

REPORT TO: East Lothian Council

MEETING DATE: 27 June 2017

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Outcome of the School Consultation on the Proposed Closure and Re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class

1 PURPOSE

- 1.1 To approve the recommendation set out within the Consultation Report (Appendix 1) to close Levenhall Nursery School as a stand-alone nursery school and re-designate to a nursery stage within Pinkie St Peter's Primary School.

2 RECOMMENDATIONS

- 2.1 The Council is asked to approve, on the basis of the outcome of the school consultation and taking account of the educational and social benefits of the proposal, that:
- i. subject to the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, Levenhall Nursery School will be closed and re-designated to Pinkie St Peter's Primary School Nursery Class;
 - ii. the Care Inspectorate will be notified of the change in registration details and the transfer to the planned new facility;
 - iii. the re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class will take effect from August 2017, or as soon as possible thereafter; and

- iv. children attending the re-designated nursery class will transfer to a new facility within the Pinkie St Peter's Primary School campus from August 2018, or as soon as possible thereafter.

3 BACKGROUND

- 3.1 The *Education (Scotland) Act 1980* places a legislative duty on the Council to provide sufficient school accommodation, including the provision of education for eligible pre-school children, and plan for growth in our communities. In addition, the Council has a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003.
- 3.2 The Council must consult on certain changes in arrangements for educating children and young people in its area before it can commit to delivering them. This includes when proposing a permanent change to any of their schools, including nursery schools, such as closure, relocation or change of catchment area.
- 3.3 In August 2014 the Head Teacher of Pinkie St Peter's Primary School assumed the role of Head Teacher of Levenhall Nursery School under a shared headship arrangement following the retirement of the previous Head Teacher. East Lothian Council's long-term vision at that time was to carry out a statutory consultation to close Levenhall Nursery School as a stand-alone facility at Moir Place, Musselburgh and re-designate as a new nursery stage at Pinkie St Peter's Primary School where alternative accommodation would be provided in a new purpose-built nursery facility.
- 3.4 Following site surveys and a health & safety visit to Levenhall Nursery School building at Moir Place during the 2014/15 school session, a structural engineer recommended that intrusive structural investigation work be carried out on the building which could take some time.
- 3.5 Given the urgency of the work and the long-term vision for the school, it was agreed that the children attending Levenhall Nursery School would relocate to the Pinkie St Peter's Primary School under a temporary "hosting" arrangement to enable this to be carried out and avoid further unnecessary disruption to the children. Due to the immediacy of the relocation it was not possible to undertake a statutory consultation on a proposal to close and re-designate prior to the move into the temporary accommodation.
- 3.6 On 21 February 2017, East Lothian Council approved its 3-year capital spend as part of the Council's Financial Strategy 2017/18 – 2019/20 which includes funding for a new facility to provide permanent replacement accommodation for Levenhall Nursery School.

- 3.7 Due to legislation it is not appropriate for the length of temporary “hosting” arrangements to exceed a period of 36 months. As the new facility will not be delivered until after the 36 month period has expired, it is necessary for the re-designation to take place prior to the transfer to a new facility.
- 3.8 The statutory consultation closure and re-designation of Levenhall Nursery School commenced at 12.00am on Wednesday 1 March 2017 and lasted until 12.00am on Wednesday 26 April 2017, being a period of eight weeks, which also included the statutory minimum 30 school days. This was in line with the Schools (Consultation) (Scotland) Act 2010. Notification of the consultation was given to all statutory consultees prior to the commencement of the consultation. The Consultation Document was published on [East Lothian Council's Consultation Hub](#) and paper copies distributed on Wednesday 1st March 2017.
- 3.9 Representations were sought from statutory consultees and the wider public by the completion of an online questionnaire available on the East Lothian Council Consultation Hub. The Consultation Hub also stored all relevant consultation documentation for public viewing. Paper copies of the questionnaire were also distributed at Council buildings around the Musselburgh area. Sealed boxes were also located at Pinkie St Peter's Primary School, Levenhall Nursery School and Musselburgh East Community Learning Centre for their return.
- 3.10 Publicity material detailed an East Lothian Council email address, phone number and postal address, to which representations and any other queries could be submitted.
- 3.11 HM Inspectors from Education Scotland undertook their statutory duties in accordance with the Schools (Consultation) (Scotland) Act 2010, by reviewing the educational aspects of the proposal and completing their report. A full copy of the report can be found in Appendix 6 of the Consultation Report (Appendix 1).
- 3.12 All submitted representations, including the Education Scotland report, were analysed by East Lothian Council Officers, summarised and answered to in the Consultation Report (Appendix 1). The Consultation Report, summarising all representations and East Lothian Council's response, was published on the East Lothian Council Consultation Hub on 5 June 2017. This was made publicly available for a period of three weeks, in line with the Schools (Consultation) (Scotland) Act 2010.
- 3.13 At the end of the consultation process, Section 15 of the Schools (Consultation) (Scotland) Act 2010 enables Scottish Ministers to call-in a decision to implement the proposed closure and re-designation of Levenhall Nursery School to Pinkie St Peter's Primary Nursery Class. Beginning on the

day that a final decision has been taken, the Council must notify Scottish Ministers of this decision within a period of six working days. Scottish Ministers then have a period of eight weeks from and including the date of decision to decide if they will call-in the proposal. The Council may not proceed with the implementation of the proposal until this eight-week period has passed.

- 3.14 If the Scottish Ministers decide to call in a closure proposal, it is then referred to the Convener of the School Closure Review Panels who has a period of seven days after a call in notice is issued to constitute a School Closure Review Panel. The Panel may decide to refuse consent to the proposal, refuse consent and remit it to the education authority for a fresh decision or grant consent to the proposal, either subject to conditions, or unconditionally. The Panel must notify the education authority of its decision within eight weeks from when the Panel was constituted or within 16 weeks if the Panel has issued a notice to the education authority that a decision has been delayed. The Council may not proceed with the implementation of the proposal until the outcome of the call-in has been notified to the Council.

Summary

- 3.15 The Council received 20 responses to the questionnaire during the consultation period. No written responses were received during the consultation period.
- 3.16 Of the 20 questionnaire responses, a clear majority of respondents (90%) support the proposal. 5% of the questionnaire respondents oppose the proposal while 5% have no opinion. A summary of responses by demographic is provided in the Consultation Report (Appendix 1).
- 3.17 A number of themes emerged from the questionnaire and oral responses, and can be grouped as follows:
- Insufficient detail advertised on the proposal
 - Why re-designation is taking place prior to transfer to new facility
 - East Lothian Council's Early Years Strategy
 - Consultation Process
 - Location of the new facility
 - Staff concerns over redeployment to another stage within Pinkie St Peter's Primary School after re-designation to a nursery class
 - Staff involvement in plans for the new facility

East Lothian Council's response to these themes is detailed in Section 7 of the Consultation Report (Appendix 1).

3.18 In line with the Schools (Consultation) (Scotland) Act 2010, Education Scotland considered the educational aspects of the proposal and submitted a report to East Lothian Council. As part of this consideration, Education Scotland met with children, staff and parents who may be affected by the proposal. The full report from Education Scotland can be found in Appendix 6 of the Consultation Report (Appendix 1). Education Scotland stated that the proposal offers significant potential educational benefits for children as follows:

- It will help staff to liaise more effectively and more regularly with a wider group of professionals to strengthen pastoral and curricular transitions for children aged 3 to 6 years supported by staff who know children well;
- It has the potential to provide better continuity and progression across the early level of learning within the Curriculum for Excellence framework;
- A new purpose-built nursery has the potential to better support the delivery of a higher quality and richer learning experience for children across a range of important dimensions;
- It also has the potential to provide staff with a much improved working environment in which to support children's learning.

3.19 Education Scotland stated that it also has the potential to provide a more accessible facility for all users which will better support out-of-hours learning and leisure opportunities and activities for the local community. It will also provide additional capacity to help meet the growing demand for places locally and in response to government policy expectations.

3.20 Education Scotland reported that stakeholders who met with HM Inspectors are very positive about the proposal.

3.21 Education Scotland noted that East Lothian Council should provide clear opportunities for stakeholders to input to the design of the new facility in line with their plans for the introduction of a user reference group. In taking its proposal forward, the Council should also consider further stakeholders' clear desire to have a linked and not separate facility to further strengthen the educational benefits.

3.22 Following receipt of a total of 20 questionnaire responses and consideration of feedback from consultees and Education Scotland, officers from the Council's Education and Property Services, reviewed the proposal. This ensured that the Council met the requirements of sections 9(1), 12 and 13(3) (b) of the 2010 Act.

