



Parenting across Scotland (PAS) is a charity working as a partnership of children's and family charities to provide a focus on the issues and concerns of families and parents in Scotland.

Working with our partners, PAS provides information and support for parents, families and practitioners in Scotland.

PAS partners: Aberlour, Children in Scotland, Contact, Families Outside, Relationships Scotland, One Parent Families Scotland, Scottish Adoption, Scottish Commission for Learning Disability and Scottish Families Affected by Alcohol and Drugs.

Parenting across Scotland's vision is a Scotland where all parents and carers in Scotland are supported to give children the best possible start in life.

PAS aims to support families in Scotland in bringing up their children. We do this by providing information and support for parents, carrying out research and influencing policymakers.

1 (a) Does the Guidance help your understanding of the legislation relating to education authorities' functions in the delivery of early learning and childcare?

The guidance is helpful in outlining education authorities' functions in relation to the delivery of ELC. However, by necessity it is highly complex; we have detailed some suggestions in our answers below which we hope will assist in its clarity and readability.

(b) Are there any specific aspects of the early learning and childcare legislative framework that remain unclear after reading the Guidance?

Interpretation

This lays out clearly the legislative framework under which Early Learning and Childcare is provided.

However it omits to detail the Children (Scotland) Act) 1995 (section 22) under which services can be provided to children in need and which has historically been used to provide ELC to children whose needs are not met by other legislative

provision(though the Act is listed at 12) . This should be included so that all families in need are supported by ELC where it is needed but does not fall within the universal three and four year old offer nor within the eligible twos offer; this feels particularly pertinent given the Independent Care Review's recent conclusions around the need for a much improved family support offer. In order to clarify to local authorities that there are ways that they can provide ELC to families where they do not qualify for support under the 2014 Act, it would be helpful to include reference to the provisions of the 1995 Act.

Para 26 Under section 35 of the 2000 Act, an education authority can enter into arrangements with any persons to secure the statutory funded early learning and childcare entitlement for children under school age

We would query the use of 'any persons' and suggest that this should be 'any registered persons'.

We have recently had a query from a parent who has been using a nanny as childcare for her disabled child as the most suitable option to fulfil the child's needs. However, the local authority will not fund this provision under the funded hours of the 2014 Act. Currently individual nannies (caring in the child's home) for two or less families are not required to register; nanny agencies on the other hand are registered. The lack of access to state support for nannies is a major issue for parents in Scotland; in England and Wales Ofsted operates an opt in scheme so that parents using services not requiring registration are not discriminated in this way.

Para 29 It may be clearer to start by saying that Ministers have the powers to vary eligibility by secondary legislation first and then to state which section of the Act enables this.

Para 31 Currently this only includes provisions for looked after two-year olds and does not include those who are eligible through work related benefits; we believe that these should be included for comprehensiveness.

Para 33 Again it may be clearer to state the eligibility in a sentence and then to reference the Act either in bracketed text or as a footnote.

Para 41 and para 45 This is a clear and helpful table. It is useful to have guidance on deferral of school starting age at paras 45 onward as this is increasingly becoming an issue for parents and carers in Scotland with widely differing practice from one local authority to another. We would suggest that this guidance also asks local authorities to provide clear information for parents and carers on what the policy is in their local area and how they can apply for deferral; access to this information for parents and carers also varies widely from one area to another.

Para 42 This is useful information on providing access to ELC beyond 2014 eligibility criteria but it would also be helpful to include reference to section 22 of the 1995 Act which is also used for this purpose.

Paras 52 and 53 We welcome the inclusion of information about providing clear and accessible information for parents and carers. We would also add that while information should help parents and carers to be 'fully involved and engaged with

their child's learning' there are many barriers for parents and carers which need to be addressed before this is even possible for many parents and carers; it is crucial that ELC settings have a family support offer or strong links with local services which support families.

Section 48

It needs to be clearer what 'a pro rata amount' is based on, whether this is a reference to school starting dates or other qualifying periods.

Para 58 The second sentence which clarifies that while this is an entitlement for children, parents are not obliged to take up all, or indeed any, of their child's funded entitlement is very welcome, as it is clear from parents that too often they are led to believe that it is all or nothing, and that they are not being offered viable choices. While we understand that ELC settings cannot accommodate all variations that parents request, nonetheless parents and carers should be given options that respect their working lives, their choices on family life and on ELC. Information from local authorities for parents and carers should make this clear.

Para 59 Again this would be clearer if it made a statement which then included a reference to the legislation rather than the other way round. For example, Scottish Ministers may change the amount of the funded ELC entitlement by order (legislative reference).

Para 60 Upfront payments

This is currently causing a great deal of confusion for parents and we would welcome inclusion in the guidance that clear information on upfront and additional payments should be provided by providers to parents. We appreciate that this is mentioned at para 62 but believe that parents need more clarity around this.

Para 61 While this guidance is clear and helpful in relation to what can be charged for in relation to optional extras, we would appreciate inclusion of some reference to the fact that for parents and carers on a low income additional costs may be a barrier to inclusion and that this runs counter to legislative and policy initiatives on child poverty, inclusion and on narrowing the attainment gap.

