

ITEM No ...3.....

REPORT TO: CHILDREN AND FAMILIES SERVICES COMMITTEE – 25 JUNE 2018

REPORT ON: A BLUEPRINT FOR 2020 THE EXPANSION OF EARLY LEARNING AND
CHILDCARE IN SCOTLAND– A CONSULTATION RESPONSE

REPORT BY: EXECUTIVE DIRECTOR OF CHILDREN AND FAMILIES SERVICE

REPORT NO: 221-2018

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to share with members of the Children and Families Services Committee the proposed consultation response to the Early Learning and Childcare Service Model for 2020: Consultation 2020.

2.0 RECOMMENDATIONS

2.1 Committee members are asked to:

- i. agree the response to the consultation.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no direct financial implications arising from the consultation response.

4.0 MAIN TEXT

4.1 The Scottish Government (SG) are committed to increasing entitlement to free early learning and childcare (ELC) to 1140 hours per year for all three and four year olds and eligible two year olds by 2020.

4.2 A new funding follows the child model will be introduced from 2020. This provider neutral approach will seek to ensure all settings provide high quality early learning and childcare, regardless of whether the funded hours are delivered by a setting in the public, private, third sector or through provision provided by a childminder.

4.3 This model will be underpinned by a national standard. Therefore from 2020, any provider delivering the funded ELC entitlement must meet the requirements of this new National Standard.

4.4 The Scottish Government are committed to developing this approach collaboratively and as such are now consulting on the National Standard. Responses are requested by 29 June 2018.

4.5 The consultation paper, jointly published with COSLA asks 8 main questions.

The proposed consultation response from the Children and Families Service is included as Appendix 1 of the report. The response reinforces our commitment to working in collaboration with others to ensure high quality services for children and their families along with the guiding principles of flexibility, affordability and accessibility.

5.0 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATION

- 6.1 The Council Management Team and Head Teachers have been consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

- 7.1 A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland – A Consultation Response.

Paul Clancy
Executive Director of Children and Families Service

June 2018

Early Learning and Childcare Service Model for 2020: Consultation 2020

Question 1

What factors should be considered in developing a simple, standardised yet flexible process for becoming a partner provider.

The process for becoming/continuing to be a partner provider must be sufficiently rigorous to ensure providers demonstrate:

- Best value.
- Their proven ability to deliver a consistently high quality service that is flexible and affordable to meet families' needs.
- A commitment to investing in the development and progression of the workforce.
- A commitment to investing in the development of high quality environments and resources for all children.
- In-depth understanding of self-evaluation processes and evidence of capacity for improvement – these need to be made visible and subject to internal and external scrutiny. Currently providers are required to gather and record this evidence prior to becoming a partner provider based on their first year of operation, providing a useful source of evaluation and identification of next steps.

Dundee City Council currently enters into partnership arrangements with partner providers who meet external inspection grades of good or above, have delivered an ELC service for at least one year and can therefore demonstrate financial stability, meet our financial standard and assessment and who can evidence high quality service provision through rigorous self – evaluation into practice.

In order to meet the National Standard as assessed by the Local Authority as suggested on page 15, there needs to be nationally developed clear and comprehensive illustrations of 'good' that are understood by all to ensure open and transparent assessment.

Guidance on establishing a sustainable rate is welcomed and needs to support open and transparent assessment. It would, for example, be helpful to have a nationally developed tool to facilitate this work to avoid unnecessary duplication of work and to support the on-going partnership work which is essential for this expansion.

If as suggested, Local Authorities retain flexibility around the local process, it would be helpful if more detail could be provided to support consistency of message.

The criteria for achieving the quality standard must be clear and sufficiently robust, focussing on improving outcomes for children. The assessment and scrutiny associated with achieving acceptable standards needs to be set out clearly showing who, when, what and when.

Retaining flexibility around local process/contract management arrangements needs to be clearly defined for those who commission services.

