



Early Learning and Childcare Service Model for 2020: Consultation Paper

Children in Scotland Response

Giving all children in Scotland an equal chance to flourish is at the heart of everything we do. By bringing together a network of people working with and for children, alongside children and young people themselves, we offer a broad, balanced and independent voice. We create solutions, provide support and develop positive change across all areas affecting children in Scotland. We do this by listening, gathering evidence, and applying and sharing our learning, while always working to uphold children's rights. Our range of knowledge and expertise means we can provide trusted support on issues as diverse as the people we work with and the varied lives of children and families in Scotland.

Children in Scotland welcomes the opportunity to respond to this consultation. We have drawn on our extensive research knowledge and our substantial experience of conducting project activities in relation to early learning and childcare (ELC). These include our involvement in the childcare development work such as Commission for Childcare Reform¹ and the CHANGE: Childcare and Nurture Glasgow East project², our leadership of workforce projects including Working it Out³ and Working for Inclusion⁴ and our research into integrated family support such as Early Years Health Improvement⁵ and the Open Kindergarten study⁶. We are also extensively involved in the development of early years policy and benefit from the knowledge and experience of our wide and diverse membership. Through our management of Enquire, the Scottish advice service for additional support for learning⁷, we have particular insight into the challenges children with ASL face in accessing appropriate early years provision.

¹ <https://childreninscotland.org.uk/the-commission-for-childcare-reform-and-the-childcare-alliance-2/>

² <https://childreninscotland.org.uk/change-childcare-and-nurture-glasgow-east>

³ Working it Out: help shape the future of Scotland's children's sector workforce (Children in Scotland, 2009)

⁴ <https://childreninscotland.org.uk/working-for-inclusion>

⁵ Early Years briefing series (Children in Scotland 2011)

⁶ <https://childreninscotland.org.uk/open-kindergarten>

⁷ <http://enquire.org.uk>

Question 1: What factors should be considered in developing a simple, standardised yet flexible process for becoming a funded provider?

Following our work as part of the Commission for Childcare Reform, we remain clear that fundamentally, a supply-led model where a sufficient volume of service for all eligible children is provided or commissioned by the responsible public authorities improves stability in business planning for providers and reliability for families. In most cases this means that providers who are in partnership will have all their available places commissioned and the cost to the family will be the same no matter the setting. This leads to better availability and take up than a demand-led model⁸, and we are pleased to see that this remains the aspiration of the Scottish Government.

A supply led model provides stability for families and providers alike and has been successfully implemented in Norway (and in other European countries) which, like Scotland, has a mixed childcare market. In Norway, universal access to kindergartens has been a relatively recent development following the Kindergarten Act 2005, though utilising public and private provision. Private providers are expected to fulfil the same requirements as public sector services in terms of staff qualifications, underpinning pedagogical principles, curriculum, inclusion, respect for children's rights and engagement with families. The subsidy provided by government bodies enables high quality provision to be delivered at an affordable cost to families. Importantly, the Kindergarten Act also placed an importance on child-centred care and learning, using effective pedagogical approaches and also ensures that capacity meets demand.

A successful approach will require local authorities to be very clear about their timescales for services becoming funded providers. Services will need to plan and develop their business model on the basis of becoming a funded provider and any divergence from an agreed timescale could make it difficult, if not impossible for a service to operate. In areas where there are currently significant capacity issues, which are likely to take at least the next two years to address, it will be crucial that both commissioners and providers are planning now for an effective process that works for both while delivering high quality ELC.

Question 2: What are the key shared principles which should underpin an effective and positive partnership between local authorities and funded providers?

