

**REPORT TO:** Petitions Committee

**MEETING DATE:** 12 September 2013

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Petitions Presented to the Petitions Committee for Consideration

---

## **1 PURPOSE**

- 1.1 To present the petition, outlined in Appendix 1, to the Petitions Committee for consideration.

## **2 RECOMMENDATIONS**

- 2.1 That the Committee considers the petition, as outlined in Appendix 1, and takes action as required:
- To reverse the decision [of the Council] not to accept Fenton Barns Nursery as a pre-school partner provider.

## **3 BACKGROUND**

- 3.1 The Petitions Committee is asked to note that 1 petition has been received. The petition outlined in Appendix 1 is deemed to be competent, and the Committee is asked to consider it and refer the matter to the relevant Cabinet spokesperson/Departmental Heads, where appropriate.
- 3.2 The Petitions Committee should also note that 1 petition was received that was deemed to be out with the remit of the Committee and is therefore not competent. Details of this petition are provided in a separate report.
- 3.3 Members are advised that they may view any petitions received by contacting the Clerk to the Petitions Committee.

#### **4 POLICY IMPLICATIONS**

- 4.1 There are no immediate policy implications arising from this report. Depending on the action required and agreed by the Committee, there may be policy implications relating to particular issues arising from competent petitions. These will be subject to a separate report to the relevant committee, as required.

#### **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – dependent on the action required and agreed by the Committee.
- 6.2 Personnel – dependent on the action required and agreed by the Committee.
- 6.3 Other – dependent on the action required and agreed by the Committee.

#### **7 BACKGROUND PAPERS**

- 7.1 East Lothian Council Standing Orders – Appendix 1: Scheme of Administration – Petitions Committee.

<b>AUTHOR'S NAME</b>	Lel Gillingwater/Jill Totney
<b>DESIGNATION</b>	Democratic Services Manager
<b>CONTACT INFO</b>	Fiona Currie, Committees Assistant Tel: 01620 827586 <a href="mailto:fcurrie@eastlothian.gov.uk">fcurrie@eastlothian.gov.uk</a>
<b>DATE</b>	02/09/2013

**EAST LoTHIAN COUNCIL PETITIONS COMMITTEE**  
**PETITIONS FOR CONSIDERATION BY THE COMMITTEE AT ITS MEETING OF 12 SEPTEMBER 2013**

Petition Ref:	Subject of Petition	Date Received	Principal Petitioner	Number of Signatures
PET13/02	<p>To reverse the decision [of the Council] not to accept Fenton Barns Nursery as a pre-school partner provider</p> <p><i>Background information provided in the e-petition request.</i></p> <p>“Fenton Barns Nursery is the only Nursery in the North Berwick Cluster that offers wrap around hours as well as providing a high quality education experience, a commitment to outdoor learning and healthy meals prepared on the premises.</p> <p>Article 3 of the United Nations Convention on the Rights of the Child states that: The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.</p> <p>East Lothian Council’s decision to put a hold on Fenton Barns applying for partnership is not looking at either the best interests of the children or the needs and equality of opportunity for parents to ensure that they can continue to provide for their children and access their right to funded education. The</p>	17 June 2013	N Simpson	e-petition - 170

	<p>right to funding belongs to the child and should not be determined solely by budgetary issues and previous overspending of budgets by the council. This decision by the council is not recognising the needs of working families and is not responding to the changing face of family circumstances. This decision is taking away our children's right to funded education.</p> <p>We have held a meeting and further correspondence with the Head of Education. Many of our parents have written to the Head of Education and received a negative response. We have written to the East Lothian Councillors for the North Berwick ward and area awaiting response. We plan to issue press releases and write to the local press imminently.</p> <p>We established Fenton Barns Nursery in 2012 to provide the highest quality of childcare in a rural location within the North Berwick cluster, in order to meet the growing demands for flexible and accessible childcare in this area. Until earlier this year, there was no other nursery facility within the North Berwick cluster offering childcare from 7am-6pm, from the age of 3 months. Since our opening in August 2012, demand for places at Fenton Barns Nursery has exceeded our expectations, and feedback from parents, staff, visitors and our colleagues in the Early Years team at East Lothian Council has been excellent.</p> <p>Every child on reaching 3 years old is entitled to 475 hours per year of free pre-school education. This can be provided through local authority nurseries or private nurseries and our understanding was that in East Lothian, if a nursery met the grades and has proven itself as a high quality pre-school education provider, and should it want to enter a partnership with the Council, that our application would be considered. We were therefore stunned to be told that there has been a budget freeze and that we would not be considered as a partner provider particularly that the situation has changed so dramatically and so suddenly, without consultation with us or parents in our cluster area.</p>			
--	--	--	--	--

	<p>We have written to and had a meeting with Darrin Nightingale, and his response is that East Lothian Council is meeting its obligation through the provision of pre-school places in local authority nurseries and therefore will not enter into partnership with us.</p> <p>We now have a considerable number of parents who are disappointed and angry with this decision. There are very limited facilities in the North Berwick cluster for wraparound childcare. Many of our parents work and taking their children to 5 mornings of 2.5 hours in a local authority nursery is simply not an option. We feel strongly that the parents and families in the North Berwick cluster are being disadvantaged by this decision. Since our establishment, for which we received both East Lothian Council and Business Gateway support, we have brought 12 new jobs to this part of East Lothian. We have an excellent staff team, for whom we are committed to provide the highest level of training. Unless we become partner providers with East Lothian Council, our staff will be hugely disadvantaged by being unable to access the training available to other facilities in the area. The consequence of this is that the children will be disadvantaged compared to others in East Lothian.</p> <p>On behalf of our children, parents, staff and our business, we are quite determined to reverse the decision taken by East Lothian Council.”</p>			
--	--	--	--	--