

REPORT TO: East Lothian Council

MEETING DATE: 24 April 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Outcome of the Statutory School Consultation on the Proposed Alteration of the School Catchment Areas of Dirleton Primary School and Law Primary School

1 PURPOSE

- 1.1 To share the outcome of the proposal to extend Law Primary School catchment area to include the whole of the new residential development at Ferrygate Meadow (NK5) (hereinafter referred to as 'Ferrygate Meadow') and the houses in the area of Westerdunes Park and remove the area of land affected from the Dirleton Primary School catchment area.
- 1.2 To seek approval for the recommendation set out within the Consultation Report (Appendix A) to extend Law Primary School catchment area to include the whole of the new residential development at Ferrygate Meadow (NK5) (hereinafter referred to as 'Ferrygate Meadow') and the houses in the area of Westerdunes Park and remove the area of land affected from the Dirleton Primary School catchment area.

2 RECOMMENDATIONS

- 2.1 The Council is asked to approve the following on the basis of the outcome of the school consultation and taking account of the educational and social benefits of the proposal:
 - i. to extend Law Primary School catchment area to include the whole of the new residential development at Ferrygate Meadow and the houses in the area of Westerdunes Park and remove the area of land affected from the Dirleton Primary School catchment area;

- ii. the new catchment and admission arrangements for Dirleton Primary School and Law Primary School would become operational with immediate effect.

3 BACKGROUND

- 3.1 The Education (Scotland) Act 1980 places a legislative duty on the Council to make adequate and efficient provision of school education across their area. 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.
- 3.2 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. This proposal required a formal consultation to be carried out in accordance with the Schools (Consultation) (Scotland) Act 2010. The Consultation Report (Appendix A) documents the formal consultation undertaken on this proposal between 24 October 2017 and 4 December 2017.
- 3.3 On 13 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.
- 3.4 Following release of the first properties in the Ferrygate Meadow 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 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.
- 3.5 As a greater proportion of the new residential development at Ferrygate Meadow 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.

- 3.6 The Ferrygate Meadow 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.
- 3.7 The main considerations relating to the alteration to Law Primary School and Dirleton Primary School catchment areas were fully explained in Section B of the Consultation Proposal Document. The main points are highlighted below:
- The need to address primary education provision for the Ferrygate Meadow development 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.
- 3.8 The statutory consultation on the proposed revised catchment areas for Dirleton Primary School and Law Primary School commenced at 12.00am on Tuesday 24 October 2017 and lasted until 12.00am on Monday 4 December 2017, being a period of six weeks, which also included the statutory minimum 30 school days. This was in line with the Schools (Consultation) (Scotland) Act 2010. Notification of the consultation was given to all statutory consultees prior to the commencement of the consultation. The Consultation Proposal Document was published on [East Lothian Council's Consultation Hub](#) and paper copies distributed on Tuesday 24 October 2017.
- 3.9 Representations were sought from statutory consultees and the wider public by the completion of an online questionnaire available on the East Lothian Council Consultation Hub. The Consultation Hub also stored all relevant consultation documentation for public viewing. Paper copies of the questionnaire were also distributed at Council buildings around the North Berwick area. Sealed boxes were also located at Law Primary School, North Berwick Nursery School and Dirleton Primary School for their return.
- 3.10 Publicity material detailed an East Lothian Council email address, phone number and postal address, to which representations and any other queries could be submitted.

- 3.11 In addition to the public meeting and public drop-in sessions, staff at the affected schools were also invited to attend planned staff voice sessions to discuss the proposal; a representative group of pupils from both current catchment schools attended separate workshops where they were able to express their views on the proposal; and meetings were also held with Dirleton Primary School Parent Council and Law Primary School Parent Council to discuss the proposal.
- 3.12 HM Inspectors from Education Scotland undertook their statutory duties in accordance with the Schools (Consultation) (Scotland) Act 2010, by reviewing the educational aspects of the proposal and completing their report. A full copy of the Education Scotland report can be found in Appendix 5 of the Consultation Report (Appendix A).
- 3.13 All submitted representations, including the Education Scotland report, were analysed by East Lothian Council Officers, summarised and answered to in the Consultation Report (Appendix A). The Consultation Report, summarising all representations and East Lothian Council's response, was published on the East Lothian Council Consultation Hub on Thursday 29 March 2018. This was made publicly available for a period of three weeks, in line with the Schools (Consultation) (Scotland) Act 2010.

Summary

- 3.14 The Council received 35 responses to its questionnaire during the consultation period, 34 responses were from individuals and 1 response was from a group.
- 3.15 62% of all individual questionnaire respondents (21 responses) to the consultation were in favour of altering the catchment areas of Dirleton Primary School and Law Primary School, 18% (6 responses) were not in favour and 21% (7 responses) held no opinion or did not answer the question. There was 1 response from a group, Gullane Area Community Council, who were in support of the proposal. A summary of responses by demographic is provided in Section 5 of the Consultation Report (Appendix A).
- 3.16 A number of themes emerged from the questionnaire and oral responses, and can be grouped as follows:
- School Capacity
 - Impact on class sizes at Law Primary School
 - Impact on attainment at North Berwick High School
 - Impact on school budget and resources
 - Additional traffic concerns

East Lothian Council's response to these themes is detailed in Section 8 of the Consultation Report (Appendix A).

- 3.17 The comments made as part of the questionnaire submissions are included in Appendix 1 of the Consultation Report (Appendix A), apart from submissions which consultees did not wish East Lothian Council to share publicly. Even if a submission is not shared publicly, it has still been included in the collation of stakeholder's views and informed the Education Authority's response as detailed in Section 8 of the Consultation Report (Appendix A).
- 3.18 During the consultation period, Council officers visited Dirleton Primary School and Law Primary School, providing good opportunities for pupils to discuss their views. Staff who met with the officers did not have any concerns regarding the proposal. Overall, pupils expressed their support for the proposal. A note of the staff and pupil voice sessions are included as Appendices 3 and 4 of the Consultation Report (Appendix A).
- 3.19 In line with the Schools (Consultation) (Scotland) Act 2010, Education Scotland considered the educational aspects of the proposal and submitted a report to East Lothian Council. As part of this consideration, Education Scotland met with children, staff and parents who may be affected by the proposal. The full report from Education Scotland can be found in Appendix 5 of the Consultation Report (Appendix A). Education Scotland stated that the proposal has the potential to bring educational benefits to the children and families affected by the changes to the catchment areas as follows:
- Children living close by in the same community will have the right to attend the same school.
 - Future pressures on the capacity at Dirleton Primary School are less likely as a result of fewer homes in the revised catchment area, whilst Law Primary School has greater capacity in the future.
 - The proposal will allow the council to achieve best value in managing its school estate in a growing community.
- 3.20 Education Scotland reported that all stakeholders who met with HM Inspectors were in support of the proposal.
- 3.21 Education Scotland noted that East Lothian Council in moving forward with the proposal, should continue to clarify misconceptions among a small number of parents about the scale of pupil numbers involved and the likely impact in and around Law Primary School. The Education Authority has provided further clarification on the scale of pupil numbers involved and the likely impact in and around Law Primary School in Section 8 of the Consultation Report (Appendix A) and will continue to do so as the need arises.