⁸ For further discussion see our response to Scottish Government's consultation on the Blueprint for 2020 available [here](#). Also see Pat Tomlinson, "Early Years Policy and Practice: A Critical Alliance"

All providers must commit to and provide the very highest quality early learning and childcare (ELC) services to children and their families. ELC services of a poor quality can be damaging to a child's development⁹ so there can be no toleration of poor practice or provision. Key principles that should be shared across all sectors of provision should include promoting the rights and wellbeing of children, coupled with a clear understanding of the curricular and relationship capacities needed to deliver this in practical terms and ensuring outcomes are as equitable as possible for all children, irrespective of circumstances – this requires a sound knowledge of inclusive practice, accessibility and effective engagement with families.

Supporting and helping all partners equally to deliver high quality is critical. Local partnership arrangements that develop active and thriving learning and development networks are a necessary pre-requisite. A commitment to learning and development of their staff by each provider is essential.

There are very good materials available from Care Inspectorate and Education Scotland as well as a significant body of research carried out in Scotland and elsewhere on what constitutes high quality care and effective and equitable outcomes. We believe, however, that further work is required to help all providers understand and develop their practice so that all children thrive and develop well, as a result of their high quality service.

Ensuring that all providers understand how to implement into practice their commitment to child rights and how children should be placed at the centre of their practice is embedded at all levels, is the starting point. Children's right to play;¹⁰ to be involved in decisions which affect them¹¹ and the right to education should underpin every child's experience of ELC.

All children have the right to education; however, the reality is that many children are missing out on the opportunities offered by early learning, especially through play. ELC is particularly important for children whose home environment may not meet fully their nurturing and developmental needs, and require support.

Through managing Enquire, the Scottish advice service for additional support for learning, we are aware of barriers that children with additional support needs face due to a lack of capacity or resources to support them. The main issues raised by callers to the service about early learning and childcare were: the level of support for their child; transitions to primary; school (or nursery) placement options; identification and assessment of additional support needs; and relationship difficulties with school, nursery or education

⁹ http://eppe.ioe.ac.uk/eppe/eppepdfs/eppe_brief2503.pdf

¹⁰ Article 31, United Nations Convention on the Rights of the Child

¹¹ Article 12, United Nations Convention on the Rights of the Child

authority. Parents have shared their experience of ELC partnerships that impact on their child, for example:

Enquire was contacted by the parent of a preschool child with autism attending a private partnership nursery in a different local authority near the parent's place of work. The parent reported being told by the nursery that their child, would be best suited in a special needs environment as they do not have the staffing levels to cope with the additional needs. The child was in the process of being moved to a specialist nursery in the home local authority. The parent had wanted the child to stay in the current mainstream provision so that they could be with people they already knew, and which supported the parent's working pattern. This choice would exist for the family of a child without additional support needs.

Another caller's child attending a partnership nursery, where the child, in the parent's view, was thriving. However, the parent had just been told the nursery was changing ownership at the end of the school year and the new owners had no experience of additional support for learning. The parent reported being told the only option was to move their child.

The above examples illustrate, that even where some children are supported, they are moved from settings, interrupting their learning and moving them away from other children and practitioners with whom they have built up a relationship. The lack of clarity over the responsibility for additional support between local authority and partnership settings needs to be addressed.

The barriers children with additional support needs face in early learning was acknowledged by the First Minister in her announcement of the Early Learning and Childcare Inclusion Fund:

'We know that there are a number of barriers which can prevent children with additional support needs from accessing early learning and childcare [...]we must give providers the skills and equipment to ensure that all children, regardless of their needs, can benefit from the huge expansion of early learning and childcare.'¹²

A key shared principle must be around inclusion. The recent draft guidance on the presumption of mainstreaming also set out 'an inclusive approach affords all children and young people the opportunity to be a part of a community, boosting their emotional wellbeing and aiding the development of social skills'.¹³

We believe a meaningful inclusive approach requires resources, training, support and ongoing learning and dialogue in order to get right. Additionally,

¹² <https://news.gov.scot/news/accessible-childcare>

¹³ https://consult.gov.scot/supporting-learners/presumption-of-mainstreaming/user_uploads/sct04173422181.pdf

these principles have to reiterate the duties placed on local authorities (and those they fund to provide early learning) by the Education (Additional Support for Learning) (Scotland) Act 2004, as amended.