3.23 Following completion of the statutory school consultation exercise, the Council has 3 options to consider, namely:

- i. approve, on the basis of the outcome of the school consultation and taking account of the educational and social benefits of the proposal, that:
 - a. subject to the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, Levenhall Nursery School will be closed and re-designated to Pinkie St Peter's Primary School Nursery Class;
 - b. the Care Inspectorate will be notified of the change in registration details and the transfer to the planned new facility;
 - c. the re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class will take effect from August 2017, or as soon as possible thereafter; and
 - d. children attending the re-designated nursery class will transfer to a new facility within the Pinkie St Peter's Primary School campus from August 2018, or as soon as possible thereafter.
- ii. withdraw the proposal, close Levenhall Nursery School and make no further provision for early learning and childcare within the area, which is not in line with the Council's vision;
- iii. undertake a further consultation exercise on a new proposal.

3.24 On the basis of the feedback received and taking account of the educational and social benefits of the proposal, it is concluded that the following proposal remains the best solution to allow the school estate to be managed in light of a growing community with high quality provision within the local area. It will improve the continuity and progression in learning across all curriculum areas and stages of learning and bring Levenhall Nursery into the heart of the community. It is therefore recommended that the Council approves the following:

- subject to the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, Levenhall Nursery School will be closed and re-designated to Pinkie St Peter's Primary School Nursery Class;
- the Care Inspectorate will be notified of the change in registration details and the transfer to the planned new facility;
- the re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class will take effect from August 2017, or as soon as possible thereafter; and
- children attending the re-designated nursery class will transfer to a new facility within the Pinkie St Peter's Primary School campus from August 2018, or as soon as possible thereafter.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process. Potential impacts have been identified and will be addressed.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The new facility is an identified project in East Lothian Council's 3 year capital spend and funding of £2.2m will be made available for this as approved by Council on 21st February 2017. The Proposed LDP 2016 has established development related impacts on education capacity, including pre-school provision, based on a cumulative assessment of impact and the need for mitigation. Developer contributions will be sought from the developers of relevant sites towards the funding required for the new facility to ensure there is sufficient capacity to meet the increase in roll as a result of planned housing developments. Developer contributions will be the subject of legal agreement with relevant landowners.

School revenue budgets, including nursery, within East Lothian Council are set in line with the pupil roll and calculated in accordance with the Council's Devolved School Management policies and the approved Scheme of Delegation for Schools. In August 2014 the Head Teacher of Pinkie St Peter's Primary School assumed the role of Head Teacher at Levenhall Nursery School under a shared headship arrangement. Due to the shared operational management arrangements, the budgets for Levenhall Nursery School and Pinkie St Peter's Primary School were brought together in 2016/17.

The Council will incur additional revenue costs associated with the day to day running of the required increase in education capacity, as a result of increased rolls from planned and committed housing in the area. Any increases in the pupil rolls due to an increase in nursery and primary aged children arising from committed and planned housing in the area will be reflected within the Pinkie St Peter's Primary School revenue budget.

- 6.2 Personnel – The staffing entitlement for the proposed re-designated nursery class will be set in line with the nursery roll in accordance with the approved Scheme of Delegation for Schools and the Council's devolved school management (DSM) policies. Any increases in the nursery roll due to an

increase in nursery aged children arising from committed and planned housing in the area will be reflected within the staffing complement.

The Education Service closely monitors school rolls and plans staff recruitment in response to increases in rolls. Revised staffing arrangements are managed in accordance with the Council's policies and procedures. No reconfiguration of existing core staffing arrangements is required as a result of this proposal.

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Consultation Report on the outcome of the consultation on the proposed closure and re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class (Appendix 1).

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DATE	5 th June 2017



EAST LOTHIAN COUNCIL
RESOURCES AND PEOPLE SERVICES
EDUCATION
CONSULTATION REPORT

**REPORT ON THE OUTCOME OF THE CONSULTATION ON THE PROPOSED
CLOSURE AND RE-DESIGNATION OF LEVENHALL NURSERY SCHOOL TO PINKIE
ST PETER'S PRIMARY SCHOOL NURSERY CLASS**

June 2017

This Consultation Report has been issued by East Lothian Council in accordance with the Schools (Consultation) (Scotland) Act 2010.

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EAST LoTHIAN COUNCIL

RESOURCES AND PEOPLE SERVICES

EDUCATION

This report has been prepared following consultation on the following proposal:

- The closure and re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class.

This proposal **directly affected** the following schools:

- Levenhall Nursery School
- Pinkie St Peter's Primary School

Having had regard (in particular) to:

- a) Relevant written representations received by the Council (from any person) during the consultation period
- b) Oral representations made to it (by any person) at the public meeting held on 21st March 2017
- c) Oral representations made to it at the public drop-in session
- d) Oral representations made to it at the pupil voice sessions
- e) Education Scotland's report on the proposal

1. INTRODUCTION

1.1 This is a Consultation Report prepared in compliance with the Schools (Consultation) (Scotland) Act 2010 on the above proposal.

1.2 The purpose of this report is to:

- Provide a record of the total number of written responses made during the Statutory Consultation period;
- Provide a summary of the written responses;
- Provide a summary of oral representations made at the public meeting held on 21st March 2017;
- Provide a statement of the Council's response to those written and oral representations;
- Provide the full text of Education Scotland's report and a statement of the Council's response to this report;
- State how the Council reviewed the above proposal following the representations received during the Statutory Consultation period and the report from Education Scotland;
- Provide details of any omission from, or inaccuracy in, the Consultation Proposal Document and state how the Council acted upon it; and
- State how the Council has complied with Section 12 of the Schools (Consultation) (Scotland) Act 2010 when reviewing the above proposal.

2. BACKGROUND

2.1 Education Authorities have a statutory duty in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education across their area, including the provision of education for eligible pre-school children and includes any school or Early Learning & Childcare centre (e.g. nursery school), which are run by the Education Authority. This duty applies in respect of both the current school population and anticipated pattern of demand. In addition, Councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003. Most importantly, the Education Authority would wish to optimise the educational experience to ensure:

- East Lothian's young people are successful learners, confident individuals, effective contributors and responsible citizens;
- East Lothian's children have the best start in life and are ready to succeed;
- East Lothian's children experience equality of opportunity within an inclusive educational experience'

- East Lothian’s children’s care, welfare and personal and social development is central to raising their attainment and achievements; and
 - In East Lothian we live healthier, more active and independent lives.
- 2.2 East Lothian Council is committed to raising educational attainment and ensuring that all children and young people have the best start in life and are ready to succeed. The educational benefits that will arise from this proposal for children affected or likely to be affected are outlined in the Consultation Proposal Document.
- 2.3 In August 2014 the Head Teacher of Pinkie St Peter’s Primary School assumed the role of Head Teacher of Levenhall Nursery School under a shared headship arrangement following the retirement of the previous Head Teacher. East Lothian Council’s long-term vision at that time was to carry out a statutory consultation to close Levenhall Nursery School as a stand-alone facility at Moir Place, Musselburgh and re-designate as a new nursery stage at Pinkie St Peter’s Primary School where alternative accommodation would be provided in a new purpose-built nursery facility.
- 2.4 There has been no local authority managed nursery class historically at Pinkie St Peter’s Primary School as Levenhall Nursery School contributed towards the nursery provision in the local area.
- 2.5 Following site surveys and a health & safety visit to Levenhall Nursery School building at Moir Place during the 2014/15 school session, a Structural Engineer recommended that intrusive structural investigation work be carried out on the building which could take some time.
- 2.6 Given the urgency of the work and the long-term vision for the school, it was agreed that the children attending Levenhall Nursery School would relocate to the Pinkie St Peter’s Primary School under a temporary “hosting” arrangement to enable this to be carried out and avoid further unnecessary disruption to the children.
- 2.7 On 5th May 2015, information was sent to parents regarding the move and meetings were held with Care Inspectorate Inspectors regarding the temporary accommodation. Levenhall Nursery School ceased operating out of their premises at Moir Place at the close of the afternoon session on Thursday 14th May 2015 and moved into temporary accommodation at Pinkie St Peter’s Primary School on Monday 18th May 2015. Due to the immediacy of the relocation it was not possible to undertake a statutory consultation on a proposal to close and re-designate prior to the move into the temporary accommodation.
- 2.8 On 21st February 2017, East Lothian Council approved its 3-year capital spend as part of the Council’s Financial Strategy 2017/18 – 2019/20 which includes funding for a new facility to provide permanent replacement accommodation for Levenhall Nursery School.

2.9 The Council must consult on certain changes in arrangements for educating children and young people in its area before it can commit to delivering them. This includes when proposing a permanent change to any of their schools, including nursery schools, such as closure, relocation or change of catchment area.

