

## Members' Library Service Request Form

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| Date of Document          | 19/03/24                         |
| Originator                | Head of Education                |
| Originator's Ref (if any) |                                  |
| Document Title            | Learning Estate Improvement Plan |

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| Authorised By | Nicola McDowell   |
| Designation   | Head of Education |
| Date          | 21/03/24          |

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|----------------------|----------|
| For Office Use Only: |          |
| Library Reference    | 32/24    |
| Date Received        | 21/03/24 |
| Bulletin             | Mar24    |

**REPORT TO:** Members' Library Service

**BY:** Executive Director for Education and Children's Services

**DATE:** March 2024

**SUBJECT:** Learning Estate Improvement Plan

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## **1 PURPOSE**

- 1.1 To inform members of the Learning Estate Improvement Plan (LEIP) which sets out how the Learning Estate Strategy (LES) will be realised in practice. The Learning Estate Strategy was approved at Council on 13 December 2022.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Members note the content of this report.

## **3 BACKGROUND**

- 3.1 Following the publication of the Scottish Government's Learning Estate Strategy in 2019 [Learning estate strategy - gov.scot \(www.gov.scot\)](http://www.gov.scot) it became a requirement that every local authority should have its own Learning Estate Strategy. The Education Service carried out pre-consultation activity to support the development of the Learning Estate Strategy.
- 3.2 The LES which was approved in December 2022 by East Lothian Council can be found in Appendix II.
- 3.3 East Lothian continues to be one of the fastest growing areas in Scotland, with the population projected to grow by about 1% a year over the next 20 years. Significant growth is projected across all age groups, but particularly among children and older people (the age groups which rely most heavily on council services). The number of children (0-15 years old) is projected to grow by over 15%. It is therefore essential that, as a local authority, we continue to address condition and suitability, along with current and future capacity issues, across our Learning Estate.
- 3.4 East Lothian Council's LES reflects the ten guiding principles contained within the Scottish Government's Learning Estate Strategy (SGLES).

- 3.5 Implementation of the processes and actions contained within this paper will ensure that we develop environments that enhance the learning requirements of the National Improvement Framework (NIF) and support the aspirations of the Education Service, ensuring that we meet our commitments to achieving excellence and equity. The action plan is included in Appendix I.
- 3.6 The LEIP evidences our aim to actively involve our children and young people in decision-making pertaining to how schools are developed and improved, as is their right under UNCRC.
- 3.7 The LES and LEIP provide a platform that underpins East Lothian Council's wider Property Asset Strategy. Both papers explore the opportunities to develop better, more affordable, sustainable, integrated services, across the East Lothian learning estate.
- 3.8 It is our aspiration that the East Lothian Learning Estate is accessible, in good condition, well maintained and suitable. This context will enable East Lothian Council to meet its statutory obligations, whilst providing high quality, modern public services, which meet the current and future needs of communities. To do this, the LEIP uses live data to inform decision-making on a high, medium, and low priority basis. Data used includes:
- roll projections, highlighting where a school or specialist provision will breach, or where the roll falls below a minimum capacity
  - condition and suitability ratings (the Learning Estate Strategy sets the expectation that these should not fall below condition or suitability rating 'B')

The above information will be publicly available via a dedicated and regularly updated Learning Estate Website.

- 3.9 The LEIP contains a series of guiding principles to allow us to prioritise actions and outlines a range of possible outcomes, when the relevant data triggers a review. These outcomes are not designed to be prescriptive, but rather to support officers in the Learning Estate Project Team (LEPT) to engage in productive cross-service discussions and planning sessions. Decision-making may require political approval and statutory actions and will be brought forward to the relevant committee, as and when such situations occur.
- 3.10 A project delivery process will be formalised through the LEIP, which will ensure appropriate impact assessments are completed for each project. Post Project Reviews will be completed to ensure that lessons learned contribute to future planning.
- 3.11 East Lothian's PPP Contract, for six of its secondary schools, will come to an end in 2035. The LEIP sets out the expectation that a 'PPP Hand Back Strategy' will be developed to ensure appropriate planning is in place in the ten years before hand back.

