EAST LOTHIAN COUNCIL DEPARTMENT OF RESOURCES AND PEOPLE SERVICES

THIS IS A PROPOSAL DOCUMENT

Proposal:

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

That subject to the outcome of this consultation exercise:

- Levenhall Nursery School will be closed and re-designated to Pinkie St Peter's Primary School Nursery Class;
- The re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class will take effect from August 2017; 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.

The following schools are **directly affected** by this proposal:

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

In accordance with the *Schools (Consultation) (Scotland) Act 2010*, East Lothian Council wants to hear your views on the proposal to close and re-designate Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class.

Within this Proposal Document you will find information about the proposal, the reasons behind it, their likely impact and how you can tell us what you think about them.

There is also a short questionnaire at the end of this document that we are inviting as many people affected as possible to complete and return.

The Council is keen to receive comment on the proposal to close and re-designate Levenhall Nursery School to a stage within Pinkie St Peter's Primary School.

East Lothian Council would like to thank you in advance for your help and co-operation as your views are extremely important to us.

We would like to be as open as possible with the results of this consultation so please note that your response will be anonymised and made public at the end of the consultation period. You may wish to ensure that you do not give any identifying details in your response. If you don't wish your response to be made public, you can specify this in the questionnaire and within any written response.

DISTRIBUTION

A copy of this document, and an information leaflet, are available on the East Lothian Council Consultation Hub:

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

Paper copies of the information leaflet will be available at:

- 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
- Olivebank Child and Family Centre,
- 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
- Musselburgh Library
- Brunton Hall, and
- John Muir House, Haddington.

Paper copies of the consultation document, including the questionnaire, will also be available at:

- 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.

Versions of this document can be supplied in Braille, large print, audiotape or in your own language. Please phone the Public Information Officer on 01620 827199.

To be taken into consideration, responses to the consultation must be received by **Wednesday 26th April 2017**. These can be made electronically through the online consultation questionnaire on East Lothian Council's Consultation Hub at:

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

Written responses can be returned to Levenhall Nursery Consultation, East Lothian Council, Resources and People Services, John Muir House, Haddington, EH41 3HA.

You can also deposit your written response in one of the collection boxes at the following locations from **Wednesday 1**st **March 2017** until **Wednesday 26**th **April 2017**:

- Pinkie St Peter's Primary School
- Levenhall Nursery School
- Musselburgh East Community Learning Centre

The affected consultees are:

- 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

SUMMARY OF PROCESS FOR THIS PROPOSAL DOCUMENT

Schools (Consultation) (Scotland) Act 2010

- 1. The Council has a number of statutory duties relating to the provision of education in its area including the statutory consultation that must be undertaken when proposing a permanent change to any of their schools, including nursery schools, such as closure, relocation or change of catchment area. The Schools (Consultation) (Scotland) Act 2010 principle purpose is:
 - "... to provide strong, accountable statutory consultation practices and procedures that local authorities must apply to their handling of all proposals for school closures and other major changes to schools."
- 2. This Proposal Document has been prepared in accordance with the Schools (Consultation) (Scotland) Act 2010, having regard to the statutory guidance published by the Scottish Government on 14th May 2015, both of which are available for reference at the following websites:

Schools (Consultation) (Scotland) Act 2010: http://www.legislation.gov.uk/asp/2010/2/contents Statutory Guidance (14th May 2015): http://www.gov.scot/Publications/2015/05/4615

3. The process for consultation, summarised in this section, details how the Council is undertaking this consultation.

Consideration by Council

- 4. The *Education (Scotland) Act 1980* places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. This document has been developed with reference to East Lothian Council's vision for education and will allow the Council to manage its estate in light of a growing community within the local area as a result of committed and planned developments within the emerging Local Development Plan (LDP).
- 5. This Proposal Document has been issued as a result of a decision by East Lothian Council on 24th February 2015 that the Council can undertake consultations regarding the school estate relating to the LDP and report back to Council on the outcomes of any such consultations in order that the Council can make a decision on any proposed changes.

Proposal Document issued to consultees and published on East Lothian Council's website

6. An information leaflet setting out details about the proposal and consultation meetings will be issued to the consultees listed on page 4. Advice on where the complete Proposal Document can be obtained will be included and published on East Lothian Council's Consultation Hub:

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

- 7. If requested, copies of the proposal will also be made available in alternative formats or translated for readers whose first language is not English.
- 8. A "Frequently Asked Questions" document has also been prepared which is also available on East Lothian Council's Consultation Hub:

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

Publication of advertisement in local newspapers

9. An advertisement will be placed in the local newspaper on 2nd March 2017 and 16th March 2017. A pre-announcement will also be made on the Council's website and social media posts on the 28th February 2017. In addition, there may be announcements related to the Proposal process on East Lothian Council's website, Facebook page and Twitter feeds.

Length of Consultation period

10. The consultation period will commence on **Wednesday 1st March 2017** and last until close of business on **Wednesday 26th April 2017**, being a period of eight weeks, which also includes the minimum 30 school days.

Format of Public meetings

11. A public meeting will be held at **Musselburgh Grammar School on Tuesday 21**st **March 2017 at 7pm**, the details of which are set out below in paragraphs 20-24.

