

## Members' Library Service Request Form

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Document Title	East Lothian Council - Guidelines for Mothablling of Schools

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**REPORT TO:** Members' Library

**DATE:** May 2025

**BY:** Executive Director of Education and Children's Services

**SUBJECT:** Guidelines for Mothballing of Schools

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## **1 PURPOSE**

- 1.1 To note East Lothian Council's Guidelines for Mothballing of Schools which outlines how the Education service considers and manages the mothballing of schools.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that members note the contents of this guidance document, as detailed in Appendix 1 to this report.

## **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 its area. This duty applies in respect of both the current school population and anticipated pattern of demand.
- 3.2 Section 3D of the Standards in Scotland's Schools etc Act 2000 (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. It is, therefore, the duty of the education authority to ensure that the education it provides is directed to the development of the personality, talents, and the mental and physical abilities of the children to their fullest potential.
- 3.3 In addition, councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003 by continuous improvement in performance of the local authority's functions, while maintaining an appropriate balance between quality and cost and having regard to economy, efficiency, effectiveness, equal opportunities, and the achievement of sustainable development.

3.4 This document has been developed in order to provide officers with guidance concerning the mothballing of a primary school and sets out the process and considerations East Lothian Council would observe:

- to undertake the appropriate level of consultation with key stakeholders.
- prioritising the educational experience of the children throughout.
- consideration of the rights of the children.
- evaluating all viable options for the future of the school.
- how a mothballing arrangement will be implemented.
- review of an existing mothballing arrangement and next steps.

#### **4 POLICY IMPLICATIONS**

4.1 None

#### **5 INTEGRATED IMPACT ASSESSMENT**

5.1 Appropriate impact assessments will be completed for any proposed mothballing.

#### **6 RESOURCE IMPLICATIONS**

6.1 Financial - None

6.2 Personnel - None

6.3 Other - None

#### **7 BACKGROUND PAPERS**

7.1 [Schools \(Consultation\) \(Scotland\) Act 2010: guidance](#)

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## EAST LOTHIAN COUNCIL

### GUIDANCE AND CRITERIA FOR MOTHBALLING A PRIMARY SCHOOL

#### 1 INTRODUCTION

The Education (Scotland) Act 1980 places a legislative duty on the Council to make adequate and efficient provision of school education across its area. This duty applies in respect of both the current school population and anticipated pattern of demand.

Section 3D of the Standards in Scotland's Schools etc Act 2000 (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. It is, therefore, the duty of the education authority to ensure that the education it provides is directed to the development of the personality, talents, and the mental and physical abilities of the children to their fullest potential.

In addition, councils have a statutory duty to secure best value in terms of the Local Government in Scotland Act 2003 by continuous improvement in performance of the local authority's functions, while maintaining an appropriate balance between quality and cost and having regard to economy, efficiency, effectiveness, equal opportunities, and the achievement of sustainable development.

This document provides guidance concerning the mothballing of a primary school and sets out the process and considerations East Lothian Council would observe:

- to undertake the appropriate level of consultation with key stakeholders.
- prioritising the educational experience of the children throughout.
- consideration of the rights of the children.
- evaluating all viable options for the future of the school.
- how a mothballing arrangement will be implemented.
- review of an existing mothballing arrangement and next steps.

[Appendix 1: Mothball Flowchart](#) summarises this process visually.

## 2 LEGISLATIVE CONTEXT

There is currently no statutory process for mothballing a school, however the statutory guidance that accompanies the Schools (Consultation) (Scotland) Act 2010 (the Act) makes specific mention of mothballing as detailed below:

**Paragraph 63** - In considering alternatives to closure, authorities may choose to consider mothballing a school (or a stage of education or a nursery class at a school). This is a temporary closure which does not lead to a consultation under the 2010 Act. It is only appropriate in very restricted circumstances. When a school roll falls very low, the authority and/or community may consider that the school is not presently viable but do not wish to close it immediately because there is a reasonable prospect that the number of pupils in the area will increase such that it should be re-opened in the future.

