

Proposals regarding the long term use of Westfield Court as a Nursery School following Health and Safety recommendations.

Education, Children and Families Committee

21st June 2011

1. Purpose of report

- 1.1 The purpose of this report is to make recommendations to committee on the future use of Westfield Court building following concerns over Health and Safety issues. The report also sets out the interim proposals to support staff and children who are affected at this time and seeks permission to consult on a permanent closure.

Summary

- 1.2 Following a Health and Safety inspection of Westfield Court Nursery School a report was submitted to Children and Families in September 2010 raising concerns regarding the emergency evacuation of the 25 three and four year old children who attend the nursery.
- 1.3 The report from Health and Safety (Appendix 1) highlights the difficulties and complexities faced by staff that have the responsibility to evacuate the children attending the nursery and concluded that the department should make every effort to identify other suitable alternative accommodation as soon as possible.
- 1.4 On 12th October 2010 the Education Children and Families Committee approved the temporary decant of the children and staff at Westfield Court Nursery School to Tynecastle and Calderglen Nursery Schools and requested a report on the long term options for Westfield Court as nursery provision.
- 1.5 At the end of November 2010 all children and staff moved to Tynecastle and Calderglen nursery schools. Feedback from the staff and parents regarding the move has been positive and all have settled well.

- 1.6 A further report was requested from the Council's Health and Safety Advisor which includes updated information in relation to the nursery building (Appendix 2). A separate inspection was also undertaken by the Council's Asset Management staff which includes a report from Lothian and Borders Fire and Rescue Service (Appendix 3).
- 1.7 In considering all of these reports the Council's Health and Safety Advisor has recommended that, although the property is not unsafe in terms of fire, it would be much better suited to a more appropriate user group. He strongly recommends that the property is not used as a nursery.
- 1.8 Based on this information the Children and Families department would propose that Westfield Court should no longer be used as a nursery school and therefore seeks permission to carry out a statutory consultation to close the nursery under the Schools (Consultation) (Scotland) Act 2010.

2. Main Report

Background Information

- 2.1 Westfield Court is located in the Gorgie/Balgreen area of the city on the top of a multi-story block of flats. There are three large playrooms rooms with other office space and additional community rooms. The outdoor play area is a roof top space which is 65sq metres and access to the accommodation is via a dedicated lift that services the nursery only. The nursery provides placements for 20 part-time children (a mix of morning and afternoon) and 8 full-time children (4 of whom are children with additional support needs).
- 2.2 Due to the complexity of the fire safety procedures needed to evacuate very small children and staff down seven flights of stairs a health and safety inspection is done on a regular basis to ensure the department is considering its duty of care in relation to the safety of the children, families and staff who use the building. In the last two years recommendations have been made by the Council's Health and Safety Advisor in relation to emergency evacuation, regular inspection of the building and the use of smoke detectors in the common stairwell. All these improvements were completed at the time of the reports and this allowed the nursery to remain operational until November 2010.
- 2.3 Following the decision by council to close the nursery on a temporary basis and transfer all the children and staff to Tynecastle and Calderglen nursery schools, further health and safety inspections have been completed (Appendices 2 and 3). These reports recommend that the building should not be used as a nursery but can be considered for use by more appropriate user groups. The reports also set out the cost of further fire safety measures which would be required which would include a new fire rated evacuation lift, upgrade to doors and new signage. The total cost of this work would be approximately £165,000.
- 2.4 It should also be noted that this issue does not affect the safety of the residents living in the flats as the Health and Safety officer recognises that the situation for an individual or family is very different to that which faces the nursery school, where staff would have to ensure a large number of small children could be evacuated at the one time from the top floor of the block.

