

## A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland

### A Scottish Government Consultation

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- ☐ Individual  
☒ Organisation

Full name or organisation's name

Children in Scotland

Phone number

0131 313 2322

Address

Rosebery House  
9 Haymarket Terrace  
Edinburgh

Postcode

EH12 5EZ

Email

kforsyth@childreninscotland.org.uk

The Scottish Government would like your permission to publish your consultation response.  
Please indicate your publishing preference:

- ☒ Publish response with name  
☐ Publish response only (anonymous)  
☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future,

but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☒ Yes

☐ No

## **A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland**

### **CONSULTATION QUESTIONNAIRE**

**Question 1:** How do we ensure children are fully supported at the transition stages throughout their early-learner journey? What support should be provided to ensure that the ELC workforce and teachers have the skills, knowledge and capacity to support transitions?

**Introduction:** Children in Scotland has, for many years, championed the rights of children and advocated for high quality in early years provision. We have over two decades of extensive experience in researching, evaluating and developing early years services for children, both in Scotland and in partnership with other European nations. As a result, we are a leading expert in Scottish childcare policy and reform. We have also been extensively involved in examining how early life experiences relate to healthy development and wellbeing.

**Q1a: Ensuring children are fully supported at transition stages:** The excellent quality of experience for all children, which Scotland should aspire to, must emphasise stability and consistency in relationships. We believe there needs to be an unambiguous statement that the primary indicator of the quality of Scotland's early learning and childcare provision, will be the extent to which the child experiences a continuity of relationships provided by well-trained and skilled staff. Part of their skill-set will also include support to each child in their transition to primary school. All primary schools should also be working closely with their ELC partners to support the child at this stage.

**In more detail:** Evidence is unambiguous in showing that healthy development and effective learning are integrally underpinned by having basic needs such as food, shelter and warmth sufficiently met; a strong, reciprocated and responsive emotional attachment to at least one primary care-giver; and a positive and constructive home learning environment.

Some families struggle to provide their children with all these elements to an effective degree. For children in those families, it is therefore particularly important that the services they use address these matters.

**Q1b: Ensuring ELC workforce has the skills, knowledge and capacity to support transitions:** Upskilling the ELC workforce, in terms of formal qualifications and the ability to form effective, nurturing relationships with children and their families, is vital. Equally, school staff must have reciprocal skills to work with the ELC workforce to support the child's transition to primary school. Further development and support to the ELC workforce is required to ensure the vital function of family support is a primary element of the ELC offering. Again, there are partnership opportunities with primary schools.

**In more detail:** There is a substantial body of research that indicates the kind of service delivery models associated with good and equitable outcomes. In summary, the characteristics of such approaches are:

- (i) Holistic attention to child wellbeing and family support within the context of strong universal services
- (ii) A workforce with the skills, attributes and capacities needed to:
  - i. Form consistent, stable and supportive relationships with children and their families
  - ii. Support exploratory and creative play
  - iii. Empower parents to support their children’s development and learning to the best of their ability and to ensure that all children, whatever the nature and extent of their needs, are fully included
- (iii) An integrated approach to governance and delivery.

There are clearly identifiable characteristics of an effective ELC workforce. We believe that Q1 has been addressed well by the Scottish Government report *Common Core of Skills, Knowledge & Understanding and Values for the “Children’s Workforce” in Scotland* (2012), which identified building and sustaining relationships with children and families and thorough knowledge of healthy child development and how to promote it as essential. This is the starting-point and it would be useful to receive an update from the Scottish Government on the progress in implementing this work.

This ‘common core’ would need to be supplemented by detailed and specialised expertise. In relation to the early years this would include extensive knowledge of early physical and cognitive development and awareness of the practice approaches most effective in supporting these. The depth of understanding is also critical. The countries with the most effective early years provision see it as a highly valued profession requiring a degree level qualification. Various studies including a recent Eurofound systematic review of CPD for early years workers<sup>1</sup> also suggest that the principles, values and practices inherent in the social pedagogy qualification (the norm in many European countries in early years settings) is best suited to providing a good service for young children. This approach has been shown to be effective in supporting service users through periods of turbulence and uncertainty generally and in engaging those who need extra support or encouragement. A particularly relevant study is the evaluation by Loughborough University of the Fostering Network’s ‘Head Heart and Hands’ project where the approach has been shown to be highly valuable for foster carers in enabling children to cope with major and potentially harmful changes in their lives.

Given the diverse and sometimes challenging needs of the child population, it is important that the workforce is competent in including all children, particularly those whose families face challenges in caring for them. Helping them cope with change should be an integral part of staff learning, rather

---

<sup>1</sup> <http://www.eurofound.europa.eu/publications/report/2015/working-conditions-social-policies/early-childhood-care-working-conditions-training-and-quality-of-services-a-systematic-review>

than an add-on extra. The CoRE report (2011)<sup>2</sup>, a major European Commission investigation into optimum approaches to competency and qualification in the early years workforce, sets this out clearly. Again the social pedagogical approach is shown to be of great importance in achieving good outcomes.

**Question 2:** What support is required to ensure that the ELC workforce have the skills, knowledge and capacity to deliver high quality provision for two-year-olds? How can the ELC sector best meet the specific learning, developmental and environmental needs of two year olds? What approach should be taken on the transition for these children when they turn three?