3.22 Following receipt of a total of 35 questionnaire responses and consideration of feedback from consultees and Education Scotland, officers reviewed the proposal. The feedback from the consultation was considered by relevant officers from the Education, Property and Road Services. This ensured that the Council met the requirements of sections 9(1), 12 and 13(3) (b) of the 2010 Act.

3.23 Following completion of the statutory school consultation exercise, the Council has 3 options to consider, namely:

- i. approve, on the basis of the outcome of the school consultation and taking account of the educational and social benefits of the proposal:
 - a. to extend Law Primary School catchment area to include the whole of the new residential development at Ferrygate Meadow and the houses in the area of Westerdunes Park and remove the area of land affected from the Dirleton Primary School catchment area; and
 - b. the new catchment and admission arrangements for Dirleton Primary School and Law Primary School would become operational with immediate effect.
- ii. withdraw the proposal and make no alteration to the Dirleton Primary School and Law Primary School catchment areas. In doing so, primary-aged children who come to live in the new residential development at Ferrygate Meadow 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.
- iii. undertake a further consultation exercise on a new proposal.

3.24 On the basis of the feedback received and taking account of the educational and social benefits of the proposal, it is concluded that the following proposal is the most reasonable, viable and appropriate course of action open to it in providing the opportunity for primary aged children from the affected area to attend the same school and create a sustainable school estate for future generations in the Dirleton Primary School and Law Primary School catchment areas.

3.25 The proposed catchment changes 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. 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. 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.

3.26 It is therefore recommended that the Council approves the following:

- to extend Law Primary School catchment area to include the whole of the new residential development at Ferrygate Meadow and the houses in the area of Westerdunes Park and remove the area of land affected from the Dirleton Primary School catchment area; and
- the new catchment and admission arrangements for Dirleton Primary School and Law Primary School would become operational with immediate effect.

4 POLICY IMPLICATIONS

4.1 None

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report has been through the Integrated Impact Assessment process. Potential impacts have been identified and will be addressed.

6 RESOURCE IMPLICATIONS

6.1 Financial – There are no revenue budget implications directly associated with this proposal. 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 Devolved School Management (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.

There are no capital budget implications directly associated with this proposal. 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

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.

- 6.2 Personnel – No reconfiguration of existing core staffing arrangements is required as a result of this proposal. 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 (DSM) policies. Any increases in the pupil rolls due to an increase in primary aged children arising from committed and planned housing in the area will be reflected within the staffing complement.

The Education Service closely monitors school rolls and plans staff recruitment in response to increases in rolls. Revised staffing arrangements are managed in accordance with the Council’s policies and procedures.

- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Consultation Report on the outcome of the consultation on the proposed alteration of the school catchment areas of Dirleton Primary School and Law Primary School (Appendix A).

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DATE	4 April 2018



EAST LOTHIAN COUNCIL
DEPARTMENT OF RESOURCES AND PEOPLE SERVICES
EDUCATION SERVICE

STATUTORY CONSULTATION REPORT

**REPORT ON THE OUTCOME OF THE CONSULTATION ON THE PROPOSED
ALTERATION OF THE SCHOOL CATCHMENT AREAS OF DIRLETON PRIMARY
SCHOOL AND LAW PRIMARY SCHOOL**

March 2018

This Consultation Report has been issued by East Lothian Council in accordance with the Schools (Consultation) (Scotland) Act 2010.

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EAST LOTHIAN COUNCIL

RESOURCES AND PEOPLE SERVICES

EDUCATION

This report has been prepared following consultation on the following proposal:

- 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.

This proposal **directly affected** the following schools:

- Dirleton Primary School
- Law Primary School

Having had regard (in particular) to:

- a) Relevant written representations received by the Council (from any person) during the consultation period
- b) Oral representations made to it (by any person) at the public meeting held on 21st November 2017
- c) Oral representations made to it at the public drop-in sessions
- d) Oral representations made to it at the pupil voice sessions
- e) Education Scotland's report on the proposal

1. INTRODUCTION

1.1 This is a Consultation Report prepared in compliance with the Schools (Consultation) (Scotland) Act 2010 on the above proposal.

1.2 The purpose of this report is to:

- Provide a record of the total number of written responses made during the Statutory Consultation period;
- Provide a summary of the written responses;
- Provide a summary of oral representations made at the public meeting held on 21st November 2017;
- Provide a statement of the Council's response to those written and oral representations;
- Provide the full text of Education Scotland's report and a statement of the Council's response to this report;
- State how the Council reviewed the above proposal following the representations received during the Statutory Consultation period and the report from Education Scotland;
- Provide details of any alleged omission from, or inaccuracy in, the Consultation Proposal Document and state how the Council acted upon it; and
- State how the Council has complied with Section 12 of the Schools (Consultation) (Scotland) Act 2010 when reviewing the above proposal.

2. BACKGROUND

2.1 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. 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.

2.2 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.
- 2.3 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.
- 2.4 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 LDP.
- 2.5 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 Local Development Plan (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.
- 2.6 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. As part of this, the land at Ferrygate Meadow (NK5) is one of the main development proposals in the North Berwick cluster.
- 2.7 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 to 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.

- 2.8 On 13th 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.
- 2.9 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.
- 2.10 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).
- 2.11 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.
- 2.12 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. This proposal required a formal consultation to be carried out in accordance with the Schools (Consultation) (Scotland) Act 2010. This report documents the formal consultation undertaken on this proposal between 24th October 2017 and 4th December 2017.
- 2.13 The proposed revised catchment area for Law Primary School will **directly affect** the following schools and was considered in the Consultation Proposal Document:
- Dirleton Primary School

- Law Primary School

2.14 The educational benefits that will arise from this proposal for children affected or likely to be affected were outlined in the Consultation Proposal Document. It is believed that this proposal is the most reasonable, viable and appropriate course of action open to it in providing the opportunity for primary aged children from the affected area to attend the same school. The reasons for coming to this view and consulting on the proposal were set out in Section B of the Consultation Proposal Document.

3. CONSIDERATIONS

3.1 The main considerations relating to the alteration to Law Primary School and Dirleton Primary School catchment areas are fully explained in Section B of the Consultation Proposal Document. The main points are highlighted below:

- 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.

4. THE CONSULTATION PROCESS

4.1 The Council has met the minimum requirements set out in the Schools (Consultation) (Scotland) Act 2010 with regards to ensuring the views of all members of the community were listened to and their views are included in this report. The Council believes that this report accurately reflects the views of the community, which have been gathered through a range of engagement events and response mechanisms. It is for members of East Lothian Council to decide to adopt the proposal, withdraw it or seek to consult on another proposal.

