

East Lothian Council and Pear Tree/Bright Stars Nurseries Ltd Chronology

Primary focus: Pear Tree West Road

The expansion of Early Learning and Childcare in Scotland is underpinned by the National Standard. Providers of Early Learning and Childcare who are unable to meet or comply with the National Standard are not eligible to provide the funded entitlement. Local Authorities have the responsibility of monitoring the compliance of all funded providers against the National Standard, whether they are local authority, private or third sector providers, including childminders. As guarantors of quality for the National Standard, the local authority plays a key role in ensuring each child is receiving a high quality Early Learning and Childcare experience during their funded hours. In the event that the Local Authority is satisfied that the provider is able to comply with the National Standard they will enter into contracts with the Provider for each setting. Local Authorities need to be confident that all providers can meet and exceed National Standard and meet all the terms outlined in the contract.

This is a chronology of the key events surrounding East Lothian Council's decision not to enter into a contract with Bright Stars Nursery Group in respect of funding arrangements for 1140 hours for early learning and childcare.

Furthermore, East Lothian Council has received a number of freedom of information requests following the decision and has set up the following link where various correspondence concerning the decision is in the process of being uploaded www.eastlothian.gov.uk/bright-stars-foi

Please note: names and personal information which would allow an individual to be identified is redacted from this document.

Date	What Happened?	Comment
25/10/21	East Lothian Council Support visit by Council officers to Pear Tree West Road	Requested by _____ to observe interactions in the setting.
28/3/22	East Lothian Council Support visit by Council officers to Pear Tree West Road	Requested by _____ to observe interactions in the setting. _____ contacted _____ after visit re implementation of plan in the setting.
16/4/22	East Lothian Council Support visit by Council officers to Pear Tree West Road	Cancelled by Pear Tree due to staff shortages.
21/4/22	Unannounced Care Inspection from Care Inspectorate to Pear Tree West Road	Previous Care Inspection was completed on 23/07/21 where the organisation were graded 4- Good (National Standard) for both Quality of Care and Support and Quality of Staffing. There were no requirements or recommendations.
27/4/22	East Lothian Council officers attended Care Inspectorate Feedback.	Updated _____ of key CI findings.
28/4/22 3/5/22	East Lothian Council officers wrote up detailed notes from CI feedback and shared these with _____ at Meadowpark who was supporting West Road.	
29/4/22	East Lothian Council officers visited Pear Tree West Road	Discussion around the development of Improvement Plan from Inspection feedback and expectation of quality of Risk Assessments, due diligence and child safety following

	and met with (Director)	requested that lead the next CPM for child.
3/5/22	East Lothian Council officers attended an emergency meeting between, 2 directors () and Pear Tree setting employees regarding developing support for ASN.	2. Contract was between Pear Tree and Family. Minutes available.
3/5/22	East Lothian Council officers held a meeting online with Pear Tree West Road employees to personalise the content of the planned Nurturing Interactions training to ensure it covered staff training needs specific to latest CI report.	Focus: Attachment, Attunement and Zone of Proximal Development.
4/5/22	East Lothian Council officers visit to Pear Tree Meadowpark and West Road to observe practice/environment.	PT Meadowpark) visited West Road with . Detailed visit record/significant concerns related to practice were written up by , shared with who informed (Care Inspector) by phone.
9/5/22-13/5/22	East Lothian Council officer started the formulation of Improvement Action Plan based on Inspection feedback session.	Awaiting official CI draft report.
18/5/22 3hrs	East Lothian Council officers visited Pear Tree West Road – observation of 3-5 environment and practice. Attachment and Attunement Training: the foundations of development led by to Pear Tree staff. attended to support practice discussion and development at next visit.	Visit observations to inform developing Action Plan were verbally shared with West Road for action.
16/4/22	Planned support visit to setting by East Lothian Council officer.	Cancelled by Pear Tree due to staff shortages.
25/5/22	GIRFEC training for all Pear Tree setting managers, supported by East Lothian Council officers	Full training session on GIRFEC/Child's Planning Framework for Pear Tree setting managers. East Lothian Council officer has requested that the directors also attend so that they could cascade training to further staff. No directors attended.
30/5/22	Draft Action plan from Care Inspectorate shared with East Lothian Council officer.	This was shared after numerous requests by East Lothian Council officers to Pear Tree setting Manager. Was sent after direct call to director.