Other considerations

- 2.5 **Building Condition;** City Development has also looked at the suitability of all nursery buildings across the school estate and rates them accordingly. This considers how the design, configuration, ease of use and accessibility of the building impacts on function. This covers matters such as room size, layout, facilities, circulation space and outdoor space. In general terms smaller sized nurseries tend to lack the room space and physical capacity to deliver a wide range of services. Nursery schools are assessed as falling in one of four categories – A (Very Good), B (Good), C (Adequate) or D (Poor). Westfield Court has been assessed as having poor suitability and is **D** rated.
- 2.6 Information on the improvements required for the nursery building from a fire safety point of view would include the installation of a new fire rated evacuation lift and upgrades to the doors with new additional signage. City Development have given an estimated timescale of between 58-67 weeks to complete this work following any decision being made to re-open the building as a nursery. This means we would not be able to offer any nursery placements from this building before August 2012 at the earliest.
- 2.7 **Suitability;** Although the building has plenty of indoor playroom space the design of the facility with a long circulation route is not well suited for nursery use. The nursery also has a very small rooftop outside play area (65 sq metres), which is caged in and does not provide a good space for young children to be given opportunities for outdoor play and learning. Because of these restrictions it also does not provide children with the best opportunities to nurture their overall development.
- 2.8 **Operational Costs;** The two main costs of running a nursery school are staffing costs and service costs (such as rates, heating, lighting, etc). The average costs per full time nursery place has been calculated for all nursery provision across the city and Westfield Court has an average cost per pupil of £6,906 which is one of the highest of all the city nursery schools.
- 2.9 **Operational Capacity;** The nursery's operational capacity of 90 full time places (or 180 part-time) has been steadily decreasing over a number of years due to lack of demand. Prior to the decant the nursery had provision for 48 children (part-time and full-time) however only 25 had taken up placements at that time.
- 2.10 The decant of all children and staff in November 2010, although challenging at the time, has gone very well. Reports from the Head Teachers at Tynecastle and Calderglen have indicated that all the children have settled into their new nurseries and wish to remain there until the end of the school term (1 July 2011). Opportunities were given to the parents by the Head Teachers and Early Years Manager regarding their views on the move which were also positive.
- 2.11 Of the 25 children who attended Westfield Court prior to the decant only four children are due to stay on for another year at nursery, the remaining 21 are all eligible to start primary school in August 2011. Discussions with the parents of the children due to remain in nursery provision have highlighted a wish to stay at

their current nursery schools, Tynecastle or Calderglen for another year. Therefore at this time Westfield Court has no children due to return and also has no waiting list.

- 2.12 Westfield Court traditionally had four children with additional support needs agreed through the Pupil Assessment Group (PAG). At the time of decant these children were moved to Calderglen NS and are all now due to move to primary school except one who wishes to stay at Calderglen. In order for the department to agree placement requests for the new applications due to be considered through the PAG system this year (session 2011/2012) it has been agreed that Moffat Early Years Campus will now provide this resource for four children. This new arrangement supports the move to keep children as far as possible in their local area. This is in addition to the original four placements still available at Calderglen Nursery School.

Interim Proposals for Children and Staff

- 2.13 Currently there are no children or staff based at Westfield Court. To avoid further disruption for the children and their families, it is proposed that all 25 children who were moved through the decision to decant the nursery in November 2010 will remain in their current nursery provision until the end of the school term on 1st July 2011.
- 2.14 It is proposed that we keep the four children who are due to return for another year in August 2011 at Tynecastle and Calderglen. This would meet parental wishes. At the time of the decant, the capacity of Tynecastle Nursery School was extended from 40 (part-time) and 8 (full-time) to 60 (part-time) and 8 (full-time). This will continue for the session 2011/2012 to allow all the children on the waiting list for Tynecastle to be given a place and ensure there is enough spare capacity required for new children. Calderglen will continue to provide four placements for the PAG children which will include one of the children from Westfield Court who wishes to remain there.
- 2.15 Currently the staff from Westfield Court have been deployed with the children to other nurseries and the acting Head Teacher has returned to her permanent post. One of the nursery teachers has taken up another position within the Council which leaves a 0.3 teacher (who has been supporting the PEEP programmes within the cluster), 1 nursery nurse (who is at Tynecastle with the children), 3 learning assistants (who work in Tynecastle and Calderglen with the children), 1 part-time clerical (who is covering an absence in another nursery) and 1 cleaner in charge (who is covering a vacancy in another nursery).
- 2.16 It is proposed that the staff would remain within their current posts until the 1 July 2011, which will provide continuity and stability for the remainder of the school term for all the children involved in the decant. Since it would be impossible to reopen the school until August 2012 at the earliest, it is recommended that the staff would remain in their current positions until June 2012 following further discussions and identified need. Should the decision be not to re-open as a nursery during this time, all staff would then be redeployed to other permanent positions within the Council.

