

**WEST LOTHIAN COUNCIL**

**EDUCATION SERVICES CONSULTATION**

**PROPOSAL TO CLOSE BATHGATE WEST NURSERY SCHOOL**

**CONSULTATION DOCUMENT**

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## **SECTION 1: PURPOSE OF THE DOCUMENT**

The purpose of this document is to give information on:

- West Lothian Council's proposal to close Bathgate West Nursery School
- The educational benefits to be gained through the implementation of this proposal; and
- How you can give your views and take part in the consultation process.

West Lothian Council believes that thorough and effective consultation will support better outcomes for pupils and their families and will enable the vast majority of children.

Public consultations are necessary when a local authority is proposing to make a significant change to its school estate, in this case the closure of a nursery school. To carry out a public consultation West Lothian Council requires to follow the statutory guidance outlined in the Schools (Consultation) (Scotland) Act 2010. With this in mind, this document is further organised into the following sections:

**Section 2** details the proposal and gives the background and rationale.

**Section 3** contains the educational benefits statement in relation to the proposal and provides an assessment of the effects of this proposal on the children/young people and their families of the affected nursery and school.

**Section 4** provides information on the Integrated Impact Assessment undertaken in reference to the proposal. An Integrated Impact Assessment (IIA) is undertaken to ensure that the Council meets its statutory requirement to assess policies and practices and ensure that they meet the legislative requirements in relation to its equality, human rights and socioeconomic obligations.

**Section 5** details how West Lothian Council has organised the consultation process to meet the requirements of the legislation and how you can take part and give your views.

**Section 6** provides details of the financial impact,  
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## **SECTION 2: PROPOSAL AND BACKGROUND TO THE PROPOSAL**

### **2.1. THE PROPOSAL:**

Bathgate West Nursery School will be closed.

The closure of Bathgate West Nursery School will take effect from July 2025.

Children resident within the local area will continue to have flexibility and choice of Early Learning and Childcare (ELC) provision with a choice of four local Council run ELC establishments, four local private sector and third sector partner providers including childminders.

### **2.2 BACKGROUND TO THE PROPOSAL**

Bathgate West Nursery School currently occupies a standalone building on Millburn Road, Bathgate.

The building currently known as Bathgate West Nursery School opened in 1913 as a primary school and became a school for nursery aged children in 1969.

The school is currently managed by the Headteacher of Balbardie Primary School supported an extended leadership team who oversees both Bathgate West Nursery School and Bathgate Early Years Centre.

Bathgate West Nursery School has Care Inspectorate registration for 60 children aged 3 years to school age per session (120 places across the week) and provides a choice of sessions across 50 weeks per year, 5 mornings, 4 afternoons and 2 full days (8am – 6pm) plus a short session. It does not currently have registration for eligible two-year olds.

The ELC service at Bathgate West Nursery Schools was inactive from April 2023 to August 2024.

This planned temporary cessation of service from the building was scheduled to take place from April 2023, with the children and staff relocating to Bathgate Early Years Centre which has sufficient capacity to accommodate them in addition to the children and staff in the setting.

The reason for the planned relocation was to accommodate the children and staff from Balbardie Primary School Autistic Spectrum Disorder Unit from August 2023 to enable reinforced autoclaved aerated concrete (RAAC) roofing works to be undertaken at Balbardie Primary School, and to allow time for minor works to be completed at Bathgate West Nursery School to accommodate the children with additional support needs.

However, works necessary due to the presence of reinforced autoclaved aerated concrete (RAAC) at Windyknowe Primary School necessitated the temporary relocation of children from Windyknowe Primary School Nursery Class to Bathgate West Nursery

School building from April to June 2023, with Care Inspectorate registration at Bathgate West Nursery School not ceasing until August 2023.

The staff and pupils from Balbardie Primary School Autistic Spectrum Disorder Unit occupied the building until June 2024.

## 2.3 EARLY LEARNING AND CHILDCARE PROVISION IN THE BATHGATE LOCAL AREA

Current Early Learning and Childcare provision in the Bathgate Local Area is made up of five Council run Early Learning and Childcare establishments, four private and third sector partner providers, and childminders.