- 3.12 The LEIP takes account of all relevant Education and wider Council policies and strategies, relevant to the improvement of the Learning Estate.
- 3.13 Strategic overview and governance of all learning estate activities are provided by the Learning Estate Project Board (LEPB), a panel of senior leaders from across key Council services chaired by the Executive Director of Education and Children's Services.

### **Conclusion**

- 3.14 We recognise the need to develop our Learning Estate in consultation with all relevant parties across the Council using consistent principles, criteria and approaches to prioritisation.

By having a clear plan to rationalise, develop and improve the Learning Estate (as outlined in the Learning Estate Strategy) and using the prioritisation criteria (section 4 in the LEIP), we aspire to deliver improved, affordable outcomes.

## **4 POLICY IMPLICATIONS**

None.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 Appropriate impact assessments will be completed for all Learning Estate projects.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – the ambitions set out in our strategy, and potential actions resulting from the improvement plan may carry a significant resource and affordability challenge, in the context of high inflation, rising interest rates and wider financial challenges.

The implementation plan will need to take account of the existing pressures on capital and revenue budgets and operate within the affordability parameters outlined in the Council's Financial and Capital Strategies.

- 6.2 Personnel – none.

- 6.3 Other – none.

## **7 BACKGROUND PAPERS**

- 7.1 [Learning estate strategy - gov.scot \(www.gov.scot\)](http://www.gov.scot)

- 7.2 [East Lothian Learning Estate Strategy \(attached\)](#)

|                      |                               |
|----------------------|-------------------------------|
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| <b>DATE</b>          | 19 March 2024                 |

## East Lothian Council Learning Estate Improvement Plan

| What will we do?  | By when?                      | By whom?   | Priority    |
|---|-------------------------------|--|-------------|
| <b>1. Learning Estate Governance</b>  |                               |  |             |
| <p>We will:</p> <ul style="list-style-type: none"> <li>• remit the Learning Estate Project Board (LEPB) to oversee all aspects of the Learning Estate Strategy and associated actions, ensuring these are reported to CAG as appropriate</li> <li>• remit the Learning Estate Project Team to oversee the operational aspects of the above</li> </ul>   | <p>ongoing</p> <p>ongoing</p> | <p>LEPB</p> <p>LEPB</p>                                      | <p>high</p> |
| <b>2. Learning Estate Consultations</b>   |                               |  |             |
| <p>We will:</p> <ul style="list-style-type: none"> <li>• ensure feedback from consultation activity is taken into account in improving the learning estate</li> <li>• ensure consultation remains at the heart of all aspects of improving our Learning Estate</li> <li>• create a dedicated and regularly updated Learning Estate Website containing the most up to date core facts</li> <li>• ensure we contribute to broader consultation activity such as LDP2, to help inform the aspirations and further development of the Learning Estate</li> <li>• ensure pupil voice is captured in the decision-making process as per UNCRC requirements</li> </ul> | <p>ongoing</p>                | <p>LEPT</p>  | <p>high</p> |
| <b>3. Use of Data</b>   |                               |  |             |
| <p>We will:</p> <ul style="list-style-type: none"> <li>• use all relevant condition and suitability data to inform our decisions about priority projects in the Learning Estate</li> <li>• review annually the condition, suitability and sufficiency of all of our Learning Estate Assets for submission to Scottish Government <ul style="list-style-type: none"> <li>○ this should include separate reviews of specialist provisions</li> </ul> </li> </ul>  |                               | <p>LEPT</p> <p>HTs<br/>Engineering<br/>Services<br/>Team</p> |             |

