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parenting
across scotland

Review of Education Authority
Consultations with Parents

August 2015

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SCOTINFORM

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Summary

- Although the statutory guidance which brought in the legal duty to undertake consultations with parents only came into force in August 2014, all except two local authorities had completed formal consultations with parents by January 2015.
- Half the consultations were conducted using a mix of online and paper questionnaires, whilst a third were conducted online only.
- Methods used to distribute the questionnaires were hugely varied: the most common method was to promote the survey via nurseries or other establishments, either publicising the link or providing paper questionnaires. Most authorities also used other methods of promoting the consultations, e.g. on the local authority website, social media or through nursery newsletters.
- Some authorities also sought parents' views through face to face consultations, giving a much greater depth than the questionnaire based survey. The variety of methods used to discuss parents' views in depth included meetings with groups of parents, focus groups, drop in sessions and public meetings.
- The main way education authorities consulted with hard to reach groups was by making the survey accessible to all parents. However, some authorities had also addressed the issue specifically by working in partnership with other organisations or using face to face methods targeting specific groups.
- Most authorities recorded the number of responses: this varied from 114 to 1,950 completed questionnaires. Only six authorities, however, recorded the response rate to the survey by stating the number of parents the survey was sent to or the population of parents in the area. This data showed response rates varying from 12% to 49%. Without an estimate of the population it is possible to surmise whether or not the results are representative of parents of under 5s in the area.
- The population group included in the consultations were most commonly parents with children at local authority or partner nurseries: this means that parents of eligible children who do not currently use nurseries or who use private nurseries which are not partner nurseries were excluded. Some local authorities included parents of 0-3 year olds, and others asked parents of primary school children, but these were exceptions rather than the rule.

- The response to paper surveys was reported as much higher than responses to online surveys, presumably because parents were given copies of the paper questionnaires, but would have had to be pro-active in order to access the link to the online survey.
- The options offered in the surveys ranged from two options to seven options. Only one authority did not offer options, asking parents to state their preferred days, times and times of year.
- There was no consistency in the wording or terminology used for the options and the wording in some cases appeared to be extremely complex. This raises the issue of whether the options could be understood by all parents, especially those with low literacy rates or for whom English is a second language.
- The results of the questionnaire based consultations were not always formally reported except in summary in Committee Reports. The few reports provided were generally based on data with only a few authorities including written commentary alongside tables and charts. This written commentary is useful in explaining the results: where the number of responses is significant the commentary could be enhanced by reference to the results from different sub groups of parents (e.g. by type of nursery or demographics).
- The results of the in depth, face to face sessions were not formally reported on, although they were referred to in Committee Reports.
- Two thirds of authorities reported that they had provided feedback to parents: this was usually via the local authority website or via nurseries (newsletters, letters or other written feedback).
- It was not a requirement to publish plans in the pre-implementation period, and therefore, at this stage, very few authorities had published plans based on their consultation.
- Although most authorities had plans for further consultations, very few were able to provide any details suggesting that these plans are at a very early stage.

1. Introduction from Parenting Across Scotland

As well as bringing in an additional 600 free hours of childcare for all three and four year olds, the Children and Young People (Scotland) 2014 required all local authorities to consult parents in their area about what childcare they needed. This provides a fantastic opportunity to get a better picture of what parents need across the country and to plan accordingly. This, of course, requires the consultations to be robust and well designed and to reach the right people.

Although the requirement to consult did not come into force until 1st August 2014, Parenting Across Scotland was aware that many Scottish local authorities had decided to consult in advance of being required to do so. We were interested to see who and how local authorities had decided to consult, and whether this enabled them to get a comprehensive picture of what parents needed in their area.

For many parents childcare represents a substantial barrier to entering or retaining employment, and currently lack of flexibility in the hours provided can be particularly problematic. There are certain groups of parents, such as families affected by disability and black and minority ethnic parents, who face specific difficulties in obtaining appropriate childcare; for this reason, the guidance specifically mentions these groups and requires local authorities to proactively find ways of ascertaining their views and needs. Consultations should seek to engage those parents for whom existing models of childcare does not meet their needs, so that future provision can be designed to more fully meet parental need.