4.2 Notification of the consultation was given to all statutory consultees prior to the commencement of the consultation.

4.3 The Consultation Proposal Document was published on East Lothian Council's website and paper copies distributed on 24th October 2017 to:

- 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.

4.4 The consultation period commenced at 12.00am on **Tuesday 24th October 2017** and lasted until 12.00am on **Monday 4th December 2017**, being a period of six weeks, which also included the statutory minimum 30 school days.

4.5 The proposal on which consultation took place was:

- 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.

4.6 The requirements for consulting on a relevant proposal relating to schools are set out in the Schools (Consultation) (Scotland) Act 2010.

4.7 An information leaflet setting out details about the proposal and consultation meetings was issued to the consultees listed in the Consultation Proposal Document. Advice on where the complete Consultation Proposal Document could be obtained was included and was published on East Lothian Council's Consultation Hub: <https://eastlothianconsultations.co.uk/education/northberwickconsultation>

4.8 If requested, copies of the proposal would have been made available in alternative formats or translated for readers whose first language is not English.

4.9 A "Frequently Asked Questions" document was also prepared which was available at the same location on East Lothian Council's Consultation Hub: <https://eastlothianconsultations.co.uk/education/northberwickconsultation>

4.10 An advertisement was placed in the local newspaper on **26th October 2017** and **16th November 2017**. A pre-announcement was also made on the Council's website and social media posts on the **23rd October 2017**. In addition, there were announcements

related to the consultation process on East Lothian Council's website, linked via a Facebook page and Twitter feeds.

4.11 The public meeting was held in **North Berwick High School, North Berwick** on **21st November 2017 at 7.00pm**.

4.12 In addition to specific meetings with statutory consultees, drop-in sessions were held in respect of the proposal at the venues below, at which any members of the public and staff were welcome to attend:

Venue	Date	Time
Dirleton Primary School	6 November 2017	12:00pm – 5:00pm
North Berwick Community Centre	9 November 2017	12:00pm – 5:00pm

4.13 In accordance with statutory requirements, the following persons, including those indirectly affected, were consulted:

- 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

4.14 The following schools are **directly affected** by the proposal:

- Dirleton Primary School
- Law Primary School

4.15 Representations were sought from statutory consultees and the wider public in the following ways:

- An online questionnaire on East Lothian Council's Consultation Hub. The questionnaire asked specific questions and enabled general comments and views

to be entered. The Consultation Hub stored all relevant consultation documentation for public viewing;

- Widely distributed paper copies of the same questionnaire, at Council buildings around the North Berwick cluster area. Sealed boxes were also located at questionnaire distribution points for their return;
- Paper and digital flyers, in addition to the press adverts and Council web and social media announcements linked to the Consultation Hub. These flyers also detailed a specific Education Consultations email inbox, to which any queries could be submitted during the consultation period;
- Flyer distribution to pupils at Dirleton Primary School and Law Primary School. Head Teachers used their established methods of communication to engage/remind parents about the consultation and the Education Scotland independent evaluation visit.
- In addition to the public meeting, staff at the affected schools were also invited to attend planned staff voice sessions to discuss the proposal;
- A representative group of pupils from both current catchment schools attended separate workshops where they were able to express their views on the proposal;
- Meetings were held with Dirleton Primary School Parent Council and Law Primary School Parent Council to discuss the proposal.

4.16 This Consultation Report is the Council's response to the issues raised during the consultation period on the Consultation Proposal Document.

4.17 This Consultation Report will be published for a period of three weeks before a final decision is taken by East Lothian Council on 24th April 2018.

5. RESPONSES TO THE CONSULTATION EXERCISE

5.1 As part of the consultation process, the Council sought the views of a wide range of stakeholders. The Council provided stakeholders with a short online or paper questionnaire and also made good arrangements for receiving additional written responses. The Council received 35 responses to its questionnaire.

5.2 Although the responses to the questionnaire capture the flavour of opinions regarding the consultation and are all valued, it is important to note that such a small sample size is not statistically significant.

5.3 The comments made as part of the questionnaire submissions are included in Appendix 1, apart from submissions which consultees did not wish East Lothian Council to share publicly. Even if a submission is not shared publicly, it has still been

included in the collation of stakeholder's views and informed the Education Authority's response as detailed in Section 8 of this report.

5.4 The questionnaire responses are summarised by category in the following tables:

Table 1 – Number of respondents by type of respondent

Type of Respondent	No. of Responses	% of Responses
Groups	1	3%
Individuals	34	97%
Total Responses	35	100%

Table 2 – Number of individual respondents by category

Individual Respondents	No. of Responses	% of Responses
Parents	30	88%
Staff	3	9%
Other	1	3%
Total Responses	34	100%

Table 3 – Number of group respondents by category

Group Respondents	Number of Responses	% of Responses
Community Council	1	100%

Response Analysis from Individuals

5.5 The number of responses to the consultation in support or not in support of the proposal by category of respondent is shown in Table 4 below:

Q - 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?

Table 4 – Number of respondents by category

Individual Respondents	Agree/ Strongly Agree		No Opinion/Not Answered		Disagree/ Strongly Disagree		Total	
	No.	%	No.	%	No.	%	No.	%
Parents	18	60%	6	20%	6	20%	30	100%
Staff	2	67%	1	33%	0	0%	3	100%
Other	1	100%	0	0%	0	0%	1	100%
Total Responses	21	62%	7	21%	6	18%	34	100%

Response Analysis from Groups

5.6 There was 1 response from Gullane Area Community Council in support of the proposal. The full response can be read in Appendix 1.

The Public Meeting

5.7 A public meeting was held in North Berwick High School on Tuesday 21st November 2017 which was attended by one member of the community. A full note of the meeting is attached at Appendix 2 which details the questions and issues raised at the meeting. The points raised are addressed within the response to Frequently Asked Questions or within this report.

5.8 Additionally, drop-in sessions were arranged at both schools during the consultation period, enabling any member of the public and staff to ask questions and discuss the proposal, the consultation process and how they could make representations

Pupil & Staff Voice Sessions

5.9 During the consultation period, Council officers visited Dirleton Primary School and Law Primary School providing good opportunities for pupils to discuss their views. A note of the staff and pupil voice sessions are included as Appendices 3 and 4. Overall, pupils expressed their support for the proposal. Staff who met with Officers did not have any concerns regarding the proposal.

6. SUPPORT FOR THE PROPOSAL

6.1 62% of all individual questionnaire respondents (21 responses) to the consultation were in favour of altering the catchment boundaries of Law Primary and Dirleton Primary school catchment areas. The full text of all responses received can be read in Appendix 1, apart from submissions which consultees did not wish East Lothian Council to share publicly. Even if a submission is not shared publicly, it has still been included in the collation of stakeholder's views and informed the Education Authority's response as detailed in Section 8 of this report.

