

A guide to the role of HM Inspectors within School Consultations

Revised May 2026



Why is the 2010 Act in place?

The Schools (Consultation) (Scotland) Act 2010 is in place to make sure that all education authorities follow strong and accountable consultation processes when they are proposing to close schools or make other important changes to their schools. The Act makes sure that the consultation processes that education authorities put in place are fair. The processes are also expected to be consistent across Scotland.

Amendments to the 2010 Act

The 2010 Act was amended in Part 15 of the Children and Young People (Scotland) Act 2014. This placed a number of important new duties on education authorities. It also established an independent public body called the School Closure Review Panel with responsibility for considering school closure decisions that are called in by Scottish Ministers.

The Schools (Consultation) (Scotland) Act (Modification) Regulations 2017 removed permanently the need to consult on proposals to establish a new nursery school or a new class within a school, or proposals to relocate a nursery school or part of a school that is a nursery class.

The Coronavirus (Recovery and Reform) (Scotland) Act 2022 amends the 2010 Act in relation to education authorities holding public meetings and making available hard copies of documents within the context of a public health crisis.

Part 26 of the Scottish Languages Act 2025 introduced new duties in relation to the provision of school transport and statutory consultees for Gaelic medium education (GME).

What is covered by the Act?

There are different types of proposals that trigger the consultation process. These are proposals to:

- discontinue permanently a school (this includes special schools and nursery schools) or a stage of education in a school (this includes years in secondary school or all nursery classes in a primary school or a special class in a mainstream school or where the education authority proposes to discontinue Gaelic medium provision);
- establish a new school or stage of education (except a nursery school or a nursery class) in a school;
- relocate a school or part of a school (except a nursery school or nursery class);



- vary any admission arrangements for a school, including the catchment area or modify the guidelines for placing requests (note that these two types of changes are illustrative rather than exhaustive);
- vary the arrangements for the transfer of pupils from a primary to a secondary school;
- change the school commencement date of a primary school;
- vary the arrangements for the constitution of a special class in a school other than a special school;
- discontinue arrangements for the provision of transport by the education authority for pupils attending a denominational school or for pupils in GME;
- change a denominational school into a non-denominational school; and
- discontinue a further education centre which is managed by the education authority.

What is the role of HM Inspectors within School Consultations?

- On behalf of the HM Chief Inspector of Education in Scotland, HM Inspectors are involved in every proposal that an education authority consults on within the terms of the Act.
- HM Inspectors must review the education authority's proposal paper along with other relevant documents. The review will have a particular focus on the educational aspects of the proposal.
- The education authority must hold and be present at the public meeting during the consultation period. HM Inspectors sometimes attend and observe the public meeting. However, when they do attend, they are not allowed to participate in any discussion or debate. If they don't attend, then the education authority must provide HM Inspectors with a written summary of the meeting.
- HM Inspectors must prepare a professional and independent report on the educational aspects of the proposal being consulted on.
- In preparing their report, HM Inspectors will consider the education authority's proposal paper. They will also take account of written responses that the education authority has received, a summary of oral representations made at the public meeting held about the proposal and any other relevant documents.
- HM Inspectors may visit schools affected by the proposal when they are preparing their report. In this case, it is possible that they will meet parents, children and staff so that they can hear their views about the proposal.

What happens once HM Inspectors have written their report?

- When HM Inspectors have written their report, they will send it to the education authority. Once they have done this, they have no more involvement with the proposal, unless it is called in by Ministers and being considered by the Review Panel. If this happens, Ministers and the School Closure Review Panel may call on advice from HM Inspectors.

**HMIE**

His Majesty's Inspectorate of Education in Scotland
Luchd-sgrùdaidh an Rìgh airson Foghlam ann an Alba

- The education authority must review its proposal in the light of any written and oral representations it has received and HM Inspectors' report.
- The education authority then needs to publish its final consultation report which will contain the full text of HM Inspectors' report as well as a statement from the education authority stating how it has taken account of any written and oral representations and HM Inspectors' report. The education authority will make the final decision.

Further details are available in the Schools (Consultation) Scotland Act 2010
Statutory Guidance (December 2025)

[Schools \(Consultation\) \(Scotland\) Act 2010: guidance - gov.scot](#)

Further information on the School Closure Review Panel can be found at: [Schools Closure Review Panel](#)