**Q2a) What support is required to ensure that the ELC workforce have the skills, knowledge and capacity to deliver high quality provision for two-year-olds?** Of paramount importance for all working with young children is specialised knowledge of early childhood. In particular, supporting brain development through functional attachment, communication and relationship forming, and understanding of the kind of activities that support optimal development are vitally important.

We do not believe that the needs of children can be strongly differentiated between defined year age bands at this stage in life. Children do not all reach the same developmental milestones at the same point. It is important, therefore, that the workforce takes a holistic and flexible approach to the early years, which would be usefully defined as birth to age seven in terms of curricular and developmental support needs.

**Q2b) How can the ELC sector best meet the specific learning, developmental and environmental needs of two-year-olds?** The quality of children's experiences within their families, coupled with the quality of any early childhood education and care experience, will be strong determinants of children's outcomes. Research indicates that, where early years provision is not of high quality, children's wellbeing may be compromised in ways that have ongoing impact on their life chances. The quality of the workforce is one of the most important variables in the attainment of quality in provision. We should be clear, however, that our definition of quality should be primarily concerned with wellbeing outcomes for children. Definitions that use other criteria are, from the child's perspective, of little value. The EPPE (Effective Provision of Pre-school Education) Project for example, has over many years<sup>3</sup> shown there are clear correlations between workforce qualification level and content, integrated and inclusive settings, attention to social and educational development and effective pedagogical approaches. A recent secondary analysis of the 'Growing Up in Scotland' data (2014)<sup>4</sup> showed little correlation between children's outcomes and inspection gradings. The notable exceptions to these concerning findings were 'Family Centre' establishments where staff, through a combination of experience, initial qualification and CPD, were powerfully aware of how to support healthy child development and enable children at risk of poor outcomes to catch up with their peers.

---

<sup>2</sup> <https://download.ei-ie.org/Docs/WebDepot/CoReResearchDocuments2011.pdf>

<sup>3</sup> [http://eppe.ioe.ac.uk/eppe/eppepdfs/eppe\\_brief2503.pdf](http://eppe.ioe.ac.uk/eppe/eppepdfs/eppe_brief2503.pdf)

<sup>4</sup> <http://www.gov.scot/Resource/0045/00453130.pdf>

**Q2c) What approach should be taken on the transition for these children when they turn three?**

'Transition' should be seamless in the early years primarily for children but also for their families. To reiterate the point above we do not believe that the needs of children can be strongly differentiated between defined year age bands at this stage in life. Children do not all reach the same developmental milestones at the same point. Currently, the ELC offer is not seamless in terms of entry into and movement through different stages and services. We support a more holistic early years model that better supports all children and their families.

**Question 3:** How can the qualification routes and career paths that are open to early learning and childcare practitioners be developed to ensure that the ELC sector is seen as an attractive long-term career route?

**Q3: Workforce qualifications and career paths:** Qualification levels in the ELC workforce have improved in recent years, however workforce development must keep up to date with the significant progress that has been made in understanding children's early development. Further flexibility in career pathways, along with increased wages and improved working terms and conditions, would all contribute to making the ELC sector an attractive long-term career route.

In order to implement effectively the 1140 expansion, the pay disparity between the independent sector (private/third sector) and the public sector (local authority) must be tackled. The disparity has created a 2<sup>nd</sup> tier workforce, with many of the former gravitating inevitably to higher paid jobs in the public sector. The independent sector is larger (in absolute terms) than the higher paid state sector. It follows directly that over 50% of provision in Scotland functions with a 2<sup>nd</sup> tier pay and reward system and this is neither desirable nor equitable.

**In more detail:** Historically, work with young children has been seen (in Scotland and the rest of the UK) as an occupation requiring low levels of skill, with the obvious corollary of low pay. There are also significant pay differentials within the ELC sector, with public sector provision offering better pay and conditions than the private and third sectors. This generates high staff turnover in private / third sector establishments as staff, often those with the best qualifications and most experience, move to public sector early years settings, or other sectors of the economy generally. This adversely affects the degree of stability, security and consistency that they can offer and which is critical for a high quality of provision.

Even twenty years ago, when the National Childcare Strategy first guaranteed pre-school provision for all, the body of knowledge in relation to children's early development was much less extensive than it is now. Workforce development has failed to keep pace with this expanding knowledge base. We recognise now that the work is highly skilled. If children are to develop as well as possible and, in particular, to achieve their learning, health and development milestones, international evidence clearly shows that the workforce must all achieve the best possible and most appropriate qualifications –at degree level, with content designed around a thorough understanding of early childhood development and of the curricular approaches that provide optimal experiences for children.

While qualification levels within the early years workforce have improved in recent years, largely in response to the requirements of the relevant regulatory bodies, we need to be certain that the

qualifications gained are at a high enough level and are covering the most important areas of knowledge. This is vital in attaining each child's optimal wellbeing. It would also, however, make a significant difference to the demographic profile of entrants. Transferability of learning offering greater flexibility in career pathways could also make a difference. The European social pedagogy qualification, for example, has core course elements underpinned by a fundamental set of principles, values and approaches that are followed by all students, complemented by specialised modules focusing on specific areas such as early years, youth work, supporting adults with disabilities and residential care. This means that, by undertaking additional modules, staff may move among sectors of provision.

**Question 4:** How can we increase the diversity of the ELC workforce, in particular increasing the gender balance in the sector?

**Q4:** Increasing the diversity in the workforce is vital in maintaining and increasing quality. Addressing a range of concerns will be critical to increasing the diversity of the ELC workforce, and we strongly recommend engaging with different communities to identify and remove barriers to entering the ELC workforce.

