POLICY NOTE

THE CONVENER OF THE SCHOOL CLOSURE REVIEW PANELS (SCOTLAND) REGULATIONS 2014

SSI 2014/262

1. The above instrument is made in exercise of the powers conferred by paragraph 1(9) of schedule 2A to the Schools (Consultation) (Scotland) Act 2010 ("the 2010 Act"). The instrument is subject to negative procedure.

Policy objectives

2. Together with The Members of a School Closure Review Panel (Scotland) Regulations (SSI 2014/263), this instrument is required in preparation for the full commencement of new schedule 2A (School Closure Review Panels) of the 2010 Act, as inserted into that Act by section 81 of the Children and Young People (Scotland) Act 2014 ("the 2014 Act"), which will allow for the appointment of the Convener and persons eligible to serve as Panel members.

3. The amendments to the 2010 Act in Part 15 of the 2014 Act establish a Convener of the School Closure Review Panels and gives those Panels the function of determining school closure proposals which have been called in by Scottish Ministers under section 15(3) of the 2010 Act. The Scottish Government is currently preparing for the appointment of the Convener, and in due course, persons eligible to serve as members of a School Closure Review Panel, and this instrument is part of that preparation.

4. Regulation 2 sets out who is eligible to be appointed as the Convener of the School Closure Review Panels. The person must have the knowledge or experience that the Scottish Ministers consider relevant to the functions of the Convener.

5. Regulation 3 disqualifies from appointment as the Convener anyone who is a member of, or becomes a member of, the Scottish Parliament, the House of Commons, the House of Lords, the European Parliament or a local authority. This is to avoid a real or perceived conflict of interest between being a politician and the functions of the Convener of the School Closure Review Panels.

6. Regulation 4 provides that the Convener is to be appointed for a period not exceeding 5 years, and that at the end of their appointment they are eligible for re-appointment. The Convener may resign by notice in writing to the Scottish Ministers.

7. Regulation 5 sets out grounds for the Scottish Ministers to remove a person from being the Convener of the School Closure Review Panels, including if they are insolvent, have been convicted of a criminal offence, have failed to comply with the terms and conditions of their appointment, have been unavailable for their duties or the Scottish Ministers consider that they are otherwise unfit for their duties and functions.

8. Regulation 6 makes provision for the Convener to be paid a daily fee. The Scottish Ministers may pay the Convener such expenses and allowances as the Scottish Ministers consider fit, and must publish the rates of fees, expenses and allowances payable.

Consultation

9. Formal consultation took place on the policy proposals in Part 15 of the 2014 Act during summer 2013. Informal consultation with stakeholders took place during the Parliamentary process and continues following Royal Assent.

Equality Impact Assessment

10. An equality impact assessment was carried out for the Children and Young People (Scotland) Bill and this is available on the Scottish Government website. The SSI is not expected to have any impact on any equality group. The appointment of the Convener of the School Closure Review Panels is regulated by the Commissioner for Ethical Standards in Public Life in Scotland and will comply with the Commissioner's Code of Practice for public appointments. This has been equality checked to ensure appointments are as open as possible to applications from any of the equality groups.

Financial Effects

11. A business and regulatory impact assessment (BRIA) was carried out for the Children and Young People (Scotland) Bill and this is available on the Scottish Government website. The SSI is not expected to have any financial impact on business. Its impact on Scottish Government is expected to be in line with or lower than the estimates presented in the Financial Memorandum submitted to the Parliament during its consideration of the Children and Young People (Scotland) Bill.

Scottish Government
Learning Directorate

October 2014