



Lasswade High School Childcare Service – Consultation

Report by Executive Director, Children, Young People and Partnerships

Report for Decision

1 Recommendations

- Authorise the Executive Director Children, Young People and Partnerships to undertake statutory consultation on the proposal to close Lasswade High School Childcare Service, which is treated as a closure under the *Schools (Consultation) (Scotland) Act 2010*;

2 Purpose of Report/Executive Summary

Under the *Schools (Consultation) (Scotland) Act 2010* any proposal to permanently discontinue all nursery classes in a school require a statutory consultation. The purpose of this report is to seek approval for the recommendation outlined above, that Council approve the undertaking of statutory consultation on the closure of Lasswade High School Childcare Service.

Date: 28 May 2024

Report Contact:

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3 Background

- 3.1 The *Education (Scotland) Act 1980* places a legislative duty on the Council to make adequate and efficient provision of school education across its area. This duty applies in respect of both the current school population and anticipated pattern of demand.

Section 3D of the *Standards in Scotland's Schools etc. Act 2000* (as inserted by Section 2 of the *Education (Scotland) Act 2016*) introduces a requirement on education authorities to carry out their duty to ensure the delivery of improvement in the quality of school education which is provided in the schools they manage, with a view to achieving the strategic priorities of the National Improvement Framework. It is, therefore, the duty of the education authority to ensure that the education it provides is directed to the development of the personality, talents and the mental and physical abilities of the children to their fullest potential.

Section 47 of the *Children and Young People (Scotland) Act 2014* places a statutory duty on education authorities to ensure that the funded ELC entitlement is made available for eligible children in their local area. The number of children in the setting currently is very low partially due to operating as a local authority setting managed by a secondary school, opportunities at other setting in the local areas can be explored.

In addition, Councils have a statutory duty to secure best value in terms of the *Local Government in Scotland Act 2003* by continuous improvement in performance of the local authority's functions, while maintaining an appropriate balance between quality and cost and having regard to economy, efficiency, effectiveness, equal opportunities, and the achievement of sustainable development.

- 3.2 Lasswade High School Childcare Service is located within the Lasswade High School Centre in Bonnyrigg. The childcare service has a staff of three, two of whom are permanent and fulltime, the other is fulltime on a temporary contract. There are fifteen children using the service.

Lasswade High School has had a childcare setting registered with the Care Inspectorate since 2007. In 2013 this setting transferred to the new high school building with the rest of the school.

A review of the service was undertaken by setting management in late 2013 and the setting was changed to a childcare setting operating full time places as a funded provider. This change did not require a statutory consultation as the legislative duty to consult on establishing new nurseries and nursery classes was suspended at the time to facilitate the move from 475 to 600 hours of funded early learning and childcare.

Early Years staff and Council Officers will work with affected families to explore opportunities at other settings in the local area.

Redeployment of staff would be managed in accordance with the Policy for Managing Change (LGWs) and Organisational Restructure Policy (SNCT staff). A mix of group and individual consultations will be undertaken with recognised Trade Unions and all affected staff in the setting.

Although the Council is moving to proposing a closure of the local authority setting, the provision will be made available for other providers to consider.

3.3 Council is requested to authorise the Executive Director Children, Young People and Partnerships to undertake statutory consultation on the proposals:

- to close Lasswade High School Childcare Service, which is treated as a closure under the *Schools (Consultation) (Scotland) Act 2010*;

4 Report Implications (Resource, Digital, Risk and Equalities)

4.1 Resource

Redeployment of staff would be managed in accordance with the Policy for Managing Change (LGWs) and Organisational Restructure Policy (SNCT staff). A mix of group and individual consultations will be undertaken with recognised Trade Unions and all affected staff in the setting, allowing an estimated saving of the settings employee costs, which totalled £123,205 in 2023/24.

Parents of children attending Lasswade High School Childcare Service will work with early years staff and Council officers, to explore opportunities at other settings in the local area.

Savings on the settings running costs, with an allocated budget of £73,205 in 2023/24, can also be achieved dependant on decisions about the use of the building.

4.2 Digital

None

4.3 Risk

None

4.4 Ensuring Equalities

This report does not recommend any change to policy or practice and therefore does not require an Equalities Impact Assessment. An Equalities Impact Assessment will be carried out and published as part of the consultation process.

4.5 Additional Report Implications (See Appendix A)

Appendices

Appendix A – Additional Report Implications

Appendix B – Potential statutory consultation timeline

APPENDIX A – Additional Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Not Applicable

A.2 Key Drivers for Change

Key drivers addressed in this report:

- Holistic Working
- Hub and Spoke
- Modern
- Sustainable
- Transformational
- Preventative
- Asset-based
- Continuous Improvement
- One size fits one
- None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- One Council Working with you, for you
- Preventative and Sustainable
- Efficient and Modern
- Innovative and Ambitious

A.4 Delivering Best Value

The implementation of the recommendation of this report will enhance best value in the delivery of Council services.

A.5 Involving Communities and Other Stakeholders

This report recommends undertaking statutory consultation with all stakeholders, including the communities which the childcare service serves.

A.6 Impact on Performance and Outcomes

The report does not directly impact upon Midlothian Council's performance and outcomes.

A.7 Adopting a Preventative Approach

Not applicable

A.8 Supporting Sustainable Development

Not applicable

APPENDIX B

Potential statutory consultation timeline

	Start	End	Timescale
Consultation Period	26th August 2024	8 th October 2024	6 weeks
Analyse Responses	9th October 2024	21st October	2 weeks
Education Scotland Consultation	22nd October 2024	12th November 2024	3 weeks
Consultation Report Writing	9th October 2024	25th November 2024	7 weeks
Consultation report Published	25 th November 2024	16th December 2024	3 weeks
Council Meeting	17 th December 2024	17 th December 2024	1 day
Scottish Ministers Call In	17 th December 2024	11 th February 2025	8 weeks