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Andrew McClelland  
Head of Service (Education)  
Communities Directorate  
North Ayrshire Council  
Cunninghame House  
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KA12 8EE

11 May 2023

Dear Andrew,

## **SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010: NORTH AYRSHIRE COUNCIL – KILWINNING EARLY YEARS CENTRE**

I refer to your colleague Claire Reid's email of 28 March 2023 notifying Scottish Ministers of North Ayrshire Council's decision of 21 March 2023 to implement the proposal to close Kilwinning Early Years Centre and establish the provision as the early years class of Pennyburn Primary School. Ministers have considered this proposal in line with the requirements set out in the Schools (Consultation) (Scotland) Act 2010 ("the 2010 Act").

Under section 17 of the 2010 Act, Ministers may only issue a call-in notice if it appears to them that the education authority may have failed:

- (a) in a significant regard to comply with the requirements imposed on it by (or under) the Act so far as they are relevant in relation to the closure proposal, or
- (b) to take proper account of a material consideration relevant to its decision to implement the proposal.

Section 15(2) of the 2010 Act requires an education authority to provide a copy of the proposal paper and the consultation report prepared under the Act to Ministers when notifying them of a closure proposal.

Section 15(4) of the 2010 Act requires Ministers to take into account any relevant representations made to them by any person during the three week period from the date that a closure decision is made. In relation to this closure proposal, the three week period began on 21 March 2023 and expired on 10 April 2023. No representations were received.

Having reviewed the documents provided by North Ayrshire Council under section 15(2) and considered all relevant representations made under section 15(4), Ministers consider that

North Ayrshire Council has fulfilled its obligations under the 2010 Act and do not intend to issue a call-in notice for this proposal.

North Ayrshire Council may now implement its decision to close Kilwinning Early Years Centre in line with the timescales set out in its proposal paper. As noted in Education Scotland's report on the proposal North Ayrshire Council should continue to keep stakeholders informed of plans for the implementation of the proposal.

Yours sincerely,



**Sam Anson**  
**Deputy Director, Workforce, Infrastructure and Digital**  
**Learning Directorate**