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## **EARLY LEARNING AND CHILDCARE EXPANSION**

**Report by Interim Service Director, Children & Young People**

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### **EXECUTIVE COMMITTEE**

**30 April 2019**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 **This report is in response to the motion from the Audit and Scrutiny Committee on 11 March 2019 that the Executive Committee consider providing 1140 hours of Early Learning and Childcare (ELC) from August 2019 for all eligible 2 year olds rather than August 2020, regardless of whether or not they live in one of the expanding primary school catchment communities.**
- 1.2 This report outlines the programme for the expansion of Early Years in Scottish Borders and the complexity and risk of deviating from the approved programme of implementation.

#### **2 RECOMMENDATIONS**

- 2.1 **I recommend that the Executive Committee considers the implications of providing 1140 hours of Early Learning and Childcare (ELC) for all eligible 2 year olds from August 2019 rather than August 2020.**

### **3 SUBJECT MATTER**

#### **Petition**

- 3.1 On 29 January 2019 Scottish Borders Council received a petition from Tweeddale resident supported by a number of others, the title of the petition was "*Nursery Place discrimination in Peebles 2019*", dated 21 January 2019.
- 3.2 The Petition statement was as follows:  
*The decision to roll out increased provision of nursery hours by catchment area is discriminatory. Yes, the few streets or more 'deprived' families are included but so too are some of the most affluent streets in our small town, rendering the 'target deprived area first' directive as meaningless. This was pledged in 2014 and due in August 2020 which mean there has been ample time to prepare, 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 1140hours based on catchment. The current increase means that some children are losing out on 1 extra year of education (at current levels). And given the proven benefits to children it is unacceptable to deny the rest of Peebles' children this opportunity and headstart to their education.*
- 3.3 On 11 March 2019 the petition was heard by the Audit and Scrutiny Committee of the Council. The petitioner presented the petition and the Chief Officer of Education responded to the concerns raised.
- 3.4 Following robust discussion and debate, it was agreed that the Education Department would be tasked with exploring the implications of rolling-out provision for all eligible 2 year olds across Scottish Borders, rather than to those eligible 2 year olds in phased areas. It was agreed that the findings would be reported to the Education Executive and a decision taken thereafter.

#### **Early Learning and Childcare Expansion – National Expectations**

- 3.5 Currently all 3 and 4 year old children (and eligible 2 year olds) are entitled to 600 hours ELC a year, depending on their birth date. This entitlement does not change until August 2020. In 2020, the entitlement changes to 1140 hours, which will equate to a full day during term time. From now until then the Council are phasing in the expanded hours as they have been tasked to do by the Scottish Government.

As set out by Scottish Government in 'A Blueprint for 2020: *The Expansion of Early Learning and Childcare in Scotland*', Local Authorities are to determine the most appropriate way to phase the expanded hours, reflecting the Scottish Index of Multiple Deprivation.

#### **Planned Expansion Programme for Scottish Borders**

- 3.6 In Scottish Borders a priority list was created, based on the Child Poverty Index, using thorough and robust data, which sets out the order of phasing for all catchment communities. 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 the priority list was created using strong local data. This approach was approved by the

- 3.7 Consideration had been given to a partial increase for all children to 900 hours and then on to 1140, 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.
- 3.8 The programme of expansion was agreed by Full Council on 31 May 2018. A copy of the Programmed Expansion Plan which was submitted to the Scottish Government (Appendix 1) is attached for further information. This sets out the number of catchment communities phasing each year. The number of catchment communities phasing each year is linked to the phasing of funding from the Scottish Government. It provides 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 provide all children with the best possible experiences regardless of the number of hours they are accessing.
- 3.9 Therefore, as agreed by Council, only children who live in the phasing catchments are able to access the expanded hours until the increased hours are fully rolled out. Whilst understanding that providing additional hours for all eligible 2 year olds from August 2019 could be of benefit to some children, there are risks in deviating from the agreed plan as there will be other families who believe they and their children would also benefit from increased hours before their catchment area is due to expand. Additionally, as eligible 2 year olds are likely to become 3 years old before August 2020, the Council would then need to decide if they could retain the additional hours or revert back to the entitlement of 600 hours when they became 3 years. By its nature, "phasing" is not an equal process, regardless of the method used to determine the order of priority. In addition to all 3 and 4 year olds, "eligible" 2 year olds are entitled to funded ELC places and are included in the expansion of hours.