3/5/22	East Lothian Council officers visit to Pear Tree West Road to support implementation of plans for	East Lothian Council officer e-mail to (SALT) re staff accessing Hanen training to support understanding early communication
31/5/22	East Lothian Council officer Led discussion and actions to create formal action plan with setting director and employee. First piece of development with staff to improve the quality of the environment: Ask staff to consider basic provision – what and why? Meeting on 6/6/22 to plan environment.	Action plan uploaded separately on www.eastlothian.gov.uk/bright-stars-foi
31/5/22	Phone call to East Lothian Council officer from (Director Pear Tree Nurseries) requesting support of ELC the imminent change of ownership.	Emails in relation to this available on www.eastlothian.gov.uk/bright-stars-foi
1/6/22	East Lothian Council officer attended and supported twilight training on 'Extending learning through nurturing interactions' and 'Applying Attachment Theory in Practice (virtually) led by (Early Years Educational Psychologist) for Pear Tree West Road staff.	East Lothian Council officer acted as the interface between and highlighted examples from observed West Road practice to develop staff understanding.
3/6/22 Jubilee Bank holiday	East Lothian Council officer called to confirm detail for planned visit support and planned staff training on Monday 6 th June. Resulted in 1 hour telephone meeting with Pear Tree Director at the time, informed the Council officer that she intends to revamp the rooms on Saturday 4 th June prior to a newly planned parent open day following Saturday (11/6/22)	Director informed East Lothian Council officer during this call that the Monday training could not go ahead on 6/6/22 as the Directors were telling nursery staff of their sale to ICP Group.
Bank Holiday Saturday 4/6/22 9am- 1:15pm	East Lothian Council officer cancelled personal calendar to attend Pear Tree setting and implement changes to environment as a support for	This was very poorly attended by Pear Tree staff, due in part to being the bank holiday weekend and short notice. Pear Tree employee commented to East Lothian Council officer that she was embarrassed that the Support Teacher from the council was having to clean their nursery "as it was filthy."

	staff. Took a leading role in this.	
6/6/22	Support visit to Pear Tree West Road by East Lothian Council officer	SCERTS explained to staff member working with East Lothian Coun exploring LIFT training opportunities for PT staff.
6/6/22	Visit from East Lothian Council officer cancelled by setting – meeting intended to discuss environment with the 3-5 rooms no longer possible.	All Pear Tree staff told of change of ownership by the current Directors.
7/6/22	East Lothian Council officer meet with Directors to discuss action plan – ensure that all parties are familiar with actions and evidence progress. Visit to the rooms to see impact of changes to environment on children’s play.	Following the work on the environment over the weekend, children looking more focussed and very positive reports from staff. Work still needs to be done on the grass room and IWB room – however, news of director’s sale of setting has had a negative effect on staff and loss of direction.
13/6/22	Meeting with East Lothian Council officer to discuss action West Road plan, progress and change of ownership. Discussions action plan. East Lothian Council officer observations in the 3-5 room. East Lothian Council Education Psychologist delivered twilight training to Pear Tree West Road staff support and discuss ‘Scaffolding and Zone of Proximal Development’.	East Lothian Council officer was clear that the plan needed to be divided up into clear actions to be taken on directly by Pear Tree Group. East Lothian Council officer’s role is to support but the responsibility for enacting the plan in its entirety sits with the directors and staff.
13/6/22	Support visit to Pear Tree West Road by East Lothian Council officer	Highlighted the need for adjustments to environment that may be needed when Include this action in Connections document.
16/6/22	Visit by East Lothian Council officers to Pear Tree in response applications for children.	The paperwork received by panel did not give a full picture of need and associated strategies to support. A visit to settings to observe in these situations is part of the panel’s process. Both were allocated funding from ELC and this was formally shared with families through email on 26/7/22 by the East Lothian Council Service Manager.

20/6/ 22	East Lothian Council officer visited West Road setting – discuss progress of action plan. Look at personal planning system. Agreed training required. developing the keyworker system for August	East Lothian Council officer concerned with lack of progress as there did not appear to be a firm chain of leadership command to support improvement.
22/6/22	Face to Face meeting with East Lothian Council officer and ICP (now Bright Stars Nurserv Group) employees	General introductory meeting between ELC and new providers at Pear Tree nurseries.
27/6/22	Support visit by East Lothian Council officer to Pear Tree West Road	Significant concerns noted by East Lothian Council officer about Reported by East Lothian Council officer to line manager. East Lothian Council officer report to ICP (now Bright Stars Nursery Group) employee and requested full investigation.
29/6/22	East Lothian Council officer in West Road to review action plan. Set targets for next visit planned for 18/7/22. Plan for Personal planning training with whole team 18/7/22. New short term action plan created with specific targets for next meeting on 18.7.22	Progress stalled due to closure/ deep clean/ potential rat infestation.
6/7/22	East Lothian Council officer led on the co-ordination scheduling of CPMs for children attending Pear Tree	CPMs were being led by East Lothian Council officers in the Health department and not by Pear Tree West Road as the education setting. This led to fragmented information and meetings that did not include key people around the children. These were planned by East Lothian Council officer, through GIRFEC East Lothian Admin for 27/7/22.
18/7/22	East Lothian Council officer meet with room leads to discuss CI improvement framework – this was cancelled when the Council officer arrived as all room leads absent. East Lothian Council officer was prepared to deliver Personal planning training - cancelled during visit due to heat wave and staff wellbeing. Reviewed progress on short term action plan Bright Star Nursery Group employees. East Lothian Council officer was unaware of who was and their relationship with the organisation at that point.	When East Lothian Council officer wanted to discuss the clear targets set to support children with ASN, Bright Stars employee said that ‘We are discussing this with our Lawyers. We would not be accepting children who require specific 1-1 additional support without financial assistance from the council.’ East Lothian Council officer replied “Is that legal in England as I do not think it’s legal in Scotland.” Bright Stars employee said that this part of the plan needed to be discussed as there was a planned CPM for the following week. Bright Stars replied that this may be a ‘Moot point’. East Lothian Council officer insisted that this was still discussed. East Lothian Council officer reiterated that the application fo funding would be discussed at the CPMs as this was due process. This conversation was reported to another East Lothian Council officer.

