

Public Meeting Minutes

Statutory Public Consultation

Proposal to clarify the catchment area of St David's Roman Catholic High School and to vary the Admissions Arrangements to Denominational Secondary Education.

Held at Woodburn Primary School on 19 May 2026

Present:

Alastair Delaney, Independent Chair

Michelle Strong, Education Chief Operating Officer

Julie Fox, Quality Improvement Manager

Magnus Inglis, Service Manager – Acting Up

Rachel Tulloch, Principal Officer – Acting Up, Workforce, Policy and Pupil Placements

Mary Noone, Business Support Officer, Workforce, Policy and Pupil Placements

Catherine Jackson, Head Teacher, St David's Roman Catholic High School

Peter Jeans, Deputy Head Teacher, St David's Roman Catholic High School

His Majesty's Inspectorate of Education, Scotland Representative

Public attendees: 41 members of the public

Alastair Delaney (AD) welcomed everyone to the meeting and introduced the Council Officers.

AD Introduced himself and outlined the purpose of the meeting.

AD explained the statutory consultation process and the work that would need to be undertaken by the Council in order to adhere to the schools (Consultation) (Scotland) Act 2010.

Michelle Strong (MS) welcomed everyone to the meeting and then outlined the proposals and spoke through the presentation slides.

Q: Will the transcript of this meeting be made available?

AD: Yes, it will be uploaded to the website and include your questions.

Q: The presentation says the Council decision will be on 21 September but the report says 22 September. And is the date of publication 21st April?

AD: Council has until 4th of June for the consultation.

Q: Although Midlothian pupil numbers are increasing, at the moment St David's is under-capacity. So, can you guarantee that in three years' time you won't take places from St David's, and reduce its capacity, to ease pressure on Dalkeith High School or to meet capacity needs elsewhere?

MS: Dalkeith High School is almost at capacity, and we are currently consulting on the introduction of a new school at Shawfair. There is short-term pressure on Danderhall Primary School and Dalkeith High School due to the scale of new housing in the area. The long-term plan is that the new school will deliver a two-stage primary school and 900 pupil secondary school by August 2028. In the short term we're looking at creative solutions within our current learning estate to mitigate capacity issues at the St David's / Dalkeith High campus without having a negative impact on St David's over the next two years until Shawfair opens.

Q: The previous consultation felt like removing places for Catholic children from St David's was the aim.

MS: Midlothian Council remains committed to denominational education, as shown by our recent investment in our denomination school buildings.

Q: The catchment map should include Musselburgh as part of Midlothian.

MS: During the previous consultation, we and the surrounding local authority areas, researched historical catchment arrangements for St David's without success. We got advice from Kings Counsel, and the advice was that what we are doing at the moment doesn't comply with legislation, so we have to formalise the arrangement to meet our legislative obligations.

Q: Is there data on the number of pupils in each priority group, or future forecasts?

RT: We have projections for all our schools and year groups. These are not necessarily broken down into priority group detail. The projections are complex and result in different figures each year. There are not always clear explanations behind the figures. As part of the current arrangement for Loretto RC Primary School families we are provided with a list of eligible children by East Lothian Council, this data does not include a breakdown of faith or details of any siblings.

Q: Have you asked East Lothian for Loretto Roman Catholic children data?

RT: East Lothian don't provide that detail. We asked last year for the first time so we had an indication of numbers. We don't, however, anticipate running out of spaces in the near future. The only priority group there may not be space for is the final priority group.

Q: Can you figure out the numbers within 2 or 3 years?

MS: It's complex. We have a 16.9% growth in population. East Lothian is also one of the fastest growing Local Authorities and has significant growth plans within the Loretto area. Historically our numbers of children from Loretto are between 20 and 25 each year and that number may increase in future. The picture is unclear regarding the numbers.

Comment: It's quite reassuring St David's won't be impacted by Dalkeith High School capacity issue in the short term. It's important to acknowledge that people feel strongly about the 1918 education act and levelling of opportunities for catholic families. Prior to that schools were run by council's and there was a lot of discrimination. Loretto children have been attending St David's for a long time and it's had a big impact on their faith journey. It's important it continues. History means a lot. Musselburgh was part of Midlothian before.

