to take such action as it sees fit to prevent the closure of Boharm Primary School (lodged on 21 January 2000)
- PE171 Petition by Michelle A Terry on behalf of the parents and children of Glenrinnnes Primary School calling for the Scottish Parliament to investigate local council policies on the closure or retention of rural schools throughout Scotland and for the proposed closure of Glenrinnnes Primary School to be deferred until the Parliament's findings are complete (lodged on 6 April 2000)
- PE175 Petition by Neil M Kay on behalf of the School Board of Toward Primary School calling for the Scottish Parliament to investigate Argyll and Bute Council's School Closure Programme, using the proposed closure of Toward Primary School as an indicative case (lodged on 12 April 2000)
- PE230 Petition by St Vigeans Primary School Parents against Angus Council's proposed closure of St Vigeans and calling for the Scottish Parliament to take the views of parents of children attending St Vigeans Primary School fully into account and support this excellent school (lodged on 19 June 2000)

2001

- PE342 Petition by Neil Kay calling for the Scottish Parliament to (a) consider framing national guidelines for school closures that are at least as fair and comprehensive as those adopted in England, and (b) ask councils to consider deferring decisions on any school closures until these new guidelines have been established (lodged on 22 February 2001)

2004

- PE701 Petition by Frank Mullarkey and Paul Tierney, calling for the Scottish Parliament to urge the Scottish Executive to review the consultation arrangements regarding school closures and mergers, to ensure that the concerns of local communities are fully taken into account; proper risk assessments conducted, and detailed costings made available (lodged on 8 January 2004)
- PE725 Petition by Richard Lock, on behalf of Midlothian Rural Schools Action Group, calling for the Scottish Parliament to urge the Scottish Executive to restore the presumption against closure of rural schools and that any departure from this presumption in individual cases shall be on the grounds of the balance of educational advantage to the children of those schools being clearly and independently demonstrated (lodged on 2 April 2004)
- PE753 Petition by Christine Grahame MSP, calling for the Scottish Parliament to urge the Scottish Executive to reopen without delay, the discussions with COSLA regarding revised guidance for local authorities on proposed school closures; further to introduce a presumption against the closure of rural schools and in the meantime, pending the issue of new guidance, to call in any decision to close a rural school whether or not it is required under current legislation and guidance (lodged on 15 June 2004)

2005

- PE853 Petition by Ken Venters, on behalf of the Carronhill Action Team, calling for the Scottish Parliament to urge the Scottish Executive to introduce legislation requiring all proposals which relate to the closure or alteration of facilities and services for children with special needs to be referred to it and, in the case of such proposals, requiring detailed consultation with parents of affected children and to implement a moratorium preventing the closure of special needs schools until such legislation is in place (date lodged 04 May 2005)

- PE872 Petition by Alexander Longmuir, on behalf of the Arbirlot Parents Group, calling for the Scottish Parliament to urge the Scottish Executive to introduce a legislative presumption against closure of rural schools unless there is an undeniable educational and social benefit to the children and communities affected (date lodged 21 May 2005)

2006

- PE945 Petition by Susan Green calling for the Scottish Parliament to consider and debate the inadequacy of the existing legislation for parental consultation over school closures (date lodged 06 March 2006)
- PE955 Petition by Catriona Lessani, on behalf of the Parents Action Group of St Kevin's Primary, calling for the Scottish Parliament to urge the Scottish Executive to review the implementation of its guidance on school closures to ensure that parents and pupils are properly consulted (date lodged 07 April 2006)

2007

- PE1093 Petition by Helena Hamilton, on behalf of Friends of Cameron House Nursery School, calling on the Scottish Parliament to urge the Scottish Government to extend the guidelines governing proposed school closures to the proposed closures of nursery schools (date lodged 1 November 2007)

2008

- PE1130 Petition by Scott Reed calling on the Scottish Parliament, in light of the proposal to close Drummond Community High School in Edinburgh, to urge Scottish Ministers not to grant consent to school closure proposals where the school roll exceeds 80% of the school's capacity (date lodged 28 February 2008)
- PE1132 Petition by Sharon Miller, on behalf of the community of Sorn, calling on the Scottish Parliament to urge the Scottish Government to consider whether it is satisfied that sufficient recognition is given by local authorities, when considering the closure of a rural school, to the adverse impact the closure would have on rural sustainability and development, where there exists higher than average pupil attainment, attendance and capacity levels and lower than average cost per pupil and to the additional capital and other costs of transferring the pupils to another school and whether the directions and guidance to local authorities fully reflect such circumstances (date lodged 28 February 2008)

