



**MINUTES OF THE MEETING OF THE
EDUCATION & CHILDREN'S SERVICES COMMITTEE**

**TUESDAY 18 JUNE, 10.00am
VIA HYBRID SYSTEM**

Committee Members Present:

Councillor R Bennett
Councillor L Bruce
Councillor F Dugdale (Convener)
Councillor N Hampshire
Councillor C McFarlane
Councillor S McIntosh
Councillor B Ritchie
Councillor C Yorkston
Ms G Gillan (EIS)
Rev G Sheridan
Mr R Lesso

Council Officials Present:

Ms L Brown, Executive Director of Education and Children's Services
Ms N McDowell, Head of Education
Ms B Skirrow, Principal Officer (Education Service)
Ms J Allen, Communications Adviser
Ms J Boyle, Quality Improvement Officer (Equity)
Ms A Cameron, Service Manager – Early Years and Childcare
Ms L Byrne, Head of Children's Services, Children's Wellbeing
Mr N Trussler, Quality Improvement Officer, Education
Ms K Conway, Principal Solicitor
Ms A Hood, Team Manager, East Lothian Works
Ms K Weir, Senior Officer (Education)
Ms A Harrison, Principal Educational Psychologist

Teachers Present:

None

Clerk:

Ms M Scott, Committees Officer
Ms E Barclay, Meeting Admin
Ms R Crichton, Meeting Admin

Other Elected Members present:

None

Apologies:

Councillor L-A Menzies
Councillor T Trotter

Declarations of Interest:

None

Prior to the commencement of business, the Clerk advised that the meeting was being held using the Council's hybrid system and that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She stated that the Council is the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for up to six months from the date of the meeting.

The Clerk recorded attendance of committee members by roll call.

Councillor Dugdale made special thanks to Ms Gael Gillan, for whom this would be the last Education and Children's Services Committee she would be attending due to her upcoming retirement. Councillor Dugdale thanked Ms Gillan for her contributions over the years and wished her a long and happy retirement.

1. MINUTES OF THE MEETING OF THE EDUCATION COMMITTEE ON 19 MARCH 2024

The minutes of the Education Committee meeting of 19 March 2024 were approved as an accurate record.

2. UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (INCORPORATION)

A report was submitted by the Executive Director, Education and Children's Services to provide an update on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2004 and to detail the work done by ELC UNCRC Working Group on understanding and supporting policy implications across the Council and next steps.

Ms Keren Conway, Principal Solicitor reported the UK Government ratified the UNCRC in 1991 and it was signed and ratified by all UN member states, except the United States, making it the most widely ratified international human rights treaty. It seeks to ensure that children and young people, as more vulnerable members of society, are afforded specific additional human rights protections.

Ms Conway highlighted the four general principles of the UNCRC; Children should not be discriminated against, the best interests of the child should be a primary consideration, children have rights to life, survival and development and children's views should be given due weight and consideration. She reported the Scottish Government made a commitment in their Programme for Government 2018-19 to incorporate the full 54 articles of the UNCRC into Scots law and that goal was reached in January 2024. The Bill was passed unanimously by Scottish Parliament but did not receive Royal Assent due to legal challenge from the UK Government therefore required a redraft. Ms Conway stated the redrafted version passed unanimously through Scottish Parliament and received Royal Assent on 16 January 2024 with the terms due to come into force by July 2024; this is the deadline the Council are working towards. Ms Conway made clear that now the Act had passed it would be unlawful for

Local Authorities to act in a way that is incompatible with the UNCRC and noted it was important the duty was not to act compatibly with the UNCRC but instead to ensure we are not acting incompatibly with the new legislation and this distinction would become clearer as we worked specifically to give effect to children and young peoples rights balanced against others within East Lothian Council. Ms Conway provided an update to Members on the formation and work of the Cross Service Working Group including putting together a child friendly complaints process and coordinating with the improvements service to further understanding and share best practice.

Councillor Ritchie asked how children and young people had been involved in shaping the Councils approach to the implementation of the UNCRC. Ms Conway stated it was important to ensure that at the root of everything we do towards the UNCRC children and young peoples views were included however as a Council we also had to ensure we were maintaining the duty we have to discharge to children and were not inadvertently putting that burden onto children in gathering their views. She added through the Rights Respecting Schools and partnering agencies they had been gathering children and young people's views and were working to ensure there was a framework in place that allowed for the voice of children and young people to be heard in these specific processes. Ms Conway provided information on the different ways children could feed into those processes.

