

PERTH AND KINROSS COUNCIL

Lifelong Learning Committee – 6 November 2013

**CHILDREN AND YOUNG PEOPLE (SCOTLAND) BILL:
IMPLEMENTATION OF 600 HOURS EARLY LEARNING AND CHILDCARE
(3-5 YEAR OLD PROVISION)****Report by Executive Director (Education and Children's Services)****PURPOSE OF REPORT**

It is expected that the Children and Young People (Scotland) Bill, once passed, will require the Council to provide 600 hours of Early Learning and Childcare (ELC) each year for children aged three to five and Looked After two year olds, commencing August 2014. It is also expected that a duty will be placed upon local authorities to increase the flexibility and expand the provision of early learning and childcare for children and families.

This report outlines the preferred option for implementation in respect of three to five year olds for year one; session 2014 -15.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Children and Young People (Scotland) Bill was introduced to the Scottish Parliament on 17 April 2013.
- 1.2 The main proposals contained within the Bill were outlined within a report approved by Lifelong Learning Committee on 29 May 2013 (Report No. 13/244 refers).
- 1.3 The Bill aims to strengthen the role of early years' support in children's and families' lives by increasing the entitlement of early learning and childcare to 600 hours annually for children aged three to five and Looked After two year olds from August 2014.
- 1.4 Funding from the Scottish Government has been available since 2012 to provide additional support to vulnerable Looked After two year olds. The funding criteria has allowed for a more flexible approach than formal day care provision to meet the individual needs of children.
- 1.5 In Perth and Kinross, this funding has been used to recruit a Health Practitioner to provide additional support to placements of children at Gowans Family Centre through undertaking play, parenting and health support. A further focus of this role is on extending support in the home to vulnerable 'rising twos', ie young people approaching their 2nd birthday, in rural areas with a focus on developing communication skills.

- 1.6 The collaborative project, Evidence2Success, is currently being delivered by the Perth and Kinross Community Planning Partners to enhance the safe and healthy development of all children and young people in line with the vision “to enable the children and young people of Perth and Kinross to be the best they can be.” An emerging priority is on enabling school readiness for all young children entering primary one.
- 1.7 It is not a statutory obligation for children to attend pre-school education, nor will it be a statutory obligation for children to access early learning and childcare provision under the proposals of the Bill.
- 1.8 Currently, 475 hours of pre-school education are required to be delivered to children aged three to five whose parents/carers wish them to access this provision.
- 1.9 Local authorities are required to secure a free part-time place in a nursery setting providing pre-school education for all eligible children should their parents wish one. This requires the Council to be able to offer nursery places, though not in any specific nursery setting or locality.
- 1.10 There are currently **47 nursery classes** based in local authority settings, which offer morning or afternoon sessions. A number of full-time nursery places within local authority managed nurseries are also available to eligible children on a Council-wide basis. All full-time nursery places are allocated on a Support for Children and Families basis.
- 1.11 Perth & Kinross Council Education & Children’s Services are also currently in partnership with **33 Partner Provider centres** (PP centres) to provide pre-school commissioned education places. These include private nurseries, playgroups and nursery classes within the private, voluntary and independent sectors.
- 1.12 A child’s place is allocated and funded in one nursery setting, whether local authority or partner provider. A fully funded nursery place equates to 12.5 hours per week delivered over five part-time sessions across the 38 week school year. Parents may also choose for their child to access three or four part time sessions per week.
- 1.13 In session 2012-13, a total of 2988 children benefitted from pre-school provision, of which, 2159 children attended local authority nurseries, and 829 children attended PP centres throughout Perth and Kinross.
- 1.14 The Council values the strong working relationships developed since 1998 with our PP centres. The centre improvement framework is revised annually to ensure that a programme of support and challenge activities promotes high quality provision in all our PP centres. The quality of the programme of support and challenge is often highlighted in external inspection reports.
- 1.15 There is now a need to develop services to provide an additional 125 hours per annum to meet the requirement of 600 hours of ELC which offers both

enhanced opportunities for children and increasing flexibility to support the needs of parents.