	Review and suggest changes to the planning systems to make sure that planning reflects children's interests, developmental needs and progression.	
20/7/22	East Lothian Council officer reported concerns from conversation with Bright Stars Nursery group employee on 18 July 2022, to Service Manager.	
20/7/22	East Lothian Council officer received phone call from Care Inspectorate employee asking about the exclusion of in Pear Tree and ELC respons	East Lothian Council officer passed to Council Service Manager.
21/7/22	Email from parent of child in setting to detailing complaint to SSSC re Bright Stars Nursery Group employee.	
27/7/22	Individual planned CPMs for	Chaired by East Lothian Council officer.
27/7/22	East Lothian Council officers met with Bright Stars Nursery group employee to discuss progress of Improvement Plan and emerging issues at West Road	
25/7/22	Email from Solicitor acting for Bright Stars Nursery Group to ELC	Available at www.eastlothian.gov.uk/bright-stars-foi
29/7/22	Email from East Lothian Council Solicitor to Solicitor acting for Bright Stars Nursery Group dated 29 July 2022, 16:18	<p>Subject: FW: Pear Tree Nurseries Limited - East Lothian - BRIG/23/2</p> <p>Dear ,</p> <p>I refer to your e-mail to dated 22 July 2022 which was in response to e-mail of 20 July relating primarily to your client's decision to terminate contracts with notice for who attend the</p> <p>Dealing with your preliminary question of <i>vires</i> this is a decision that is within the scope of the Head of Service for Education (as per the Council's Standing Orders) and in the absence of the</p>

		<p>Head of Service these responsibilities are subsequently then delegated by the Head of Service to the Service Managers.</p> <p>responsibility in this regard is to have strategic and operational responsibilities for the implementation of Equalities legislation and Additional Support Needs legislation and given this matter does involve concerns regarding your clients ability to comply with this Legislation, and has the appropriate authority to act in the absence of the Head of Education</p> <p>It should be clarified that there was no intention to immediately terminate the arrangements in place with your Client due to fact that the current contract is due to expire on 31 July 2022 and while this may have been more appropriate to have explicitly stated it was implied in the statement that no further discussion on this situation would take place prior to , Head of Education and Quality Improvement Officer for Early Years Education return to the office from annual leave on 1 August 2022. I will also clarify that there was no formal decision to withhold payments properly due up to 31 July 2022.</p> <p>Presently, it is the Council's view that your client is failing to meet the National Standard Criteria. I will deal with these points in more detail below. Further, through recent correspondence the Council has further concerns about your clients ability and intentions to meet the criteria. In order to progress matters and allow both your client and the Council to fully review the situation I would ask that your client meets with Council Officers, which will include our Executive Director for Education and Children's Services , at the Council Offices at John Muir House on either 8th August at 2:00pm or 11th August at 2:30pm. We look forward to confirmation from your client that they will attend this meeting and which of the two dates your client will accept. Please note that we have also extended this invite to the Care Inspectorate.</p> <p>Given the current situation it should be noted that East Lothian Council are prepared at present to extend current funding arrangements in relation to your client's Pear Tree Nursery setting at 1 West Road, Haddington until 2 September 2022. It is felt that this will provide ability for initial discussions to be undertaken and to identify whether or not your client will be able or willing to undertake action to remedy your clients current failings to meet the National Standards. Our primary but not only concern being that your client is unable to comply with the terms of the Equality Act 2010.</p> <p>In relation to your e-mail I require to address some points and clarify some assertions made.</p> <p>It is noted in your e-mail that the Care Inspectorate identified issues with the service provided at the Pear Tree Nursery (West</p>
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		<p>Road) setting. This inspection was on 27th April 2022. The inspection looked at 4 areas – Care and Support, Environment, Staffing, and Leadership and Management. The Care Inspector gave a grading of Weak in each of these areas. From a quality perspective, Council Officers have met with the setting on 2 occasions, with (Support Teacher) taking a lead in creating their Improvement Action Plan. has worked closely with the setting (planned weekly) with most recent actions being discussed in the setting on 25 July 2022. It should also be noted that Council Officers have assisted the setting by developing its enhanced action plan and short term action plan.</p> <p>To clarify the reasonable adjustments referred to your email only focused on</p> <p>You have stated that the decision communicated to the parents on 19 July was discussed with prior to parents being informed. This is incorrect. An e-mail was sent to our prior to the meeting however it was confirmed by that no discussions or response to this e-mail was provided (primarily due to not being in the office when the e-mail was sent). I would also confirm that following the Care Inspectorate Report support has been provided to the setting. The report highlighted that the skill set of the staff was in question from both the CI report and direct observations by (Early Learning and Childcare Support Teacher), and , ICP/Bright Stars Nurseries). This is why another setting within the Pear Tree group was being offered</p> <p>You have stated that the decision was supported by of the Care Inspectorate who discussed the matter with Regional Manager, We have an email from of the Care Inspectorate that clearly states that they are not in agreement with any child’s placement being removed.</p>
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01.08.22	Communication from Pear Tree West Road to Parents and Carers (emailed to East	Screenshot available at www.eastlothian.gov.uk/bright-stars-foi