3. Financial Implications

- 3.1 Should the decision be to re-open Westfield Court Nursery the estimated costs for upgrading the fire measures would be approximately £165,000. The ongoing maintenance costs for the building over five years have been estimated at £160,000. The total cost of re-opening Westfield Court is £325,000.
- 3.2 It should be also noted that if the decision is made to close Westfield Court further savings in addition to the above of £122,608 will be achieved in relation to the re-allocation of staffing posts.

4. Equalities Impact

- 4.1 In relation to the information in this report an equalities assessment has taken place which has indicated that this area of work scored 1 on its relevance to equalities. Regard was given to all areas of equality and in particular it was agreed that the only impact was positive in relation to the interim and long term plans taken to support improved access for children with physical disabilities.

5. Environmental Impact

- 5.1 There are no adverse environmental impacts arising from this report

6. Conclusions and Recommendations

- 6.1 Given the recommendations of all the Council's Health and Safety reports and the ongoing concerns for the children and staff who may attend Westfield Court, it is recommended that Westfield Court should no longer be used as a nursery school. It is therefore proposed to undertake statutory consultation on the closure of Westfield Court Nursery.
- 6.2 The children and staff have already been moved to other nurseries on a temporary basis and have settled in well. The decision to consult on closure would allow the department to confirm its interim arrangements for the children who require a nursery place and would support staff who need to have a permanent work location.
- 6.3 Scottish Government have confirmed that any decision to recommend closure of Westfield Court will also be subject to full statutory consultation under the Schools (Consultation) (Scotland) Act 2010.

Recommendations

- 6.4 The committee is requested to:
 - a. Agree the recommendations in the report
 - b. Delegate authority to the Director of Children and Families to develop a detailed consultation paper on the proposed closure of Westfield Court Nursery School
 - c. Approve the steps in the consultation process as set out in Appendix 4 of this report

Appendices	1 Health and Safety Report 2 Health and Safety Report 3 Asset Management Report 4 Consultation Process
Contact/tel/Email	Anne Kiely, Early Years & Childcare Manager, Tel: 469 3686
Wards affected	Gorgie/Balgreen
Single Outcome Agreement	National Outcome 5
Background Papers	N/A

(Appendix 1)

Westfield Nursery September 2010

Introduction

Westfield Nursery is located on top of a multi-story block of flats. It is served by three flights of common stairs and by a private lift.

In last two years the nursery has been visited on a number of occasions by staff from the Corporate Health and Safety section. On two occasions they have been accompanied by staff from Lothian and Borders Fire and Rescue Service (LBFRS). During these visits issues relating to fire safety have been addressed. In particular, the matter of emergency evacuation was discussed at length.

Report

When the nursery was last visited by LBFRS staff a number of fire related improvements were agreed. These included the introduction of smoke detectors in the common stairwells, a regular inspection regime of the building and a written Fire risk assessment and emergency evacuation plan for the nursery.

These improvements have been in place now for some time and have allowed the nursery to remain operational.

The position of the nursery on top of a block of flats has meant that there have been concerns for some time over the challenges of evacuating young children down seven flights of stairs during an emergency. In particular, the uncontrolled nature of the stairwells which also service private dwellings has meant that imaginative evacuation plans have been necessary to ensure that children are not inadvertently led down to the source of the fire rather than to safety.

Currently, the plan involves a member of staff leading the evacuation by walking down a nominated stair and shouting back up to the other staff at each landing, alerting them as to whether the route is still clear or not. If the route is found to be blocked then they all retrace their steps and attempt to evacuate by another route. The initial choice of stairwell is helped by the presence of domestic-type smoke detectors.

The lengthy evacuation route means that a successful emergency evacuation would require a high ratio of trained adults to children. In particular, any children with special needs may require individual attention.