Within the general situation there is an urgent need to ensure that the 1140 expansion makes every effort possible to increase immediate diversity in the workforce. If it does not then we may see quality eroded across the board as expansion is implemented. Attracting a broader range of individuals from a broader range of backgrounds, for example, has the potential to create a more emotionally mature workforce that is better able to model the relational behaviours required to support child development.

#### **In more detail:**

The question of gender balance in the ELC workforce is significantly related to qualifications and pay. Cultural attitudes have also contributed significantly, with looking after children historically perceived as being 'women's work'<sup>5</sup>.

A change in the gender profile of those working with young children is likely to be achieved to some extent by a redefinition of the status of this profession by addressing the issues of qualifications, pay and conditions. Countries where a degree level qualification is the norm, where the nature of the qualification may be more readily transferable to other work settings, and where remuneration is consistent with other similarly qualified professions such as teaching or social work, have a significantly higher proportion of men in the workforce.

Another matter affecting male participation in the early years workforce is the issue of child protection. Evidence suggests that fear of being falsely accused, or put in a position where this might be a risk, has reduced the proportion of men working with children in many capacities. Further erosion of male participation in early years and other settings which work with children is likely unless measures are put in place that address these concerns among potential applicants. Lack of

---

<sup>5</sup> For further discussion, see [\*An Independent Review of the Scottish Early Learning and Childcare \(ELC\) Workforce and Out of School Care \(OSC\) Workforce\*](#) (2015)

peer support and the absence of peer colleagues can be another factor. The proportion of men in the ELC workforce in Scotland has substantially increased, largely due to the efforts of organisations such as Men in Childcare<sup>6</sup>.

Men in Childcare has actively and successfully encouraged men in Scotland to enter the early years workforce. Measures that have been shown to be effective in this have included:

- Targeted recruitment campaigns
- Men-only training courses
- Free or highly subsidised routes to qualification
- Provision of training at times and in venues that respond more effectively to men's circumstances, such as already being in full-time employment.

In relation to wider issues of diversity, such as ethnicity or disability, the above approaches are likely also to be useful. The nature of the barriers that deter potential applicants, however, are likely to be very different. It would be of critical importance to talk directly to members of target communities to find out why they do not see it as an appropriate option for them before action on this is taken.

**Question 5:** How can payment of the Living Wage and wider Fair Work practices be encouraged across the ELC sector?

**Q5: Encouraging payment of the Living Wage and Fair Work practices across the ELC sector:** Action should be taken to standardise the wage rates between the public and independent ELC sectors as advocated at Q3. The means to achieve this include standardising rates of payment (£ per child per hour) to the entire sector (local authority and independent partner providers) rather than the two-tier system, described in the Scottish Government's recent financial review, in which the public sector attracts a higher rate per child per hour (in excess of £5<sup>7</sup>) than partner providers receive (often less than £4). Channelling all public money to the independent sector (via partner arrangements for example) with clear and compelling conditionality in terms of the rates of staff pay, terms and conditions expected and quality of service expectations, should also be explored and tested.

**In more detail:** Low cost is generally equated with poorer quality in the early years sector and disincentivises employers in other sectors from raising wages. Currently a new employee in the independent sector might be paid £16,000 or £17,000 (basic) whereas an equivalent position in the public sector might attract £21,000 (basic). This disparity attracts many problems that disadvantages the operation of the sector as a whole and promotes variable service quality for children and parents. If a single rate were imposed then a clear strategy can be adopted, with defined timescales, for the upskilling and regrading of the workforce across the whole sector. Commissioners and regulators would, at minimum, make compliance with Living Wage and Fair Work practices a condition of partnership or operation.

---

<sup>6</sup> <http://www.meninchildcare.co.uk>

<sup>7</sup> <http://www.gov.scot/Resource/0050/00506148.pdf>

Without such 'equalising' action this is likely to continue to be of concern, particularly in the private sector. Private providers frequently articulate concerns about business sustainability if they are required to pay higher wages and offer better conditions. Such businesses have two primary sources of income – the fees charged to parents and income received from local authorities for the provision of commissioned places. It would seem logical, therefore, that the potential of these sources to generate sufficient income to provide staff with adequate employment rights and benefits should be examined.

There is a finite amount that most parents are able or willing to pay because there is a point at which ELC becomes economically disadvantageous for them. If providers cannot sustain a business on this level of charging and the places are needed to meet local demand then some level of subsidy is required. It is important to avoid the trap of trying to make provision fit into availability of funds, which is a route to poor quality service. Instead, draw on best practice to design a system that has, as its key objective, the wellbeing of each child, and calculate the costs accordingly. Then examine the level of existing resourcing provided by local and central government and consider whether this could be more fairly and efficiently spent. We are not aware of any country where early years services are provided free on a universal basis. A system of a sliding scale of charging to parents based on income, with a free service for some and a cost ceiling for all, and the difference in provider income being met by the government, is most effective. It has been shown to assure quality of service, increase take-up, improve staff retention and meet parent support and employment needs.

**Question 6:** What actions should be taken to support increased access to outdoor learning, exercise and play?

**Q6: Increased access to outdoors:** Remove perceived barriers and create a sector-wide culture of valuing the outdoors as both a desirable and practical development route for services. This can be done through the Care Inspectorate encouraging outdoor access across the Inspectorate's day to day activities and working with local authorities and their partners to ensure the potential for outdoor provision is included in all future planning.