Responding to questions from Councillor McIntosh, Ms Conway explained the Scottish Government will be providing a lot of information on how the UNCRC will be brought in and what duties are being put on local authorities and they were keeping up to date with working groups within Scottish Government to further or tweak those resources for East Lothian Council. Ms Conway agreed the wording of the Act could seem counterintuitive but explained the Act is seeking to strengthen the profile of young people and children and their rights and views which does not mean however, that they should be given priority over other people's rights or views. So acting compatibly with UNCRC would mean ignoring the rights and views of other parties who had input into specific situations, so it was about balancing the rights between children and young people and parents and carers.

Councillor McIntosh also asked for examples of good practice mentioned within the report and has anything been found that we will have to change so we are not acting incompatibly with the UNCRC. Ms Conway stated the Cross Service Working Group comprised of almost every service within East Lothian Council and they meet regularly to share best practice and have found we are already giving effect to a lot of the spirits of the UNCRC and the individual articles themselves. She highlighted that children and young people are already involved in conversations in East Lothian Council as they are able to speak to teachers, social workers or even access meetings like this to know what is going on and the culture change mentioned by the Scottish Government is one that is already underway within East Lothian. Ms Conway stated we will need to reexamine everything we do and think about things in a new way to ensure children and young people are coming with us. However, a lot of practices are already compliant and are already respecting the views of children and young people as we have promoted the UNCRC since 2019. Lesley Brown, Executive Director of Education and Children's Services added there was also good practice from colleagues in East Lothian Works where they have looked at young people who are less likely to come forward and talk about their rights and they have been heavily involved in supporting us with the UNCRC working group. She added colleagues within the housing service have also really adopted this and looked at it through the lens of the Local Housing Strategy to see what UNCRC might mean for our children and young people.

Councillor Hampshire asked if there was going to be a legal challenge against the actions of the Council, what advice could be given to local Members on how to deal with this challenge. Ms Conway encouraged Members to raise any concerns brought to them by children or young people (or those acting on their behalf), highlighting actions or areas where the individual feels we have not acted appropriately. East Lothian Council is committed to furthering the rights, voice and participation of children and young people and we should take all opportunities to ensure we are doing all we can to achieve that goal and improve our practices. While we hope that there will not be occasion for children or young people to take such action, we should view each interaction as away to improve and refine our practices. Such challenges are important ways for children and young people to enforce their rights and is something we should fully engage in. Ms Conway explained if we are unable to resolve an issue the child or young people has the option to take a judicial review to call us to account to make sure we are moving forward in the way they want us to and if that should happen it should be a learning experience for us on how we can be better and move forward.

Councillor Ritchie wished to celebrate the good work of the UNCRC and all the staff who have been working on this for a long time and it was encouraging to see we were already starting from a strong point to build upon. She gave special thanks for the work going on in schools around Rights Respecting Schools.

Councillor Dugdale thanked all involved with the work of the UNCRC. She highlighted the comment from the Joint Inspector who said how well children's rights were embedded in our work across the partnerships and thanked Ms Conway for the briefing she gave in May on the UNCRC. Councillor Dugdale made it clear this Act was not just for Education and Children's Services but for everybody and everybody here has asked good questions on where our role is and how we can strive to make sure this will be delivered for children and young people.

Decision

The Committee agreed to note the contents of the report.

3. RAISING ATTAINMENT

A report was submitted by the Executive Director, Education and Children's Services to update the Committee on progress towards raising attainment for all learners and closing the gap for the most disadvantaged children and young people.

Jennifer Boyle, Quality Improvement Manager for Equity and Inclusion reported on stretch aims, monthly equity data provided to schools to track and monitor their progress towards stretch aims and dedicated staffing of Principal Teachers of Equity within secondary schools and Family Support Workers within four primary schools. She noted these posts were appointed during school session 2022/23.

Ms Boyle stated in a visit from the Scottish Government, Education Scotland and an international research organisation, East Lothian's strategy was recognised as 'strong', and this was then presented to other local authorities.