	Lothian Council by parent of child at setting)	
01.08.22	Email to East Lothian Council Service Manager from parent of child at setting with screenshot of meeting minutes and message	Parent states that 'See minutes where it [Bright Stars Nursery Group] says that are scaring and hurting other despite no evidence of this. I'm disgusted.'
01.08.22	East Lothian Council officer updated Scottish Government	
01.08.22	Email from East Lothian Council officer to Bright Stars Nurseries Group in response to their message to parents on 1 August 2022.	<p>Dear</p> <p>Re: Pear Tree Nursery</p> <p>Having just today returned from annual leave, a message put out this morning on your Parents' App has been brought to my attention which has caused me significant concern. You have stated in your message that you '<i>cannot continue to offer places for children with additional support needs</i>' at your nursery. I am deeply concerned by this statement. I am sure that you will be aware that this would put you in breach of any contract you may have with East Lothian Council. I am also extremely concerned that you have stated in your message that '<i>the local authority has also withdrawn their funding for children with additional support needs</i>'. This is not the case, and I ask that you now correct this statement immediately in a further message to your parents and carers by the end of the day today, and send me a copy of your communication.</p> <p>Please find below a copy of an email sent to your solicitors on 29 July from our legal department which gives further clarity to the above. I trust this has been shared with you. This email also asks that you meet with me as Head of Education and , Executive Director for Education and Children's Services, along with other Council officers at John Muir House on either 8th August at 2:00pm or 11th August at 2:30pm. Please note that this invite has also been extended to the Care Inspectorate.</p> <p>I look forward to confirmation of which date and time you will attend, and to receiving a copy of the further information you put out to parents and carers this afternoon.</p> <p>Kind regards</p> <p>Head of Education</p>
1.8.22		No response to email above
1/8/22	CPM	Led by East Lothian Council officer
02.08.22	Further email from East Lothian Council, Head of Education to Bright Stars Nurseries Group	<p>Dear</p> <p>Re: Pear Tree Nursery</p> <p>Further to my email of yesterday, I note that you have not responded or acknowledged receipt. While I am aware that you have removed the posts in question from your app, you have not confirmed this to me, nor have you sent me confirmation</p>

		<p>that you have sent a further message to parents and carers to clarify that East Lothian Council has not withdrawn funding for children with additional support needs.</p> <p>Please can you now do so as a matter of urgency, and respond by return to confirm which suggested meeting date you will attend next week.</p> <p>Kind regards</p> <p>Head of Education</p>
2/8/22	CPM -	Led by East Lothian Council officer
03.08.22	Response to above email from Bright Stars Nurseries Group (known at ICP Education at the time).	<p>Good morning ,</p> <p>The post has been removed and the wording used is being revisited as we accept that it does not properly reflect the current position.</p> <p>In relation to the wording: '<i>cannot continue to offer places for children with additional support needs</i>', the communication should have explained that this was limited only to the provision of places where 1:1 support and the nursery remains in a position where that cannot be accommodated. Also, in relation to the words '<i>the local authority has also withdrawn their funding for children with additional support needs</i>', it should have acknowledged that an initial decision made with regard to funding in relation to all council funding was reversed and that discussions were ongoing in relation to articular applications for children in exceptional circumstances.</p> <p>We are looking into the concerns raised in your other correspondence and will respond in early course.</p> <p>ICP Education</p>
03.08.22	Email from East Lothian Council, Head of Education to Bright Stars Nurseries Group asking again for meeting date	<p>Dear ,</p> <p>Thank you for your response and for confirming that your post has been removed as it contained inaccuracies.</p> <p>I note that you have still not confirmed which date is most suitable to meet to discuss the terms of East Lothian Council's contract with Pear Tree. Given that the first date of the 8th August is now very close and we need to ensure the relevant officers are available, we are no longer able to accommodate that date. We are now proposing two dates of either Thursday 11th August at 2.30 pm or Monday 15th August at 9.30pm. I would be grateful if you could let me know by return which date suits you best. I</p>

