

PE1417/D

Petitioner Letter of 23 May 2012

Dear Sirs

Thank you for your responses to my petition. I will reply to them in turn:

EIS

I would like to thank the EIS for taking the time to consider and respond to the petition in my name.

I agree with you in so far as a balance must be struck between a deregulatory position and automatic referral to ministers. There are situations whereby controversial decisions ought to be called in for review at a higher level (often with the two tiers of governance being controlled by at least two separate political parties, which I believe leads to a healthier analysis of the situation) and there are also circumstances where nothing is in contention yet a call in would take place automatically. In that sense, the 2010 Act is an improvement.

In response to point #2, I should reiterate that it is only paragraphs 4 and 5 of Schedule 1 of the Act which I am petitioning a right to appeal for (these concern admission arrangements and transfer from primary to secondary education) as these are the most contentious areas which arise outwith the closure of an establishment.

To clarify on point #3, the current ability to call in can co-exist with the right to appeal. If there are sufficient numbers to trigger the appeal (say 100 relevant consultees as defined in the Act) this would limit the number of decisions Ministers would have to review to only those which attract the strongest of sentiments. This would flag up to Ministers issues they should call in which are not already done so on a statutory basis.

Finally, on point number 4, I do not propose weighting amongst consultees. Local authorities should place equal weight on all of those offering their views on a change to admission policies and/or changes in the transition from primary to secondary establishments. The weight should come from the volume of opinions provided by the consultees, as is clearly the case in the Carmunnock example cited in the original petition document.

I trust this clarifies how a right to appeal would co-exist with call in procedures, and once again I would like to thank the EIS for its informed and objective views on this matter.

Scottish Government

I would like to thank you on behalf of the petitioners and I for your response.

The first paragraph of page three gets to the heart of my point – current legislation does not provide an appeals process as envisaged by me as the lead petitioner. If we are going to get to the situation where public services are delivered more in line with the wishes of local people, there must be an appeals route for consultees to make representations to an authority higher than the local council.

If an Educational Benefits Statement is put together to satisfy the rules of the Act and then a consultation is held, and consequently a majority disagrees with the proposal but it goes ahead anyway, then I ask you the rhetorical question – what is the point of having a consultation at all?

Finally, I shall make one final point to keep my response brief – you refer to Delivery of Rural Education. Although Carmunnock is a village, it is in very close proximity to the city of Glasgow and I would not consider the setting to be on the whole rural. You may wish to consider this when the Committee next meets.

Scottish Parent Teacher Council

Thank you for your response – the petitioners and I greatly appreciate you taking the time in your deliberations.

In response to your point #1, I am disappointed that the SPTC has come to this view. As an umbrella group for local parents, I cannot reconcile the view that creating legislation to allow parents a right to obtain a second opinion from a higher authority where a local government overrides the wishes of consultees as indicated at a consultation would be jeopardising local decision making and accountability. If anything, it would enhance the accountability of decision makers within education departments to follow the wishes of local parents, pupils and teachers.

I agree in part with #2 – consultations are persuasive at best within legislation, but I do agree and it is important to emphasise consultation responses must be considered in terms of the weight and relevance of the responses.

In our consultation in Carmunnock, two meetings were held (which can be verified to reports from Glasgow City Council) – one in the designated secondary, and one in the primary school affected. The turnout in the village outnumbered the meeting in Castlemilk by at least 10 to 1, despite Carmunnock having a fraction of the population. It is clear where the weight of opinion lies and this goes beyond numbers. That is why I believe exceptional cases like this should have a route of appeal to Ministers.

#3 As above

#4 Carmunnock, whilst having conservation village status, is not rural in the traditional sense of the word. It is several minutes' drive from urban population areas such as Clarkston, Busby and South Glasgow, and consequently the Commission for Rural Education is of no consequence to this case nor of any benefit to the parents and pupils of Carmunnock.

Thank you once again for your response.

Regards,

Andrew Morrison