

# **Schools (Consultation) (Scotland) Act 2010**

**Report by Education Scotland addressing educational aspects of the proposal by West Lothian Council to close St Joseph's Nursery Class, Whitburn.**

December 2024

## 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 a proposal by West Lothian Council to close St Joseph's Nursery Class, Whitburn. 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' view. Upon receipt of this report, the Act requires the council to consider it alongside any relevant considerations the council received and then prepare its consultation report. The council's 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 consultation report at least three weeks before it takes its final decision. With all proposals the council needs to follow all statutory obligations set out in the 2010 Act. Where a council is proposing to close a school, there are specific additional obligations. These include 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 and of the setting; 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 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:

- attendance at the public meeting held on 30 September 2024 in connection with the council's proposals;
- 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 Croftmalloch, Polkemmet and St Joseph's Primary Schools and Whitdale Early Years Centre, including discussion with relevant consultees.

## 2. Consultation process

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

2.2 The public consultation ran from 9 September to 1 November 2024. The proposal was available on the council website. Paper copies and accessible formats were available on request. This proposal is one of nine closure proposals for early years and childcare settings in which the council are consulting. The council held a public meeting in St Joseph's Primary School, Whitburn on 30 September 2024 which was attended by approximately 64 members of the public. This included parents and carers of children currently attending the setting or of children who may

apply to attend in the future and members of the local community. The council received 12 responses to the consultation, seven responses from parents, one response from St Joseph's Parent Council and four responses from staff. All responses opposed the proposed closure. Stakeholders raised a range of concerns at the meeting and in written responses. These included concerns about the selection criteria used by the council to propose the closure of this setting. They are worried about the potential negative effect of this proposal on the impact of transition for children attending St Joseph's Nursery Class and the potential impact on St Joseph's Primary School roll in the future. Stakeholders also raised the suitability of the current term-time option for working parents and the need for multiple drop offs, the impact of children requiring additional support, and the capacity of other settings in the community.

### 3. Educational aspects of proposal

3.1 In its educational benefits statement, the council has outlined the efficiencies that arise from this proposal. It states how the council's proposal takes forward national policy for curriculum, play and providing children with free 1140 hours of early learning and childcare. HM Inspectors agree that some rationalisation of nursery provision may be reasonable as it is important that the council ensure best use of their resources. It is also important to make sure that stakeholders can understand positive changes, where they exist, for children in the settings affected. In preparing its report the council should more clearly outline the educational benefits from this proposal. The council states that parents will continue to have flexibility and choice of early learning and childcare settings in the local area. However, St Joseph's is the only setting operating a term-time model offering four full days. If the council proceeds with the proposal, it should consider the value and importance that parents place on the term-time model and ensure that there is sufficient availability to meet potential demand.

3.2 The council's proposal paper states that their proposed arrangement will improve the overall quality of nursery service. HM Inspectors reported on very high standards of play and learning at St Joseph's Nursery Class on 24 April 2024. The council should detail further how they will achieve improved quality of nursery service if this proposal to close St Joseph's Nursery Class is agreed.

3.3 All of the stakeholders that met with HM Inspectors understand the financial pressures and the need for the council to make savings. However, they are not clear on exactly how the proposed savings will be achieved. All of the parents and staff at St Joseph's Primary School and Nursery Class that met with HM Inspectors oppose the proposed closure. They are concerned that this may have the potential to impact negatively on the number of children choosing denominational education. A key concern for a few working parents is the potential loss of the term-time option as they consider that this could result in additional cost to them. Parents with other children at different ages and stages are also concerned about how they will manage multiple drop-offs. Children in the nursery are located in the same area of the primary school as P1 children. They benefit from shared spaces and are familiar with other staff in the school. A few staff are worried about being relocated to other settings. They raised concerns regarding losing their well-established relationships with families and community if the nursery closes. HM Inspectors agree that should this proposal proceed, it will be important that the closure is managed well, and transition arrangements are developed with stakeholders. This should include working with parents to ensure that children have a planned and effective transition to P1 at the denominational school, should this be parents/carers choice of education. All staff state that children currently benefit from well-planned transition process.

3.4 Most staff in Croftmalloch, Polkemmet Primary Schools and Whitdale Early Years Centre that met with HM Inspectors support the proposed closure of St Joseph's Nursery Class. Given its close proximity to St Joseph's, staff at Polkemmet Primary School anticipate that most of the

children will transfer to them. They have the capacity to accommodate additional children in their setting. If this proposal is agreed they have stated that they are committed to working with parents and staff at St Joseph's to enable a smooth transition for children. Whitdale Early Years Centre have more than sufficient space to accommodate children from St Joseph's, although they are farthest away from other council provision in Whitburn. Staff at Croftmalloch Primary School Nursery Class do not anticipate any significant impact on them as they have limited places to offer to children from St Joseph's.

3.5 Early learning and childcare provision is non-denominational. However, as St Joseph's Nursery Class is located within a denominational primary school. HM Inspectors met with a representative of the Archdiocese of St Andrews and Edinburgh. This proposed closure is one of four proposed nursery closures located within denominational primary schools in St Kentigern's Academy catchment. The Archdiocese considers that when children attend a nursery attached to another primary school the school, that parents may feel their transition would be smoother to that primary school and then to that school's linked secondary school. They are therefore concerned that the closure of these nurseries has the potential to reduce the number of children enrolling in denominational schools in West Lothian. They believe that closing the nurseries will have a negative impact on the journey of children and young people who choose a faith-based education. If the proposal goes ahead, the council should work with stakeholders to ensure that the closures do not negatively impact on access to denominational school education in West Lothian.

3.6 The council's proposal paper refers to an integrated impact assessment, commenced in 2023, on nursery services. The council should carry out a current impact assessment articulated to their proposal to shape their final decision. It should take account of children's rights and the protected characteristic of religion and belief. The council has a statutory commitment to consult parents/carers on their needs for early learning and childcare. It should continue to monitor that the arrangements for delivering the free 1140 hours of play and learning is suitable for children and families.

3.7 During the consultation period the council has identified alleged inaccuracies in the proposal. The council will need to ensure that it takes the necessary steps to investigate these alleged inaccuracies. In its final consultation report, the council will need to set out the actions it has taken to address these.

## 4. Summary

HM Inspectors agree that the proposal has the potential to improve efficiency. In its consultation report, the council should expand on its educational benefits statement. This should include how it will address any potential negative impacts of closing St Joseph's Nursery Class. The council also need to be clearer about the educational benefits of children moving to alternative settings. Should the council proceed with the proposal, it should consider the views of the Archdiocese and work with stakeholders to ensure that school rolls in denominational schools in West Lothian are not negatively impacted. It will also be important that the council continue to work closely with stakeholders to support children's transitions. In its consultation report, the council will need to set out the actions it has taken to address any alleged inaccuracies notified to it.

**HM Inspectors  
December 2024**