Involvement of Education Scotland

- 12. When the Proposal Document is published, a copy will be sent to Education Scotland by East Lothian Council. Education Scotland will also receive a copy of any relevant written representations that are received by the Council from any person during the consultation period or, if Education Scotland agree, a summary of them. Additionally, Education Scotland will receive a summary of any oral representations made to the Council at the public meetings and drop in sessions that will be held and, as available, a copy of any other relevant documentation.
- 13. Education Scotland require three weeks within which to prepare a report on the educational aspects of the proposal after the Council has sent them all representations and documents mentioned above. The three-week period will not start until after the consultation period has ended. In preparing their report, Education Scotland may visit the affected schools and make such reasonable enquiries of such people there as they consider appropriate.

Preparation of Consultation Report

14. The Council will review the proposal having regard to the Education Scotland report, written representations that it has received and oral representations made to it by any person at the public meeting and drop in session. It will then prepare a final Consultation Report. The Consultation Report will be published in electronic and printed formats and will be advertised in the local newspapers. It will be available on the Council website and from Council Headquarters (John Muir House), public libraries in the vicinity of the affected schools, and the affected schools. Anyone who made written representations during the consultation period will also be informed about the report. The Consultation Report will include a record of the total number of written representations made during the consultation period, a summary of the written representations, a summary of the oral representations made at the public meetings and drop in sessions, the Council's response to the Education Scotland Report as well as any written or oral representations it has received, together with a copy of the Education Scotland Report and any other relevant information. It will also set out the

actions the Council has taken to address any alleged inaccuracies and omissions notified to it. The Consultation Report will also contain a statement explaining how it complied with the requirement to review the proposal in light of the Education Scotland Report and representations (both written and oral) that it had received. The Consultation Report will be published and be available for further consideration for a period of 3 weeks.

Decision

15. The Consultation Report together with any other relevant documentation will be considered after the end of the 3-week period, by the Council who will come to a final decision on this matter.

Scottish Ministers Call-in

- 16. At the end of the consultation process, Section 15 of the *Schools* (*Consultation*)(*Scotland*) *Act 2010* enables 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.
- 17. Beginning on the day that the final decision is taken, the Council has a period of six working days to notify Scottish Ministers of the decision. 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.
- 18. 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.

Note on Corrections

19. If any inaccuracy or omission is discovered in this Proposal Document either by the Council or any person, the Council will determine if relevant information has been omitted or, there has been an inaccuracy. It may then take appropriate action which may include the issue of a correction or the reissuing of the Proposal paper or the revision of the timescale for the consultation period if appropriate. In that event, relevant consultees and Education Scotland will be advised. The person, or persons, who have raised concerns, will receive an individual response to their submission.

Public Meeting and drop in session

- 20. A formal public meeting will be held to discuss the proposal. Anyone wishing to attend the public meeting is invited to do so. The public meeting, which will be convened by East Lothian Council will be addressed by the Head of Education, and other senior officers of the Council, and chaired by an independent person.
- 21. The public meeting will be an opportunity to:
 - Hear more about the proposal
 - Ask questions about the proposal
 - Have your views minuted so that they can be taken into account as part of the consultation process.
- 22. The public meeting will be held in **Musselburgh Grammar School on Tuesday 21**st **March 2017 at 7pm**.
- 23. A drop in session will be held on Wednesday 8th March 2017 at Pinkie St Peter's Primary School from 12.00pm to 5.00pm.
- 24. A minute will be taken at the public meeting of comments, questions and officer responses. A summary of the points raised will be published on the Council website, and a copy will be made available on request. These notes will also be forwarded to Education Scotland along with all other submissions and comments that are received by the Council during the consultation process as explained above.

EAST LOTHIAN COUNCIL

DEPARTMENT OF RESOURCES AND PEOPLE SERVICES

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That subject to the outcome of this consultation exercise:

- Levenhall Nursery School will be closed and re-designated to Pinkie St Peter's Primary School Nursery Class;
- The re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class will take effect from August 2017; 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.

The following schools are **directly affected** by this proposal:

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

This proposal document is therefore issued with the intention of seeking views on one issue:

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

Proposal for consultation

Introduction

- 25. The Council has a number of statutory duties relating to the provision of education in its 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. These statutory duties include but are not limited to:
 - i. Section 1 of the Education (Scotland) Act 1980 requires authorities to secure for their area adequate and efficient provision of school education: http://www.legislation.gov.uk/ukpga/1980/44/contents
 - ii. **Section 17** of the **Education (Scotland) Act 1980** requires authorities to provide sufficient accommodation in schools and other educational establishments under their management: http://www.legislation.gov.uk/ukpga/1980/44/section/17
 - iii. Part 1 of the Local Government in Scotland Act 2003 http://www.legislation.gov.uk/asp/2003/1/part/1 and the 2004 statutory guidance http://www.gov.scot/Publications/2004/04/19166/35250 requires authorities to secure best value in the delivery of services, which includes agreements for the construction or maintenance of buildings or works.
- 26. As part of its statutory duties under the *Schools (Consultation) (Scotland) Act 2010*, 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.
- 27. The *Education (Scotland) Act 1980* places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. This document has been developed with reference to East Lothian Council's vision for education and will allow the Council to manage its estate in light of a growing community within the local area as a result of committed and planned developments within the emerging LDP.
- 28. 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. 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.
- 29. 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.
- 30. 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.
- 31. 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.
- 32. 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.
- 33. 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.
- 34. 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.
- 35. The Council is now undertaking a statutory consultation exercise on a proposal 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. The Educational Benefits for this are set out in paragraphs 75 to 81 of this document.
- 36. Due to legislation it is not appropriate for the length of temporary "hosting" arrangements to exceed a period of 36 months. In order to meet the timescale for delivery of the new facility for occupancy from August 2018, or as soon as possible thereafter, it is necessary to go out to consultation for educational purposes in the Spring Term 2017.
- 37. It is believed that this proposal is the most reasonable, viable and appropriate course of action open to it in providing a permanent solution for Levenhall Nursery School in light of the growing community. The reasons for the Council coming to this view and consulting on this proposal are set out in this proposal paper.
- 38. 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 is considered in this Proposal Document:
 - Levenhall Nursery School
 - Pinkie St Peter's Primary School
- 39. The factors which have been considered in the development of this Proposal Document are:
 - 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.

Implementation of the proposal will mean:

- Levenhall Nursery School will be closed as a standalone nursery and re-designated to a stage within Pinkie St Peter's Primary School from August 2017;
- Levenhall Nursery School will permanently relocate from its original building, identified by the red square '1' on 'Map 1 map of locations' in Appendix 1, to the Pinkie St Peter's Primary School campus, identified by the blue polygon '2' on Map 1; and
- Children attending the re-designated Pinkie St Peter's Primary School Nursery Class

will transfer to permanent replacement accommodation within a new facility planned to be built within the Pinkie St Peter's Primary School campus, identified by the green circle '3' on Map 1 from August 2018, or as soon as possible thereafter.

Early Learning & Childcare Provision in East Lothian Council

- 40. Nursery classes are well established in Scotland and are an effective model for delivering high quality nursery provision. Early Learning and childcare provision within East Lothian Council is currently delivered through 2 stand alone nursery schools, 31 Local Authority nursery classes and 19 private and voluntary sector Partnership Centres.
- 41. In the spirit of the *Children and Young People (Scotland) Act 2014, Part 6* http://www.legislation.gov.uk/asp/2014/8/part/6 there are no defined catchment areas for Early Learning & Childcare (ELCC) settings and parents in East Lothian can choose the settings most appropriate for their children, depending on availability of places.
- 42. The Education Authority aims to offer ELCC provision wherever possible within local communities. Evidence from the nursery placement analysis over the last five years shows that 93% of eligible pre-school children in East Lothian attend ELCC provision within the cluster area in which they reside.
- 43. The Musselburgh Cluster has 7 local authority managed nursery establishments. Table 1 below details the current building capacity and pupil rolls of each local authority establishment as at February 2017. Nursery capacity is expressed as morning and afternoon places, e.g. if a nursery has a building capacity of 60/60 that means it has the physical capacity to accommodate 60 children in the morning session and 60 children in the afternoon session.

Table 1: Musselburgh Cluster Nursery Rolls & Capacity, February 2017

Establishment	Building Capacity (Aug 2016)	Pupil Roll (Feb 2017)
Campie PS Nursery Class	60 / 60	76
Musselburgh Burgh PS Nursery Class	40 / 40	60
Levenhall Nursery School	50 / 50	100
Loretto RC PS Nursery Class	20 / 20	40
Stoneyhill PS Nursery Class	30 / 30	54
Wallyford PS Nursery Class	40 / 40	56
Whitecraig PS Nursery Class	20 / 20	20

44. Pinkie St Peter's Primary School is the only primary school within the Musselburgh cluster that doesn't have its own local authority managed nursery class as Levenhall Nursery School has historically contributed towards the nursery provision in the local area.

45. Catchment analysis breakdowns from 2011/12 to 2015/16 shows that, on average, 98.2% of 3 to 5 year olds living in Musselburgh Cluster attended ELCC nursery provision within the Musselburgh area with 18.8% on average attending partner provider provision and 79.4% attending local authority managed establishments in the cluster.

Existing Provision at Levenhall Nursery School & Pupil Numbers

- 46. Levenhall Nursery School was built in 1977 and located in Moir Place, Musselburgh (identified by the red square '1' on 'Map 1 map of locations' in Appendix 1). The condition and suitability of the Levenhall Nursery School buildings are in category 'D Bad Life Expired'. Following the relocation of the nursery to Pinkie St Peter's Primary School through temporary "hosting" arrangements, the Council is undertaking detailed site investigation work to establish options for remediation of the building or redevelopment of the site.
- 47. 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 re-opened at the Pinkie St Peter's Primary School campus on Monday 18th May 2015 in temporary accommodation to allow intrusive structural investigation work to be carried out on the original Levenhall Nursery School building. The capacity of Levenhall Nursery School at the time of its temporary relocation was 50/50 (50 pupils in the morning session and 50 pupils in the afternoon session). The nursery roll at that time was 92 3-5 year olds.
- 48. The Council worked closely with the Care Inspectorate and the Head Teacher of Levenhall Nursery School before and after the move to the temporary accommodation to ensure that the current temporary facility meets the standard required for provision of nursery education.
- 49. Levenhall Nursery School currently provides early years education within the Musselburgh cluster with capacity for 50 children (morning & afternoon) aged 3-5. The number of children attending Levenhall Nursery School as at February 2017 is 100 3-5 year olds.
- 50. As stated in paragraph 46, the condition of the nursery building at Moir Place has been given a rating of 'D' and is considered to be life expired.
- 51. Condition ratings are based on Scottish Government criteria measured on an A-D scale, representing:

A: Good Performing well and operating efficiently

B: Satisfactory Performing adequately but showing minor deterioration
C: Poor Showing major defects and/or not operating adequately

D: Bad Economic life expired and/or risk of failure

52. The roll for Levenhall Nursery School is expected to increase over the next four years to

- a peak of 167 pupils, fluctuating thereafter between approximately 130 and 153 pupils 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 LDP.
- 53. A new facility is planned to permanently accommodate the proposed re-designated Pinkie St Peter's Primary School Nursery Class and the Council has committed the funding for the new provision in its budget approved by Council on 21st February 2017. This will replace the existing Levenhall Nursery and provide additional capacity for projected children arising from new housing developments in the local area.
- 54. The location of the planned new facility is identified by the green circle '3' on Map 1.
- 55. While Levenhall Nursery School is registered as a stand-alone nursery school, the current staffing, budget and management operation is in line with the nursery class model which is in operation across East Lothian Council's authority managed nursery establishments, reflecting the shared headship with Pinkie St Peter's Primary School.
- 56. In line with the Scottish Government's intention to increase the entitlement of funded Early Learning and Childcare from the current of 600 hours per pupil per calendar year to 1140 hours by 2020 for all 3 & 4 year olds and eligible 2 year olds the Council plans to introduce more flexible arrangements for parents/carers. The new facility will be included in the Council's strategic planning for the delivery of 1140 hours.

Determining Nursery School Building & Nursery Class Capacity

- 57. The maximum capacity for nursery classes under the management of education authorities are restricted by Care Inspectorate requirements for the buildings (net area of classroom spaces and numbers of pupil toilets) based on The School Premises (General Requirement and Standards) (Scotland) Regulations 1967 (as amended) http://www.legislation.gov.uk/uksi/1967/1199/made and the 'National Care Standards early education and childcare up to the age of 16' (revised September 2009) http://www.gov.scot/Resource/Doc/349451/0116828.pdf
- 58. The overall size of primary and nursery schools is based on the area allocation required for the projected pupil numbers using the Scottish Futures Trust standard area metrics. Nursery places are generally expected to be delivered within the same metric as the relevant primary school band. For example, a single stream primary school with a design capacity of 231 pupils would be expected to be delivered within $8.5m^2$ per pupil. If the school also had a 30/30 nursery this would be expected to be delivered within the same $8.5m^2$ per pupil rate so a total of $(231+30) \times 8.5 = 2,218.5 \text{ m}^2$.
- 59. A schedule of accommodation is developed from the global space allocation including, but not limited to, general classrooms, and other specialist spaces, ICT, art, music, drama and PE areas, together with general core accommodation for social, dining and staff. The schedule of accommodation for the new facility will be developed through consultation

between the Council and relevant stakeholders from the school and wider community including Community Planning partners.

Projected Nursery Population Data

- 60. When looking at service delivery and planning for growth for eligible pre-school children, the Education Authority uses a combination of data from the six Cluster Areas and the Primary Catchment Areas as operational geographical tools for forecasting future demand for ELCC provision. Forecasts, by primary catchment area, provide the basis for the underlying assessment of eligible pre-school children arising from new and existing housing within each catchment area. As the Council delivers ELCC provision through both Local Authority and Partnership Centres, the catchment area forecasts are added together to produce Cluster Area forecasts so that an assessment can also be made against the combined total of ELCC places across the Cluster.
- 61. Where, due to new housing, the projected Cluster Area forecast exceeds the Cluster Area capacity, the Education Authority then uses evidence from the nursery placement analysis. This allows us to assess what proportion of the eligible pre-school children attend the Local Authority settings within each school catchment where the new housing is being built. This then enables us to determine the proportionality of additional ELCC places required in each local authority catchment area. If new housing is being built in a catchment area that does not have a local authority setting, then we would look to increase capacity at local authority settings within the Cluster that eligible pre-school children from that catchment typically attend.
- 62. The methodology for forecasting eligible pre-school populations was developed by East Lothian Council during 2015 and 2016.
- 63. The Council takes a number of factors into account when projecting pre-school rolls, gathering information from NHS Lothian and information held on the Education Management Information System. The key factors influencing each population forecast for nursery capacity are:
 - baseline population roll for each early years establishment
 - the number of births in each primary catchment area and cluster in East Lothian
 - birth to nursery migration rates for each catchment area and cluster
 - the proportionality of nursery children attending each local authority managed early years establishment within each catchment area and cluster
 - the number of houses committed and planned to be built in each catchment area
- 64. The pre-school population projections are trends-based forecasts and take into consideration a wide range of evidence from the local catchment area and/or establishment (as appropriate) including the number of births and eligible pre-school

