

**EAST LoTHIAN COUNCIL**  
**DEPARTMENT OF RESOURCES AND PEOPLE SERVICES**

**Statutory School Consultation**

**THIS IS A PROPOSAL DOCUMENT**

This consultation is on two distinct proposals:

**Proposal 1 – Proposed Closure and re-designation of North Berwick Nursery School to Law Primary School Nursery Class**

That subject to the outcome of this consultation exercise on Proposal 1:

- North Berwick Nursery School will be closed and re-designated to Law Primary School Nursery Class.
- The re-designation of North Berwick Nursery School to Law Primary School Nursery Class will take effect from August 2018.

The following schools are **directly affected** by Proposal 1:

- Law Primary School
- North Berwick Nursery School

**Proposal 2 – To alter the school catchment areas of Dirleton Primary School and Law Primary School**

That subject to the outcome of this consultation exercise on Proposal 2:

- The catchment area of Law Primary School will be extended to include the whole of the new residential development at Ferrygate (Local Development Plan Proposal NK5, *hereinafter referred to as 'Ferrygate Meadow (NK5)'*) and the houses in the area of Westerdunes Park, North Berwick currently in the catchment area of Dirleton Primary School.
- The proposed changes to the Law Primary School and Dirleton Primary School catchment areas will become operational with immediate effect.

The following schools are **directly affected** by Proposal 2:

- Dirleton Primary School
- Law Primary School

In accordance with the *Schools (Consultation) (Scotland) Act 2010*, East Lothian Council wants to hear your views on Proposal 1: to close and re-designate North Berwick Nursery School to Law Primary School Nursery Class and Proposal 2: to alter the catchment areas of Dirleton Primary School and Law Primary School.

Within this Proposal Document you will find two sections with information about the two proposals, the reasons behind them, their likely impact and how you can tell us what you think about them. Section A contains information about Proposal 1 and Section B contains information about Proposal 2.

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 Proposal 1: to close and re-designate North Berwick Nursery School to Law Primary School Nursery Class and Proposal 2: to alter the catchment areas of Dirleton Primary School and Law 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/northberwickconsultation>

Paper copies of the information leaflet will be available at:

- Dirleton Primary School
- Law Primary School
- North Berwick Nursery School
- Aberlady Primary School
- Athelstaneford Primary School
- Gullane Primary School
- Fenton Barns Nursery
- Mary Poppins Nursery
- Pumpkin Patch North Berwick Nursery
- Dirleton Playgroup
- Gullane Playgroup

- North Berwick Community Centre
- North Berwick Health Centre
- North Berwick Library
- John Muir House, Haddington.

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

- Dirleton Primary School
- Law Primary School
- North Berwick Nursery School
- Aberlady Primary School
- Athelstaneford Primary School
- Gullane Primary School
- Fenton Barns Nursery
- Mary Poppins Nursery
- Pumpkin Patch North Berwick Nursery
- Dirleton Playgroup
- Gullane Playgroup
- North Berwick Community Centre
- North Berwick Health Centre
- 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 **Monday 4<sup>th</sup> December 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/northberwickconsultation>

Written responses can be returned to North Berwick 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 **Tuesday 24<sup>th</sup> October 2017** until **Monday 4<sup>th</sup> December 2017**:

- Law Primary School
- Dirleton Primary School
- North Berwick Nursery School

### The affected consultees are:

- The Parent Councils of Law and Dirleton Primary Schools
- The parents/carers of children at North Berwick Nursery School, Law Primary School and Dirleton Primary School
- The parents/carers of any children expected to attend Dirleton Primary School, Law Primary School and North Berwick Nursery School within two years of the date of publication of the proposal paper
- The children at North Berwick Nursery School, Law Primary School and Dirleton Primary School
- The staff at North Berwick Nursery School, Law Primary School and Dirleton Primary School
- The trade union representatives of the above staff
- North Berwick Coastal Area Partnership
- North Berwick Community Council
- Gullane Area Community Council
- Dunpender 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 24<sup>th</sup> 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 two proposals 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/northberwickconsultation>

7. If requested, copies of the proposal document 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/northberwickconsultation>

#### **Publication of advertisement in local newspapers**

9. An advertisement will be placed in the local newspaper on **26<sup>th</sup> October 2017** and **16<sup>th</sup> November 2017**. A pre-announcement will also be made on the Council's website and social media posts on the **23<sup>th</sup> October 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 **Tuesday 24<sup>th</sup> October 2017** and last until close of business on **Monday 4<sup>th</sup> December 2017**, being a period of six weeks, which also includes the minimum 30 school days.

#### **Format of Public meetings**

11. A public meeting will be held at **North Berwick High School on Tuesday 21<sup>st</sup> November 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 two proposals 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.

### **16. Scottish Ministers Call-in**

17. 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 North Berwick Nursery School to Law Primary School Nursery Class.

18. 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.
19. 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**

20. 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**

21. A formal public meeting will be held to discuss the two proposals. 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.
22. The public meeting will be an opportunity to:
  - Hear more about the proposals
  - Ask questions about the proposals
  - Have your views minuted so that they can be taken into account as part of the consultation process
23. The public meeting will be held in **North Berwick High School** on **Tuesday 21<sup>st</sup> November 2017** at **7pm**.

24. A drop in session will be held on **Monday 6<sup>th</sup> November 2017** at **Dirleton Primary School** from **12.00pm to 5.00pm**.
25. Another drop in session will be held on **Thursday 9th November 2017** at **North Berwick Community Centre** from **12.00pm to 5.00pm**.
26. 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.



## PROPOSAL DOCUMENT – SECTION A

### Proposal 1:

#### Proposed Closure and re-designation of North Berwick Nursery School to Law Primary School Nursery Class

That subject to the outcome of this consultation exercise:

- North Berwick Nursery School will be closed and re-designated to Law Primary School Nursery Class.
- The re-designation of North Berwick Nursery School to Law Primary School Nursery Class will take effect from August 2018.

The following schools are **directly affected** by Proposal 1:

- Law Primary School
- North Berwick Nursery School

**Section A** of this proposal document is therefore issued with the intention of seeking views on:

- The closure and re-designation of North Berwick Nursery School to Law Primary School Nursery Class.

## Proposal for consultation

### Introduction

1. Education Authorities have a number of statutory duties in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education across their area, including the provision of education for eligible pre-school children and includes any school or Early Learning & Childcare centre, which are run by the Education Authority. These duties apply in respect of both the current school population and anticipated pattern of demand and 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.
2. 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.
3. The **East Lothian Council Plan 2017-2022** outlines the strategy the Council will follow and details the objectives and strategic goals it has set itself over the next five years to strive to meet its vision. The Council Plan sets out the following themes and objectives for the next five years:
  - Growing our Economy
  - Growing our People
  - Growing our Communities
  - Growing our Capacity
4. The overarching objective of ‘reducing inequalities within and across our communities’ that was adopted when the 2012-2017 Council Plan was reviewed in 2014 remains the overarching objective of the new Council Plan. Within this context, the provision of high-quality early learning and childcare has an important role in contributing to both the themes and objectives in the Council Plan.
5. 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. East Lothian's Education Service aims to provide the best education in Scotland through a relentless focus on Inclusion, Achievement, Ambition and Progress for All. We will all work together to Get it Right for Every Child and to ensure that all children and young people are Safe, Healthy, Nurtured, Active, Respected, Responsible and Included. To realise our vision we will:

- act with ambition and integrity to open minds to the rights and values of education and help everyone to achieve their potential;
- work together to nurture all our children and young people;
- demonstrate a community working together to make that difference for every child; and
- collectively strive for excellence and equity for all.

6. Our vision and values for education within East Lothian Council align with the Key Priorities in the National Improvement Framework for Scottish Education 'Achieving Excellence and Equity' (Scottish Government, January 2016) and 'Delivering Excellence and Equity in Scottish Education' (Scottish Government, June 2016):

- Improvement in attainment, particularly in literacy and numeracy;
- Closing the attainment gap between the most and least disadvantaged children;
- Improvement in children and young people's health and wellbeing; and
- Improvement in employability skills and sustained, positive school leaver destinations for all young people.