A recent inspection of the property has shown that despite the best efforts of the nursery staff, flammable material is occasionally stored in the stairwells by residents.

In the short-term the nursery could remain operational. However, the Health and Safety section continue to have serious concerns over the high level of supervision and daily inspection needed to ensure that the evacuation routes remain clear, and the very high staff: pupil ratio required during an evacuation.

The Nursery staff continue to show considerable awareness of fire-related matters and in particular demonstrate a willingness to help in the emergency evacuation during difficult and unusual conditions.

Recommendation

The emergency evacuation plan for the Nursery continues to raise the concerns of Health and Safety staff. While the current plan has worked during drills it is quite possible that the confusing and disorientating nature of a real emergency (evacuating residents, uncertainty as to the exact location of the fire, the presence of smoke, etc) could result in tragedy.

For this reason, I suggest that while the Nursery can continue to function in the short term, some increased effort should be made to identify suitable alternative accommodation.

Certainly, if alternative accommodation can be found then the children should be moved without delay.

Graham Anderson
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(Appendix 2)

Westfield Court Nursery Fire Safety report April 2011

Background

In September 2010 the Health and Safety Section produced a brief report on the management of fire risk at Westfield Court Nursery. The report highlighted a number of concerns relating to emergency evacuation and it was suggested that while the nursery could continue to function in the short term, some effort should be made to identify suitable alternative accommodation.

Introduction

The purpose of this report is to update the Council on the current status of the Westfield Court Nursery premises with regard to fire safety.

Details

Following an audit by Lothian and Borders Fire and Rescue Service (LBFRS) in September 2009 a number of measures were taken to improve fire safety in the building. These included:

- The up-grading of the fire detection system;
- the introduction of visual indication beside exit doors;
- the introduction of a new smoke detector;
- the replacement of the existing fire alarm panel.

A separate inspection of the property by Council Asset Management staff in April 2011 led to an internal report with similar conclusions.

A list of the remedial measures suggested in the two reports is given below:

- Fire doors still to be fitted;
- existing doors require upgrading;
- replacement of escape door ironmongery;
- replacement of non-fire-rated glazing within the nursery corridor;
- introduction of a mains-powered interlinked fire alarm
- additional smoke detection required;
- additional signage required;
- fitting of manual call points;
- replacement of lift with a fire-rated lift.

The anticipated cost of these measures is approximately £165 000

The Asset Management report went on to list a number of other concerns relating to the means of escape. These issues, which relate to communal areas of the high rise flats are listed below:

- no automatic opening ventilators in the stairwells;
- no dry risers present;
- no emergency escape lighting;
- no wayfinding signage;
- lack of separation of refuge chutes;
- insufficient separation from residential units.

Both reports highlighted the variable mobility of the building users and noted that nursery children need considerable assistance during an emergency evacuation. It is anticipated that a number of the suggested control measures may not be necessary if the roof-top property were to be used only by alternative user groups.

Conclusion

The internal report from Asset Management staff makes a number of recommendations for improvement. If there were a serious fire at the nursery and the evacuation of children and staff became problematic, then it could be argued that lives were put at risk because professional advice had been ignored. If this were the case, then the Council, and individual decision makers within the Council, could be the subject of civil action and /or criminal prosecution. It is therefore strongly recommend that the property is not used as a nursery.

It may be possible to introduce some of the lower-cost measures which could bring the current nursery property up to a sufficient standard to allow it to be used for various purposes but not by large groups of very young children.

Graham Anderson
Senior Health and Safety Adviser
Corporate Services

Title:- Westfield Court Fire Assessment

14/4/2011

Purpose of report

Response to a request from Children and Families, regarding the fire prevention measures associated with Westfield Court Nursery.

Main report

The Nursery was last audited by the Lothian and Borders Fire and Rescue Service in September 2009, and a copy has been attached to the end of the report.

Following on from the LBFRS audit, a full survey of the property was undertaken to see what measures could be undertaken to improve the property in terms of fire safety and assessed against best practice (at the time of the audit).

The recommendations following this survey took the form of both active and passive fire measures.