As managers of the ELC Inclusion Fund¹⁴, we look forward to summarising the learning from the services funded through this Fund to build a broader understanding of the training and services that are proving effective.

In addition, there are wider issues that we think will contribute to effective ELC for children and their families:

We believe that engagement with families, children and young people and the wider community is required to make sure that services are meeting the needs of the community. The CHANGE project seeks to build a model of ELC which is based on the expressed needs of the community and is in the child's best interests. The project is being evaluated by the Glasgow Centre for Population Health and crucially the research questions include whether the project allow parents and carers to meaningfully engage in and influence decisions that affect them in the development of the childcare model. We know that the quality of this engagement will determine uptake of services and the engagement of families with the service. Emerging findings and experience of the CHANGE hub¹⁵ is showing that investment must be made in the connections between services and projects supporting children and their families in order to see the desired change we want to see.

There must also be agreed principles in terms of parity of terms and conditions for the workforce. There remain workforce issues to be dealt with around qualifications, pay, experience and supervision which currently remain richer in a local authority provider setting than in the private setting. This must be tackled if a consistent ELC system is to operate in Scotland.

Developing a rights-based approach will also need further work to consider high quality ELC from a child's perspective. This would must also link into national approaches such as the National Performance Framework, launched earlier this month and also the regulation and inspection approaches, that will help providers navigate the various accountability requirements that they need to fulfil.

We recommend strongly that GUS reports, most recently: "Changes in Early Learning and Childcare Use and Outcomes at Age 5: Comparing Two Growing Up in Scotland Cohorts"¹⁶ provide helpful benchmarks and indicators for us to assess how beneficial ELC is proving to be for children and to a certain extent families. Measures based on children's

¹⁴ <https://news.gov.scot/news/accessible-childcare>

¹⁵ Regular updates available here <http://change-childcare.org/news/>

¹⁶ <http://www.gov.scot/Publications/2017/12/8446>

social, emotional and behavioural development will tell us the extent to which they are happy, thriving and if their transition to school is smooth or not.

GUS provides helpful learning on gathering robust evidence through reliable datasets and provides good information on risk and resilience and children's outcomes.

Research is also clear that a highly skilled workforce is a prerequisite for the provision of high quality ELC.¹⁷

The challenges in moving towards this goal are well-documented elsewhere¹⁸ and the transition to have parity of qualification levels, pay, experience and supervision arrangements across all providers appears extremely challenging. The EPPE (Effective Provision of Pre-school Education) Project¹⁹, has over many years 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.

Despite these challenges, we also believe that there is an opportunity to be far bolder in our aspirations for a ELC workforce. We believe the time is right to develop and introduce an Early Years Practitioner based on the social pedagogue model that exists in Europe and with some examples in Scotland. Various studies including a recent Eurofound²⁰ systematic review of CPD for early years workers 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.

The level of qualification is also important. The best and most equitable outcomes are achieved in countries where a degree level qualification is the norm in ELC settings, as it is in Scotland in educational settings for older children. A substantial body of evidence demonstrates that experiences in the first years of life are critical in shaping cognitive development, contributing to lifelong health outcomes and acquiring social skills. Thorough knowledge of child development is therefore vital. Understanding of the importance of forming and sustaining supportive relationships, with children and their families, is also critical.

¹⁷ <http://roar.uel.ac.uk/1719/1/CoRe-Research-Documents-2011.pdf>

¹⁸ <https://www.webarchive.org.uk/wayback/archive/20170110101358/http://www.gov.scot/Resource/0047/00477419.pdf>

¹⁹ http://eppe.ioe.ac.uk/eppe/eppepdfs/eppe_brief2503.pdf

²⁰ <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>

There is increasing awareness in Scotland of the lifelong consequences of adversity in early childhood²¹. It is essential that the workforce is able to recognise how this affects children's development and to intervene to minimise its sustained effect. Acknowledging and addressing such risk and exclusion factors in collaboration with children and their families is vital if the impact of adversity is to be mitigated.

