

REPORT TO: East Lothian Council

MEETING DATE: 11 December 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Outcome of the Statutory School Consultation on the Proposed Closure of Prestonpans Infant & Nursery School And Prestonpans Primary School And The Establishment Of A New Non-Denominational Primary School Structure And Its Associated Catchment Area For Prestonpans

1 PURPOSE

- 1.1 To share the outcome of the proposal to close Prestonpans Infant & Nursery School and Prestonpans Primary School and establish a new non-denominational single primary school structure covering Nursery to P7 and its associated catchment area for Prestonpans.
- 1.2 To seek approval for the recommendation set out within the Consultation Report (available in the Members' Library, Ref: 177/18, December 2018 Bulletin) to close Prestonpans Infant & Nursery School and Prestonpans Primary School and establish a new non-denominational single primary school structure covering Nursery to P7 and its associated catchment area for Prestonpans.

2 RECOMMENDATIONS

- 2.1 The Council is asked to approve on the basis of the outcome of the school consultation and taking account of the educational and social benefits of the proposal that:

- i. subject to the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, Prestonpans Infant & Nursery School and Prestonpans Primary School will be closed and a new single primary school structure covering Nursery to P7 and its associated catchment area will be established for Prestonpans;
- ii. the closure of Prestonpans Infant & Nursery School and Prestonpans Primary School and the establishment of the new single primary school structure and its associated catchment area will take effect from February 2019, or as soon as possible thereafter.

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. Section 3 of the Standards in Scotland's Schools etc Act 2000 requires authorities to "*endeavour to secure improvement in the quality of school education which is provided in the schools managed by them; and they shall exercise their functions in relation to such provision with a view to raising standards of education*". Section 3D of the 2000 Act (as inserted by section 2 of the 2016 Act) introduces a requirement on education authorities to carry out their duty to ensure the delivery of improvement in the quality of school education which is provided in the schools they manage, with a view to achieving the strategic priorities of the National Improvement Framework. 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 (available in the Members' Library, Ref: 177/18, December 2018 Bulletin) documents the formal consultation undertaken on this proposal between 20 August 2018 and 2 October 2018.
- 3.3 The need for seamless and high quality transition is recognised internationally, nationally and locally and is central to continuity of education and progression through the curriculum. Consistency in our approaches to planning learning, teaching and assessment, particularly at key milestones is vital for learner progression, effective transition and raising attainment for all. Pupil wellbeing is further supported where approaches are consistent through one school.

There is better continuity for pupils in terms of familiarity and confidence and there are increased opportunities for pupils to develop and sustain relationships with their peers and with school staff.

- 3.4 The Prestonpans catchment area is currently served by two separate non-denominational schools: Prestonpans Infant & Nursery School (nursery to Primary 3 stages) and Prestonpans Primary School (Primary 4 to Primary 7 stages) with separate operational and management structures. Until recently, the Prestonpans catchment area was one of only two primary catchment areas in East Lothian where P1 to P3 and P4 to P7 pupils from the same catchment are taught in two separate schools requiring an additional stage transition between P3 and P4. The other primary catchment area in East Lothian was Haddington. Across Scotland there were only three mainstream local authority Infant Schools registered as open as at September 2017. These three schools included Haddington Infant School and Prestonpans Infant & Nursery School. On 24 April 2018, the proposal to close Haddington Infant School and King's Meadow Primary School and establish a new single non-denominational primary school for Haddington was approved and is now being implemented.
- 3.5 The Prestonpans catchment area is now the only primary catchment area in East Lothian where Nursery to P3 and P4 to P7 pupils from the same catchment are taught in two separate schools with separate operational and management structures requiring these pupils to have an additional stage transition between P3 and P4.
- 3.6 The Education Service and schools work together to share effective practice and ensure our children's transitions are well-planned. However, the additional stage transition between P3 and P4 presents additional challenges for children at a key point of learning within Curriculum for Excellence (CfE) First Level. This also presents a more challenging transition stage for staff which is not experienced by staff in almost every other school across East Lothian and indeed more widely across Scotland.
- 3.7 The challenges of the additional stage transition across two separate establishments have been present for a number of years and are also present at Prestonpans Infant & Nursery School and Prestonpans Primary School. Evidence following the Education Service School Reviews of Prestonpans Infant & Nursery School and Prestonpans Primary School in 2016 highlighted that while pastoral transitions were strong between the two schools, they needed to develop stronger and more effective links to improve continuity and progression in children's learning from Nursery to P7 and to improve curriculum transition. While both schools have worked well together to develop more consistent approaches to planning learning, teaching and assessment, it has not been possible to fully address this given that these are schools under two distinct leadership and management arrangements. Transition and continuity

in learning across the stages from Early Level through to Second Level is enhanced by strong, consistent leadership across Early Level through to Second Level.