Ms Boyle provided Members with the attainment data for P1, P4 and P7 for literacy and numeracy as well as school leavers, level 5 literacy, five or more awards at level 1, one or more awards at level 6 and care experienced school leavers five or more awards at level 1 or above. She stated these results were a clear indication of progress towards raising attainment for all and closing the gap. Ms Boyle highlighted that the

Principal Teachers for Equity posts had now been made permanent to provide commitment to this vital workstream and an evaluation of the post School and Family Support Worker for Equity and its potential for wider impact has formed the creation of the new Equity and Inclusion Education Outreach Service that will be led by newly appointed staff including a Depute Head Teacher for Equity and Inclusion and eight Education Outreach Officers. She explained this service would support children and young people at risk of underachieving and would be complementary to Families Together East Lothian to ensure that resources are used efficiently and effectively. Ms Boyle noted the creation of the Child Planning Framework Locality Teams that bring together multidisciplinary expertise to look at how to address unmet need and will be further embedded in school session 2024/25 and evaluated to ensure their effectiveness. Ms Boyle concluded by saying that emerging data was a clear indication of the strength of current approaches, and she was confident that the next stage in the strategy would continue to raise attainment for all and ensure that East Lothian's Children and Young People were supported to reach their full potential.

Councillor Bennett asked how we ensured the stretch aims were aspirational and there was no ceiling put on the progress of children and young people. Ms Boyle stated stretch aims were just a starting point and in many measures, they were already being exceeded and the equity principles noted within the strategy clearly stated the ambition for all children and young people to maximise on their experiences in school through effective curriculum and coursing. Ms Boyle explained high quality learning and teaching was central to all school improvement plans and rigorous tracking and monitoring was used to ensure the progress of each learner was understood and maximised. She added all work was supported and challenged by the central team to ensure there was no ceiling and schools also shared best practice with colleagues in associated school groups, school team groups and school reviews.

Responding to questions from Councillor Bruce, Ms Boyle confirmed that although specific age ranges are reported on it does not mean that is the only places they look, and the school tracking and monitoring systems allows the team to look at every age group and every child to explain those differences and make sure resources are targeted effectively to meet need most efficiently. Ms Boyle explained the Quality Improvement Team go into each school to see what is working and to facilitate sharing of that information across all schools with the local authority. She added a lot of our schools use the principals of improvement science to understand the intervention, set aims and review through cycles to see if they have been achieved.

Councillor McIntosh asked how our progress on key measures fitted in with national trends. Ms Boyle stated our gaps within East Lothian are very favourable across a range of the measures, especially the care experienced gap but other measures still require work.

Ms Boyle continued to answer questions from Members, providing information on how the team planned to continue to raise attainment within secondary schools without an implication to the budget and agreed to provide data for a five year period to match Scottish national reports.

Councillor McIntosh congratulated Ms Boyle, her team and all our learners, as behind the data there were learners who had achieved something great. She also thanked teachers and staff within schools who were supporting our learners to make those achievements.

Councillor Hampshire echoed Councillor McIntosh's comments adding that he was confident we will continue to improve the quality of education in East Lothian.

Councillor Dugdale thanked Ms Boyle for her report and highlighted the tangible difference the raising attainment strategy was making to our most disadvantaged learners. She hoped this would lead to further improvements to the progress already made and thanked everyone involved.

Decision

The Committee agreed to:

- i. Note the progress and next steps identified towards raising attainment for all learners and closing the poverty related attainment gap and the data summary of key measures provided in Appendix 1.

4. EAST LOTHIAN COLLABORATIVE IMPROVEMENT

A report was submitted by the Executive Director, Education and Children's Services to update the Committee on the Collaborative Improvement visit that took place in March 2024 with involvement from the Association of Directors of Education Scotland (ADES), Education Scotland (ES) and the East Lothian Education Service.

Ms Nicola McDowell, Head of Education stated that together, the Collaborative Improvement group establishes the focus for the Collaborative Improvement Review and then undertakes activities in the local authority that will result in an evaluative summary, identifying strengths and areas that may require further focus. She highlighted that all 32 education authorities had agreed to trial a new framework for local authority self-evaluation and East Lothian's Executive Director for Education and Children's Services, Lesley Brown has been part of the ADES working group to help update and review two new quality indicators and noted East Lothian was the first local authority to trial these new indicators.