		<p>must note that if we do not get a response and a meeting is not possible, we will have no alternative but to base our decision on whether to renew your contract on the information that we currently have available.</p>
03.08.22	Email from Bright Stars Nurseries Group to East Lothian Council, Head of Education re meeting	<p>Hi ,</p> <p>Could you please confirm those who will be in attendance and their roles other than; yourself - Head of Education and , Executive Director for Education and Children's Services?</p> <p>I will then be in a position to confirm a date their roles and also do you have a proposed agenda?</p>
03.08.22	Email from East Lothian Council, Head of Education confirming attendees	<p>Sent on behalf of Head of Education</p> <p>Hello</p> <p>Please find below list of attendees from ELC who will be meeting with yourselves. The agenda for the meeting will be provided in advance of the meeting.</p> <p>Executive Director for Education and Children's Services</p> <p>Head of Education</p> <p>Quality Improvement Officer Early Years</p> <p>Principal Officer, Business Unit</p> <p>Solicitor</p> <p>Service Manager</p> <p>Many Thanks</p>
05.08.22	Email from East Lothian Council, Head of Education to Bright Stars Nurseries Group re still no confirmation of meeting date	<p>Dear</p> <p>I write to you to express my serious concern that despite several attempts, we have still not received any response to our request for a meeting to discuss the renewal of our contract with Pear Tree. This matter is now very urgent. We have given you two options for meetings of 11th August at 2.30pm or Monday 15th August at 9.30am both at our main office in John Muir House in Haddington. As</p>

		<p>previously noted we await your preference of date and note of who will be attending. This response should be sent to me no later than 5pm on Monday 8th August.</p> <p>Failure to respond to this request will result in the Council not renewing the contract with Pear Tree.</p>
05.08.22	Response from Bright Stars Nurseries Group to East Lothian Council's email of 05.08.22	<p>Good afternoon ,</p> <p>Apologies my response to you was sat in my outbox from earlier in the week! Our preferred date would be Thursday 11th at 230pm. Thank you</p>
5/8/22	Supported visit to LMPS nursery for child and family	Led by East Lothian Council officer.
08.08.22	Email from East Lothian Council, Head of Education to Bright Stars Nurseries Group re agenda for meeting on 11 August 2022.	<p>Good morning</p> <p>Many thanks for confirming this. I will send out the agenda for the meeting soon, however in the meantime, could you please confirm who will be attending and their roles?</p> <p>Many thanks</p>
8/8/22	Supported visit to LMPS nursery for child's parent	Led by East Lothian Council officer.
09.08.22	Email from Bright Stars Nurseries Group to East Lothian Council officer.	<p>Hi ,</p> <p>I will be in attendance and at Solicitors</p>
9/8/22	Supported visit to LMPS nursery for child and family.	Led by East Lothian Council officer.
10.08.22	Email from East Lothian Council, Head of Education to Bright Stars Nurseries Group re agenda	<p>Good morning</p> <p>Many thanks for confirming. Please find the agenda attached.</p> <p>Kind regards</p>
10.8.22	Planned Meeting with Bright Stars Nurseries Group to discuss Action Plan was postponed by Bright Stars Nurseries Group. East Lothian Council officers (Lead Officer EL&CC) spent time at Meadow park instead for a 'critical friend' visit.	This visit was short due to emerging Ecoli concern with the Pear Tree Group.
11.08.22	Meeting held with Bright Stars Nurseries Group and their solicitor.	<p>Minutes from meeting uploaded separately on www.eastlothian.gov.uk/bright-stars-foi</p>
13/8/22	East Lothian Council officer attended Pear Tree West Road to participate in their planned observation training to triangulate information given into the East Lothian way.	This was a Saturday morning. 2/24 staff attended which resulted in the training being cancelled. It was voiced to East Lothian Council officer from a member of staff that there is a Pear Tree policy where if you leave the organisation within one month of attending a training course then the member of staff is liable for the cost.