### **Physical Requirements for the Expansion**

- 3.10 Alongside the phasing in of additional hours, there is a Capital Plan for new buildings and refurbishment of existing buildings. This Plan is linked to the agreed phasing. Deviating from the agreed phasing by offering expanded hours to all eligible 2 year olds may mean that although offered additional hours, spaces may not yet be available where works are still ongoing and variations submitted to the Care Inspectorate to create additional places have not been completed.

## **4 IMPLICATIONS**

### **4.1 Financial**

- (a) There would be additional costs in deviating from the agreed plan, which have not been factored in to the Financial Plan that the Scottish Government have based the funding allocation on. These may take the form of additional payments to funded providers or additional staffing costs in local authority provision.
- (b) It is not possible to predict accurately what these costs might be. Take up of ELC places has been low across Scotland, but as a result of targeted work by Officers in the Council's Early Years Team, uptake in the Borders is increasing. The Government estimates

that 25% of all 2 year olds are eligible for funded ELC which equates to approximately 250 a year in the Borders. Some of these are already able to access 1140 hours due to the school catchment area they live in. Currently, there are 37 eligible 2 year olds accessing their funded ELC entitlement who are not in a catchment area for 1140 hours.

- (c) The hourly rate to be paid to funded providers (childminders, private nurseries and voluntary groups) from August 2019 for a funded ELC 2 place is £5.10. (The hourly rate is currently £4.55 per hour). For 600 hours a year this equates to £3,060 per child. Increasing the number of hours for 1 child would cost the Council £5,814, an additional £2,754. If the child was attending a Council provision that required additional staff to be put in place, the increased cost would be higher. Currently, there are 37 eligible 2 year olds accessing their funded ELC entitlement, who are not in a catchment area for 1140 hours. Based on a calculation of additional payments to funded providers, if they were offered additional hours, the additional cost to the Council would be £90,909, based on this years payment rate of £4.55 per hour for eligible 2 year olds. The Scottish Government is providing additional funding for Local Authorities for the expansion, but this is based on the plans submitted and therefore there is no funding for a deviation to the plan, which would incur additional costs. These numbers are likely to reduce next year when more catchment areas are expanded, but the hourly rate is also increasing.

#### 4.2 Risk and Mitigations

- (a) Deviating from the agreed plan and making exceptions has the potential for more families to ask to be included in the phasing in of expanded hours, which has the potential to become unmanageable in terms of time and resources. The Council is confident that the methodology used for determining the expansion plan is robust and transparent. Deviation from this would risk challenges from other families, particularly when the eligible 2 year olds became 3, if the decision was taken to permit them to continue with expanded hours as a 3 year old. Additionally, this may stigmatise children and families.
- (b) If expanded hours were to be offered to all eligible 2 year olds from August 2019, there may not be sufficient places available for them, as the Capital Expansion Plan is linked to the agreed plan for phasing in the expanded hours and there is a risk that families could not access additional hours.
- (c) All eligible 2 year olds will have the opportunity to experience 3 years in ELC provision. For those becoming eligible 2 year olds from August 2019, who are not included in the expansion until August 2020, they will still have 2 years of 1140 hours prior to starting school.

#### 4.3 Equalities

- (a) An Equalities Impact Assessment has been carried out as part of the ELC 1140 hours implementation and is available on the Scottish Borders Council Equality Impact Assessment web page. Whilst

providing more children earlier access to 1140 hours, deviation from the expansion plan to include all eligible 2 year olds from August 2019, may result in some families feeling angry that an exception has been made and the plan has not been adhered to and may lead to further complaints/requests for exceptions.

- (b) It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

**4.4 Acting Sustainably**

There are no significant impacts on the economy, community or environment arising from the proposals contained in this report.

**4.5 Carbon Management**

There are no significant effects on carbon emissions arising from the proposals contained in this report.

**4.6 Rural Proofing**

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

**4.7 Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

**5 CONSULTATION**

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, the Clerk to the Council, Communications, the Corporate Equalities & Diversity Officer and the Procurement Officer have been consulted and their comments have been incorporated into the final report.

**Approved by**

**Stuart Easingwood**

**Interim Service Director, Children & Young People**

**Signature .....**

**Author(s)**

Name	Designation and Contact Number
Margot Black	Early Years Strategy Officer (Ext 5809)

**Background Papers:** Programmed Expansion Plan submitted to Scottish Government (Appendix 1)

**Previous Minute Reference:** -

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Contact us at Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.