|  |              |   |      |
|--|--------------|---|------|
| <ul style="list-style-type: none"> <li>ensure that all assets meet with the minimum requirements set out in our Equality, Inclusion &amp; Accessibility Policies</li> <li>include Specialist Provisions in the <i>High, Medium and Low Project Priority List</i></li> <li>use Core Facts Data to support financial planning and prioritisation of suitability projects</li> <li>maintain accurate and regularly updated pupil roll projections to inform decision-making</li> <li>use 'priority definitions' as set out in Appendix 1 to support decisions where work may be required</li> <li>review our process for calculating capacities.</li> <li>consideration to be given where the number of composite classrooms cannot be accurately calculated to a deduction from the maximum room capacity figure of between 3 and 7% for schools with more than 9 classrooms.</li> </ul> |              | Finance<br>Strategy and Operations Team<br>LEPB<br>LEPT                 | high |
|  |              |   |      |
| <b>4. Asset Management and Decision Making</b>   |              |   |      |
| We will: <ul style="list-style-type: none"> <li>develop a 10 year Strategic Asset Plan, with the aspiration that all learning estate assets are maintained at level B or above</li> <li>ensure all decisions fully consider overall affordability, Best Value and opportunity, in terms of both capital and revenue expenditure</li> <li>ensure all decisions fully consider Educational Benefits</li> <li>ensure the LEPB review and approve any proposals prior to seeking political approval if required</li> <li>use the project prioritisation guidance and to support all decisions about the Learning Estate</li> <li>ensure that all decisions take into account the wider national and council policy priorities, including addressing the climate emergency, best use of existing infrastructure, place and local living</li> </ul>  | by Sept 2024 | Engineering Services Team<br>Finance/ LEPB<br>Education<br>LEPB<br>LEPB | high |
|  |              |   |      |
| <b>5. Statutory Planning Process</b>   |              |   |      |
| We will: <ul style="list-style-type: none"> <li>ensure early review of Section 75 contributions for projects at the master planning stage, to improve existing processes and better inform financial planning</li> </ul>   | ongoing      | Planning  |      |

|  |              |  |      |
|--|--------------|--|------|
| <ul style="list-style-type: none"> <li>• review how Section 75 and the wider Development Strategy impacts upon catchment boundaries, to support pupils to travel the shortest distance, to the nearest school, where possible, in response to our carbon zero commitment.</li> <li>• ensure ongoing monitoring of school capacities, to help strategically make decisions pertaining to new residential development, to maximise existing capacity within existing learning estate and to ensure efficiency with regards to any additional education capacity that is required, as a consequence of planned growth</li> <li>• ensure solutions factor in principles around local living, place, and sustainable access for local communities</li> <li>• ensure integration and funding opportunities, with other service providers and partners, are considered and factored into the project design process</li> <li>• ensure active travel infrastructure, for new and extended learning estate assets are planned from the project start and captured in developer contribution values</li> <li>• ensure developer contributions include the cost of borrowing, hosting arrangement costs and active transportation, in line with the Council’s Climate Change Strategy</li> <li>• where new schools are required, consider alternative forms of delivery, including delivery by the developer, in accordance with a relevant specification being provided by the ELC Primary Education Client</li> <li>• consider lower cost temporary solutions where capacity breaches are short term, rather than permanent capacity increases</li> <li>• ensure that where additional education provision capacity is required as a consequence of planned growth and development, developer contributions cover the full cost of the additional infrastructure and the wider capacity required, to adequately deliver Education: <ul style="list-style-type: none"> <li>○ funding should be indexed to developer payment dates and be sought</li> <li>○ pressures upon dining, specialist ASN provisions and nurture spaces, community spaces, meeting spaces, social spaces, outdoor education spaces and play spaces, should be considered and costed into every project</li> </ul> </li> </ul> |              |  | high |
|  |              |  |      |
| <p><b>6. Project Delivery Strategy</b></p> <p>We will:</p> <ul style="list-style-type: none"> <li>• develop a project-delivery process</li> </ul>  |              |  |      |
|  | by June 2024 |  |      |