Council run Early Learning and Childcare is available at:

Establishment	Current Capacity	Current Roll	Pattern of Opening	Pattern of Attendance	Status
Bathgate Early Years Centre	152	119	50 Weeks	AM; PM; or Two Full Days	Currently Closed Due to Building Works
Bathgate West Nursery School	120	0	50 Weeks	AM; PM; or Two Full Days	
Simpson Primary School Nursey Class	160	108	50 Weeks	AM; PM; or Two Full Days	
St Mary's (Bathgate) Primary School Nursery Class	64	54	38 Weeks (Term Time)	Monday to Thursday (School Hours)	
Windyknowe Primary School Nursery Class	120	0	50 Weeks	AM; PM; or Two Full Days	Currently Closed Due to Building Works
<b>Total</b>	<b>616</b>	<b>281</b>			

Note: Current capacity depends on physical capacity, care commission registration and pattern of opening. 50-week provision can accommodate twice as many children as the physical capacity suggests, as each physical space can provide 1140 hours of Early Learning and childcare to two children. For example, Bathgate Early Years Centre, with a physical capacity of 76 can provide 1140 hours of Early Learning and Childcare to up to 152 children.

The current private sector partner providers are

Partner Provider	Current Funded Places
Community Playgroup	6
First Steps	0
Nurture Nursery	38
Rainbow Nursery	75

All current attendance numbers are subject to change.

The current capacity of Council run establishments compared to the current attendance figures demonstrate that capacity is considerably in excess of what is required to meet demand.

The ability of the Council to accommodate children from both Bathgate West Nursery School and Windyknowe Primary School Nursery Class simultaneously within the existing estate on a temporary basis further demonstrates the excess capacity currently available.

Flexibility and choice in the Bathgate local area has increased since 2020. The number of Council run establishments was increased through the opening of a new, purpose built Early Learning and Childcare facilities at St Mary's Primary School in April 2021.

Since the introduction of the Scottish Government's 'funding follows the child' guidance in August 2020 the number of private sector and third sector partner providers has increased from one to four.

The temporary cessation of service at Bathgate West Nursery School, and the temporary relocation of children to Bathgate Early Years Centre, did not give rise to any significant level of complaint within the community.

West Lothian Council policy is to aim to make provision within a broad geographic area based on a town or locality, generally within a 1.5 miles distance from home to Early Learning and Childcare establishment. Distances from Bathgate West Nursery School to alternative provisions are as follows:

Establishment	Distance from Bathgate West Nursery School
Bathgate Early Years Centre	0.22 miles
St Mary's (Bathgate) Primary School Nursery Class	0.22 miles
Bathgate Community Play Group	0.34 miles
Rainbow Nursery	0.66 miles
Windyknowe Primary School Nursery Class	0.71 miles
The Nurture Nursery	0.74 miles
Simpson Primary School Nursery Class	1.47 miles
First Steps	2.14 miles

## 2.4 FORECAST NUMBERS OF CHILDREN IN THE BATHGATE AREA

West Lothian Council does not undertake capacity forecasts for its Early Learning and Childcare establishments on an individual basis, as nursery establishments do not have catchment areas.

The capacity forecasts available for Primary Schools are not designed to take account of factors specific to choice of Early Learning and Childcare. They can be used, however, at an aggregate level encompassing the Bathgate local area, to give an indication of future numbers of children eligible for Early Learning and Childcare.

Forecasts show a fall in the number of children aged under five in Bathgate.

## **2.5 FINANCIAL PRESSURES AND BUDGETARY DECISIONS**

West Lothian Council has, at its meeting of 21 February 2023 considered budget reductions necessary to achieve a balanced budget over the five year period 2023/24 to 2027/28. The council agreed to rationalise physical capacity and staffing at Council Early Learning and Childcare establishments where provision is greater than parental choice levels, in order to achieve a saving of £1,340k over five years.

As set out in this consultation paper, flexibility and choice has been increased in response to parental demand, and as a result of 'funding follows the child'. In order to continue to provide flexible services which meet current and future patterns of parental choice, the Council must be able to reduce, and where appropriate cease, service provision where capacity exceeds demand.

## **2.6 FUTURE EXPANSION OF EARLY LEARNING AND CHILDCARE**

Eligibility for Early Learning and Childcare and the number of hours that eligible children are entitled to has increased incrementally over time to reach the current position where eligibility for funded Early Learning and Childcare is all three and four year olds, and qualifying two-year olds. Since August 2021, the entitlement has been to 1,140 hours of Early Learning and Childcare per year.

