

Loretto Parent Partnership  
Loretto RC Primary School's Parent Council



Response to the Midlothian Council  
Proposal to vary the Admission  
Arrangements to primary and  
secondary education



## Executive Summary

The Loretto RC Primary School Parent Council known as the Loretto Parent Partnership (LPP) has submitted a formal response to the Midlothian Council's proposal to vary the admissions arrangements for primary and secondary education.

The Loretto Parent Partnership unanimously opposes the proposal, particularly the removal of Loretto RC Primary School's catchment status as a feeder school to St David's RC High School in Dalkeith. This change would place Loretto RC students at the bottom of the priority list for admission to St David's, significantly reducing their chances of attending the school which is the only viable option for continuing with a denominational education in high school.

The LPP highlights the emotional and psychological distress caused to students and parents by the proposed changes. They argue that the proposal neglects the best interests of the children, many of whom have already suffered due to the effects of the COVID-19 pandemic on severely curtailing their educational and social development in their early learning years.

The response also points out that the proposal fails to consider the full historical context that has allowed Loretto RC students to attend St David's automatically for over 75 years.

The LPP raises legal objections based on the Education (Scotland) Act 1980 and the UNCRC (Incorporation) (Scotland) Act 2024. They argue that Midlothian Council does not have the legal authority to make these changes without the consent of the Secretary of State. Additionally, the public consultation process is criticised for being flawed and lacking transparency, particularly regarding the historical arrangement and the impact assessment.

In conclusion, the LPP urges Midlothian Councillors to oppose the proposal, citing legal, moral, and emotional grounds. They emphasize the importance of maintaining the current admissions arrangements to protect the well-being and educational continuity of Loretto RC students



1<sup>st</sup> June 2025

Dear Midlothian Councillors and officers, and Education Scotland,

Please accept this document as the formal written response of the Loretto RC Primary School's parent council to the Midlothian Council proposal to vary the admissions arrangements to Primary and Secondary Education (hereafter referred to as "The Proposal"). This response has the unanimous support of the Loretto RC Primary' Parent Council which is the body that represents the parent forum for Loretto RC primary pupils parents and carers.

This response confirms our objections to a number of changes suggested in The Proposal and in particular we are opposed to the main focus of The Proposal as outlined in paragraph 32 which is to remove the catchment status of Loretto RC Primary School (hereafter referred to as Loretto RC) as a feeder school to St David's RC High School (hereafter referred to as St David's) in Dalkeith. We will set out the facts and reasoning for this opposition in the pages to come.

We would like to also state how upsetting and devastating these proposals have been to parents and students at Loretto RC, and in many cases their older siblings who are already attending St David's as students. Other, older pupils at St David's who attended Loretto RC have been in touch to say how sad they are that being reunited with the P1 buddies from Loretto RC at St David's will now be highly unlikely in the years to come if The Proposal is voted for by Midlothian Councillors. P7 students from the current school year have suffered mental anguish, distress, heartache, profound sadness and anxiety at having had P7 transition visits to St David's denied them at the end of 2024 and beginning of 2025. Students with enhanced Transition requirements have been treated even more poorly these past few months, which one of the affected parents of that decision so emotionally recounted at the public meeting at Dalkeith. And now with this consultation process the current P6 class has already missed out on the first initial transition visits previous students at Loretto RC have been able to attend and enjoy and take some confidence from knowing what the next steps in their educational development will look like. The best interests of these children have been and are now being completely neglected by this process. This P6 class which was in P1 when the Covid pandemic hit and has suffered hugely already as an age group because of the adverse effects of lockdowns on their social and educational development. To put them through even more upheaval, anxiety and distress by supporting The Proposal and denying them the right to an automatic place at their only viable option of a religious/faith based higher school education seems crueler than cruel.