2.10 The proposed closure and re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class will **directly affect** the following schools and was considered in the Consultation Proposal Document:

- Levenhall Nursery School
- Pinkie St Peter's Primary School

3. CONSIDERATIONS

3.1 The main considerations relating to the closure and re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class are fully explained in the Consultation Proposal Document and the main points are highlighted below:

- The need to address the permanent re-provision of Levenhall Nursery School;
- The condition and suitability of the establishments to facilitate learning and teaching processes in the 21st century;
- The need to develop inspirational learning environments which raise the aspirations of children and young people, staff and the wider community;
- The need to address early learning & childcare provision for the local area and create a sustainable school estate for future generations; and
- The increasing eligible pre-school populations in the local area.

4. THE CONSULTATION PROCESS

4.1 The Council has met the minimum requirements set out in the Schools (Consultation) (Scotland) Act 2010 with regards to ensuring the views of all members of the community were listened to and their views are included in this report. The Council believes that this report accurately reflects the views of the community, which have been gathered through a range of engagement events and response mechanisms. It is for members of East Lothian Council to decide to adopt the proposal, withdraw it or seek to consult on another proposal.

4.2 On 24th February 2015, approval was given by East Lothian Council to undertake consultations regarding the school estate (i.e. schools, catchment areas, locations) relating to the LDP, where there is likely to be a need for new or re-provisioned facilities, without further reference to or approval by Council; and to report back to Council on the outcomes of such consultations in order that the Council can make a decision on any proposed changes.

4.3 Notification of the consultation was given to all statutory consultees prior to the commencement of the consultation.

4.4 The Consultation Proposal Document was published on East Lothian Council's website and paper copies distributed on 1st March 2017 to:

- Pinkie St Peter's Primary School
- Levenhall Nursery School
- Campie Primary School
- Loretto RC Primary School
- Musselburgh Burgh Primary School
- Stoneyhill Primary School
- Wallyford Primary School
- Whitecraig Primary School
- Almond Park Nursery
- First Step Community Project
- Fisherrow Community Nursery
- Honest Toun Nursery
- Links Nursery
- Loretto Private Nursery
- Musselburgh Private Nursery
- Fisherrow Playgroup
- Stoneyhill Playgroup
- Wallyford Playgroup
- Whitecraig Playgroup
- Musselburgh Primary Care Centre
- Musselburgh East Community Learning Centre
- Olivebank Child and Family Centre, and
- John Muir House, Haddington.

4.5 The consultation period commenced at 12.00am on **Wednesday 1st March 2017** and lasted until 12.00am on **Wednesday 26th April 2017**, being a period of eight weeks, which also included the statutory minimum 30 school days.

4.6 The proposal on which consultation took place was to:

- close Levenhall Nursery School as a stand-alone nursery school and re-designate it to a nursery stage within Pinkie St Peter's Primary School.

4.7 The requirements for consulting on a relevant proposal relating to schools are set out in the Schools (Consultation) (Scotland) Act 2010.

4.8 An information leaflet setting out details about the proposal and consultation meetings was issued to the consultees listed in the Consultation Proposal Document.

Advice on where the complete Consultation Proposal Document could be obtained was included and was published on East Lothian Council's Consultation Hub

<http://www.eastlothianconsultations.co.uk/education/levenhall-nursery-consultation>

- 4.9 If requested, copies of the proposal would have been made available in alternative formats or translated for readers whose first language is not English.
- 4.10 A "Frequently Asked Questions" document was also prepared which was available at the same location on East Lothian Council's Consultation Hub: <http://www.eastlothianconsultations.co.uk/education/levenhall-nursery-consultation>
- 4.11 An advertisement was placed in the local newspaper on **2nd March 2017** and **16th March 2017**. A pre-announcement was also made on the Council's website and social media posts on the **28th February 2017**. In addition, there were announcements related to the consultation process on East Lothian Council's website, linked via a Facebook page and Twitter feeds.
- 4.12 The public meeting was held at **Musselburgh Grammar School** on **Tuesday 21st March 2017 at 7.00pm**.
- 4.13 In addition to specific meetings with statutory consultees, a drop-in session was held in respect of the proposal at the venue below, at which any members of the public and staff were welcome to attend:

Venue	Date	Time
Pinkie St Peter's Primary School	8 th March 2017	12:00pm – 5:00pm

- 4.14 In accordance with statutory requirements, the following persons, including those indirectly affected, were consulted:
- The Parent Council of Pinkie St Peter's Primary School
 - The parents of pupils at Pinkie St Peter's Primary School and Levenhall Nursery School
 - The parents of any children expected to attend Pinkie St Peter's Primary School and Levenhall Nursery School within two years of the date of publication of the proposal paper
 - The pupils at Pinkie St Peter's Primary School and Levenhall Nursery School
 - The staff at Pinkie St Peter's Primary School and Levenhall Nursery School
 - The trade union representatives of the above staff
 - Musselburgh Area Partnership
 - Musselburgh & Inveresk Community Council
 - Wallyford Community Council
 - Whitecraig Community Council.
- 4.15 The following schools are **directly affected** by the proposal:
- Levenhall Nursery School

- Pinkie St Peter's Primary School

4.16 Representations were sought from statutory consultees and the wider public in the following ways:

- An online questionnaire on East Lothian Council's Consultation Hub. The questionnaire asked specific questions and enabled general comments and views to be entered. The Consultation Hub stored all relevant consultation documentation for public viewing;
- Widely distributed paper copies of the same questionnaire, at Council buildings around the Musselburgh area. Sealed boxes were also located at Pinkie St Peter's Primary School, Levenhall Nursery School and Musselburgh East Community Learning Centre for their return;
- Paper and digital flyers, in addition to the press adverts and Council web and social media announcements linked to the Consultation Hub. These flyers also detailed a specific Education Consultations email inbox, to which any queries could be submitted during the consultation period;
- Flyer distribution to pupils at Pinkie St Peter's Primary School and Levenhall Nursery School as well as all local authority managed nursery classes and partner providers within the Musselburgh cluster area. The Head Teacher of the affected schools used established methods of communication to engage/remind parents about the consultation and the Education Scotland independent evaluation visit.
- In addition to the public meeting and public drop-in session, staff at both the affected schools were also invited to attend a staff voice session held at Pinkie St Peter's Primary School to discuss the proposal;
- A representative group of pupils from Pinkie St Peter's Primary School attended a workshop where they were able to express their views on the proposal;
- Meeting held with Pinkie St Peter's Primary School Parent Council.

4.17 This Consultation Report is the Council's response to the issues raised during the consultation period on the Consultation Proposal Document.

4.18 This Consultation Report will be published for a period of three weeks before a final decision is taken by East Lothian Council on 27th June 2017.

5. THE PUBLIC MEETING

5.1 A public meeting was held in Musselburgh Grammar School on Tuesday 21st March 2017 which was attended by three members of the community. A full note of the meeting is attached at Appendix 1. There were no questions and issues raised at the meeting.

5.2 Additionally, a drop-in session was arranged during the consultation period, enabling any member of the public and staff to ask questions and discuss the proposal, the consultation process and how they could make representations.

6. RESPONSES TO THE CONSULTATION EXERCISE

6.1 As part of the consultation process, the Council sought the views of a wide range of stakeholders. Information about the consultation was placed in a local newspaper, on the Council's website and at the affected schools, as well as all Musselburgh primary schools and nursery classes, partnership nurseries, libraries and other centres within the Musselburgh area.

6.2 The Council provided stakeholders with a short online or paper questionnaire and also made good arrangements for receiving additional written responses. The Council received twenty responses to its questionnaire. A clear majority of respondents to the questionnaire (90%) support the proposal. 5% of questionnaire respondents oppose the proposal while 5% have no opinion.

6.3 Although the responses to the questionnaire capture the flavour of opinions regarding the consultation and are all valued, it is important to note that such a small sample size is not statistically significant.

6.4 A summary of all questionnaire responses has been included in Appendix 2. The comments made as part of these questionnaires are also included in Appendix 3, apart from submissions which consultees did not wish East Lothian Council to share publicly. Even if a submission is not shared publicly, it has still been included in the collation of stakeholder's views and informed the response as detailed in paragraph 6.8.

6.5 The Council did not receive any written submissions to its consultation during the consultation period.

6.6 The summary of questionnaire responses categorised by demographic are as follows:

- **Parents of currently pupils at schools:**

Eighteen of the respondents identified themselves as parents of pupils currently at school. A greater proportion agreed with the proposal than disagreed overall with 80% supporting the proposal and 10% opposing the proposal. 100% of parents of pupils currently at Pinkie St Peter's Primary School and Levenhall Nursery School supported the proposal.

- **Parents of future pupils at schools:**

Nine of the respondents identified themselves as parents of future pupils. 100% supported the proposal.

- **Parent respondents (with stage banding of pupils):**

Most parents of pupils across all the stage bandings supported the proposal (75.0%) with the exception of respondents with pupils in S1-S6 where there were equal proportions supporting/opposing the proposal (50%/50%).

