

## EXECUTIVE

**30 APRIL 2019**

**SCRUTINY MINUTE EXTRACT – 11 MARCH 2019**

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### 2. **NURSERY PLACE DISCRIMINATION IN PEEBLES 2019 PETITION**

2.1 There had been circulated copies of an extract from the Audit and Scrutiny Committee Petitions procedure. The Clerk to the Council explained the Petitions Procedure to be followed and highlighted the main points. The Chairman then welcomed Christine Irvine, Lead Petitioner, who was in attendance to present a petition on Nursery Place Discrimination in Peebles and who was accompanied by Judith Currie. Ms Irvine commenced her presentation by explaining further the information in the supporting statement. The petitions submission form had been submitted along with a link to the on-line Petition. Ms Irvine went on to explain that the decision by Scottish Borders Council to roll out increased provision of nursery hours by catchment area was discriminatory. As of August 2019, children entering placements in Peebles were facing postcode lottery as to whether they would be able to access the additional funded allocation of 600 hours or 1140 hours. Scottish Borders Council had been asked to roll out the extended hours to those children whose families lived in 'more deprived' areas. The few streets of more deprived families were included but so too were some of the most affluent streets, rendering the target deprived areas first directive as meaningless. Ms Irvine reported that in a small community such as Peebles, the roll out would have been fairer to offer all nursery children a partial increase in 2019 rather than a full increase to 1140 hours based on catchment area. The current increase meant that some children were losing out on one extra year of education and given the proven benefits to children, it was unacceptable to deny the rest of the children in Peebles this opportunity. Ms Irvine went on to explain that the figures from the Scottish Index Multiple Deprivation from 2014 had not taken into account all the new developments within Peebles, so was not a robust enough measure. A provision should also be in for all eligible 2 year olds to receive this provision and to target the children in need of it most. The main point raised for concern was that Peebles had been split into two from the north and south side of the town. A point was also raised that Kingsmeadows Nursery on the south side of the town may already be fully subscribed. The Chairman summarised the main points of the petitioners: the allocation had been unfair; concern over the nursery provision filling up; this was not just about Priorsford but the availability of private provision; and concern that the use of 2014 SIMD as a measure of deprivation. Members asked various questions of the petitioners to gain clarification on the catchment area, the availability and cost of the nursery provision at the moment and in future, the division of the town, and to establish an understanding on what could have been done better.

2.2 There had been circulated copies of a briefing note by the Chief Officer for Education responding to the Petition who reported that currently all 3 and 4 year old children (and eligible 2 year olds) were entitled to 600 hours Early Learning and Childcare (ELC) a year, depending on their birth date. This entitlement would not change until August 2020. In 2020, the entitlement would then change to 1140 hours which would equate to an additional full day during term time. From now until then, the Council would phase the expanded hours as had been tasked to do by Scottish Government. In Scottish Borders, a priority list was created, based on the Child Poverty Index, as set out by Scottish Government in 'A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland', in which Local Authorities were to determine the most appropriate way to phase the expanded hours, to reflect the Scottish Index of Multiple Deprivation (SIMD): using thorough and robust data, which sets out the order of phasing for all catchment communities. Ms Strong reported that it would not have been feasible or appropriate to take this analysis to a more detailed level where individual families could have been identified and that the priority list was

created using strong local data. This approach was approved by the Council's Executive Committee on 7 November 2017 and the report recognised phasing would cause concerns. Consideration had been given to a partial increase for all children to 900 hours and then on to 1140 hours but this was strongly discouraged by the National Improvement Service as it would not allow Local Authorities to benefit from, or learn from the experiences of the full expansion, nor did it satisfy the Scottish Government requirement to reflect the SIMD index in phasing in the expansion. The programme of expansion was agreed by full Council on 31 May 2018. The report set out the number of catchment communities phasing each year and was linked to the phasing of funding from the Scottish Government. It provided the opportunity for Local Authorities and providers to embed new ways of working, to establish the needs of families and to ensure that the ELC services in the Scottish Borders provided all children with the best possible experiences regardless of the number of hours they were accessing. As agreed by Council, only children who lived in the phasing catchments were able to access the expanded hours until the increased hours were fully rolled out. This meant that in each setting there may be children who accessed expanded hours and children who continued to access their current entitlement of 600 hours. Ms Strong stated that Scottish Government provided documentation on how this would be rolled out and that it was to be on a phased entitlement per area. Scottish Borders Council created a priority list based on the Child Poverty Index which set up the ordering of the phasing for all catchment areas. It was noted that all 32 local authorities were also phasing and were experiencing similar concerns.

2.3 In response to the Petitioners' concerns, Ms Strong thanked them for the opportunity to discuss matters. It had never been the intention to offend and she aimed to clarify the approach taken. The actual entitlement to 1140 hours did not change until 2020, so there was no entitlement at present. Scottish Government had provided a number of documents which could be used to roll out the provision and it was for local authorities to use SIMD or alternative data to roll out provision. In the Scottish Borders, a priority list had been created based on the Child Poverty Index, and this set out the phasing of provision. This Index looked at measures relevant for families living in the Scottish Borders based on the up to date information received from data from HMRC, the percentage of children in receipt of free schools meals, clothing allowance and the educational maintenance allowance. With regard to the concerns raised in relation to the provision available by 2020, Ms Strong advised that it was recognised that phasing meant some could access increased hours sooner than others. This was the same for other local authorities. A partial increase in hours across the area had been investigated but this had not been taken forward as it would have meant one change followed by a second change which would have impacted greatly on resources. There was a massive job ahead in terms of the full roll out of the entitled hours by 2020 which was a complex piece of work, taking account of staffing, buildings, and curriculum. In terms of year on year provision, it was explained that there were enough places for children in Peebles; no ceiling was put on funded places and Kingsmeadow private nursery had not contacted the Council to advise that demand was outstripping supply. The Child Poverty Index data had been available on the Council's website since March 2017 and the phasing plan programme submitted to Scottish Government was circulated. In response to a question about phasing Priorsford earlier than planned, Ms Strong advised that it was necessary to work within available resources (staff and buildings) and also to be fair across all of the Borders. If it was possible to bring forward Priorsford, this would mean provision elsewhere would likely be negatively impacted. The Clerk to the Council then advised the Committee members of their options in response to the petition: to refer the petition to another Committee or Director for final decision; to refer the petition to a relevant Community Planning Partner; or that the issue(s) raised did not merit or did not require further action.

2.4 Members of the Committee discussed the information which had been provided at the meeting and made reference to the financial and other constraints on the Council. Similar issues were raised in terms of broadband provision, public transport and rurality which caused inequalities for communities. Members also discussed whether any "eligible twos" could be included earlier in the provision for 1140 hours across the Council area.

#### VOTE

*Councillor Scott, seconded by Councillor Fullarton, moved that the Petitioners be thanked for bringing forward the petition, acknowledged their concerns but that no further action be taken.*

*Councillor Anderson, seconded by Councillor Chapman, moved as an amendment that a report be prepared - in terms of costs, workforce and property availability - for the Executive Committee to consider accelerating the provision of 1140 hours to all “eligible twos” across the region in 2019/20.*

*On a show of hands, Members voted as follows:-*

*Motion - 3 votes*

*Amendment - 4 votes*

#### **DECISION**

**DECIDED to refer the matter to the Executive Committee and that officers prepare a report - in terms of costs, workforce and property availability – for consideration to accelerate the provision of 1140 hours of nursery provision to all eligible two year olds across the region in 2019/20.**