#### What the Proposal document says and what it will mean in practice.

Before we set out our grounds for opposing The Proposal, it is important to provide some focus on what The Proposal is actually setting out to do. Having read through The Proposal, attended, listened and asked questions during the public meetings as part of the consultation process it appears quite clear to us that a number of practical outcomes that will result from these changes have not been outlined or articulated in The Proposal. The main changes being proposed are primarily in Paragraphs 30, 31, 32 & 33 and Appendix 2. Paragraph 30 confirms that



*“Appendix two outlines the proposed changes to the priority order for allocating places after all catchment Midlothian children are placed.”*

Appendix 2 states under the heading **“Variation 2 – Allocation of Catchment Secondary School Places”** that *“Where there is insufficient capacity, priority will be given in the following order:*

*.....*

*Denominational Schools*

- 1. Children who have been offered a place in the school’s Complex Needs Provision class by the Education Resource Group (ERG)*
- 2. Catchment children who have been prioritised based on exceptional circumstances.*
- 3. Catchment children who are baptised in the Roman Catholic faith and will have siblings attending the school at the same time.*
- 4. Catchment children who are baptised in the Roman Catholic faith*
- 5. Catchment children who are not baptised in the Roman Catholic faith and will have siblings attending the school at the same time.*
- 6. Remaining catchment children.*
- 7. Out of catchment placing requests.*
- 8. Out of authority placing requests.”*

For the avoidance of doubt paragraphs 32 and 33 of The Proposal also state that Loretto RC will be classed as *“out-of-authority”* as part of this proposal. The *“historical arrangement”* that sees Loretto RC students currently *“attend”* St David’s RC High School will be forever disregarded.

The main practical effect of The Proposal is to change Loretto RC students from having *“...automatically had a place held for them at St David’s RC High School in Midlothian”* to now being placed as priority 8/8 in the new placements proposals, i.e. at the bottom of the priorities list. The reality of this change is that they will now have a very low chance, if any, of being able to attend their closest RC High School, and what has been the traditional automatic choice for a continuing a faith based higher school education for over 70 years.

What The Proposal doesn’t explicitly state but which we believe is actually behind Midlothian Council’s motives for suggesting these changes is to ensure that no. 6 priority *“Remaining Catchment Children”* will allow for any secondary school pupil living in Midlothian (St David’s catchment is the whole of Midlothian Council region) who are unable to secure a place in their local non-denominational *“catchment”* school, to be able to obtain a place at St David’s as a fall back or overflow option for Dalkeith High School which is reportedly at capacity currently. We believe this priority order will result in non-Catholic children who can’t secure a place at Dalkeith HS taking places that would have been taken by Loretto RC pupils. This is the inevitable conclusion to draw from the changes to the priority order, and it is an inherent feature of The Proposal. We will explain later on in this letter in greater detail why we have come to this conclusion. It’s only when you start to look at what the actual benefits will be and then look closer at the enrolment numbers and how there is such a small impact from *“out of authority requests”* currently, that helps to make this undisclosed reason appear the most logical conclusion. It also helps explain why at the public meeting at Dalkeith Midlothian Council refused to share such enrolment data with the public during the consultation meeting.



### **Why we oppose The Proposal**

Our objections to The Proposal fall under the below points

- Loretto RC's status as a catchment school for St David's has been deliberately misrepresented by Midlothian Council Education Department staff in order to try and downplay how large a change is being proposed.
- There are a number of Provisions in the *Education (Scotland) Act 1980* which we strongly believe both reinforce our view that Loretto RC is still a catchment school of St David's and therefore apply in regard to any change of Loretto RC as a catchment school of St David's. Their application would infer that Midlothian Council does not have the requisite legal powers to make such changes as those being proposed. Only a "Secretary of State" would have such power to approve such changes.
- The Proposals are in contravention with the Council's obligations under *UNCRC (Incorporation) (Scotland) Act 2024*. Under the Act Midlothian Council has an obligation to ensure that the proposals contained within it do not breach any of the UN Articles that have been incorporated into the legislation. In particular Article 3 which means any proposed changes in policies or procedures are "In the Best Interests of the Child". An Impact assessment of the changes must be made under the Act. There is no reference to such an impact assessment having been prepared in The Proposal, even though there is reference to another form of impact assessment being carried out. This would appear to suggest Midlothian Council may be in breach of the Act by not properly addressing this important piece of legal protection for the rights of our children.
- This Public Consultation process has been flawed because Loretto RC has not been treated as an affected school. This makes a mockery of the process and Midlothian Council have failed in their obligations to hold a fair process.
- Any votes to enact The Proposal in the coming months by council members will therefore be open to legal challenges against the council which will incur substantial costs for the council and also severely delay the implementation of any proposed changes. Such legal challenges will likely have big ramifications for the whole August 2026 intake process and perhaps the intakes even beyond that. These delays will be catastrophic for the mental health of the current P6 class.
- Insufficient information about the "historical arrangement" has been provided in The Proposal or during questioning at the public meetings to allow the public to examine and comment on the implications of casting this arrangement aside. We are deeply concerned the "historical arrangement" is omitted from the current Schools admission policies and guidelines documents that is dated October 2024, as it was from the previous 6 versions before that. As The Proposal seeks to change the current placing priorities with new ones, The Proposal appears to not correctly state the full extent, or proper context for the current situation to then compare to its suggested changes in policy. The public has therefore not been properly consulted on the matter.
- The Proposal states that there are no financial implications so this proposal doesn't appear to generate any cost savings to Midlothian Council – and they also confirm they intend to continue to grant similar numbers of out of authority and out of catchment placing requests