6.2 The main points from the individual responses that were in favour of the proposal were as follows:

- Altering the catchment areas will mean children from the same housing development can attend the same school
- Importance of feeling part of the local community
- Plans for new development include a safe walking/cycling route to Law Primary but would need to drive to Dirleton

7. OPPOSITION TO THE PROPOSAL

7.1 18% of all individual questionnaire respondents (6 responses) to the consultation were not in favour of altering the catchment boundaries of Law Primary and Dirleton Primary school catchment areas. The full text of all responses received can be read in Appendix 1, apart from submissions which consultees did not wish East Lothian Council to share publicly. Even if a submission is not shared publicly, it has still been included in the collation of stakeholder's views and informed the Education Authority's response as detailed in Section 8 of this report.

7.2 The main issues raised in these responses were as follows:

- School Capacity
- Impact on class sizes at Law Primary School
- Impact on attainment at North Berwick High School
- Impact on school budget and resources
- Additional traffic concerns

8. EDUCATION AUTHORITY RESPONSE TO THE MAIN ISSUES RAISED

8.1 School Capacity

8.1.1 The proposed catchment boundary changes will not have an adverse effect on the roll projections or capacity for either Dirleton Primary School or Law Primary School as the pupil roll projections for both schools have historically and currently assume that all of the 140 properties within the Ferrygate Meadow development are contained within the Law Primary School catchment area.

8.1.2 As stated earlier in paragraph 2.9 of this report, the supporting documentation at the time of the planning application assessment for Ferrygate Meadow, 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. As a result the projections for Law Primary School at that time took into account the projected pupils arising from the whole of the Ferrygate Meadow development (140 properties) as well as pupils from other current committed developments in the Law Primary catchment area.

8.1.3 Since this initial planning application assessment took place, there have been further updates to the roll projections for Law Primary School as part of the Council's ongoing school estate management duties. As the boundary issue was only raised very recently in the Spring of 2017 following the release of the first properties, the updated projected pupil rolls for Law Primary School each year have continued to take into account all of the projected pupils arising from the whole of the Ferrygate Meadow development.

- 8.1.4 As set out in the Consultation Proposal Document, Law Primary School is being extended to accommodate the projected pupils arising from all the current committed new houses in the Law Primary School catchment area. Phase 1 of this extension was completed in October 2017 and now occupied with the full planned extension due to be completed in Summer 2018. As a result of the completion of Phase 1 the planning capacity of Law Primary School for session 2017/18 onwards is 891. As at the Pupil Census in September 2017, the pupil roll of Law Primary School was 612. The primary-aged population in the Law catchment area is projected to increase steadily over the next 6 years as a result of population demographics and committed new housing developments (including the 140 properties at Ferrygate Meadow). The latest projections for Law Primary School indicate a peak projected primary pupil roll of 863 pupils in 2023/24.
- 8.1.5 In addition, the 39 residential properties in the area of Westerdunes Park, North Berwick currently in the catchment area of Dirleton Primary School, are part of a well-established mature housing site with a small number of children resident. Of the children living in these properties, less than 5 children currently attend Dirleton Primary School with the remainder already attending Law Primary School. The pupils attending Dirleton Primary School are already taken into account in the pupil roll projections for Dirleton Primary School and the pupils attending Law Primary School are already taken into account in the pupil roll projections for Law Primary School. As stated in the Consultation Proposal Document, children currently living in this affected area of Westerdunes Park and attending Dirleton Primary School will continue to attend Dirleton Primary School for the remainder of their primary education if they wish to do so. Children starting P1 living in the affected area who have a sibling continuing to attend Dirleton Primary School in the same academic year who would, but for implementation of the proposal, be likely to become pupils of that school, will have the option to attend Dirleton Primary School if they wish to do so.
- 8.1.6 As at the Pupil Census in September 2017, the pupil roll of Dirleton Primary School was 70. The primary-aged population in the Dirleton Primary School catchment area is projected to increase between 2019 and 2024 as a result of population demographics and committed and planned new housing developments arising the 2016 Proposed Local Development Plan. The latest projections for Dirleton Primary School indicate a peak projected primary pupil roll of 93 pupils in 2024. For the reasons set out earlier in paragraphs 8.1.1 to 8.1.3, the projections for Dirleton Primary School do not include any of the projected pupils arising from the Ferrygate Meadow development.
- 8.1.7 As set out in paragraphs 21 and 31 of the Consultation Proposal Document, Dirleton Primary School has a planning capacity of 100. The Dirleton Primary School facilities and sites, however, are constrained and would not have the ability to be physically extended to accommodate more than 100 pupils. If the Law Primary School catchment

boundary was not extended to include the whole of the Ferrygate Meadow development and was left divided, or indeed if the Dirleton Primary School catchment boundary was extended to include the whole of the Ferrygate Meadow development instead, Dirleton Primary School would not be able to be extended to accommodate the additional pupils projected to arise from the new development over time.

8.1.8 As the roll projections which informed the current planned extension of Law Primary School already included the projected pupils arising from the whole of the new development at Ferrygate Meadow and the number of additional pupils projected to arise from including the affected area at Westerdunes Park is small, there is no need to further expand the buildings and facilities of Law Primary School as a result of this proposal.

8.1.9 The capacity of both schools will be continually assessed (as is the case with all schools), in comparison to roll projections from the catchment area it provides for, and all new building which occurs within its area. Any requirements to expand capacity, where appropriate, are identified in advance, to enable sufficient planning and extension as required. The Council also has control over the rate of house building to ensure all facilities are adequate to meet the needs of the growing population – and expanded to meet these needs if required. Timescales for any identified expansion will be closely monitored by the Council. If further housing development is approved, it will be subject to the school's capacity to accommodate the projected pupil numbers arising from the proposed housing.

8.2 Impact on class sizes at Law Primary School

8.2.1 While the size of the school roll at Law Primary School is due to increase steadily over the next six years this does not necessarily mean that class sizes will increase. The class structure of each school is agreed each year in discussion with the Head Teachers before the end of the academic session for the following year. Class structures are determined by the total expected school roll and how that can be organised in line with maximum class size legislation and the planning capacity available at that time.

8.2.2 Maximum class size legislation and the physical limitations of teaching spaces are a key factor in determining the number of classes that are required to accommodate the number of pupils on the school roll. The appropriate statutory maximum class size – P1 maximum of 25, P2 and P3 maximum of 30, P4 to P7 maximum of 33, and composite maximum of 25 - will still apply to the class organisation for Law Primary School as the school roll increases in line with current legislation and policy.