Flexibility- we are committed to delivering flexibility and choice wherever possible and where capacity exists. However it may not be able to accommodate all parental choices and this needs to be a shared national and local message communicated to parents. It would be helpful

if parameters around flexibility are agreed and set out in the updated Statutory Guidance including minimum and maximum hours of session length.

Pg. 24- 'inspection grading are therefore supplemented with other measures that can be objectively assessed by Local Authorities'- this requires further explanation and illustration to ensure consistency locally and nationally. It is however welcomed.

Question 2

What are the key shared principles which should underpin an effective and positive partnership between local authorities and funded providers?

- Commitment to the guiding principles underpinning the Blueprint for 2020 from the Local Authority and funded providers.
- Reciprocal shared responsibility for partnership working- this needs to be more clearly defined as currently the emphasis as set out on page 16 reflects what Local Authorities will be responsible for rather than defining the responsibility for all to achieve the Blueprint guiding principles.
- Evidence based support, challenge and monitoring arrangements.
- Shared understanding of roles and responsibilities of all.
- Effective two- way communication and respectful relationships.
- Realistic expectations of support available within the time and resources available.
- Clear protocol for raising concerns regarding service provision.
- Commitment to providing and accessing CPD related to the setting's improvement journey.

Question 3a

We are proposing that the National Standard includes a qualification requirement for childminders delivering the funded entitlement to be qualified to or working towards the same qualification as is required for an ELC practitioner. What are the advantages of including this criteria?

As all providers are working towards delivering a national priority which has a focus on **early learning** and care, all providers deserve to have an equal and recognised professional status. In doing so, consistent expectations associated with qualifications as a means of ensuring high quality are required, particularly to justify sustainable payment rates.

The impact that qualified staff have on improved outcomes for children is well researched- references and links should be included. This will be reassuring to staff, parents and families.

Through study, there is an opportunity to support a shared understanding of what quality means and help to ensure consistency of pedagogical approaches including child development, tracking and monitoring, self- evaluation, quality assurance, curriculum frameworks and practitioner enquiry and reflection.

It may also help to establish a better understanding of others' roles, skills and knowledge which can increase levels of trust and mutual respect which will be critical in blended models.

Question 3b

Are childminders able to access adequate funding to pay for training to SCQF Level 7? Are childminders able to access training to SCQF Level 7 in a way that is flexible enough to allow them to continue to run their business?

Our understanding is that childminders can access Student Awards Agency Scotland funding and can undertake workplace SVQ 3 qualifications.

Question 4

Our aspiration is to see outdoor learning and play becoming a defining feature of funded ELC in Scotland

Does criteria 3 capture this ambition? If not, how can it be strengthened in a way that is sustainable for providers?

What challenges, if any, exist for funded ELC providers to ensure children have access to outdoor play? How can these challenges be overcome?

The importance and benefits of well-considered, outdoor play is widely recognised and as such should be considered as part of a child's daily ELC entitlement. We believe all children should have access to free flow outdoor learning as this accords with a child's right to lead their learning, whether that is indoors or outdoors. Working in this way minimises interruption to a child's learning, and demonstrates the value of child led play as the most developmentally appropriate way for young children to learn that develops self-regulation and higher mental function.

Whilst it is understood that some existing providers may not have direct access to their own outdoor area, we believe it is in the child's best interests that these providers have clear plans outlining how they will ensure children have daily access to a range of outdoor high quality learning experiences.

Moving forward, we believe all new providers should be required to provide daily, free flow access to well-planned outdoor space to ensure equality of experience and opportunity for all.

In relation to the physical indoor environment and the suggested grading of good or above, we believe as the child's third educator, the environment should reflect the values we hold for children, families and our staff. The physical layout should promote communication and relationships, provoke wonder and curiosity and reflect our commitment to the provision of respectful, open ended, high quality resources.

