

Parent Council
St David's RC High School
1 Cousland Road
Dalkeith
EH22 2PS
26 May 2025

St David's High School Parent Council consultation response to Midlothian Council Proposal to vary the Admissions Arrangements to Primary and Secondary Education

Dear Councillors, Officers, Catholic education representatives, and MSPs,

We are writing on behalf of the St David's RC High School Parent Council representing parents of pupils attending St David's from across the Midlothian Council area, Musselburgh, Wallyford and Whitecraig. This is our response to the Midlothian Council consultation on school admissions.

We have been following this issue very closely since December 2024 when p7 transition visits from Loretto RC Musselburgh were suspended without consultation by the council. We wrote to the council twice – in December and in February – to ask for Loretto transition visits to be reinstated and received no meaningful response or engagement on the request. Loretto pupils have sadly missed out on several months of transition visits.

In the consultation, we are disappointed to see the proposed changes to break a long-standing link between St David's RC High School and Loretto RC primary, Musselburgh. From senior parishioners in Musselburgh we established pupils from Loretto have been coming to St David's for a continuous period since the late 1940s (Harry Lynch).

And we are concerned at how Midlothian Council officers have completely failed to clarify the current catchment status. When did Loretto cease to be a catchment school and by what process?

We are concerned about the proposals as they would only serve to undermine the St David's RC high school community, its academic standing, its identity and its denominational status. We call on councillors to reject any proposal that breaks the link with Loretto RC primary and St David's High School. We ask councillors to respect the wishes of parents by ensuring that St David's High School retains its position as the Catholic high school for Midlothian, Musselburgh, Wallyford and Whitecraig.

We outline below why Loretto should remain part of the St David's High School catchment, we expand on how Midlothian council officers appear to have misrepresented the current catchment status, and we highlight concerns with the integrity of the wider consultation process.

Part 1 - Why St David's High School should remain the Catholic high school for Midlothian, Musselburgh, Wallyford and Whitecraig

Catholic schools typically have large catchment areas reflecting the demographics of the Catholic community, and there is a large Catholic population in Musselburgh, Wallyford and Whitecraig right on the doorstep of St David's High School. Indeed, many of the Loretto RC pupil's live closer to St David's than Midlothian RC catchment primary schools. We understand one of the reasons for the site selection for the current St David's High School is that it is ideally located for transport from East Lothian. The location of the school speaks to its place in the heart of East Lothian and Midlothian communities.

Loretto pupils have gone to St David's High school in big numbers over the years and Loretto is among the largest associated primary schools. The pupils play a big part of the St David's High School community and have played a huge role in the school life over the years, contributing to the school and Midlothian's education reputation. Reducing this contribution would inevitably undermine the denominational, and wider educational status of the school over time.

The detriment to Catholic education provision under this proposal is significant. For Loretto RC pupils there is no alternative provision in East Lothian. The proposals would cause severe detriment to children, parents and carers in Musselburgh, Wallyford and Whitecraig who have planned attendance at St. David's in good faith, given the catchment status of Loretto RC for many years. They will cause particular hardship and practical difficulties for families with older children at St. David's if younger siblings are excluded.

Under the proposed school admissions priority order, baptised Loretto pupils would go from automatic placement at St David's to falling below every single p7 pupil in Midlothian, including non-Catholics and pupils that never attended an RC primary.

We acknowledge the pressure on school places with a fast growing population in Midlothian. But we fail to see how downgrading Loretto will materially improve the education provision or capacity pressures. Placings in St David's High School from Loretto RC primary make up around 2% of the total Midlothian S1 admissions. The 120 pupils from Loretto currently attending St David's high school are just 10% of the intended Shawfair High School maximum capacity. The benefit to Midlothian council by way of relieving pressure on the school estate is marginal at best, and the pressures are temporary pending plans to establish a new high school at Shawfair campus soon.

Our concern is the proposals have a permanent nature and significant impact on those wishing their children to continue faith based education. But the benefits are potentially time limited and marginal.

Part 2 - Loretto catchment status

At the heart of the issue is a debate about the current catchment status of Loretto RC primary, in Musselburgh. The open disagreement between councillors on the Loretto catchment status at full council meeting on 13 May 2025 is concerning as this is an issue where sound advice, detailed research and expert reasoning should have been provided to what is a contested issue that St David's parent council raised in December 2024. There was every opportunity for council officers to investigate and set out the position based on interpretation of the

Education (Scotland) Act 1980 and to have included this as a note within the wider framework of the consultation.