Ms McDowell highlighted the focus of building a self-improving schools system and noted nine team members attended a series of focus groups designed to explore this theme, visited school settings, attended meetings with senior officers and explored documentation and resources all of these sources were used to inform the findings of the team. Ms McDowell drew Members' attention to the key strengths identified including: the strong culture of collaboration, improvement and accountability as well as strong support and clear direction from the local authority with regard to local and national priorities and the recently created and school led locality teams which have the potential to be a highly effective model for improving outcomes for learners.

Ms McDowell also drew Members attention to the next steps which included: further strengthen tracking and monitoring of attainment data to continue to secure progress, to create more opportunities for middle leaders, teachers and support staff to collaborate and to involve children and young people more in shaping service improvement.

Ms McDowell concluded by saying the Collaborative Improvement process had been extremely beneficial to the education service and it was a privilege to have a team of professionals in our authority for three days to focus their valuable time on this area of our service to support our continuous improvement. She felt we had benefited greatly from their insight and have made connections that would continue to be of mutual support and challenge.

Councillor Yorkston asked how the team planned to implement the next steps with regards to involving a wide range of staff. Ms McDowell confirmed the next steps had been incorporated into the draft priorities which have been communicated with our schools so these will also be incorporated into school improvement plans. She explained there are plans to improve middle leadership across East Lothian and there is already an ambitious middle leadership plan in place, but the team want to support head teachers and their current trios to involve the staff within their schools in collaborative work so there are plans for all middle leaders to visit each other's schools and classrooms to comment and challenge on each other's improvement plans to strengthen their own leadership.

Responding to a question from Councillor Ritchie, Ms McDowell explained the Early Years and Childcare team had been supporting head teachers and nursery managers to look at their own self-evaluation processes and drive forward improvement in our nurseries. She added there was an ambitious programme of professional learning for nursery staff which is being rolled out in the next session. Alison Cameron, Service Manager – Early Years and Childcare, stated East Lothian operate a provider neutral service and have high expectations for every setting. She added part of work taking place is refreshing the quality assurance document that has clear expectations on both the setting and the local authority responsibilities aligned with that. Ms Cameron provided Members with information on the expectations of each setting around self-evaluation and how they would be supported with this. She noted the refresh documentation focused on the ten national standards as processes must be transparent, proportionate and consistent and care inspections take into account 1, 2 and 3 of the national standard and not all 10. Ms Cameron highlighted the documentation that would be used to ensure we are checking against and complying with the national standard.

Councillor Dugdale thanked Ms McDowell for her report and for the work on collaborative improvement and felt confident our teams in and outside our schools would be able to progress these priorities and that our children and young people also will be supported to shape service improvements.

Decision

The Committee agreed to:

- i. Note the nature and focus of the Collaborative Improvement visit (appendix 1)
- ii. Note the progress and next steps identified by the Collaborative Improvement Team, and that the next steps have been incorporated into the Education Service's draft priorities for Session 2024/25.

5. POSITIVE SCHOOL LEAVERS DESTINATIONS 2022/23

A report was submitted by the Executive Director, Education and Children's Services to update the Committee on the current School Leaver Destination Return report (SLDR) and Participation Measure, including an overview of the interventions implemented to sustain and improve East Lothian Council (ELC) positive destinations.

Alison Hood, Team Manager, East Lothian Works explained the report illustrated the leaver destinations for those who left school during winter 2022 and summer 2023 and noted East Lothian had achieved the highest level of positive destinations ever recorded of 96.3% which was an increase of 0.7% from the previous year. She added that East Lothian remained higher than the national average figure of 95.9% and the

annual participation measure saw another annual increase in 2023 with East Lothians participation measure being 96.1%, an increase of 2.8% from what was reported in 2022 and again was higher than the national figure of 94.3%.