Future expansion of Early Learning and Childcare by the Scottish Government could potentially extend both eligibility and entitlement, including expanding eligibility to more two-year-olds and to children under the age of two. In anticipation of this, officers have been submitting variations to the Care Inspectorate to extend registration in all council Early Learning and Childcare settings to enable them to care for two-year-olds.

No council settings have Care Inspectorate registration for children aged under two years, nor do any have appropriate accommodation and resources.

No plans have been published at present. It is anticipated that any expansion of eligibility or entitlement would be fully funded, including funding of new accommodation. This would be necessary to ensure an equitable spread and accessibility of provision across all areas, and accommodation meeting the specific needs of all eligible children. It is also possible that expansion of eligibility will be met through new and expanded partnership arrangements.

## **2.7 SURPLUS ACCOMMODATION – COMMUNITY BENEFIT**

Any accommodation declared surplus to the Council's requirements as a result of the proposed closure of Bathgate West Nursery School will be disposed of in line with Council policies and procedures, including those resulting in community benefit.

## **SECTION 3. THE EDUCATION BENEFITS STATEMENT**

The Educational Benefits Statement, for the proposal, has been prepared having regard to the Guidance and Explanatory Notes published by the Scottish Government in association with the Schools (Consultation) (Scotland) Act, 2010

### **3.1 Curriculum**

In Scotland, we have the benefit of curriculum guidance which spans both the ELC sector and the early stages of primary school. Curriculum for Excellence 'early level' supports the implementation of a responsive, continuous play-based curriculum for children aged three to six. Through responsive and intentional planning, staff will provide, a blend of child-initiated and adult-initiated learning experiences. The emphasis will be on child-centred play pedagogy to ensure continuity in children's curriculum experiences.

The proposal to close Bathgate West Nursery School will not adversely affect delivery of the curriculum to eligible children within the Bathgate local area, as parents/carers will have the option of choosing from four Council run establishments offering the same curriculum, as well as four partner providers, and childminders, all of which have met the Scottish Government National Standard.

The concentration of delivery in a smaller number of settings will increase efficiency of delivery within available budgets, and thus improve overall quality of service.

### **3.2 Transition**

Early Learning and Childcare Establishments do not have catchment areas, and there are therefore no formal associations and transition arrangements between them and particular primary schools.

This position will not be altered by the proposal to close Bathgate West Nursery School, as transition arrangements from the alternative provision (four Council run establishments, four partner providers and childminders) will offer the same opportunities to transition to Primary 1.

The concentration of delivery in a smaller number of settings will increase efficiency of delivery within available budgets, and thus improve overall quality of service.

### **3.3 Admission**

There will be no amendment to criteria for admission to Early Learning and Childcare provision in Bathgate, or wider West Lothian.

### **3.4 School Management**

While Bathgate West Nursery School is registered as a stand-alone nursery school, the school is currently managed by the Headteacher of Balbardie Primary School supported by an acting Depute Headteacher who oversees both Bathgate West Nursery School and Bathgate Early Years Centre.

No change to the current management structure of any of the Primary Schools within Bathgate will result from the proposal to close Bathgate West Nursery School.

### **3.5 Staff Teams**

All early years' practitioners and support staff will be offered suitable alternative posts in accordance with established Council policies on recruitment and transfer.

### **3.6 Accommodation**

The proposal to close Bathgate West Nursery School will not affect accommodation for eligible children in the Bathgate area, as parents/carers will have the option of choosing from four Council run establishments offering a high standard of accommodation, as well as four partner providers and childminders, all of which have met the Scottish Government National Standard.

The concentration of delivery in a smaller number of settings will increase efficiency of delivery within available budgets, and thus improve overall quality of service.

### **3.7 School Grounds and Outdoor Learning**

The proposal to close Bathgate West Nursery School will not affect access to school grounds and outdoor learning for eligible children in the Bathgate area, as parents/carers will have the option of choosing from four Council run establishments offering a high standard of accommodation, as well as four partner providers and childminders, all of which have met the Scottish Government National Standard.

The concentration of delivery in a smaller number of settings will increase efficiency of delivery within available budgets, and thus improve overall quality of service.

### **3.8 Early Learning and Childcare Capacity**

The removal of 120 places through the proposed closure of Bathgate West Nursery School will not have a material impact on the ability of the Council to offer places to eligible children within the Bathgate area.