per year. The Proposal will not reduce the numbers of these requests, therefore what is the actual real benefit being proposed from these changes?

### Loretto RC's status as a catchment school for St David's

Since at least the 1940's students from Loretto RC have automatically attended St David's. The terminology for such a process or transition has probably changed over the years as different Acts or regulations have come and gone, but the reality has been that until the current P7 class had their world upended in late 2024 by Midlothian Council seemingly prepared to implement a change in admission policy without consulting on it, students from Loretto RC have been automatically given a place at St David's dating back over 75 years. Midlothian council confirmed this in letters sent to parents and in a press release from 11<sup>th</sup> December 2024 which stated

*"In the past children who are catchment to, and attend, Loretto RC Primary School in East Lothian have automatically had a place held for them at St David's RC High School in Midlothian"*

The reality is that the status of automatic moves from primary to secondary has always been there dating back to the 1940s and infers by default that Loretto RC is a catchment primary school for St David's. The schools were for a number of decades contained within the same council area until the mid-90's when changes were made to Council boundaries which reflect the current council areas in place today.

We have heard through the consultation meetings about the *"historical arrangement"* between Midlothian and East Lothian councils with regards to Loretto RC. No-one at the council has been able to explain the most important thing about it, which is why was such a historical arrangement originally put in place? We believe the answer to that lies in the contents of the *Education (Scotland) Act 1980*.

Section 28A (3D) denotes the *"catchment area"* to mean *'the area from which pupils resident therein will be admitted to the school in terms of any priority based on residence'*.

The *Education (Scotland) Act 1980*, section 23 1C permits the continuation of catchment status across council boundaries created by the reorganisation from 1994-96. It states;

*"Where the arrangements for the placing of children in schools subsisting before the establishment of new local government areas under Part I of the Local Government etc. (Scotland) Act 1994 lead, as a consequence of such establishment, to school education for pupils belonging to the area of one education authority being provided at schools or educational establishments under the management of another education authority, nothing in this Act shall prevent such arrangements from continuing until they are changed by an education authority in accordance with this Act."*

The *Education (Scotland) Act 1980*, section 23 3A) further goes on to state that

*"Where an education authority's arrangements for the placing of children in schools under their management give any priority to siblings of pupils attending such schools, those arrangements shall*

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*not discriminate between siblings belonging to the area of that education authority and siblings belonging to the area of another education authority.”*

**The above sections of the *Education (Scotland) Act 1980* show that if a school was in catchment prior to the reorganisation of council boundaries in 1994/96 but then found itself to be in a different council area after the changes then the catchment status was to be continued, until such time as an education authority changed it in accordance with the Act. Section 23 3A then also makes it clear that if you are out of the education authority's area, siblings of pupils can't be discriminated against. Why would this be included in the Act? We hold the view that this is to ensure non-education authority area pupils aren't discriminated against with selection policies as a way of changing catchment status by the back door. **Any changes to catchment status have to be done “in accordance with this Act”.****

These sections of the *Education (Scotland) Act 1980* confirms that Catchment areas can exist outside of a local authority's physical boundaries. Fiona Robertson has indicated at the public meeting in Dalkeith during the consultation process and also at a meeting held with members of our parent council and the head teacher from Loretto RC back in March 2025 that catchment areas could only exist within the boundaries of the council authority. This was clearly an erroneous statement and leads us to believe that either the education department at Midlothian is not fully aware of the legal obligations, or they are choosing to deliberately try and circumvent them. It further confirms that effectively the “old” catchment areas potentially disrupted by the new local council boundaries following the reorganisation in the mid 90's where actually “grandfathered” over to continue to exist by provision under statute, until such time as change was made as per those provisions within the Act. To date that change has not occurred as per the provisions in the Act. **Loretto RC therefore must be treated as a catchment school of St David's.**

Coming back to the historical arrangement, we believe this was established as a way for the two councils to fulfil their duties as Loretto RC p7 pupils were assigned places at St David's for high school education. The unfortunate part is that the council's appear to have forgotten the arrangement was established to meet the obligations to Loretto RC pupils as part of the St Davids catchment area.