**Paragraph 64** - It is vital that this flexibility to close a school for a temporary period is not used to undermine the requirements under the 2010 Act to consult on all school closure proposals. Mothballing is only appropriate for a temporary period and should be subject to regular review, at least annually, against the same requirements which led to the original decision to mothball the school (or stage of education). The maximum length of its duration is likely to depend on the location of the school and the desirability of maintaining capacity to re-open a school there, but it is unlikely that it should exceed 3 years in areas that are not very remote. The condition of the school building and cost of maintaining the mothballed provision will also be relevant.

**Paragraph 65** - A school can be mothballed where the school roll has fallen to zero and continues to be zero. It may also be appropriate where the roll or potential roll is very low, and the authority considers the only other option to be closure. However, in circumstances where a school is mothballed rather than closed and some children and young people remain in the catchment area, this decision should be taken in consultation with the parents involved, and the possibility should be raised as early as possible, in order to ensure that families can understand the options open to them. Mothballing should not be a way of denying parents' access to the statutory consultation process required under the 2010 Act and if the majority of parents oppose mothballing, it would be appropriate to move to statutory consultation on closure as soon as possible.

Links to the legislation and government guidance referenced above can be found in [Appendix 2 Signposting to Legislation and Guidance](#).

### 3 ENSURING EDUCATIONAL BENEFITS

While it may seem that having fewer pupils in a class would allow a teacher to provide more one-on-one attention, fewer is not always better when it comes to our pupils' learning experiences. Classes low in pupil numbers have disadvantages. These shortcomings are further compounded when we have a single class school, potentially with only one or two children in each year group. Some of the problems commonly associated with teaching a small group of pupils are, but not limited to:

1. Attendance Issues - while one or two pupils missing in a large class isn't a major issue, a small number of absent pupils can make a big difference in a small class. If there are only eight pupils in a class, two missing pupils represent a much larger percentage of the class population, making it more difficult for the teacher to continue with planned lessons.
2. Learning Experience - this will also significantly impact on the class dynamics and learning experiences of children in the single class setting, with the likely consequence that a child may be the only pupil at a particular stage, thereby having no other pupil to share their learning experience with and benefit from those interactions.
3. Lack of Diversity - A smaller class is less likely to represent a diverse cross section of society. Pupils benefit from being members of diverse classes because they have opportunities to hear viewpoints that differ greatly from their own. While some small classes do have a diverse array of members, many are relatively homogeneous in nature and, as such, do not offer pupils the opportunity to learn in a diverse setting.
4. Fewer Activity Options - Some academic activities require a minimum number of participants. Activities such as small group projects, group discussions or peer to peer learning activities are much harder to implement in a small class because there are fewer pupils to divide into groups, limiting pupils' options. Other options, such as large-scale games, may be impossible in single small settings because there are not enough pupils to allow for game play, or due to the wide variation in the age and physical development of the pupils, potentially making an activity unsafe.

It is important that the Education Service adopts a best value rationale that considers the efficiency and effectiveness of schools which have low rolls and small numbers of catchment area pupils. Yet, this guidance also highlights the educational, curricular and wider socio-developmental challenges that schools with low rolls may have. In addition, it also demonstrates that mothballing of schools can increase efficiency and can

lead to positive outcomes regarding the educational and curricular learning experiences for pupils.

#### **4 CRITERIA FOR CONSIDERING MOTHBALLING OF A PRIMARY SCHOOL**

In line with East Lothian Council's Learning Estate Improvement Plan (LEIP), the Head of Education should consider a primary school for mothballing if the school roll falls to 30% of the school capacity or below, and an analysis of the roll projections indicates that there will not be a sufficient rise in catchment pupils, to increase the roll within the next 5 years. In addition, the school's latest suitability and condition rating should be factored into this decision. Where either rating is C or below, this would be regarded as high priority.

A desktop options appraisal is recommended prior to engagement with stakeholders. This will support officers to answer questions and refer to accurate and consistent information that withstands public scrutiny.

Please see [Appendix 3: Options Appraisal](#) for further guidance.