- 1.16 Through a desktop review, a number of the options within the consultation papers of the Bill were considered along with some alternatives. An Options' Appraisal for the implementation of 600 hours ELC in local authority nurseries was developed to explore a selection of options in more detail (Appendix 1.)

2. PROPOSALS

- 2.1 In year one (session 2014 -15) within local authority nurseries, it is proposed to extend the part-time nursery session from 2 hours 30 minutes to 3 hours 12 minutes. It is envisaged that across a week, four sessions of 3 hours 10 minutes and one session of 3 hours 20 minutes will be delivered and this will be arranged by individual nurseries. This option is the closest model to current working practice for staff.

- 2.2 Details of this option are outlined as follows:

Option A	Hours	Cost Implications	Other Implications	Risks	Benefits
The current nursery session of 2 hours 30 mins is extended to 3 hours 12 mins. The morning session would begin at the start of the school day. The afternoon session would extend beyond the end of the school day.	600 hours	The two daily nursery sessions of 3 hours 10 mins would not be accommodated within the school opening times. This would require employing a Senior Early Childhood Practitioner (ECP) in larger nurseries to support the school management structure. Allocation of additional ECP staffing on a consistent formula basis would provide some flexibility around nursery duties currently undertaken in non - contact time (time without children.) Estimated cost of implementation: £1,169,127.	The non - contact time for ECPs would be significantly reduced without augmenting the existing staffing allocation. The nursery session would extend beyond the school day and there would need to be consideration around cleaning and janitorial services. The nursery staff team would be able to seek support and advice from their designated Early Years Team Officer should their headteacher or depute be unavailable at the end of a school day.	There is a risk of parental complaints in respect of difficulties in collecting children from the afternoon nursery class as finish times would be different from the school's finish time. Consequence: This could result in negative publicity impacting on the reputation of the Council. To mitigate against this risk, it would be proposed that the structure of the afternoon nursery session is planned on a local basis to support parents/ carers with nursery children's collection and that communication around this is shared with parents.	The key benefit is that this option would be the most closely aligned to current working practices and would give a stable foundation in year one to progress the 600 hours' developments. This option is operationally viable with minimum disruption to services. Appointment of Senior ECPs would provide a career structure for ECPs.

Outcome

This is deemed to be the preferred option for 2014 -15 as it is the most viable within the timescale for implementation and provides a platform in order to further develop the range of options within local authority nurseries in future years.

- 2.3 Building on the existing strong partnership working with PP centres in Perth and Kinross, it is proposed to continue to commission services from them. This will ensure choice and flexibility to support parents' needs including working patterns.
- 2.4 The Council recognises that families have a variety of different needs and preferences and, in order to augment opportunities for choice for families, it is proposed to introduce split funding, whereby children can access their entitlement to ELC in more than one setting e.g. some sessions within a local authority nursery and some commissioned within a PP centre. The allocation of a split funding place will be dependent on both settings being able to offer the hours requested.
- 2.5 To further support flexibility within the existing mixed economy of nursery provision it is proposed to increase the number of nursery settings in partnership with the Council as Partner Providers. This would be subject to new partners meeting quality standards in compliance with all aspects of the partnership contract.
- 2.6 To support the change from pre-school education to ELC, it is proposed to update the current Council Nursery Admissions' Policy and Guidance to reflect the operational changes outlined in this report.
- 2.7 As outlined within the Children and Young People (Scotland) Bill, it is proposed that further options will be explored following wider consultation with parents/carers for continuing implementation in future years.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The above proposals support the implementation of 600 hours Early Learning and Childcare (3-5 year old provision) as an aspect of the Children and Young People (Scotland) Bill. This will allow delivery of 600 hours ELC in Perth and Kinross within the associated time frame and provides a platform to further develop the range of options in future years.
- 3.2 It is recommended that the Committee:
- (i) Approves the proposals as outlined within the report; and
 - (ii) Instructs the Executive Director (Education and Children's Services) to provide an update on development of further options by November 2014.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	Yes
Workforce	Yes
Asset Management (land, property, IST)	No
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	No
Legal and Governance	Yes
Risk	Yes
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 This section sets out how the proposals relate to the delivery of the Perth and Kinross Community Plan / Single Outcome Agreement in terms of the following priorities:

- (i) Giving every child the best start in life
- (ii) Developing educated, responsible and informed citizens
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

This report relates to Objective Nos (i), (ii), (iii)

Corporate Plan

1.2 This section sets out how the proposals relate to the achievement of the Council's Corporate Plan Objectives.

The Perth and Kinross Community Plan 2013-2023 and Perth and Kinross Council Corporate Plan 2013/2018 set out five strategic objectives:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;

- (iii) Promoting a prosperous, inclusive and sustainable economy;
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

This report relates to Objective Nos (i), (ii), (iii)

1.3 The report also links to the Education & Children's Services Policy Framework in respect of the following key policy area:

- Learning: Realising Potential

2. Resource Implications

Financial

2.1 This significant increase in costs will be funded by an increase in the Council's financial settlement from the Government. Education and Children Services will require to deliver these changes within the level of resources available from the Government. The financial memorandum to the Bill estimated revenue costs in 2014-15 of £48.8million and capital costs of £30 million nationally. An estimate of the possible revenue resources available to ECS for 2014-15 is £1,220,000. The financial settlement will confirm the level of resources which should be issued in late November/early December 2013.

Workforce

2.2 Human Resources have been consulted in the preparation of this report and will assist with a programme of employee engagement as the proposals are developed. Human Resources will also advise if formal consultation with the relevant trade unions is required and will lead any necessary consultation. Formal consultation will be required if amendments to existing employees' terms and conditions of employment are necessary.

Asset Management (land, property, IT)

2.3 N/A.

3. Assessments

Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA

All work within this area seeks to address inequalities both in terms of provision of resources and impact on outcomes for children and their families. There are no negative impacts arising from this work.

Strategic Environmental Assessment (SEA)

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

However no action is required as the Act does not apply to the matters presented in this report. The outcome of the SEA Pre Screening Report undertaken by the Scottish Government is that there are no environmental impacts relevant to the Children and Young People (Scotland) Bill.

Sustainability

- 3.3 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.

These matters would be considered as part of the planning, design development and implementation of any future individual project involved in the development of the early years' estate.

Legal and Governance

- 3.4 The Head of Legal Services has been consulted in relation to the proposals set out in the Children and Young People (Scotland) Bill and in relation to this report. There is no legal requirement for children below school age to attend nursery. However, under section 1(1A) of the Education (Scotland) Act 1980 the Council must provide limited nursery provision for children aged generally between 3 and 5 years. The Children and Young People (Scotland) Bill contains proposals to further extend the Council's obligations in relation to early learning and childcare. Clauses 43 and 44 of the Bill propose an extension to the existing duty in the 1980 Act by requiring that 600 hours of early learning and child care are provided. Clauses 47 and 48 also contain proposals in relation to both the method of delivery and flexibility of early learning and child care provision.

As the Bill has not yet completed its passage through Parliament, the specific wording of the Bill remains subject to change. Similarly, the exact nature of any duties to be placed on the local authority is not certain until the Bill is passed. Any recommendations in this report which relate to the implementation of duties which it is expected that the Act will impose should therefore be made in the knowledge that the matter may have to be reconsidered by the Committee should the Act differ substantially from the Bill.

Although the Bill has not yet been passed, the Council's powers under the 1980 Act are sufficiently widely drawn to enable the Committee to agree the recommendations in this report and for work to progress in preparation for the Bill being passed and brought into force.