These facts and legislation clearly show at this present point in time Loretto RC is a catchment school of St David's High School until such time as it is changed in accordance with the *Education (Scotland) Act 1980*. That fact has clearly not been properly disclosed in The Proposal, nor has that correct information been provided to members of the public during the public consultation process. This issue was raised by Councillors in a debate on the matter at Midlothian Council meeting held on 13<sup>th</sup> May 2025.

Does Midlothian Council have the powers to vote and enact the changes contained in The Proposal?

The *Education (Scotland) Act 1980* provides additional safeguards to changes being made which affect or remove the provision of denominational schools within Scotland. *Section 22C: Consent for certain changes affecting denomination schools* and *Section 22D: Further provisions relating to denominational schools* of the Act are the main sections we are referring to in proving this argument.



In effect if there is a proposal to *“(iv) change the arrangements for admission to the school”* the decision cannot be taken by a local authority. The proposal has to be submitted to the *“Secretary of State for his (sic) consent” (22C(1))*. Likewise any proposal that *“will, if implemented, have the effect that all or some of the pupils who attend the school will no longer receive school education in a school of the kind referred to in paragraph (a) above or that all or some of the children who would, but for the implementation of the proposal, have been likely to attend it will not be likely to receive such education in a school of that kind.”(22C(2)(b))*

Given Midlothian Council is fully aware that there is no denominational High School provision in East Lothian, the practical implications of their proposals to changing the school placings, will clearly fall under these provisions and thus they cannot be enacted unless they have been approved by the Secretary of State, not by vote made by Midlothian Councillors. This has not been stated anywhere in The Proposal.

Due to and because of, these denominational school safeguarding provisions of the *Education (Scotland) Act 1980* we firmly believe they are the main reasons why the “historical arrangement” was made previously between East Lothian and Midlothian councils. To ensure that they did not fall foul of these provisions in the *Education (Scotland) Act 1980* and ensured that Loretto RC pupils continued to have automatic right to attend St Davids RC as a catchment school.

#### UNCRC (Incorporation) (Scotland) Act 2024

This important piece of legislative framework, designed to help protect children’s rights as largely set out by the UN Convention on the Rights of the Child is not mentioned once in The Proposal, even though The Proposal effects a number of areas of children’s rights under the Act.

Section 6(1) of the Act states that

*“It is unlawful (subject to [subsection \(4\)](#)) for a public authority to act, or fail to act, in connection with a relevant function in a way which is incompatible with the UNCRC requirements.”*

Any proposals being made in the document that is subject of this consultation have to firstly and foremost be **“In the best interest of the Child”** (Article 3). How any proposals which will have the effect to prevent siblings, cousins and other family members attend the same High School in future years, and dozens of children each year being denied the right to continue with their religious education in High school is in “their best interest” is frankly beyond us. The Proposal as drafted should surely fail on this hurdle alone.

Clearly as such proposals will have a dramatic impact on children, an impact assessment should have been carried out as mandated by the Act (Section 17). Part of the statutory guidance for carrying out the impact assessment strongly suggest that children directly affected by the proposed changes are given a say, and where those children may not have full capacity to state their view (such as in the case of very young children) parent groups such as our own parent council should be consulted on the changes, before they are formally put forward.



The proposal document does state that an Impact Assessment is being prepared as part of it. Section D of the Proposal document states

### ***Integrated Impact Assessment***

***5. The Council as a public authority has a duty under the Equality Act 2010, the Public Sector Equality Duty 2011, and the Fairer Scotland Duty (Part one of the Equality Act) to have due regard to their provisions when making strategic financial decisions. This is done through assessing the potential impact of the decision on equality through an Equality Impact Assessment. The Council will undertake the process of assessment during the consultation process in respect of this proposal to ensure that due regard is given to such matters in the decision-making process.***