7. East Lothian Council has set out its vision for early learning and childcare in the 'Early Learning and Childcare Strategy 2016-2021', making a clear commitment to working with children, families and partners in the community to ensure that children have the best start in life and are ready to succeed. The Strategy outlines three guiding principles as follows:

- Deliver on the Scottish Government's commitment to increase the number of funded early learning & childcare hours for all three and four year olds and eligible two year olds from 600 to 1140 per year by 2020. Targeting support towards the parents, children and communities most in need.
- To close the attainment gap through early intervention and reduce the impact of disadvantage by providing targeted support to families facing additional pressures.
- To ensure an informed, well-qualified, skilled and motivated workforce to enable delivery of high quality early learning and childcare services capable of meeting future demand and challenges, as we move towards 1140 hours.

8. In August 2013 the Head Teacher of Law Primary School assumed the role of Head Teacher of North Berwick Nursery School under a shared headship arrangement following the retirement of the nursery school Head Teacher. There has been no local authority managed nursery class historically at Law Primary School as North Berwick Nursery School contributed towards the nursery provision in the local area.

9. While North Berwick 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 Law Primary School.
10. The Scottish Government recently announced plans to strengthen the role of Head Teachers as leaders of learning within the Education Governance: Next Steps 15th June 2017 (<http://www.gov.scot/Resource/0052/00521038.pdf>). East Lothian Council places a high importance on supporting our Head Teachers in developing the skills and knowledge to secure improvement in our schools. Over the past few years, the implementation of Curriculum for Excellence and the Scottish Government's new national outcomes for education as set out in the National Improvement Framework have brought about changes to the role of a Head Teacher. East Lothian Council considers formalising the shared headship across North Berwick Nursery School and Law Primary School through this proposal to be the preferable option in providing the Head Teacher with the ability to carry out effectively such duties associated with both recent and planned changes within education.
11. The Council is now undertaking a statutory consultation exercise on a proposal to formalise these operational and management arrangements and close North Berwick Nursery School as a stand-alone nursery school and re-designate it to a nursery stage within Law Primary School. The Educational Benefits for this are set out in paragraphs 42 to 46 of Section A of this Proposal Document.
12. It is believed that this proposal is the most reasonable, viable and appropriate course of action open to it in providing primary education and early learning & childcare provision within the context of these schools. The reasons for the Council coming to this view and consulting on this proposal are set out in Section A.
13. The proposed closure and re-designation of North Berwick Nursery School to Law Primary School Nursery Class will **directly affect** the following schools and is considered in this Proposal Document:
  - Law Primary School
  - North Berwick Nursery School
14. The factors which have been considered in the development of Section A of this Proposal Document are:
  - The responsibilities associated with the National Improvement Framework and the new duties proposed within Education Governance: Next Steps.
  - The responsibilities associated with the expansion of early learning and childcare from 600 to 1140 hours.
  - The duties placed on local authorities in relation to the efficient and effective management of the school estate.
15. If approved, implementation of this proposal will mean:

- North Berwick Nursery School will be closed as a standalone nursery and re-designated to a stage within Law Primary School from August 2018.

### Early Learning & Childcare Provision in East Lothian Council

16. 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 1 standalone nursery school, 30 Local Authority nursery classes and 18 private and voluntary sector Partnership Centres.
17. 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.
18. The Education Authority aims to offer early learning and childcare (ELCC) provision wherever possible within local communities. East Lothian Council manages and delivers early learning and childcare provision on a cluster model basis and this model informs the provision of early learning and childcare opportunities for children and families. Evidence from the nursery placement analysis over the last five years shows that on average 93% of eligible pre-school children in East Lothian attend ELCC provision within the cluster area in which they reside.
19. The North Berwick Cluster has 4 local authority managed nursery establishments. Table 1 below details the current building capacity and pupil rolls of each local authority establishment as at October 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: North Berwick Cluster Nursery Rolls & Capacity, October 2017**

Establishment	Building Capacity (Oct 2017)	Pupil Roll (Oct 2017)
Aberlady PS Nursery Class	20 / 20	23
Athelstaneford PS Nursery Class	20 am only	15
Gullane PS Nursery Class	30 / 30	39
North Berwick Nursery School	70 / 70	102

20. Law Primary School is one of two primary schools within the North Berwick cluster that does not have its own local authority managed nursery class as North Berwick Nursery School has historically contributed towards the nursery provision in the local area.
21. Cluster analysis breakdowns from 2011/12 to 2016/17 shows that, on average, 94% of 3 to 5 year olds living in the North Berwick Cluster attended ELCC nursery provision within the North Berwick area with 13% on average attending partner provider provision and 87% attending local authority managed establishments.

## **Existing Provision at North Berwick Nursery School & Pupil Numbers**

22. North Berwick Nursery School is located in premises joined to North Berwick Community Centre at Law Road, North Berwick. The current condition of the North Berwick Nursery School buildings are in category 'B – Satisfactory'. The current suitability is rated as category 'C-Poor'.
23. 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          |
24. North Berwick Nursery School currently provides early years education within the North Berwick cluster with capacity for 70 children (morning & afternoon) aged 3-5. The number of children attending North Berwick Nursery School as at October 2017 is 102 3-5 year olds. There are four nursery intake periods throughout the academic session in August, October, January and Easter. As a result the roll is likely to increase following each intake period.
25. The roll for North Berwick Nursery School, based on projections for the Proposed LDP 2016, is expected to increase over the next five years to a peak of 223 pupils, fluctuating thereafter between approximately 130 and 220 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.
26. In line with the Scottish Government's intention to increase the entitlement of funded ELCC from the current 600 hours per pupil per calendar year to 1140 hours by 2020 – for all 3 to 5 year olds and eligible 2 year olds - the Council plans to introduce more flexible arrangements for parents/carers. East Lothian Council's long-term vision for early learning & childcare provision in the North Berwick Cluster will be considered as part of the 1140 expansion plan.

## **Determining Nursery School Building & Nursery Class Capacity**

27. The maximum capacity for nursery classes under the management of education authorities is 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/ukxi/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>
28. 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<sup>2</sup> per pupil. If the school also had a 30/30 nursery this would be expected to be delivered within the same 8.5m<sup>2</sup> per pupil rate so a total of (231+30) x 8.5 = 2,218.5 m<sup>2</sup>.

### **Projected Nursery Population Methodology**

29. 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.
30. 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 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.
31. The methodology for forecasting eligible pre-school populations was developed by East Lothian Council during 2015 and 2016.
32. 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 ELCC 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 ELCC establishment within each catchment area and cluster
  - the number of houses committed and planned to be built in each catchment area
33. 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 ELCC establishments.
34. 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.

35. 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**

36. If approved and implemented this proposal would result in:

- The closure and re-designation of North Berwick Nursery School to Law Primary School Nursery Class.

37. Taking account of all of the information contained within paragraphs 1 to 35 of Section A of this Proposal Document it can be evidenced that:

- The proposal to close North Berwick Nursery School as a stand-alone school and re-designate as a nursery stage within Law Primary School will formalise current operational and management operations already in place under a single management structure within Law Primary School.

### **Transition arrangements**

38. If approved, the closure and re-designation of North Berwick Nursery School as a stand-alone nursery school to Law Primary School Nursery Class will take effect from August 2018.

39. Children currently attending North Berwick Nursery School and Law Primary School will not be significantly affected by the closure and re-designation as North Berwick Nursery School has been operating under a shared headship arrangement with Law Primary School since August 2013.

40. Parents of eligible pre-school children would continue to apply for early learning and childcare provision at the re-designated Law Primary School Nursery Class through the Council's existing Nursery Admissions processes.

41. Current management operations that are already in place through the shared headship will be formalised under a single management structure within Law Primary School.



## Education Benefits Statement

42. 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.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.”*

43. 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 achieve an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.”*

- 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 re-designation of North Berwick 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 Law 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. 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.