**In more detail:** Involvement in all outdoor activities must be purposeful and contribute to children's wellbeing. Outdoor learning is valuable when it allows exploration, self-directed play and creativity. Ensuring that the workforce is apprised of the knowledge and skill necessary to encourage children in creative outdoor play is a necessary first step. Children should be able to access outdoor space at any time while they are using an ECEC facility. It should not have to be 'scheduled'.

Appreciation of the benefits of access to appropriate outdoor space is vital. Practitioner awareness of how community outdoor space can be used is a key part of this. The potential of any space can be explored, not just conventional play spaces. Regulators and workforce educators have an important role to play. The Care Inspectorate's recent publication *My World Outdoors*<sup>8</sup> is a helpful contribution to good practice. Education Scotland's National Improvement Hub also has support for professional



development in outdoor learning and needs to be more widely shared with ELC providers. This understanding also needs to be built into the qualifications and ongoing development of the new and current workforce.

There are also early years centres that have successfully implemented increased access to outdoor learning and play and a culture of visiting and learning between providers should be encouraged.

**Question 7:** How could accountability arrangements for early learning and childcare be improved?

**Q7: Improving Accountability Arrangements:** We believe this is an area which requires considerable change and development. We welcome the Care Inspectorate recent review of its inspection methodology to focus much more strongly child wellbeing outcomes. Accountability could be improved by ensuring that the whole workforce has a thorough understanding of child wellbeing and how to promote it. We are concerned with the difference in emphasis between the methodology used by the Care Inspectorate and Education Scotland. Accountability and ongoing improvement could be improved by a formal single line of accountability, which would also support ELC providers to develop more coherently. It must also be remembered that ELC is provided within a wider framework of local authority accountability and also at least half of the Integrated Joint Boards will have an interest and responsibility for aspects of ELC. Christie principles suggest we should look at the scope for stream-lining and decluttering the landscape.

**In more detail:** The starting-point for a child rights-based approach to accountability would be to ensure and promote the good and equitable development of each child. It should not prioritise one aspect of development, such as literacy acquisition, over others.<sup>9</sup> Clear information on each child's development should be made available to parents, as the principal protectors of the rights of their children.

The correlation between the intensity of regulation and child outcomes is not well evidenced internationally<sup>10</sup>. Some countries do well despite spending little on regulation, whilst others do less well though spending a lot, and vice versa. If we can be sure that the 'factors of production' (workforce, curriculum, underpinning principles etc.) are of high quality then there is much less need for intensive scrutiny.

**Question 8:** What factors must be considered in delivering flexible ELC provision, while continuing to ensure a high quality service? To what extent could funded ELC support parents and carers with non-standard working hours, such as working shifts and weekends?

**Q8a: Delivering flexible ELC while ensuring high quality:** The factors that must be considered in delivering flexible ELC whilst continuing to ensure a high quality service include:

- The quality of the leadership of each Setting Head (or setting leader). The ability of the Setting Head needs to include:
  - Expert knowledge in child nurture and development
  - High quality engagement with parents to discuss and understand family need for choice and flexibility and accommodate such need

---

<sup>9</sup> [https://haukkalansaatio.files.wordpress.com/2016/12/urban\\_rece-oecd-iels-statement-final.pdf](https://haukkalansaatio.files.wordpress.com/2016/12/urban_rece-oecd-iels-statement-final.pdf)

<sup>10</sup> <http://www.crec.co.uk/DFE-RR269.pdf>

- The ability to role model behaviour for staff and provide appropriate CPD opportunities, creating high levels of staff satisfaction and thus increased quality for the child and family
- The ability to manage all aspects of operation including income, budget expenditure, scheduling and staff management within an all year service as well as all attributes of the child's experience.
- The quality of staff being led by the Setting Head taking into account their emotional maturity and job satisfaction as well as formal training and qualifications
- The quality of the support services that surround each individual Setting Head (usually some form of HQ function - certainly in the Local Government sector).

**Q8b: Non-standard working hours (including shifts and weekends):** Funding ALL providers adequately to provide ELC is likely to attract more services into the market. This means that elements such as payments to staff for working unsociable hours, and recognition that there is likely to be some degree of under-occupancy and additional property expenditure would have to be factored in when calculating adequate remuneration. Staff capacity to provide appropriate programming for different days and times would be addressed by adopting workforce development approaches as described in answers above. Within this, for shift and weekend working, child-minders offer can a flexible approach immediately and may prove a significant element of such statutory provision.

**Question 9:** How can we ensure fair and sustainable funding for all providers offering the ELC entitlement?

**Q9: Ensuring fair and sustainable funding for all providers:** In the immediate term the opportunity to ensure fair and sustainable funding for all providers may prove limited. The focus to 2020 will necessarily be on creating flexible supply (extra capacity to accommodate 1140) rather than funding fairness across the sector. To do both at the same time may simply 'break' the sector. Fair and sustainable funding for all is vital however and we expect it to become an immediate second phase to the development of comprehensive ELC in Scotland. We would therefore expect:

- In the **immediate term** (next three years) seek and implement the simplest of measures to encourage funding fairness whilst flexible 1140 supply creation is ongoing (in parallel). The most obvious 'supply side' fairness measures are:
  - A single national Partner rate (£/child/hour) to be paid by all local authorities to all partner providers. The rate should be generous enough to enable partners to develop and ensure quality. The rate should come with very clear conditions – including raising staff pay in partners and the requirement that parents DO NOT pay an additional 'top up' to the partner to make up for the discrepancy between the partners standard rate per hour and the (usually) lower amount the Local Authority is willing to contribute; OR,
  - A single national rate for ALL providers (local authority and Partners) for all of Scotland with local authorities charging ONLY an administration for amounts paid through the local authority into Partners. This approach is attractive in that it will both encourage fairness in the same way as the point immediately above but also

encourage the public sector to improve its operational efficiency. Ultimately a single rate can help unify Scotland's manifestly unfair two-tier pay/workforce system.