2009

- PE1266 Petition by William Stevenson on behalf of Bellahouston primary school calling on the Scottish Parliament to urge the Scottish Government to establish how the procedures and guidelines used by local authorities to close a school properly reflect and recognise the needs of children with additional support needs. (lodged 28 August 2009)
SPICe petition briefing: PE1266 Petition on Procedures to Close Schools and Requirements of Children with Additional Support Needs (produced 3 September 2009)
- PE1267 Petition by Richie Venton on behalf of Glasgow Save Our Schools Campaign calling on the Scottish Parliament to urge the Scottish Government to conduct a public investigation into the impact the proposed closures of schools and nurseries by local authorities has on education policies, class sizes, childrens' health and safety, social inclusion, jobs, and whether the process of consulting with parents and wider communities on the provision of education complies with local authorities statutory duties and democratic principles. (lodged 28 August 2009)

2011

- PE1382 Petition by Laurence Slavin calling on the Scottish Parliament to urge the Scottish Government to conduct a review, with the following objectives: (1) provide a right of appeal by stakeholders regarding breaches of the Schools Consultation (Scotland) Act 2010; (2) provide a clear protocol over the mechanism to change closure proposal papers after the consultation period has commenced; (3) place a legislative requirement on local authorities to provide stakeholders with full access to all supporting evidence; (4) provide for a fair, open and independent consultation process; and (5) clarify the requirements of the Educational Benefit Statement, these objectives aimed at

strengthening the Act and accompanying guidance to ensure there is greater clarity over the requirements and expectations of a local authority when considering a school closure proposal (lodged 06 January 2011)

ANNEXE 2: CHANGE IN PRIMARY SCHOOLS SINCE 1995/96

	opened	closed	net loss or gain	total primary schools in 2012	total primary schools in 1995	closures as proportion of primary schools
Aberdeen City	6	19	-13	48	61	-21%
Aberdeenshire	1	13	-12	151	163	-7%
Angus	6	19	-13	53	66	-20%
Argyll & Bute	0	8	-8	84	92	-9%
Clackmannanshire	0	1	-1	19	20	-5%
Dumfries & Galloway	2	15	-13	103	116	-11%
Dundee City	9	19	-10	36	46	-22%
East Ayrshire	2	8	-6	44	50	-12%
East Dunbartonshire	0	0	0	37	37	0%
East Lothian	3	2	1	35	34	3%
East Renfrewshire	0	1	-1	24	25	-4%
Edinburgh, City of	7	23	-16	87	103	-16%
Eilean Siar	1	15	-14	31	45	-31%
Falkirk	2	1	1	49	48	2%
Fife	3	8	-5	142	147	-3%
Glasgow City	7	68	-61	140	201	-30%
Highland	10	23	-13	182	195	-7%
Inverclyde	5	17	-12	21	33	-36%
Midlothian	4	10	-6	30	36	-17%
Moray	0	4	-4	45	49	-8%
North Ayrshire	2	2	0	53	53	0%
North Lanarkshire	3	12	-9	122	131	-7%
Orkney Islands	0	2	-2	20	22	-9%
Perth & Kinross	3	7	-4	73	77	-5%
Renfrewshire	1	4	-3	49	52	-6%
Scottish Borders	1	9	-8	64	72	-11%
Shetland Islands	0	2	-2	32	34	-6%
South Ayrshire	0	4	-4	41	45	-9%
South Lanarkshire	0	0	0	125	125	0%
Stirling	1	7	-6	40	46	-13%
West Dunbartonshire	0	2	-2	34	36	-6%
West Lothian	4	4	0	66	66	0%
total	83	329	-246	2,080	2,326	-11%

sources: numbers opened and closed from Scottish Government narrative. Total primary schools 2012 from school estate statistics 2012. Total primary schools 1995 estimated from narrative opening and closing and totals for 2012.

