

Schools (Consultation) (Scotland) Act 2010

Report by Education Scotland addressing educational aspects of the proposal by West Lothian Council to close Fauldhouse Nursery Class.

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 Fauldhouse Nursery Class. 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 of the setting; any other users; children likely to become enrolled 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 23 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 Fauldhouse Nursery Class located within St John the Baptist Primary School, Falla Hill Primary School Nursery Class and Sheepphouse Nursery, 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 on which the council are consulting. A public meeting was held at St John the Baptist Primary School on 23 September 2024 and was attended by 26 consultees. This included 10 parents/carers of

children currently attending the setting or of children who may apply in the future. Stakeholders asked why Fauldhouse Nursery Class was proposed to close and not Falla Hill Nursery Class. They also asked about the criteria used by the council to propose this. Concerns were raised about the impact on transition for children attending St John the Baptist Primary School and any potential negative impact on the number of children attending in the future. Other key issues raised included: available provision for eligible two-year olds; the need for multiple drop-offs; the impact on children with additional support needs; and the availability of places elsewhere. The council received four email responses to the consultation. Three parents responded and highlighted their opposition to the proposal, raising similar concerns to those expressed at the public meeting.

3. Educational aspects of proposal

3.1 In its educational benefits statement, the council has outlined the efficiencies that arise from this proposal. They state how the council's proposal takes forward national policy for curriculum, play and providing children with 1140 hours of free early learning and childcare. HM Inspectors agree that some rationalisation of nursery provision may be reasonable as it is important that the council ensures best use of its 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. HM Inspectors agree that, should the proposal proceed, it will be important that the closure is managed well and robust transition arrangements are developed with stakeholders.

3.2 All of the stakeholders that met with HM Inspectors understand the budget pressures and the need for the council to make savings. However, they are not clear on exactly how the proposed savings will be achieved. Overall, parents and staff who met with HM Inspectors have mixed views about the proposal. Staff at both council run establishments oppose the proposed closure. They are concerned about less choice for parents and families, and the impact of closing a 50-week setting whilst retaining a term-time only setting. Staff at Falla Hill Nursery Class worry that they could be asked to change back to a 50-week setting, which they do not think works as well for their current children and families. The parents at Falla Hill Nursery Class support the proposal as long as they can retain their term-time opening. Staff and parents at Fauldhouse Nursery class are in favour of a 50-week pattern as this flexibility supports working parents well. Whilst Sheephouse Nursery offers year-long provision, it is currently close to capacity and has a waiting list. Therefore, staff are concerned that they do not have sufficient capacity to meet any increased demand for places. In reaching a decision, the council should consider the availability of different opening patterns for families in addition to overall availability of places in the Fauldhouse area.

3.3 Staff and parents at Fauldhouse Nursery Class are worried about the potential negative impact on children and families. One of their main concerns is around the disruption to children's learning and development as a result of additional transitions between different nurseries and primary schools. Parents also worry that future transition arrangements may not be as effective as the current onsite arrangements. Staff are concerned that strong relationships with families will be disrupted. If the proposed closure goes ahead, it will be important that the council continue to work closely with stakeholders to support children's transitions. This will be of particular importance for current eligible two-year olds and those in their ante pre-school year who will have additional transitions in academic year 2025-26 should the closure go ahead in August 2025.

3.4 Early learning and childcare provision is non-denominational. However, as Fauldhouse 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, 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 Fauldhouse Nursery Class 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.

3.5 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. They 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. They should continue to monitor that the arrangements for delivering the 1140 hours of free early learning and childcare is suitable for children and families.

3.6 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 consultation report, the council will need to set out the actions it has taken to address any alleged inaccuracies notified to it.

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 detailing how they can address any potential negative impacts of closing Fauldhouse Nursery Class. They need to be clearer about the educational benefits of children moving to alternative settings. The council should engage further with the Archdiocese and parents/carers to ensure that, should the proposal go ahead, denominational school rolls in West Lothian are not negatively impacted. In reaching a final decision, the council should also consider the availability of different opening patterns for families in addition to overall availability of places in Fauldhouse. If the proposed closure goes ahead, it will 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**