15.08.22	Email from East Lothian Council, Head of Education to Bright Stars Nurseries Group requesting documentation discussed at the meeting of 11.08.22	<p>Dear</p> <p>At our meeting last Thursday, we discussed several documents/ pieces of information that we require from you. These are listed below:</p> <ol style="list-style-type: none"> 1. All historic and current risk assessments 2. Personal Plans/All About Me for _____ – this will include risk assessments and evidence of strategies put in place over time and how these have been evaluated to inform documentation to include a Positive Support Plan for 3. Evidence that a revised statement to families has been sent out clearly stating that East Lothian Council has not withdrawn funding for children with ASN. <p>I am mindful that you are also dealing with other issues, most specifically the E.coli outbreak at Church Street, so would be grateful if this paperwork could be returned to me by Monday 22 August. Until we receive this, we will be unable to make a final decision about renewing our contract with you, therefore it's unlikely that any decision will be communicated until later next week.</p> <p>Please let me know if you require any further information from us.</p> <p>Kind regards</p>
16.08.22	East Lothian Council's Executive Director for Education and Children's Services and Head of Education briefed Scottish Government officers in the Early Years Policy Team	
16/8/22	CPM Update	Led by East Lothian Council officer
16/8/22	CPM Update	Led by East Lothian Council officer
22.08.22	Email with minutes attached sent by East Lothian Council, Head of Education to Bright Stars Nurseries Group	<p>Dear</p> <p>Please find the minutes attached. I know that you will have already been gathering the documents and information requested, and look forward to receiving these by the end of the day tomorrow.</p> <p>Kind regards</p>
23.08.22	East Lothian Council's Executive Director for Education and Children's Services and Head of	<p>Information provided about Service Improvement Period by Scottish Government:</p> <p>Service improvement periods should only be provided or extended where both the local authority and the Care</p>

	<p>Education briefed Scottish Government officers in the Early Years Policy Team</p>	<p>Inspectorate are comfortable that the service: is fit to continue; is engaging or willing to engage in quality improvement work and it is anticipated, with support, has the ability to improve and sustain improvement; and the local authority is satisfied that the setting meets all other aspects of the National Standard as set out in this Interim Guidance.</p> <p>We talked in the meeting about where the National Standard mentions Improvement Periods, I've pulled out some detail contained in the Interim Guidance funding-follows-child-national-standard-early-learning-childcare-providers-interim-guidance-update-requirements-early-learning-childcare-settings-local-authorities-august-2022.pdf. The text below is contained in the table which begins on page 14.</p> <p>Key questions that settings must have 'good' or better evaluations:</p> <ol style="list-style-type: none"> 1. How good is our care, play and learning? 2. How good is our setting? 3. How good is our staff team? 4. How good is our leadership? <ul style="list-style-type: none"> • Deliverability for a small number of providers may be affected by delays to routine Care Inspectorate inspections as a result of the pandemic, in particular if they were on a service improvement period • Where a setting is on a service improvement period and does not receive evaluations of 'good' or better at their next Care Inspectorate quality evaluation, the local authority may agree to extend the service improvement period until their next Care Inspectorate quality evaluation • Where a newly registered setting does not receive evaluations of 'good' or better at their first Care Inspectorate quality evaluation, the local authority may agree to place the setting in a service improvement period until their next Care Inspectorate quality evaluation. This is in recognition that the pandemic restrictions may have impacted on some settings' ability to access improvement support before the time of their next inspection • Service improvement periods should only be provided or extended where both the local authority and the Care Inspectorate are comfortable that the service: is fit to continue; is engaging or willing to engage in quality improvement work and it is anticipated, with support, has the ability to improve and sustain improvement; and the local authority is satisfied that the setting meets all other aspects of the National Standard as set out in this Interim Guidance. • Any settings on a service improvement period are expected to be drawing on the Care Inspectorate's additional improvement support programme that has been made available for funded provider settings who do not currently meet the quality evaluations
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25.08.22	<p>No response to above email. Email with sent from East Lothian Council, Head of Education to Bright Stars Nurseries Group</p>	<p>Dear I note that you have chosen not to return the documents requested in the timescale given below. East Lothian Council will now complete its decision making about renewal of contracts and will communicate with you in due course. Kind regards</p>
25.08.22	<p>Head of Education briefed Scottish Government officers in the Early Years Policy Team</p>	
26.08.22	<p>Email from Solicitor acting for Bright Stars Nurseries Group to East Lothian Council, Head of Education</p>	<p>Dear I refer to your emails of 15, 22 and 25 August 2022 in connection with the above. As you know, by emails of 15 and 19 August 2022, of Brightstars (our client) requested copies of the minutes of the meeting held in Haddington on 11 August 2022. The purpose of that request was to confirm exactly what had been requested by the Council at that meeting in terms of additional documents. The meeting minutes were received by email on 22 August 2022, i.e. 4 days' ago. As you might expect, we are therefore somewhat surprised by your email of yesterday's date, intimating that our client has chosen "not to return the documents requested in the timescale given" (the "timescale given" being the day on which the minutes were, in fact, finally sent to) and that accordingly the Council was going to go ahead and consider the funding position without, presumably, waiting for any further documents from our client In fact, many of the documents listed in your email of 15 August have, in any event, already been delivered to the Council. Accordingly, with regard to the documents requested, we can advise as follows: 1. We understand from our client that all historical and current risk assessments have already been provided. Specifically, documentation was delivered by hand by to on 15 August 2022 at approximately 10:00 hours and documentation was delivered by hand by to the Council offices' reception on 17 August 2022 at approximately 08:55 hours. Please confirm that these have been received by the Council, by return; 2. We understand that the GIRFEC paperwork for was delivered to the Council at the same time as the risk assessments. With regard to personal plans/All About Me documentation for , we understand that these have also been delivered. However, notwithstanding the erroneous reference to them on page 7 of the minutes, please record that these were never discussed or requested during the meeting on 11 August 2022; 3. We are taking instructions and will respond on this point</p>