Ms Hood reported there had been an improvement in the most deprived areas and a reduction in the gap between the most and least deprived and provided comparative statistics for 2022 and 2023 on overall participation measures and individuals who had identified themselves as having a disability. She also provided figures on individuals who had completed foundation apprenticeships across a range of subjects which included accountancy, IT software and social services children and young people and a one year model was piloted this year which was delivered in partnership with training providers and teachers. Ms Hood confirmed due to the success of the pilot the one- and two-year models of study would continue and in addition to the foundation apprenticeships, EL Works had engaged young people in a number of vocational programmes including construction crafts which was being delivered at the Ridge in Dunbar and the Wallyford Learning Campus in partnership with Edinburgh College. She noted the partnership with Edinburgh College continued to be a success with an increase in pupils participating in programmes. Ms Hood provided Members with information on the work of the post school team including recruitment incentives to local businesses and the parental employability support service. She highlighted the next steps for the Wallyford Learning Campus which included; continuing and enhancing the construction offer and pre-apprenticeships.

Councillor McFarlane asked what actions had been taken to achieve these positive results. Ms Hood explained partnership work with Skills Development Scotland (SDS) would continue and NAD (North Berwick and Dunbar schools) and PRAM (Preston Lodge, Ross High and Musselburgh schools) cluster meetings had been reinstated to discuss pupils how required additional support to move into a positive destination as well as the roll out of a new datahub dashboard which means at the touch of a button schools can look at each pupils level, their leave date, route they intend to take upon leaving school and their intended destination and continued 16 plus meetings.

Responding to questions from Councillor McIntosh, Ms Hood confirmed the future skills course had a focus on renewable energy and stated it was a conditionality of external funding received from the Scottish Government that the employer needed to be a real living wage employer. She added the paid work experience worked by businesses coming forward looking for individuals to provide opportunities for and then parents who have come through different routes including training programmes are matched to a role. Ms Hood confirmed the parent and employer are supported by staff throughout the journey and if changes need to be made then they available to help. Ms Hood also explained the statistics for school leaver destinations captured the destination but not the post school data and it would require a national change to track the learner through further education.

Councillor Hampshire asked how many children could be accommodated at the Rosehill Campus within all its different courses. Ms Hood did not have an exact number but explained staff look at the campus yearly to look at different availability within the week while balancing the school timetable.

Ms Hood continued to answer questions from Members, confirming the work undertaken by EL Works was open to all schools which included the delivery of all courses at the Wallyford Learning Campus, provided statistics on pupils going into employment and informed Members of the planned next steps to continue to improve positive school leaver destination numbers.

Gael Gillan, EIS commented on the positive aspects of the report, but she was aware many teachers were not seeing these positives with behaviour, budget and staffing problems and it would be good to get a message out to staff to let them know what they are doing is working.

Councillor Hampshire agreed with Ms Gillan that praise should be given to all teaching staff for the work they do with our young people to get into these positive destinations. He welcomed the report and highlighted the pathways being given to young people to progress into employment and hoped we could expand into renewable energy and continue to work with local businesses to match up young people with jobs. Councillor Hampshire drew attention to the Ridge in Dunbar for the work they have done with helping many young people gain employment.

Councillor Ritchie found the range of options for school leavers really impressive, and the number going into employment and further education very encouraging. She noted national figures of 80% of young people from the least deprived areas will go onto university whereas only 20% from the most deprived areas will do the same and highlighted East Lothian are doing better than that and should be celebrated but there was still work to be done on the factors impacting a young persons decision to go to university. Councillor Ritchie also wished to celebrate the hard work of children and young people and staff helping them along the way. She also highlighted the partnership work with Edinburgh College, Queen Margaret University and Skills Development Scotland and positive relationships with the local industry.

Councillor Dugdale thanked Ms Hood for the report and highlighted the huge range of interventions to sustain and improve our positive destinations and the outcomes for all our learners. She welcomed the work also being done with parents to find employment and wanted the message to all staff that these positive outcomes are what they are achieving each day.

Decision

The Committee agreed to note the significant proactive work currently underway to support improved outcomes for learners leading to positive destinations.

6. SCHEME OF DEVOLVED SCHOOL MANAGEMENT 2024/45

A report was submitted by the Executive Director, Education and Children's Services to advise Committee of the updates to the Scheme of Devolved School Management (DSM) for the financial year 2024/25.