Challenges may include lack of agreement on what constitutes a high quality environment, capacity to improve and the associated level of financial resource required to create/ maintain these environments.

Question 5 (a)

Will the criteria set out in the draft National Standard

- **Ensure high quality, accessible, affordable Early Learning and Childcare is delivered in all funded providers?**

- **Support increased choice for parents and carers?**

See our response below to each criteria

Criteria 1- Staffing, leadership and management

1.1 Inspection gradings of good or better on themes that relate to quality of staffing, management and leadership

Themes relating to quality of staffing, management and leadership are yet to be finalised as the new shared inspection framework is still under development therefore it is not possible to comment on the suitability nor rigour of this criteria at this point.

1.2 Sustainable staffing structures are in place which meet the adult-child ratio.

The heading 'sustainable staffing structures' is too ambiguous and should be replaced to reflect the commitment to maintaining the current minimum ratios at all times.

1.3 All practitioners and all lead practitioners/managers working in the setting must have either obtained the benchmark qualification for their role or if they are still within their first 5 years of registering with the SSSC, have started to work towards this.

Research evidence shows children benefit from access to a highly qualified and skilful workforce. Therefore, we welcome the commitment to ensuring all staff working in a setting are qualified, however as no minimum numbers of qualified staff are stipulated, this conflicts with the shared aspiration of ensuring and guaranteeing high quality services. At the very least, there needs to be an agreement regarding the minimum number of qualified staff employed and how this is monitored.

1.4 All SSSC registered staff in the setting are achieving a minimum of 12 hours per year of Continuous Professional Development

12 hours of CPD is a minimum requirement. Accurate records would need to be kept to illustrate learning and impact on practice.

1.5 Staff new to delivering funded ELC within the last year are familiar with the content of the most up-to-date version of the national induction resource

Agreed, if the National Induction resource includes the opportunity to reflect local induction materials.

CRITERIA 2 – Development of children's cognitive skills, health and wellbeing

The setting must satisfy the Local Authority that they are able to support the development of children’s cognitive skills, health and wellbeing. This will require them to demonstrate the following:

2.1 Inspection gradings are good or better on themes that relate to quality of care and learning experience.

Themes relating to quality of care and learning experience are yet to be finalised as the new shared inspection framework is still under development therefore it is not possible to comment on the suitability nor rigour of this criteria at this point. We would suggest that children’s entitlement to learning in the core areas of literacy, numeracy and health and well-being would be highlighted, including the need to plan for and make visible their progress and success.

2.2 *The setting must have a framework to support children’s learning that is consistent with the values, purposes and principles of ‘Building the Curriculum 2: Active Learning in the Early Years’ and other national guidance(including Pre-birth to Three), that is appropriate to support individual children’s development and learning through play.*

It is not clear what framework is being referred to. If it implies the requirement for all providers to have a curriculum rationale, a standards and quality report, policies and procedures, curriculum plans and evaluations etc then this needs to be made clear.

Rather than refer to Building the Curriculum 2, it may be more relevant if referring to national documents, to refer to the more recent Building the Ambition.

Criteria 3 Physical environment- see above

CRITERIA 4 – Improvement Planning

4.1 - *Inspection grading of good or better on themes that relate to improvement planning.*

Agreed.

4.2 - *The ELC setting uses the national guidance on self-evaluation(currently being developed jointly by Education Scotland and the Care Inspectorate) to self-evaluate and support improvement and has a clear plan, developed in line with national practice guidance, to continuously improve the quality of provision and outcomes for children and families.*

Honest and robust self –evaluation needs to be on-going and routinely planned for. The requirement to have a relevant improvement plan that is monitored and evaluated needs to be made explicit.

CRITERIA 5 – Accessibility

As the Funding Follows the Child approach offers more flexibility and increased choice for families, it is vital to ensure that provision remains accessible for all children.

