

REPORT TO: Education Committee

MEETING DATE: 18 June 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: The Children and Young People (Scotland) Act

1 PURPOSE

- 1.1 The purpose of this report is to inform the Committee of changes to ante-pre-school and pre-school provision as detailed in Part 6 of the Children and Young People (Scotland) Act, passed on 19 February 2014 and received Royal Assent on 27 March 2014.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to note:
- i. An increase of 125 hours for all eligible ante-pre-school and pre-school children from August 2014. This increases the number of hours from 475 to 600 hours.
 - ii. An “eligible pre-school child” now includes a child aged 2 or over and is or has been at any time since the child’s second birthday – Looked after by the authority concerned or by another authority or the subject of a kinship care order or a child falling within section 7(3)(f) “*an eligible child who has a guardian by virtue of an appointment under section 7 of the Act.*”
 - iii. The Scottish Government have proposed secondary legislation to include provision of 600 hours of Early Learning and Childcare for 2 year olds from “workless households” providing families meet the set criteria.
 - iv. The term Early Education has been changed to Early Learning and Childcare, defined as “*a service consisting of education and care, of a kind which is suitable in the ordinary case for children who are under school age, regard being had to the importance of interactions and other experiences which support learning and development in a caring and nurturing setting*”

- v. East Lothian Council proposes to meet the increase in Early Learning and Childcare by offering extended nursery hours.
- vi. To enable the Council to extend the hours as proposed an additional 23.67 full time equivalent nursery nurses are required. The additional posts/hours will be temporary until the longer term staffing requirements become clear.
- vii. Eligible 2 year olds, in particular those from “workless households” will, in the first instance (2014 – 2015), be offered a place within community childcare settings rather than within Local Authority nurseries. This is to ensure that their individual needs are met and that children and families are supported within their own community. This may include Olivebank Child and Family Centre and Wraparound Care.

3 BACKGROUND

- 3.1 The Children and Young People (Scotland) Act, as passed on 19 February 2014, clearly states, Part 6, 47 (1), An Education authority must, in pursuance of its duty under section 1 (1) of the 1980 Act, secure that the mandatory amount of early learning and childcare is made available for each eligible pre-school child belonging to its area.
- 3.2 In addition section 48(1) defines mandatory amount as:
 - (a) 600 hours in each year for which a child is an eligible pre-school child and:
 - (b) A pro rata amount for each part of a year for which a child is an eligible pre-school child.
- 3.3 Funding to increase the number of hours available and to support changes required has been made available by the Scottish Government.
- 3.4 Guidance to support Councils in the implementation of the Act was issued as draft on 9 May 2014 and is in its current form available for comment and consultation.
- 3.5 Guidance to support childcare practitioners in the implementation of the Act was issued in April 2014 and is, in its current form, available for comment and consultation.
- 3.6 The Act stipulates that Councils must, at least once every 2 years “- Consult parents and carers of pre-school children on the way in which “early learning and childcare” is provided by their authority, and taking account of views and opinions expressed “prepare and publish a plan for how it intends to make early learning and childcare available” in response to this.

4 POLICY IMPLICATIONS

- 4.1 This guidance complies with legislation and proposed secondary legislation and Scottish Government Guidance.
- 4.2 The need to consult with parents and carers and to offer flexibility and choice, will inevitably mean that the way in which East Lothian makes provision available may vary from area to area and from year to year.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 A partial equality impact assessment (EQIA) was included in the public consultation on the Act in summer 2012. The final EQIA builds on and updates this document to reflect responses to the consultation and extensive discussion with stakeholders that was undertaken as part of the EQIA process.

The EQIA considers impacts by looking at the Act in relation to the protected characteristics: age, disability, race, religion or belief, sex, sexual orientation and gender re-assignment.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – the Scottish Government has committed funding to support the changes required.
- 6.2 Personnel - There will be a total of 23.67 FTE temporary Nursery Nurse posts recruited. This will include existing part-time nursery nurses who are offered and accept additional hours.
- 6.3 Other – The Act states:
 - i. Parents are to be consulted on flexibility and availability of provision at least every 2 years.
 - ii. Sessions are to be provided over a minimum of 38 weeks
 - iii. Sessions are to be of more than 2.5 hours but less than 8 hours in duration

7 BACKGROUND PAPERS

- 7.1 Children and Young People (Scotland) Act 2014, Early Years Framework, Pre-Birth to Three, National Parenting Strategy, GIRFEC, Corporate Parenting Strategy, United Nations Convention on the Rights of the Child (UNCRC)

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