



# Parenting across Scotland

## Early Learning and Childcare Service Model for 2020: consultation Parenting across Scotland response

### Question 1:

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

It is crucial that the overarching vision of world class ELC should sit at the heart of this. Whatever processes are used they should ensure that ELC is of the highest possible quality for children and that parents receive the best offer for their family. Parents should be able to access ELC of their choice for their child easily – it should make no difference who the provider is – the same offer should be consistent across providers. Children should be provided with a high quality experience that meets developmental needs and improves outcomes.

- The process should not be a purely mechanistic process but should ensure that it works to unify the childcare sectors into one coherent sector which works to continuously improve and unify towards being one sector
- Workforce quality is key and the process should ensure that this is so; in particular, it needs to work towards unity of terms and conditions across the sector
- The process should be transparent and open to all registered providers
- The process should also be clear to parents so that they can understand why decisions are being made about partner providers
- It should not be so arduous that it deters smaller providers, such as childminders, from becoming partners
- Quality must remain paramount and there should be a continuous push to drive up standards
- The process should be broadly consistent across local authority areas so that where providers are operating across more than one local authority area they are not subject to processes being unnecessarily different

- Payment processes must ensure that up front payments are made to private providers; unless this is part of the deal it is likely that many businesses will go out of business.

### **Question 2:**

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

Above all, all partners must put the key aim of improving outcomes for children first and work jointly to achieve this. Respect, understanding, consultation and co-production of services with children and parents are absolutely crucial in achieving this.

Equity has to be a key guiding principle underpinning effective and positive partnership between local authorities and funded providers. Parents should be enabled to be able to access whichever type of provision they prefer, be it state nurseries, private nurseries or childminders, without differentiation. In order to facilitate this, local authorities need to ensure that accessible and equitable routes to becoming partner providers are in place which are suitable for the varied size and types of providers.

Respect is crucial in understanding and relating to different ways of working and business models.

### **Question 3a:**

**We are proposing that the National Standard includes a qualification requirement for childminders delivering the funded entitlement to be qualified to or working towards the same qualification level as is required for an ELC practitioner (SCQF level 7). What are the advantages of including this criteria?**

Childminders under the expansion have not been fully utilised and recognised as high quality ELC professionals. As the expansion continues more needs to be done by Scottish Government and COSLA to ensure that local authorities take on childminders as partner providers to ensure that parents have the choice of using childminders using the funded hours. Childminders are often a more flexible option for parents and provide a high quality experience for children.

The new SQA workplace award should be recognised as the award for childminders to go for, and provides a good stepping stone to SVQ 3.

**Question 3b:**

**Are childminders able to access adequate funding to pay for training to SCQF level 7? Are childminders able to access training to SCQF level 7 in a way that is flexible enough to allow them to continue to run their businesses?**

N/A

**Question 4:**

**Our aspiration is to see outdoor learning and play becoming a defining feature of funded ELC in Scotland. • Does criteria 3 capture this ambition? If not, how could it be strengthened in a way that is sustainable for providers? • What challenges, if any, exist for funded ELC providers to ensure children have access to outdoor play? How can these challenges be overcome?**

There are a number of challenges in providing outdoor play. These include:

- finding suitable space
- toileting and washing facilities for both staff and children
- suitable clothing for both children and staff
- suitable training for staff
- including children with disabilities

**Finding suitable space**

Finding space for both built settings and outdoor space can be a challenge, particularly in cities where land is at a premium and land values are high. One way we would suggest tackling this would be using planning to facilitate this. Where large scale developments are planned, there is a requirement to provide an amount of affordable housing, as well as to assess whether there is sufficient capacity within primary and secondary schools in the area, and where there is not to make a suitable contribution under section 70 to contribute to expansion or other community gain. We would suggest that this should be extended to ELC so that an assessment is made as to whether existing provision is sufficient to meet the needs created by the development, and where it is not, to contribute to this. Alternatively, outdoor space for play could be the contribution. Additionally, where housing, either social or private, is being built, there may be opportunities to create settings within large scale blocks with outdoor play space. Many Nordic countries use this model bringing ELC settings into the heart of building developments.

The Space to Grow publication allows a 20% variation in indoor space requirements where the provider has suitable outdoor space. This could mean, particularly where ELC is child led as is desirable, that there are 20% more children in the indoor space than is currently permissible.

### **Toileting facilities**

We are not clear what the solutions might be.

### **Suitable clothing for staff and children**

We are of the opinion that this should be provided by settings so that children from low income backgrounds (or staff on low incomes) are not disadvantaged. We would encourage Scottish Government to undertake a scoping of producing guidance similar to the Cost of the School Day for ELC settings.

### **Suitable training for staff**

Taking children outdoors in itself is not intrinsically more or less desirable than indoor learning; both are dependent on the quality of the experience and the staff's ability to deliver this. This depends on suitable guidance and training. There are already a number of settings who have the experience of delivering outdoor learning and their experience should be drawn on and cascaded to developing settings. The Care Inspectorate has already produced good practice guidance on My World Outdoors.