This survey was undertaken with this in mind and we hope that by sharing the results, local authorities will be able to learn from what others have done and to use this knowledge to inform future consultations with parents to provide comprehensive information about the childcare needs of parents in Scotland

2. Background

2.1 Introduction

Parenting across Scotland commissioned Scotinform to carry out a review of the consultations carried out by education authorities in response to the requirements of the Children and Young People (Scotland) Act 2014. The requirement of the Act is that all education authorities must provide 600 hours over at least 38 weeks a year of pre-school early learning and childcare provision for three and four year olds and some eligible two year olds.

Although consultation was not a legal requirement until August 2014, PAS was aware that some local authorities had carried out consultations prior to full implementation and were keen to see what lessons could be learnt from this to make future consultations as effective as possible.

Under Section 50 of the Act which came into force in August 2014, education authorities have a duty, at least every two years, to:

- Conduct consultations *"with such persons as appear to them to be representative of parents of children under school age in their area"* on the delivery of early learning and childcare.
- Taking into account the views expressed in the consultations, *"prepare and publish a plan for how it intends to make early learning and childcare available"* to meet the requirements of the Act.

The Scottish Government has published guidance for education authorities on the *"duty to consult and plan on delivery on early learning and childcare"* in relation to part 6 of the Act (see Appendix Two). This guidance for the Act specifies that consultations should:

"Use a range of consultative methods to engage a wide range of parents such as working parents, minority ethnic populations, hard to reach parents, parents of children with a disability or additional support needs; and parents with support needs".

The aim of PAS's review of the consultations was to identify best practice by:

- assessing the methods used for the consultations
- identifying how the consultations engaged with the wide range of parents identified in the statutory guidance for the Act (working parents, minority ethnic populations, hard to reach parents, parents of children with a disability or additional support needs and parents with support needs)
- reviewing consultation reports/plans produced as a result of the consultations

- sharing the results to allow local authorities to learn from good practice to inform future consultations to ensure they have the best information possible to design childcare provision that meets parents' needs

2.2 Method for Review

The method of obtaining information on the consultation methods used by education authorities was the submission of Freedom of Information (FoI) requests by email to each of Scotland's 32 local authorities. This request enquired about consultations that had taken place, as well as plans for future consultations. The initial results from these requests were summarised in a report and discussed at a meeting in March 2015.

As a result of the meeting a number of additional FoI requests were submitted by Scotinform to clarify the information provided by authorities. In addition, three case studies were agreed that illustrated some of the best practice in consultations: the three case studies are Dumfries and Galloway, Orkney and Renfrewshire.

Appendix One contains the FoI request submitted. The request consisted of eight questions, and these have been used to guide the structure of this report.

2.3 Terminology

Education authorities: this is the terminology in the statutory guidance, and so, while in some authorities may use different titles for this function, we have decided to use this terminology for consistency with the Act.

Nurseries: where we refer to nurseries, we mean both local authority nurseries and private nurseries.

3. Findings

3.1 Consultations Conducted

30 of the 32 local authorities confirmed they had carried out consultations in relation to Section 50 of the Act. Two local authorities had not conducted formal consultations:

Angus: had not conducted consultation but reported that they had provided local information materials and liaised with "appropriate professionals, agencies and organisations". The authority was planning to consult with all parents who are using Early Learning and Childcare Services in April 2015.

South Ayrshire: reported that it had not conducted any consultations. It is planning to conduct its first consultations with parents in September 2015.

The majority of authorities had carried out consultations during the school year 2013-2014: only one authority had started consultations in 2012 (Midlothian where consultations ran from November 2012 to December 2013). Approximately half of the authorities had run consultations between August and December 2013 and a quarter had consulted between January and June 2014.

The remaining authorities had consulted between July and December 2014, with only one (East Lothian) saying its consultations started in January 2015.

Two authorities commented that they planned to repeat consultations in 2015 (East Dunbartonshire, Glasgow and Midlothian). (Note: this information was not specifically requested so the actual figure may be higher.)

3.2 Methods of Consultation

27 authorities specified the method used to conduct consultations with parents (see section 2.4 for how 'parents' were defined for the purposes of the consultations): approximately half used a mix of online and paper surveys, with 10 relying on online only and three only conducting paper based surveys.

	number of authorities
Online and paper	13
Online only	10
Paper only	4

Method not specified	3
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Comments on the methods identified a range of ways of implementing them:

Online surveys were generally promoted via the local authority's website, social media, schools and/or nursery websites and newsletters. A few local authorities had targeted local authority staff by email or used the wider early years network (including Sure Start) to reach parents.