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 level as is required for an ELC practitioner (SCQF level 7). What are the advantages of including this criteria?

Children in Scotland welcomes the recognition of qualifications and the importance of a skilled workforce, although we would seek reassurances that childminders who have been providing high quality care for a number of years are not disadvantaged or pushed out of the market. Childminders should play a significant role in the expansion, and we are pleased to see that their expertise is being recognised. The Scottish Childminding Association (SCMA) can provide considerable expertise on how best to support this work developing.

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 businesses?

The Scottish Childminding Association will respond in detail and we would concur with their response.

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 could 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?**

We are supportive of the ambition to encourage outdoor learning.

Outdoor learning is valuable when it allows exploration, self-directed play and creativity, and all facilities should have capacity to offer interesting and

²¹ <http://roar.uel.ac.uk/1719/1/CoRe-Research-Documents-2011.pdf>

stimulating outdoor experiences. The criteria should therefore reflect this further.

Ensuring that the workforce is apprised of the knowledge and skills necessary to encourage children in creative outdoor play is a necessary first step and children should be able to access outdoor space freely at any time while they are using an ELC facility without this being 'scheduled'. All children should have opportunities to play outside in recognition of their rights and to support their development.

The Care Inspectorate's publication *My World Outdoors*²² is a helpful contribution to good practice and there are encouraging practice examples in the public and independent sector in Scotland, as well as a wealth of data from countries where outdoor play is long-established as a valuable contributor to learning and healthy development. Promising work is taking place between Inspiring Scotland and Glasgow City Council's Early Years Team to test the impact of a collaborative early years model of outdoor play and learning in areas where there are particular challenges for families.²³ This work is in its infancy and within the next 12-18 months there will be rich data from Education Scotland and Care Inspectorate reports that will be critical in sharing learning on successes and challenges.

Some of the challenges in providing outdoor play alongside workforce development include having access to a suitable space, including the availability of toileting and washing facilities, and suitable clothing. The costs associated with weatherproof clothing may present a barrier for many parents, and we would therefore encourage providers to be supported to have this available for every child.

We would also strongly encourage the Scottish Government to consider this commitment in relation to its wider policy work, for example linking it with wider air quality improvement work. In 2017, the World Health Organisation found Glasgow to be in breach of safe limits of fine sooty particles²⁴, with 16 micrograms of the particles per cubic metre of air, 6 micrograms over the limit, and higher than London's 15 micrograms. These particles have been linked to heart disease and premature death, and therefore concerted action over improving air quality must remain a key priority of the Scottish Government if it wishes outdoor learning and play to become a defining feature of funded ELC in Scotland.

We know that 'Disabled and disadvantaged children and young people in Scotland face multiple barriers to being able to play at home, at nursery,

²² <http://hub.careinspectorate.com/media/279348/my-world-outdoors-sharing-good-practice-in-how-early-years-services-can-provide-play-and-learning-wholly-or-partially-outdoors.pdf>

²³ <http://www.gov.scot/Publications/2017/10/9506/9>

²⁴ <http://www.bbc.co.uk/news/uk-scotland-glasgow-west-41816722>

school, early learning and childcare and in the community.’²⁵ These challenges are echoed by what Enquire hears from some families: that children with additional support needs experience additional barriers in accessing play. For example, a parent whose child was attending a partnership nursery described to a situation where the nursery regularly went on trips however the parent was told their child is only allowed to go if one of the parents attends. The nursery said this was because they do not have staff to meet the child’s needs.