- In the medium term (two to five years hence) the 'system' can research and explore alternate funding models. These models, in the main, implement varying degrees of demand side (i.e. parental) responsibility in the ELC funding model. Options include<sup>11</sup>:
  - A complete review of ELC financial/funding generally. Our ELC funding system is a split system. This system is split between: a) Parents paying b) local government paying (for supply) c) HMRC paying to parents (Tax Credits); and, DwP paying parents (Benefits). It is confusing and understandably difficult to navigate for parents.
  - The implementation of Childcare Accounts in order to gather visibility of funding in one place to remove the confusion regarding the funding in the system available for each child.
  - The decision regarding who 'owns' the childcare account – whether the power to spend the contents of the account is transferred to parents or held elsewhere.
  - The encouragement of '*money follows the child*' to ensure that to the best extent possible the funding follows the child and the family can choose the setting that suits them best in their circumstances no matter who the (registered) supplier might be – public or independent.

**Question 10:** What more can we do to promote and support the involvement of child-minders in the entitlement to ELC? What are the barriers, if any, to becoming a child-minder? How can we ensure quality while preserving the unique value of home-based care?

**Q10a) Promote and support child-minders in the entitlement to ELC?** Childminders are an important component to local areas being able to fulfil the 1140 hours and any further potential expansion in ELC. The Scottish Childminding Association (SCMA) is working hard to promote and support their involvement and should be at the core of advising on this issue. Their dedicated work appears (from our perspective) to be having a positive impact with a number of local authorities seeking to engage childminders.

For some children the home-based care provided by a childminder is much better suited to their needs. Greater use of childminders in delivering the early learning and childcare entitlement will be better for the wellbeing needs of certain children. Childminders often work with others locally and participate in early years groups and greater involvement in the delivery of ELC should be encouraged and welcomed.

**Q10b) What are the barriers, if any, to becoming a childminder?** : The barriers to becoming a childminder are similar to other early years roles in that the profession lacks the status of attracting a diverse range of people, especially men. The key intelligence for this area lies with the SCMA.

In brief, some individuals are not attracted to the sector due to the perceived burden of the need to financial manage their own business affairs. Whilst support is available for this it would be worthwhile exploring whether any systems and procedures could be streamlined to reduce any

---

<sup>11</sup> <http://www.commissionforchildcarereform.info/>

unnecessary administrative barriers to people who might potentially be interested in the role. We also need to make sure that BME communities and newcomers to Scotland have access to information about the role and information is available in a range of formats. Similarly adults with disabilities should be supported in any interest in the role that could be achieved through a consistent approach from organisations such as Skills Development Scotland and LEAD.

**Q10c) How can we ensure quality while preserving the unique value of home-based care?** In terms of home-based care involving childminders, the Care Inspectorate should continue to develop a partnership approach with childminders to ensure their assessment of quality matches the type of care being provided. SCMA and Care Inspectorate should be fully supported in their on-going efforts to ensure that childminding as a profession (and each individual childminder) is fully equipped to delivery national statutory entitlement. Currently there are very few childminders (less than 10 of 6,000 nationally) to the best of our knowledge who are delivering statutory entitlement. This is a significantly underused resource in statutory delivery.

The procurement of ELC services should be straightforward so that this is not an unnecessary barrier for childminders. Although there are some established procedures that would need to be reviewed, this should be relatively easy to achieve as long as it is consistently applied across local authorities.

**Question 11:** How do we ensure that the voice of children and their families is heard as we plan this expansion?

**Q11: Listening to and supporting the Voice of Children and Families:** Scottish Government should add a core activity to it's 1140 Expansion Programme – that activity being a national, on-going and independent (of Central and Local Government) engagement with & survey of children and families to seek views. The advantages of such an activity can include A) on-going discovery and clarity regarding children and family need; and, B) community engagement to help parents / families understand what they can ask for and the service they should expect to receive from the sector and thereby helping support timely demand. The engagement will deepen understanding of the need for Flexibility, Affordability and Availability.

**In more detail:** We need to make sure that the voice of children and their families is at the core of all planning. We must feel confident that this voice is current and representative of the diversity of children and their families that form our society. We must feel confident that the voice of children and their families and, in particular, their views on choice and flexibility are accurately, fairly and consistently accessed, recorded and built into expansion planning. This includes actively seeking to find the voice of children and their families who do not currently access services. We also need to respect parental choice and that there will always be some families who do not want to take up the ELC offer.

It should be recognised and respected that the views of children may differ from their parents and carers and there should be space to explore and reflect this within the development of the proposed expansion. Children's voices should be heard by their on-going involvement in the services they use rather than through formal consultation procedures. It is also vital that they are made aware of how their perspectives have influenced the development of the service.

Adequate time and resource are essential for effective and meaningful participation and engagement and, by promoting the voices of the child and of their families in policy development, we call for the Scottish Government to commit to supporting this principle by ensuring that both are readily available.