Paper surveys were issued in a number of ways:

- mailed to parents
- issued on request of parents
- issued by nursery staff to parents who would find Internet access difficult
- copies provided to all nursery schools, toddler groups and health centres
- distributed by local Health Board
- postcards handed out to every child under two attending nursery

Most authorities had also used other methods to consult with parents, often targeting specific groups, such as parents of two year old children, residents of specific areas or specific nurseries:

- face-to-face meetings with individual parents
- focus groups
- drop-in sessions
- public meetings

In one area (Dumfries and Galloway), the survey could be completed by phone by calling the local authority's call centre

The surveys were publicised in a variety of ways: most commonly through advertisements or articles in the local press and /or posters in GP surgeries, health centres; libraries, community centres and other public venues. Many authorities had tried to distribute the questionnaire as widely as possible: for example, Moray used Mumsnet and local radio along with a wide range of other distribution methods. The methods used to reach hard to reach groups are described in section 2.5.

Although only a few authorities commented on the effectiveness of the methods used, those that did highlighted that paper surveys were far more likely than online surveys to be completed. This issue is explored further in the next section on sample sizes achieved.

3.3 Questions on Options

The questions used in the consultations were not requested by Scotinform, but many authorities attached them to their response or quoted them in the committee reports. This demonstrated that there was no consistency in the options being offered to parents. The simplest choice was two options asking parents to choose between whether they wanted the increased hours available during term time or all year; in others they were presented with a detailed list of different numbers of sessions with permutations of hours (e.g. five sessions of three hours 15 minutes spread over term time). The number of options available in each area that provided this information is shown below (the number of options excludes the option to select 'none of these' or 'other':

- Dundee, East Renfrewshire, Falkirk, Glasgow, Inverclyde, Midlothian, Perth and Kinross - two options
- Aberdeenshire, Edinburgh, Orkney, Stirling, West Lothian – three options
- Clackmannanshire offered three (local authority) or four (private) options
- East Dunbarton and Fife, Moray, North Lanarkshire, Scottish Borders, West Dunbartonshire – four options
- North Ayrshire, Renfrewshire – four options
- South Lanarkshire – six options
- Aberdeen – seven options

Dumfries and Galloway was the only local authority to be open in its approach: it asked parents for the preferred days, times and time of year that would meet their needs

Wording of the options varied from the complex:

Option 1 - five sessions, each week, across the school year, which could include the opportunity for children attending two sessions in the same day to have lunchtime provision, e.g. The five sessions across the week could be taken on one full day with lunchtime provision and three half days or the five sessions could be taken across two full days with lunchtime provision and one half day.

Option 2 - five sessions of six hours 30, every fortnight, across the school year with children attending a pattern of set days e.g. Children would attend Monday, Tuesday every week and alternate Wednesdays 9.00-3.30 or Thursday, Friday every week and alternate Wednesdays 9.00-3.30.

To the relatively simple:

Option 1: Continue with part time term time sessions spread over three hours and 10 minutes

Option 2: Continue with part time sessions spread over more than 39 weeks a year

The complexity of questions is a concern given the requirement to target hard to reach groups and other parents who may have low literacy rates or for whom English is a second language.

3.4 Sample

The population group included in the consultations were most commonly parents with children at local authority or partner nurseries, which means that parents of eligible children who do not currently use those nurseries were not consulted. As one of the reasons that some parents use different providers may be the current set hours, it is important to ensure that these parents are included in the consultations. Some local authorities included parents of 0-3 year olds, and others asked parents of primary school children, but these were exceptions rather than the rule.