- **Pupils currently attending school:**

There were no respondents within this demographic.

- **Members of Staff:**

Five of the respondents identified themselves as members of staff. 100% of respondents within this demographic support the proposal.

- **“Other” Respondents:**

Only two respondents identified themselves within this demographic. One respondent was in support of the proposal while the other opposed the proposal.

6.7 During the consultation period, Council officers visited Pinkie St Peter’s Primary School and Levenhall Nursery School providing good opportunities for pupils and staff to discuss their views. Overall, pupils showed support for the proposal. A note of the staff and pupil voice sessions are included as Appendices 4 and 5.

6.8 A number of common themes emerged from the written and oral responses and can be grouped as follows:

- Insufficient detail advertised on the proposal
- Why re-designation is taking place prior to transfer to new facility
- East Lothian Council’s Early Years Strategy
- Consultation Process
- Location of new facility
- Staff concerns over redeployment to another stage within Pinkie St Peter’s Primary School after re-designation to a nursery class
- Staff involvement in plans for the new facility

7. EDUCATION AUTHORITY RESPONSE TO QUESTIONNAIRE AND ORAL REPRESENTATIONS

7.1 Insufficient detail advertised on the proposal

7.1.1 One representation made during the consultation stated there was insufficient detail in advertised material to comment on what the proposal will mean for impacted children. In accordance with the *Schools (Consultation) (Scotland) Act 2010*, the Council prepared a Consultation Proposal Document on the proposal which provided a summary of the consultation process and detailed information on the proposal itself. This information included:

- background information on the affected schools;
- the reasons for the proposal;
- the different factors considered in the development of the proposal;
- what the implementation of the proposal will mean;
- an Educational Benefits Statement for those affected by the proposal;
- Transition and Management arrangements;
- consideration of alternative options; and
- Staff and financial implications.

7.1.2 As stated earlier in paragraph 4.4, the Consultation Proposal Document was published on East Lothian Council's website on East Lothian Council's Consultation Hub on 1st March 2017:

<http://www.eastlothianconsultations.co.uk/education/levenhall-nursery-consultation>

Paper copies were also distributed to all primary schools in the Musselburgh cluster including the two affected schools (Levenhall Nursery School and Pinkie St Peter's Primary School), all Musselburgh Partnership Nurseries and Playgroups, Musselburgh Primary Care Centre, Musselburgh East Community Learning Centre, Olivebank Child and Family Centre, and John Muir House, Haddington. The complete distribution list is set out on page 3 of the Consultation Proposal Document and earlier in paragraph 4.4.

7.1.3 As stated in paragraph 4.8 of this report, an information leaflet setting out the basic details of the proposal, consultation period and public meeting/drop-in session dates was issued to the affected consultees. Paper copies were also distributed to all Musselburgh Primary Schools, Musselburgh Partnership Nurseries and Playgroups, Tots and Teens at Musselburgh Grammar School, Musselburgh Primary Care Centre, Musselburgh East Community Learning Centre, Olivebank Child and Family Centre, Musselburgh Library, Brunton Hall and John Muir House, Haddington. While this leaflet did not contain the detailed information provided in the proposal document, it did contain advice on where more information and copies of the Consultation Proposal Document could be obtained, in paper format or online via a web link to the East Lothian Council's Consultation Hub.

7.1.4 Social media announcements on East Lothian Council's Facebook and Twitter feeds /page throughout the consultation period also provided links to the consultation proposal documentation on East Council's Consultation Hub for consultees to request more information and respond to the consultation.

7.2 **Why re-designation is taking place prior to transfer to new facility**

7.2.1 As stated in the Consultation Proposal Document, Levenhall Nursery School relocated to the Pinkie St Peter's Primary School under a temporary "hosting" arrangement on Monday 18th May 2015 to enable intrusive structural investigation work to be carried out on the nursery school building at Moir Place. Due to legislation it is not appropriate for the length of temporary "hosting" arrangements to exceed a period of

36 months. As the new facility will not be delivered until after the 36 month period has expired, it is necessary for the re-designation to take place prior to the transfer to the new facility.

7.3 East Lothian Council's Early Years Strategy

7.3.1 The Scottish Government commits to providing 1140 hours of early learning and childcare for all three and four year olds, and eligible two-year-olds for the beginning of the academic year, August 2020. To assist Local Authorities in this task the Scottish Government has published an action plan. "A Blue Print for 2020: The expansion of early learning and childcare in Scotland" 2017–18 Action Plan. The above document makes it clear that quality provision benefits all children, however, quality does not sit with the structure of a building but what goes on within. We should also remind ourselves that early learning does not begin when children are three but starts from birth in the home. In acknowledgement of this, East Lothian Council support a number of community initiatives working to support parents to be, parents and young children within their own homes and communities.

7.3.2 Working with parents and young children in the community is acknowledged as an investment, with the positive effects and outcomes from this support evidence as children progress through school.

7.3.3 The Early Development Instrument (EDI), a study which relates to all P1 children and considers Social Competence, Physical Health and Wellbeing, Emotional Maturity, Language and Cognitive Development, and Communication Skills, gives an indication of vulnerability across clusters. Having carried out this assessment in 2012 and again in 2016 we are able to confirm a drop of 12% in children's vulnerability in the Musselburgh area. Whilst we are not able to attribute all of this change to work with parents and children in the community, there is no doubt that this, along with the Government's initiative to provide early learning and childcare for eligible two year olds, and a greater understanding of the importance of early years, is beginning to reflect a change in outcome for children and families.

7.3.4 The Scottish Government commits to the early learning and childcare workforce, through increased training opportunities at degree level and making available additional qualified teacher or graduate posts in areas where children would benefit most. The graduates may be practitioners holding a BA in Childhood Practise. These, along with qualified teachers, bring a mix of knowledge and skills into the nursery. In addition the Scottish Government "will increase support for the M. Ed Early Years Pedagogy course from the 2018 – 2019 academic year".

7.3.5 East Lothian Council's Tots & Teens initiative provides S3 pupils at Musselburgh Grammar with an opportunity to work with young children, giving real life practical hands on experience, to complement the childcare elective undertaken in the classroom. This introduces early learning and childcare as a career to pupils.

- 7.3.6 East Lothian Council, as with all Authorities across Scotland, has begun the journey towards the provision of 1140 hours of early learning and childcare by 2020. As trials begin and we move away from the conventional nursery times and provision, there will be opportunities for staff to work in different ways.
- 7.3.7 The Scottish Government commits not only to provide 1140 hours of early learning and childcare by 2020, but also to support parents in their choice of provision, “provider neutral” an “enhanced role for childminders” and through a “choice of settings” provide “increased flexibility”. East Lothian Council, in their planning for 1140 hours, are considering a number of trials, the majority of which are to be finalised before announcements to parents and communities will be made.
- 7.3.8 East Lothian Council in rising to the challenge of providing 1140 hours of early learning and childcare by 2020, will, between 2017 and 2020, consult with parents and trial different models of provision in cluster areas. This will include more flexibility and choice for parents and involve Local Authority and Partnership Centres, as well as Childminders and other registered childcare providers within the community. Trials will begin slowly so that feedback, from staff working in different ways and parents using different models, can be taken into account before rolling out across the county.

7.4 Consultation Process

- 7.4.1 One representation made on the final day of the consultation period through the online questionnaire stated there was a factual inaccuracy relating to the Scottish Ministers Call-in Process set out in paragraph 18 of the Consultation Proposal Document. This inaccuracy was also identified by the Council during the statutory consultation period prior to receiving this representation. The inaccuracy occurred due to a lack of clarity on the UK Legislation website regarding the pdf version of the act that was accessed via a web link from the Scottish Government website. East Lothian Council has informed both the Scottish Government and the National Archives of this. The Council publicly notified the inaccuracy in the documentation by publishing the details along with the correct process in the ‘Omissions, Corrections & Amendments’ document on the Consultation Hub. An amended proposal document was also issued to address the inaccuracies and uploaded to the Consultation Hub on 23rd March 2017.

7.5 Location of the new facility

- 7.5.1 The definitive decision on the location of the Nursery hasn’t been made yet. Design proposals have been drawn up. Consultation with the Head Teacher and relevant departments to decide what the preferred option is (stand-alone or part of the school), are ongoing.

7.6 Staff Concerns over redeployment to another stage within Pinkie St Peter's Primary School after re-designation to a nursery class

7.6.1 The Council does not foresee the need to redeploy staff from the nursery to another stage within Pinkie St Peter's Primary School following the re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School. If any staff redeployment is required in the future, this would be carried out in line with the Council's policies on surplus staff and redeployment.

7.7 Staff involvement in plans for the new facility

7.7.1 A user reference group will be set up once a preferred option has been identified for the location of the new facility. Members of the current nursery staff will be invited to participate on this group.