Bev Skirrow, Service Manager for Strategy and Operations (Education) explained the refreshed guidance for Schemes of Devolved School Management were adopted in April 2022 which promoted greater transparency for all school stakeholders on how school budgets operate. She noted two strands of the scheme were identified for closer scrutiny and consultation; ASN funding allocations for predictable and exceptional needs and consider recommendations for a refresh of management structures in primary schools. Ms Skirrow provided an update on the work of the group of representatives formed by Jennifer Boyle to consider a new risk matrix and data measures to reflect the number of young people with additional support needs within our schools and the consideration of management structures in primary schools had not yet progressed due to prioritisation of a number of service reviews in other areas of the Education Service.

Ms Skirrow noted the Secondary Devolved School Management Scheme was largely unchanged except for the removal of the core funding amount for all schools and instead distributing it through the 'per pupil' amount has addressed equity of allocation for all schools. This change was made due to schools varying in size that one core allocation no longer provided a secure basis to allocate funding and was trialled last financial year with no detrimental effect and schools reported it better met their business needs. Ms Skirrow highlighted no new costs had been delegated to schools this financial year and noted full details of the updated scheme were provided within the report.

Ms Skirrow concluded by saying the effectiveness of the Scheme of Devolved School Management and the system and processes that support schools to manage their budget effectively were reviewed annually and would continue to develop this with head teachers over the current financial year.

Councillor Hampshire asked if amendments could be made after the roll out of the new data measures for ASN funding allocations. Ms Skirrow confirmed they were reviewing the impact of the DSM on a regular basis and last year a change was made due to efficiencies that needed to be weaved in. She confirmed this year a new way of working with schools had been implemented and it would run from October to April to meet with them and discuss their staffing model, budgets, changes and good practice. Ms Skirrow confirmed this had so far been successful and would be the model they would like to move forward with.

Responding to a question from Councillor Gilbert, Ms Skirrow explained for 2024/25 there were no efficiencies applied to the DSM and were instead applied in financial year 2023/24. She noted when these were applied the scheme was looked at to ensure it was still fit for purpose and could deliver for the financial envelope available which was one of the reasons for changes being made.

Councillor Bennett asked how the team had consulted with head teachers to ensure the scheme met their needs and was working effectively. Ms Skirrow confirmed regular finance meetings took place with head teachers individually to discuss budget and ensure they were not carrying surplus staff and would also meet collectively. She said as a group they would look at themes coming out around challenges and supports that needed to be put in place and allowed head teachers to share good practice and models that were working in their schools.

Ms Skirrow continued to answer questions from Members and provided information on how head teachers were managing the implemented efficiencies within their schools, how the formula for predictable and exceptional needs had been revised and confirmed there had not been any cuts to the budget in 2024/25. Ms Boyle provided more information on the changes to the formula, explaining this would be more data led that had a wider cognisance of what additional support need looked like which included; care experienced young people, young carers, traditional ASN related to learning and children impacted by poverty.

Councillor Hampshire thanked staff for their report and hard work in managing services we provide in a very difficult financial time. He also thanked the staff within schools and felt confident they would continue to deliver the best possible service for the people who need it.

Councillor Dugdale thanked Ms Skirrow for her report and for the hard work that went into ensuring the DSN supported young people and children within our schools. She looked forward to see how things were rolled out in the future.

Decision

The Committee agreed to note:

- i. school's individual context and meeting their "in place" costs.
- ii. Secondary school core funding to be determined by a per pupil amount only, with the fixed cost allocation redistributed through the per pupil model for equity due to the varied size of schools.
- iii. No change to the costs to be devolved to schools from April 2024.
- iv. The updated scheme (appendix 1) highlights prominently that schools must operate within budget and any budget pressures in year must be identified and addressed in year.
- v. Development of a revised funding formula to allocate Predictable and Exceptional needs funding for pupils with additional support needs continues with an anticipated implementation date of August 2025.