To include children with additional support needs, including those with profound communication difficulties, there must be enough time granted for any participative exercises to be flexible and adaptable to incorporate any changes required. It is equally important to ensure that the voices of those engaging in any consultations are representative and diverse; effort will be required to access marginalised groups in their own spaces and on their terms in order to seek and include their perspectives in shaping any developments.

**Question 12:** How can we ensure equality of access for all children? What barriers do children with disabilities and additional support needs currently face in accessing early learning and childcare? What further action is required to address these barriers?

**12a) How can we ensure equality of access for all children?** There are a number of key factors that will contribute to equality of access for all children, primarily:

- Awareness of provision and how to access it varies and requires a significant change in the way families are informed and have access to information about ELC. The University of Strathclyde is currently leading research on the information behaviours of young mothers<sup>12</sup> and there are initial findings that should be considered for this work. They include the practical problems like accessing the Internet and younger mothers lacking confidence to ask questions.
- The cost of accessing services has to be reduced to ensure greater equality, see section 4.1 of the Commission for Childcare Reform's report *Meeting Scotland's Childcare Challenge* (2015)<sup>13</sup>
- The other main block to ensuring equality of access is the suitability and availability of ELC for families who work shift patterns and weekends. This has been addressed in other answers.

**12b) What barriers do children with disabilities and additional support needs currently face in accessing early learning and childcare? .**

Enquire is the Scottish Advice Service for additional support for learning (a service provided by Children in Scotland).

Families with children with disabilities face unacceptable challenges in accessing early learning and childcare. The principal barrier for children with disabilities and some additional support needs is the lack of clarity over responsibility for meeting the child's additional support needs. In statutory services this is not so much the case but it severely restricts the choices families have in terms of providers. Private providers currently tend to offer longer hours and year round places but families report to Enquire that if the child requires any specific additional support resource the provider cannot always provide this. The Additional Support for Learning Act applies to education from the

---

<sup>12</sup> <http://yftm.cis.strath.ac.uk>

<sup>13</sup> <http://www.childreninscotland.org.uk/sites/default/files/FinalChildcareCommissionReportJune2015.pdf>

age of three for children with additional support needs but it doesn't include settings that are not in partnership with the local authority. In addition, where there is a partnership agreement, support may be provided for the entitlement but not wrap around hours, which make it too complex for both families and providers.

There is also a training and awareness-raising consideration for the workforce that creates a barrier. In terms of supporting all children, changes need to be made to essential elements for all staff working in the early years, as covered in the response to questions 1 and 2. Children with complex additional support needs may receive a number of services during their early years, from health in particular, and it is essential that ELC services are able to be flexible and work in a multi-disciplinary manner.

Enquire wrote a guide for early years practitioners, *Early Years Education Practitioners and The Education (Additional Support for Learning) (Scotland) Act 2004*<sup>14</sup>, following a number of enquiries from families who were identifying that practitioners did not seem to be clear on where responsibilities lay.

**12c) What further action is required to address these barriers?** Our view is that further action needs to focus on:

- Improving the provision of information to families through health services and particularly health visitors (we also see this as part of the role of the Named Person). Health visitors need to make families aware of the offer as early as possible, what is available locally, and how to access a place.
- There needs to be more consistency in the information available online, and it must be connected to social media. Our primary focus for this would be improving the information available on the Scottish Family Information Service website.
- The points made earlier in relation to upskilling and supporting the workforce should contribute to addressing the barriers discussed in this question.
- Early years centres need strong leaders who support inclusive environments. This should be given continued emphasis in the Care Commission's registration and inspection regime.
- Family engagement must be at the core of local planning for expanding services and this engagement work must include families who are not currently accessing ELC. Many of the answers to this question lie in the response from these families not by any assumptions made without thorough exploration with the people affected. The Big Lottery funded project, referred to earlier, currently being led by Children in Scotland in partnership with Glasgow City Council and Glasgow Centre for Population Health in North East Glasgow has community engagement at the heart of considering and redesigning childcare for local neighbourhoods.

**Question 13:** How can we support higher take-up rates amongst eligible two year olds, and other groups less likely to access entitlement?

**Q13: Support higher take up eligible two-year-olds:** There should be firstly analysis of what local consultation has revealed in relation to ELC services for eligible two-year-olds and then further consultation with affected groups as recommended in response to question 12. Parenting Across

---

<sup>14</sup> <http://enquire.org.uk/20100622/wp-content/uploads/2011/04/whats-my-role-early-years.pdf>

Scotland commissioned a review of local authority consultations in 2015 with parents and found that:

*“The population group included in the consultations were most commonly parents with children at local authority or partner nurseries. This means that parents of eligible children who do not currently use nurseries or who use private nurseries which are not partner nurseries were excluded. Some local authorities included parents of 0-3 year olds, and others asked parents of primary school children, but these were exceptions rather than the rule.”*

A different approach to consultation in more local authorities would lead to greater awareness of the barriers to taking up the offer and arriving at community specific solutions.

Higher take-up rates can also be supported by the availability of a wider range of services that are better suited to families’ needs. This has been addressed in the answer to earlier questions.

There should also be acknowledgement of a demand lag for services. The level of this expansion will not see immediate take up and some time needs to be given to see uptake rise in line with family awareness and expectations.

**Question 14:** How can more social enterprises, and third sector providers, be encouraged to enter the early learning and childcare sector?