### **3.9 Parental Involvement**

The proposal to close Bathgate West Nursery School will not affect access to school grounds and outdoor learning for eligible children in the Bathgate area, as parents/carers will have the option of choosing from four Council run establishments offering a high standard of parental involvement, following the same council policies and practices, as well as four partner providers and childminders, all of which have met the Scottish Government National Standard.

The concentration of delivery in a smaller number of settings will increase efficiency of delivery within available budgets, and thus improve overall quality of service.

### **3.10 Accessibility**

The proposal to close Bathgate West Nursery School will not have a material impact on accessibility to Early Learning and Childcare within the Bathgate area or the Council's ability to make provision within a broad geographic area based on a town or locality, generally within a 1.5 miles distance from home to Early Learning and Childcare establishment. (Further details in section 2.3).

## **SECTION 4: INTEGRATED IMPACT ASSESSMENT**

To meet statutory equality duties, the Council conducts an Integrated Impact Assessment (IIA) to critically assess policies and practices and ensure compliance with all legislative requirements.

The aim of an IIA is to examine policies and practices in a structured way taking account of equality, human rights and socioeconomic disadvantage (poverty) implications when making decisions, ensuring the impact within the community is recognised and addressed accordingly. IIA screening is completed using the Council's Integrated Impact Assessment Toolkit and allows the Authority to recognise positive steps it can take to promote fairness and equality of opportunity for all.

As part of the consultation process the Council will consult with a wide range of stakeholders, staff, parents/carers and young people and will welcome and address comments on the IIA process.

The outcome of the Integrated Impact Assessment will inform the Final Consultation Report and the Council's consideration of the proposed changes prior to reaching a decision on whether they should be implemented.

## **SECTION 5: CONSULTATION PROCESS : HAVE YOUR SAY**

This section provides information on how West Lothian Council has organised the consultation process for the proposal contained within this document. It also provides information on how you can take part and give your views

In terms of the Schools (Consultation) (Scotland) Act 2010, any proposal to close a school requires a formal consultation process.

The Schools (Consultation) (Scotland) Act 2010, as amended by the Children and Young People (Scotland) Act 2014, sets out the statutory consultation requirements.

The statutory consultees for a proposal to relocate or close a school or nursery are prescribed as follows:

- the Parent Council or Combined Parent Council of any affected school
- the parents of the pupils at any affected school
- the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper
- the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity)
- the staff (teaching and other) at any affected school
- any trade union which appears to the education authority to be representative of the persons mentioned in bullet point above
- the community council (if any)
- the Community Planning Partnership (within the meaning of section 4(5) of the Community Empowerment (Scotland) Act 2015 for the area of the local authority in which affected school is situated.
- any other community planning partnerships considered relevant by the Authority.
- any other education authority that the education authority considers relevant
- any other users of any affected school that the education authority considers relevant
- in relation to any relevant proposal which affects a denominational school, the Church, Denominational Body or Scottish Hierarchy of the Roman Catholic Church

A formal public meeting will be held to discuss the proposal. Anyone wishing to attend the public meeting is invited to do so.

The public meeting will be an opportunity to:

- Hear more about the proposal
- Ask questions about the proposal
- Have your views recorded so that they can be considered as part of the consultation process.

The public meeting will be held on Monday 30 September 2024 at 18:00 to 19:00 in Balbardie Primary School, Bathgate.

Council officers will be present at the public meeting to outline the proposals, facilitate discussions and answer questions.

The consultation period will incorporate a period of 30 school days (excluding any school holiday) from Monday 9 September 2024 to Friday 1 November 2024.

This timescale adheres to the statutory consultation period for such circumstances which is a minimum of 6 consecutive weeks and include at least 30 school days.

The consultation paper will be made available electronically and in paper format.

During the consultation period any views on this proposal should be sent in writing to the address given below:

Education Consultation, Education Services, Civic Centre, Howden Road South, EH54 6FF

Responses can also be made by e-mail to [Education.Consultation@westlothian.gov.uk](mailto:Education.Consultation@westlothian.gov.uk)

All interested parties are invited to submit their comments by close of business **on Friday 1 November 2024**.

An on-line version of this document and other items related to the consultation can be found on the West Lothian Council website using this link:

<https://www.westlothian.gov.uk/article/49192/Schools-and-Education-Open-Consultations>

Following the end of the Consultation period West Lothian Council must provide Education Scotland with a report detailing all findings pertaining to the Consultation period. All written and oral comments received during the Consultation process are recorded and represented in said report, along with the Council's response to those comments. Education Scotland will consider the Council submission and advise their response accordingly.

