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15 August 2025

Dear Audrey,

**Call-in notice under section 15(3) of the schools (consultation) (scotland) act 2010:
dundee city council – closure of st pius x roman catholic primary school and
nursery**

I refer to Paul Fleming's email of 26 June 2025 notifying the Scottish Ministers of Dundee City Council's decision of 23 June 2025 to implement the proposal to close St Pius X Roman Catholic Primary School and Nursery and rezone the school catchment to St Francis RC 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.

After consideration of Dundee City Council's notification letter dated 24 June, proposal paper, consultation report and the further information provided by the Council on 4 and 8 August 2025, together with Education Scotland's report, and the representations received, the Scottish Ministers have concluded that there are grounds on which to call-in this closure proposal with reference to section 17(2)(a) of the 2010 Act. Accordingly, this letter is a call-in notice under section 15(3) of the 2010 Act.

Nursery Provision

Sections 3 and 4 of the 2010 Act require that the Proposal Paper include a clear Educational Benefits Statement, setting out the educational impact of the proposal, the rationale for



expected benefits, and how any adverse effects will be mitigated. In this case, the Proposal Paper did not include sufficient detail about the educational benefits of closing the nursery class at St Pius X RC Primary School and Nursery, nor did it provide consultees with adequate information about the availability and accessibility of alternative early learning and childcare provision. While the Council has since provided additional information in response to a request from Scottish Government officials, this was not made available during the statutory consultation period, limiting consultees' ability to assess the impact of the closure and respond meaningfully.

Ministers also note that paragraph 11 of the [statutory guidance](#) on the 2010 Act makes clear that:

“The 2010 Act applies to a proposal which affects a nursery class or nursery school (under the management of the education authority) in the same way that it applies to all other ‘relevant proposals’ as defined in Schedule 1 to the 2010 Act, and references to ‘school’ in this guidance include a nursery school. The authority should take care to ensure that any proposal for the relocation or closure of a school which includes a nursery class clearly explains the impact of the proposal on the nursery class. The proposal paper and consultation report should reflect and take into account any issues which are specific to the nursery class.”

In addition, paragraph 33 of the statutory guidance emphasises the importance of the assessment of educational benefits in any proposal:

“The 2010 Act reflects the Scottish Ministers’ view that educational benefits should be at the heart of any proposal to make a significant change to schools. Consequently, the 2010 Act specifies that the local authority must, for all consultations, prepare an Educational Benefits Statement and publish it within the proposal paper. The 2010 Act requires authorities to consider current and future pupils of any affected school, current users of its facilities, and the pupils of other schools in the authority’s area; and also to explain how the authority intends to minimise or avoid any adverse effects of the proposal. The authority must also include its reasons for reaching the views which it sets out regarding the educational benefits. Reasons should be supported by evidence, including, for example, HM Inspector reports or condition or suitability ratings of the schools involved, to assist consultees in their understanding of the projected educational benefits.”

The absence of clear and specific information about the impact of the proposal on the nursery class may have prevented consultees from making informed representations during the statutory consultation period and raises concerns about the robustness of the consultation process.

After careful consideration, the Scottish Ministers have concluded that it appears that Dundee City Council may have failed to comply with the requirements of the 2010 Act. In particular, the lack of clarity around the educational impact of the nursery closure, the rationale for expected benefits, and the mitigation of adverse effects combined with the absence of information about alternative early learning and childcare provision may constitute a failure to meet the statutory requirements under sections 3 and 4. Ministers consider this to be a potential failure in a significant regard because the provision by the Council of its assessment of the educational benefits of a proposal is a key aspect of the scheme of the 2010 Act, an important purpose of which is to inform consultees in forming

their views on the proposal. Ministers consider that the proposal warrants further independent scrutiny. Ministers therefore consider this to be a failure in a significant regard and grounds for call-in under section 17(2)(a) of the 2010 Act.

Next Steps

The Scottish Ministers are calling in the proposal under section 15(3) of the 2010 Act for the reasons set out above. As required under section 17A(2) of the 2010 Act, following call-in, the Scottish Ministers are referring the proposal to the Convener of the School Closure Review Panel. The Convener is required to constitute a School Closure Review Panel which will review the proposal and reach a decision in terms of sections 17B and 17C of the 2010 Act. Dundee City Council may not implement the proposal (either in whole or in part) unless the School Closure Review Panel grants consent to the proposal (either with conditions or unconditionally) and either the period for making an appeal to the Sheriff has expired without any appeal being made, or, if an appeal is made, it is abandoned or the Sheriff has confirmed the Panel's decision (in terms of section 17A(4) of the 2010 Act).

I will also be communicating this decision to Shona Robison MSP, Joe Fitzpatrick MSP, Michael Marra MSP, the Scottish Catholic Education Service, the Vicar Episcopal for Education at the Diocese of Dunkeld and relevant HMI at Education Scotland.

Yours sincerely,



Orlando Mason
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