



**MINUTES OF THE MEETING OF
THE PETITIONS COMMITTEE**

**THURSDAY 12 SEPTEMBER 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor L Broun-Lindsay (Convenor)
Councillor W Innes
Councillor S Currie
Councillor M Veitch

Other Councillors Present:

Councillor J Goodfellow
Councillor S Akhtar

Council Officials Present:

Mr D Nightingale, Head of Education
Ms F Brown, Principal Officer, Pupil Support
Mr C Murray, Schools Support Services
Ms J Totney, Democratic Services Manager

Petitioner(s) Present:

Ms N Simpson Co-director, Fenton Barns Nursery (Lead Petitioner)

Clerk:

Miss F Currie, Committees Assistant

Others Present:

Ms C Freeman, Co-director, Fenton Barns Nursery
Ms I Adamson, Manager, Fenton Barns Nursery

Apologies:

None

Declarations of Interest:

None

1. PETITION PRESENTED TO THE COMMITTEE FOR CONSIDERATION

TO CALL ON EAST LoTHIAN COUNCIL TO REVERSE THE DECISION NOT TO ACCEPT FENTON BARNs NURSERY AS A PRE-SCHOOL PARTNER PROVIDER

Councillor Broun-Lindsay welcomed everyone to the meeting, invited the Committee members to introduce themselves and outlined the procedure that would be followed. He invited Ms Nicola Simpson to speak first regarding the petition.

Ms Simpson thanked Members for hearing her petition. She explained that Fenton Barns Nursery was a modern facility providing day care for pre-school children 52 weeks per year. Its emphasis was on high quality education, outdoor learning and healthy eating. The nursery employed 12 staff – all from East Lothian – and over the past 3 years had exceeded expectations in both demand for services and feedback from parents. She reminded Members that, currently, children aged 3 years were entitled to 475 hours of free pre-school education. Although, Ms Simpson acknowledged that there were Council funded nursery places available in the North Berwick area, she argued that the hours offered by these nurseries were more limited than those offered by Fenton Barns and did not suit all parents, especially those in full time employment. This could lead to children having to be ferried between ‘wrap around’ care and nursery each day and the change in environment could have a detrimental effect on the child. She estimated that around 20 children in their area were eligible for free nursery places but were missing out because the times offered were not suitable. She cited several examples of the difficulties faced by parents and the potential impact on individual children.

Ms Simpson indicated that following discussions with the Education Authority she had been given the impression that if the nursery met the criteria for pre-school partner provider status, which it did, it was likely that this would be granted. However, their subsequent application was refused. Ms Simpson concluded that the Authority’s decision was not in the best interests of local children or the rights of their parents and she urged Members to reconsider.

Members asked questions about the facilities, demand for places and the effect that not receiving partner provider status may have on the longer term viability of the business. Ms Simpson explained that the nursery offered a better staff-to-child ratio than many other nurseries which meant that they could focus more on the individual needs of each child – especially those with additional support needs. She explained that at present the nursery had a waiting list but should partnership status be granted they could increase the number of places they offer and this would put them in a good position to provide the additional hours required by the Scottish Government (600 per year) from 2014. However, without this status, she did have concerns for the viability of the business in the mid to longer term.

Mr Darrin Nightingale, Head of Education, explained that there were currently 16 partnership nurseries in East Lothian supplementing the nursery provision offered by Council-run nurseries. At present, there were 27 vacant Council Nursery places available in the North Berwick area and the Education Authority had no plans to seek additional partnership nurseries at this time. However, he acknowledged that demand for places was expected to increase from August 2014 and the Authority had proposals in place to approach current and potential partners about additional places. Mr Nightingale stated that there was no bias against the Fenton Barns Nursery.

In response to questions, Mr Nightingale confirmed that none of the 16 partnership nurseries were in the North Berwick area. Ms Fiona Brown, Principal Officer Pupil Support, confirmed that there were one or two areas where partnership nurseries existed and where there were also vacant Council funded places. Nursery provision was not catchment-based but equally the Council did not expect parents to have to travel unacceptable distances to secure a

funded nursery place for their child. Ms Brown indicated that, while the criteria for partnership providers remained the same, budgetary constraints meant that this year the Education Authority had found it necessary to review the way they allocated funding and place more emphasis on schools nursery provision.

Following further questions, Mr Nightingale indicated that partnership nursery staff were able to access paid training for continuing professional development and that the Council employed 2 full time staff to visit partnership nurseries to support staff. It was requested that Mr Nightingale also investigate offering training to staff in Fenton Barns Nursery. He also acknowledged that the Education Authority was looking at how best to meet the planned increase to 600 hours of free pre-school education in 2014. Consultations had begun involving local groups and via the Council's website, and appointing more partnership nurseries would be likely to form part of any strategy.

In their debate, Members acknowledged that a number of factors were involved in deciding how to allocate funded nursery places but felt strongly that the primary consideration must always be what is in the best interests of the child. They accepted that the Education Authority had to take decisions within budgetary constraints while at the same time ensuring that there was a reasonable spread of available funded nursery places throughout the area. However, they also accepted the view that children and parents should not be disadvantaged because they may require childcare out with normal local authority nursery opening hours and that they should have a choice of where they go to access their statutory entitlement. Finally, Members expressed their concern over the possibility that staff at Fenton Barns might have difficulty accessing training without partnership status.

Decision

The Committee agreed that the matter should be referred to the Education Committee for them to review the decision taken by the Education Authority not to grant partnership provider status to Fenton Barns Nursery.

2. PETITION SUBMITTED DEEMED TO BE OUT WITH THE REMIT OF THE PETITIONS COMMITTEE

TO CALL ON EAST LOTHIAN COUNCIL TO DESIGNATE THE LAKE AT LAFARGE QUARRY IN DUNBAR TO PERMIT PUBLIC ACCESS TO INCLUDE COMMUNITY GROUPS ACCESS

The Convenor presented the report informing Committee Members of petition 2(b) which had been rejected on the grounds that it did not meet the criteria for consideration by the Committee. He indicated that as the land and quarry was owned by Lafarge there was nothing that the Council could do about granting access to the lake.

Decision

The Committee noted that the petition did not meet the criteria and would therefore not be considered by the Committee.

Signed

Councillor Ludovic Broun-Lindsay
Convener of the Petitions Committee