8. EDUCATION SCOTLAND REPORT

8.1 In accordance with the *Schools (Consultation) (Scotland) Act 2010*, a report was produced by Education Scotland on the educational aspects of the proposal. A full copy of the report can be found in Appendix 6.

8.2 In preparing this report, HM Inspectors undertook the following activities:

- consideration of all relevant documentation provided by the Council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the sites of Levenhall Nursery School and Pinkie St Peter's Primary School, including discussion with relevant consultees.

8.3 The Education Scotland consideration of the proposal is summarised as follows:

- Education Scotland stated that stakeholders who met with HM Inspectors are very positive about the proposal. Staff considered the move to the new site would support greater access to the school facilities and outdoor spaces to support a richer learning experience and environment. Parents are pleased with the proposal in that it would reduce children's anxieties in transitioning to primary school and would support greater integration of nursery and primary children, including with older siblings. Children understand the need for the move as the old Levenhall building was unsuitable and the move to the new site would allow children from the nursery to join whole school events including assemblies more easily and often. They recognised that relationships between children and staff in the nursery and school would be strengthened and that this would make for a happier learning and working environment for all.

- Education Scotland stated that the proposal offers significant potential educational benefits for children. It will strengthen pastoral and curricular transitions for children aged 3 to 6 years supported by staff who know children well. It has the potential to provide better continuity and progression across the early level of learning within the Curriculum for Excellence framework. It also has the potential to provide a more accessible facility for all users which will better support out-of-hours learning and leisure opportunities and activities for the local community. It will also provide additional capacity to help meet the growing demand for places locally and in response to government policy expectations.
- Education Scotland also stated that the Council should provide clear opportunities for stakeholders to input to the design of the new facility in line with their plans for the introduction of a user reference group.

8.4 Education Scotland concluded that the Council's proposal to close and re-designate Levenhall Nursery School to Pinkie St Peter's Primary School and Nursery Class is of clear educational benefit. A new purpose-built nursery has the potential to better support the delivery of a higher quality and richer learning experience for children across a range of important dimensions. It also has the potential to provide staff with a much improved working environment in which to support children's learning. It will help staff to liaise more effectively and more regularly with a wider group of professionals to strengthen planning and transition arrangements across the early level educational experience. In taking its proposal forward, the Council should consider further stakeholders' clear desire to have a linked and not separate facility to further strengthen the educational benefits.

8.5 **East Lothian Council's Response to Education Scotland's Report**

East Lothian Council welcomes the report from Education Scotland and accepts its findings. The points raised by Education Scotland within the Education Scotland Report were also key themes identified through the consultation process and are addressed in Section 7 of this report.

9. **TRANSITION ARRANGEMENTS**

- 9.1 Subject to the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, if approved, the closure and re-designation of Levenhall Nursery School as a stand-alone nursery school to Pinkie St Peter's Primary School Nursery Class will take effect from August 2017, or as soon as possible thereafter.
- 9.2 Children currently attending Levenhall Nursery School and Pinkie St Peter's Primary School will not be significantly affected by the closure and re-designation as Levenhall Nursery School has been operating under a shared headship in temporary

accommodation within the Pinkie St Peter's Primary School campus since 18th May 2015.

- 9.3 Parents of eligible pre-school children would continue to apply for early learning and childcare provision at the re-designated Pinkie St Peter's Primary Nursery Class through the Council's existing Nursery Admissions processes.
- 9.4 Current management operations that are already in place through the shared headship will be formalised under a single management structure within Pinkie St Peter's Primary School.
- 9.5 Children attending the re-designated nursery class will transfer to a new permanent facility from August 2018, or as soon as possible thereafter.
- 9.6 All early years practitioners and support staff in post at the point of movement will transfer into the new facility.

10. ALLEGED OMISSIONS OR INACCURACIES

- 10.1 Section (10) (3) of the Schools (Consultation) (Scotland) Act 2010 also places a requirement on the Council to provide details of any inaccuracy or omission within the Consultation Proposal Document which has either been identified by the Council or raised by consultees. This section of the 2010 Act also requires the Council to provide a statement on the action taken in respect of the inaccuracy or omission, or, if no action was taken, to state that fact and why.
- 10.2 As stated earlier in section 7.4, the Council identified an inaccuracy within the Consultation Proposal Document during the statutory consultation period relating to the time-frame of the Scottish Ministers call-in period and the procedure following a decision to call-in a closure proposal. The inaccuracy occurred due to a lack of clarity on the UK Legislation website regarding the pdf version of the act that was accessed via a web link from the Scottish Government website. East Lothian Council has informed both the Scottish Government and the National Archives of this. The Council publicly notified this inaccuracy in the documentation by publishing the details along with the correct period and call-in procedure in the 'Omissions, Corrections & Amendments' document on the Consultation Hub. An amended proposal document was issued to address the inaccuracies and uploaded to the Consultation Hub.
- 10.3 There were no other areas identified by the Council or respondents as being inaccurate or omitted from the Consultation Proposal Document during the consultation period.

11. COMPLIANCE WITH SECTION 9(1) OF THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010

- 11.1 Section 9(1) of the Schools (Consultation) (Scotland) Act 2010 states that:

After the Education Authority has received Education Scotland's report, the Authority is to review the relevant proposal having regard (in particular) to:

- (i) written representations received by the Authority (from any person) during the consultation period,*
- (ii) oral representations made to it (by any person) at the public meeting,*
- (iii) Education Scotland's report.*

11.2 Following receipt of twenty questionnaire responses officers reviewed the proposal. There were no oral representations made at the public meeting held during the consultation period.

11.3 The feedback from the consultation was considered by relevant officers within the Council's Education and Property Services. This ensured that the Council met the requirements of sections 9(1), 12 and 13(3) (b) of the 2010 Act.

11.4 Officers of the Education Authority have considered carefully the written representations, including the Education Scotland report. Having reviewed the feedback from consultees, officers conclude that the basis of the original proposal remained the best solution to allow the school estate to be managed in light of a growing community with high quality provision within the local area. It will improve the continuity and progression in learning across all curriculum areas and stages of learning and bring Levenhall Nursery into the heart of the community.

12. LEGAL ISSUES

12.1 The Council has complied in full with the requirements of the Schools (Consultation) (Scotland) Act 2010 throughout this statutory consultation.

12.2 The Council is mindful of its duties in respect of equality and the Equality Impact Assessment did not identify that any parent, child or young person would be treated less favourably as a result of this proposal.

12.3 Under the terms of the Schools (Scotland) (Consultation) Act 2010, it is a legal requirement that the Council should not reach any formal decision without having reviewed the relevant proposal having regard, in particular, to:

- a) relevant written representations received from any person during the consultation period;
- b) oral representation made to it by any person at the public meeting held on 21st March 2017;
- c) the Education Scotland report;
- d) preparing a Consultation Report; and
- e) waiting until a period of three weeks starting on the day on which this Consultation Report is published in electronic and printed form has expired.

12.4 As it is the intention that this Consultation Report should be published, both electronically and in written form, if required, on 5th June 2017, this meets the statutory requirement to publish this report more than three weeks before consideration of the proposal by East Lothian Council.

13. SCOTTISH MINISTERS CALL-IN CLOSURE PROCEDURE

13.1 At the end of the consultation process, Section 15 of the *Schools (Consultation) (Scotland) Act 2010* enables Scottish Ministers to call-in a decision to implement the proposed closure and re-designation of Levenhall Nursery School to Pinkie St Peter's Primary Nursery Class.

13.2 Beginning on the day that a final decision has been taken, the Council must notify Scottish Ministers of this decision within a period of six working days. Scottish Ministers then have a period of eight weeks from and including the date of decision to decide if they will call-in the proposal. The Council must publish the fact that the Scottish Ministers have been notified and that representations can be made to the Scottish Ministers within the first three weeks of the eight-week period. The Scottish Ministers will take into account any relevant representations that were made to them by any person within the first three weeks. The Council may not proceed with the implementation of the proposal until this eight-week period has passed.

13.3 If the Scottish Ministers decide to call in a closure proposal, it is then referred to the Convener of the School Closure Review Panels who has a period of seven days after a call in notice is issued to constitute a School Closure Review Panel. The Panel may decide to refuse consent to the proposal, refuse consent and remit it to the education authority for a fresh decision or grant consent to the proposal, either subject to conditions, or unconditionally. The Panel must notify the education authority of its decision within eight weeks from when the Panel was constituted or within 16 weeks if the Panel has issued a notice to the education authority that a decision has been delayed. The Council may not proceed with the implementation of the proposal until the outcome of the call-in has been notified to the Council.