***6. The result of the Integrated Impact Assessment will be included in the final Consultation Report document.***

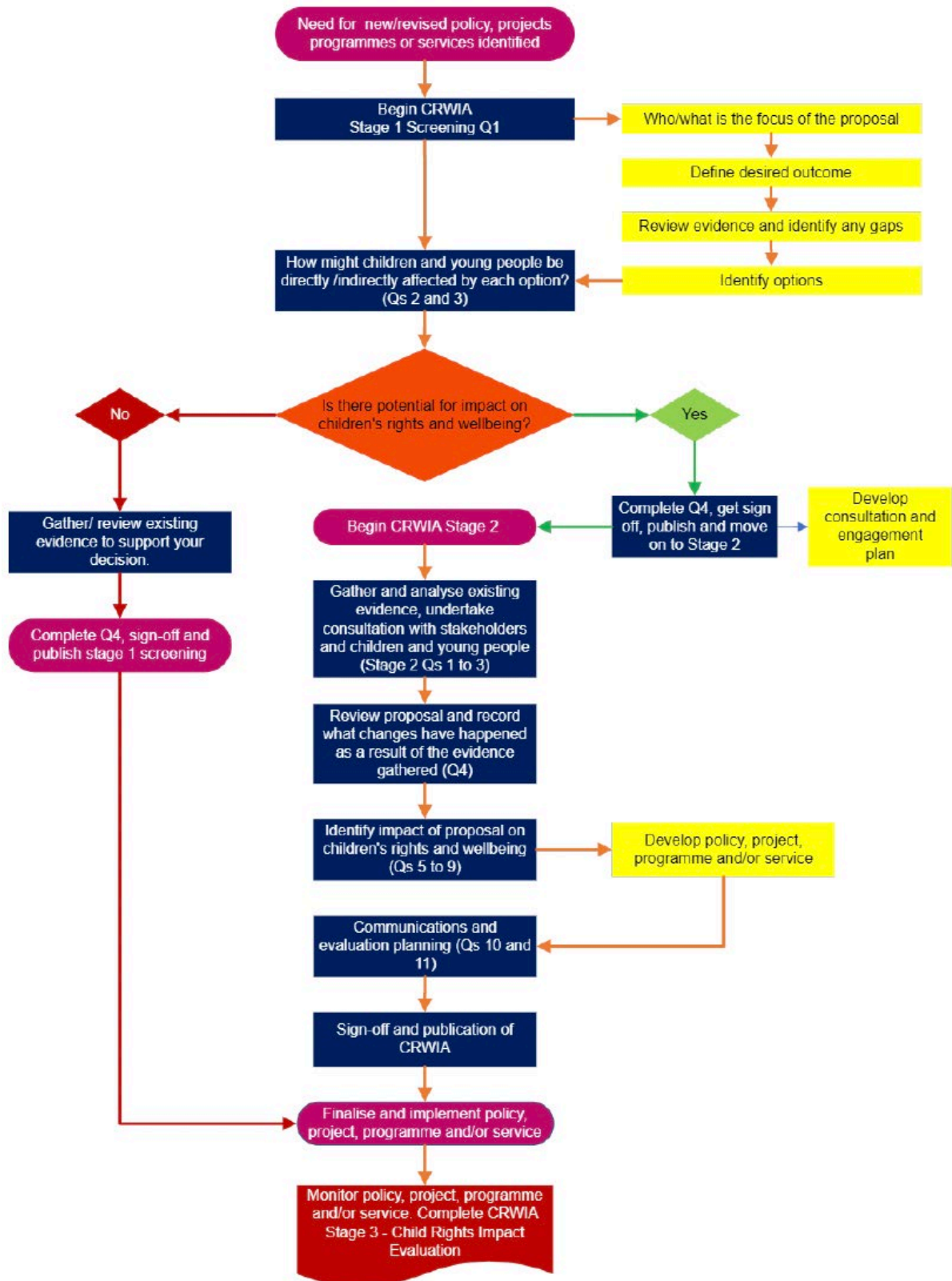
This section of the Proposal makes no mention of the *UNCRC (Incorporation) (Scotland) Act 2024* forming part of that impact assessment process. We have asked Midlothian Council to comment on this. They responded to state that the Integrated impact assessment also takes into account the UNCRC requirements. We of course can't see the contents of the impact assessment to verify this and given it has not been mentioned in the section above, whilst 3 other Acts of parliament have been. We still believe this objection needs to be made so much further scrutiny is carried out in this area by Education Scotland and the Midlothian Councillors.