Our interpretation is that Loretto is a catchment school and has maintained that status through the council reorganisation in the 1990s. There have been priority admissions based on residency from the late 1940s until today. The current consultation process and council vote must not bypass due process set in legislation and change the catchment status by the back door.

There are four main supporting points to our interpretation.

Firstly, the Education (Scotland) Act 1980 provides relevant context. There are only three references to the term 'catchment' in the Act. 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 schools consultation (Scotland) Act 2010 references this same text giving further weight to this definition: "catchment area" has the meaning given in section 28A(3D) of the 1980 Act'.

Loretto pupils have had priority admission to St David's High School for a continuous period since the late 1940s. Midlothian Council officers acknowledge this recognising a historical arrangement exists. "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."

We understand officials intend to mean an informal arrangement with lower status to a catchment school. But under the Act there is no such provision for a lower status. The fact of priority admission based on residence confirms Loretto as a catchment school according to section 28A (3D) of the Act. That the council admissions guidelines (updated October 2024) do not detail the Loretto admissions arrangement is an omission but does not change the fact that Loretto has met the condition set in the Act.

Secondly, what Councillor Imrie described in Council meeting on 13 May 2025 in relation to disaggregation negotiations in 1994-1996 at the time of the council restructuring fully aligns with the recollection of several people aware of these matters. There is a community of St David's HS alumni involved through the parishes in Dalkeith and Musselburgh that recall this settlement in the 1990s. At the time of the council restructuring in the 1990s, Midlothian Council willingly inherited Loretto as a catchment school. That there is no record or paperwork from 30 years ago does not change the recollection and testimony. Furthermore, in the absence of any records of a change the default status is the status quo. There was no change of Loretto catchment status in the 1994-96 council restructuring and the onus should be on anyone claiming otherwise to present the supporting records.

Thirdly, the Education (Scotland) Act 1980, section 23 1C permits the continuation of catchment status across council boundaries created by the reorganisation from 1994-96. "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.”

This confirms that a catchment school can exist in a neighbouring council area as a result of the 1994-96 council reorganisation. There is nothing in statute to disapply Loretto as a catchment school to St David’s High School by virtue of being in a different council area. And furthermore, it sets this as the default unless and until the catchment status is changed. The default is Loretto primary remains a catchment school.

Lastly, a vast body of documents and official records confirm Loretto as a catchment school. As recently as October 2024, the Midlothian Council advert for a new headteacher at St David’s High school even referenced this.

Head Teacher - St David's RC High School

Posting date: 04 October 2024

Job reference: MID06437

“The school serves the educational needs of the Catholic community of Midlothian and East Lothian, corresponding closely to the Deanery of St David’s. Associated primaries are; St Mary’s, Bonnyrigg; St David’s, Dalkeith; St Luke’s, Mayfield; St Andrew’s, Newtonloan; Sacred Heart, Penicuik; St Matthew’s, Rosewell and; Loretto, Musselburgh, although a number of pupils join from other Midlothian primary schools.

The staff work closely with partners to plan a set of learning experiences that meet the needs of all students, again having to work across all Midlothian localities and Musselburgh in East Lothian can make this a more complex challenge. Developing wider and deeper partnerships to support young people continues to be a key focus for the school improvement planning.”

Midlothian Council recognised Loretto as an associated primary in October 2024. The term “Associated Primary” is not referenced in the 1980 or 2016 Education (Scotland) Acts. But the Midlothian school admissions guidance document refers to associated primary schools as corresponding to the high school catchment: “Midlothian pupils are enrolled in their catchment secondary schools through the transfer of their details from their associated primary schools.”

And based on a description from St Thomas of Aquin’s High School it is clear the term catchment school and associated primary mean the same thing in that the associated primaries are ‘associated’ to the high school by the catchment area:

“Associated Primaries

St Thomas of Aquin’s RC High School is a denominational secondary school which serves the area of southeast Edinburgh. It draws most of its pupils from Holy Cross, St Mark’s, St Mary’s and St Peter’s RC primary schools. **The wide catchment area** stretches from the Pentlands to Granton. This varied social mix gives St Thomas’ a strongly comprehensive character.”

