

REPORT TO: East Lothian Council

MEETING DATE: 24 April 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Outcome of the Statutory School Consultation on the Proposed Closure of Haddington Infant School and King's Meadow Primary School and the Establishment of a New Primary School and its Associated Catchment Area for Haddington

1 PURPOSE

- 1.1 To share the outcome of the proposal to close Haddington Infant School and King's Meadow Primary School and establish a new primary school for Haddington covering Nursery to P7 and its associated catchment area.
- 1.2 To seek approval for the recommendation set out within the Consultation Report (available in the Members' Library, April 2018 Bulletin, Ref: 51/18) to close Haddington Infant School and King's Meadow Primary School and establish a new primary school for Haddington covering Nursery to P7 and its associated catchment area.

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, Haddington Infant School and King's Meadow Primary School will be closed and a new primary school covering Nursery to P7 and its associated catchment area will be established for Haddington;

- ii. the closure of Haddington Infant School and King's Meadow Primary School and the establishment of the new primary school and its associated catchment area will take effect 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 make adequate and efficient provision of school education across their area. 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.
- 3.2 The Council must consult on certain changes in arrangements for educating children 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. This proposal required a formal consultation to be carried out in accordance with the Schools (Consultation) (Scotland) Act 2010. The Consultation Report (available in the Members' Library, April 2018 Bulletin, Ref: 51/18) documents the formal consultation undertaken on this proposal between 8 January 2018 and 26 February 2018.
- 3.3 One of the key outcomes identified for the Education Service in session 2017/18 to 2019/20, as set out in the East Lothian Education Service Local Improvement Plan 2017-18, is consistency in our approaches to planning learning, teaching and assessment, particularly at key milestones. This consistency is vital for learner progression, effective transition and raising attainment for all.
- 3.4 The need for seamless and high-quality transition is recognised internationally, nationally and locally and is central to continuity of education and progression through the curriculum. Consistency in our approaches to planning learning, teaching and assessment, particularly at key milestones is vital for learner progression, effective transition and raising attainment for all. Pupil wellbeing is further supported where approaches are consistent through one school. There is better continuity for pupils in terms of familiarity and confidence and there are increased opportunities for pupils to develop and sustain relationships with their peers and with school staff.
- 3.5 The Haddington catchment area is one of only two primary catchment areas in East Lothian where P1 to P3 and P4 to P7 pupils from the same catchment are taught in two separate schools requiring an additional stage transition between P3 and P4. Across Scotland there were only three mainstream local

authority Infant Schools registered as open as at September 2016 of which two were in East Lothian.

- 3.6 Evidence following the Education Service Reviews of Haddington Infant School and King's Meadow Primary School in 2016 highlighted that they needed to develop stronger and more effective links to improve curriculum transition. The additional stage transition between these two schools presents many challenges, the most significant being how to ensure meaningful progression and continuity of learning from Primary 3 to Primary 4. This is a crucial stage for pupils as they progress through Curriculum for Excellence levels with the expectation that most achieve First Level by the end of Primary 4. Although both schools have worked to develop consistent approaches to planning learning, teaching and assessment, there are still opportunities to improve this further
- 3.7 East Lothian Council considers establishing one new primary school covering nursery through to P7 under a single management structure through this proposal will provide the opportunity to develop a coherent and progressive curriculum and enhance transition and continuity in learning across the stages in the Haddington catchment area from Early Level through to Second Level.
- 3.8 The main considerations relating to the proposed closure of Haddington Infant School and King's Meadow Primary School and the establishment of a new primary school and its associated catchment area for Haddington were fully explained in the Consultation Proposal Document. The main points are highlighted below:
 - The requirements of the National Improvement Framework and the new duties proposed within Education Governance: Next Steps.
 - The duties placed on local authorities in relation to the adequate and efficient provision of school education in their area.
 - The duties placed on local authorities to secure best value in the delivery of services.
- 3.9 The statutory consultation on the proposed closure of Haddington Infant School and King's Meadow Primary School and the establishment of a new primary school and its associated catchment area for Haddington commenced at 12.00am on Monday 8 January 2018 and lasted until 12.00am on Monday 26 February 2018, 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 Proposal Document was published on [East](#)

[Lothian Council's Consultation Hub](#) and paper copies distributed on Monday 8 January 2018.