The accessibility needs of children in outdoor play and learning environments need to be anticipated and planned for. Research into inclusive play in Scotland sets out that time being available to practitioners to put inclusive approaches into practice; quality physical environments; correct application of rules and regulations; confidence and awareness; and training and ongoing support are needed to deliver inclusive approaches.²⁶ We encourage the Scottish Government to reinforce that play and outdoor learning should be accessible to all and support the training needed to implement inclusive practice in this area.

Again, we look forward to summarising the learning from the services funded through the ELC Inclusion Fund to aid the learning around this.

Question 5a: Will the criteria set out in the draft National Standard:

- **ensure that high quality, accessible, flexible and affordable Early Learning & Childcare is delivered in all funded provider settings?**
- **Support increased choice for parents and carers?**

Criteria 1 Staffing, leadership and management

As has been highlighted, high quality staffing is essential for ensuring quality provision, and we welcome the recognition of this in the standard. However, sub criteria 1.3 could prove problematic as it allows staff who do not have their qualification within 5 years of registering with the SSSC to work. We would welcome the inclusion of a minimum number or percentage of qualified staff in every setting to ensure high quality provision.

Criteria 2 Development of children’s cognitive skills, health and wellbeing

We agree that this should be consistent with national guidance and should support children’s learning through play. There is a compelling body of international evidence that suggests children’s later wellbeing is positively affected by a pre-school curriculum based on play, creativity, exploration and social interaction rather than formal acquisition of numeracy and literacy. We would again highlight the need for all ELC provision to be

²⁵ The Play Strategy Implementation Group, March 2015, Playing with quality and equality: a review of inclusive play in Scotland

[https://soscn.org/downloads/library/Play/Playing_with_quality_and_equality-a%20review_of_inclusive_play_in_Scotland.pdf]

²⁶ The Play Strategy Implementation Group [...]

underpinned by the UNCRC and believe that a Child's Rights Assessment should be undertaken on this consultation.

It is essential that the early years sector workforce is actively engaged in supporting the transition to primary education and supports the primary education workforce to continue to support play in children's development of cognitive skills, health and wellbeing.

Criteria 5 – Accessibility

We welcome the inclusion of accessibility as a criterion, however do not believe it is strong enough and would welcome the recognition of the need for staff knowledge and training to support all children. The laws and duties already in place need to be reinforced and realised in early years settings, so that the sector actively embraces the responsibility all settings have to all children. Local authorities must identify the additional support needs of children whose education they are responsible for. At the pre-school stage, this means children who already attend (or are about to start attending) a local authority or partnership nursery, but not children who go to private nursery. Some of the main duties that Education Authorities have are to:

- make adequate and efficient provision for the additional support required for each child or young person with additional support needs for whose school education they are responsible, subject to certain exceptions
- make arrangements to identify additional support needs
- keep under consideration the additional support needs identified and the adequacy of support provided to meet the needs of each child or young person
- publish, review and update, as necessary, specified information about their policy and arrangements in relation to provision for identifying, addressing and keeping under consideration such provision for each child or young person with additional support needs for whose school education the authority are responsible
- provide parents of children with additional support needs (eligible children and young people with additional support needs), for whose school education the education authority is responsible with all of the information they are required to publish under the Act
- provide those children or young people, who need one, with a co-ordinated support plan and keep this plan under regular review
- provide independent and free mediation services for those parents and young people who want to use such services and publish information on these services
- have in place arrangements for resolving disputes²⁷

²⁷ Supporting Children's Learning Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017

Despite these duties being in place since 2004 families of children with additional support needs continue to face challenges in accessing early learning and childcare. Other examples from Enquire include:

A caller's child is attending a mainstream nursery. However, the nursery is not equipped to provide the support the child needs. There is limited space for the child's equipment, which means they cannot participate in lots of the activities and at the moment there is no manual-handling trained staff, so the child is only able to attend for a few hours a week.

A caller's child had been offered a place in mainstream nursery. Some professionals have said to the child needs one to one support as is at risk to themselves and others. However, the Educational Psychologist involved told the parent that no children get one to one support in the area. Parent had then asked about a specialist nursery but has been told there is not a specialist nursery for their child's age in the area.