### **Summary – Balancing Educational Benefits**

44. 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. The Council recognises this duty as an opportunity to enhance the learning opportunities for young people whilst bringing positive benefits to the whole community.
45. The Council believes this proposal will improve the continuity and progression in learning across all curriculum areas and stages of learning.
46. This proposal aims to formalise existing temporary operational management 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 Law 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.

### **Consideration of alternative options**

47. The alternative to the closure and re-designation of North Berwick Nursery School as a stand-alone nursery school to a stage within Law Primary School is to continue with an informal shared headship arrangement which is not in line with the Council's vision and values for Education and Early Learning & Childcare.

### **Likely effect caused by different travelling arrangements**

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

### **Management of Proposals**

49. If approved, the closure and re-designation of North Berwick Nursery School to Law Primary School Nursery Class will take effect from August 2018.
50. The proposal will formalise current management operations that are already in place through the shared headship under a single management structure with Law Primary School.

### **Staff Implications**

51. 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.

52. 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

53. In August 2013 the Head Teacher of Law Primary School assumed the role of Head Teacher at North Berwick Nursery School under a shared headship arrangement. Due to the shared operational management arrangements, the budgets for North Berwick Nursery School and Law Primary School were brought together in 2015/16. 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

54. The current budget for 2017/18 is set out in Table 2 below along with the budget for 2016/17.

**Table 2 – 2016/17 and 2017/18 Revenue Budget**

<b>Budget Heading</b>	<b>Law PS &amp; North Berwick NS Budget 2016/17 (£)</b>	<b>Law PS &amp; North Berwick NS Budget 2017/18 (£)</b>	<b>change (£)</b>
Core Staff – Primary	1,331,429	1,393,588	+62,159
Core Staff - Nursery	289,186	280,171	-9,015
Other Employee costs (inc Support for Learning staff & absence cover)	293,164	262,984	-30,180
Staff Development	2,577	2,624	+47
Energy Costs	36,268	38,636	+2,368
Educational Supplies – core & nursery	37,473	38,249	+776
<b>Sub Total</b>	<b>1,990,097</b>	<b>2,016,252</b>	<b>+26,155</b>
Efficiency savings & ICT charges	-58,926	-54,653	+4,273
Pupil Equity Fund	<b>0</b>	31,200	+31,200
<b>Total Budget</b>	<b>1,931,171</b>	<b>1,992,799</b>	<b>+61,628</b>

55. 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.

56. The budget for 2017/18 does not reflect the full allocation of funding for ‘*Other Employee costs inc Support for Learning & absence cover*’ for 2017/18. This will be finalised during the coming

months as the exceptional needs allocations are agreed. Therefore the budget for 2017/18 in Table 2 above will be lower than the actual final approved budget for 2017/18.

57. 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.
58. 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**

59. There are no capital budget implications directly associated with this proposal.
60. 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.
61. Developer contributions will be sought from the developers of relevant sites towards the funding required to provide additional capacity 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**

62. 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
63. The Local Authority is required by legislation to assess its proposals for equality impact to ensure

that it does not unlawfully discriminate.

64. 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**

65. The Council believes that the measures proposed in Section A of this document will bring significant education benefits to children and enhance the provision of early learning and childcare in East Lothian. The re-designation of North Berwick 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.
66. The proposal will formalise current management operations that are already in place through the shared headship under a single management structure with Law Primary School.
67. The proposal will improve the continuity and progression in learning across all curriculum areas and stages of learning. Young children will benefit from seamless transition between pre-school and primary with staff and management who know them well.
68. There are no environmental impacts as a result of this proposal.
69. Overall, there are strong educational and social arguments in favour of this proposal.

## PROPOSAL DOCUMENT – SECTION B

### Proposal 2:

#### To alter the school catchment areas of Dirleton Primary School and Law Primary School

That subject to the outcome of this consultation exercise:

- The catchment area of Law Primary School will be extended to include the whole of the new residential development at Ferrygate (Local Development Plan Proposal NK5, *hereinafter referred to as 'Ferrygate Meadow (NK5)'* and the houses in the area of Westerdunes Park, North Berwick currently in the catchment of Dirleton Primary School.
- The proposed changes to the Law Primary School and Dirleton Primary School catchment areas will become operational with immediate effect.

The following schools are **directly affected** by Proposal 2:

- Dirleton Primary School
- Law Primary School

**Section B** of this proposal document is therefore issued with the intention of seeking views on one issue:

- To extend Law Primary School catchment area to include the whole of the new residential development at Ferrygate Meadow (NK5) and the houses in the area of Westerdunes Park and remove the area of land affected from the Dirleton Primary School catchment area.

## Proposal for consultation

### Introduction

1. Education Authorities have a statutory duty in terms of the Education (Scotland) Act 1980 to make adequate and efficient provision of school education across their area, including the provision of education for eligible pre-school children and includes any school or Early Learning & Childcare centre, which are run by the Education Authority. This duty applies in respect of both the current school population and anticipated pattern of demand. In addition, Councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003.
2. The **East Lothian Council Plan 2017-2022** outlines the strategy the Council will follow and details the objectives and strategic goals it has set itself over the next five years to strive to meet its vision. The Council Plan sets out the following themes and objectives for the next five years:
  - Growing our Economy
  - Growing our People
  - Growing our Communities
  - Growing our Capacity
3. The overarching objective of 'reducing inequalities within and across our communities' that was adopted when the 2012-2017 Council Plan was reviewed in 2014 remains the overarching objective of the new Council Plan.
4. East Lothian Council is committed to raising educational attainment and ensuring that all children and young people have the best opportunities in life. East Lothian's Education Service aims to provide the best education in Scotland through a relentless focus on Inclusion, Achievement, Ambition and Progress for All. We will all work together to Get it Right for Every Child and to ensure that all children and young people are Safe, Healthy, Nurtured, Active, Respected, Responsible and Included. To realise our vision we will:
  - act with ambition and integrity to open minds to the rights and values of education and help everyone to achieve their potential;
  - work together to nurture all our children and young people;
  - demonstrate a community working together to make that difference for every child; and
  - collectively strive for excellence and equity for all.
5. Our vision and values for education within East Lothian Council align with the Key Priorities in the National Improvement Framework for Scottish Education 'Achieving Excellence and Equity' (Scottish Government, January 2016) and 'Delivering Excellence and Equity in Scottish Education' (Scottish Government, June 2016):
  - Improvement in attainment, particularly in literacy and numeracy;
  - Closing the attainment gap between the most and least disadvantaged children;
  - Improvement in children and young people's health and wellbeing; and

- Improvement in employability skills and sustained, positive school leaver destinations for all young people.
6. It is believed that this proposal is the most reasonable, viable and appropriate course of action open to it in providing primary education within the context of Dirleton Primary School and Law Primary School for the new residential development at Ferrygate Meadow (NK5) and the houses in the area of Westerdunes Park, North Berwick. The reasons for the Council coming to this view and consulting on this proposal are set out in Section B of this Proposal Document. The Educational Benefits for this are set out in paragraphs 48 to 51 of Section B.
  7. 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.
  8. The Strategic Development Plan (SDP) for South East Scotland was approved by Scottish Ministers in June 2013. The SDP with its Supplementary Guidance on Housing Land requires the LDP to ensure sufficient housing land is available to deliver 10,050 homes during the period 2009 – 2024 with 6,250 of those homes capable of being delivered across East Lothian in the period to 2019.
  9. In order to accommodate these strategic development requirements for East Lothian, East Lothian Council approved a Proposed LDP 2016 for representation on 6th September 2016. The Proposed LDP sets out East Lothian Council's proposed spatial strategy for East Lothian. The Proposed LDP is currently at examination. As part of this, the land at Ferrygate Meadow (NK5) is one of the main development proposals in the North Berwick cluster.
  10. Significant additional education capacity at primary and secondary level will be needed to support the new housing development committed and proposed in the North Berwick cluster including a planned extension and alterations Law Primary School. In the Dirleton Primary School catchment area there is significant constraint in primary education capacity beyond that needed to accommodate the proposed sites in the LDP.
  11. On 13<sup>th</sup> November 2015 planning permission in principal was allowed under appeal for planning application 14/00632/PPM, a new residential development on the land at Ferrygate Farm (known as Ferrygate Meadow). The supporting documentation at the time of the planning application assessment, indicated that the new development could be wholly contained within the Law Primary catchment boundary in alignment with the proposed development strategy for the area.
  12. Following release of the first properties in the Ferrygate Meadow (NK5) development in the Spring of 2017, the location of the houses as mapped on the Council's geographical information system showed that the current Law Primary School catchment boundary to the west now divides the Ferrygate Meadow (NK5) development. As a result, 132 of the 140 properties are located within the Law Primary School catchment area and the remaining 8 properties are



located within the Dirleton Primary School catchment area.