- 3.10 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 Haddington area. Sealed boxes were also located at Haddington Infant School, King's Meadow Primary School and John Gray Centre for their return.
- 3.11 Publicity material detailed an East Lothian Council email address, phone number and postal address, to which representations and any other queries could be submitted.
- 3.12 In addition to the public meeting and public drop-in sessions, staff at the affected schools were also invited to attend a planned staff voice session held at Haddington Infant School and King's Meadow Primary School to discuss the proposal. Additional informal meetings to discuss any queries or concerns they may have on the proposal were held with staff in both schools based around their availability and at their discretion. Information on the 'Protocol for School Merger' was shared with staff at these meetings and a copy of the protocol was provided to the Head Teacher to share with staff on request. Further additional opportunities to engage with HR staff regarding the protocol were also offered to staff at their discretion.
- 3.13 A representative group of pupils from both Haddington Infant School and King's Meadow Primary School attended separate workshops where they were able to express their views on the proposal
- 3.14 Meetings were also held with Haddington Infant School Parent Council and King's Meadow Primary School Parent Council.
- 3.15 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 Education Scotland report can be found in Appendix 5 of the Consultation Report.
- 3.16 All submitted representations, including the Education Scotland report, were analysed by East Lothian Council officers, summarised and answered to in the Consultation Report. The Consultation Report, summarising all representations and East Lothian Council's response, was published on the East Lothian Council Consultation Hub on Thursday 29 March 2018. This was made publicly available for a period of three weeks, in line with the Schools (Consultation) (Scotland) Act 2010.

- 3.17 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 of Haddington Infant School and King's Meadow Primary School and the establishment of a new primary school and its associated catchment area for Haddington. 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.
- 3.18 If 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

- 3.19 The Council received 147 responses to its questionnaire, 146 of these questionnaire responses were received during the consultation period. The Council received one submission to its consultation by email the day after the consultation period had ended. This response was submitted to Education Scotland with all representations that had been made during the consultation period and any issues or concerns raised are also subject to the Council's response in this Consultation Report. 145 of the responses were from individuals and 2 were from groups.
- 3.20 43% of all individual questionnaire respondents (62 responses) to the consultation were in favour of establishing a new primary school covering Nursery to P7 for the Haddington area, 49% (71 responses) were not in favour and 8% (12 responses) had no opinion. There were responses from 2 groups during the consultation period. Both of these were from the Parent Councils of the two directly affected schools who took a neutral position. A summary of responses by demographic is provided in Section 5 of the Consultation Report.

3.21 A number of themes emerged from the questionnaire and oral responses, and can be grouped as follows:

- Concerns that the consultation outcome is already decided and it is just a cost saving exercise
- Concerns that the proposal document is focused on the benefits of the proposal and no information is provided on the benefits of the 'status quo'
- Concerns over loss of "specialism" in stages
- Concerns over loss of additional stage transition as a positive experience
- Concerns that the proposal will not go ahead and that there will continue to be inconsistencies between the two schools in terms of teaching and policies
- School Budget and size of Senior Management Team of Proposed New School
- Appointment of Head Teacher and difficulty in recruitment
- Management of one larger school across two campuses
- Class structure for the 2 campuses and protocol for creating a composite class at P3/4
- Timescales for the establishment of the new school
- Transition to the new single school structure and minimising disruption
- Cost of purchasing a new uniform
- School Capacity & Building Condition
- Shared Assemblies
- Catchment area for the new school

East Lothian Council's response to these themes is detailed in Section 8 of the Consultation Report.

3.22 The comments made as part of the questionnaire submissions are included in Appendix 1 of the Consultation Report, 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 Education Authority's response as detailed in Section 8 of the Consultation Report.

3.23 During the consultation period, Council officers visited Haddington Infant School and King's Meadow Primary School providing good opportunities for

pupils and staff to discuss their views. Pupils from Haddington Infant School were in support of the proposal, while the majority of pupils from King's Meadow Primary School were unsure. A note of the staff and pupil voice sessions are included as Appendices 3 and 4 of the Consultation Report.

3.24 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 5 of the Consultation Report. Education Scotland stated that there are clear educational benefits to the proposal as follows:

- The proposal provides an opportunity to improve learning and teaching and further raise attainment for all children in the catchment area;
- The establishment of a single staff team working together to ensure continuity and progression from P1 to P7 should bring greater curricular coherence, improved consistency of expectations and increased moderation of standards;
- Children will benefit from improved progression planning to better meet their needs; and
- Removing the need for an additional transition to a different school at the end of P3 is likely to reduce any possible risk of a slowing down of progress as children progress through the first level of Curriculum for Excellence.

3.25 Education Scotland reported that parents and staff across the two schools hold significantly different views about the educational benefits of the proposal.