Q: We need to acknowledge that St David's is a denominational school. Data show only 2% of children are moving to St David's? It's a problem that Loretto children are so low in the priority grouping.

MS: The grouping includes Loretto pupils. Historically, between 20 and 30 pupils have joined from Loretto in part because there is no secondary provision in East Lothian. This proposal attempts to formalise the arrangement with East Lothian.

Q: We could have a situation where Loretto children don't have access to St David's.

MS: The proposal attempts to clarify for families what the priority order would be if places are limited and we had to make decisions based on groupings. And we need to have clear arrangements in place so that we're compliant with legislation.

RT: As can be seen from the proposed priority groups, faith is an important part of the proposals, with Roman Catholic children being prioritised over those who are not Roman Catholic for denominational schools. We also acknowledge that being Roman Catholic has a wider definition than in the past, therefore we have included a broader definition in the proposal document. For example, it includes being baptised in a different Christian church but now attending a Roman Catholic church.

Q: I understand the priority groupings and they're fine. I'm surprised that Loretto hasn't been included in the catchment map. Kings Counsel said the previous catchment map should be the default. The meeting on 9th September 2025 gave a mandate to maintain Loretto as a catchment school. The 1980 act defines priority area based on residence – this doesn't align with the catchment map excluding Loretto. If an agreement is not reached with East Lothian, or if an agreement is reached and either council decides in future they want to end the agreement, what happens? The catchment map could provide protection in law. Why not just accept Loretto as catchment conditional on council agreement?

MS: Our understanding is that there is no evidence of Loretto being part of the catchment area for St David's.

MI: We were provided with a list of children from Loretto that did not include children that transitioned to other High Schools so the current arrangement is not based on residence.

MS: East Lothian provide a list of children they believe to be eligible and Midlothian accept the list.

Q: How is that not a geographical list?

MI: The list of children have not been chosen from a catchment area.

RT: We have examples of children who are Roman Catholic, live in Musselburgh but don't attend Loretto RC Primary School, therefore they didn't fall under the historical arrangement.

Q: You mention extensive research for the previous consultation. Will a report of the research be made available?

MS: We don't have detailed documentation of the research we conducted, and no evidence was found of a formal historical arrangement. East Lothian Council, and City of Edinburgh Council also conducted research and failed to find any evidence. We sought Kings Counsel advice to help with the historic arrangement as supporting documentation wasn't found.

Q: The prior Education Act defines catchment based on primary schools admitting children to High schools rather than using a map.

MS: We've been through committee reports and archives and haven't found evidence to support a formal arrangement based on admittance or catchment area.

Q: Lots of anecdotal talk about agreements but there's no concrete evidence. Some Midlothian Roman Catholic children are further away from St David's than Loretto and therefore there is a risk they may not get a place in the school.

MS: Work continues between the two councils regarding future agreement. Midlothian elected members have tasked officers to reach a formal agreement and these discussions are ongoing. We hope that any agreement will help families understand where they fall in the School Admission Policy, therefore they'll be able to plan for their child(ren)'s future with more certainty. Any agreement will include exit requirements, which would require an Education Consultation before any change could be made.

Q: If an arrangement is agreed between the two council's will Loretto then be part of the catchment area?

MS: At the moment we're consulting on a variation to policy and the prioritisation order. The decision is for elected members and will be made in September.

Q: Why is the catchment area narrower instead of larger to include Loretto?

MI: It's the boundary of Midlothian council. There are other areas that have been excluded, and historically it didn't include Loretto.

Q: The 1980 act says Loretto can be included.

MS: The difficulty is that we don't have evidence that Loretto was catchment.

Q: The default is that there's a process of Loretto children going to St Davids. It was in the same council area historically so default position should be to remain in catchment. Proposal has got the situation wrong and it should include Loretto as current catchment. Can we have a detailed report of what research was undertaken so it can be included in our responses? It's unfair not to let us see that.

MS: Our research was noted in the 2025 report.

Q: What was the terms of reference for the Kings Counsel question you asked? Do you agree it was accepted as catchment in 1996?

MS: The purpose of tonight is to provide detail of proposal and what consultation process is. I understand it's a complex and emotive topic. Important that we find a way forward that we give clarity to families both now and in future regarding St David's catchment. Any Legal advice is privilege so I am unable to discuss the specifics further.