13. As a greater proportion of the new residential development at Ferrygate Meadow (NK5) sits within the existing Law Primary School catchment area, and to ensure that the future provision of additional education capacity is aligned with the proposed development strategy for the area, it is proposed to extend the catchment area of Law Primary School to include the whole of Ferrygate Meadow (NK5).
14. The Ferrygate Meadow (NK5) development has also escalated a legacy catchment boundary issue to the west of the current Law Primary School catchment boundary which currently runs across open fields. To enable all properties from the development to be in the same catchment area, we are proposing to extend the current catchment boundary west to the next appropriate natural boundary. This would reduce the likelihood of this type of catchment boundary issue arising again. As a result, it is also proposed that the alteration of Law Primary School catchment area will include the houses within the area of Westerdunes Park, North Berwick, currently within the Dirleton Primary School catchment area.
15. The area of land affected by this proposal, which currently lies in the Dirleton Primary School catchment area, is referenced as “C” on Maps 1 and 2. The alteration to include the affected area in the proposed revised catchment area of Law Primary School would remove that area of land from the Dirleton Primary School catchment area.
16. If approved, implementation of this proposal will mean:
  - the residential housing development known as Ferrygate Meadow (NK5), identified by the blue shaded area on Map 4, would be wholly contained within the proposed revised Law Primary School catchment area; and
  - the residential housing in the area known as Westerdunes Park, North Berwick identified by the blue shaded area on Map 3 would transfer from the current catchment area of Dirleton Primary School to the proposed revised Law Primary School catchment area.
17. All existing properties in the area affected by the proposal, referenced as “C” on Maps 1 & 2 and detailed in Table 1 below would transfer from the current Dirleton Primary School catchment area to the proposed revised Law Primary School catchment area. The affected area includes 39 residential properties. There are currently 9 pupils resident within the affected area and attending East Lothian primary schools.

**Table 1: Existing properties in the affected area which would transfer to the proposed revised Law Primary School catchment area**

Street Names	House Numbers/Names	Postcode
Phillimore Square	61 to 75 (odds only)	EH39 5FP
Abbotsford Road	Carrick Grace Cottage Fairways Cottage Laverockbank	EH39 5DB

Street Names	House Numbers/Names	Postcode
	Sandilands Saviskaill Windy Edge	
Abbotsford Road	Links Cottage	EH39 5DD
Westerdunes Court	Westerdunes House	EH39 5DB
Westerdunes Park	No.s 5 to 6, 12 & 15 1, Westerdunes Lodge 3, Greystones 4, Chislehurst 7, Dunvegan 8, Little Acre 8A, Loanfern 8B, Acre Wood 9, Gentoft 9A, Mizzentop 9B, Lime Tree House 10, Innisfree 11, Eelburn House 13, Hazeldean 14, Seaholm 16, Tigh Ghanavich 17, Fidra Cottage 18, Woodlands 21, Bickley	EH39 5HJ

18. 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.

19. The proposed revised catchment area for Law Primary School will directly affect the following school and is considered in this Proposal Document:

- Dirleton Primary School
- Law Primary School

20. The factors which have been considered in the development of Section B of this Proposal Document are:

- The need to address primary education provision for the Ferrygate Meadow development (NK5) and create a sustainable school estate for future generations.
- The increasing pupil populations in the Dirleton Primary School and Law Primary School catchment areas.

- The duties placed on local authorities in relation to the efficient and effective management of the school estate.

## General Population Data and School Pupil Rolls

### Pupil Numbers

21. Dirleton Primary School catchment area is currently served by one non-denominational primary school. Law Primary School catchment area is also currently served by one non-denominational primary school. Table 2 below shows the 2017 Pupil Census Rolls and current occupancy rates at both the primary schools:

**Table 2: Dirleton Primary School and Law Primary School Pupil Roll and School Capacity as at September 2017**

School Name	Planning Capacity (August 2017)	No. of classes for capacity	2017/18 Pupil Census roll	2017/18 % Occupancy Rate
Dirleton Primary	100	4	70	70.0%
Law Primary	891	30	612	68.7%

22. A number of primary pupils living in the Dirleton Primary and Law Primary school catchment areas attend a primary school in another catchment area, as shown in Table 3 below:

**Table 3**

Catchment	Pupils attending school in catchment area	Pupils attending school out with catchment area	Pupils attending RC school	Total
Dirleton	50	16	0	<b>66</b>
Law	580	31	0	<b>611</b>

### Determining Primary School Building Capacity

23. Primary School Planning Capacity and Working Capacity is calculated generally in accordance with the Scottish Government guidance on Determining Primary School Capacity (October 2014) using the approach set out in Part 2 of the Guidance and in accordance with Sport Scotland Guidance on Primary School Sports Facilities.

24. The overall size of a primary school is based on the area allocation required for the projected pupil numbers using the Scottish Futures Trust standard area metrics. Nursery places are also 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<sup>2</sup> per pupil. If the school also had a 30/30 nursery this would be expected to be delivered within the same 8.5m<sup>2</sup> per pupil rate so a total of (231+30) x 8.5 = 2,218.5 m<sup>2</sup>.

25. 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 each school is developed through consultation between the Council and relevant stakeholders from the school and wider community including Community Planning partners.

26. The current overall condition of both Dirleton Primary School and Law Primary School is rated as 'B - Satisfactory' as at April 2017. Following completion of the planned expansion and alterations of Law Primary School in May 2018 (*see paragraph 33*), the condition rating of the school will be reviewed and is anticipated to be assessed as condition 'B - Satisfactory' overall. 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

**Planned Housing Developments in the Dirleton Primary and Law Primary school catchment areas**

27. The East Lothian Council Housing Land Audit (HLA) 2017 sets out the sites in the established housing land supply and additional sites allocated over and above these to meet the SDPs Housing Land Requirements. The housing development sites that are in the Dirleton Primary School catchment area are detailed in Table 4 below:

**Table 4: Dirleton Primary Catchment - Housing Development Sites Summary**

Site Name	Latest Planning App Reference	No. of Units
Castlemains Dirleton	LDP NK11	30
Dirleton - Archerfield Estate (The Village & Duncan's Plantation)	01/00504/FUL	71 in total (5 remaining)
Dirleton - Archerfield Estate (Kings Cairn) (sites 1 &2)	12/01000/P ( 12 Flats) 12/00999/P (8 Flats)	20
Dirleton - Archerfield Estate (Western Part)(Split 8&4)	01/01025/OUT 05/00498/REM 06/01005/REM 10/00640/P	12 in total (5 remaining)
Kings Cairn Archerfield Links - Dirleton (sites 3-12)	13/00004/P 13/00005/P 14/00626/P 14/00627/P 16/00273/P 17/00301/P	39 in total (33 remaining)

28. The housing development sites that are in the current Law Primary School catchment area are detailed in Table 5 below:

**Table 5: Law Primary Catchment - Housing Development Sites Summary**

Site Name	Latest Planning App Reference	No. of Units
Ferrygate Meadow	LDP NK5 (14/00632/PPM;	140 in total

Site Name	Latest Planning App Reference	No. of Units
	15/00966/AMM)	(138 remaining)
Land at Tantallon Road, North Berwick	LDP NK4 (15/00670/PPM)	125
Mains Farm North Berwick	13/00227/PPM 15/00774/AMM 15/00793/AMM 15/00794/AMM	252 in total (188 remaining)
Land at Mains Farm North Berwick	14/00788/AMM 15/00844/AMC	146 in total (105 remaining)
Gilsland Newhouse Farm	12/00338/PM	18
Whitekirk Golf & Country Club North Berwick	08/00078/OUT 15/00094/PPM	40
Kingston Farm North Berwick	09/00494/FUL	20
Gin Head, Tantallon, North Berwick	14/00664/P	7

29. This proposal would ensure that the whole of the new housing development at Ferrygate Meadow (NK5) listed in Table 5 above is contained within the Law Primary School catchment area in alignment with the proposed development spatial strategy for North Berwick.