- children arising from new build housing developments and attending East Lothian local authority managed early years establishments.
- 65. The Council acknowledges that it is difficult to accurately predict pupil rolls over a long timeframe. The projections are a best estimate of what the size of each relevant population will be in the future when particular assumptions are made on the baseline roll. The assumptions applied are based on current demographics, averages and historical trends and do not allow for future changes in local or national policy that may also influence population changes.
- 66. The projections are strongly influenced by the initial baseline population as well as proposed new house build. Material changes in the number and phasing of proposed new houses between different planning applications being lodged may subsequently change previously modelled projections. Similarly, changes in baseline population and occupancy levels can have an impact on whether a proposed development can be accommodated within existing education capacity or not. As the baseline changes each year and house completion rates change it then impacts on the assumptions that are made about future births, birth to nursery migration rates etc. The process of population change is cumulative and therefore the reliability of projections decreases over time. Projections for areas with small populations are also less reliable as baseline population changes have a bigger impact more quickly than in areas with larger populations.

Proposal for consultation

Introduction

- 67. Taking account of all of the information contained within Paragraphs 25 to 66 of this report it can be evidenced that:
 - the condition of the Levenhall Nursery School building at Moir Place is considered to be life expired;
 - the proposal to close Levenhall Nursery School as a stand-alone school and redesignate as a nursery stage within Pinkie St Peter's Primary School will formalise current operational and management operations already in place under a single management structure with Pinkie St Peter's Primary School;
 - a new facility is planned to permanently accommodate the proposed re-designated Pinkie St Peter's Primary School Nursery Class and the Council has committed the funding for the new provision in its budget approved by Council on 21st February 2017;
 - The new facility will be accessible both in public transport and sustainable transport terms being in close proximity to Pinkie St Peter's Primary School.

Proposal

- 68. If approved and implemented this proposal would result in:
 - The closure and re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class

Transition arrangements

- 69. 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.
- 70. 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.
- 71. 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.
- 72. 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.
- 73. Children attending the re-designated nursery class will transfer to a new permanent facility from August 2018, or as soon as possible thereafter.
- 74. All early years practitioners and support staff in post at the point of movement will transfer into the new facility.

Education Benefits Statement

75. The Educational Benefits Statement, for the proposal, has been prepared having regard to the Guidance and Explanatory Notes published by the Scottish Government in association with the *Schools (Consultation) (Scotland) Act, 2010* and which are available for reference at the following websites, respectively:

www.scotland.gov.uk/Resource/Doc/91982/0097130.doc

http://www.legislation.gov.uk/asp/2010/2/contents

"An education authority shall endeavour to secure improvement in the quality of school education which is provided in the schools managed by them; and they shall exercise their functions in relation to such provision with a view to raising standards of

education."

- 76. As required by the *Schools (Consultation) (Scotland) Act, 2010*, this Educational Benefits Statement is written from the perspective of benefits, should the proposal be implemented. Additionally the self-evaluation tool provided by Education Scotland was used to ensure compliance with the amended procedures now in place from the Act.
 - A. The East Lothian Partnership's aim for East Lothian is set out in its statement of intent:

"We will work in partnership to build an East Lothian where everyone has the opportunity to lead a fulfilling life and which contributes to a fair and sustainable future."

- B. East Lothian Council's vision is to provide the best education service in Scotland via Inclusion, Achievement, Ambition, Attainment and Progress for All. We strive to achieve our vision and these principles through the actions taken by the Education Service to improve the quality of experiences we provide for children, young people, adults and families of East Lothian.
- C. The Early Level in Curriculum for Excellence is intended to outline the experiences and outcomes for children from nursery to the end of Primary 1 (3-6 years). The redesignation of Levenhall Nursery School as a nursery class supports continuity and progression in young children's learning and will further develop and enhance current arrangements in place through the shared headship.
- D. The transition and continuity in learning between nursery and primary is enhanced by strong, consistent leadership across the Early Level. Young children will benefit from seamless transition between pre-school and primary with staff and management who know them well.
- E. The proposed closure and re-designation of the nursery school to a nursery class within Pinkie St Peter's Primary School will provide the opportunity to develop a coherent and progressive curriculum from Early Level through to Second Level. It will also provide the opportunity to develop consistent learning and teaching experiences for pupils across both existing schools. This should effect much smoother pastoral and curricular transitions.
- F. The provision of a new facility will make a clear statement about the value the Council places on investing in education and lifelong learning, and provide a new vibrant learning community. The new early learning and childcare provision will offer children the opportunity to play, learn and develop within a state-of-the-art facility which will benefit from modern design and materials and consider good practice learned through collaborative working with other Councils and through experience