### **Including children with disabilities**

It is vital that all settings, including outdoor settings are inclusive. In order to include children with additional support needs, staff need training about how to enable this and to alleviate any fears there may be about including children with additional support needs. Assessments may need to be undertaken and reasonable adjustments made where necessary. There needs to be adequate guidance for staff on how to do this, and we would suggest that there ought to be key contacts in each local authority from whom ELC managers can access advice.

### **Question 5a:**

**Will the criteria set out in the draft National Standard: • ensure that high quality, accessible, flexible and affordable Early Learning Childcare is delivered in all funded provider settings? • Support increased choice for parents and carers?**

We welcome the criteria and think that they provide a baseline for the delivery of funded hours. They need to be light touch and easily evidenced so that they do not place an additional burden on providers taking away from their core business of delivering high quality ELC.

The criteria provide a baseline for this in securing places within settings and in the local arrangements between local authorities and providers.

However, much needs to be done outside this in ensuring that high quality, accessible, flexible and affordable Early Learning Childcare is delivered in all funded provider settings. In particular, ensuring that high quality staffing is in place through initial and ongoing training including training in child development and attachment. Evidence from the OECD and from the Scottish Government's workforce review stresses the importance of high quality staff in delivering high quality ELC.

Quality is paramount and the Standard must not act merely as a minimum but should be a mechanism for continuous improvement throughout the sector.

Additionally the curriculum is key and must be UNCRC based, led by the child so that learning is child based and age appropriate to their learning rather than based on a model of school readiness.

We are not clear that the National Standard will result in increased accessibility and flexibility for parents and families, and would welcome further clarification of this. Additionally it remains unclear whether both local authority and private sector settings will be subject to meet the National Standard. There also seems to be considerable variation locally in the National Standard which would take away from this being a National Standard and potentially would result in considerable regional variation in the experience that children receive; we are of the opinion that children throughout Scotland should receive the same standard of ELC and do not feel that as it currently stands this National Standard would deliver this. We would welcome clarification on all these matters.

### **Criteria 1 Staffing, leadership and management**

High quality staffing is one of the key criteria for ensuring quality. We welcome the inclusion of this criterion. However, we have some concerns about sub criteria 1.3 where staff 'must have either obtained the benchmark qualification for their role, or if they are within their first 5 years of registering with the SSSC, have started working towards this'. This could result in a situation where a setting does not have any fully

qualified staff. We believe that this would be detrimental to quality and not in the spirit of what the Scottish Government intends. We are particularly concerned that new settings who enter into partnership having obtained Care Inspectorate licence to operate but not the National Standard may be particularly likely to be in this position and should be required to have fully qualified staff in leadership and management positions to ensure quality.

## **Criteria 2 Development of children's cognitive skills, health and wellbeing**

We agree that this should be consistent with Building the Curriculum 2: Active Learning in the Early Years and other national guidance and welcome that this should support children's learning through play. We would reiterate that the curriculum and delivery of ELC must be underpinned by the UNCRC and to ensure that this happens that a Child's Rights Assessment should be undertaken on these proposals.

It is unclear how this assessment against the criteria will be undertaken and how the Government intends to ensure consistency of assessment across settings and authorities. It is also unclear whether there will be an appeals process when settings are not considered to have met the criteria. We would welcome clarification on this.

## **Criteria 3 See question 3 above**

## **Criteria 5 Accessibility**

We welcome the inclusion of a criterion on accessibility. However, we think that this could go further. For example, rather than reference only those living in a deprived area, the criteria should make reference to those on a low income or in insecure work; it is the case that more people on a low income live in areas which are not SIMD.

We welcome the reference to additional support needs and that settings must make reasonable adjustments to the care and learning environment and provide appropriate support so that children's additional support needs are not a barrier to them accessing ELC. We would welcome mention of staff knowledge and skills here; often a key barrier is around staff perceptions of disability and a fear of being able to cope, when with training and knowledge their fears may be overcome. In order to ensure accessibility for children affected by trauma or with attachment issues, kinship carers, staff need to have the appropriate skills and training. Kinship carers: barriers to employment found that some kinship carers felt unable to place their children in ELC either because they felt that it was not appropriate because they were in the

process of forming a secure attachment with them or because they felt that staff did not have sufficient knowledge and skills around attachment. <http://www.parentingacrossscotland.org/media/1361/pas-final-report-200416.pdf>

### **Criteria 7 – Fair work practices**

It should be noted that a number of the fair work practices that the consultation describes as desirable are actually legal requirements. This criterion requires partner providers ‘to be able to demonstrate at least one of the following’; given that four of the following (equal pay; equality of opportunity; avoiding pregnancy and maternity discrimination; consideration of patterns of working (through legal rights re flexible working requests).) are legal requirements they ought to be complying with and should be able to demonstrate that.

### **Criteria 8 – Payment processes**

Payment processes must be clear and transparent and must ensure that parents are clear about their funded hours and any additional hours which need to be paid for. There should be no additional payments for flexibility or for additional support needs.