Although a statutory consultation is not required to mothball a school because this is a temporary measure, a transparent informal consultation process will be conducted involving the following steps:

1. Inform the Convenor of Education & Children's Services Committee and Elected Members for that ward.
2. Discuss the position with the Head Teacher and staff who work in the primary school as well as trade union representatives.
3. Complete a Child Rights Impact Assessment to inform how mothballing of the school may affect the children's human rights in line with the United Nations Convention on the Rights of the Child (UNCRC).
4. Engage with affected parents and carers, Parent Council(s) (if established) and other families who reside within the defined primary school catchment area, to discuss the position with them.
5. Identify an alternative school which will subsume the mothballed school's catchment area on a temporary basis. Discuss with the Head Teacher of this school.
6. Support those parents and carers who may wish to move their children to the alternative catchment school earlier than the start of the mothballing period giving regard to transport entitlement in line with the Home to School Transport Policy.

7. Finalise a transition plan for remaining pupils with input from Quality Improvement Officers and relevant education officers as appropriate.

## **5 MOTHBALLING AND ONGOING REVIEW**

If, through engagement with all relevant stakeholders no viable option has been identified for the school to remain open, a report should be prepared confirming the school is to be mothballed. If timing allows, the paper should be considered for noting by the Education & Children's Services Committee. If timing does not permit, local members, the Education and Children's Services Convenor and the Council Leader should be informed. It is recognised that there can be a significant reduction in the school roll in a short period of time due to parents deciding to seek places in other non-catchment schools or families moving out of catchment. In these circumstances, the Head of Education can progress through the criteria outlined in section 4 and proceed with the mothballing of a primary school without formally informing Education and Children's Services Committee. The mothballing arrangement would be reported at the next available committee meeting. Please see [Appendix 5](#) for a template committee report.

Next steps for council officers responsible for implementing mothballing decision include, but are not limited to:

1. Supporting the transition of remaining pupils to their new school as per the agreed transition plan.
2. Ensuring that any home to school transport provision required to the alternative school has been arranged in line with the Home to School Transport Policy.
3. Notifying relevant infrastructure colleagues of the mothballing commencement date. Mothballed schools will be maintained on a "wind and watertight" basis in line with insurance terms, pending their future outcome.
4. Additional resources will be given to the alternative school(s) in line with the Scheme of Devolved School Management and normal class configuration assessments.
5. Redeployment opportunities will be sought for any staff deemed to be surplus, in line with the relevant surplus staffing policy. Suitable alternative positions considered a close match to the postholders' substantive posts will be sought. Any employee not accepting suitable alternative posts offered may be at risk of redundancy with redundancy payments being withheld, as per the council policy in force at the time of the mothballing.

Following the initial implementation, the mothballed school will then become part of an ongoing options appraisal (see [Appendix 3](#)) for the future of the school, which will be reviewed annually as a minimum, or if any significant changes occur in the interim.

This review should take into consideration:

- current numbers of pre-school and school aged children living in the school catchment area
- details of any actual and proposed housing development in the catchment area as set out in the latest Housing Land Audit
- most recent roll projections for mothballed school
- most recent roll projections of host school
- number of enrolment enquiries received for mothballed school
- current capacity of the host school

Following the annual review, the outcome will be communicated to stakeholders prior to the end of the academic session (beginning of summer term if possible), to allow for any preparation required for either continued mothballing or reopening of the school for the upcoming academic session. Relevant stakeholders will include, but are not limited to:

1. Executive Director of Education and Children's Services, Education & Children's Services Convener, Ward Members, Council Leader, Local MPs and MSPs.
2. Head Teacher of the host school
3. Parents and carers of current and prospective pupils living within the catchment area of the mothballed school
4. Community Council and Parent Council (if still active)
5. Unions, Human Resources, Facilities Management, Property Maintenance, Insurance and IT.

The order of communication should be sent in sequence as above, informing the Council Members prior to Parents and Carers with Members potentially fielding enquiries following the communication.