- and good practice developed within East Lothian. The building will be sustainable and energy efficient.
- G. A new facility will signal to the whole community how East Lothian Council values 21st century learning. This new build will represent best value through the effective and efficient use of Council resources. By locating the new facility at the heart of the existing community, it will provide a hub for learning, activities and facilities that will make a contribution to improving people's health and wellbeing, adding to the strength and vibrancy of its community.
- H. The proposed new facility will provide excellent facilities for children, families and other users outwith core school hours. The new facility will provide accessible facilities that could be used to meet the learning, leisure and social needs of the community.
- I. A new modern facility will benefit the whole community and support East Lothian Partnership's overarching priority to reduce inequalities both within and between our communities and the delivery of the 3 strategic objectives:
 - Sustainable Economy
 - Resilient People
 - Safe and Vibrant Communities
- J. A new nursery facility will provide an opportunity to increase the capacity of the nursery in line with the projected population increase in a high quality learning environment with direct access to a secure dedicated outdoor play area.
- K. It is important that the facility is flexible and allows the creative and multiple-use of spaces by the staff and children, and also by the community.
- L. Experience in our other new school buildings has demonstrated that a new and flexible learning environment has inspired pupils and has a positive impact on the general health and wellbeing of learners, increases aspirations, attainment, achievement and positive destinations beyond school.
- M. The specific layout and plans for the new facility will be developed in due course and will be made available through further consultation with key stakeholders through the establishment of a User Reference Group and other associated meetings. The purpose and role of the User Reference Group is to assist with providing relevant local information to allow the Design Team to develop the outline concept design into an operational design. The User Reference Group normally consists of representatives such as an Education Officer, Architectural Design, Head Teachers, Pupil Council representatives, Parent Council representatives, Community Learning and Development, Library representative etc.

- N. The new facility will benefit from design practices which support the varied range of play and teaching environments that best deliver learning. Spaces for learning will be designed in such a way as to allow a range of teaching styles and approaches including: active learning and outdoor learning. Provision of a new facility within the same campus as the primary school will enhance transition arrangements and peer collaboration.
- O. The digital technologies will provide a platform for emerging and new technologies to be used to support learning and enable the full potential of the use of technologies to the benefit of children, including learning opportunities with their peers within schools across East Lothian and beyond. The provision of high quality technology for learning will provide the potential to transform ways of learning and teaching by giving children and staff flexible and ubiquitous access to a fully digital learning environment.
- P. The new facility will promote skills for learning, life and work and deliver positive outcomes for children in a modern well-equipped environment.
- Q. All early years practitioners and support staff in post at the point of movement will transfer into the new facility.
- R. The new facility will ensure that accessibility for learners with disabilities complies with the Council's Accessibility Strategy and the Equality Act (2010). The new facility will be designed in such a way as to promote accessible, inclusive learning which will meet the needs of all children including those with Additional Support Needs.
- S. For those children with Additional Support Needs there are well established procedures to identify particular learning needs and provide the required support measures. Such work involves close liaison with parents and carers and, where relevant, Community Planning Partners.
- T. Pupil Support staff and teaching staff will work closely together to ensure that the learning, pastoral and social needs of children are fully supported during the transition process, including enhanced arrangements for children and young people with Additional Support Needs.
- U. The new facility will build on current, and facilitate new, opportunities for effective integrated working with other services and partner agencies and will provide necessary support to children and families in the local community.

Summary – Balancing Educational Benefits

77. In considering how educational benefits weigh against any potential disadvantages reference should be made to the impact on the other schools and communities within the area. All of the schools affected by this proposal currently provide an effective

education for their children and young people. Section 1 of the *Education (Scotland) Act* 1980 requires Councils to secure for their area adequate and efficient provision of school education. Section 17 of the Act requires Councils to provide sufficient school accommodation. The Act therefore places a legislative duty on the Council to plan for the growth in our communities. The Council recognises this duty as an opportunity to enhance the learning opportunities for young people whilst bringing positive benefits to the whole community.

- 78. The Council believes this proposal will 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.
- 79. This proposal aims to formalise existing temporary operational management and shared campus arrangements that are already in place under the shared headship. Therefore, the proposed closure and re-designation of the nursery school to a nursery class within Pinkie St Peter's Primary School will have a positive impact on the children in both schools by further developing and enhancing a shared vision, values and aims from the nursery class through to P1 and beyond in both schools.
- 80. The provision of a new facility will have a positive impact for both schools and the local community by providing high quality learning and childcare. It is anticipated that this proposal may have wider benefits to the community in respect of:
 - local employment opportunities
 - apprenticeships on the construction of the new facility
- 81. It is believed that this proposal will positively impact on local, social and economic activities and will support the local development of the area.

Consideration of alternative options

- 82. The alternative to the closure and re-designation of Levenhall Nursery School as a standalong nursery school to a stage within Pinkie St Peter's Primary School is to close and make no further provision for early learning and childcare within the area, which is not in line with the Council's vision.
- 83. To purchase and secure land in another area of the community to build a free-standing facility would not represent best value.

Sustainability

84. Sustainability will be a key factor in the design of the new facility and will be incorporated into every feasible aspect. This ranges from the materials used to the heating system and the lighting provided, and also to the landscaping of the external site

to encourage biodiversity.

Likely effect caused by different travelling arrangements

85. There is no direct impact on the current travelling and transport arrangements for children attending Levenhall Nursery School as a result of this proposal.

