

Schools (Consultation) (Scotland) Act 2010

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

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 Ladywell Nursery School. 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 26 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 Ladywell Nursery School, Wee Gems Nursery, Inveralmond Early Years Centre and Howden St Andrews Nursery Class, 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 on 26 September 2024 at Harrysmuir Primary

School, at which there were 15 attendees. The council received 18 email responses to the consultation. All of these were against the proposal. Attendees at the public meeting and those who submitted email responses raised similar concerns. These included the negative impact for children who will have to transition to another nursery and concern over the availability of the preferred hours that parents want. Stakeholders also asked for clarity on the criteria the council had used to choose Ladywell Nursery School for closure.

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 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. 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 protected characteristics 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 free 1140 hours of play and learning suits parents and carers.

3.2 Staff and parents at all settings visited by HM Inspectors shared similar concerns. This included concerns that children will not receive the same level of nurture and learning support in a larger setting. They think this will particularly impact eligible two year olds and children with additional support needs. All stakeholders were concerned about the negative impact on children of disrupted relationships with key staff. They believe that these relationships are important for children's learning and development. There is a risk that if implementing this proposal staff will be displaced and some fixed term contracts will not be renewed. Parents who met HM Inspectors are worried that the term time provision they rely on will not be available if this proposal is agreed. They would like reassurance that that other term time provision in the local area could accommodate their children. A few parents are worried that they will be financially impacted by this decision, if term time hours are not available.

3.3 Most staff and parents at Ladywell Nursery School, who met with HM Inspectors do not agree with the proposal. Staff and parents would also like to better understand the criteria for choosing Ladywell Nursery School for closure. They point out that it has recently been refurbished, is larger than the closest alternative and has a larger outdoor space. Parents value highly the support they receive from the staff team at Ladywell Nursery School. Both stakeholders feel that the nursery is an important resource for them and the wider community. Staff are concerned that other provision in the area does not offer the same learning opportunities, for example, the outdoor space at Ladywell Nursery School is larger than other local nurseries. The accommodation allows for flexibility to meet children's needs, particularly eligible two year olds.

3.4 HM Inspectors also met with parents and staff from Wee Gems Nursery, Inveralmond Early Years Centre and Howden St Andrews Nursery Class, who may be impacted by this decision. Most stakeholders understand the council's reasons for the proposal. A few senior leaders and staff do not think they will be significantly affected by the proposed closure of Ladywell Nursery School. This is because they have the capacity to increase the number of children and staff in their

setting. A minority of staff were unsure how their setting would meet the needs of eligible two year olds.

3.5 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. However, in its consultation report, the council should expand on its educational benefits statement detailing how they can address any potential negative impacts of closing Ladywell Nursery School. In reaching a final decision, the council should also consider the availability of different opening patterns for families in addition to overall availability of nursery places in the local area. 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**