- 3.8 East Lothian Council's Education Service considers establishing one new primary school covering nursery through to P7 under a single management structure through this proposal will provide the opportunity to develop a coherent and progressive curriculum and enhance transition and continuity in learning across the stages in the Prestonpans catchment area from Early Level through to Second Level. This proposal represents best value in terms of the continuous improvement of early learning & childcare provision and primary education within the Prestonpans area, providing equity across all schools in the Prestonpans cluster in terms of the continuity and progression in learning for primary aged pupils from Nursery through to P7. This proposal will also ensure equity across all schools in the Prestonpans cluster in terms of Leadership and Management arrangements and bring the Leadership and Management model of the two affected schools in line with all the other schools within the cluster and across East Lothian. East Lothian Council's Education Service also considers establishing one new primary school through this proposal to be the preferable option in providing the Head Teacher with the ability to carry out effectively such duties associated with both recent and planned changes within education. While Prestonpans Early Learning & Childcare Centre is a separate establishment with a separate budget and will continue to function as a separate establishment if the proposal is implemented, it does come under the management and leadership of the Head Teacher of Prestonpans Infant & Nursery School
- 3.9 The main considerations relating to the proposed closure of Prestonpans Infant & Nursery School and Prestonpans Primary School and the establishment of a new single primary school structure with nursery class in Prestonpans were fully explained in the Consultation Proposal Document. The main points are highlighted below:
- The responsibilities associated with the National Improvement Framework and the new duties imposed on education authorities by the Standards in Scotland's Schools etc Act 2000 as amended by the 2016 Act.
 - The agreed principles underpinning the development of an empowered school led system set out in the 'Education Bill Policy Ambition – Joint Agreement', June 2018_ <https://www.gov.scot/Publications/2018/06/8745/downloads>
 - The duties placed on local authorities in relation to the adequate and efficient provision of school education in their area.

- The duties placed on local authorities to secure best value in the delivery of services.
- 3.10 The statutory consultation on the proposed closure of Prestonpans Infant & Nursery School and Prestonpans Primary School and establishment of a new non-denominational single primary school structure covering Nursery to P7 and its associated catchment area for Prestonpans commenced at 12.00am on Monday 20 August 2018 and lasted until 12.00am on Tuesday 2 October 2018, 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 Monday 20th August 2018.
- 3.11 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 Prestonpans area. Sealed boxes were also located at Prestonpans Infant & Nursery School, Prestonpans Primary School, Prestonpans Early Learning & Childcare Centre and Prestonpans Community Centre for their return.
- 3.12 Publicity material detailed an East Lothian Council email address, phone number and postal address, to which representations and any other queries could be submitted.
- 3.13 In addition to the public meeting and public drop-in sessions, informal meetings were held with staff at the directly affected schools to discuss any queries or concerns they may have on the proposal based around their availability and at their discretion. Information on the 'Protocol for School Merger' was shared with staff at these meetings and a copy of the protocol was provided to the Head Teacher to share with staff on request. Further additional opportunities to engage with HR staff regarding the protocol were also offered to staff at their discretion.
- 3.14 A representative group of pupils from both Prestonpans Infant & Nursery School and Prestonpans Primary School attended separate workshops where they were able to express their views on the proposal.
- 3.15 Meetings were also held with Prestonpans Infant & Nursery School Parent Council and Prestonpans Primary School Parent Council.
- 3.16 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 4 of the Consultation Report.