Under the statutory guidance as published on the Scottish Government website, public bodies should look to prepare a CRWIA (which means a Children's Rights and Wellbeing Screening Sheet and Impact Assessment). This is not the wording used to describe the Integrated Impact assessment in The Proposal.

The CRWIA uses two frameworks in its assessment:

- the UNCRC articles
- the [eight wellbeing indicators \(SHANARRI\)](#), which are key components in the values, principles and aims of the [Getting it Right For Every Child \(GIRFEC\)](#) approach

As such Midlothian Council clearly has a legal duty to assess those impacts and to make sure that the proposed changes to policy as outlined in The Proposal comply with the contents of the Act. Articles 2, 3, 12, 14, 28, 29, 30 of the UN Charter all clearly could apply to parts of The Proposal's suggested changes and as such we believe clearly a CRWIA should have been prepared. The process map for preparing a CRWIA as per published Scottish government guidance states that consultation should be carried out first, before a policy proposal is finalised as per the below CRWIA process map.





### The Public Consultation Process has been seriously flawed

The public consultation process on the admission to schools policy that has been conducted by Midlothian Council has, in our opinion, been seriously flawed from the start of this process and thus leaves any decision to implement the proposals taken by councillors open to effective legal challenge and judicial review in future.

The full grounds and implications of the proposals have not been adequately stated in The Proposal. The true catchment status of Loretto RC is not stated in the document. Even back in December's press release from Midlothian Council in the name of Fiona Robertson it stated that "*In the past children who are catchment to, and attend, Loretto RC Primary School in East Lothian have automatically had a place held for them at St David's RC High School in Midlothian*".

However, in The Proposal the relationship is stated in paragraph "32. *The historical arrangement between Midlothian Council and Loretto RC Primary School in East Lothian dates back to the Local Government etc (Scotland) Act 1994, which led to the disaggregation in 1996. This informal arrangement allows children attending Loretto RC Primary School to attend St David's RC High School, and it has continued up to the present academic year.*"

When asked by a member of the public during the public meeting at Dalkeith, whether Loretto RC was a catchment school of St David's, Fiona Robertson replied that it was not and said it was covered by the historical arrangement. When asked what exactly the "historical arrangement" was, she would not go into any further detail except to confirm that it gave Loretto RC pupils preference over other East Lothian RC primary students which wasn't fair on those other East Lothian RC primary students. This "historical arrangement" admission placing order is however not defined in the Oct 2024 guide produced by Midlothian Council – why not?

Paragraph 32 does not describe the relationship between Loretto RC and St David's prior to the local government reorganisation in the 1990s either. It neglects to confirm the history of catchment status between the school going back into the 1940s.

The changes being proposed have therefore been deliberately downplayed in The Proposal and with information given during the consultation process. This "misinformation" made public by Midlothian Council could have therefore led to people drawing the wrong conclusions about the severity of the changes being proposed and thus their responses may not be a true reflection of their feelings to the actual situation. It may mean some people erroneously believe the changes aren't very substantial and so they have decided to not give their feedback at all.

There has also been a serious lack of data, facts and information about current school enrolment figures and also about how many "RC" students are currently attending Midlothian Primary schools. This information is very important for members of the public to be able to assess and draw their own conclusions about the scale or impact of the proposed changes being made. Once again, Midlothian Council by restricting access to such data, appears to be trying to downplay the scale of the impact of the changes being proposed. From information that was provided in The Proposal we know there was only a total of "28" out of authority placing requests for the 2025 intake of students in Midlothian

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Council schools. These 28 included 24 from Loretto RC to St David's according to the answers given at the public meeting in Dalkeith. A total of 1,194 secondary pupils and 1326 primary pupils have registered for P1 and S1 intakes. 28 out of authority placements is a very small amount of the total number of pupils therefore, at only 1.1% of the total number.

Surely such a small number is not putting huge strain on the provision of education in Midlothian. This statement is backed up by The Proposal paragraph 24 which states

*“Although Midlothian Council is proposing to vary the admission policy, this will not result in a change in the number of placing requests being granted. The priority order for allocating places will be adjusted after all catchment Midlothian children are placed, and these details can be found in Appendix 2.”*

This therefore confirms that overall capacity within Midlothian schools mustn't be that overstretched if it is looking to grant the same numbers of placement and out of authority requests under the changes being proposed.