#### **Projected Pupil Rolls for Dirleton Primary School**

30. The projected pupil rolls for Dirleton Primary School to 2031 as at October 2017, taking into account pupils from new housing with consent and those that will arise from the 2016 LDP (as per table 4 above) are shown in Table 6 below:

**Table 6: Projected Pupil Rolls for Dirleton Primary School to 2031 as at October 2017**

2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
70	66	76	83	90	87	93	91	90	90	94	93	91	90

31. Table 6 above shows that Dirleton Primary School has the capacity to accommodate the projected pupil numbers that will arise from the planned and committed housing development in the Dirleton Primary school catchment area set out in Table 4. However, the Dirleton Primary School facilities and site are constrained and would not have the ability to be physically extended to accommodate the additional pupils projected to arise from the new development at Ferrygate Meadow (NK5).

#### **Projected Pupil Rolls for Law Primary School**

32. The projected pupil rolls for Law Primary School to 2031 as at October 2017, taking into account pupils from current committed developments (i.e. new housing with planning consent), including the whole of Ferrygate Meadow (NK5) site, as set out in table 5 above, are shown in Table 7 overleaf:

Table 7.../

**Table 7: Projected Pupil Rolls for Law Primary School to 2031 as at October 2017**

2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
663	718	780	807	851	886	868	855	813	802	822	836	850	854

### **Planned Extension at Law Primary School**

33. Law Primary School is currently being extended to accommodate the projected pupils arising from committed new houses in the Law Primary School catchment area. Phase 1 of this extension is due to be completed in October 2017 with the full planned extension due to be completed in May 2018. The capacity of the school will be increased to 891 from October 2017 as a result of the planned extension.
34. Table 7 shows that Law Primary School with the planned extension has the capacity to accommodate the projected pupil numbers that will arise from the committed housing developments in the Law Primary school catchment area set out in Table 5, which includes the whole of the new development at Ferrygate Meadow (NK5). Further expansion of Law Primary School is not required as a result of this proposal.

### **Projected Population Methodology**

35. The Council takes a number of factors into account when projecting pupil rolls, gathering information from NHS Lothian and information held on the Education Management Information System. The key factors influencing each forecast are:
- baseline population roll for each school or ELCC establishment
  - the number of births in each school catchment area in East Lothian
  - net stage migration rates for each school or catchment area
  - the number of houses planned to be built in a school's catchment area
  - P7 to S1 transfer rates
  - S4-S5 and S5-S6 stay-on rates
  - average new build child per house ratios
36. The pupil roll projections are trends-based forecasts and take into consideration a wide range of evidence from the local catchment area and/or school (as appropriate) including the number of children (births, pre-school, primary and secondary school age) attending East Lothian schools from new build housing developments in each catchment area since 2003/04.
37. The methodology for forecasting primary and secondary school rolls has been in use in East Lothian Council since 1996 and was originally developed by Lothian Regional Council. The methodology for projecting eligible 2 year olds, 3 & 4 year olds and Additional Support Needs (ASN) Specialist Provision populations within each catchment area was developed by East Lothian Council during 2015 and 2016.
38. The Council acknowledges that it is difficult to accurately predict school rolls over a long timeframe. The projections are a best estimate of what the size of each relevant pupil 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.

39. 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, migration, secondary school stay-on 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**

40. This proposal would result in altering the Law Primary School catchment area to include the whole of the new development at Ferrygate Meadow (NK5) and affected properties within the area of Westerdures Park, North Berwick, involving:

- alteration to the existing catchment areas for Dirleton Primary School and Law Primary School; and
- variation of the existing admission arrangements to alter the catchment areas for Dirleton Primary School and Law Primary School.

41. Taking account of all of the information contained within paragraphs 1 to 39 in Section B of this Proposal Document it can be evidenced that:

- The Law Primary School facilities and site can accommodate the projected primary pupils arising from the proposed revised Law Primary School catchment area.

### **Transition arrangements**

42. If approved, the new catchment arrangements would become operational with immediate effect.

43. Pupils currently attending the affected schools will not be significantly affected as the proposed catchment changes will only impact on future pupil enrolments.

44. Pupils moving into housing in the affected area following implementation of the proposal will attend Law Primary School and its associated secondary school.

45. Pupils currently attending Dirleton Primary School from the affected area will have the option to remain at their current school for the remainder of their primary education.

46. There may be an effect on children starting P1 from the affected area who have a sibling

attending Dirleton Primary School in the same academic year who would, but for implementation of the catchment boundary proposal, be likely to become pupils of that school. In this instance, siblings of children continuing to attend the affected school will have the option to attend Dirleton Primary School if they wish to do so.

47. Secondary pupils will continue to be served by North Berwick High School as per the existing Dirleton Primary School and Law Primary School catchment arrangements.

### **Education Benefits Statement**

48. 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.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.”*

49. 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 achieve an even more prosperous, safe and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.”*

- 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 alteration to the catchment areas 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



- D. The alteration to the catchment areas will ensure that all primary aged children from the new residential development at Ferrygate Meadow (NK5) will be able to attend the same school, namely Law Primary School. The alteration to include the residential properties in the area of Westerdunes Park, North Berwick within the Law Primary School catchment area will also help to promote a greater sense of community and provide the opportunity for children living within those properties to develop and sustain strong relationships both at school and at home.
- E. The removal of the affected properties at Ferrygate Meadow (NK5) and in the area of Westerdunes Park, North Berwick from the Dirleton Primary School catchment area will relieve pressure at this school where there are future capacity constraints.
- F. Pupils currently attending the affected schools will not be significantly affected as the proposed catchment changes will only impact on future pupil enrolments. Pupils moving into housing in the affected properties at Ferrygate Meadow (NK5) and in the area of Westerdunes Park, North Berwick following implementation of the catchment change will attend Law Primary School. Pupils currently attending Dirleton Primary School from the affected area will have the option to remain at their current school for the remainder of their primary education, if they wish to do so. There may be an effect on children starting P1 from the affected area who have a sibling attending Dirleton Primary School in the same academic year who would, but for implementation of the catchment boundary proposal, be likely to become pupils of that school. In this instance, siblings of children continuing to attend the affected school will have the option to attend Dirleton Primary School if they wish to do so.

### **Summary – Balancing Educational Benefits**

- 50. 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 involved in 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.
- 51. The Council believes this proposal will allow the school estate to be managed in light of a growing community and provide a positive balance between the location of schools and the provision of schools within their local communities for children and young people while simultaneously addressing future capacity constraints at Dirleton Primary School if the catchment area revisions are not made.

### **Consideration of alternative options**

- 52. The alternative is to make no alteration to the catchment areas of Dirleton Primary School and

Law Primary School. This would mean that primary-aged children who come to live in the new residential development at Ferrygate Meadow (NK5) would not be able to attend the same school. This is not in line with the Council's vision and values for Education. Furthermore by not extending the catchment boundary line to the next appropriate natural boundary this would increase the likelihood of this type of catchment boundary issue arising again.

### **Sustainability**

53. Sustainability is a key factor in the expansion of any school and is 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. Sustainability is also taken into account when considering safe routes to schools.

### **Likely effect caused by different travelling arrangements**

54. Within the area of land designated for realignment, the existing road infrastructure already integrates the existing properties in the vicinity of the Westerdunes Park area listed in Table 1 with the North Berwick community. For those pupils moving into housing in the Ferrygate Meadow development a shared path is provided for pedestrians/cyclists in the south eastern corner of the Ferrygate site which links to Williamstone Court, North Berwick. This provides an adequate route for walking to school contributing to the sustainability agenda.