3.26 Education Scotland noted that East Lothian Council in taking the proposal forward, should continue to engage and work with all stakeholders to address their concerns and agree an appropriate timescale for implementing its proposal. Education Scotland also stated that *“an effective communication strategy and an action plan based on the needs of both schools will be essential for the council to keep all stakeholders informed and engaged. The council should include details of these in its final report.”*

3.27 The Education Authority has set out its commitment to ongoing engagement with all stakeholders and the process for taking the proposal forward within Section 8.11 and Section 10 of the Consultation Report. Details on the process for transitioning to the new school structure were also made publicly available during the consultation period through the Frequently Asked

Questions document on the Consultation Hub and shared at the Public meeting.

3.28 Following receipt of a total of 147 questionnaire responses and consideration of feedback from consultees and Education Scotland, officers reviewed the proposal. The feedback from the consultation was considered by relevant officers within the Council's Education, Finance, Human Resources and Property Services. This ensured that the Council met the requirements of sections 9(1), 12 and 13(3) (b) of the 2010 Act.

3.29 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, Haddington Infant School and King's Meadow Primary School will be closed and a new primary school covering Nursery to P7 and its associated catchment area will be established for Haddington;
 - b. the establishment of the new school will take effect from August 2018, or as soon as possible thereafter.
- ii. withdraw the proposal. The two schools would remain as separate establishments with separate staffing structures, management teams and identities. While the Education Service would continue to work with both schools to focus on the improvement in the consistency of learning and teaching and continuity and progression the Council may not be able to fully address the additional transition challenges for children, staff and parents to better meet the needs of all pupils. The Education Bill 2018 will also determine the extent to which the local authority will be able to influence such improvements;
- iii. undertake a further consultation exercise on a new proposal.

3.30 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 only viable and deliverable option to address the additional transition challenges for children, staff and parents at Haddington Infant School and King's Meadow Primary School.

3.31 The proposed closures and establishment of a new primary school will create a positive environment for more effective learning and teaching that is better matched to the needs of the children across the stages. It will provide the

opportunity to develop a coherent and progressive curriculum from Nursery to P7. It will also provide the opportunity to improve the consistency of learning and teaching approaches to better meet the needs of all pupils. This will support much smoother and improved pastoral and curricular transitions across the stages. In addition, this will also enable staff to work with children across the school which will provide enhanced support for their learning.

3.32 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, Haddington Infant School and King's Meadow Primary School will be closed and a new primary school covering Nursery to P7 and its associated catchment area will be established for Haddington;
- the establishment of the new school will take effect from August 2018, or as soon as possible thereafter;
- the Education Service will commence with the recruitment of the Head Teacher for the new school. Once in post, the Head Teacher will assume responsibility for the leadership and management of both schools during the transition period to the new single school structure;
- the two schools would continue to function as two separate schools with separate budgets and staffing structures until the Head Teacher is in post; and
- once a Head Teacher is appointed and in post, a Transition Action Group would be set up comprising the new Head Teacher, staff and parent representatives from both schools as well as council officers and trade union representatives. The new Head Teacher will lead the Transition Action Group. The Education Authority will take forward the establishment of the new school in partnership with the Transition Action Group.

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 – 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 (DSM) policies and the approved Scheme of Delegation for Schools. If the proposal is approved, Haddington Infant School and King's Meadow Primary School would continue to function as two separate schools with separate budgets and staffing structures until the Head Teacher is in post. The predictable needs funding for the two schools would remain as set for that academic session under the responsibility of the appointed Head Teacher until the establishment of the new school. As is the situation with the other primary school in East Lothian which operates across a split site the school budget and staffing entitlement is adjusted to reflect this.

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 revenue budget for the new school during the budget and staffing allocation processes.

There are no capital budget implications directly associated with this proposal.

- 6.2 Personnel – The staffing entitlement for the new school will be set in line with the primary and nursery pupil roll of the school and calculated in accordance with the approved Scheme of Delegation for Schools and the Council's DSM policies. Revised staffing arrangements for the new school will be managed in line with the Council's 'Protocol for School Merger'.

The post of Head Teacher within the new school is deemed to be a "new" job against which Head Teacher(s) of the closed schools are not eligible to claim a match. The recruitment of the new Head Teacher will be carried out in line with current East Lothian recruitment procedures, appointing the best candidate for the vacancy. Recruitment will be open to all appropriately qualified staff from East Lothian and beyond. The Council has an obligation to redeploy any displaced Head Teacher to an appropriate vacancy within the Council. Successful redeployment would depend on a number of factors, as set out in the relevant procedure for the appointment of teaching staff, and would be subject to consultation with the relevant Parent Council. All staff, other than the Head Teacher(s), from the closed schools will be eligible to be matched to jobs in the structure of the new school.

- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Consultation Report on the outcome of the consultation on the proposed closure of Haddington Infant School and King's Meadow Primary School and the establishment of a new primary school and its associated catchment area for Haddington (Members' Library, April 2018 Bulletin, Ref: 51/18).

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