8.2.3 An increasing school roll will also not mean that there will be less support for pupils. The staffing entitlement for schools and nursery classes in East Lothian is set each year in line with the primary and nursery roll and calculated in accordance with the

approved Scheme of Delegation for Schools and the Council's Devolved School Management (DSM) policies. Entitlement to teacher numbers is linked to the number of planned classes for the academic session. Support for Learning staffing requirements for each school, which are met through Predictable Needs funding are determined by the Head Teacher under the DSM scheme to ensure the needs of all pupils are met. As is the case with all schools, the predictable needs funding for Law Primary School is dependent on the latest school roll and free meal entitlement information feeding into the predictable needs funding formula at the time the funding is allocated. If the school roll and free meal entitlement figures feeding into the formula remains the same from one year to the next, then the predictable needs funding will remain the same. If the school roll and/or free meal entitlement figures feeding into the formula change from one year to the next, then the predictable needs funding will change accordingly. Furthermore, budget allocations for Exceptional Need are made based upon the number of hours/full time equivalent (FTE) staff for specific children agreed by the Moderation Panel. These allocations are reviewed annually and are only available while the child attends school. If the child moves school then these allocations will move with them.

8.2.4 The staffing entitlement for each school is reviewed annually to take account of changes in the pupil roll and revised staffing arrangements are managed in accordance with the Council's policies and procedures. As stated earlier in paragraph 8.1.4 the primary-aged population in the Law Primary School catchment area is projected to increase steadily over the next 6 years. Any increases in the pupil rolls due to an increase in nursery and primary aged children arising from changing demographics and committed and planned housing in the area will be reflected in the staffing entitlement and revenue budget for the school accordingly during the budget and staffing allocation processes.

8.3 Impact on attainment at North Berwick High School

8.3.1 The proposal to alter the catchment areas for Dirleton Primary School and Law Primary School will not result in a change to the catchment area for North Berwick High School. Secondary aged children from both Dirleton Primary School and Law Primary School catchment areas are currently and will continue to be served by North Berwick High School.

8.3.2 North Berwick High School's vision aims and values "Respect, Relationships, Responsibility, Resilience" underpin the life and work of the school, as well as its commitment to strive constantly to improve and provide opportunities for all young people to achieve their full potential.

8.4 Impact on school budget and resources

As mentioned in the Consultation Proposal Document in paragraph 63 on page 34, the DSM scheme delivers an entitlement to financial resources based on a criteria. School revenue budgets, including nursery, within East Lothian Council are set in line with the primary and nursery pupil roll and calculated in accordance with the approved Scheme of Delegation for Schools and the Council's DSM policies. Any increases in the pupil rolls due to an increase in nursery and primary aged children arising from changing demographics and committed and planned housing in the area will be reflected in the staffing entitlement and revenue budget for the school during the budget and staffing allocation processes.

8.5 Additional traffic concerns

8.5.1 As stated in paragraphs 54 to 56 of the Consultation Proposal Document, 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 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.

8.5.2 In the context of the Proposed LDP 2016, East Lothian Council has undertaken a Transport Appraisal to examine the effect of the cumulative impacts from the housing and economic land allocations in East Lothian on the local and strategic road networks and evaluate the effectiveness of interventions.

9. EDUCATION SCOTLAND REPORT

9.1 In accordance with the Schools (Consultation) (Scotland) Act 2010, a report was produced by Education Scotland on the educational aspects of the proposal. The Education Scotland report can be read in full at Appendix 5.

9.2 In preparing this report, HM Inspectors undertook the following activities:

- consideration of all relevant documentation provided by the Council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the sites of Law and Dirleton Primary Schools, including discussion with relevant consultees.

- 9.3 Section 4 of the Education Scotland report summarises their findings and conclusions as follows:

“HM Inspectors consider that this proposal has the potential to bring educational benefits to the children and families affected by the changes to the catchment areas. In taking the proposal forward, the council should continue to clarify misconceptions among a small number of parents about the scale of pupil numbers involved and the likely impact in and around Law Primary School.”

East Lothian Council’s Response to Education Scotland’s Report

- 9.4 East Lothian Council welcomes the report from Education Scotland and accepts its findings. The points raised by Education Scotland within the Education Scotland Report were also key themes identified through the consultation process and are addressed in Section 8 of this consultation report. The Education Authority has provided further clarification on the scale of pupil numbers involved and the likely impact in and around Law Primary School in Section 8 of this consultation report and will continue to do so as the need arises.

10. TRANSITION ARRANGEMENTS

- 10.1 If approved, the new catchment and admission arrangements for Dirleton Primary School and Law Primary School would become operational with immediate effect.
- 10.2 Pupils currently attending the affected schools will not be significantly affected as the proposed catchment changes will only impact on future pupil enrolments.
- 10.3 Pupils moving into housing in the affected area following implementation of the proposal will attend Law Primary School and its associated secondary school.
- 10.4 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.
- 10.5 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.
- 10.6 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.

11. ALLEGED OMISSIONS OR INACCURACIES

- 11.1 Section (10) (3) of the Schools (Consultation) (Scotland) Act 2010 also places a requirement on the Council to provide details of any alleged inaccuracy or omission

within the Consultation Proposal Document which has either been identified by the Council or raised by consultees. This section of the 2010 Act also requires the Council to provide a statement on the action taken in respect of the inaccuracy or omission, or, if no action was taken, to state that fact and why.

11.2 There were no inaccuracies or omissions within the Consultation Proposal Document either identified by the Council or raised by consultees during the consultation period.

12. COMPLIANCE WITH SECTION 9(1) OF THE SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010

12.1 Section 9(1) of the Schools (Consultation) (Scotland) Act 2010 states that:

After the Education Authority has received Education Scotland's report, the Authority is to review the relevant proposal having regard (in particular) to:

(i) written representations received by the Authority (from any person) during the consultation period,

(ii) oral representations made to it (by any person) at the public meeting,

(iii) Education Scotland's report.

12.2 Following receipt of 35 questionnaire responses and consideration of oral representations made at a public meeting held during the consultation period, officers reviewed the proposal.

12.3 The feedback from the consultation was considered by relevant officers from the Education, Property and Road Services. This ensured that the Council met the requirements of sections 9(1), 12 and 13(3) (b) of the 2010 Act.

13. LEGAL ISSUES

13.1 The Council has complied in full with the requirements of the Schools (Consultation) (Scotland) Act 2010 throughout this statutory consultation.

13.2 The Council is mindful of its duties in respect of equality and the Equality Impact Assessment did not identify that any parent, child or young person would be treated less favourably as a result of this proposal.

13.3 Under the terms of the Schools (Scotland) (Consultation) Act 2010, it is a legal requirement that the Council should not reach any formal decision without having reviewed the relevant proposal having regard, in particular, to:

a) relevant written representations received from any person during the consultation period;

- b) oral representation made to it by any person at the public meeting held on 21st November 2017;
- c) the Education Scotland report;
- d) preparing a Consultation Report; and
- e) waiting until a period of three weeks starting on the day on which this Consultation Report is published in electronic and printed form has expired.