ELC provision must be delivered in a way that ensures equality of access for, and accounts for the varying needs of, all children. These needs can vary depending on a

number of factors, including whether a child is disabled or has additional support needs (ASN); is from an ethnic minority background; where English is the Second or Other Language; where parents request ELC through the medium of Gaelic; or lives in a deprived area.

It would be helpful to provide more clarity around the statement ‘accounts for the varying needs of all children’ – e.g. providing high quality ELC that meets children’s social, emotional, physical and cognitive needs in a developmentally appropriate way and leads to progress in learning and development.

LOCAL AUTHORITIES

Education Authorities in Scotland have a statutory duty to identify, provide for and review the additional support needs of their pupils, including children in funded ELC. This extends to funded ELC being provided by private and the third/voluntary sector. Local Authorities are required to comply with the Education (Additional Support for Learning)(Scotland) Act 2004. Guidance is provided on this in the Supporting Children’s Learning Code of Practice

Agreed.

ALL PROVIDERS

With the support of the local authority, the setting will be willing to make reasonable adaptations to the care and learning environment and provide appropriate support to ensure that children’s additional support needs do not provide a barrier to them accessing the full range of experiences on offer, and ensure that their individual needs are met.

It is unclear what support of the Local Authority refers to- is it guidance and advice? The Local Authority is not in a financial position to fund adaptations in funded provider settings, this would be a responsibility for providers. We believe clearer criteria and expectations need to be set in relation to providing equality of access for all children across all providers including expectations of inclusion for all children in relation to admissions and essential adaptations.

CRITERIA 6 - Business Sustainability ALL PROVIDERS (EXCLUDING CHILDMINDERS):

Existing settings delivering the funded entitlement must ensure that they are able to demonstrate – when required – that their business model continues to be financially viable through the provision of annually audited accounts and forward looking financial forecasts/budgets. A Business Continuity Plan must also be in place before payments of funds for early learning and childcare can be made.

Agreed.

New settings wishing to deliver the funded entitlement must ensure that they are able to provide a detailed business proposal including financial planning along with documentary evidence to show the business has access to sufficient working capital to keep the business operational in the initial stages until the income stream builds up.

We believe that children and families have a right to a degree of certainty that the provider has sustained a high quality business that has been assessed as meeting the National Standard prior to applying for funded status. We do not believe this can be sufficiently demonstrated in the registration process with the Care Inspectorate.

Existing local authority settings will deliver their ELC services in a manner that improves affordability for parents/carers and makes the most effective use of public funds, within the Best Value requirement of the Local Government in Scotland Act 2003.

Agreed.

CHILDMINDING BUSINESSES:

• Childminders wishing to deliver the funded entitlement will be expected to have a contingency plan in place, detailing arrangements for the children in their care should they stop providing the service e.g. if the service was temporarily unavailable due to illness or the service was closed permanently.

Agreed.

CRITERIA 7 - Fair Work Practices, including Payment of the Living Wage

As part of the national roll-out of 1140 hours from 2020, the Scottish Government is committed to providing sufficient revenue funding to allow local authorities to set sustainable hourly rates for funded providers in the private and third sectors that enables them to pay the 'real' living wage to care workers providing the funded entitlement.

We agree with the aspiration to pay care workers providing the funded entitlement the living wage. If Scottish Government funding is available, we believe this should be extended to all ELC staff. We await with interest the technical guidance note for supporting implementation of the ELC Living Wage commitment due to be published by Scottish Government in Autumn 2018.

ALL PROVIDERS (EXCLUDING CHILDMINDERS):

Providers should describe how they will commit to fair work practices for workers engaged in the delivery of the funded ELC entitlement in their setting.

Agreed.

CRITERIA 8 - Payment Processes

Scottish Government policy is for all 3 and 4 year olds, and eligible 2 year olds, to have access to 1140 hours per year of funded ELC from 2020. Legislation prevents local authorities from charging parents for pre-school education which they provide under the statutory duty and the expectation is for this duty to be extended to funded providers through partnership agreements.