		<p>separately; and 4.</p> <p>Our client is unable to evidence the latter point as no record was made of this. Although the printed documents have already been provided as noted above, we attach both sets of documents so that you have these readily available for consideration.</p> <p>Please note that our client remains willing to assist in any aspect of this matter.</p> <p>Kind regards</p>
29.08.22	<p>East Lothian Council, Head of Education and Council officer met (Early Learning and Childcare Service Manager) and (Team Manager), both from the Care Inspectorate</p>	<p>Discussed: <i>Service improvement periods should only be provided or extended where both the local authority and the Care Inspectorate are comfortable that the service: is fit to continue; is engaging or willing to engage in quality improvement work and it is anticipated, with support, has the ability to improve and sustain improvement; and the local authority is satisfied that the setting meets all other aspects of the National Standard as set out in this Interim Guidance.</i></p> <p>Care Inspectorate colleagues confirmed they are following their own procedures with regards to ensuring quality in the Pear Tree settings.</p>
29/8/22	CPM - Update 3	Led by East Lothian Council officer.
30/8/22	<p>Email sent to East Lothian Council officer by parent of child at setting re SSSC complaint about employee at Pear Tree setting.</p>	<p>From: Sent: 30 August 2022 13:40 To: Subject: Fw: Complaint about , Pear Tree West Road Nursery</p> <p>Please see undernoted a copy of a complaint I've made the SSSC for your information. I remain extremely disappointed.</p> <p>Particularly given the situation with the risk assessment being changed before being passed to me - I sincerely hope you were not also party to that. I will assume for the time being you were not, although you did refuse to give me the risk assessment when I asked you for it which speaks volumes.</p>

To whom it may concern.

I've tried to make this complaint online but for some reason the form for members of the public complaining about workers says I don't have appropriate permissions. I've therefore just copied to the contact details I have for the SSSC. If this isn't correct please pass to the correct contact.

I wish to complain about
Tree Nurseries in Haddington.

at Pear

		<p>I am happy to provide witnesses/evidence to back this up.</p> <p>The impact of behaviour is huge.</p> <p>She needs to whistleblow to the Care Inspectorate with her knowledge that the allegations are lies.</p> <p>Let me know what other information you need. I raised my concerns directly with where I expressed my disappointment directly, and hoped would do something to address it. However, I am told by staff who work there (which of course is hearsay but is aligned with behaviour towards me) that is backing up decision, and I have been told she told the staff that parents supported them in the decision that had been made</p> <p>Thanks very much</p>
01.09.22	Email with attached letter sent from East Lothian Council, Head of Education to Bright Stars Nurseries Group	Letter dated 31 August to Bright Stars and available on www.eastlothian.gov.uk/bright-stars-foi
01.09.22	Email response from Solicitor representing Bright Stars Nursery Group requesting undertaking not to communicate the decision to	<p>Dear</p> <p>I refer to your letter below.</p> <p>We have instructions to apply to the Court of Session for judicial review of the Council's decision.</p> <p>Please will the Council provide an immediate undertaking NOT to communicate this decision to any third party including</p>