Q: Why are some Midlothian Roman Catholic children unable to get place at St David's if the school is under capacity?

MI: the Admissions policy sets out priority groups for placements. Priority groups depend on distance. If, in future, there are capacity issues we place children depending on the priority grouping. So, if a Roman Catholic child that lives in the Loretto catchment and a child that is in the Sacred Heart catchment there may be a situation where the Loretto child is placed ahead of the Sacred Heart child due to distance from the school.

Q: (Comment) There is 80 years of history of Loretto children attending St David's. Are you willing to risk that as it's a positive influence.

Q: The consultation document wasn't originally available on the consultation page so will there be an extension to the consultation?

RT: The link was included in the information provided and on our social media pages.

Q: Information sent to Loretto was incorrect and didn't link to the page. Our parents have not been able to access it.

RT: No one made us aware of an issue with any links in published documents. The proposal and questionnaire have been available since the launch date. We received responses to the questionnaire on launch date, so it was live and available for completion.

MI: The link to the proposal wasn't originally included on the open consultation page of website. It was available on our online survey hub, Citizen Space.

Q: The questions were confusing. Could you clarify the catchment would exclude Loretto?

MS: We have no evidence that Loretto was ever part of the catchment. As it stands, the catchment area is the Midlothian council area.

Q. The responses last time were to include Loretto. This proposal seems misleading. Would proposal 2 include Loretto?

MI: The first proposal is to define catchment of St David's. The second is to set the priority groups.

Q: By right and traditions unbroken for 80 yrs Loretto pupils had a right to attend St David's. You're changing that. Elected members were clear about clarifying the catchment area and entering into discussion with East Lothian for a new agreement and updating the policy.

AD: The question regarding the catchment area has been answered.

Q: the council meeting paper for 9th September says the council agreed for admission of Loretto children to attend as their catchment High School.

MS: We will check the paper. We assured that the current arrangement would continue for 2026 which would allow us time to reach a new agreement with East Lothian.

Q: The paper says we expect Loretto to go to St David's as catchment. So, we expected that to be the consultation.

MS: Loretto children are included in the proposed priority groups. Not all Midlothian children would be placed ahead of Loretto children, only baptised Midlothian children, then Loretto children, and remaining Midlothian.

AD: The council paper will have to be checked.

Q: The presentation to ratify the historic agreement?

MS: We have no historic agreement. The legal advice we received is to formalise the agreement.

Q: From one KC, why only one?

MS: We don't have an agreement, just an arrangement. I appreciate for 80 years it's been the practice. We were told we need to formalise the agreement. We've taken internal and external advice regarding what we need to consult on and that's why we're here this evening.

Q: Has the maximum capacity of St David's changed since it first opened? Have any places been lost to Dalkeith High School?

PJ: The capacity of St David's RC High School is 890.

MI: No places have been lost to Dalkeith High School. The school capacity has reduced due to the addition of a complex needs provision in the school, which has very different staff to pupil ratios to mainstream classes.

Q: Has the capacity changed?

MS: Not since the complex needs provision was opened.

Q: If it goes ahead, what is the implication for transport for Loretto children?

MS: Loretto children are treated as East Lothian catchment and East Lothian pay transport costs as required.

Q: Will that continue?

MS: All Local Authorities have to provide transport for children who live over 2 miles from their catchment school. If a child is admitted due to a placing request it is the parent's responsibility to transport the child to school. The arrangement being discussed doesn't include placing requests. Ultimately, East Lothian treat Loretto children as their responsibility and pay for transport.

Q: If the proposal goes ahead and Loretto pupils are given priority and not catchment, how easy is it for either council to change in future?

MS: Policy can only be changed by following the correct legal process, including a statutory consultation.

Q: What happens if the agreement is broken?

MS: The ongoing discussions include contingencies for what happens if one party falters.

MI: This process is a statutory consultation, and the legislation sets out which grounds have to go through a statutory consultation. We'd have to consult again if need be.

Q: The Education Act says a loss of denominational education has to be agreed by the Secretary of State. If this proposal goes ahead with no catchment status would we lose that added protection?

MI: We're aware of the provisions and will apply them appropriately.

AD: Thanked participants and concluded the meeting.