|  |   |  |            |
|--|---|--|------------|
| <ul style="list-style-type: none"> <li>• develop and implement a clear project initiation process ensuring that: <ul style="list-style-type: none"> <li>○ all pertinent information is provided</li> <li>○ financial permissions are in place, using standard corporate ‘Procurement Initiation Document’ and ‘Project Initiation Document’ templates</li> </ul> </li> <li>• complete appropriate Impact Assessments for each project</li> <li>• ensure live project pre-construction review to ensure that proposed scale and nature of proposal is still required and modify, if requirement has changed to ensure best value</li> <li>• generate and regularly update Authority Construction Requirements (ACRs) that cover all stakeholder requirements</li> <li>• undertake Post Project Reviews and Post Occupancy Project Evaluations on all projects, using current SFT (Scottish Futures Trust) templates</li> <li>• create a resulting robust lessons-learned action plan to ensure that all future learning estate projects benefit from the collective experiences of the key stakeholders and delivery teams</li> </ul> | <p>by June 2024</p> <p>ongoing<br/>ongoing</p> <p>on completion of projects</p> | <p>SACPM to propose Project Delivery Process</p> <p>LEPT<br/>LEPT</p> <p>LEPT/ HTs</p> <p>LEPT</p>   | <p>med</p> |
|  |   |  |            |
| <b>7. PPP Handback Strategy</b>  |   |  |            |
| <p>We will:</p> <ul style="list-style-type: none"> <li>• devise a strategy in preparation for the expiration of the PPP Project Agreement (2035), as part of a wider strategic ELC integrated estate strategy, to ensure development of a long-term strategy, which extends beyond the 10-year financial plan</li> <li>• benchmark Suitability and Condition Core Facts Surveys to inform the strategy</li> <li>• procure and review full Condition Surveys, for all six secondary schools, and address any sufficiency breaches between now and 2035 using the prioritisation guidance</li> </ul>   | <p>by Dec 2024</p>  | <p>LEPT</p> <p>Schools’ Estate &amp; PPP Project team<br/>Schools’ Estate &amp; PPP Project team</p> | <p>med</p> |
|  |   |  |            |
| <b>8. Policy Development</b>   |   |  |            |
| <p>We will:</p> <ul style="list-style-type: none"> <li>• ensure that all relevant policies and strategies are fit for purpose to support the school briefing process. Examples of core policies would include: <ul style="list-style-type: none"> <li>○ ASN Strategy</li> </ul> </li> </ul>  | <p>By June 2024</p>   | <p>Education</p>   |            |

|   |  |  |     |
|---|--|--|-----|
| <ul style="list-style-type: none"> <li>○ Curriculum Strategy</li> <li>○ Digital Learning and Teaching Strategy</li> <li>○ DYW and Employability Strategy</li> <li>○ Play and Outdoor Learning Strategy</li> <li>○ School Hosting Strategy</li> <li>○ School Health and Safety Policy</li> <li>○ Security Policy</li> <li>○ Safer Routes to School Policy</li> <li>○ Gaelic Medium Strategy</li> <li>○ Provision of Denominational Education Strategy</li> </ul><br><ul style="list-style-type: none"> <li>• take cognisance of other Council policies and strategies relevant to the improvement of the Learning Estate<br/>e.g. Climate Change Strategy</li> </ul> |  |  | med |
|   |  |  |     |

## **East Lothian Council's Learning Estate Improvement Plan (LEIP)**

- 1 Introduction
- 2 Learning Estate Governance
- 3 Learning Estate Consultation
- 4 Use of Data
- 5 Asset Management & Decision-Making
- 6 Statutory Planning Process
- 7 Project Delivery Strategy
- 8 PPP Hand back Strategy
- 9 Education Policy Development

### **Appendices**

- I. Action Plan
- II. Learning Estate Strategy

### **1. Introduction**

This report contains the operational process that underpins the delivery of East Lothian Council's Learning Estate Strategy. Included are recommendations for improvement that will ensure the continued maintenance of a 'good' Learning Estate, supporting the Council's ambitions for children, young people and communities.

### **2. Learning Estate Governance**

East Lothian Council's LES aspires to align itself fully with the 10 Guiding Principles set out within Scotland's Learning Estate Strategy, aligned to regional strategic plans and priorities. This operational action plan outlines the necessary steps that will need to be taken to achieve our regional aspirations, contained within this LEIP.

#### **2.1 Learning Estate Project Board (LEPB) and Remit**

The LEPB provides clear strategic governance, bringing together senior representatives from a variety of key services, with a specific focus on the Learning Estate development, maintenance and improvement.

#### **2.2 Learning Estate Project Team (LEPT)**

The LEPT is the governance group for operation project support. This is primarily a Service Manager forum that reports and escalates matters to the Learning Estate Project Board.

### 3. Learning Estate Consultation

The feedback received during the *Learning Estate Review Pre-Consultations* informed the development of our LES. We have listened to our learners, local communities, stakeholders and partners, whilst taking account of local and national priorities to generate the information required to make effective decisions. We will seek to ensure that the key priorities that arose from these pre-consultations are considered through the fulfilment of this LEIP.

The significant financial challenges that the Council faces, in the current financial context, cannot be understated. We remain determined in our aspirations to innovate, in order to best meet the needs of all our young people, to enable them to experience high quality educational environments and to take positive next steps in learning, life and work.