- 3.5 The Scheme of Administration gives the Committee authority to exercise the functions of the Council under the Education (Scotland) Act 1980. This includes the power to provide nursery education. The Committee also has authority to determine Council policy in relation to early learning and childcare.

Risk

- 3.6 A risk profile will be developed and on - going monitoring actions taken.

4. Consultation

Internal

- 4.1 The Head of Education Services' (Early Years and Primary) Management Team, Head of Children and Families' Services, Education and Children's Services Management Team, The Head of Democratic Services, EJCC, JNCT, Headteachers.

External

- 4.2 Parents/carers, Care Inspectorate, Education Scotland, Partner Provider Managers, Early Years and Early Intervention Programme Board.

5. Communication

- 5.1 A communications' plan will be fully developed and undertaken with all key stakeholders using a variety of appropriate communication methods.

6. BACKGROUND PAPERS

- 6.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report.

- (i) Children and Young People (Scotland) Bill; and
- (ii) Explanatory notes

[:http://www.scottish.parliament.uk/parliamentarybusiness/Bills/62233.aspx](http://www.scottish.parliament.uk/parliamentarybusiness/Bills/62233.aspx)

7. APPENDIX

Appendix 1: Implementation of 600 hours Early Learning and Childcare Options' Appraisal

Implementation of 600 hours Early Learning and Childcare (3-5 year old provision) Options' Appraisal

Currently there are 47 local authority and 33 partner provider nurseries within Perth and Kinross (PKC) 23 local authority nurseries are staffed by a team comprising a nursery teacher and Early Childhood Practitioners (ECPs). The other 24 nurseries are staffed by ECPs and supported by nursery teachers as part of the peripatetic nursery service. 13 local authority nurseries provide full time places through hub and extended provision. City of Perth Early Childhood Centre (COPECC) and Inch View Primary and Nursery School also provide full time places.

Models below reflect those suggested in the Consultation on the Children and Young People (Scotland) Bill.

Option A	Hours	Cost Implications	Other Implications	Risks	Benefits
<p>The current nursery session of 2 hours 30 mins is extended to 3 hours 12 mins. The morning session would begin at the start of the school day. The afternoon session would extend beyond the end of the school day.</p>	600 hours	<p>The two daily nursery sessions of 3 hours 10 mins would not be accommodated within the school opening times. This would require employing a Senior Early Childhood Practitioner (ECP) in larger nurseries to support the school management structure.</p> <p>Allocation of additional ECP staffing, on a consistent formula basis, would provide</p>	<p>The non -contact time for ECPs would be significantly reduced without augmenting the existing staffing allocation.</p> <p>The nursery session would extend beyond the school day and there would need to be consideration around cleaning and janitorial services.</p> <p>The nursery staff team would be able to seek support and advice from their designated Early Years Team Officer should their</p>	<p>There is a risk of parental complaints in respect of difficulties in collecting children from the afternoon nursery class as finish times would be different from the school's finish time.</p> <p>Consequence:</p> <ul style="list-style-type: none"> This could result in negative publicity impacting on the reputation of the Council. <p>To mitigate against this risk, it would be proposed that the structure of the afternoon nursery session is planned on a local basis to support parents/ carers with</p>	<p>The key benefit is that this option would be the most closely aligned to current working practices and would give a stable foundation in year one to progress the 600 hours' developments. This option is operationally viable with minimum disruption to services.</p> <p>Appointment of Senior ECPs would provide a career structure for ECPs.</p>

		some flexibility around nursery duties currently undertaken in non-contact time (time without children.) Estimated cost of implementation: £1,169,127.	headteacher or deputy be unavailable at the end of a school day.	nursery children's collection and that communication around this is shared with parents.	
Outcome					
This is deemed to be the preferred option for 2014 -15 as it is the most viable within the timescale for implementation and provides a platform in order to further develop the range of options within local authority nurseries in future years.					