55. It is current Council policy to provide free transport to and from school for primary aged pupils who reside more than 2 miles from their catchment area school.

56. There are a number of criteria used to determine whether free transport is provided to school, including:

- any pupils who live out with the Council's distance criterion;
- those who live within the distance criterion, but for whom the walking route to school is assessed as unsafe; or
- if a child has a medical condition which requires them to be transported to and from school.

### **Management of Proposals**

57. If approved, the proposed changes to the Dirleton Primary School and Law Primary School catchment areas would become operational with immediate effect.

### **Staff Implications**

58. 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.

59. The staffing entitlement for both schools will be set in line with the pupil roll in accordance with

the approved Scheme of Delegation for Schools and the Council's devolved school management (DSM) policies. Any increases in the pupil roll due to an increase in primary aged children arising from committed and planned housing in the area will be reflected within the staffing complement.

## **Financial Implications**

### **Capital Budget Implications**

60. There are no capital budget implications directly associated with this proposal.
61. The planned extension and alterations at Law Primary School is a current project in East Lothian Council's 3-year capital spend and funding of £8.5m has been made available for this as approved by Council on 21<sup>st</sup> February 2017. This includes contributions that have already been committed from consented developments to provide sufficient capacity and suitable accommodation for the anticipated pupil numbers.

### **Revenue Budget Implications**

62. There are no revenue budget implications directly associated with this proposal.
63. 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. 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.

## **Integrated Impact Assessment**

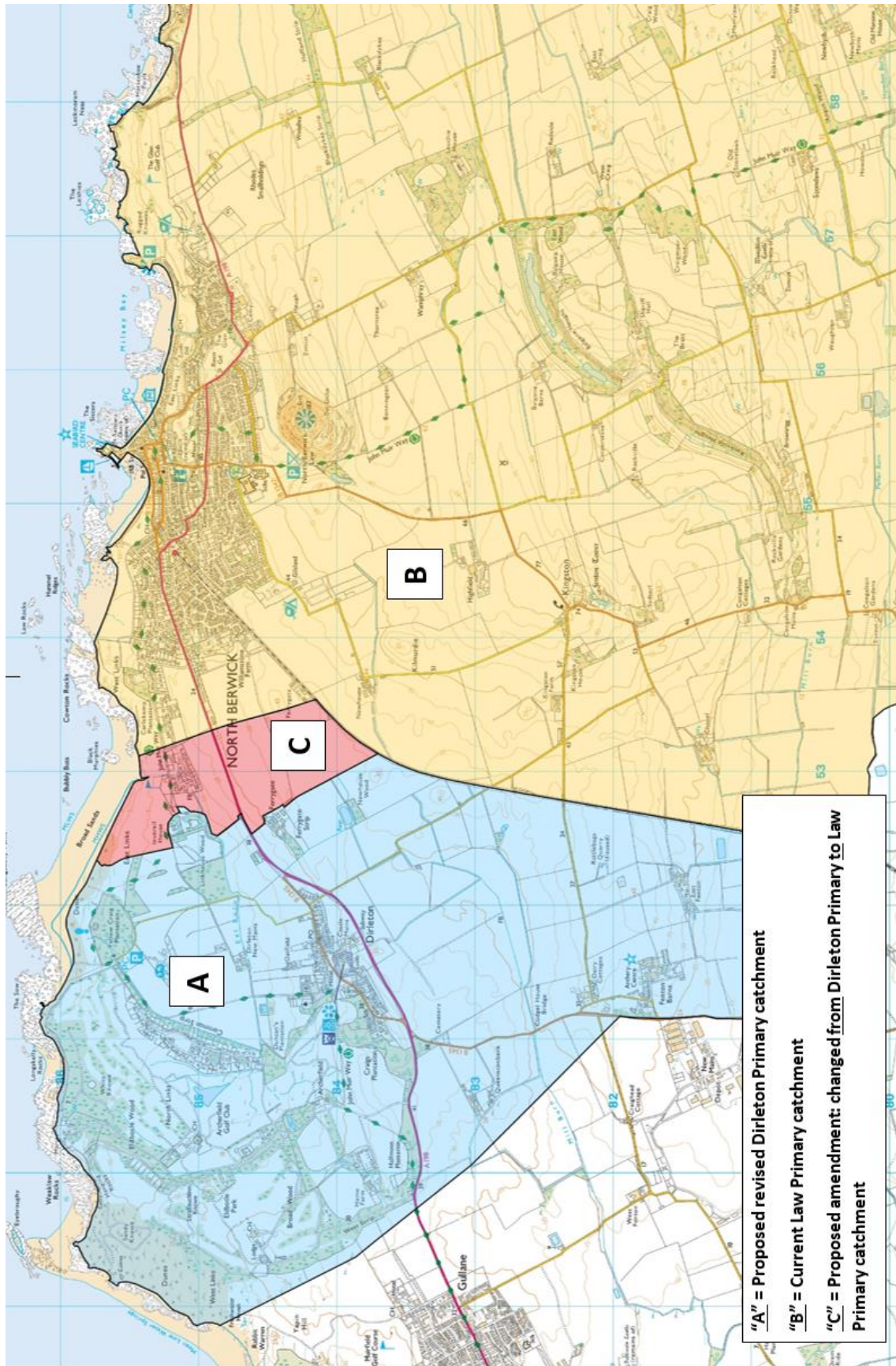
64. An integrated impact assessment has been undertaken as part of the consultation as it is important to understand how the needs of different groups may differ. Integrated Impact Assessment is a tool which enables the Local Authority to consider the needs of different groups. It enables it to:
- Develop 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
65. The Local Authority is required by legislation to assess its proposals for equality impact to ensure that it does not unlawfully discriminate.
66. 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**

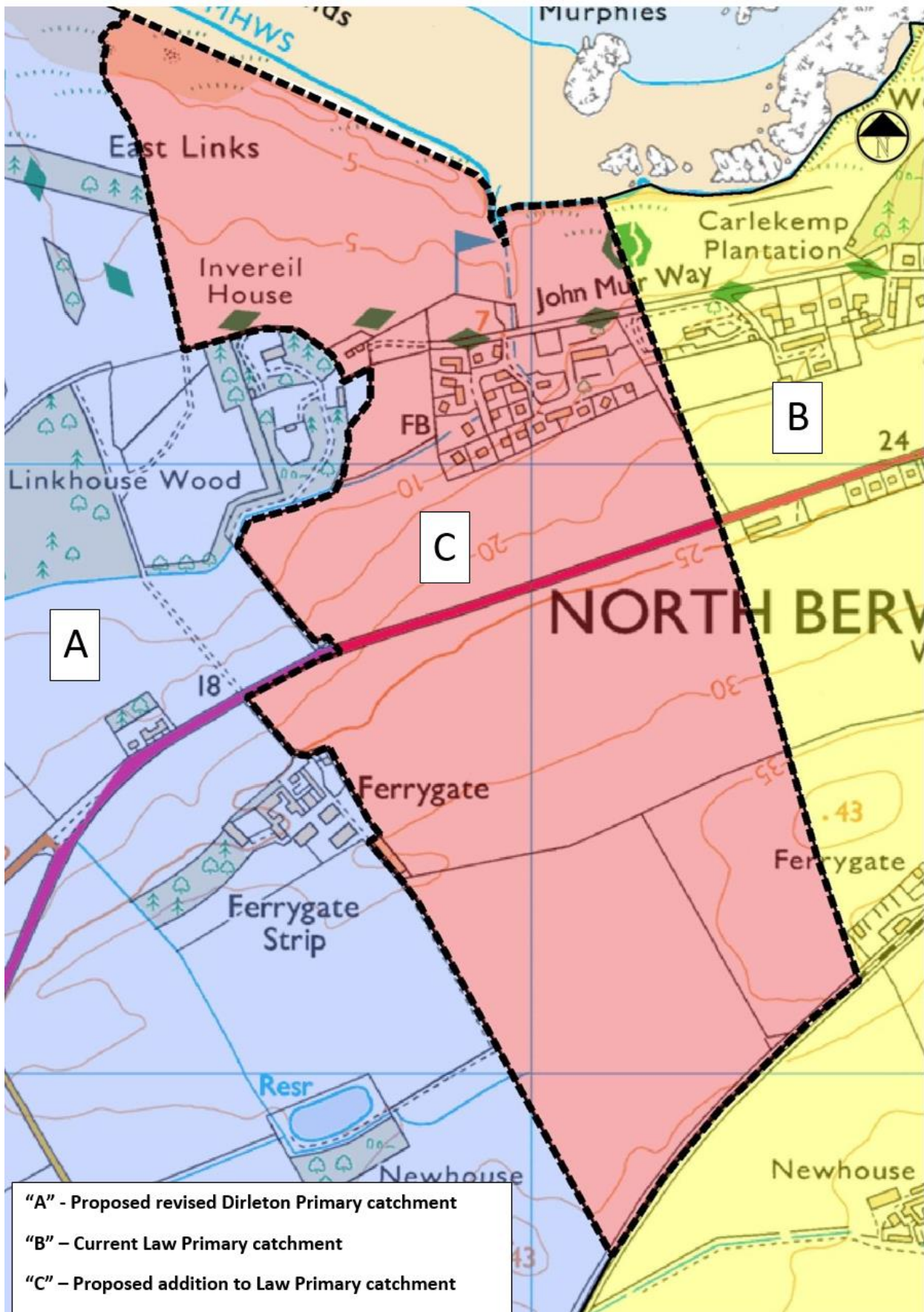
67. The Council believes that the measures proposed in Section B of this document is the most reasonable, viable and appropriate course of action, which will provide the opportunity for primary aged children from the affected area to attend the same school. This will promote community cohesion both at home and at school.
68. Future pupil roll projections have been considered and the planned extension at Law Primary school can accommodate all the projected and potential pupils from the proposed revised catchment area.
69. The Council believes this proposal will allow the school estate to be managed in light of a growing community and provide a positive balance between the location of schools and the provision of schools within their local communities for children and young people while addressing future capacity constraints at Dirleton Primary School if the catchment area revisions are not made.
70. Overall, there are strong educational and social arguments in favour of this proposal.