The St David’s High School handbook 2023-24 has sections which describe Loretto as an associated primary school and verbatim describes the catchment extending into East Lothian.

“Within Midlothian and parts of East Lothian, pupils living in the catchment area designated for St David’s will have priority for admission in accordance with Council policy.”

A full copy of the document is available and highlighted sections are in the appendix.

Further examples of official documents referring to Loretto as a catchment or associated primary school or referring to St David's High school having an associated primary school outside Midlothian Council area include:

- Education Scotland 'Summarised inspection findings' St David's High School (30 April 2019): St. David's RC High School has seven associated primary schools including one school from outwith the Midlothian area.
- St David's RC High School Standards and Quality Report 2021-22 (Improvement Plan 2022-23): The school serves the educational needs of the Catholic community of Midlothian and East Lothian, corresponding closely to the Deanery of St David's. Our associated primaries are; St Mary's, Bonnyrigg; St David's, Dalkeith; St Luke's, Mayfield; St Andrew's, Newtonloan; Sacred Heart, Penicuik; St Matthew's, Rosewell and; Loretto, Musselburgh,
- Lothian Regional Council and East Lothian Council job adverts for the Loretto primary head teacher role before and after the council restructuring in the 1990s included the same reference to Loretto being a catchment school 'Loretto is a member of a supportive 5-14 cluster which includes the associated primaries for St. David's High School'.

The weight of evidence points firmly to the status of Loretto as being a catchment school to St David's High School. And the absence of any record of a change of status since the late 1940s until now, along with the continuous movement of pupils with priority placement, puts in serious doubt any claim that Loretto is not a catchment school. If Loretto is not a catchment school we want to know when this happened and by what process.

We raised this issue in writing in December 2024 with the council officers. We feel the officers have been aware of these concerns but appear to have tried to avoid the issue or dismiss it rather than engage with stakeholders and address it in good faith.

We noticed the St David's High School handbook was unpublished very recently from the school website and all references to Loretto being an associated primary were also removed. Furthermore, the most recent job advert for St David's High School head teacher has removed any reference to Loretto primary as an associated primary.

"Head Teacher - St Davids RC High School

Ref no: MID06755

Published: 11/04/2025

The school serves the educational needs of the Catholic community of Midlothian corresponding closely to the Deanery of St David's. Associated primaries are; St Mary's, Bonnyrigg; St David's, Dalkeith; St Luke's, Mayfield; St Andrew's, Newtonloan; Sacred Heart, Penicuik and St Matthew's, Rosewell, although a number of pupils join from other Midlothian primary schools."

It appears that Loretto 'associated primary' status was downgraded by council officer keystroke in the weeks and months immediately prior to the consultation window opening.

Part 3 - the procedural validity of the consultation process

Given the disputed position of the Loretto catchment status, there is a related issue of the integrity of the consultation process. Midlothian Council officers have positioned the consultation on the basis that Loretto is not a catchment school but have not provided any basis for this position and there is no detail on when the status changed or how. This position is contested (Councillor Imrie and St David's HS Parent Council letter December 2024). This introduces several issues.

1. The entire basis of any Loretto decision could be legally flawed if the consultation objective differs from the reality of what implementing the proposal would mean. As it stands the consultation process could put councillors in the position of inadvertently voting to change the catchment status and enshrine it in Midlothian records without due process set out in law and bypassing all normal procedures.

2. Loretto parents were not adequately consulted. We note with some incredulity that the main consultation document does not mention Loretto primary when detailing the schools directly impacted by the proposals. There were no public meetings arranged in Musselburgh. Parents with primary aged children and without a car have not been able to participate in the Public Meetings part of the consultation. No Musselburgh library has information on the consultation. The most affected stakeholder group in the consultation has been excluded from several core elements of the process.

3. Under the Schools Consultation (Scotland) Act 2010, consultations require an educational benefit statement that covers 'the pupils of any affected school' and 'any children who would (in the future but for implementation) be likely to become pupils of the school'. The consultation document failed to address this matter in relation to Loretto primary pupils.

4. Lastly, we have not seen or heard anything in the consultation about seeking consent from the Secretary of State. There are provisions in the Education (Scotland) Act 1980 relating to changes affecting denominational schools that appear to have been circumvented. Section 22C: Consent for certain changes affecting denominational schools.