- 3.17 All submitted representations, including the Education Scotland report, were analysed by East Lothian Council Officers, summarised and answered to in the Consultation Report. The Consultation Report, summarising all representations and East Lothian Council's response, was published on the East Lothian Council Consultation Hub on Tuesday 20 November 2018. This was made publicly available for a period of three weeks, in line with the *Schools (Consultation) (Scotland) Act 2010*.
- 3.18 At the end of the consultation process, *Section 15 of the Schools (Consultation) (Scotland) Act 2010* enables Scottish Ministers to call-in a decision to implement the proposed closure of Prestonpans Infant & Nursery School and Prestonpans Primary School and the establishment of a new single primary school structure with nursery class and its associated catchment area for Prestonpans. Beginning on the day that a final decision has been taken, the Council must notify Scottish Ministers of this decision within a period of six working days. The Council must publish the fact that the Scottish Ministers have been notified and that representations can be made to the Scottish Ministers within the first three weeks of the eight-week period. Scottish Ministers then have a period of eight weeks from and including the date of decision to decide if they will call-in the proposal. The Council may not proceed with the implementation of the proposal until this eight-week period has passed.
- 3.19 If the Scottish Ministers decide to call in a closure proposal, it is then referred to the Convener of the School Closure Review Panels who has a period of seven days after a call in notice is issued to constitute a School Closure Review Panel. The Panel may decide to refuse consent to the proposal, refuse consent and remit it to the education authority for a fresh decision or grant consent to the proposal, either subject to conditions, or unconditionally. The Panel must notify the education authority of its decision within eight weeks from when the Panel was constituted or within 16 weeks if the Panel has issued a notice to the education authority that a decision has been delayed. The Council may not proceed with the implementation of the proposal until the outcome of the call-in has been notified to the Council.

Summary

- 3.20 The Council received 135 responses to its questionnaire during the consultation period. There are 646 families across the two schools, which equates to a response rate of 21%. The Council received one submission to its consultation by email the day after the consultation period had ended. All representations that had been made during the consultation period were

submitted to Education Scotland and any issues or concerns raised are also subject to the Council's response in the Consultation Report. 133 of the responses were from individuals and 2 were from groups.

3.21 33% of all individual questionnaire respondents (44 responses) to the consultation were in favour of establishing a new single primary school structure covering Nursery to P7 for the Prestonpans catchment area, 60% (80 responses) were not in favour and 7% (9 responses) had no opinion. There were responses from 2 groups during the consultation period. Both of these were from the Parent Councils of the two directly affected schools. Prestonpans Infant & Nursery School Parent Council responded that they strongly agreed with the proposal while Prestonpans Primary School Parent Council based on feedback from the wider Parent Forum responded they did not agree with the proposal. A summary of responses by demographic is provided in Section 5 of the Consultation Report..

3.22 A number of questions and issues were raised through the questionnaire and oral responses, and can be grouped as follows:

- What is the main purpose of the proposal and is it just a cost-cutting exercise?
- Who will make the final decision about the proposal and why is there only one option?
- Why is the proposal happening now?
- What are the cost savings of this proposal?
- Will this proposal affect the Pupil Equity Fund (PEF) allocations?
- What evidence is there that this proposal will raise attainment?
- What will the management structure of the new school be and will parents have a say in this?
- Management of one larger school across two campuses and access to the Head Teacher
- What impact will the proposal have on the teaching structure and will the current class structure remain the same within the 2 campuses?
- How will children get the right support they need in a larger single school?
- A split campus will still require a physical transition between P3 and P4
- How will the proposal affect support & admin staff?
- Why does the proposal say February 2019 and when exactly will the new school be established?
- What will happen with the school uniform and will we have to buy another new one?
- If the proposal is approved, will the school start and end times change?
- Where is the Prestonpans Infant School extension going and when will it be extended?

- Are there any plans to build any more new primary schools in the Prestonpans catchment area for all the new housing?
- Are there any plans to change the catchment area for Prestonpans and will the pupils from Blindwells be going to Prestonpans Infant School and Prestonpans Primary School?
- Why are the projected numbers for the nursery class and Prestonpans Early Learning & Childcare Centre not included in the proposal document?
- Why is the local authority not proposing two separate Nursery to P7 schools for the Prestonpans catchment area?
- What research was used to inform the proposal for consultation?

East Lothian Council's response to these are detailed in Section 8 of the Consultation Report.

3.23 The comments made as part of the questionnaire submissions are included in Appendix 1 of the Consultation Report, 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.

3.24 During the consultation period, Council officers visited Prestonpans Infant & Nursery School and Prestonpans Primary School providing good opportunities for pupils and staff to discuss their views. The Head of Education and a representative from Human Resources attended informal meetings with staff in both schools, held at the staff's discretion. As these were informal, no formal record was taken at these staff sessions. Pupils from Prestonpans Infant & Nursery School were curious about the proposal and had prepared a balanced set of questions in advance. Pupils from Prestonpans Primary School expressed mixed views. A note of the planned pupil voice sessions are included as Appendix 3 of the Consultation Report.

3.25 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 4 of the Consultation Report. Education Scotland stated that there are overall potential educational benefits to the proposal, despite the practical complexities, as follows:

- The proposal provides an opportunity to improve learning and teaching and further raise attainment for all children in the catchment area;
- The establishment of a single staff team working together to ensure continuity and progression from P1 to P7 should bring greater curricular

coherence, improved consistency of expectations and increased moderation of standards;

- Children should benefit from improved progression planning to better meet their needs; and
- Removing the need for an additional transition to a different school at the end of P3 is likely to reduce any possible risk of a slowing down of progress as children progress through the first level of Curriculum for Excellence.