14. PERSONNEL ISSUES

14.1 No personnel issues have been identified with regard to this proposal.

15. ENVIRONMENTAL ISSUES

15.1 The impact of the proposals is assessed as set out above and any relevant technical information is published alongside the Proposed LDP. The interim environmental assessments, site assessments and other technical documents for the Main Issues Report and Proposed LDP are available on the Council's website.

16. CONCLUSION

16.1 The Council now has 3 options to consider, namely:

- a) adopt the proposal;
- b) withdraw the proposal, close Levenhall Nursery School and make no further provision for early learning and childcare within the area, which is not in line with the Council's vision;
- c) undertake a further consultation exercise on a new proposal.

16.2 Education Scotland has identified that the proposal would lead to clear educational benefits for children. This includes strengthening the pastoral and curricular transitions for children aged 3 to 6 years supported by staff who know children well. It has the potential to provide better continuity and progression across the early level of learning within the Curriculum for Excellence framework. A new purpose-built nursery has the potential to better support the delivery of a higher quality and richer learning experience for children across a range of important dimensions and provide staff with a much improved working environment in which to support children's learning.

16.3 If the Council adopts the proposal, it would be on the basis that the educational benefits set out in the Consultation Proposal Document would materialise.

16.4 The key messages deriving from the consultation period are as follows:

- A clear majority of respondents to the questionnaire (90%) support the proposal. 5% of questionnaire respondents oppose the proposal while 5% have no opinion.
- During the consultation period, Council officers visited Pinkie St Peter's Primary School and Levenhall Nursery School, providing good opportunities for staff and pupils to discuss their views. Overall, pupils showed support for the proposal.

17. RECOMMENDATIONS

17.1 On the basis of the feedback received and taking account of the educational and social benefits of the proposal, it is concluded that the following proposal is the most suitable option.

17.2 Following the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, it is recommended that the Council approves the following:

- Levenhall Nursery School will be closed and re-designated to Pinkie St Peter's Primary School Nursery Class;
- the Care Inspectorate will be notified of the change in registration details and the transfer to the planned new facility;

- The re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class will take effect from August 2017 or as soon as possible thereafter; and
- Children attending the re-designated nursery class will transfer to a new facility within the Pinkie St Peter's Primary School campus from August 2018, or as soon as possible thereafter.

Fiona Robertson
Head of Education
June 2017

Appendix 1: Note of Public Meeting, 21st March 2017

STATUTORY PUBLIC CONSULTATION MEETING

PROPOSAL – CLOSURE AND RE-DESIGNATION OF LEVENHALL NURSERY SCHOOL TO PINKIE ST PETER’S PRIMARY SCHOOL NURSERY CLASS

**TUESDAY 21st MARCH 2017
MUSSELBURGH GRAMMAR SCHOOL**

PRESENT:

Chris Webb, Independent Adviser - Chair of Meeting
Fiona Robertson, Head of Education
Liz Shaw, Corporate Finance Manager David Scott, Quality Improvement Officer
Richard Parker, Service Manager, Education
Pauline Smith, Principal Officer (Information & Research)
Valerie McIntyre, Principal Officer (Business Unit)
Rob Lewis, Senior Information Officer
Katy Johnstone, Graduate Intern
Calum Murray, Business Support Officer (Education)
David Gilmour, Web Officer
3 members of the public

Chris Webb welcomed everyone to the meeting in relation to the proposed closure and re-designation of Levenhall Nursery School to Pinkie St Peter’s Primary School Nursery Class.

Chris Webb introduced himself and outlined the purpose of the meeting. He informed the attendees that the meeting was being recorded to allow the Council to have an accurate record of any issues raised so they can answer any questions fuller at a later date. The views recorded will form part of the consultation exercise.

Chris Webb advised that the purpose of the meeting is to give members of the public the opportunity to hear more about the proposal, ask questions about the proposal and have their views recorded and noted and taken account of as part of the consultation process. Fiona Robertson reiterated that this evening’s meeting was being held to discuss the following proposal:-

- To close Levenhall Nursery School as a stand-alone nursery school and re-designate as a nursery stage within Pinkie St Peter’s Primary School.

Background to the Proposal

- In August 2014 the Head Teacher of Pinkie St Peter’s Primary School assumed the role of Head Teacher of Levenhall Nursery School under a shared headship arrangement.

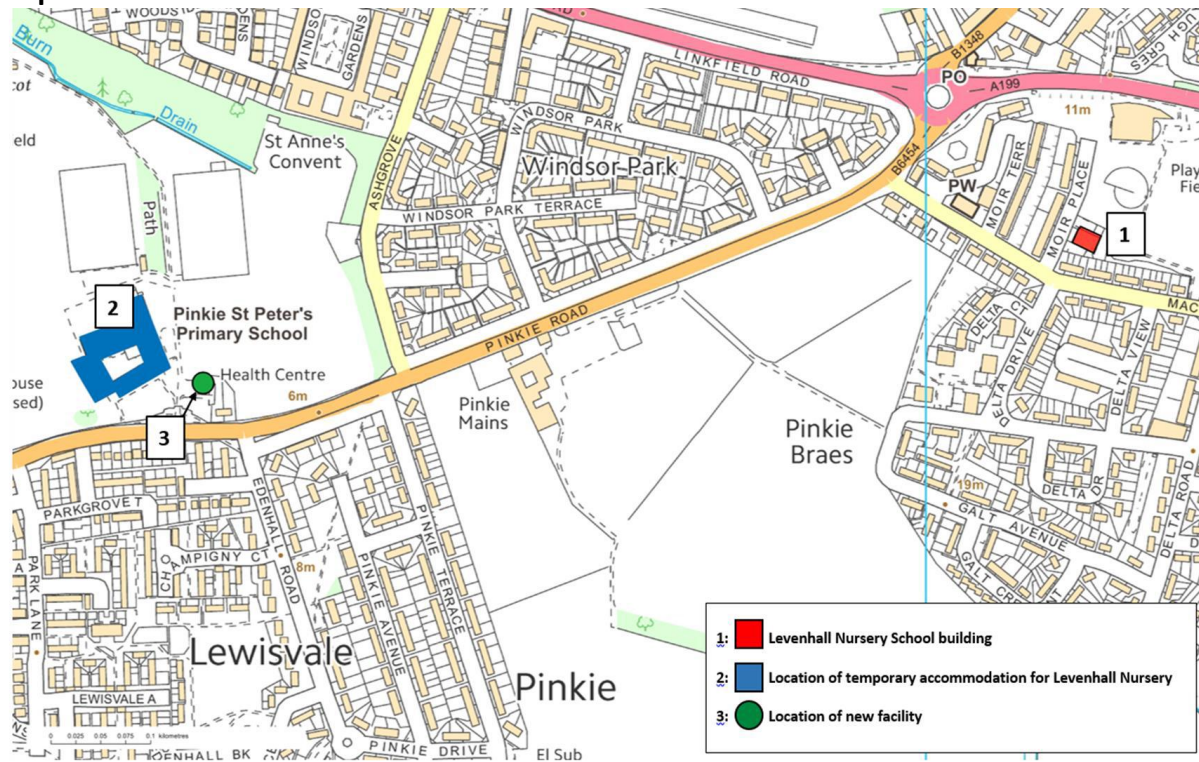
- East Lothian Council’s long-term vision at that time was to carry out a statutory consultation to close Levenhall Nursery School as a standalone facility and re-designate it as a new nursery stage at Pinkie St Peter’s Primary School.
- Following a site survey and health & safety visit to the Levenhall Nursery building at Moir Place, Musselburgh, a Structural Engineer recommended that urgent, intrusive, structural investigation work be carried out.
- Given the urgency of the work and the long-term vision for the school it was agreed that the nursery should move to Pinkie St Peter’s under a temporary ‘hosting’ arrangement.
- This move occurred in May 2015 and due to the immediacy of the relocation it was not possible to undertake a statutory consultation at that time.
- Although Levenhall Nursery School is still registered as a standalone nursery school, the current staffing, budget and management operation is in line with the nursery class model operated in primary schools.
- On 21st February 2017, East Lothian Council approved its 3-year capital spend as part of the Council’s Financial Strategy 2017/18-2019/20 which includes funding for a new facility to provide permanent replacement accommodation for Levenhall Nursery School.