Option B	Hours	Cost Implications	Other Implications	Risks	Benefits
<p>Children access 16 hours/ week delivered through 5 longer sessions of 3 hours 12 mins including a breakfast before morning session and wrap around care at the end of afternoon session.</p>	<p>600 hours over school year</p>	<p>Wrap around care staff required for beginning and end of day.</p> <p>Estimated cost of implementation: £1,815,538.</p>	<p>Wrap around care staff would be responsible for tidying the nursery at the end of the day.</p> <p>Children have a change of staff each session.</p> <p>Subsequent guidance has advised that such arrangements would not provide the consistency and continuity of experience that would enable young children to fully benefit from the enhancement of the additional hours.</p>	<p>There is a risk that this option may not be fully implemented across the authority as it would be reliant on recruiting sufficient numbers of staff who:</p> <ul style="list-style-type: none"> • meet Care Inspectorate requirements • meet Scottish Social Services Council (SSSC) registration requirements • would be prepared to work approximately 7.5 hours per week. <p>Consequence:</p> <p>The requirements of the Children and Young People (Scotland) Bill regarding the implementation of 600 hours early learning and childcare would not be met by PKC.</p>	<p>Benefit to parents for morning class potentially being able to drop off children before work.</p> <p>Benefit to parents at end of day more limited as working day usually ends at 5.00 pm.</p> <p>Nursery staff would have more time for preparation and planning.</p>
Outcome					
<p>This is deemed to be a less viable option to implement and would not provide consistency across all areas of PKC.</p>					

Option C	Hours	Cost Implications	Other Implications	Risks	Benefits
<p>Children access 16 hours/ week delivered through 5 longer sessions of 3 hours 12 mins including a breakfast before morning session and a lunch before afternoon session.</p>	<p>600 hours over school year</p>	<p>Wrap around care/ breakfast staff/lunchtime required Estimated cost of implementation: £1,910,887.</p>	<p>Children have a change of staff each session. Overlap of morning and afternoon session would put pressure on nursery/school accommodation. Subsequent guidance has advised that such arrangements would not provide the consistency and continuity of experience that would enable young children to fully benefit from the enhancement of the additional hours.</p>	<p>Risk as option B</p>	<p>Benefit to parents for morning class being able to drop off children before work. Parents are not having to give afternoon children their lunch early in order to get to nursery for 12.30 start. The 600 hours could be accommodated within the school day.</p>
Outcome					
<p>This is deemed to be a less viable option to implement and would not provide consistency across all areas of PKC.</p>					

Option D	Hours	Cost Implications	Other Implications	Risks	Benefits
Children access 12.5 hours/ week extended to 48 weeks to cover non-term times	475 hours over school year + 125 hours in school holiday periods (600 hours)	Buildings require to be opened, heated and cleaned etc during school holiday periods. Staff required to work in school holiday periods. More staff required in small rural settings where there is currently a lone worker in the nursery which reflects local demand and school roll. Additional ECPs required to cover nursery teacher school holidays and ECP holiday relief to ensure correct child:staff ratios. Estimated cost of implementation: £1,612,022.	Change to staff contracts and working patterns and practice. Care Inspectorate regulations around management responsibilities. (Head Teacher would have school holidays) Older siblings would not be attending school in the holiday periods.	There is a risk that: <ul style="list-style-type: none"> significant changes to staff contracts to work in school holiday periods may result in conflict with unions. PKC may be unable to recruit sufficient numbers of staff to cover holiday periods. variable uptake of nursery places within school holiday periods will result. Consequences <ul style="list-style-type: none"> Negative press in respect of conflict with unions and the impact on the reputation of PKC The requirements of the Children and Young People (Scotland) Bill regarding the implementation of 600 hours early learning and childcare would not be met by PKC. Negative public perception in respect of the use of public money if services are under used. 	Parents would have continuity of care over holiday periods. Vulnerable nursery children continue to have regular access to services via ELC provision.
Outcome					
This is deemed to be a less viable option as PKC will incur additional cost with insufficient benefit to children and families. Extended opening of school premises over the school holiday period will impact negatively on environmental footprint.					