West Lothian Council will ensure that considerations received from Education Scotland are included in the Final Consultation Report. This Final Consultation Report will be made available and notification will be given to those individuals or groups that have made representations during the consultation period. The Final Consultation Report will be presented to the Education Executive on **4 March 2025**.

West Lothian Council will notify Scottish Ministers of its final decision within six working days, and publish on its website the fact that it has notified Scottish Ministers of its decision, the opportunity to make representations to Ministers, and the date on which the three week period for such representations ends. Ministers have up to eight weeks from the date of the council's decision to call in a closure decision, but only where it appears to Ministers that the council may have failed in a significant regard to comply with the Act's requirements or, in coming to its decision, may have failed to take proper account of a material consideration relevant to the proposal. During the first three weeks of this period, anyone is able to make representations to Ministers on whether the decision should be called-in. During the eight week call-in period, the council may not proceed further, in whole or part, with the proposed closure. If Ministers decide to issue a call-in notice, they must refer the closure proposal to the Schools Closure Review Panel. The Panel is required to review the totality of the authority's decision and to reach a determination within eight weeks of the Panel being constituted.

**The Consultation Timeline below encompasses statutory legislative requirements detailed as per Schools (Consultation) (Scotland) Act 2010.**

<b>Date</b>	<b>Event</b>	<b>Description</b>
Tuesday 3 September 2024	Education Executive Meeting	Meeting to discuss proposal and agree continuation to statutory consultation phase
Monday 9 September 2024	Start of Consultation	Beginning of formal public consultation (min 6 continuous weeks consultation period including min of 30 school days)
Monday 30 September 2024	Public Meeting	Public Meeting to discuss proposal
Friday 1 November 2024	End of Consultation	End of Public Consultation
Monday 2 December 2024 -	Submit report to Education Scotland	West Lothian Council Education Services relays reports on proposals and consultation findings to Education Scotland
Monday 23 December 2024-	Deadline for Education Scotland three week period for reporting back to Education Services	Education Scotland response to West Lothian Council submissions
4 February 2025	Give Education Scotland at least 5 days notice prior to publishing final report	Upon receipt of responses from Education Scotland Authority will prepare and publish final consultation reports
11 February 2025	Publication of final consultation report	A minimum of three weeks after publication of consultation reports Authority will make final decision
4 March 2025	Education Executive Meeting	Decisions made
25 March 2025	Deadline for Representation to Ministers	During the first three weeks of this period, anyone is able to make representations to Ministers on whether the decision should be called-in.
29 April 2025	Deadline for Ministerial Call In	Ministers have up to eight weeks from the date of the council's decision to call in a closure decision.

## SECTION 6: FINANCIAL IMPACT REPORT

### Financial Template

Table 1	Column 1	Column 2
Row 1	<b>Current revenue costs for school</b>	
Row 2	<b>Name of School</b> Bathgate West Nursery School	<b>Budget for 2024/25 (£'000)</b>
Row 3	<b>School staffing costs:</b>	
Row 4	teaching staff	0
Row 5	support staff	0
Row 6		<b>0</b>
Row 7		
Row 8	<b>Property costs:</b>	
Row 9	non domestic rates	0
Row 10	water & sewerage charges	3
Row 11	energy costs	26
Row 12	building repair & maintenance	3
Row 13		<b>32</b>
Row 14		
Row 15	<b>Operational Services costs:</b>	
Row 16	grounds maintenance	0
Row 17	facilities management costs - note 6	0
Row 18	cleaning (contract or inhouse)	0
Row 19		<b>0</b>
Row 20		
Row 21	<b>SCHOOL COSTS SUB-TOTAL</b>	<b>32</b>
Row 22		
Row 23	<b>Income:</b>	
Row 24	Sale of meals	0
Row 25	Lets	0
Row 26	External care provider	0
Row 27	Other	0
Row 28	<b>SCHOOL INCOME SUB-TOTAL</b>	<b>0</b>
Row 29		
Row 30	<b>TOTAL COSTS MINUS INCOME FOR SCHOOL</b>	<b>32</b>
Row 31		
Row 32	<b>UNIT COST PER PUPIL PER YEAR</b>	<b>0</b>