POLICY NOTE

THE MEMBERS OF A SCHOOL CLOSURE REVIEW PANEL (SCOTLAND) REGULATIONS 2014

SSI 2014/263

1. The above instrument is made in exercise of the powers conferred by paragraph 2(5) 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 Convener of the School Closure Review Panels (Scotland) Regulations (SSI 2014/262), 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 on the Panels.

3. The amendments to the 2010 Act in Part 15 of the 2014 Act establish a Convener of the School Closure Review Panels and give 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 set out who is eligible to be appointed as a person eligible to serve as a member of a School Closure Review Panel. The person must have the knowledge and experience the Convener considers relevant to the functions of a Panel member.

5. Regulation 3 disqualifies from appointment as a person eligible to be a member of a School Closure Review Panel, or from membership of a School Closure Review Panel, 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 School Closure Review Panels.

6. Regulation 4 provides that persons are to be appointed for a period not exceeding 5 years, and that at the end of their appointment they are eligible for re-appointment. A person may resign from being eligible to be a member of a School Closure Review Panel by notice to the Convener in writing.

7. Regulation 5 sets out grounds for the Convener to remove a person from being eligible to serve as a member of a School Closure Review Panel, 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 Convener considers that they are otherwise unfit for their duties and functions.

8. Regulation 6 makes provision for members of School Closure Review Panels to be paid a daily fee. The Convener may pay members such expenses and allowances as the Convener considers fit, and is to publish the rates of fees, expenses and allowances payable.

9. Regulation 7 makes provision to avoid a conflict of interest for persons eligible to serve as members of a School Closure Review Panel, by excluding from selection to a particular Panel any person who is resident or employed in the local authority to which the closure proposal relates, or otherwise has a personal interest in the proposal.

Consultation

4. 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

6. 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 persons eligible to be members of School Closure Review Panels is expected to follow public appointment guidance and good practice to ensure appointments are as open as possible to applications from any of the equality groups.

Financial Effects

6. 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