The number of responses reported varied from 114 (Moray – where 600 hours was already offered) to 1,950 (Dumfries and Galloway). Six authorities reported on the response rate to the survey based on the proportion of the population of parents that responded:

- Dumfries and Galloway: 1,950 questionnaires from 4,000 parents with children aged birth to four years old, a response rate of 49% (paper, online and telephone).
- East Ayrshire reported 664 paper questionnaires returned from 2,317 parents whose children currently attend a local authority early childhood centre or a partner centre, a response rate of 29% (paper and online).
- East Dunbartonshire had a response of 1,033 completed surveys from a population of 2,000 parents with children in local authority or partner nurseries, a response rate of 52% (online only).
- Midlothian had a response of 472 completed questionnaire to a paper survey sent to 6,000 parents a response rate of 8% (online and paper). The survey included of pre-school children attending local authorities nurseries/classes and private nurseries/playgroups; parents of children attending Primary 1,3 and 7 in Midlothian primary schools; and a sample of parents of 0-3 year olds who attended partnership nurseries.
- Orkney had a response of 195 questionnaires from 450 parents whose child was enrolled for nursery and pre-school in 2014-2015, a response rate of 43% (paper only).
- Renfrewshire had a response of 816 questionnaires from 7,000 parents of children under the age of four years old attending a local authority or partner nursery, a response rate of 12% (paper and online).

In the examples above the number of responses means that the results are reasonably robust, but in those areas where the population sizes are not reported, it is impossible to know whether or not the results can be seen as representative of parents' views.

Three authorities did not specify the number of completed questionnaires on which their results were based, raising significant questions over the validity of the results (Comhairle nan Eilean Siar, South Lanarkshire and Scottish Borders).

In only two authorities (East Ayrshire and Midlothian) were details recorded of the numbers responding to the different methods, so it is difficult to draw conclusions as to the effectiveness of online or paper surveys in reaching parents. From the results from these two authorities it appears that parents are much more likely to return paper questionnaires than complete a survey online. In both cases all parents were given a paper copy of the questionnaire, making it much more likely that they would complete this rather than accessing an online link. As can be seen in the details of response rates above, the online only survey in East Dunbartonshire achieved an excellent response rate, suggesting that online surveys can be very effective: this may be due to the fact that parents were not given a paper copy of the questionnaire to complete.

3.5 Demographic Profile of Consultees

The responses suggest that most authorities felt that by surveying all parents using a range of methods they had met their duty to engage with hard to reach and other groups.

A few authorities reported that they had tried to target specific groups of parents (see details below), but there were no examples where the reporting analysed the results by different types of parents.

Responses on how specific groups of parents were consulted are listed below. They suggest that the main approaches were either to work in partnership with organisations or to use qualitative research (face to face meetings or focus groups):

- Parents were asked employment status and postcode (but no analysis had been done on these variables) (Dumfries and Galloway).
- Hard to reach groups of parents/carers were contacted direct through Early Childhood Networks and specific focus groups were established for parents/carers with children with additional support needs (East Ayrshire).
- Parents/carers were invited to take part in nine focus groups at nurseries/early years centres across Edinburgh, including several in areas of multiple deprivation (Edinburgh).
- The nurseries selected for the information service development and process based focus group discussions were chosen to represent the demographic range across Glasgow - i.e. some were in areas of high deprivation, some were in affluent areas and some were in mid-range areas (Glasgow).
- Reporting includes details of proportion of responses from lone parents, by age of parents, parents of children with additional support needs and ethnic origin (Midlothian).
- Working with Community Planning Partners to share information and, in particular, health colleagues publicised the consultation widely. Early Years Development Teachers engaged parents/carers on a personal and face to face basis and encouraged completion of paper returns at the point of contact (Perth and Kinross).
- Reporting includes details of proportion of responses by gender, ethnic group, disability (Renfrewshire).

3.6 Reports on Results of Consultations

- 22 local authorities had submitted reports to committee that included an overview of the consultation, the results and recommendations/plans for implementation. The committees involved were:
 - Education (ten)
 - Cabinet (three – report by Education Services)
 - Children and Young People's Services
 - Educational and Social Services
 - Education, Culture and Sport
 - Education, Early Years and Family
 - Education, Learning and Leisure
 - Education, Leisure and Housing
 - Education, Sport and Leisure
 - Executive
 - Lifelong Learning

- The responses from other authorities did not always make it clear whether committee reports had been submitted. Two authorities that did not provide committee reports commented that there were plans to submit reports.

- 11 authorities supplied an informal overview of the results (e.g. a print out of graphs from SurveyMonkey), however:
 - three said the information was currently being analysed/not yet available.