7. SUSTAINABLE HOURLY RATE FOR FUNDED PROVIDERS DELIVERING EARLY LEARNING AND CHILDCARE IN EAST LoTHIAN

A report was submitted by the Executive Director for Education and Children's Services to note the increase in the sustainable hourly rate paid by East Lothian Council to early learning and childcare (ELCC) funded providers in the private and third sector to deliver funded early learning and childcare from 1 April 2024, a further local review of the sustainable rate paid by East Lothian Council to early learning and childcare (ELCC) funded providers in the private and third sector to deliver funded early learning and childcare by August 2024 and the review of the partnership agreement process for new funded providers in East Lothian by March 2025.

Kelly Weir, Senior Officer for Education asked Members to note the legal duty we carried to ensure the statutory number of hours was available for every eligible child prorated for children eligible from January and April, the term after the child's second or third birthday. She reported in East Lothian, Early Learning and Childcare was provided through private and third sector settings, Council settings and childminders and drew Members attention to the funding rates provided within the report. Ms Weir noted a 7.6% uplift to the 2023/24 rates to enable funded providers to pay Early Learning and Childcare workers delivering the funded hours at least £12 per hour which is the new real living wage from April 2024 and this increase was met from government funding.

Ms Weir reported staffing costs made up 75% of the sustainable rate and the non-staffing rate, including scope for reinvestment is assumed to account for 25% and noted the proposed hourly rate would be reviewed using Scottish Government guidance and the current rate charged by private nursery providers, a cost data collection exercise developed with Finance, gathering information from our current funded providers, existing hourly rates, staffing ratios and benchmarking against neighbouring authorities.

Ms Weir explained the annual rate review did not take place in November 2023 due to an ongoing process review with the Scottish Government Improvement Service and the local rate review for 2024/25 would take this into account. She noted the hourly rate must be affordable and sustainable to the Council whilst also enabling funded providers to pay their staff the real living wage, reinvest in their service and provide high quality early learning and childcare.

Ms Weir concluding by drawing Members attention to the resource implications within the report.

Councillor McFarlane asked how the team had benchmarked against other local authorities. Ms Weir stated this would be part of the exercise to determine the rate as well as having regular meetings with neighbouring authorities and continued work with the improvement service to gain data from other authorities.

Responding to a question from Councillor Findlay, Ms Cameron stated financial viability was key for all providers and that would be subject to new quality assurance processes as we moved into the next phase, and these would be undertaken by the team manager and Ms Weir to ensure there was transparency in all accounts held for our funded providers to ensure they have capacity to continue to deliver on the entitlement for the children in their care.

Ms Weir and Ms Cameron continued to answer questions from Members and provided information on the involvement of funded providers in setting the sustainable rate and what the format of the next review would look like. Ms Cameron also confirmed funded providers were not allowed to additional top up costs and no real feedback had been received from childminders with regard to the rate, but the Council run a provider neutral service which meant any funding given to partnership nurseries is the same amount given to childminders.

Councillor Dugdale thanked Ms Weir for her report and for the work that goes on behind the scenes to make this happen.

Decision

The Committee agreed to:

- i. Note the funding commitment from Scottish Government to ensure funded providers pay the real living wage of £12 per hour from April 2024. The Scottish Government provided East Lothian Council with additional funding to enable ELCC workers delivering funded hours in the private and third sector to be paid at least £12 per hour (the new real living wage rate from April 2024). A 7.6% uplift has been applied to 2023/24 rates to reflect increase in staffing costs.
- ii. Note East Lothian Council increased the hourly rate by 7.6% as follows from 1 April 2024.
- iii. Note the local review of the hourly rate to be paid to funded providers delivering early learning and childcare as outlined in this report.
- iv. Note the review of the partnership process by March 2025 for new funded providers wishing to enter an agreement with the local authority to deliver funded early learning and childcare. We do not plan to enter into a partnership agreement with any new providers until after August 2025.

8. SCHOOL SESSION DATES (2025/26 AND 2026/27)

A report was submitted by the Executive Director for Education and Childrens Services to obtain the Committees approval for School Session dates for the two school years, 2025/26 and 2026/27, authorise the Head of Education to notify Head Teachers'

Associations, Heads of Establishments and Parent Councils and to authorise the Head of Education to notify the Scottish Government.

Bev Skirrow, Principal Officer for the Education Service drew Members attention to the proposed session dates and noted that discussions of setting session dates with other local authorities were limited this year as the City of Edinburgh set and published their dates without the usual consultation with neighbouring authorities. She explained this led to different patterns emerging with Edinburgh and Midlothian aligning completing and Fife and Scottish Borders largely aligning to each other.