Management of Proposals

- 86. If approved, the closure and re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class will take effect from August 2017.
- 87. The proposal will formalise current management operations that are already in place through the shared headship under a single management structure with Pinkie St Peter's Primary School.
- 88. It is intended that children attending the proposed re-designated nursery class will transfer to the new permanent facility from August 2018, or as soon as possible thereafter.
- 89. The proposed new facility will be planned and constructed in close consultation with the school community, giving particular consideration to minimising disruption to the operation of the school and the Health and Safety of all users.
- 90. High on the list of priorities for officers would be the development of a comprehensive transition programme to support the transition into the new facility.
- 91. The Council will continue to consult and engage with affected stakeholders through the development and implementation of the planned transition arrangements to the new facility. Timescales of the construction of the new facility will be closely monitored by East Lothian Council and one year's notice of the opening date will be communicated to parents and the public to assist transition preparation. This date would be the expected opening date, subject to ongoing construction timescales. The opening of the facility would not be before this date, and any amendments to this timescale would likewise be communicated as soon as possible.

Staff Implications

- 92. 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.
- 93. 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.

Financial Implications

94. 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. 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 DSM policies and the approved Scheme of Delegation for Schools.

Revenue Budget Implications

95. The current budget for 2016/17 is set out in Table 2 below along with an indicative budget for 2017/18.

Table 2 – 2016/17 Revenue Budget & Indicative Budget for 2017/18

Budget Heading	Pinkie St Peter's PS & Levenhall NS Budget 2016/17 (£)	Indicative Budget for 2017/18 (£)	Potential change (£)
Core Staff – Primary	857,533	884,445	+26,912
Core Staff - Nursery	207,712	210,135	+2,423
Other Employee costs (inc Support for Learning staff & absence cover)	251,153	223,093	-28,060
Staff Development	1,973	2,101	+128
Energy Costs	41,590	41,590	0
Educational Supplies – core & nursery	22,202	23,356	+1,154
Sub Total	1,388,253	1,384,720	-3,533
Efficiency savings & ICT charges	-30,296	-27,735	-2,561
Pupil Equity Fund		111,600	+111,600
Total Budget	1,357,956	1,468,585	+110,629

- 96. The budget for 'Core Staff Nursery' is for Nursery Class staff only Nursery Teachers and Nursery Nurses. The 'Core Staff Primary' budget contains an allocation for Management and non-teaching staff for the Nursery based on capacity. All other budget headings include an allocation for both Nursery and Primary.
- 97. The indicative budget for 2017/18 is based on the draft budget as at February 2017 and does not reflect the full allocation of funding for core staff or for Support for Learning for 2017/18. This will be finalised during the coming months as class numbers and the exceptional needs allocations are agreed for the forthcoming academic session.

- Therefore the draft budget for 2017/18 in Table 2 above will be lower than the actual final approved budget for 2017/18.
- 98. Pupil Equity Funding is additional funding allocated directly to schools and targeted at closing the attainment gap. The Scottish Government has committed to this funding as part of the Scottish Attainment Challenge programme from 2017-18. The Pupil Equity Funding forms part of the £750m Attainment Scotland Fund. Funding must provide targeted support for children and young people affected by poverty to achieve their full potential. Although the Pupil Equity Funding is allocated on the basis of P1 to S3 pupils known to be eligible and registered for free school meals, Head Teachers can use their professional judgement to bring additional children in to the targeted interventions.
- 99. 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.

Capital Budget Implications

- 100. 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.
- 101. 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. The costs for interventions needed to deliver the LDP strategy and sites are identified and apportioned in line with Scottish Government Circular 3/2012.
- 102. 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 which will be the subject of legal agreement with relevant landowners.

Integrated Impact Assessment

- 103. An integrated impact assessment has been undertaken as part of the consultation as it is important to understand how the needs of different groups may differ. Integrated Impact Assessment is a tool which enables the Local Authority to consider the needs of different groups. It enables it to:
 - Develop better policies and practices, based on evidence
 - Prevent or mitigate negative impacts on determinants
 - Take effective action on key social policy areas including equality and human rights, poverty and the economy
 - Meet legal requirements in relation to equality, sustainability and the environment