From the “out-of-authority” placing request numbers, clearly it is only really St David's that is impacted by such requests (24 out of 28 for the whole of Midlothian we didn't get confirmation of the other 4 requests due to privacy concerns). Why does such a change in policy need to be made then?

Is St David's at full capacity perhaps, and hence why the council is seeking to exclude Loretto RC from catchment status? At the Dalkeith public meeting it was confirmed that St David's wasn't at capacity, but the exact numbers of student places were not disclosed either. We were only told that full capacity at St David's is currently 860 students in total.

We can therefore only draw the conclusion that Midlothian council has its eyes on spaces at St David's to fill with non-denominational students who can't get into their local catchment school due to capacity limits until the new High school at Shawfair is completed in the coming years. That possibility is completely ignored in The Proposal despite being the logical outcome.

So why make the proposed changes if it's just related to the stated reasons within the document? That makes no sense given the time and effort required, not to mention stress, worry, anxiety etc it causes within the school and church community most effected by the changes, i.e. the pupils of Loretto RC.

The Public consultation process has neglected to attend the Musselburgh, Whitecraig and Wallyford areas which are the catchment areas for Loretto RC. No public meeting was held in any of these areas. Copies of the proposal document was not held in a local library for these areas either. They have been the most greatly affected by the changes as stated above moving from catchment school to last in the priorities list. We believe therefore that our affected school community has not been properly consulted when the provisions within the *Schools (Consultation) (Scotland) Act 2010* make clear all those stakeholders adversely affected by the proposed changes need to be consulted. Just sending a PDF letter for East Lothian council to distribute to parents by email is clearly not sufficient.



There has been a complete failure to properly consult with the Loretto RC community (including at least the next 5 school years who are impacted). An offer made by Loretto Parent council members to Fiona Robertson to get in touch with us directly to arrange a meeting for parents was rejected at the Dalkeith public meeting. She cited “protocol” which meant she had to contact East Lothian Council first to seek permission to speak with an East Lothian school parent council body. That was nearly 6 weeks ago, we still have received no further word about holding such a meeting.

As stated earlier in this document the Midlothian Council Officers at the Dalkeith public meeting confirmed that an impact assessment of the changes had been completed as outlined in the proposal document. They also though confirmed it would not be released though until after the public consultation process had ended. To date Loretto RC, its parent council, nor its students have not been approached for any information or feedback to contribute to this Impact Assessment. This approach seems to be seriously flawed that the school group or community most greatly affected has not been able to provide direct feedback to help provide valuable data to form that assessment.

#### Insufficient information on the historical arrangement

Fiona Robertson stated that the Midlothian Council had received Legal advice on the Historical arrangement during the Dalkeith public meeting, but the legal advice would not be made public. On a number of occasions questions have been put directly to Fiona Robertson to ask what exactly was agreed and put in place by the “historical Arrangement” but this question remains unanswered. The only elaboration we have had on it is that Loretto RC children appear to get “preferential” placement treatment compared to other East Lothian RC Children and that the arrangement is informal.

We have very late on in the consultation process received previous version of the Midlothian Children, Young People and Partnerships – Education Policy Admission to Primary and Secondary Schools policies going back to 2017 period. Not one of these documents refers to any sort of historical arrangement for Loretto RC in the placement priorities. Funnily enough the descriptions of what process is meant to be carried out between Secondary Head Teachers and catchment school primaries seems to correspond with the process that Loretto RC and St David’s have gone through in previous years.

Without full disclosure of all the information on this, how can the public provide full feedback on the proposals? What is Midlothian Council hiding by not providing more detailed information on the “Historical Arrangement”? Are they being deliberately obtuse in order to prevent members of the public gaining a proper appreciation that Loretto RC is actually currently a catchment school of St David’s? Not being open and honest with the public about the exact nature of the agreement once again leaves the council open to legal remedies should they vote for this proposal due to the failings in the public consultation process.

#### Summary of arguments

Under the Education (Scotland) Act 1980 we believe that Loretto RC would have been grandfathered over as being within the catchment of St David’s, following the reorganisation of council areas in the

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mid-1990s. The Act further provides legal protections when it comes to removing denominational school access from students who currently enjoy such access, which state that Midlothian Council does not have the legal authority to implement The Proposal as currently drafted.