13.4 As it is the intention that this Consultation Report should be published, both electronically and in written form, if required, on 29th March 2018, this meets the statutory requirement to publish this report more than three weeks before consideration of the proposal by East Lothian Council.

14. PERSONNEL ISSUES

14.1 No personnel issues have been identified with regard to this proposal.

15. ENVIRONMENTAL ISSUES

15.1 No environmental issues have been identified with regard to this proposal.

16. CONCLUSION

16.1 Officers of the Education Authority have listened carefully to the points made at the public meeting and have considered equally carefully the written representations, including the Education Scotland report. Having reviewed the feedback from consultees, officers conclude that the basis of the original proposal remained the best solution to address primary education provision for the Ferrygate Meadow development (NK5) and create a sustainable school estate for future generations in the Dirleton Primary School and Law Primary School catchment areas.

16.2 The proposed catchment changes 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. 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. 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.

16.3 The key messages deriving from the consultation period are as follows:

- 62% of all individual questionnaire respondents (21 responses) to the consultation were in favour of altering the catchment areas of Dirleton Primary

School and Law Primary School, 18% (6 responses) were not in favour and 21% (7 responses) held no opinion or did not answer the question;

- There was 1 response from a group, Gullane Area Community Council, who were in support of the proposal;
- During the consultation period, Council officers visited Dirleton Primary School and Law Primary School, providing good opportunities for pupils to discuss their views. Staff who met with the officers did not have any concerns regarding the proposal. Overall, pupils expressed their support for the proposal.

16.4 Education Scotland has identified that the proposal has the potential to bring educational benefits to the children and families affected by the changes to the catchment areas. This includes children living close by in the same community having the right to attend the same school.

16.5 The Council now has 3 options to consider, namely:

- a) adopt the proposal;
- b) withdraw the proposal and make no alteration to the Dirleton Primary School and Law Primary School catchment areas;
- c) undertake a further consultation exercise on a new proposal.

16.6 If the Council adopts the proposal, it would be on the basis that the educational benefits set out in the Consultation Proposal Document would materialise.

16.7 In withdrawing the proposal, 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.

17. **RECOMMENDATIONS**

17.1 On the basis of the feedback received and taking account of the educational and social benefits of the proposal, it is concluded that the following proposal is the most reasonable, viable and appropriate course of action open to it in providing the opportunity for primary aged children from the affected area to attend the same school. It is therefore recommended that the Council approves the following:

- 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.

- The new catchment and admission arrangements for Dirleton Primary School and Law Primary School would become operational with immediate effect.

Fiona Robertson
Head of Education
March 2018

APPENDIX 1: COMMENTS FROM QUESTIONNAIRE RESPONSES

Of the 35 questionnaire responses, 9 contained comments of whom 3 declined permission to make their comments publicly available. However, their representations have been taken account of and responded to in Section 8 of this Consultation Report. The summary of comments below, were made from the remaining 6 responses who gave permission to share their comments publicly.

Responses from Groups

Gullane Area Community Council

Comments
Makes good sense!

Responses from Individuals

Responses from those in support of the proposal to alter the catchment boundaries of Law Primary and Dirleton Primary school catchment areas

The comments included with those responses received that were in favour of the proposal are shown below, comments are redacted to avoid the identification of individuals:

Comments
We currently live in the new Ferrygatemeadow development and are baffled by the split in catchment. We simply want our kids to go to the same school as their friends living in the same area.
██████████ lives in the new Miller, Ferrygate Meadow houses. ██████ side of Phillimore Square is designated, under the current boundaries, to be in Dirleton, whereas ██████ neighbours houses on Phillimore Square are within the North Berwick boundary. This would mean that ████████████████████ would be going to Dirleton Primary School, and the neighbouring children would attend Law Primary School. I would like to see the new boundary including all of Phillimore Square in the Law Primary catchment area.
I strongly agree that the Law Primary School catchment should be altered to include the entire Ferrygate Meadow development and in doing so, the affected houses in Westerdures Park. In my opinion the decision was made when planning consent was granted in 2015 and the supporting information stated that the development would be within Law Primary boundaries. The historical boundary runs almost directly through the affected 8 houses and results in an

Comments

unfavourable situation where despite living in North Berwick and within an estate that the remaining 132 houses are included; the occupants of those homes are not.

This means that children who grow up in the same street may not be able to attend the same school as their neighbours and friends. Children who see themselves as living in North Berwick, attend activities in the town and want to feel included as part of the local community. The whole situation would potentially be very divisive.

Part of the Ferrygate Meadow plans include a safe walking / cycling route to Law Primary via Gas Works Lane. The footpath is already in place and ready to link to the development as it moves east. Any route to Dirleton Primary from Ferrygate Meadow is however not safe due to the requirement to cross a road where vehicles travel at 60 mph and beyond. This would force families to travel by car and contradict attempts for children to lead a healthy and active lifestyle by walking or cycling to and from school.

Thank you for your consideration.

Responses from those who are not in favour of the proposal to alter the catchment boundaries of Law Primary and Dirleton Primary school catchment areas

The comments made in the responses that were not in favour of the proposal are shown below.

Comments

This is surely absurd. Law Primary cannot cope with the amount of pupils it already has and Dirleton Primary is tiny - nonsensical. The infrastructure/bullying/playground space issues at Law are well known and the school is already unwieldy.

As far as I can recall when the Ferrygate development went through planning it was on the basis that the houses would be in the Dirleton catchment.

The town is expanding at such a huge rate that despite the additional class rooms in the new build section of the school the school is stretched for many reasons and is under resourced (for example there are a higher than usual percentage of children with special needs) and limited resources to help.

This will also add to more traffic through the main roads where traffic is already bad. We walk to school as we live quite centrally and are often confronted with cars and buses driving on the pavements to get through traffic (which we have reported to the council, the police and the bus companies). And despite this development being within walking distance to the school the reality is that most people would choose to drive.

APPENDIX 2: NOTE OF PUBLIC MEETING

STATUTORY PUBLIC CONSULTATION MEETING

PROPOSAL 1 – PROPOSED CLOSURE AND RE-DESIGNATION OF NORTH BERWICK NURSERY SCHOOL TO LAW PRIMARY SCHOOL NURSERY CLASS

PROPOSAL 2 – TO ALTER THE SCHOOL CATCHMENT AREAS OF DIRLETON PRIMARY SCHOOL AND LAW PRIMARY SCHOOL

**TUESDAY 21 NOVEMBER 2017
NORTH BERWICK HIGH SCHOOL**

PRESENT:-

Chris Webb, Independent Adviser, Chair of meeting
Lesley Brown, Quality Improvement Manager
Richard Parker, Service Manager, Education
Iain McFarlane, Planning Service Manager, Development Management
Pauline Smith, Principal Officer (Information & Research)
Rob Lewis, Senior Information Officer
Katy Johnstone, Graduate Intern
David Gilmour, Web Officer
1 member of the public

Chris Webb welcomed everyone to the meeting, introduced himself and outlined the purpose of the meeting. He informed the attendee that the meeting was being recorded to allow the Council to have an accurate record of any issues raised so they can answer any questions in more detail at a later date. The views recorded will form part of the consultation exercise.