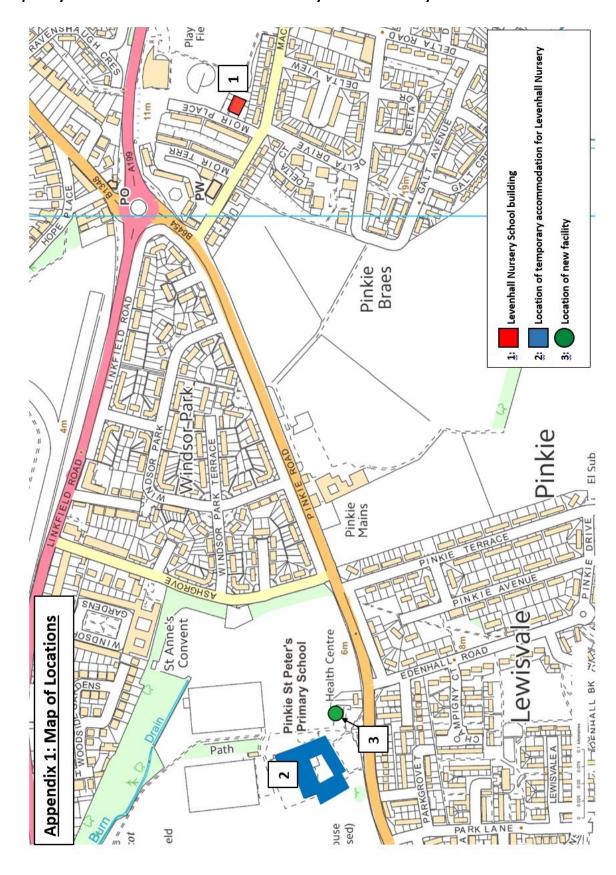
- and the need to promote human rights in all areas of life
- Consider the potential to advance/hinder the wellbeing of children and young people
- Be more transparent and accountable
- 104. The Local Authority is required by legislation to assess its proposals for equality impact to ensure that it does not unlawfully discriminate.
- 105. East Lothian Council will continue to consider the implications of this proposal in relation to equality, to reflect any issues raised in writing or oral representation made as part of the consultation process. The result of the Integrated Impact Assessment will be included in the final Consultation Report document.

Conclusion

- 106. The Council believes that the measures proposed in this document will bring significant education benefits to children and enhance the provision of early learning and childcare provision in East Lothian.
- 107. The proposal will 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.
- 108. The proposal will formalise current management operations that are already in place through the shared headship under a single management structure with Pinkie St Peter's Primary School. The re-designation of Levenhall Nursery School as a nursery class supports continuity and progression in young children's learning and will further develop and enhance current arrangements in place through the shared headship. Young children will benefit from seamless transition between pre-school and primary with staff and management who know them well.
- 109. A new facility will provide an opportunity to increase the capacity of the nursery in line with the projected population increase as well as provide a high quality learning environment with direct access to a secure dedicated outdoor play area. The new facility will also bring positive benefits to the whole community.
- 110. Environmental impacts have been summarised and detailed work will continue to be undertaken as part of the environmental assessment for this proposal.
- 111. Overall, there are strong educational, economic and social arguments in favour of this proposal.
- 112. Due to legislation it is not appropriate for the length of temporary "hosting" arrangements to exceed a period of 36 months. In order to meet the timescale for

delivery of the new facility for occupancy from August 2018, or as soon as possible thereafter, it is necessary to go out to consultation for educational purposes in the Spring Term 2017.

Appendix 1 – Map of locations showing Levenhall Nursery School building at Moir Place, temporary accommodation for Levenhall Nursery and new facility.



School Consultation Questionnaire



A Public Meeting will be held to discuss the proposals on Tuesday 21 March 2017 in Musselburgh Grammar School at 7.00pm.

Please note – the closing date for submission of Consultation Questionnaires is Wednesday 26th April 2017.

whet	would like to make all comments made by the pu her by letter or electronically should know that onse to be publicly available, they should tick the	t their response will be o						
	sh my response to be considered as confidential e made available to the public"	with access restricted to	elected members and council office	ers of East Lothian Council. My	comments will			
1.	Are you responding to this questionnaire as an individual or on behalf of an organisation?							
	Individual							
	Group / organisation (please give details in the box below)							
2.	Which category best describes you	u? (Parents – pleas	se tick more than one box	if you have children a	t different			
	schools)	Levenhall	Pinkie St Peter's	Other School				
		Nursery School	PS					
	Parent of current pupil(s)							
	Parent of future pupil(s)							
	Pupil							
	Member of staff							
	Other (please give details in the box below, for example, 'local resident')							
3.	3. If you are a parent, please indicate which stage of education your child / children currently attends (please tick all that apply)							
	Not yet in Education		P4 – P7					
	Pre-school Education (age3-5)		S1 – S6					
	P1 – P3		No longer in school Educa	ation 🗌				

Subject to the outcome of this consultation, Levenhall Nursery School will be closed and re-designated to Pinkie St Peter's Primary School Nursery Class. The re-designation of Levenhall Nursery School to Pinkie St Peter's Primary School Nursery Class will take effect from August 2017. 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.

Further detailed information can be found in the **Consultation Document** and at www.eastlothianconsultations.co.uk/education/levenhall-nursery-consultation

Continued over.../

4. To what extent do yo to Pinkie St Peter's Pr	-	• •	al to close and re-d	lesignate Levenhall	Nursery School
Strongly agree					
Agree					
Disagree					
Strongly disagree					
No opinion					
Please use this box if you proposals (if you need to	_		-	make any further c	comment on the
Thank you for completing completed questionnaires			, please note the	e closing date for	submission of
You can return your compl	eted questionnaire k	y post to:			
Levenhall Nurser East Lothian Cou Resources and Pe	ncil				

Or deposit it in one of the collection boxes at the following locations (available from Wednesday 1^{st} March 2017 until Wednesday 26^{th} April 2017):

• Levenhall Nursery School

John Muir House Haddington EH41 3HA

- Pinkie St Peter's Primary School
- Musselburgh East Community Learning Centre