3.26 Education Scotland reported that parents and staff across the two schools and the Early Learning and Childcare Centre hold significantly different views about the educational benefits of the proposal.

3.27 Education Scotland noted that East Lothian Council in taking the proposal forward, should continue to engage and work with all stakeholders to address their concerns. Education Scotland also stated that *“an effective communication strategy and an action plan based on the needs of the establishments affected will be essential for the council to keep all stakeholders informed and engaged. The council should include details of these in its final report.”*

3.28 The Education Authority has set out its commitment to ongoing engagement with all stakeholders and the process for taking the proposal forward within Sections 8 and 10 of the Consultation Report. Details on the process for transitioning to the new school structure were also made publicly available during the consultation period through the Consultation Proposal Document, the Frequently Asked Questions document on the Consultation hub and shared at the Public meeting.

3.29 Following receipt of a total of 135 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 within the Council’s Education, Finance, Human Resources and Property Services. This ensured that the Council met the requirements of sections 9(1), 12 and 13(3) (b) of the 2010 Act.

3.30 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, that:
 - a. subject to the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, Prestonpans Infant & Nursery School and Prestonpans Primary

School will be closed and a new single primary school structure covering Nursery to P7 and its associated catchment area will be established for Prestonpans;

- b. the establishment of the new single school structure will take effect from February 2019, or as soon as possible thereafter.
 - ii. withdraw the proposal. The two schools would remain as separate establishments with separate staffing structures, management teams and identities. While the Education Service would continue to work with both schools to focus on the improvement in the consistency of learning & teaching and continuity and progression the Council may not be able to fully address the additional transition challenges for children, staff and parents to better meet the needs of all pupils;
 - iii. undertake a further consultation exercise on a new proposal.
- 3.31 On the basis of the feedback received and taking account of the educational and social benefits of the proposal, it is concluded that the basis of the original proposal is the only viable and deliverable option to address the additional transition challenges for children, staff and parents at Prestonpans Infant & Nursery School and Prestonpans Primary School.
- 3.32 The proposed closures and establishment of a new single primary school structure provides an opportunity to improve learning and teaching and further raise attainment for all children in the Prestonpans catchment area. The establishment of a single school will create a positive environment for more effective learning and teaching that is better matched to the needs of the children across all stages. It will provide the opportunity to develop a coherent and progressive curriculum from Nursery to P7. It will also provide the opportunity to improve the consistency of learning and teaching approaches to better meet the needs of all pupils. This will support much smoother and improved pastoral and curricular transitions across the stages. In addition, this will also enable staff to work with children across the school which will provide enhanced support for their learning.
- 3.33 The proposed closures and establishment of a new single primary school structure will have a positive impact on the children in both schools by further developing and enhancing a shared ethos, vision, values and aims from the nursery class through to Primary 7. The establishment of a new primary school under a single operational and management structure will secure best value, providing more equitable education provision across the School Estate where almost all schools operate as Nursery to Primary 7 settings. This proposal will also ensure equity across all schools in the Prestonpans cluster in terms of Leadership and Management arrangements.

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

- subject to the conclusion of the Scottish Ministers eight-week call-in period or the notification of the outcome of a call-in, as appropriate, Prestonpans Infant & Nursery School and Prestonpans Primary School will be closed and a new single primary school structure covering Nursery to P7 and its associated catchment area will be established for Prestonpans;
- the establishment of the new single primary school structure will take effect from February 2019, or as soon as possible thereafter;
- the Education Service will commence with the recruitment of the Head Teacher for the new school. The Education Authority would take forward the consultation on the name of the new school with pupils, staff and parents whilst undertaking the recruitment for the new Head Teacher;
- once in post, the Head Teacher will assume responsibility for the leadership and management of both schools during the transition period to the new single school structure. The Head Teacher will also assume responsibility for the leadership and management of Prestonpans Early Learning & Childcare Centre;
- the two schools would continue to function as two separate schools with separate budgets and staffing structures until the Head Teacher is in post. The budgets for Prestonpans Infant & Nursery School and Prestonpans Primary School would remain as set for the academic session under the responsibility of the appointed Head Teacher until the establishment of the new single school structure. Any additional resources required to assist the Head Teacher during the transition period will be provided. Prestonpans Early Learning & Childcare Centre is a separate early learning & childcare establishment. Although it is under the leadership and management of the Head Teacher of Prestonpans Infant & Nursery School, it has its own separate budget and staffing entitlement, which is not affected by the implementation of this proposal; and
- once a Head Teacher is appointed and in post, a Transition Action Group would be set up comprising the new Head Teacher, staff and parent representatives from both schools as well as council officers and trade union representatives. The new Head Teacher will lead the Transition Action Group. The Education Authority will take forward the establishment of the new school in partnership with the Transition Action Group.

