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Dear Ms Shanks

**SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010: ABERDEEN CITY COUNCIL:  
CLOSURE OF CORDYCE SCHOOL**

I refer to your e-mail of 26 January 2018 notifying the Scottish Ministers of Aberdeen City Council's decision of 25 January 2018 to implement the proposal to close Cordyce School.

A three week period began on 25 January 2018 for any person to make a representation to the Scottish Ministers requesting that the decision should (or should not) be called in by them for further investigation (as provided for by section 15(4) of the 2010 Act). That period expired on 14 February 2018 and no representations were received.

Under section 17 of the 2010 Act, the Scottish Ministers may only issue a call-in notice if it appears to them that the education authority may have failed:

- (a) in a significant regard to comply with the requirements imposed on it by (or under) this Act so far as they are relevant in relation to the closure proposal, or
- (b) to take proper account of a material consideration relevant to its decision to implement the proposal.

Having reviewed Aberdeen City Council's Proposal Paper and Consultation Report, the Scottish Ministers consider that Aberdeen City Council has fulfilled its obligations under the 2010 Act and consequently have decided not to issue a call-in notice for this proposal.

In reaching this decision, Ministers gave careful consideration to the fact that the Council had failed to include within its Consultation Report an explanation of the opportunity for stakeholders to make representations to the Scottish Ministers as required under section 10(4) of the 2010 Act.

The Council accepted that this had arisen due to an oversight on their part. However, the Council indicated that, following their decision on 25 January 2018, they sent all the statutory

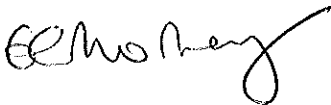
consultees a link to the relevant documents on the Council's website and provided an explanation of the process and timescales for making representations to Ministers. As required under section 15(2A) of the 2010 Act, the Council published a notice on their website informing stakeholders of the opportunity to make representations, and a news release was issued to local media outlets after the Council's decision.

While it is clear that there has been a procedural error by the Council, Ministers may only issue a call-in notice if it appears to them that the authority has failed in a "significant regard" to comply with the terms of the 2010 Act. As the Council notified all the statutory consultees of the opportunity to make representations we consider that in the circumstances of this case this does not represent a significant enough failure to comply with the 2010 Act to justify calling-in the proposal. The Council is reminded that Ministers expect the procedure set out in the 2010 Act to be followed in full.

The Council is also reminded that the use of the financial template is strongly recommended when illustrating the financial implications of a school closure proposal.

Aberdeen City Council may now implement its decision to close Cordyce School in line with the timescales set out in its proposal paper.

Yours sincerely



**CLARE MORLEY**  
School Infrastructure Unit