Active measures:-

The automatic fire detection system within the property was up-graded to a 'category L4' enhanced system, covering all recommended areas i.e. the top of the stair enclosures. Additionally visual indicators were installed beside exit doors leading to each stair, to warn if that particular smoke detector had set off the alarm system. All other areas within the property, which had any significant risk, were covered with an additional smoke detector. Furthermore a provision was installed at that time for the existing and proposed cross corridor doors to be held open by way of electromagnetic hold open devices, to aid with the day to day operations of the building as the users (nursery children) found it difficult to operate these doors. The existing fire alarm panel was replaced to facilitate these measures.

All of these works were carried out in full.

Passive measures:-

There were two additional doors identified to be installed (for smoke control) to the main corridor, that work required a Building Warrant. The doors are still to be fitted but the building warrant has been granted. Additionally there are still several doors which are required to be upgraded by way of fitting; intumescent strips and smoke seals, additional hinges, and replacement self closing devices to bring them to a nominal short duration period of fire resistance (30 minutes). Furthermore the ironmongery to the door leading from the rooftop garden to the escape stair was found to be inappropriate for the user group and is still to be replaced.

Additionally it was noticed that some of the glazing within the corridor was not of sufficient fire resistance for this area of the property. It was felt (and agreed with Douglas Harvey of LBFRS) that additional smoke detection to the rooms along the corridor which had ordinary glazing, could be used as a compensatory measure. These measures have been costed in the region of £15k to complete.

Other deficiencies within the nursery:-

There was a lack of Wayfinding throughout the property; this should be addressed by way of installing appropriate exit and intermediate signage throughout the property in accordance with the current British Standards or Euro Codes. Additionally there should be fire action notices displayed beside all manual break glass call points. This would be in the region of £200 to complete.

Means of Escape issues:-

The evacuation procedures and risk assessments were reviewed, and although they were comprehensive, they threw up several problems with this property.

The Nursery is sited on the top storey of an eight storey property constructed in the 1950's. The seven storeys below the nursery are made up of residential accommodation in the form of flats.

Evacuation to a place of ultimate safety comprises of evacuating Nursery children down eight levels of stairs (which I feel is wholly inappropriate in its own right). This is hindered by the fact that many of the original/replacement doors to these flats would not give an adequate level of fire protection for an escape stair. Additionally there are no automatic opening ventilators to the stair enclosure nor do dry risers exist, no emergency escape lighting, a lack of Wayfinding signage and refuse shoots are not separated from the stair enclosure with some doors broken or missing.

On investigating the personal emergency evacuation plan (PEEP) it was noted that there were several children who were less able bodied or had learning difficulties attended this premises. It is felt that the level of staffing would not be able to deal with this number under emergency conditions given their other responsibilities, and difficulties associated with escaping from the eighth floor. To fall in line with the Children and Families 'All inclusive' policy, I would recommend that the dedicated lift to this property is replaced with a Fire Rated lift, which could be used to help with the evacuation of users or visitors who may require a PEEP (This is likely to be cost prohibited)

As the majority of the issues which could compromise the escape routes from the nursery are to do with the communal areas of the High Rise Flats, this falls out with the direct remit of Children and Families and their fire upgrade programme.

I do not feel that the property inherently unsafe in terms of fire, but it would be much better suited to a more appropriate user groups.

Financial Implications

£ 15,000 to conclude door upgrades

£200 to address the signage issues

Circa £150,000 Fire rated evacuation lift (also know as fire fighting lift)

Equalities Impact

I do not feel that the property is inherently unsafe in terms of fire, but it would be much better suited to a more appropriate user group.

Environmental Impact

N/A

Recommendations

Dialogue should be opened with Service for Communities with respect to up-grading the communal areas to this high rise property.

The doors identified during the previous fire survey should be up-graded to a minimum short duration standard.

Suitable Wayfinding pictograms should be provided in accordance with BS5499 pt 1.

Suitable fire action notices be provided in accordance with BS5499 pt 1.

Suitable operational use of door signage should be provided in accordance with BS5499 pt 1.

I would strongly recommend that the lift is changed to an appropriate fire evacuation lift.