ANNEXE 3: SCHOOL CLOSURE DECISIONS SINCE 2010

Local authority	school	Called in	Consent granted	refused
Aberdeen city	Hazelwood school	No	3 rd May 2011	
	Woodlands school	No	3 rd May 2011	
	Raeden nursery	No	3 rd May 2011	
Aberdeenshire	Clatt school	June 1st 2011	No	22nd June 2011
	Logie Coldstone	June 1st 2011	No	22nd June 2011
	Ellon Academy	No	Not required	
	Mearns Academy	No	Not required	
Angus	Muirfield	July 28th 2011		31st January 2012
	Timmergreens	July 28th 2011		31st January 2012
Argyll and Bute	Ardchonnell	No	Nov 9th 2011	
	St Kieran's	No	Nov 9th 2011	
Edinburgh	GME at tollcross		Dec 1 st 2011	
	High School yards nursery	April 12th 2011	15th June 2011	
	Princess Elizabeth nursery	April 12th 2011	15th June 2011	
	Westfield ct nursery	no	13 th March 2012	
Clackmannanshire	Tower Nursery	no	12 th July 2011	
	Claremont	No	10 th August 2011	
	St John's	No	10 th August 2011	
	Ladywell nursery	No	25th June 2013	
Dumfries and Galloway	Glentroll	no	14 th July 2010	
Dundee	Hillside	no	25 th Sept 2013	
	Gowriehill	no	25 th Sept 2013	
East Ayrshire	Crossroads	no	26 th July 2010	
	St John's	no	10 th July 2013	
East Renfrewshire	Auchenback	no	22 nd June 2011	
	Robslee	22nd June 2011	30th Aug 2011	
	Glen family centre pre-school	no	19 th April 2012	
Fife	Dunearn	27th April 2011	19th May 2011	
Glasgow	St Mark's	no	16 th Aug 2010	
	St Joan of Arc	16th Aug 2010	15th Sept 2010	
	St Aidan's	16th Aug 2010	15th Sept 2010	
	St Vincent's	No	16th Aug 2010	
	Stonedyke	16th Aug 2010	15th Sept 2010	
	St Raymond's	No	11 th Aug 2011	
	Gadburn	8th March 2012	25th May 2012	
Highland	Glenborrodale	No	14 th Oct 2010	
	Borrodale	No	14 th Oct 2010	
	Achnasheen	No	14 th Oct 2010	
Local authority	school	Called in	Consent granted	refused
	Achaphubuil	No	14 th Oct 2010	

	Fort William	14th Oct 2010	28th Oct 2010	
	Upper Achintore	14th Oct 2010	28th Oct 2010	
	Caol	14th Oct 2010	28 th Oct 2010	
	Fort William RC	14th Oct 2010	28 th Oct 2010	
	Lochyside RC	14th Oct 2010	28 th Oct 2010	
	Pulteneytown Academy	25th Jan 2012	25th Feb 2012	
	Wick South	25th Jan 2012	25th Feb 2012	
	Hillhead	25th Jan 2012	20th Feb 2012	
	Wick North	25th Jan 2012	20th Feb 2012	
Moray	Cabrach	no	12 th Jan 2011	
North Ayrshire	Broomlands	16th Feb 2011	3rd March 2011	
	Fencedyke	16th Feb 2011	3rd March 2011	
	Towerlands	16th Feb 2011	3rd March 2011	
	John Galt	16 th Feb 2011	3rd March 2011	
	Garnock Academy	No	20 th July 2011	
	Glengranock	No	20 th July 2011	
	Moorpark	no	20 th July 2011	
	Abronhill Nursery	19th April 2011	15th June 2011	
North Lanarkshire	Calder	18th Feb 2013	11th April 2013 –	
	Arbronnill High	18th Feb 2013	27th June 2013 –	
	Cumbernauld High	18th Feb 2013	27th June 2013 –	
Orkney	Egilsay	no	22 nd March 2011	
Perth and Kinross	Stone of Cally	no	7 th Oct 2011	
Borders	Roberton	no	1 st Nov 2010	
Shetland	Scalloway junior high	12th Jan 2011	11th March 2011	
	Uyeasound	22nd June 2011	19th Oct 2011	
	Burravoe	22nd June 2011	no	19th Oct 2011
South Ayrshire	Pinwherry	no	26 th May 2011	
	St Ann's	no	29 th June 2011	
South Lanarkshire	Kittoch	no	12 th July 2011	
	Ridgepark	no	12 th July 2011	
Stirling	Lochearnhead	no	17 th March 2011	
	Inversnaid	no	17 th March 2011	
Eilean Siar	Balallan	no	14 th Dec 2010	
	Bragar	no	14 th Dec 2010	
	Stoneybridge	no	14 th Dec 2010	
	Cross	no	14 th Dec 2010	
	S1/S2 Daligurgh	no	14 th Dec 2010	
	Sandwickhill	no	14 th Dec 2010	
	Scalpay	no	14 th Dec 2010	
	S1/S2 Shawbost	14th Dec 2010	no	12th Jan 2011
	Shelibost	14th Dec 2010	no	12th Jan 2011
	Carloway	14th Dec 2010	no	12th Jan 2011
	S1/S2 Lionel	14th Dec 2010	no	12th Jan 2011
	S1/S2 Paible	no	9 th May 2011	

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Georghiou, N. (2009) *Schools Consultation (Scotland) Bill 2009*. Edinburgh: Scottish Parliament. Available at:

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Georghiou, N. (2006) *School Closures Update*. Edinburgh: Scottish Parliament (no longer available online. Please ask SPICe if you would like a copy).

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