Following review and analysis of the responses from both phases of the consultation we were able to identify nine common priority topics. These were as follows:

- comments regarding challenges with existing school catchments in the following areas: Haddington, Craighall, Inveresk, Spott, Tranent and Whittinghame
- comments regarding tired and outdated buildings that are deteriorating and looking run down
- comments regarding limited opportunities for supporting outdoor learning and play.
- comments with regards to accessibility and compliance with statutory requirements for disability
- comments re the lack of parking and limited public transport, with infrequent bus services and unsafe cycle routes highlighted
- comments regarding limited digital connectivity, both within the Learning Estate and across wider communities
- feedback suggested that many ELC residents wanted greater community access to buildings across the Learning Estate
- feedback suggested that many ELC residents wanted to see more opportunities for development of skills for employment and training opportunities across the Learning Estate
- many residents requested assurance that there is adequate capacity in schools for the growing population

### 4. Use of Data

The Core Facts data, which is a statutory return and published annually, will be utilised to inform a high, medium and low priority rag status of all schools within East Lothian's Learning Estate. This list identifies where review is required and where a decision is needed.

#### **Suitability and Condition Core Facts**

East Lothian Council is currently meeting its obligations with respect to reporting the outcomes of our Core Facts Surveys annually to the Scottish Government. [School estates: core facts overview - gov.scot \(www.gov.scot\)](https://www.gov.scot/learning-estate/core-facts-overview)

Information pertaining to the Learning Estate's current backlog maintenance and renewals works and the costs associated with these is recorded on an individual asset basis, as part of the Condition Core Facts reporting. Generally, these are considered as statutory.

Suitability Core Facts reporting, and anecdotal observations recorded as part of the *Learning Estate Review Pre-Consultation* from key stakeholders, are considered to fall under the banner of good practice in relation to the Schools (Scotland) (Consultation) Act 2010.

Suitability facts detail whether a building is fit for the purpose of Education, but do not require a statutory response.

Statutory issues are categorised as works pertaining to:

- structural issues
- fire strategy/ fire safety
- environmental compliance
- health and safety
- noise issues
- energy targets and compliance
- access and disability
- sustainability

Non-statutory issues include, but are not limited to, the following:

- Outdoor Learning and Play Strategy
- Security Strategy
- digital connectivity
- parking, public transport links and safe cycle routes
- suitability of mainstream ASN accommodation
- suitability of school sports facilities
- suitable provision of dining facilities

### **Prioritisation Guidance**

The following criteria has been used to define the status of an asset:

#### **High Priority:**

- Any asset that is anticipated to breach in the next 3 years; where the roll is projected to continue to rise beyond a 5 year period (Automatic)
- Any asset that is rated D (Automatic)

**Or**

Any asset that meets at least **two** of the criteria below:

- any asset that has an anticipated sufficiency breach and is projected to remain above capacity for a 5 year period

- any asset that has condition rated at C or below
- any asset that has suitability rated at C or below
- any asset in which the roll has fallen to below 50 pupils and is not projected to exceed this level over the next 5 years
- any asset which is at, or below, 30% of school capacity and is not projected to exceed this over the next 5 years
- Specialist provisions, within schools, where any of the above conditions are applicable
- Operating costs are significantly above the East Lothian Council's average per pupil

### **Medium Priority:**

Any asset that has **one** of the following:

- any asset anticipated to breach in the next 5 years
- any asset which is reporting condition at C rating
- any asset which is reporting suitability at C rating
- any asset in which the roll is projected to fall below 50 or
- any asset which is at, or below, 30% of school capacity, and is not projected to exceed this over the next 5 years
- Specialist provisions, within schools, where any of the above conditions are applicable.

### **Low Priority:**

- any asset that is projected to breach beyond the 10 year period.

It is recognised that not all assets require a new build solution, especially as this is not always the most carbon neutral option, however, it is East Lothian Council's desire to avoid over-extending and investing in deteriorating assets. A programme of repair and refurbishment is already in place.

An annual review will be undertaken for any school with at least one of the following:

- either a condition or suitability rating of less than B,
- a sufficiency rating outwith optimal levels of 75%-90%,
- a limitation on educational benefit due to low or high pupil numbers resulting in unsustainable pressure on school management capacity
- or where the operating costs are significantly above the Council average per pupil.