Agreed.

ALL PROVIDERS

Settings delivering the funded entitlement must ensure that access to the statutory hours are free at point of access to the child and no top-up fees are charged in relation to the statutory hours.

Agreed.

Question 5b: Is there any criteria not included in the National Standard that is required to ensure a high quality service is provided to all children?

It would be helpful to have more references to

- Quality of learning and teaching.
- Assessment of children's learning and development – how will we know all children are making progress?
- Family learning.

Question 5c: Do the proposed criteria within the National Standard seem fair and proportionate for all? Do the proposed variations for some criteria seem fair and proportionate for childminders?

We do not believe the expectations for all providers are, as yet, written in a proportionate way. It would be helpful to have expectations expressed in a more reciprocal manner including who, what, when and how.

Flexibility is important but we need to be clear about the policy drivers and their influence on this guiding principle including reducing the poverty related attainment gap, the optimum time for a child to engage in learning and how to ensure our commitment to the Rights of the Child. Too much flexibility without some parameters, may lead to difficulties delivering consistent high quality ELC that ensures all children make progress in their learning. Therefore there needs to be clarity around the minimum and maximum amount of time children are in ELC. There also needs to be clarity about the maximum number of split placements a child could potentially have as this could prove detrimental to the child.

Question 6: What areas would you look to be addressed in the technical guidance note for supporting implementation of the ELC Living Wage commitment?

- In order to receive funding providers as part of their business model should be able to clearly demonstrate the delivery cost of providing ELC in order to set a rate based on evidence.
- They should also be clearly able to demonstrate the efficiency of their business and what action they will take to improve efficiency in order to ensure Best Value and to enable the payment of the living wage.
- The need for providers to be transparent about their fee structures and business model to ensure that they commit to the affordability element of the standard.
- Clear guidance on setting the commissioning rate and how the LA will monitor the payment of the living wage is welcomed.
- Paying only those staff delivering the 1140 hrs may prove to be a difficulty for funded providers.

Question 7: Should newly established ELC settings be able to deliver the funded hours on a probationary basis, pending the outcome of their first inspection, provided they meet all other aspects of the National Standard? Are there any particular challenges or issues that may arise from this approach?

We do not believe it is in the interests of children or families to agree that newly established ELC providers who have not been assessed by the Care Inspectorate as achieving the National Standard and have not therefore demonstrated their ability to deliver the aspiration of the policy should be able to deliver the funded hours on a probationary basis.

The challenges are as follows:

- This suggestion does not reflect our commitment to guaranteeing high quality ELC.
- There is the potential for oversaturation of the market. If too many new providers set up business, it will be difficult for LA and inspection bodies to support quality.
- In order to promote fair working practices then **all** providers should be able to demonstrate **all** of the fair working practices listed and not just one. Newly established providers may find this difficult.
- Potential risks associated with a probationary period are that settings are not then graded at good or above. This would leave children and families in a vulnerable position having already spent a proportion of their entitlement in a low quality setting. This does not support the 'closing the gap' aspiration.

Question 8: What support will service providers require to prepare for the introduction of the National Standard and meet the criteria and delivery of the new service model?

This will be dependent on where the nursery already is on their improvement journey, quality of staff, quality of the environment indoors and outdoors and length of time the service has been in existence.

If the standard and criteria are made clearer and more robust, a number of things may need to be put in place:

- Training to develop a shared understanding of the national standards and what high quality looks like.
- Clear understanding of quality assurance procedures and monitoring that need to happen to try to ensure a high quality service.
- Training on diversity and inclusion and supporting children with ASN.
- Education Scotland and the Care Inspectorate could support by developing support packages and training materials and providing more direct support.
- Contractual responsibilities of all parties are clear and unambiguous with explicit processes and procedures in place to withdraw funding where services do not meet the standard.