Evidence

- Nursery classes are well established in Scotland and are an effective model for delivering high quality nursery provision.
- Within East Lothian, Early Learning and Childcare provision is delivered through 2 standalone nursery schools, 31 Local Authority nursery classes and 19 private and voluntary sector Partnership Centres.
- The Education Authority aims to offer ELCC provision wherever possible within local communities. 93% of eligible pre-school children in East Lothian attend ELCC provision within the cluster area in which they reside.
- Pinkie St Peter’s Primary School is the only primary school within the Musselburgh cluster that does not have its own local authority nursery class as Levenhall has historically contributed to provision in the local area.
- Condition and suitability of the Levenhall Nursery School building at Moir Place is rated as “D – Bad, Life Expired”.
- Levenhall Nursery School has a current capacity for 100 children (50 morning & 50 afternoon). The number of children attending as at February 2017 is 100.
- The roll for Levenhall Nursery school is expected to increase over the next four years to a peak of 167 pupils. This is due to an expected increase in the number of nursery children arising from committed and planned housing in the local area as a result of the emerging Local Development Plan (LDP).
- A new facility is planned to permanently accommodate the proposed re-designated Pinkie St Peter’s Primary School Nursery Class within the Pinkie St Peter’s Primary School campus (identified by the green circle (3) on the map of locations).

- This will replace the existing Levenhall Nursery and provide additional capacity for projected nursery children arising from committed and planned housing developments in the local area.
- The new facility will be included in the Council’s strategic planning for delivery of 1140 hours by 2020 – the Scottish Government’s intended annual provision per child.

Map of Locations

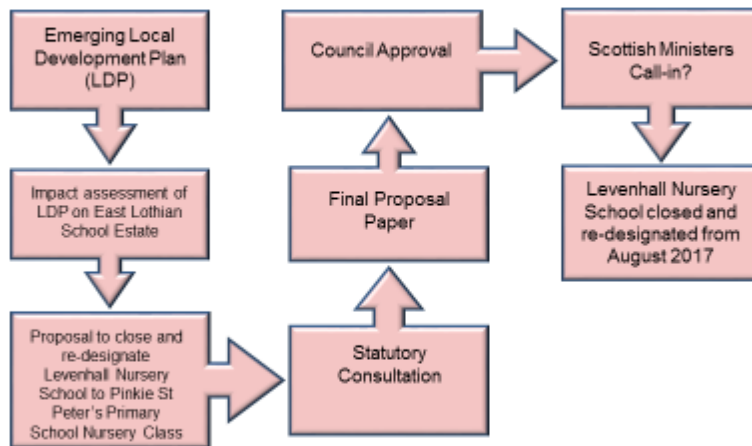


Educational Benefits

The proposed closure and re-designation of Levenhall Nursery School to Pinkie St Peter’s Primary School Nursery Class will have educational benefits through:

- Supporting continuity and progression in young children’s learning
- Seamless transition between pre-school and primary with staff and management who know them well – smoother curricular and pastoral transitions
- Developing coherent and progressive curriculum from Early Level through to Second Level
- Developing consistent learning and teaching experiences

Project Timeline



Questions were invited from the members of the public, no questions were asked.

Chris Webb drew the meeting to a close and thanked everyone who attended the meeting.

Appendix 2:

This is a summary of each category of respondent, in relation to the extent to which they agree/disagree. Please Note: A respondent can identify as more than one category - therefore the totals in the tables below do not add up to the total number of responses received via questionnaire (20)

Q - To what extent do you agree or disagree with the proposal to close and re-designate Levenhall Nursery School to Pinkie St Peter's Primary Nursery Class?

Table 1

All responses:	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
	14	4	1		1	20		90.0%	5.0%

Table 2

Parent of Pupil at:	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
TOTAL	12	4	1		1	18		80.0%	10.0%
Levenhall Nursery School	7	3	1			11		100.0%	
Pinkie St Peter's Primary	3					3		100.0%	
Other School	2	1			1	4		75.0%	25.0%

Table 3

Parent of Future Pupil at:	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
TOTAL	7	2				9		100.00%	
Levenhall Nursery School	4	1				5		100.00%	
Pinkie St Peter's Primary	3	1				4		100.00%	
Other School									

Table 4 /

Table 4

Parent of Pupil Aged:	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
TOTAL	17	5	1		1	24		91.7%	4.2%
Not yet in Education	3	1				4		100.0%	
Pre-school Education (3-5 year old)	8	3	1			12		91.7%	
P1 - P3	3	1				4		100.0%	
P4 - P7	2					2		100.0%	
S1 - S6	1				1	2		50.0%	50.0%
No longer in school Education									

Table 5

Member of Staff at:	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
TOTAL	4	1				5		100.00%	
Levenhall Nursery School	1					1		100.00%	
Pinkie St Peter's Primary	3					3		100.00%	
Other School		1				1		100.00%	

Table 6

"Other" Category	Strongly Agree	Agree	No opinion	Disagree	Strongly disagree	Grand Total		% STRONGLY AGREE/AGREE	% STRONGLY DISAGREE/DISAGREE
All "Other" Categories	1				1	2		50.0%	50.0%

Appendix 3 Comments from Questionnaire responses

Of the 20 questionnaire responses, 1 declined permission to publish their comments. However, their representations have been taken account of and responded to in this Consultation Report. The summary of comments below, were made from the remaining 19 responses who gave permission to share their comments.

COMMENT
As Levenhall nursery is currently based within Pinkie Primary School it makes sense to fully include the nursery as part of the school rather than a separate nursery. A new purpose based facility would give a great start to future children's school career.
Have no idea what this will mean for impacted children. When advertising these changes it would be really helpful to provide overview of what it will mean. Additionally why is re-designation taking place in Aug 2017 but transfer not happening until Aug 2018. Ultimately you are advising what is happening but not providing any details.
One campus-one school.
It's basically already there, other than the name and the budget. It'll mean complete inclusion for both primary and nursery schools
Having the nursery in today school gives the nursery children the opportunity to get used to the school, teachers, older children and participate in assemblies.
<p>I think that it is a huge backward step to do away with the final standalone nursery in East Lothian. Given that we are at a time of intense change in the early years sector and are facing significant expansion whilst also needing to maintain and increase quality, this shows a complete lack of foresight. Getting rid of Nursery Head Teachers was clearly a way of saving money, at the expense of quality.</p> <p>It is not surprising that East Lothian is not looked upon favourably in the Early Years sector. As identified in the Review of the Scottish Early Learning and Childcare Workforce and Out of School Care Workforce (Siraj, 2015) There is a significant lack of knowledge of and training in appropriate nursery pedagogy amongst many Primary Head Teachers and specifically there are no roles within the authority for "expert" Early Years leaders. Of course Levenhall has already lost its Head Teacher and its experienced Early Years Principal Teacher. This step is the final nail in the coffin.</p> <p>The lack of promotion opportunities means that teachers who are interested in Early Years are being advised to move out of nursery as it is seen as a dead end. Those who are specialists in this area are being snapped up by other authorities. This brain drain is not beneficial to the children of East Lothian.</p> <p>If East Lothian really wants to serve its children well, it should look at really investing in the early years sector, which we know has a huge impact on attainment particularly from children in areas of deprivation. There should be stand-alone nurseries, led by experienced Early Years Head Teachers, which offer the possibility of creating hubs of early years excellence and knowledge which could then be cascaded out to other settings within Primary Schools.</p>

COMMENT

East Lothian is so behind in its thinking about quality early learning and childcare.

Losing Levenhall is a tragedy.

Moir Place is a quiet residential street with no through road. Pick up and dropping off of pupils causes increased noise and air pollution to the local residents at peak hours. There is also lack of on street parking for locals and parents alike.

I think there is an error in paragraph 18 of the consultation document, which is factually incorrect. The legislation has been updated in 2015 and Ministers no longer have the option to refuse consent, instead they can refer a closure proposal to the Convener of the School Closure Review Panels.

I think it is a shame the consultation is so long after the temporary move - it has affected lots of families whose children have now moved on to school without being given the courtesy of being consulted.

I hope that the new facility provides the opportunity for the Council to deliver not just high quality but also flexible early learning and childcare. Working families find it incredibly difficult to use an inflexible offer of 5 afternoons/five mornings, with no possibility of buying extra hours or choosing sessions that match working hours. This would make a great difference and avoid children either missing out on attending their school nursery, or having to rely on informal grandparent care to get them to/from it. I appreciate that this is a change from what has 'always been done', but it would be very much in children and families' interests and is being done in many other areas by local authorities.

Makes life easier for all parents with children attending both the school and nursery in terms of drop-offs.

My children will attend Pinkie St Peter's Primary so it's good for them to be used to the school surroundings from nursery age as this will help with transitions.

The nursery children have access to great outdoor facilities/spaces e.g. the woods for 'Nature Nurture' and the playground for 'play on Pedals'.

The nursery children regularly see school staff and pupils so this helps with integration, which will also help with the transition to school.

help with transitions.

Since the nursery has already moved to Pinkie it would seem even more of a disruption to move it somewhere else for the staff and children.

Good for child and parents if more than one child.

I don't agree with the proposal of the clinic area being used as the new site for the nursery. The area is big enough for the nursery better being used for more parking spaces and joining the nursery onto the existing school and not make the nursery a separate building.