**MAP 1 – Dirleton Primary School & Law Primary School Catchment Areas showing proposed amendments and area affected by Proposal 2**

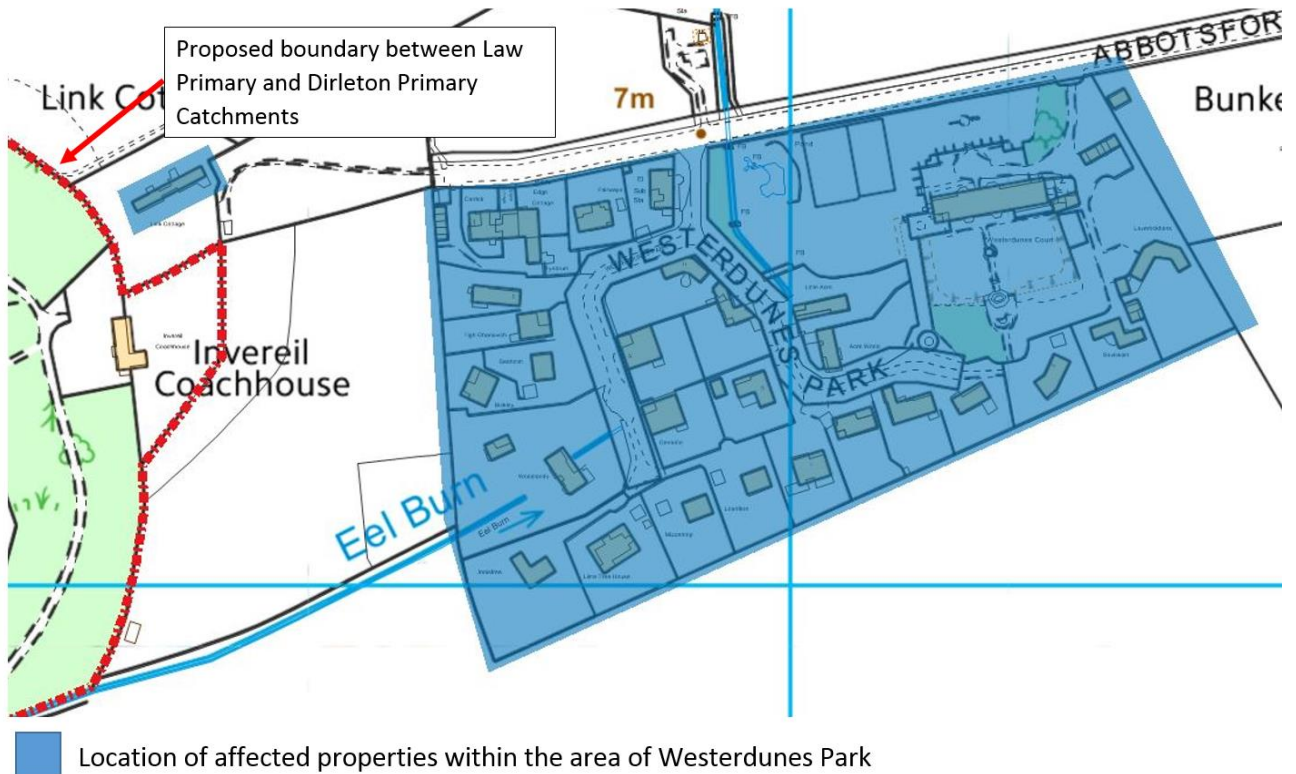




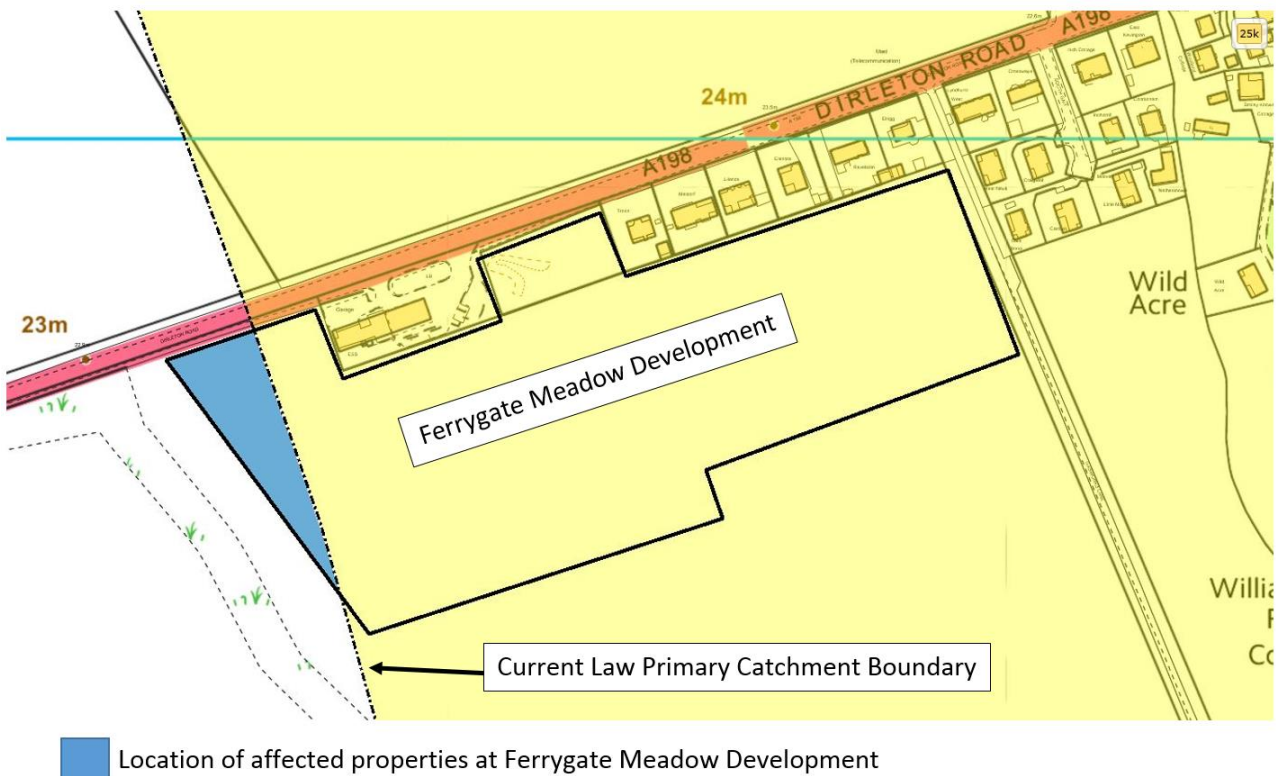
MAP 2 – Dirleton Primary School & Law Primary School Catchment Area Boundary showing proposed amendments and area affected by Proposal 2



**MAP 3 – Location of properties in the vicinity of Westerdunes Park in the area affected by Proposal 2**



**MAP 4 – Location of Ferrygate Meadow (NK5) development and properties in the area affected by Proposal 2**



# School Consultation Questionnaire

A Public Meeting will be held to discuss the proposals on Tuesday 21<sup>st</sup> November 2017 at 7pm in North Berwick High School.