3.7 Feedback to Parents

20 authorities provided details of how feedback was provided (or planned) on the consultations. Most used a variety of methods, with the most common being:

- Local authority website (nine)
- Newsletters (school, nursery, or not specified) (four)
- Feedback via nurseries – either letter to all parents or other written feedback (three)
- Circulated via early years network (three)
- Heads of service/head teachers asked to inform parents (three)
- Information included in registration material/admissions guidance (two)
- Local press
- Children and Families Blog

It is clear from these findings that feedback methods tend to be fairly generic, via a website or newsletter rather than direct communication with parents.

3.8 Plans Published

Given that local authorities were carrying out consultations prior to their legal requirement to do so, and that there was no requirement at this stage to publish plans based on the consultations, few authorities had published plans.

Most local authorities reported that the published plan consisted of the committee report which was publically available: several made the point that the consultations had been carried out pre the implementation of the Children and Young People (Scotland) Act 2014 and, therefore, there was no requirement to publish plans. (Note: there is a requirement in the Act for education authorities to *"prepare and publish a plan for how it intends to make early learning and childcare available in pursuance of the Act"*.)

East Dunbartonshire provided a copy of its Early Years Strategic Plan (January 2014) and Shetland reported plans for a standalone childcare plan that was due to be published in 2015.

3.9 Current or Planned Consultations

- Six local authorities said they were currently undertaking consultations with parents. Of these, three were conducting surveys, while focus groups and informal feedback were each mentioned once, and one local authority did not specify how this consultation was being conducted.
- 18 planned to carry out future consultations. Of these, 15 did not specify the form this consultation would take, while focus groups and a survey were each mentioned twice.
- Two local authorities said they did not have any consultations planned, and six did not provide any information or did not directly answer the question.

4. Case Studies

Drawing on the information provided by local authorities, this section contains three short case studies of consultations conducted with parents. The local authorities included have been selected as they provide examples of different ways of conducting consultations and included data on response rates which allow the effectiveness of the methods used to be assessed.

4.1 Dumfries and Galloway

Working with the NHS, Dumfries and Galloway achieved the highest response of all authorities from the consultations and was the only authority to offer the option to complete the survey by telephone. One reason for the high response was that the parents of children aged from birth – four were included (4,000 individuals), a much wider sample than in other areas. The authority aimed to gather general information on parental requirements for childcare and was also the only one not to offer specific options for the 600 hours.

As noted, approximately 4,000 questionnaires were sent to parents of all families with children aged from birth- four. Parents were offered three different return methods:

- using pre-paid envelopes
- online, via an online link
- through a telephone call to the local authority call centre

Rather than offer coded options for the 600 hours of childcare, the questionnaire asked parents their preferred days, number of hours per day, start and finish times and preferences for school holidays or term time only.

Around 2,000 questionnaires were returned – a response rate of approximately 50%. The profile of respondents has been recorded by age of child, additional support needs, lone parent/carer, receipt of working tax credit and mode of work and occupation. Three options for the delivery of 600 hours childcare were offered to parents.

As a result of the consultation it has increased the pre-school education session offered in local authority nurseries from 2.5 hours to 3 hours 10 minutes and purchased 600 hours childcare in partner provider nurseries to be delivered in a way that suits parents.

The results from the consultation have been delayed due to the high response, but the authority reported that results will be broken down and analysed by primary catchment areas with the aim of fitting services to the needs of each area.

Dumfries and Galloway demonstrated an interesting approach to future consultations: it had a question in the questionnaire asking how parents would like to be consulted in the future (e.g. via paper questionnaire, online questionnaire, focus groups), and this will be used to inform the methods used for further consultations.

4.2 Orkney

Orkney Council used paper questionnaires to consult with parents, one of only three councils to use this as the only method. It mailed all 450 parents of children enrolled for nursery and pre-school in 2013-2014 a copy of the questionnaire in a hand-addressed envelope. This method is clearly very resource intensive, but has worked well in an area with relatively few parents. Feedback was provided to parents through a letter summarising the new arrangements which was included in registration material. Further consultations to increase flexibility are planned for the autumn of 2015.

Orkney undertook a consultation of parents/carers in June and July 2013. A paper questionnaire was posted to parents with hand-written addresses, along with a stamped addressed envelope to return the questionnaire. Parents of all children enrolled for nursery and pre-school during the 2013-14 academic year were included in the study. Orkney Council notes in response to the FOI request:



“Some parents of older (pre-school) children would not use the 600 hours provision as their child would be in P1 in 2014-15, but we felt they would have valuable insights to share. Some parents had children who had not yet started nursery, but would become eligible for 600 hours in 2014-15, so we wanted to gather their views as the initial users of the new service.”