Even if all of these fire measures were installed in full, I am still not convinced that it is good practice to have a nursery on the eighth floor of a property.

Ronan Smyth

Projects Officer

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Westfield Court Nursery
Westfield Court
Edinburgh
EH11 2RJ
**FOR THE ATTENTION OF
WENDY DAVIDSON**

9 September 2009

Dear Madam

PART 3 OF THE FIRE (SCOTLAND) ACT 2005 AS AMENDED AND THE FIRE SAFETY (SCOTLAND) REGULATIONS 2006

NAME AND ADDRESS OF PREMISES: WESTFIELD COURT NURSERY, WESTFIELD COURT, EDINBURGH, EH11 2RJ

TYPE OF OCCUPANCY: SCHOOL (NURSERY)

NOTIFICATION OF UNSATISFACTORY STANDARD OF FIRE SAFETY MEASURES

Following the visit to the above mentioned premises carried out on 3 September 2009 by Mr Harvey you are hereby informed that the existing fire safety measures as audited on the aforesaid date, which are made to comply with the above Act and Regulations are considered **unsatisfactory**.

In order to comply with the above legislation effect should be given **without delay** to the following:

**Sections 53 or 54
Fire safety risk assessment.**

The fire safety risk assessment record should be reviewed to take account of the undernoted matters.

You are reminded that the process of risk assessment should be ongoing and hereafter where there is reason to suspect that the current fire safety risk assessment is:

- (a) No longer valid, or
- (b) If there has been a significant change in the matters to which it relates, then the assessment should be reviewed and any required changes must be made to ensure continued compliance with the said Act and Regulations.

The Fire and Rescue Service requires you to produce an **action plan** and forward it to the Fire and Rescue Service by **9 October 2009**, detailing the timescales for the implementation of improvement measures identified by the fire safety risk assessment process.

**Sections 53 or 54
Measures to reduce the spread of fire.**

Separation is required between the lift landing areas and the corridor. This separation can be achieved by the construction of a separation wall constructed to provide fire resistance of short duration (30 minutes). The doors within these structures should be constructed to provide fire resistance of short duration (30 minutes), and be fitted with self-closing devices capable of closing the door from all angles, including the fully open position. These doors should be made smoke stopping by the fitting of smoke seals.

The undernoted doors are not considered smoke stopping. These doors should be made smoke stopping by the fitting of intumescent strips and smoke seals. These doors should be made close fitting onto 12.5mm stops.

- Fire exit doors leading from the corridor to the stairwell (stairs 2 to 4)

Regulation 12

Means for fighting fire and means for giving warning in the event of fire.

An automatic fire detection system should be provided conforming to British Standard 5839: Part 1 current edition (Category L5) and be electrically interlinked to the fire warning system.

- At the upper most point at ceiling level within stair 1
- At the upper most point at ceiling level within stair 2
- At the upper most point at ceiling level within stair 3
- At the upper most point at ceiling level within stair 4
- At ceiling level within the corridor outside the therapy room.

A certificate of compliance to the aforementioned British Standard should be issued by a competent person and forwarded to the Fire and Rescue Service.

An adequate number of nominated persons should be sufficiently trained in the use of the appropriate firefighting equipment within the premises.

Regulation 13

Means of escape.

Where the direction to escape routes from the premises is not apparent, intermediate signs, incorporating pictograms and directional arrows should be provided to comply with the Health and Safety (Safety Signs and Signals) Regulations and/or British Standard 5499: Part 1 current edition.

The undernoted doors should be indicated by signs complying with British Standard 5499: Part 1 current edition.

- Turn to open sign on fire exit doors leading from the corridor to stairwell number 2, 3 and 4
- Push bar to open sign on fire exit door leading from the outside planning area to stairwell 1.

Regulation 14

Procedures for serious and imminent danger from fire and for danger areas.

Fire action notices, complying with British Standard 5499: Part 1 current edition should be prominently displayed adjacent to all break glass call points:-

The chosen notice should incorporate the following information:

- a) The designation of the person or persons responsible for calling the Fire and Rescue Service in the event of a fire and the method to use, i.e., dial 999.
- b) The type of sounding device used within the premises which gives warning of fire, i.e., bells, sirens, word of mouth, etc.
- c) The correct address of the premises.
- d) The location of the assembly point.
- e) The person in charge of evacuation.

