

Schools (Consultation) (Scotland) Act 2010

Report by Education Scotland addressing educational aspects of the proposal by Dundee City Council to close permanently Law Nursery.

January 2023

1. Introduction

1.1 This report from Education Scotland has been prepared by His Majesty's Inspectors of Education (HM Inspectors) in accordance with the terms of the [Schools \(Consultation\) \(Scotland\) Act 2010](#) ("the 2010 Act"). The purpose of the report is to provide an independent and impartial consideration of Dundee City Council's proposal to permanently close Law Nursery. 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 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 statutory 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 the school; any other users; children likely to become pupils within two years of the date of publication of the proposal paper; and other children in the council;
- 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:

- attendance at the public meeting held on 24 November 2022 in connection with the council's proposal;
- 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 Nursey School, including discussion with relevant consultees.

2. Consultation process

2.1 Dundee City Council undertook the consultation on its proposal(s) with reference to the [Schools \(Consultation\) \(Scotland\) Act 2010](#).

2.2 The consultation period ran from 7 November to 20 December 2022. The council made copies of the proposal available to the public through publication on the council's website. Information about the proposal was made available to stakeholders including staff, children, parents and carers of the nursery school affected by the proposal. The council consulted with children and staff. Dundee City Council also consulted two Local Community Planning Partnerships attended by 17 community representatives and elected members. All were in support of the proposal.

2.3 Three stakeholders attended the public meeting on 24 November 2022. The council received one written submission. Stakeholders were concerned about the travelling distances and the potential negative impact this may have on parents. They were positive about the nursery and their children's experiences there. They are sad that the nursery may close, although believe closure is inevitable.

3. Educational aspects of proposal

3.1 The Diocese of Dunkeld owns the land on which Law Nursery is situated. The diocese is selling this land and has served notice to Dundee City Council. There is no option for the council to purchase the land which is currently leased. As a result, the council undertook a review of its early learning and childcare (ELC) provision. The council found that if the proposal to close Law Nursery is accepted, sufficient capacity exists across its nursery estate to accommodate future demands. To avoid additional transition and potential negative impact for children, the council did not offer places in Law Nursery for ante pre-school children year in 2022. Council staff supported parents to consider and find alternative places for these children. There are currently 21 children in their pre-school year at Law Nursery. A majority of these children will still be four years old in August 2023. If the council agrees to move forward with the proposal, there will be no children on the Law Nursery roll as of June 2023. Should parents of eligible children decide to defer the school placement, the council will work with them to secure alternative ELC provision.

3.2 It is the view of HM Inspectors that Dundee City Council have set out an appropriate case in support of its proposal to permanently close Law Nursery. The council highlight that the expansion of children's entitlement to 1140 hours of funded ELC increase the overall capacity and range of flexible delivery models across the city. Families will be able to access alternative ELC provision. It is the view of HM Inspectors that children will continue to experience similar educational benefits in the nursery or school that they transition to.

3.3 Parents and staff who met with HM Inspectors agree with the proposal to permanently close Law Nursery. They believe that the decision is out with council control due to the land being owned by the diocese. A few parents expressed concern about future capacity of their choice of ELC setting. Staff expressed concern about their transfer to other ELC settings and the loss of well-established working relationships with their colleagues. The council believes sharing the practice, skills and experience from Law Nursery staff will augment existing positive experiences of children across the city. All parents that met with HM Inspectors shared that their children receive high quality and nurturing learning experiences at Law Nursery.

4. Summary

HM Inspectors agree that Dundee City Council has considered potential options and set out clearly how they intend to manage the closure of Law Nursery. Almost all stakeholders agree with the council's proposals and felt the potential closure is inevitable. HM Inspectors agree that children should experience similar educational benefits to those at Law Nursery at other ELC provision in the city. Should this proposal be agreed, the council will need to continue to support staff, parents and children through the changes that will result. HM Inspectors recommend that the council continues to engage with parents to provide reassurance concerning the capacity of ELC provision. This will support the council in meeting its commitment to ensure no children or families are disadvantaged as part of the closure.