Option E	Hours	Cost Implications	Other Implications	Risks	Benefits
<p>Children access 15 hour/week extended over 40 weeks</p>	<p>600 hours</p>	<p>Buildings require to be opened and cleaned etc during 2 weeks in school holiday period.</p> <p>Staff required to work 2 weeks in school holiday period.</p> <p>More staff required in small rural settings where there is currently a lone worker in the nursery which reflects local demand and school roll.</p> <p>Additional ECPs required to cover nursery teacher school holiday s and ECP holiday relief to ensure correct child:staff ratios.</p> <p>Estimated cost of implementation: £1,755,373.</p>	<p>Change to staff contracts and working patterns and practice.</p> <p>Care Inspectorate regulations around management responsibilities. (Head Teacher would have school holidays)</p> <p>The non-contact time for ECPs would be reduced.</p>	<p>Risk as option D</p>	<p>During term time the 15 hours can be delivered within the school day.</p>
Outcome					
<p>This is deemed to be a less viable option as PKC will incur additional cost with insufficient benefit to children and families. Extended opening of school premises over the school holiday period will impact negatively on environmental footprint.</p>					

Option F	Hours	Cost Implications	Other Implications	Risks	Benefits
<p>Children access nursery place 9.00-3.30 5 days per fortnight (Class A Mon, Tues alternate Wed Class B alternate Wed, Thurs, Fri) (Wednesday session would finish at 3.00)</p>	<p>600 hours over school year</p>	<p>Higher staffing ratio required 1:8 instead of 1:10 Lunchtime supervision required (Staffing costs re qualifications/SSSC) Estimated cost of implementation: £2,061,909.</p>	<p>Will lower the number of available places because of staff ratios v capacity eg 20/20 capacity would become 16/16 nursery Difficulty regarding suitable venue for larger nurseries for children eating lunch</p>	<p>There is a risk that</p> <ul style="list-style-type: none"> the reduced nursery capacities would result in insufficient places for eligible children PKC may be unable to recruit sufficient numbers of staff to meet required enhanced staff: child ratios PKC may be unable to recruit sufficient numbers of staff to provide lunch time cover <p>Consequences:</p> <ul style="list-style-type: none"> Negative press from parents if children were unable to access a nursery place in their locality impacting on the reputation of PKC. The requirements of the Children and Young People (Scotland) Bill regarding the implementation of 600 hours early learning and childcare would not be met by PKC. 	<p>Children have continuity of experience for all 600 hours</p> <p>Staff have more non-contact time under this model compared to other models.</p> <p>Would allow whole day childcare and may allow parental access to part time work.</p>
Outcome					
<p>This deemed to be a less viable option within the timescales due to significant changes to current working practice but may be considered in future years.</p>					

Option G	Hours	Cost Implications	Other Implications	Risks	Benefits
<p>Children access 16 hours/week delivered through 2 compressed days (9.00-5.00)</p>	<p>608 hours over school year</p>	<p>Higher staffing ratio required 1:8 instead of 1:10 Lunchtime supervision required End of day staffing required in schools with a nursery teacher working school hours Estimated cost of implementation: £1,899,258.</p>	<p>ECP staff would work 8.30-5.30 (8.5 working day) x 4 days =34 hour working week. Options: every second week an additional 4 hours or every fourth week 8 hours to be worked on the day when there are no children. Teachers would work 4 days. R CCT of 2.5 hours would be taken on the day when there are no children and the remaining time would be used for development work, delivering CPD for ECPs and collegiate meetings</p>	<p>Risks as option F</p>	<p>Children have continuity of experience for all 600 hours Would allow whole day childcare and may allow parental access to part time work. Staff would be available for CPD or development work.</p>
Outcome					
<p>This deemed to be a less viable option within the timescales due to significant changes to current working practice but may be considered in future years.</p>					