	any third party including parents.	<p>parents. We are presently checking judicial availability for an interdict hearing at the Court of Session this afternoon. We assume the Council has a Caveat in place and we request details of the Council's solicitors. We trust an undertaking can be provided and interdict hearing will not be necessary. If necessary we will invoke the Court's out of hours procedure over the weekend to protect our client's position.</p> <p>If this decision is publicised our client will hold the Council liable for the significant reputational damage and loss it will suffer. Please acknowledge this email and revert with your position on an undertaking by 12 midday today.</p> <p>Regards</p> <p>Partner Accredited Specialist in Data Protection Law Solicitors LLP</p>
01.09.22 12.01pm	Email from East Lothian Council Solicitor in response to above	<p>Dear</p> <p>I have been passed your e-mail and note the terms. I confirm that the Council is neither willing or able to provide such undertaking.</p> <p>The next step in our procedure is to issue communications to inform parents of our decision.</p> <p>Yours faithfully</p> <p>Solicitor East Lothian Council</p>
01.09.22 14.24pm	Email from Bright Stars Nursery Group employee to East Lothian Council Solicitor	<p>Good afternoon ,</p> <p>Could I ask that you please share with me the proposed press release and also exactly when you plan to release it? I look forward to hearing from you</p>
01.09.22 15.46pm	Email from East Lothian Council Solicitor to Solicitor representing Bright Stars Nursery Group	<p>Dear</p> <p>In light of your e-mail confirming that your client has instructed you to apply to the Court of Session for judicial review of the Council's decision. What it is you/your client considers to be unlawful?</p> <p>I would appreciate your response no later than 12 noon on Monday otherwise the Council will proceed to inform parents and third parties as planned.</p> <p>Yours faithfully</p> <p>Solicitor East Lothian Council</p>
01.09.22 16.15pm	Email from Solicitor representing Bright Stars Nursery Group to East Lothian Council Solicitor	<p>Dear ,</p> <p>Thank you for your email. I am obliged for the information in relation to the timing of the communication to parents and third parties</p> <p>You will receive a full response as soon as possible and by 12 noon on Monday at the latest.</p> <p>I confirm that our clients have instructed QC in this matter.</p> <p>Regards</p>

		Partner Accredited Specialist in Data Protection Law Solicitors LLP
01.09.22	East Lothian Council's Executive Director for Education and Children's Services and Head of Education briefed Scottish Government officers in the Early Years Policy Teams	
05.09.2022	Emails from East Lothian Council Solicitor and Solicitor acting for Bright Stars Nursery Group.	<p>I acknowledge receipt of your e-mail below enclosing Judicial Review which I note you indicated not to have yet lodged.</p> <p>In order to provide sufficient time to consider the points raised within the petition I hereby confirm and undertake on behalf of East Lothian Council that we will not take steps to communicate our decision not to renew 1140hours funding until 13 September 2022 at which point the Council will consider its position further.</p> <p>Yours faithfully,</p> <p>Service Manager - Governance Solicitor</p>
13.09.2022		<p>Confirmation from solicitor acting for Bright Stars Nursery Group that their clients have advised not to proceed with a judicial review petition.</p> <p>East Lothian Counsel sought internal legal advice and advice from external Counsel in relation to the draft judicial review. The draft judicial review is in the process of being uploaded on www.eastlothian.gov.uk/bright-stars-foi</p> <p>We have not uploaded the East Lothian Council's internal legal advice and the legal advice of Counsel to East Lothian Council. This information is not included as it is legal advice and excluded under section 36(1) the Freedom of Information (Scotland) Act 2002.</p>

Additional Specific Support for from July 2021

– Link Educational Psychologist (in training)

Summary of (in training) involvement for :

- Attended virtual CPM with [redacted] (keyworker). Discussed already [redacted] so EP to liaise. [redacted]. Scheduled observation in nursery.
- Discussed [redacted], [redacted] offered to read through nursery paperwork. I shared contact details with [redacted] and nursery.
- Liaised with [redacted] plan so far and hers and [redacted] plan to model strategies with nursery.
- Completed two observations of [redacted] in nursery and discussed with nursery the [redacted] plan and choosing key areas to focus on. Followed up with phone call with [redacted]. Discussed that observation could feed into [redacted] plan rather than make further recommendations.
- Completed [redacted] report with following recommendations:

Staff

- Implement recent training on attuned interactions with EP support.
- Clear understanding of working with autistic children.
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-
-
-

Curriculum

-
-
- Cause and effect play e.g. building bricks and knocking them down, peek-a-boo.

Structures and routines

- Consistent use of object signifiers and visual representations across all nursery staff to signify routines.
- Signal clear starts and finishes to routines, e.g. 'snack time', 'finished'

The following resources could be used by the team around [redacted] to support the implementation of these recommendations:

- Open University online [redacted] course -
-
-

Summary of [redacted] (in training) involvement for [redacted]:

- Liaised with [redacted] regarding [redacted] plan and implementation in nursery.
- Discussed [redacted] process with [redacted] offered to read through nursery paperwork. I shared contact details with [redacted] and nursery.
- Completed two observations of [redacted] in nursery. Followed by phone call with [redacted]. Discussed that [redacted] observation could feed into [redacted] plan rather than make further recommendations.
- Completed [redacted] report with [redacted]:

Staff

-
- Clear understanding of working with children.
-
-
-

Curriculum

- Play which includes interests.
- Continued use of anticipation activities which include, “ready, steady, go”. This should include

Structures and routines

- Consistent use of object signifiers and visual representation across all nursery staff, particularly at points of transition.
- Structure and daily routines which are clearly communicated visually and verbally.

Physical environment

- Access to quieter learning environments appropriate for small groups and individual targeted learning experiences.
-

The following resources could be used by the team around to support the implementation of these recommendations:

- Open University online course -
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