A total of 450 questionnaires were sent out and 198 returned (response rate 44%). As a result of the consultations (including consultations with staff), the authority has introduced one session of three hours 10 minutes in its part time nurseries and six 2.5 hours sessions at its full-time nurseries.

The results were published in a Committee Paper made available on the Orkney Island Council website.¹ Feedback was also provided to parents in registration materials, and via the local press. Furthermore, feedback was communicated to head teachers through management meetings, and to early years practitioners through planning meetings.

Consultations are planned for autumn 2015, with the same cohort of parents asked for their views on the new models with a view to offering flexibility where required.

¹ This Committee Paper is available at:
http://www.orkney.gov.uk/Council/C/Education_Leisure_and_Housing_Committee_-_13_November_2013.htm

4.3 Renfrewshire

Renfrewshire Council consulted with parents of all children under the age of 4 attending local authority and partner nurseries. It distributed 7,000 postcards advertising the consultations via nurseries and advertised the questionnaire extensively through other public venues. This extensive publicity campaign resulted in 816 responses: although this is a relatively low response rate (12%) it is sufficient to provide robust results. Having implemented the new model in 2014-15, the authority developed proposals for a more flexible approach for 2015-2016 in line with the Children and Young People (Scotland) Act 2014.

Renfrewshire carried out initial consultations between July and December 2013. The Renfrewshire Board Report (dated 16 January 2014) states:



“In July 2013 when the Play, Talk, Read bus (which promotes the importance of playing, talking and reading with children in their early years) visited Renfrewshire, officers representing the Council were present on the bus to engage with parents and to encourage and support them to respond to the consultation. This approach continues with library services staff encouraging and supporting parents to complete questionnaires during Bookbug sessions.”²

A broader consultation later took place between October and December 2013. This involved a survey of parents on their views on possible delivery options for the increase in hours. The questionnaire was made available in both electronic and paper format. 7,000 postcards were sent to parents of all children under four years old asking them to take part in the survey. Additionally, the consultation was also advertised through press releases, and posters and postcards were sent to venues including libraries, health centres, GP surgeries, and the registration office. 816 questionnaires were completed, equating to a response rate of approximately 12%. Five options for delivery were offered to parents.

The model of delivery implemented as a result of the consultations is five sessions of three hours 10 minutes during the school term, with the option for nurseries providing a full year service to provide flexible provision to suit parents.

The results were made available through Board Reports accessible on the local authority website and feedback provided via the website and nursery establishments.

Further consultations with nurseries have been carried out a year after the original consultations to obtain feedback on the implementation of the model: parents were not involved directly in the consultations. As a result of the consultations there are plans to implement a more flexible model of delivery to allow parents greater choice based on local need.

² More information on the Play, Talk, Read bus is available at: <http://playtalkread.org/bus>

Appendix One: FOI Request

Subject: Freedom of Information - request for Information from xx Council

I am emailing to request information on behalf of the charity, Parenting across Scotland. The information relates to Section 50 of the Children and Young People (Scotland) Act 2014 which sets out the duty of education authorities to consult on the delivery of early learning and childcare (see copy of relevant section below*).

Information required

We would like to request the following information:

1. for all authorities:
 - 1.1. Confirmation of whether or not consultations have been carried out in relation to Section 50 of the Act
2. for authorities that have conducted consultations please provide the following details:
 - 2.1. methods of consultation
 - 2.2. how sample was selected
 - 2.3. details of consultees demographic profile, including hard to reach groups
 - 2.4. copies of results or reports produced as a result of the consultations
 - 2.5. details of how feedback has been provided on the consultations
 - 2.6. plans published as a result of the consultations
3. for all authorities:
 - 3.1. Details of current or planned consultations with parents as required by the Children and Young People (Scotland) Act 2014, including methods, timescales, samples and proposals for feedback/publishing plans

How the information will be used

Parenting across Scotland (<http://www.parentingacrossscotland.org>) is a charity that provides support for parents and families through its information service and shares research and good practice with people and organisations who work with families. The feedback from each authority will be used to identify areas of best practice and produce guidelines for consulting with parents. These guidelines will be sent to all local authorities and made publically available by Parenting across Scotland.