**Q14: More social enterprises and third sector providers enter ELC sector:** Expecting a sufficient number of such providers to enter the market by 2020 and make a material impact upon deliverability of 1140 hours by 2020 is unreasonable. More social enterprise and third sector providers should however be valued and their creation should be a medium-term aim. Such providers can support diversity in provision, greater choice and flexibility for parents whilst providing quality for children and families. The third sector in particular has a strong track record in early intervention, trust-based child and family services. The social enterprise and third sector may also support more innovative and effective ways to engage in areas of deprivation generally and for more complex families in particular.

If social enterprise and the third sector are to become a significant component (in terms of scale) of ELC delivery then Scottish Government must establish the pro-active mechanism to encourage their founding and operation. This may include:

- A national information and advice service deliberately targeted to engage with communities and create social enterprises. The service should not be a reactive service, but targeted to create a specific number of social enterprises/third sector organisations per year.
- A funding (startup) financial facility (such as Big Society Capital) that will support the funding of social enterprises, charities and community groups.
- Parity of access (fair access) to ELC funding per child once the organisation is established. For this we refer to the answer to Question 9 of this consultation response.

**Question 15:** How can the governance arrangements support more community-led ELC provision particularly in remote and rural areas?

**Q15: Governance to support more community-led ELC provision:** Scottish Government has taken responsibility for establishing, and ensuring delivery of, the comprehensive strategy required to ensure families have access to the affordable, high quality childcare they need. As it stands the



strategy appears to be unclear regarding the nature of governance and community-led provision and the extent to which this is desirable. We do not believe community-led provision can reasonably be a short-term action – rather it is a medium term aim. In more detail:

- The focus between now (December 2016) and the three-year target of 1440 hours by 2020 should be predominantly on Supply Creation. The challenge of creating the capacity needed together with flexibility for parents whilst maintaining and improving quality is significant. To attempt to do more may simply ‘break’ the system.
- Once the major supply side milestones to 2020 have been achieved the Government will then be in a position to consider the wider ELC system. This consideration is likely to take two primary forms:
  - Consideration of governance arrangements and the extent to which they should and could be community- led
  - Consideration of funding and the extent to which ‘demand side’ funding (ie money follows child and childcare accounts) can be implemented.

We have discussed demand side funding separately in this document (Question 19). In terms of governance and community-led provision we propose that local partnerships should be responsible for securing delivery of the Scottish Government’s strategy in their area. We believe that it would be appropriate for the Community Planning Partnership to take on that function, but have no principled objection if a different approach is taken, as long as it is effective.

**Question 16:** How can the broader system for promoting, accessing, and registering for a place in an ELC setting be improved? Please give examples of any innovative and accessible systems currently in place?

**Q16: Improving the broader system for promoting, accessing, registering:** The greatest single improvement available is to change local government provision from a paper-based application and allocation system towards a system that discusses with parents (one to one) what their needs are and then seeks to accommodate those needs.

**In more detail:**

- Local government registered capacity (age 0-5) is almost 50% of the total national registered capacity. Any change that affects local authority capacity can be described therefore as the ‘broader system’ or at least a dominant component of the dominant system.
- Around 90% of the local authority capacity remains invested in Nursery Classes. Nursery Classes are the most inflexible mode of provision. Nursery class allocation of places is dominated nationally by a paper-based system in which there is little if any recognition of specific family need and limited, if any, direct contact between parent and the senior practitioner in the setting to accommodate family need.
- In the future an all-year provision across all local authority settings will remove, although not eliminate, the need for the annual paper-based ‘new school year’ deadline. Once a parent has chosen a preferred setting from within the local authority portfolio then there should be a meeting between parent and setting to establish family need. The setting will be able to accommodate the need to the extent of available resource and the ability to manage the utilisation of the setting.

**Question 17:** Do parents and carers face any barriers in accessing support with the costs of ELC provision (beyond the funded entitlement)? What more can we do to ensure additional hours are affordable?



**Q17a: Do parents face barriers in accessing support with the costs?** Yes they do. The main barriers are:

- For those families on low (or no) income the funding available to parents comprises a combination of the 'free' funded local authority entitlement, DWP support (Benefits) and HMRC support (Tax Credits). At best this is confusing for parents and at worst means that the funding is too complicated to be used and therefore the child/family does not access the service. The Commission for Childcare Reform recommended that a Childcare Account be established as a mechanism to remove the confusion and help parents understand what they have in an obvious and easy-to-access way.
- For families who use partner (private or third sector) provision there remains an ongoing issue of the local authority not passing on the full funding amount to the partner causing the partner (be it private or third sector) to charge the parent additional top-up fees to address the imbalance balance. This results in a situation where, most often, parents using partner providers are essentially paying twice. To address this please refer to our answer to question 9.

**Q 17b: Do more to ensure additional hours are affordable?**

Short-term: Scottish Government can oblige local authorities to sell top-up hours (defined as hours sold beyond the entitlement), which not all do currently, and place a price cap on those to ensure they are affordable. However, this action risks a negative effect on the independent sector, which may be undercut in terms of price. Strong measures would have to be taken to protect the independent sector.

Medium-term: When the Scottish Government is considering funding options 'in the round', there should be a system in which the net cost of any provision to parents should be on a sliding scale that takes account of income to ensure affordability for all families. Such systems exist elsewhere (in Germany for example), and work well.

Long-term: Ideally, no family should spend more than 10% of their net household income on the costs of their childcare in total. Depending on their circumstances, some families may need support to reduce costs below 10% of their net household income. The state should make a long-term commitment to limit childcare costs for all families as soon as public funds can sustainably allow for this.