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 – School revenue budgets, including nursery, within East Lothian Council are set in line with the primary and nursery roll of the school and calculated in accordance with the Council's Devolved School Management (DSM) policies and the approved Scheme of Delegation for Schools. This includes an allocation for Management and non-teaching staff for the nursery class based on the nursery capacity. If the proposal is approved, Prestonpans Infant & Nursery School and Prestonpans Primary School would continue to function as two separate schools with separate budgets and staffing structures until the Head Teacher is in post. The budgets for Prestonpans Infant & Nursery School and Prestonpans Primary School would remain as set for the academic session under the responsibility of the appointed Head Teacher until the establishment of the new single school structure. Any additional resources required to assist the Head Teacher during the transition period will be provided. The predictable needs funding for the two schools would remain as set for that academic session under the responsibility of the appointed Head Teacher until the establishment of the new school. As is the situation with the other primary schools in East Lothian operating across a split site the school budget and staffing entitlement will be adjusted to reflect this.

The revenue budget for each school is reviewed annually to take account of changes in the primary and nursery roll and nursery capacity. Any increases in the pupil rolls due to an increase in nursery and primary aged children arising from changing demographics and planned housing in the area will be reflected within the revenue budget for the new school and its nursery class during the annual budget and staffing allocation processes.

Prestonpans Early Learning & Childcare Centre is a separate early learning & childcare establishment with a separate roll and capacity. Although it is under the leadership and management of the Head Teacher of Prestonpans Infant & Nursery School, it has its own separate budget and staffing entitlement, which is not affected by the implementation of this proposal. The revenue budget and staffing entitlement, including management time, for Prestonpans Early

Learning & Childcare Centre will continue to be set separately based on the roll and capacity of the centre.

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

- 6.2 Personnel – The staffing entitlement for proposed new single primary school structure and its nursery class will be set in line with the primary and nursery pupil roll of the school and calculated in accordance with the approved Scheme of Delegation for Schools and the Council's DSM policies. Revised staffing arrangements for the new school will be managed in line with the Council's 'Protocol for School Merger' for both teaching and support staff.

The post of Head Teacher within the new school is deemed to be a "new" job against which Head Teacher(s) of the closed schools are not eligible to claim a match. The recruitment of the new Head Teacher will be carried out in line with current East Lothian recruitment procedures, appointing the best candidate for the vacancy. Recruitment will be open to all appropriately qualified staff from East Lothian and beyond. The Council has an obligation to redeploy any displaced Head Teacher to an appropriate vacancy within the Council. When a post-holder is declared surplus, it is for the local authority to identify what current positions are available and that are a 'best fit' taking into account the knowledge and experience of the individual. Consultation should be undertaken with the Parent Council of the receiving school when redeployment to Head Teacher posts are being considered. Detailed duties under the Parental Involvement in Head Teacher and Deputy Head Teacher Appointments (Scotland) Regulations 2007, Regulation 5(1) and (2) shall not apply where the education authority decides, following consultation in terms of regulation 4, that the post of Head Teacher be filled by redeploying to that post an existing Head Teacher currently employed elsewhere.

All staff, other than the Head Teacher(s), from the closed schools will be eligible to be matched to jobs in the structure of the new school. Prestonpans Early Learning & Childcare Centre is a separate early learning & childcare establishment. While the leadership and management of the Prestonpans Early Learning & Childcare Centre will be affected by implementation of this proposal, it has its own separate budget and staffing entitlement and will continue to operate as a separate establishment under the leadership and management of the Head Teacher of the new school. Therefore, reconfiguration of existing core staffing arrangements at Prestonpans Early Learning & Childcare Centre is not required as a result of this proposal.

- 6.3 Other – None

7 BACKGROUND PAPERS

- 7.1 Consultation Report on the outcome of the consultation on the proposed closure of Prestonpans Infant & Nursery School And Prestonpans Primary School And The Establishment Of A New Non-Denominational Primary School Structure And Its Associated Catchment Area For Prestonpans (Members' Library Ref: 177/18, December 2018 Bulletin).

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