Please do not hesitate to contact me if you require any further information or have any queries about this request.

Regards

* Section 50 of the Act states:

"An education authority must, at least every 2 years –

a) consult with such persons as appear representatives of parents of children under school age in its area about how it should make early learning and childcare available in pursuance of the Act.

b) having regard/had regard to views expressed, prepare and publish a plan for how it intends to make early learning and childcare available in pursuance of the Part.

Appendix Two: Scottish Government Guidance

The extracts shown below are taken from the Children and Young People (Scotland) Act 2014, Early Learning and Childcare Statutory Guidance. The full document can be accessed from: <http://www.gov.scot/Resource/0045/00457025.pdf>

Guidance prepared by Scottish Ministers under section 34 of the Standards in Scotland's Schools etc Act 2000 and under section 96(3) of the Children and Young People (Scotland) Act 2014 (the Act) in relation to Part 6 of the Act on early learning and childcare.

Section 50: Duty to consult and plan on delivery of early learning and childcare

123. It is important that the statutory system of early learning and childcare is child and family centred. Under section 50(1)(a) of the Act education authorities must consult with such persons as appear to them to be representative of parents of children under school age in their area about how they should make early learning and childcare available. Under section 50(1)(b) of the Act, education authorities must have regard to the views expressed in those consultations and prepare and publish plans on how it intends to make early learning and childcare available in response to those views.

124. Education authorities will also need to be clear about the need for delivery to be manageable and affordable within their resources.

125. On-going engagement with the early years workforce across all early learning and childcare sectors will be a necessary part of the planning process and service re-design.

126. Section 50(1) of the Act requires education authorities to consult with such persons as appear to them to be representative of parents of children under school age in their area every 2 years; and, section 50(2) of the Act enables Scottish Ministers to vary the frequency of that consultation by order subject to affirmative procedure by virtue of section 99(2) of the Act.

127. The aim of requiring consultation every 2 years is to build initial momentum into the incremental increase, year on year, of more flexible models of early learning and childcare provision through reconfiguration of services. It is anticipated that the regularity of consultation and planning could be reduced if successive consultations were producing similar findings; or, if a wide range of flexible provision had been achieved. Conversely, the regularity could be increased if there was a major policy change emerging in response to local consultation or national priorities.

128. Education authorities are required to consult with representative samples of their local population. Education authorities are encouraged to use embedded good practice in how they consult³; and, to use a range of consultative methods to engage a wide range of parents such as working parents, minority ethnic populations, hard to reach parents, parents of children with a disability or additional support needs; and parents with support needs.

³ <http://www.scotland.gov.uk/Topics/People/engage/NationalStandards>

Education authorities can also consult on a local area basis to determine local area based models of provision and flexibility.

129. Reconfiguration of services will be based on consultation with parents as required under section 50 of the Act, and will also require negotiation and close cross sector working with all key delivery partners, including private and third sector partner providers.

130. It is envisaged that education authorities will not be required to ask every current or prospective parent of an eligible young child for early learning and childcare about their individual choice of provider and pattern of hours. The consultation is around models, flexibility and systems of choice so that parents can inform options on offer and local authorities can develop systems to allocate options. The aim is to develop a high quality system of early learning and childcare that meet a range of needs.

131. Placing requests which apply to education authority primary and secondary schools do not apply to the entitlement to early learning and childcare (with the exception of children with additional support needs)⁴. However, under section 28 of the 1980 Act, there is a general duty on local authorities to educate children in accordance with the wishes of their parent(s).

132. Under section 33(1) of the 2000 Act, the entitlement to mandatory early learning and childcare should be provided without the payment of fees, including where this is delivered through partner providers under a section 35 arrangement. It is important that there is a very clear system of information for parents on how fees will be administered; and, will require transparency from education authorities about the level of those fees.

⁴ 87 See section 22 of, and Schedule 2 to, the 2004 Act.