These examples illustrate that for some families of children with additional support needs offers of flexibility and choice of provision are not being realised. These families are struggling to find a nursery placement that will meet their child's needs for the current hours of entitlement.

Further, we would strongly recommend that the criterion goes beyond recognising someone who 'lives in a deprived area' as being a consideration when providing ELC. Living in a SIMD area is not an accurate predictor of income and does not recognise that many families on low income live in more affluent areas. We also feel that in terms of respect and from a human rights perspective we need to review the way that we describe children and their families and their circumstances.

Fundamentally, all children and families should be supported in a way that meets their needs, and therefore building relationships between professionals and families is vital. Parkhead Community Nursery, within the CHANGE project area and managed by Glasgow City Council is a strong example of a service that very effectively supports a diverse range of needs of their children and families through a creative approach to meeting needs delivered by practitioners who are respected and trusted by the community.

Additionally, if greater flexibility of choice is to be at the heart of ELC provision, then it seems reasonable to expect there to be some consideration of parents requesting places in other local authorities either due to convenience of geographical location or due to having a preference for a nursery that they feel would best meet their child's needs. As Enquire's case studies illustrate there is a need for clear indication from the Scottish

Government on how cross border provision should work, especially in case of children with additional support needs.

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

We would echo Parenting Across Scotland's concerns that many of the criteria listed within this are basic legal requirements and are therefore not optional. These include protections over equal pay, equality of opportunity, and avoiding pregnancy and maternity discrimination.

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?

We would again strongly recommend that the criteria, and indeed national standard, makes reference to the importance of child rights and indeed has this as a starting point for all work.

Engagement with parents is also notably absent. Firstly, we believe that the standard should include the need for clear information on ELC and how to access it, but also why it is important. This is particularly relevant with regards to child development and the importance of play²⁸, rather than a focus on preparatory literacy and numeracy work for starting school. In the most recent OECD international review, the three most successful western nations were Finland, Estonia and Switzerland, which all have later school starting ages. Learning from Finland, which has an internationally recognised play-based kindergarten stage for children aged 3-7 has always been among the highest scoring nations according to PISA figures²⁹ and so parents should be supported to understand why play is important and what activities they can do at home or in their community to support their child's development.

Further, information on what makes a good provision, what is available in their local area and how to access it is of vital importance and ought to be provided to parents. Again, provision of information is being considered by the CHANGE project and looked at through the CHANGE hub to address some fundamental concerns expressed by parents in terms of how they access information and what their information needs are.

Some parents will face challenges in offering their children the important inputs they need for their healthy and equitable development. We therefore also believe that providing advice, information and support to parents and carers should be an integral part of any ELC provision. The 'Open Kindergarten' model, extensively used in the Nordic countries and developed for use in Scotland³⁰ provides a good example of practice.

²⁸ For example, see [Play it's in their DNA](#) (2015) by Dr Aric Sigman; [The Role of Play in Human Development](#) by Anthony Pellegrini, Oxford 2009

²⁹ <http://www.bbc.co.uk/news/education-38157811>

³⁰ <https://childreninscotland.org.uk/open-kindergarten/>

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 would refer to SCMA.

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

We support the implementation of the Living Wage in the sector in line with the position taken by UNISON and other representative organisations. As we have mentioned above, however, we believe that our children will have a better experience, and enjoy better outcomes, if the qualifications, knowledge and skill of the workforce are improved. This will also support moves towards better remuneration.

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 think there needs to be caution in adopting this. The critical risk is the extent to which there can be confidence in the provision of high quality ELC without any external endorsement. We think detailed discussion at local level to confirm local arrangements for evaluating the quality of a service, prior to their first inspection, should be required before a facility is allowed to operate.

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?

We have made a number of points in relation to the need for learning, development, experience, leadership and support and would refer you to those.