Appendix 4 – Staff Voice Session

STAFF VOICE SESSION

Pinkie St Peter's Primary School and Levenhall Nursery School

8th March 2017

David Scott (DS), Katy Johnstone, Anna Bennett and Rob Lewis met with a group of staff. David Scott described the proposal and then there was a group discussion:

The staff had questions around the location of the new facility and whether it would be attached to the school building. DS answered that it would not, it would be a separate facility on the campus.

Nursery staff asserted that Levenhall Nursery School will be undergoing a Care Commission Inspection/Report in the coming weeks, and asked whether the outcome will have an influence on how quickly the building will go ahead. DS said he thought it unlikely but it would inform what the new facility needed.

There was a positive feeling about the separate facility as it was felt that there will be better communications and connections with families at a different site on campus.

Staff feel that having the nursery so close to the school has allowed the children to be more involved in the school.

They feel that having the schools as one would be lovely school wise.

However the nursery staff feel sad to see standalone nurseries closing.

They feel that the standalone nursery has never felt isolated from the primary – but that now the special quality about a nursery school has been diluted and lost.

The nursery staff felt that the move to Pinkie had to be undertaken very quickly due to an emergency situation and there was no recognition from John Muir House/the Council about how difficult this had been and the work put in by Levenhall Nursery staff.

Nursery staff believe that it will make a difference when the nursery has its own “place” rather than the two former classrooms it occupies just now.

There was an acknowledgement that currently occupying temporary accommodation which is not specifically designed for nursery gives the staff a better idea of what they actually need in a facility.

Nursery staff had concerns over being pulled out of nursery and put somewhere else in the school after the re-designation. DS said that he could not give a guarantee that this would not happen – but given the potential rise in roll this would be an unlikely situation.

There was a worry about things that need to be considered when incorporated that wouldn't have been an issue in a standalone nursery.

Staff felt that losing the Levenhall name is sad and would be keen to have something to recognise that the school is moving on, giving everyone a bit of closure.

They would also be keen to be involved in any plans involving the new facility to ensure that it is practical from a nursery point of view.

Appendix 5 – Pupil Voice Interview

The Pupil Voice Interview was a structured workshop session with a representative group of pupils from the school. The following are summaries of the discussions and questions/answers.

PUPIL VOICE

PINKIE ST PETER'S PRIMARY SCHOOL

P1 –P7 PUPIL REPRESENTATIVES

8th March 2017

David Scott, Katy Johnstone, Anna Bennett and Rob Lewis met with a group of pupils. David Scott described the proposal and then there was a group discussion:

What do you think of the proposal?

- It's a good idea, the nursery children have seen faces and know the teachers
- They would know where everything in the school is, so transition is easier
- I was really upset when the nursery moved from the old Levenhall building
- It is easier for parents who have children in nursery and primary because they are in the same place
- It's a good idea because it would make the school bigger
- There would be more help in the school for the staff
- I like having the nursery children in the assemblies, they are nice and quiet
- It's good for the nursery children to see the older pupils
- The nursery are really lucky to have big rooms
- It's a good thing for the health centre because now it's never open and never gets used

Appendix 6: Education Scotland Report

Report by Education Scotland addressing educational aspects of the proposal by East Lothian Council to close and re-designate Levenhall Nursery School to Pinkie St Peter's Primary School and Nursery Class.

1. Introduction

1.1 This report from Education Scotland has been prepared by HM Inspectors in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of East Lothian Council's proposal to close and re-designate Levenhall Nursery School to Pinkie St Peter's Primary School and Nursery Class. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

1.2 HM Inspectors considered:

- the likely effects of the proposal for children and young people of the centre and school; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

1.3 In preparing this report, HM Inspectors undertook the following activities:

- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the sites of Levenhall Nursery School and Pinkie St Peter's Primary School, including discussion with relevant consultees.

2. Consultation Process

2.1 East Lothian Council undertook the consultation on its proposal(s) with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

2.2 The consultation period ran from 1 March until 26 April 2017. A public meeting was held in Musselburgh Grammar School on 21 March 2017 in connection with the proposal. Three members of the public attended the meeting. A drop in session was arranged at Pinkie St Peter's Primary School on the afternoon of 8 March 2017 which provided an additional opportunity for stakeholders to hear about the proposal and ask questions. Members of the council staff also met with a group of children from Pinkie St Peter's Primary School and a group of staff from Levenhall Nursery School and Pinkie St Peter's Primary School to discuss and gather their views about what the council was proposing. Adverts pertaining to the proposal were placed in local print media and notices displayed in relevant council buildings. The proposal document was distributed to a range of key consultees, published on the council website and made available at educational establishments. There were 20 responses to the consultation, with 18 being in favour, one against and one with no particular view. Those stakeholders in favour considered that as the nursery had moved to the current site at the school two years ago, the proposal did not represent a significant change. They welcomed the commitment to build a new facility and thought the move made sense. It would make the drop-off of children easier and safer, would provide greater opportunities for integrating children with the primary pupils and would support stronger transitions for them into P1 at school. Stakeholders considered that the move would provide better access to outdoor spaces and the natural environment supporting improved learning. However, they did not consider a separate facility to be the best solution and preferred a new nursery which adjoined the existing primary school building. They recognised that the existing Levenhall Nursery building was no longer suitable or fit for purpose. The one response that disagreed with the proposal considered the move away from a stand-alone nursery to be a backward step and represented a lack of investment by the council in the early year's sector.

3. Educational Aspects of Proposal

3.1 The existing Levenhall Nursery building is no longer fit for purpose and has been graded as category D - economic life expired. The site is difficult to access being located in the middle of a housing estate at the end of cul-de-sac. A new purpose-built, modern nursery will better support learning in 21st Century Scotland. A sustainable and energy efficient new build on the same campus as the primary school represents best value in terms of the council's resources. Such a move formalises the existing temporary

management arrangements which have been in place for the past two years. It will strengthen pastoral and curricular transitions for children aged 3 to 6 years supported by staff who know children well. It has the potential to provide better continuity and progression across the early level of learning within the Curriculum for Excellence framework. It also has the potential to provide a more accessible facility for all users which will better support out-of-hours learning and leisure opportunities and activities for the local community. It will provide additional capacity to help meet the growing demand for places locally and in response to government policy expectations.

3.2 In considering the educational benefits of the proposal as outlined, HM Inspectors believe that there are significant potential educational benefits for children in the closure and re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School and Nursery Class.

3.3 Stakeholders who met with HM Inspectors are very positive about the proposal overall. Staff considered the move to the new site would support greater access to the school facilities and outdoor spaces to support a richer learning experience and environment. They were very much looking forward to having new purpose-built facilities. They were keen that the new nursery was built adjoining the existing school building to ensure there was easy and safe access for both staff and children from the nursery to the school. This would encourage even greater integration of children in the nursery and school and easier and ready access to school facilities and events. They considered the interim arrangement where the nursery had been operating from the school building for almost the last two years had worked well overall. It had supported stronger links and improved planning across the early level curriculum pathway from nursery into P1. It had supported many more interactions between staff and children from the nursery and the school providing mutual benefit. The proposal, should it go ahead, would allow this good work to be built on further. Parents are pleased with the proposal in that it would reduce children's anxieties in transitioning to primary school and would support greater integration of nursery and primary children, including with older siblings. They too would prefer that the new nursery was built as an extension to the school building. Children understand the need for the move as the old Levenhall building was unsuitable and the move to the new site would allow children from the nursery to join whole school events including assemblies more easily and often. It would also allow nursery children to meet older pupils on a more regular basis and to become more acquainted with the way the school operated and the layout of the building. They recognised that relationships between children and staff in the nursery and school would be strengthened and that this would make for a happier learning and working environment for all.

3.4 During the consultation period the council was notified of alleged inaccuracies and omissions in the proposal. The council has taken the necessary steps to address these inaccuracies and omissions through the release of further information in the form of an amended proposal.

4. Summary

East Lothian Council's proposal to close and re-designate Levenhall Nursery School to Pinkie St Peter's Primary School and Nursery Class is of clear educational benefit. The council outlines the benefits for children very well. The proposal is welcomed by key stakeholders. A new purpose-built nursery has the potential to better support the delivery of a higher quality and richer learning experience for children across a range of important dimensions. It has the potential to provide staff with a much improved working environment in which to support children's learning. It will help staff to liaise more effectively and more regularly with a wider group of professionals to strengthen planning and transition arrangements across the early level educational experience. In taking the proposal forward the council should consider further stakeholders' clear desire to have a linked and not separate facility to further strengthen the educational benefits. The council should also provide clear opportunities for stakeholders to input to the design of the new facility in line with their plans for the introduction of a user reference group.

In its final consultation report, the council will need to, once again, set out the actions it has taken to address the inaccuracies and omissions notified to it.

**HM Inspectors
Education Scotland
May 2017**