This may result in a school being prioritised at a higher or lower level than the criteria outlined above as there are a range of factors which can impact on decisions across the learning estate some of which may require a more flexible approach given the restriction on Capital funding, resources and taking consideration of wider Council priorities.

### **Outcomes**

Any Asset being assessed as a high priority may result in the following recommendations:

- No Action
- Action to manage capacity within the existing building i.e. restrictions on placing requests, team teaching, use of spare GP spaces, or utilisation of different

educational delivery models

- Prioritisation for investment which could include:
  - Preventative Maintenance Project
  - Refurbishment Project
  - Extension to the building
  - New Build

When undertaking a review of our Learning Estate we will also consider the long-term sustainability of our buildings and may consider:

- Utilisation of elements of the building for another purpose to either generate income or meet other Council priorities
- Use of under-utilised capacity at adjacent schools
- Rezoning exercise
- Mothballing
- Merger of Schools
- School closure

Any options being considered will need to take account of the current financial climate and alignment to wider council priorities and may require extensive engagement under statutory consultation processes.

Recommendations will be submitted to the Learning Estate Project Team and then reported to the Learning Estate Project Board for consideration/approval before progressing through any governance or statutory processes.

## **5. Asset Management and Decision-Making**

In order to determine the correct project solution (extension, refurbishment, new build or school closure) for each learning estate asset we will undertake a full review of an asset reported as being a high priority as outlined in the prioritisation guidance and consideration will be given to all the possible outcomes through an options appraisal. The output from this action will then be reviewed by officers to develop a range of recommendations on priorities for the coming year. These will be reported to the LEPT for consideration before progressing to the LEPB. Political approval may also be required depending on the recommended outcome.

Any proposed closures or catchment reviews would require full consultation under the Schools (Scotland) (Consultation) Act 2010.

## **6. The Statutory Planning Process**

Some assets may not require a project solution in the short to medium term. However, some projects would benefit from the foresight and time to develop a robust strategy, prepared in parallel with the Development Plan process, which could be implemented, if and when required. The following underpin this process:

- National Planning Framework (NPF4)
- Local Development Plan (LDP2)

- Scottish Government Place Principle <https://www.gov.scot/publications/place-principle-introduction/>
- Developer contributions through Section 75 Agreements (financial or in-kind contributions that developers are required to make to mitigate the impacts on infrastructure capacity arising from new development on an individual or cumulative basis in accordance with relevant Scottish Government Planning Circulars).

## 7. Project Delivery Strategy

East Lothian Council has had to respond quickly to rapid population growth, whilst also addressing challenges associated with an aging learning estate. Technical design projects and asset management are coordinated by the Strategic Asset & Capital Plan Management (SACPM) team, in response to professional advice given by Education and Finance.

### *The Briefing Process:*

In order to develop a robust set of Authority Construction Requirements (ACRs), coordinated input and contributions are required from The Primary Client (Education) and all stakeholders who have with a vested interest in the Learning Estate. The ACR should reflect all internal policies and strategies.

It is particularly important to ensure that there is the opportunity for ACRs to be reviewed and agreed by all stakeholders in collaboration with the internal/external design team.

### *Post Occupancy Evaluation:*

The use of Post Occupancy Evaluations ensures that lessons learned on both the design and delivery strategy can be fed back into future projects.

This process should be aligned to the Property Asset Review and Place Making objectives.

## 8. PPP Handback Strategy

Currently six of East Lothian Council's secondary schools are under Public-Private Partnership (PPP) contracts, which are due to expire in 2035. There is a contractual obligation for these assets to be maintained with a 'B' rating for Condition. East Lothian Council is obliged to plan for the curriculum refresh of fixed assets, to ensure that the facilities are brought into line with appropriate standards for education delivery and to fulfil ambitions for equity of access to education, across the Learning Estate.

## 9. Education Policy Development

East Lothian Council is committed to ensuring that its Learning Estate fully aligns itself to the 10 Guiding Principles included in *Scotland's Learning Estate Strategy: Connection People, Places and Learning*. [Learning estate strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/learning-estate-strategy-connection-people-places-and-learning/)