In terms of additional charges to parents mentioned in the criteria, these should be kept to a minimum so that parents on low incomes are not disadvantaged by this. We would draw attention to the resources developed by Cost of the School Day by the Child Poverty Action Group and NHS Health Scotland and suggest that similar resources are developed for ELC settings.

### **Criteria 9 – Food**

We welcome the development of guidance around the provision of food and feel that what is being said in this criterion meets the need.

### **Question 5b:**

**Is there any criteria not included in the National Standard that is required to ensure a high quality service is provided to all children?**

Currently there is no requirement for any degree of parental engagement within the model. We believe it is essential that parental engagement is considered and included in the criteria.

In particular, we would like to draw attention to:

- Consultation and planning
- Education about ELC for parents
- Information about ELC options for parents, and
- Parental engagement in their children’s learning

- Parental feedback on ELC provision

### **Consultation**

Consultation and planning is the local authority's duty. This is an opportunity to find out about the needs of families, plan accordingly and provide appropriately. Currently this process is very inconsistent across the country. We would like to see consistently good practice across the country which can inform local authority planning around ELC provision; we ask Scottish Government to produce guidance for local authorities about consultations under section 50 of the Children and Young People.

### **Education for parents about ELC**

One of the Scottish Government's aims in relation to ELC is to improve outcomes for children. In order to do this, there is a need to better inform parents and families about the benefits of ELC for their child. In particular, there is a common misconception among parents about how children learn; in spite of robust evidence that children learn through self-led play many parents wanting the best for their child believe that ELC provision should be about early academic education around literacy and numeracy. We need to provide information for parents about how children learn and what different settings including childminders can offer and how parents can work alongside ELC settings to achieve the best outcomes for their children; Parenting across Scotland would welcome partnering with the Scottish Government to produce such information.

### **Information for parents**

There needs to be clear information for parents about what they can expect from ELC in their area, what is available and how they can access the offer. This should clearly explain the benefits of different settings including childminders. While this should be the local authority's duty, it should be produced in partnership with other local providers and should be disseminated by providers. Currently many parents are having to move their children between settings as they move between paid provision from 0- 3 and access free hours; clearly this is undesirable for both child and parent and should be avoided where possible. There needs to be clear information for parents about the offer, how they can make placing requests and how they can appeal a decision when they do not agree with it.

### **Parental engagement**

There is clear evidence that parental engagement in their children's education improves children's outcomes. While this has been high on



the agenda in primary schools, there has been less attention to this in ELC settings although ELC settings often do engage very successfully with parents. This is a prime opportunity to start engagement early and ELC settings should be required to engage parents in their children's learning and help them to understand how children learn at this age and what they can do to help.

Parents should also be involved in providing feedback about ELC and their views considered in the planning and improvement journey.

Improving children's outcomes is the aim of the ELC expansion; given that parents and carers are the biggest influence on their children's lives in the early years it is vital that their voices are included and heard within the expansion.

Question 5c:

**Do the proposed criteria within the National Standard seem fair and proportionate for all? Do the proposed variations for some criteria seem fair and proportionate for childminders?**

As well as the proposed criteria being fair and proportionate for all, it is essential to ensure that these fit easily with the existing Health and Social Care Standards and the Care Inspectorate and Education Scotland inspection ratings, and that there is no tension between them. Additionally, this should not impose an undue burden on staff which detracts from contact time with children and families. It must be consistent with improving the experience and outcomes of children.

We cite equity between providers as a key principle which must govern this model. To this end it is necessary that all providers, including public and private, must be able to meet and demonstrate they meet the criteria. This should not place an undue burden on one sector.

Question 6:

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

It is necessary to ensure that the implementation of the Living Wage does not create further division and tiers within the workforce. Already the difference between terms and conditions within the public and private sector is creating churn and drift within the workforce. In order to create a consistently high standard of provision for Scotland's children, all ELC settings must be staffed by highly qualified staff.

If implementation were not to be managed well, it could create even more disparity in terms and conditions. As well as the existing differences between public and private sector provision, this could mean that where staff in partner nurseries are delivering the funded hours they are paid the living wage while those who are not delivering the funded hours (for example, those working with under twos) are paid a different rate. Those in non-partner provider nurseries will be paying a different rate again. Guidance must consider how it can avoid creating even more division in terms and conditions in the workforce when the intent must be to lessen difference rather than create more.

We would also like to point out that some of the fair work practices which are deemed good practice and desirable, such as avoiding pregnancy and maternity discrimination are actually more than this and are legislative requirements which employers are required to comply with.

**Question 7:**

**Should newly established ELC settings be able to deliver the funded hours on a probationary basis, pending the outcome of their first inspection, provided they meet all other aspects of the National Standard? Are there any particular challenges or issues that may arise from this approach?**

In principle, we would be happy with this approach with the caveat that there is a proportion of suitably fully qualified staff in place with adequate supervision and support for those who are progressing towards full qualification.

**Question 8:**

**What support will service providers require to prepare for the introduction of the National Standard and meet the criteria and delivery of the new service model?**

N/A