The above recommendations are one method of achieving the benchmarks however, other fire safety risk assessment methods or fire safety measures which achieve a suitable level of fire safety may be an acceptable alternative. If an alternative solution to the one(s) offered above is chosen, we strongly recommend prior consultation with the Fire and Rescue Service.

Where to get further advice or information

More detailed guidance on the Act, Regulations, fire safety risk assessment and benchmarks is available on the Scottish Government Website, www.infoscotland.com/firelaw

Free advice is available from Lothian and Borders Fire and Rescue Service about issues relating to disputes between the dutyholder and the Fire and Rescue Service and general fire safety, but it must be remembered that the dutyholder is responsible for carrying out the fire safety risk assessment for their premises and identifying the fire safety measures necessary as a result of the fire safety risk assessment outcomes.

Anyone in any doubt about their legal obligations should seek their own independent legal advice.

Should you require further information or clarification in relation to this letter please do not hesitate to contact Mr Harvey.

Yours faithfully

Group Manager

- cc. **The Scottish Commission for the Regulation of Care, Stuart House, Eskmills, MUSSELBURGH, EH21 7PB**
- cc. **Bill Ness, Head of Corporate Property and Contingency Planning, City of Edinburgh Council, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG**
- cc. bob.robson@edinburgh.gov.uk
- cc. evelyn.hume@edinburgh.gov.uk
- cc. dennis.henderson@edinburgh.gov.uk
- cc. ken.wong@edinburgh.gov.uk

Appendix 4

Westfield Court Nursery School – Closure Consultation Process

The following considers the timescales and processes required assuming that, on 21 June 2011, Council delegates its authority to the Director of Children and Families to develop a detailed consultation paper on the basis of the options outlined in this report.

The Consultation Period

- The Children & Families Department will produce a proposals paper and:
 - Advertise the period for consultation and the date and venue for the public meeting
 - provide notice of the “Consultation Period” to the “Relevant Consultees” (see below).
 - provide HMIE with a copy of the consultation paper
 - make the information available online
- The Consultation Period will last for 6 weeks, anticipated to run from 24 August 2011 to 6 October 2011.
- One Public Meeting will be held during this period with the date and venue of this meeting published in the consultation paper.
- It is also proposed that an on-line survey be available.

Following the close of the period for comment

- The Children & Families department will submit to HMIE:
 - A record of written representations received.
 - A record of the public meeting.
 - Any other relevant documentation.
- HMIE then has a period of 3 weeks (exact duration to be agreed) to submit a report to the Children & Families Department.

The Outcomes of Consultation Report

- On the basis of HMIE’s report and the representations received, the Children & Families Department will produce an “Outcomes of Consultation Report”.
- The Children & Families Department will (current anticipated timescales):
 - Publish the Recommendations Report on 29 November 2011, at least 3 weeks prior to the Full Council meeting on 22 December 2011 at which it will be considered.
 - Inform any person who made written representations of the availability of the Outcomes of Consultation Report.

Scottish Government

- Notify Scottish Ministers of the decision within 6 days of the Council meeting (if closure is approved) and supply Scottish Ministers with a copy of the proposal paper and of the consultation report.

- Following Council decision on 22 December 2011, should closure be agreed, Scottish Government has six weeks during which it must take account of any representations made to it from stakeholders within the first three weeks of the period, before coming to a decision as to whether, or not, to call in the matter.
- In the event that the matter was subject to call-in a final decision would be expected from Scottish Government by no later than 2 February 2012.

Relevant Consultees

The 2010 Act prescribes the following consultees:

- The Parent Council, parents of pupils, staff, and pupils (according to age and stage) at any affected school;
- The parents of any children expected to attend any affected school within two years of the publication of the proposal paper;
- Staff trade unions;
- The relevant community councils and neighbourhood partnerships;
- Any other users of any affected school, or other education authority, that the education authority considers relevant.