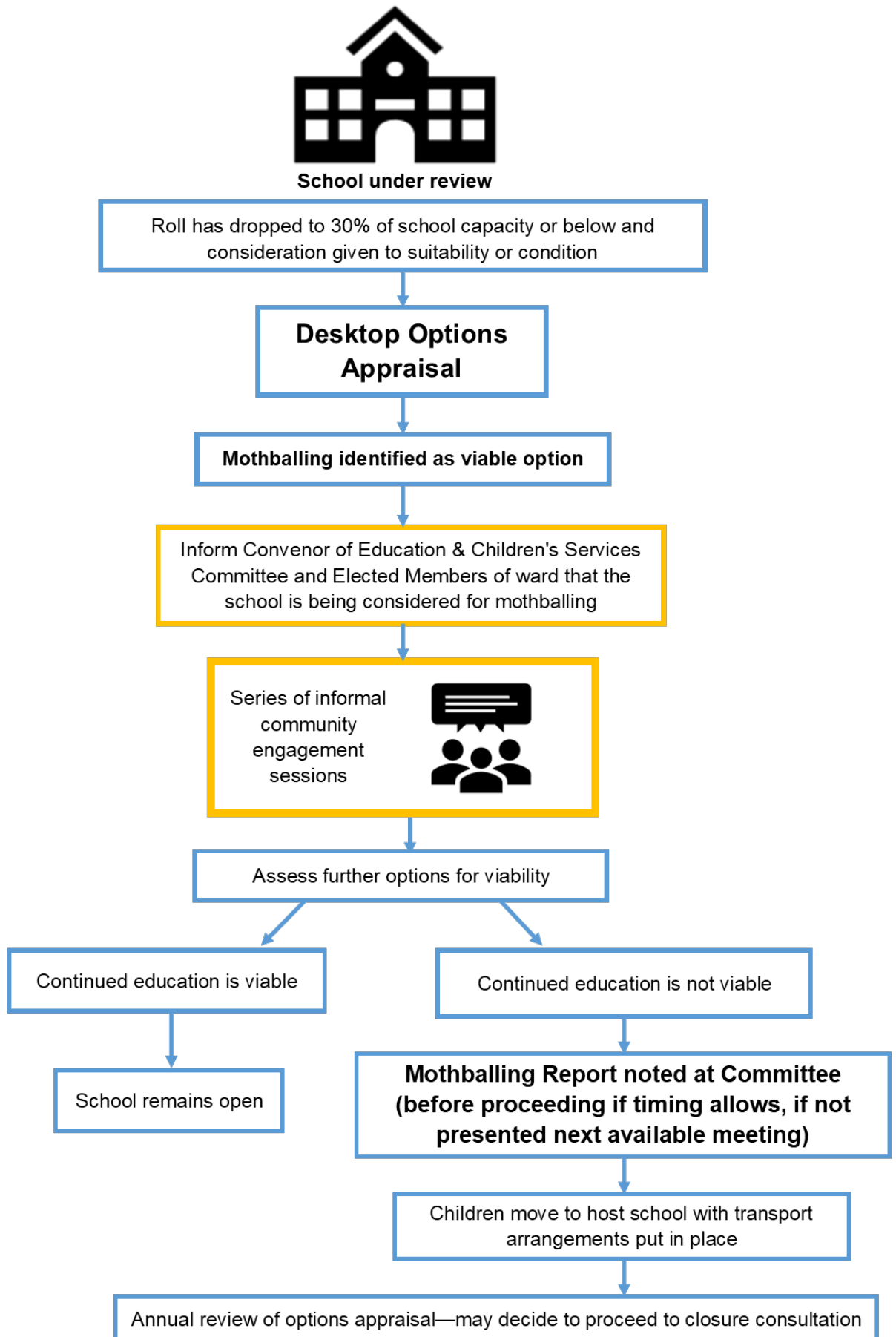
If mothballing continues into year two, then consideration should be made at this stage whether to proceed to pre-consultation for closure, especially if the mothballed school is a rural school. The required pre-consultation (approx. 9 months) and statutory consultation (12-18months) for a rural school can take two academic sessions to complete, so would need to proceed at the start of session, year two of mothballing, in order to conclude within the 3 year period as outlined in [paragraph 64 of section 2](#).