Parts 7 and 8: Non-statutory guidance on duties to consult and plan in relation to discretionary early learning and childcare; and, mandatory and discretionary day care and out of school care for children in need and not in need

133. Parts 7 and 8 of the Act also require local authorities to consult representative populations of parents on whether, and if so how, discretionary early learning and childcare under the 1980 Act; and, discretionary day care and out of school care for children not in need under the 1995 Act, should be provided or supported. The Act also requires an authority to consult representative populations of parents on how mandatory day care and out of school care for children in need under the 1995 Act should be made available. In all cases, there is a requirement to publish plans in response to those consultations.

134. The aim of these provisions is to integrate and co-ordinate all consultation, planning and delivery or support for services that meet the needs of all children, parents and families. However, Parts 7 and 8 are not subject to statutory guidance and separate guidance will therefore be developed. The following paragraphs are therefore a description of the provisions, pending the development of non-statutory guidance.

135. Under section 1(1C) of the 1980 Act, local authorities have discretionary powers to provide early learning and childcare beyond the mandatory minimum requirements under section 1 and (1A) of the 1980 Act as amended by the Act⁵ (ie mandatory early learning and childcare). They are also, under section 33(2) of the 2000 Act empowered to charge fees for such discretionary early learning and childcare. This can therefore enable local authorities to prioritise certain vulnerable children; and, through fees subsidised or otherwise, provide more flexibility around their mandatory minimum hours.

136. Under section 27(1) of the 1995 Act, local authorities are required to provide day care⁶ for young children (ie those under 5 who have not commenced attendance at a school) who are in need and have powers to provide day care for those who are not in need⁷.

137. Under section 27(3) of the 1995 Act, local authorities are required to provide out of school care to school aged children in need; and, have powers to provide out of school care to those who are not in need. Again, these provisions provide an opportunity to consult on how out of school care should be delivered to those in need; and, whether and if so how, to those not in need.

138. Combined, these provisions provide an opportunity to consult more widely on early learning and childcare beyond the mandatory minimum entitlement of 600 hours, including how early learning and childcare should be provided to those in need; and, whether and if so how, to those who are not in need or those receiving additional, more flexible provision.

139. In all cases, there is a duty on local authorities to consult with local representative populations of parents about provision and then to prepare and publish plans in response to those consultations. This will require to be done every 2 years. However, there will not be a requirement for authorities to deliver services which are discretionary.

⁵ Section 1(1A) of the 1980 Act is amended by paragraph 2(2) of Schedule 5 of the Act.

⁶ “Day care” is defined in section 27(4) as any form of care provided for children during the day, whether or not it is provided on a regular basis.

⁷ “In need” is defined by section 93(4) of the 1995 Act.

140. The purpose of Parts 7 and 8 is to enable local authorities to broaden the scope of their consultation and planning to reflect longer term aims to develop systems of early learning and childcare, day care and out of school care that meet the needs of all children, parents and families. Broader consultation will provide a more comprehensive picture of provision for children of all ages; and, how it can become more flexible and integrated. Going forward, the provisions create the opportunity for local authorities to co-ordinate consultation and planning of all mandatory early learning and childcare, day care and out of school care along-side discretionary provision which local authorities have the powers to deliver or support.

Section 51: Method of delivery of early learning and childcare

Minimum Framework

141. Under section 51 of the Act, education authorities must deliver the mandatory amount of early learning and childcare within a minimum framework of sessions which are no less than 2.5 hours; and, no more than 8 hours a day in duration. This must be over a minimum of 38 weeks a year (or pro rata) which need not be confined to term time. It is intended that children take up their entitlement at times that best support their learning and support the needs of parents. It is also intended that the increased hours are used as an opportunity to increase consistency for the child.

142. There are a wide range of models or patterns that local authorities could implement, e.g. :

- Short sessions of around 2.5 – 3.5 hours
- Half day sessions around 4 hours
- School day sessions around 6 hours
- Full working day sessions up to 8 hours
- Sessions out-with school term times, across more than 38 weeks/ year

143. These are just examples, and it will be for local authorities to identify models in consultation with local populations.

144. Where education authorities secure sessions of a particular length from partner providers, it is not necessary to specify when those sessions should start and stop in line with education authority timings as long as the minimum framework is met, as this will limit flexibility. For example, where an education authority offers sessions of 3 hours and 10 minutes, from say 9:00 am – 12:10 pm, it is not necessary to require a 3 hour 10 minute session to be from 9:00 am – 12:10 pm in partner provision.