Ms Skirrow reported when preparing the draft school session dates five main points were taken into consideration, as was the historical position of the Education and Childrens Services Committee and the familiar pattern for East Lothian families to align with our closest neighbours, City of Edinburgh and Midlothian. She drew Members attention to the one proposed date that differed from the City of Edinburgh and Midlothian, the proposed in service day amended to the February break rather than the Christmas break at the request of East Lothian Head Teachers.

Ms Skirrow explained a detailed consultation on the proposed session dates took place with Head Teachers, Teachers' Professional Associations, UNISON, Educational Establishments, Parent Councils and the wider community through the Council's Consultation Hub which received a very small response from a potential 28,000 parents and many hundreds of school staff with just under half of the 63 responses supportive of the dates and just over half not wholly supportive.

She concluded by saying much consideration was taken to the splitting of the Easter break and bank holidays in 2026/27 but all models created to overcome this split created an undesirable imbalance elsewhere, so the decision was made to align with City of Edinburgh and Midlothian as it was the least disruptive and followed the historical preference of families, staff and the Committee.

Councillor Bruce asked if there is discussion with other authorities regarding session dates or if Edinburgh set their dates and East Lothian just adopt them. Ms Skirrow confirmed previously there had been consultation across local authorities but for the last two cycles Edinburgh had gone ahead and set their dates without any discussion. She added that East Lothian intended to reach out to Edinburgh before the next cycle very early on to ensure there are discussions.

Councillor Bruce also asked what effect Ms Skirrow thought the Easter break dates would have on children due to their being four days the schools were closed and then four days open. Ms Skirrow explained discussions were had with Head Teachers of primary and secondary schools and a main concern was the Easter break leading up to exam time and although the split was not ideal it was better to maximise the number of teaching days before Easter than to bring the Easter break forward and lose another week of secondary teaching.

Responding to a question from Councillor Dugdale, Ms Skirrow explained that although slightly more responses were not in favour of the proposed session dates this was down to a dissatisfaction with a specific holiday and not the entire pattern proposed so although these comments were taken into account it was clear even if they made a change, they would still not be able to accommodate to what they wanted. She added that because of this and the responses almost being half and half the decision was made to go with the dates proposed.

Councillor Bruce was disappointed to hear there was no consultation with Edinburgh and Midlothian as East Lothian had very little choice but to align their dates as it was best suited to families. He also voiced his concerns on the Easter holiday split, as although it gave four extra days, he was unsure these would be productive.

Councillor Yorkston agreed the Easter split was not ideal but as a teacher he would much prefer to have pupils in school for the four days due to things having to be tied up before the Easter holidays. He added that how Easter falls for the next two years is favourable to how it fell this year as pupils went from the Easter holidays straight into study leave.

Councillor Dugdale thanked Ms Skirrow for the report and work put into the session dates.

Decision

A roll call vote was carried out and Members agreed unanimously to:

- i. Approve the school session dates for the two years 2025/26 and 2026/27 as outlined in appendix 1 and appendix 2.
- ii. Authorise the Head of Education to notify Head Teachers, Teachers' Associations, Heads of Establishments and Parent Councils.
- iii. Authorise the Head of Education to notify the Scottish Government.

9. HEAD TEACHER APPOINTMENTS

A report was submitted by the Executive Director for Education and Childrens Services to inform the Committee of the Head Teacher appointments made by the Appointments Sub-Committee.

Nicola McDowell, Head of Education reported John Johnson had been appointed as Head Teacher at Dunbar Grammar and would move into post on 12 August from being Depute Head Teacher at Castle Brae in Edinburgh.

Ms Debbie Crossan had been appointed Head Teacher at Pencaitland Primary School after already being in the Acting Head Teacher role.

Ms McDowell congratulated both Head Teachers and wished them the best of luck in their new posts.

Councillor Dugdale echoed Ms McDowell's comments and thanked all parents and pupils who took part in the appointment process.

Decision

The Committee agreed to note the Head Teacher appointments.

Signed

Councillor Fiona Dugdale

Convener of the Education Committee

DRAFT