Chris Webb advised that the purpose of the meeting is to give members of the public the opportunity to hear more about the proposals, ask questions about the proposals and have their views recorded and noted and taken account of as part of the consultation process.

He acknowledged that there were two proposals however the member of the public in attendance identified that they were only interested in the second proposal. It was the member of the public's preference to only discuss the second proposal.

Richard Parker reiterated that the meeting was being held to discuss two proposals but as there was no interest in the first proposal, only the second was to be presented:-

- To alter the catchment areas of Dirleton Primary School and Law Primary School
- If approved, the catchment area of Law Primary School will be extended to include the whole of the new residential development at Ferrygate Meadow 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 Dirleton Primary School and Law Primary School catchment areas will become operational with immediate effect.

Background on Proposal Two

- On 13th November 2015 planning permission in principle 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 application assessment indicated that the new development could be wholly contained within the Law Primary School catchment boundary
- 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 now divides Ferrygate Meadow.
- 132 of these 140 properties are located within the current Law Primary School catchment area and the remaining 8 properties are located within the Dirleton Primary School catchment area.
- The Ferrygate Meadow development has escalated a legacy catchment boundary issue to the west of the current Law Primary School catchment boundary which runs across open fields.
- To enable all of the properties from the development to be in the same catchment, it is proposed that the boundary line will be extended to the next appropriate natural boundary.
- As a result, this change will include houses in the area of Westerdunes Park which are also currently in the Dirleton Primary School catchment area.

Educational Benefits

The proposed alteration of the catchment areas of Dirleton Primary School and Law Primary School will have educational benefits through:

- Ensuring all primary aged children from the new development at Ferrygate Meadow will be able to attend the same school.
- Promoting a greater sense of community and providing the opportunity for children living within the properties at Ferrygate Meadow and Westerdunes Park to develop and sustain strong relationships both at school and at home.

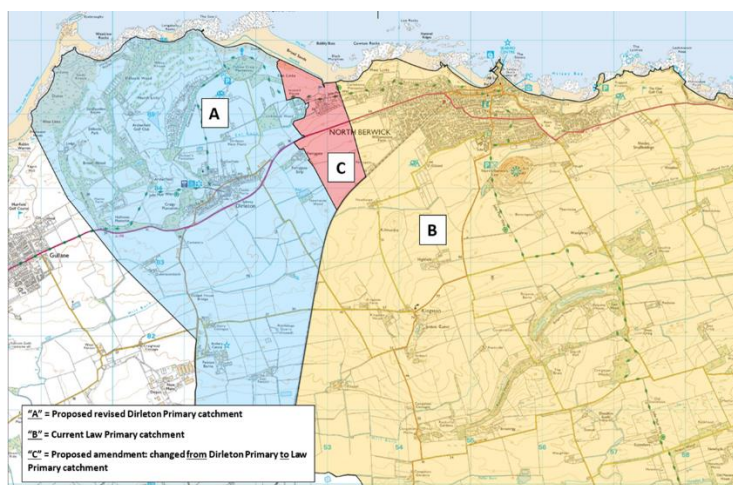
Transition Arrangements

- Pupils who currently attend Dirleton Primary School and Law Primary School will not be significantly affected as the proposed catchment changes will only impact on future pupil enrolments.
- Children currently living in the affected area and attending Dirleton Primary School will continue to attend Dirleton Primary School for the remainder of their primary education.
- For children starting P1 living in the affected area who have a sibling continuing to attend Dirleton Primary School in the same academic year who would, but for implementation of the proposal, be likely to become pupils of that school, will have the option to attend Dirleton Primary School if they wish to do so.

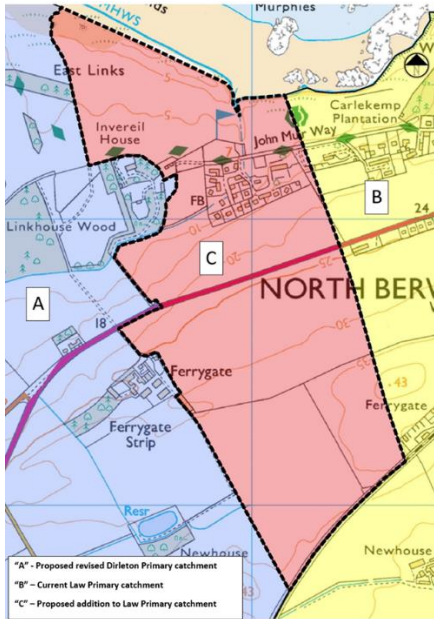
School Capacity

- Law Primary School with its extension has the capacity to accommodate the projected pupil numbers that will arise from the proposed boundary change and the committed housing developments in the Law Primary School catchment area.
- Further expansion of Law Primary School is not required as a result of this proposal.
- Dirleton Primary School has the capacity to accommodate the projected pupil numbers which will arise from the planned and committed housing development in its catchment area.
- 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 in addition to the planned and committed housing developments in the Dirleton catchment area.

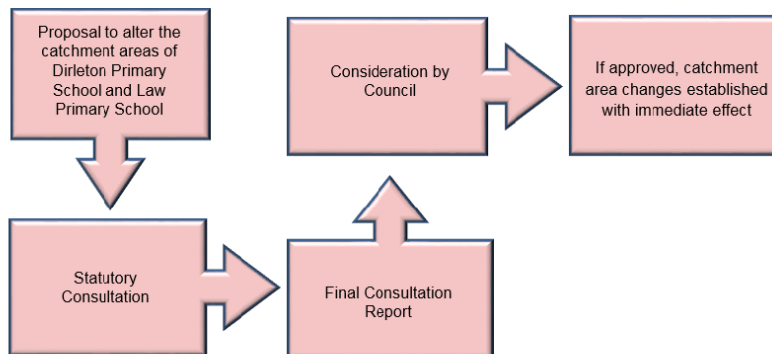
Map of Locations 1



Map of Locations 2



Project Timeline – Proposal 2



Chris Webb invited questions from the member of the public.

The member of the public stated that the proposal was clear and that they expected there to be an answer on the outcome when the proposal ends on the 4th December.

Richard Parker responded that after the close of the consultation the proposal would need to go to Council to be approved. He explained that this proposal will not become effective until after the Council meeting and once Scottish Ministers have had the opportunity to call the proposal in.

Chris Webb explained that although the time between the consultation and the Council decision seemed long, this is the process that is undertaken for all statutory school consultations. He explained that there had to be due diligence in the process of every consultation and that the role of Education Scotland was to scrutinise the educational benefits of the proposal as an independent body. He reiterated the process undertaken by both Education Scotland and the Local Authority and explained that it was in place to ensure that the process was safeguarded by an independent perspective.