There has been a failure of Midlothian Council to properly articulate what they perceive the current position of Loretto RC students access to St David's from P7 to S1 actually is. How can a consultation about changes to current policy find it so hard to provide an answer to that simple question? How can members of the public give accurate feedback of the proposed changes, if the Council and others do not know exactly what the current position of Loretto RC pupils is which is now subject to consultation?

We believe The Proposal is in breach of the *UNCRC (Incorporation) (Scotland) Act 2024* as its outcomes contravene a number of the articles contained within it; and there has been a failure to carry out the proper Impact Assessments by Midlothian Council under the statutory guidance for this legislation. The Proposal does not deliver outcomes which can be said to be "in the best interests" of the affected children from Loretto RC. Approving them would be in breach of Section 6 (1) of the Act.

Because of the outlined reasons above, we believe that this public consultation process has been clearly flawed in failing to provide enough accurate information to the public both within The Proposal document itself, and also during the public meetings when Council staff were asked questions or for more information.

### Conclusion

The Loretto Parent Partnership, Loretto RC's parent council, believes that these arguments demonstrating the legal grounds for our objections is vitally important in part to help us to hopefully gain enough support amongst the Councillors to oppose this Proposal, and also for Education Scotland to raise what we see as serious failings with the consultation process and The Proposal.

These are legally important points, however they pale into insignificance when we look at the actual impact that the Proposal will have on over 150 current Loretto RC pupils, and hundreds more after them in the years to come. We're not guessing how it may affect them, or how it may make them feel, we as Parents of our children at Loretto RC saw the effects first hand at the end of 2024 and in the first few months of 2025 as the current P7 students appeared to be set for being denied places in S1 at St David's. P7 Parents reported to us that they had 11- and 12-year-olds crying themselves to sleep at night in their arms because those students were so upset at the thought of not being able to join their big brothers, sisters, cousins and other friends from the church community at St Davids, particularly given the abrupt manner of communication received from Midlothian Council and the immediate ceasing of transition events which were well underway (the affected P7 pupils had attended a transition event at St David's days before being told that they could be denied places).

Going to St Davids from Loretto RC is what every other school year has done, why were they being picked on and being told suddenly they couldn't. They had met the teachers of St David's and been told they were looking forward to meeting them in S1. "How is that fair to us?" they would say. "I now can't go to the same high school with my friends because they are now going to Rosehill and I've got

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to go to the Grammar” would be another major source of anxiety and stress for them all at a time when hormones and emotional development are all starting to really kick in too. Their younger siblings had to be told they too may now miss out on joining former P1 buddies, playground mentors etc. at St David’s. Many more tears then followed again. “Does that mean I can’t learn about God and Jesus at school anymore?” they asked. “Why is God letting this happened?” “We don’t know” would be the response. The P7 students stressed and worried about not knowing and having to wait months for a “placement” decision. Their mental health deteriorated as they worried themselves sick about perhaps not being able to go to the same high school as their older brother or sister. Parents stressed and cried for them when the kids went to bed, because we have to stay strong in front of our children, but deep down we were even more devastated for them. All of this hurt and anguish and stress and worry at such a young age. And having to go through it again after suffering it all during Covid, and all of this, is to come for exactly no financial savings for Midlothian council, and no reduction in the number of school placement requests being awarded. Why – this is an important question. Why are the Council being asked to support this – what benefit does excluding Loretto RC children from continuing to receive a Catholic education achieve? The current P6 class has been even more arguably affected by the Covid pandemic, given that they were in P1 when it first broke out; and they will now suffer all over again if The Proposal is approved. None of them have been consulted or spoken to with regard to the Council’s “Impact Assessment”.

So, what does this proposal actually achieve? Very little in our view, aside from the obvious distress caused to the children and parents, and to the wider Catholic community. It completely works against the “best interests” of our children, currently at Loretto RC and planning on attending in future. It does not achieve any tangible benefit; and we implore all of the Midlothian Councillors to please oppose this proposal, not just because it’s made on shaky legal ground, or based upon processes that we believe have not been followed correctly. Oppose it because you know that morally it just isn’t right to subject young vulnerable children to such feelings of hurt, stress, exclusion, anxiety, worry, a demeaning of their religious beliefs, and leave their mental health suffering.

Thank you for taking to time to read our submission.

Yours Sincerely

A handwritten signature in black ink on a light-colored background.

Signed by  
Simon Lowden  
Chairman  
on behalf of Loretto Parent Partnership