

St Margaret's RC Primary School**Report by Executive Director Children, Young People & Partnerships****Report for Decision****1 Recommendations**

Council is recommended to approve the following:

- i. The provision of primary education at St Margaret's RC Primary School will be discontinued from 1 July 2022;
- ii. The catchment areas of St Mary's, St Matthew's and Sacred Heart RC Primary Schools will be extended to include the St Margaret's catchment area;
- iii. Remaining pupils will be allocated a place at St Mary's RC Primary School or they can choose to attend their non-denominational catchment primary school;
- iv. School transport will be provided for all children affected, where there is no safe walking route to school and/or the distance from home to school is more than two miles;
- v. Provision of Early Learning and Childcare will continue as per current arrangements.

2 Purpose of Report/Executive Summary

This report advises the outcome of the statutory consultation on the proposal to discontinue the provision of primary education at St Margaret's RC Primary School.

The school roll at St Margaret's RC PS fell from 40 to 18 pupils and there were indications that a number of these children would move to other schools in the near future - by September 2021 all pupils had enrolled at other schools.

The statutory consultation on the proposal was undertaken in the period from Tuesday 28 September to Tuesday 16 November 2021. The report on the outcome of the consultation was published on 24 January 2022 and provides full details of the process undertaken, representations made and Education Scotland's report on the proposal.

Date: 21 January 2022

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3 Background

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.
2. Section 3D of the *Standards in Scotland's Schools etc. Act 2000* (as inserted by Section 2 of the *Education (Scotland) 2016 Act*) 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.
3. 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.
4. In 2019 the Education Service initiated a review of Midlothian's denominational school provision, in the context of a national shortfall in availability of teachers with approval necessary to teach in Roman Catholic (RC) schools.
5. Informal consultation meetings were held with staff and parents over 2019 and 2020 as part of the denominational review. Parental support for the RC schools in Midlothian in terms of choice of school remained strong throughout this period with the exception of St Margaret's RC PS. The school roll at St Margaret's RC PS fell from 40 to 18 pupils and there were indications that a number of these children would move to other schools in the near future.
6. In June 2021 officers of the Council held virtual meetings with St Margaret's RC PS parents and representatives of the Catholic Church informing them of the intention to propose to proceed to statutory consultation on the proposal to close St Margaret's.
7. Consequently on 29 June 2021 at full Council the Executive Director Children, Young People & Partnerships was authorised to undertake statutory consultation on the proposal to permanently discontinue primary education at St Margaret's RC Primary School and to extend the catchment areas of the neighbouring primary schools to include the St Margaret's RC PS catchment area.
8. The statutory consultation on the proposal was undertaken in the period from Tuesday 28 September to Tuesday 16 November 2021. The report on the outcome of the consultation was published on 24

January 2022, Appendix B, and provides full details of the process undertaken, representations made and Education Scotland's report on the proposal. The report is available on the Council's website: https://www.midlothian.gov.uk/download/downloads/id/4409/st_margarets_consultation_report.pdf

9. The Education Service offered additional consultation sessions over and above the required statutory public meeting. Further information on these sessions can be found in the consultation report section 4. No members of the public attended either the public meeting held in Loanhead Primary School on Tuesday 12 October 2021 or the virtual public meeting held via MS Teams on Wednesday 13 October 2021.
10. A total of 72 responses to the consultation were received during the period of the statutory consultation, 71 survey responses and 1 other response received via email. Of the 71 responses to the survey, 30 agreed or strongly agreed with the proposal, 38 disagreed or disagreed strongly, 2 gave no opinion and 1 did not answer.
11. Education Scotland's Her Majesty's Inspectors of Education (HM Inspectors) prepare a report in accordance with the terms of the Schools (Consultation) (Scotland) Act 2010 ("the 2010 Act"). The purpose of the report is to provide an independent and impartial consideration of Midlothian Council's proposal (Appendix C).
12. The Education Scotland report summary states:

"The council provides a strong case for the proposed discontinuation of primary education provision at St Margaret's RC Primary School with effect from 1 July 2022. If the proposal is implemented, HM Inspectors consider that the proposal has the potential to support the council in providing high-quality denominational provision across six RC primary schools. This would include St Mary's RC Primary School, the neighbouring denominational primary school. St Mary's RC Primary School would provide children from St Margaret's RC Primary School with a wide range of experiences and outcomes linked to Curriculum for Excellence, and increased opportunities for success. It would also help children to develop social relationships more easily with their peers."
13. The consultation report was published on 24 January 2022 leaving the required period of at least three weeks for further representations to be made prior to Council's consideration of the report and its decision regarding the recommendations:
 - i. The provision of primary education at St Margaret's RC Primary School will be discontinued from 1 July 2022;
 - ii. The catchment areas of St Mary's, St Matthew's and Sacred Heart RC Primary Schools will be extended to include the St Margaret's catchment area;
 - iii. Remaining pupils will be allocated a place at St Mary's RC Primary School or they can choose to attend their non-denominational catchment primary school;

- iv. School transport will be provided for all children affected, where there is no safe walking route to school and/or the distance from home to school is more than two miles;
- v. Provision of Early Learning and Childcare will continue as per current arrangements.

14. Section 15 of the *Schools (Consultation) (Scotland) Act 2010* enables Scottish Ministers to call-in a decision to implement the proposed discontinuation of primary education provision at St Margaret's RC Primary School. If the decision of Council is to implement the proposal, it will be required to notify the Scottish Ministers of that decision, and provide them with a copy of the proposal document and Consultation Proposal. This must be done within six working days of that decision. The Scottish Ministers have an eight week period from the date of that final decision to decide if they will call-in the proposal. The legislation allows for any person to make representations to Scottish Ministers within three weeks of the Council taking a decision to implement a closure proposal. The Scottish Ministers will take account of the consultation report, Education Scotland HM Inspectors report and any relevant representations made to them by any person.
15. Until the outcome of the eight week call-in process is known, the Council cannot proceed to implement the proposal. If the Scottish Ministers call-in the proposal, they must refer the proposal to the Convener of the School Closure Review Panels who may refuse to consent to the proposal or grant their consent to the proposal subject to conditions or unconditionally.
16. The recommendation of the consultation report is for Council to approve the discontinuation of primary education provision at St Margaret's RC Primary School with effect from 1 July 2022. This is subject to the conclusion and outcome of the Scottish Ministers call-in process. If approved the date of closure will be the later of the last day of the 2021/22 school session or an appropriate date following notification of the outcome of the call-in.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

1. The financial implications of this proposal are detailed in the consultation proposal document, Appendix E. Should this proposal be implemented there is an estimated annual revenue budget saving of £26,593. This saving is predicated on the disposal of the building, revenue costs will continue to be borne by the Council until such time as the building is disposed of.
2. If this proposal is implemented, the staff in St Margaret's RC Primary School will all be offered positions in other schools
3. There are no capital budget implications directly associated with this proposal. Housing developments across Midlothian make a contribution

to the cost of providing consequential educational capacity. This applies equally across the St Margaret's catchment and any contributions received will be applied against the cost of the additional capacity that will be provided to serve the area.

4.2 Digital

None

4.3 Risk

None

4.4 Ensuring Equalities (if required a separate IIA must be completed)

An Integrated Impact Assessment has been carried out and published, Appendix D.

4.4 Additional Report Implications

None

Appendices

Appendix A – Additional Report Implications

Appendix B – Consultation Report, January 2022

Appendix C – Education Scotland Report

Appendix D – Consultation Proposal Paper, September 2021