The member of the public stated that they understood the timescales and that their reason for attending the meeting was to show their support for the proposal. They stated that they supported the proposal for the inclusivity of the children who would grow up in one of the 8 houses in the current Dirleton Primary School catchment, living in North Berwick but potentially having to go to a school that wasn't in town. They felt that it would be hard for the children to forge friendships and a network of friends as they would have children a stone's throw away who go to a different school. The member of the public felt that the current situation is divisive and they would not want their children to take a place from a child at Dirleton Primary School as they felt that Dirleton Primary School was for Dirleton residents. They also stated that there is a safe walking route from Ferrygate Meadow to Law Primary School which is not the case with Dirleton Primary School as there is a national speed limit road and you could not consider a child walking to school using that route. The member of the public wished to safeguard the future for other families that would be potentially moving into the street and would find themselves in that awkward position where their children would be in a different catchment area.

Chris Webb drew the meeting to a close and thanked everyone who attended the meeting.

APPENDIX 3: NOTE OF STAFF VOICE SESSIONS

Dirleton Primary School Staff Voice Session 07/11/2017

Staff members attended to let officers know they had no concerns about the consultation proposals.

Law Primary School Staff Voice Session 16/11/2017

Staff members were invited to attend a meeting to share their views, none attended.

APPENDIX 4: NOTE OF PUPIL VOICE SESSIONS

The Pupil Voice sessions were structured workshops with a representative group of pupils from the school. The following are summaries of the discussions and questions/answers.

Dirleton Primary School Pupil Voice Session 06/11/2017

David Scott and Katy Johnstone met with a group of pupils for a short time. David Scott described the proposals and the pupils put forward their thoughts:

- 'You would want to go to the same school as your friends'
- Concerns about their postcode changing
- 'It will be a big change but it could work out very well, it works in Haddington' (regarding the nursery)
- Concerns about having to move school if living in the change area

Dirleton Primary School Pupil Voice Session 16/11/2017

David Scott and Katy Johnstone met with a group of pupils for a second time as it was felt there was not enough opportunity for all of the children to share their views on the proposal. David Scott described the proposal and then there was a group discussion:

There was a discussion around how the children felt when they came to school for the first time

- Scared, didn't like the idea of a big school
- Excited, already had siblings at the school so knew what it was like

Some children felt the first proposal is an okay idea, but it feels like it could go either positively or negatively.

Others felt it was a change for the good – just a bit nostalgic about the nursery school

Can't see how it would be a bad thing, really just a change of name.

Regarding Proposal 2

Did not feel it was fair in the current position, if your best friend was on the other side of the line it's not good.

Overall the children thought it was a pretty good idea.

Law Primary School Pupil Voice Session 16.11.2017

David Scott and Katy Johnstone met with a group of pupils. David Scott described the proposals and then there was a group discussion:

There was a discussion around how the children felt when they came to school for the first time:

- Nervous
- Excited
- Difference between a day of playing at nursery and the work of Primary 1

All children felt that the first proposal was fine.

Regarding proposal 2, there were questions as to why the council was not making the catchment area of Dirleton Primary School larger instead of Law Primary Schools. David Scott explained that there would not be capacity at Dirleton Primary School for all of the children in the catchment area if it was to be extended.

Many children expressed dismay at the thought of children who were neighbours not being able to go to school together.

APPENDIX 5: EDUCATION SCOTLAND REPORT

Report by Education Scotland addressing educational aspects of the proposal by East Lothian Council to extend the catchment area of Law Primary School to include the whole of the new residential development at Ferrygate Meadow and the houses in the area of Westerdunes Park, North Berwick currently in the catchment area of Dirleton Primary School.

1. Introduction

1.1 This report from Education Scotland has been prepared by Her Majesty's Inspectors of Education (HM Inspectors) in accordance with the terms of the *Schools (Consultation) (Scotland) Act 2010* and the amendments contained in the *Children and Young People (Scotland) Act 2014*. The purpose of the report is to provide an independent and impartial consideration of East Lothian Council's proposal to extend the catchment area of Law Primary School to include the whole of the new residential development at Ferrygate Meadow and the houses in the area of Westerdunes Park, North Berwick currently in the catchment area of Dirleton Primary School. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include a copy of this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all legislative obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

1.2 HM Inspectors considered:

- the likely effects of the proposal for children of Law and Dirleton Primary Schools; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children and young people in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

1.3 In preparing this report, HM Inspectors undertook the following activities:

- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the site of Law and Dirleton Primary Schools, including discussion with relevant consultees.

2. Consultation Process

2.1 East Lothian Council undertook the consultation on its proposal(s) with reference to the *Schools (Consultation) (Scotland) Act 2010* and the amendments in the *Children and Young People (Scotland) Act 2014*.

2.2 The consultation process ran from 24 October 2017 until 4 December 2017. Copies of the consultation document and an information leaflet were available on the East Lothian Council consultation website. In addition, paper copies and questionnaires were available in local schools and council buildings. An advertisement was placed in the local newspaper and the council used social media posts to raise further awareness. A public meeting was held at North Berwick High School on 21 November 2017. Only one local resident attended and they were in favour of the proposal. Less formal drop in sessions were also held on 6 November 2017 at Dirleton Primary School and on 9 November 2017 at North Berwick Community Centre.

2.3 Thirty-five written and electronic responses were received by the council with a majority in favour of the proposal and just over 17% of respondents disagreeing or strongly disagreeing.

3. Educational Aspects of Proposal

HM Inspectors consider that the proposal has the potential to bring educational benefits. Children living close by in the same community will have the right to attend the same school. Future pressures on the capacity at Dirleton Primary School are less likely as a result of fewer homes in the revised catchment area, whilst Law Primary School has greater capacity in the future. The proposal will allow the council to achieve best value in managing its school estate in a growing community.

3.1 All stakeholders who met with HM Inspectors were in support of the proposal. From the evidence collated by the council, stakeholders who agreed with the proposal stated that all children from the Ferrygate Meadow area should have the opportunity to attend Law Primary School with their close neighbours and friends. They saw the importance of a community of learners having common links. For a smaller number of parents, there were concerns expressed about the growing numbers of children in Law Primary with regard to space in the school and additional traffic this might bring to the area around the school.

3.2 The council has given assurances to families living in the affected areas with children currently attending Dirleton Primary School that they will continue to be guaranteed a place and that siblings will have the right to attend the same school as their older sisters or brothers should they wish to do so.

4. Summary

HM Inspectors consider that this proposal has the potential to bring educational benefits to the children and families affected by the changes to the catchment areas. In taking the proposal forward, the council should continue to clarify misconceptions among a small number of parents about the scale of pupil numbers involved and the likely impact in and around Law Primary School.

**HM Inspectors
Education Scotland
January 2018**