

From:
To:
Cc:
Subject: RE: Our client: Bright Stars Nurseries/Your client: East Lothian Council
Date: 20 September 2022 14:21:13

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Dear

I refer to my email below of last Friday.

Our client has just brought to my attention the existence of a letter sent to the Council today by parent representatives - nominated by the parents themselves from our clients' four East Lothian nurseries.

Our client has asked me to relay to you that, while our client was copied in on the letter, it has been written without our client's involvement. Notwithstanding this, our client is more than happy to meet with yourselves and the parents as they have requested, although we appreciate that tomorrow may be too short notice for all parties involved.

Should you consider it helpful for us to speak, please do not hesitate to call me. Otherwise, I look forward to hearing from you in response to my email of Friday.

Kind regards,

for Solicitors

From:
Sent: 16 September 2022 09:19
To:
Cc:
Subject: RE: Our client: Bright Stars Nurseries/Your client: East Lothian Council

Dear

I refer to your email below, on which I have now taken our client's instructions.

Our client is saddened that your client was disappointed by the terms of our client's communications regarding the withdrawal of funding by your client. Our client is similarly disappointed that your client chose to issue a letter to parents late yesterday afternoon, which letter appears to also have been

shared with the media, without first informing our client of its intention to do so. Be that as it may, our client remains committed to working with your client in a collaborative manner with a view to furthering the best interests of the children in its care.

I am sure your client will understand that, while constructive engagement with your client and Care Inspectorate is a priority for our client, so, too, is its partnership with the parents who entrust our client with the care of their children. It was for that reason (and that reason alone) that our client considered it necessary to communicate the Council's decision to the parents before they saw or heard about it from another source.

It was also for that reason that our client held the parents' meeting which took place yesterday evening. Our client considers that the impact of the funding being withdrawn will fall most heavily on the hard-working families of Haddington and North Berwick, either in terms of the financial impact or in terms of the disruption to their young child or children's life/lives in having to move to a different care setting at an important point in their lives. Our client had no intention of using the meeting as a forum for dissecting or criticising the Council's decision and did not do so. Rather, the purpose of the meeting was, firstly, to have an open discussion about families' options going forward and, secondly, to outline our client's plans for further significant investment in their East Lothian nurseries. I believe that that is what was discussed. Further, ahead of the meeting our client was clear that, in the event of any questions about your client's decision, the individual or individuals would be informed that the decision was a matter for your client and they should redirect their enquiry to your client. I believe that that is what happened.

I would like to reiterate that our client welcomes your client's commitment to work with it constructively to provide guidance on steps to be taken/required to re-build your client's confidence and to evidence that its four nurseries within East Lothian Council's remit meet the National Standards.

As you know, our client only acquired the Pear Tree nurseries in June and, at the time of purchase, our client acknowledged that a programme of significant investment in refurbishment of indoor and outdoor spaces and in new play equipment – already well in excess of £300,000 - was necessary to bring the nursery environments up to Bright Stars' high standards.

Our client recognises that significant work is needed on its part and will engage positively with the Care Inspectorate and your client's personnel to achieve the necessary improvement.

I look forward to hearing from you.

Kind regards,

Solicitors

From:
Sent: 13 September 2022 17:13
To:

Cc:

Subject: RE: Our client: Bright Stars Nurseries/Your client: East Lothian Council

Dear

I note your client's position as intimated in your e-mail below.

East Lothian Council remains committed to ensuring that all Early Learning and Childcare settings are of a consistently high standard to ensure the best possible quality experience for children and families at such an important stage of a child's development. The Council takes its responsibility as primary guarantor of quality very seriously and is required to ensure that all settings providing 1140 funded hours meet or exceed the National Standard.

We have now had the opportunity to see your client's press release and statement to parents and my client is very disappointed in the terms of these. This is again an example of your client's miscommunication of the position particularly regarding the references to a sudden decision and also that we are being asked to reconsider. We also note that your client has also arranged a parents' meeting for later this week and remain concerned about the accuracy of the information your client will provide to parents. This is not in our opinion a demonstration of your client's alleged hopes that it can work constructively with the Council and raises concerns regarding the leadership of Bright Stars.

Notwithstanding the above your client's stated commitment to invest in the four East Lothian nurseries is noted and, if approached, Council Officers would work constructively with your client and their staff to provide guidance on steps to be taken/required to re-build confidence and to evidence that these settings meet the National Standards. This will not be without significant work from your client and positive engagement with the Council and Care Inspectorate will be essential. Finally, it is noted that your client hopes that they will be in a position to enter into a contract with the Council to be a funded 1140 hours provider at the end of this term. The Council's position remains as set out in our earlier communication sent on Thursday 1st September, that the Council may review this position on application after a period of 12 months, should there be evidence of improvement that is substantiated by the Care Inspectorate in respect of any of your establishments. For this position to change significant changes would be required to be demonstrated.

Yours sincerely

Service Manager - Governance

Solicitor

East Lothian Council | John Muir House | Haddington | EH41 3HA

From:

Sent: 13 September 2022 10:05

To:

Cc:

Subject: Our client: Bright Stars Nurseries/Your client: East Lothian Council

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Dear

Further to our call, I am writing to inform you that, after carefully considering its position and the best interests of the children and families that our client's four East Lothian nurseries serve, our client has taken the decision not to proceed at this time with its proposed Petition to the Court of Session.

This decision will allow our client to focus all its efforts on the welfare of children, parents and staff associated with its nurseries. Our client's priority is to continue with its planned programme of more than £300,000 investment and improvement in facilities and staff development at the four nurseries.

Our client advises that it is now one of the largest nursery operators in the UK and it takes pride in the strong reputation of all its nurseries. Our client advises that its organisation is 100% focused on providing safe, high quality early years education and care: this quality is supported by external experts with the vast majority of its 79 nurseries rated highly by the Care Inspectorate and Ofsted.

As part of our client's commitment to putting the interests of the children care first, and to provide stability to their families, Bright Stars Nurseries has asked us to inform you that they have undertaken to make up the additional financial burden of over £362,000 which would have been received from the Council, to cover the shortfall in funding for all eligible children until the end of this term.

They hope this will offer sufficient time to give the Council the confidence that the safety, care and education of the children they fund is in the best possible hands with Bright Stars.

Given the Council's intention to make its decision public at 10am today, our client is in the process of informing its teams and parents of the situation. It has also arranged a parents' meeting for later this week.

Our client hopes that it can work constructively with the Council to resolve the Council's concerns in the best interests of families in Haddington and North Berwick.

Kind regards,

Solicitors