**Question 18:** How can ELC providers, particularly private and third sector providers, be encouraged to extend capacity?

**Q18: Extending capacity of ELC provider:** This answer is provided in two parts. The first relates to local authorities and the second relates to private and third sector providers.

- **Local authority providers:** 89% of the local authority capacity remains vested in nursery classes. By nursery classes, we mean the traditional model of being open during term time only and deliver just over six hours per day (in 3 hour blocks?) to children. This current provision when considered on the basis of full-day / all-year capacity this puts absolute maximum utilisation of the current nursery class estate at around 45%. The reality is lower. Local authorities could access significant additional capacity by opening the doors of the registered capacity they already have and then staffing up to that capacity. We believe this traditional model of nursery class is increasingly outdated and is inflexible. Ensuring that they all can become all-day, all-year provision would both release capacity and provide

greater continuity of relationships, one of our key indicators of a high quality service for children and families.

**Private and third sector providers:** The private and third sector operate over 50% of 0-5 capacity in Scotland and therefore are a central part of our provision that cannot be ignored. Many families rely on the sector and, were it more affordable, many more families would do so too. Additionally the private and third sectors are already inherently flexible, multi-modal and often available where the local authority provision is unavailable. Private and third sector providers will require some form of guarantee of public funds paid to them (as partners) in order to extend capacity. The funds will essentially bridge the gap between the cost (excluding margin) of provision and what most families can afford to pay. Should private and third sector providers be supported with some form of guarantee then the quid pro quo is that public funds are provided to the sectors with clear conditions attached. These conditions should include the significant raising of salaries in the private and third sectors to bring them to a level comparable with the local authority sector, thereby equalising the currently unequal two-tier staffing system.

**In more detail:** For private and third sector providers it always comes back to the availability of public funds. With standards forecast only to rise in response to a growing desire for ever-higher quality care, the cost of provision and, in turn, the price paid by families to third and private providers will also rise. Rising standards mean that poorer families will find it ever harder to access and afford non-entitlement childcare. Children in Scotland supports the ongoing rise in standards but recognises that for ALL children and families in Scotland to access the services provided by the 3<sup>rd</sup> and independent sector, it can only be a function of public funds that will equalise the difference between the cost of provision (pre-margin) and what families can afford.

**Question 19:** What funding model would best support our vision for high quality and flexible ELC provision, which is accessible and affordable for all?

**Q19: What funding model:** In the short term, the funding models articulated in the blueprint are unhelpful. If 1140 is to be made available to eligible children by 2020 then the approach will focus upon the supply side creation of capacity – essentially a form of option 1. To do otherwise (i.e. option 2 to 4) would be to focus upon the demand side. A focus upon the demand side will, in the short term, most likely result not in the creation of capacity but the creation of price inflation to parents. Put simply, giving the money to parents (demand side) at this early stage may:

- Have the negative effect of private and third sector providers charging more money to parents (price inflation) immediately whilst the market begins over time to generate more supply.
- Have the negative effect of local government remaining with provision predominantly vested in inflexible, unavailable nursery classes (89% of local government provision) and continue their slow ‘incremental’ pace of change.

If demand side is used in the short term, then we do not believe the market will respond quickly enough and generate the quantity of supply needed by 2020. The supply may be created eventually but not within three years. This would make matters worse for parents and the 1140 policy may be seen to fail.

In the medium to long term the funding options are important. Ideally, it would not matter who the provider is be it local authority, third sector or private. It is all simply ELC that is high quality, flexible, affordable, and available. For parents, the ownership of any particular setting should be irrelevant. From the parental point of view there is simply funding available and a choice of local suppliers who provide a variety of modes of ELC to meet a broad range of family needs. In order to achieve this the Scottish Government should develop a deeper, more rounded articulation of the nature of the funding options together with the needs of parents and use the period between today and 2020 to lay the foundation for a fully considered funding future.

**Question 20:** If it were possible for aspects of the entitlement to be phased in ahead the full roll out by 2020, how should this be implemented?

**Q20: Phase in aspects of entitlement:** Phasing should be encouraged if not considered vital. This answer is given in two parts:

- **All local authority nursery classes can become as flexible as possible within existing budgets.** Local authorities can take immediate steps with their nursery classes to create significant additional flexibility. The first step is to phase the shift pattern across the hours of 8am to 6pm. Often this requires at least one FTE setting manager added to the staffing complement. This can be achieved as an interim step (i.e term-time only) to create a culture of flexibility and parent support in advance of 1140 funds arriving to extend the setting to an all year provision.
- **Scottish Government should build the 1140 budget AND maintain it to 2020.** With the current financial regime of one year allocations, it is simply impossible for local authorities, 3<sup>rd</sup> sector and private sector providers, to plan and deliver the requisite long-term changes, principally to increase and upskill the workforce. Scottish Government commits three years' funding in advance of 2020 to enable 1140 to be founded with continuity. The Scottish Government has committed £60m in the coming budget to 1440 expansion. If some of this budget is used to create 1140 provision in individual settings (wherever they might be in the country) then this may be achievable in the short term. The funds however would have to be made available in the budget years following (2018, 2019) to enable the services to bridge the gap to 2020. It will only confuse the situation and harm the policy if a service achieves 1140 in the short term, but is then forced to stop prior to 2020, and becomes 1140 again at 2020.

CHILDREN IN SCOTLAND CHILDCARE TEAM

9<sup>TH</sup> JANUARY 2017.