(1) An education authority shall submit to the Secretary of State for his (sic) consent any proposal of theirs to which this section applies and shall not implement such a proposal without his consent.

(2) A proposal to which this section applies is one which—

relates to a school transferred to an education authority under section 16(1) or provided by them under section 17(2) of this Act; and 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.

And section 22D: Further provisions relating to denominational schools.

An education authority shall submit to the Secretary of State for his (sic) consent any proposal of theirs to which this section applies and shall not implement such a proposal without his consent.

A proposal to which this section applies is To—

(iv) change the arrangements for admission to the school;

Even if Loretto were not deemed to be a catchment school this requirement still applies.

Part 4 - what we are requesting

We wish St David's High School to remain a Catholic high school serving the communities of Midlothian, Musselburgh, Wallyford and Whitecraig.

There was a commitment by Midlothian Council at the time of the most recent council reorganisation for Loretto to remain a catchment school to St David's. We are asking for that to be recognised and re-committed by Midlothian Council elected members in a minuted meeting or formal record. If this requires a review by Education Scotland, or another relevant body, to resolve the catchment status issue we are ready to participate.

We would like a written response to each of the points raised in this letter prior to any decision or vote by elected members, plus a follow up consultation meeting to be set.

We would like this letter to be conveyed to Education Scotland in full and not in summary form.

We would like the St David's High School handbook (prospectus) to be republished on the school website without alteration to the enrolment section.

We would like the Midlothian Council school admissions guidelines document to codify the text from council press release: "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." and to specify that Loretto RC is an associated primary to St David's High School.

Parent Council consultation response letter reviewed and unanimously approved by parent members attending the 26 May 2025 St David's High School parent council meeting.

Appendix - St David's High School handbook 2023-24

Excerpts of the most recent St David's High School handbook (recently unpublished) highlighting Loretto primary as a catchment school.



St David's High School



ASPIRE at St David's

**Prospectus
2023-24**



About St David's High School

Headteacher	Mr Donny MacDonald
Address	1 Cousland Road, Dalkeith, EH22 2PS
Telephone	0131 654 4702
Email	St-Davids.HS@midlothian.gov.uk
Website	http://www.stdavidshighschool.co.uk/
Twitter	@StDavidsHS
Current roll	750

St David's High School was established in Dalkeith in 1948, initially as a 3 year secondary, and developed into the present 6 year co-educational comprehensive school from August 1960. In August 1966 the school moved to Abbey Road in what were originally the grounds of Newbattle Abbey. October 2003 saw us move to our current location in Saltersgate and we are now part of the Dalkeith Campus of schools. Our classrooms are modern and well equipped, and we have excellent library and sports facilities. We have a small chapel within the school where mass is celebrated regularly for both staff and pupils.

St David's serves the educational needs of the Catholic community of Midlothian and East Lothian, corresponding closely to the Deanery of St David's. In addition, we welcome a number of non-denominational pupils to the school and a growing number of students from around the world who choose to spend a year with us as part of their school career.

Our associated primaries are - St Mary's, Bonnyrigg, St David's, Dalkeith, St Luke's, Mayfield, St Andrew's, Newtonloan, Sacred Heart, Penicuik, St Matthew's, Rosewell and Loretto, Musselburgh, although a number of pupils join us from other Midlothian primary schools.



Enrolment

Within Midlothian and parts of East Lothian, pupils living in the catchment area designated for St David's will have priority for admission in accordance with Council policy.

Pupils attending a denominational primary school will be allocated a place at St. David's Roman Catholic High School. If the parents/carers wish to request their other catchment secondary school they should complete a placing request form.

Online registration form - midlothian.gov.uk/schoolplace

Online placing request form - midlothian.gov.uk/placing

Our programme of transition activities starts when pupils are in P6 when they get the chance to visit us for a Maths Challenge! This usually takes place in the summer term before they move into P7. In their final year at primary they will be visited by a number of St David's High School staff, complete work online for a range of subjects using Google Classroom and take part in a number of visits to get to know the school. In June of P7 there is a further programme of induction events, which includes a two day visit to St David's to experience part of the S1 timetable. Any other pupils who have been allocated a place at the school are also invited to join us at this time.