The rural school list is maintained by the Scottish government [and can be found here](#)

## **6 PROCESS FOR SCHOOL CLOSURE**

Should the Council consider consulting on permanent closure of a school, the statutory duties under the Schools (Consultation) (Scotland) Act 2010 will apply. The East Lothian Council - Guidelines for School Closure Statutory Consultation document provides information regarding the process East Lothian Council will follow when undertaking a consultation on a school closure. [Appendix 3: School Closure Statutory Consultation Guidelines](#)

## Appendix 1 - Mothball Flowchart



## **Appendix 2 - Signposting to Legislation and Guidance**

Guidance from gov.scot: [Schools \(Consultation\) \(Scotland\) Act 2010: guidance](#)

Legislation from legislation.gov.uk: [Schools \(Consultation\) \(Scotland\) Act 2010](#)

## Appendix 3 - Options Appraisal

Prior to engaging with the families and the community, a desktop appraisal should be carried out first, to identify and consider a number of viable options for the affected school(s) where an issue has been identified related to the learning estate. This should include a Child Rights Impact Assessment to inform how these options may affect the children's human rights in line with the United Nations Convention on the Rights of the Child (UNCRC).

The options appraisal should fully consider the requirements of the Schools (Consultation) (Scotland) Act 2010; ensuring that the educational benefit implications are considered along with the impact on pupils and the community. It would be useful to also provide details of the current roll, projected roll and the placement requests out of the catchment area to assist consideration of potential catchment area amendments.

The options appraisal should involve:

1. Identifying the key issues facing the school, that need to be addressed by East Lothian Council. This can include, but is not limited to:

- pupil roll has fallen to 30% or below the school capacity
- pupil roll has fallen rapidly over a term or session with parents/ carers seeking out of catchment placements
- roll projections are showing a continued reduction in projected roll with no sign of improving over the next 5 years
- concerns about educational benefits
- staff recruitment and retention
- securing best value

2. Identification of reasonable alternatives to mothballing, for example, but not limited to:

- consideration of catchment areas
- community initiatives to attract employment, development or migration to the area.

3. Analysis of options, to include consideration of:

- likely educational benefits
- likely impact on sustainability of the community
- school facilities used by the community
- likely effect of different travelling arrangements

- financial implications.

This appraisal should assist engagement with the community and contain accurate data that is consistent, robust and able to withstand scrutiny.

### **Engagement – Families, Staff and Community**

Once mothballing is identified as a viable option, there should be engagement with all families within the catchment, not just those with pupils currently attending the school. This should take place as early as possible in the process to take full account of views, opinions and alternative options and to provide clarity regarding the process and the next steps.

Staff and trade unions should also be engaged with at this time, as should Elected Members and the affected Community Council(s) and Parent Council(s). Given the nature of such schools and their role and position in the community, any proposals regarding temporary or permanent changes should not be a surprise to families or the community.

The engagement should seek to cover:

- families' views regarding the school
- current and projected roll
- initiatives to increase roll
- identification of alternative school for temporary catchment change
- discussion of current placement request position
- the school's role in the community
- the implications of mothballing – maintaining the school, future use of the building
- annual review process and timelines for re-opening or taking next steps

## **Appendix 4 - School Closure Statutory Consultation Guidelines**

Available from Members Library Service

## Appendix 5 - Template Committee Report



**REPORT TO:**

**MEETING DATE:**

**BY:**

**SUBJECT:**

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**PURPOSE**

**RECOMMENDATIONS**

**BACKGROUND**

**POLICY IMPLICATIONS**

4.1

**INTEGRATED IMPACT ASSESSMENT**

5.1 ***Enter only one of the following statements – selecting the one that is appropriate to your report***

The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.  
[Authors are requested to add the web link.]

**RESOURCE IMPLICATIONS**

Financial -

Personnel -

Other -

**BACKGROUND PAPERS**

<b>AUTHOR'S NAME</b>	
<b>DESIGNATION</b>	
<b>CONTACT INFO</b>	
<b>DATE</b>	