Please note – the closing date for submission of Consultation Questionnaires is Monday 4<sup>th</sup> December 2017.

We would like to make all comments made by the public during this consultation available at the end of the consultation period. Those sending in a response, whether by letter or electronically should know that their response will be open to the public once the consultation period ends. If they do **not** wish their response to be publicly available, they should tick the box below:

"I wish my response to be considered as confidential with access restricted to elected members and council officers of East Lothian Council. My comments will not be made available to the public"

## 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? (Parents – please tick more than one box if you have children at different schools)

	North Berwick Nursery School	Law PS	Dirleton PS	Other School
Parent of current pupil(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent of future pupil(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pupil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (please give details in the box below, for example, 'local resident')

## 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	<input type="checkbox"/>	P4 – P7	<input type="checkbox"/>
Pre-school Education (age3-5)	<input type="checkbox"/>	S1 – S6	<input type="checkbox"/>
P1 – P3	<input type="checkbox"/>	No longer in school Education	<input type="checkbox"/>

## 4. Please indicate which catchment area you currently live in (please tick just one). See 'Current Dirleton Primary School Catchment Area' and 'Current Law Primary School Catchment Area' maps on pages 43 and 44.

Law Primary School	<input type="checkbox"/>	Dirleton Primary School	<input type="checkbox"/>
Other	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>



**Section A - Proposal 1:** North Berwick Nursery School will be closed and re-designated to Law Primary School Nursery Class and this will take effect from August 2018.

**Section B - Proposal 2:** The catchment area of Law Primary School will be extended to include the new residential development at Ferrygate Meadow (Local Development Plan Proposal NK5) and the houses in the area of Westerdunes Park, North Berwick currently in the catchment of Dirleton Primary School. This will become operational with immediate effect.

Further detailed information can be found in the **Consultation Document** and at [www.eastlothianconsultations.co.uk/education/northberwickconsultation](http://www.eastlothianconsultations.co.uk/education/northberwickconsultation)

### SECTION A – Proposal 1

**5. To what extent do you agree or disagree with the proposal to close North Berwick Nursery School and re-designate it as Law Primary Nursery Class?**

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

### SECTION B – Proposal 2

**6. To what extent do you agree or disagree with the proposal to alter the catchment boundaries of Law Primary and Dirleton Primary school catchment areas?**

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- No opinion

**7. Please use this box if you wish to give a reason(s) for your view or if you wish to make any further comment on the proposals (if you need to continue on a separate page please attach)**

**Thank you for completing this Consultation Questionnaire, please note the closing date for submission of completed questionnaires is Monday 4 December 2017.**

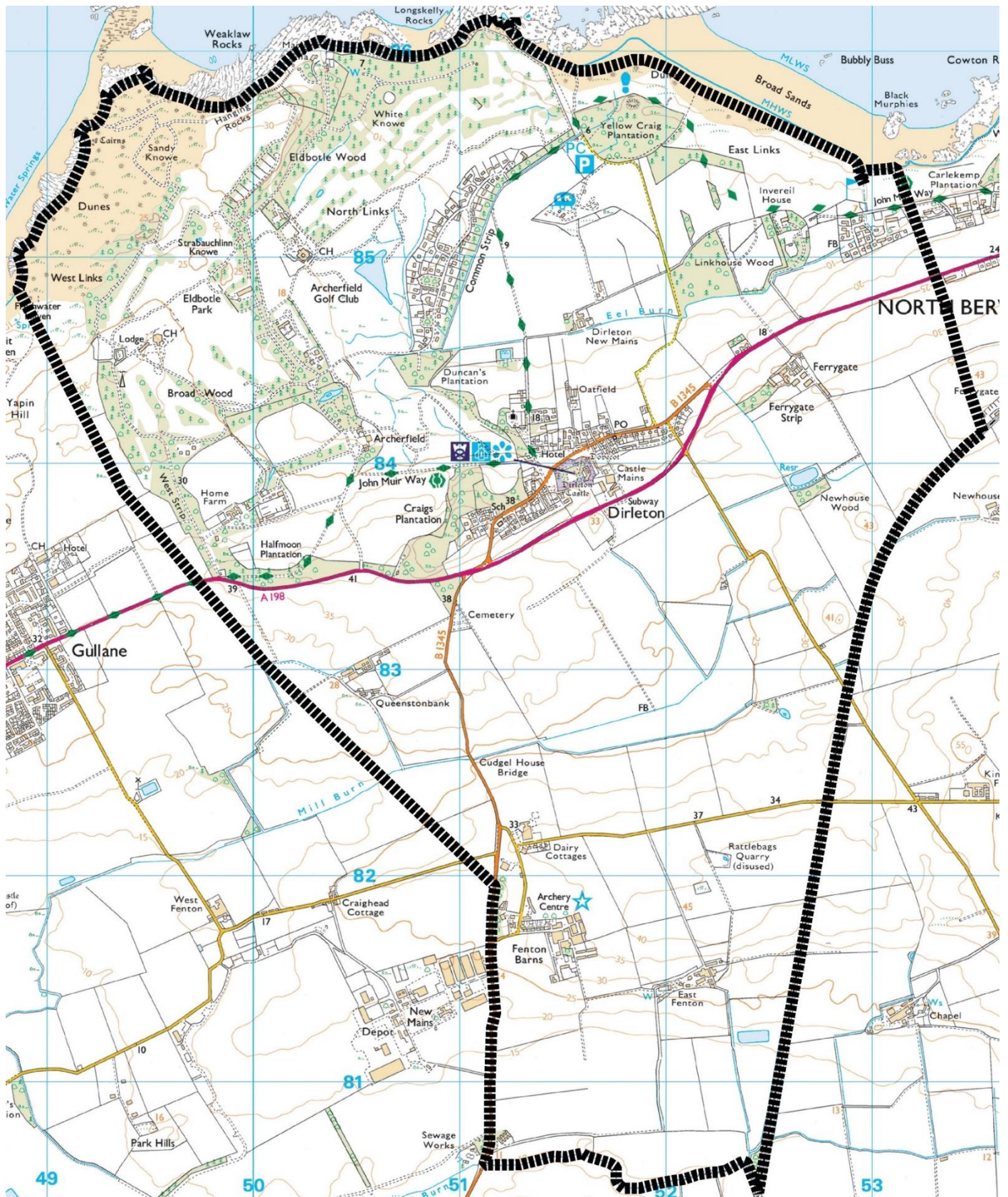
You can return your completed questionnaire by post to:

North Berwick Consultation  
East Lothian Council  
Resources and People Services  
John Muir House  
Haddington  
EH41 3HA

Or deposit it in one of the collection boxes at the following locations (available from Tuesday 24 October 2017 until Monday 4 December 2017):

- Dirleton Primary School
- Law Primary School
- North Berwick Nursery School

Map 5 – Current Dirleton Primary School Catchment Area





Map 6 – Current Law Primary School Catchment Area