Section 49

Parenting across Scotland was involved in lobbying for this provision in the original legislation and has been advocating for its use ever since. Accordingly, we welcome the extended guidance on Section 49 and alternative arrangements to meet wellbeing needs.

It is clear that currently this extends only to the eligible two-year old population who qualify under their looked after status and not to those who qualify under qualifying benefits. Parenting across Scotland has long argued that this provision should be extended across the eligible two population and could be used to provide families with wide ranging options for the support they need; as well as contributing to family and child wellbeing providing this support can move families towards a more successful transition to ELC at a later date. We urge Scottish Government to include

the extension of this provision to the whole eligible twos population as soon as a legislative opportunity becomes available.

Currently this section reads in a very prescriptive way about safeguarding and assessment; we would welcome reference to responding proactively to parents' requests and need for support.

More sharing of good practice in this area would be a useful addition to how local authorities engage with the guidance and use this provision.

Section 50

We welcome this section of the guidance and are pleased to note that some of our suggestions for improving practice in consultations with parents and carers have been taken up; in particular, the extension of the categories of parents who should be included in consultation and the value of consulting parents and carers of primary school children who may have already experienced the ELC journey and who may also have sibling who are in ELC and at school. We would suggest the further addition of lone parents who have particular needs in relation to and difficulties in accessing ELC. We would further suggest that in line with good practice in principles of participation the guidance should encourage local authorities to feedback the results of the consultation to those they have consulted.

We believe that it would be helpful to share good practice in relation to consulting parents, the benefits of various approaches and how this informs local planning and would welcome the opportunity to work with Scottish Government on this.

Para 90

Good quality communication is vital to meaningful engagement with parents and carers and we welcome the commitment to 'ensuring parents and carers get the support and information they need in appropriate formats and at the right times'. While this is critical in ensuring that parents can 'be fully involved and engaged with their children's learning', we would suggest that the need for information and support goes beyond children's learning and that families need support and information to survive and thrive. This early support and information may then enable families to engage more fully in their child's learning, but we would respectfully suggest that parents' need for support and information in their own right as parents and not only as agents of their children's learning is acknowledged. The Independent Care Review made a strong case for supporting families at an early stage and it is clear that many families will have needs to be met before they are able to engage with family learning. The universal offer of ELC provides an unparalleled opportunity for supporting and working with the whole family.

Additional support needs

We fully support the principle that children should be included on the basis of their eligibility and suitable adjustments should be made to enable them to participate. We support our partner, Enquire's submission on this.

Section 51: Method of delivery of early learning and childcare

We welcome the approach that there should be a wide and diverse range of provision that meets families' needs. We understand that logistically it is not possible to provide every variation and each demand. Nonetheless we are hearing that current changes to provision are not meeting the needs of families and, in some cases, are actually moving further away from that rather than closer. For example, we heard recently of a working parent who currently has full day cover from her local nursery, and for the coming year has been offered a morning place at her local nursery and an afternoon place at a nursery 10 miles away, putting her ability to continue work in peril. We accept that children's wellbeing is at the centre of the expansion, but as well as being affected by ELC children's wellbeing is also strongly influenced by parental well being and income. Currently the offer in some areas is making parents' arrangements more rather than less difficult. The guidance is very welcome and clear but in some areas the delivery falls short of the ambition.

We would reiterate that there needs to be a clear offer to parents and carers that enables them to use the funded hours but does not pressurise them to use their full entitlement where they do not wish to, and recognises that the wish that many parents and carers have to stay at home with their children in their earliest years is an equally valid choice and should be supported by Government.

Section 52: Flexibility in the way in which early learning and childcare is made available

We welcome the move towards greater flexibility and acknowledge that there are challenges in moving towards this. The guidance that consultation with parents should provide information to aid the design of suitable delivery models is also welcome. However, a number of parents are reporting that this is not their experience. As well as using consultation to design provision, local authorities need to listen to feedback from parents and use it to refine delivery models. Consideration needs to be given as to how Scottish Government can engage with parents and carers throughout Scotland to assess current provision and how it is meeting parents' needs.

Paras 132 & 133 Managing transitions is crucial in providing quality ELC for children and improving outcomes. Focussing on developing supportive and caring relationships between the child and their care givers is important; it is also important that parents and carers are part of this dynamic, that caregivers provide supportive and caring relationships to families enabling them in turn to provide supportive and caring relationships to their children. The importance of supportive and caring relationships to families and children in ELC cannot be over emphasised.

Para 135 As in our previous comment in relation to para 26, we would question the accuracy of stating that the education authority can enter into arrangements with 'any person'. It appears that they cannot, for example, enter into an arrangement with a nanny to provide ELC for a disabled child who needs cared for at home.

Para 140 This paragraph mentions CPD; it would be useful to cross-refer to the recently developed CPD modules.

Para 144 It states here that providers will be aware of other systems of subsidy available to parents; as well as being aware of sources of subsidy providers should work with parents either to help them access these funds or refer them to other organisations who can do this. Both in terms of the reduction of child poverty and ensuring that adequate ELC is available to all, we believe that this would be good practice.

2 (a) Do you find the Guidance clear and readable?

We understand that the guidance is aimed at providers and at practitioners. However, we are conscious that parents and those advising them may also be referring to the guidance and may need clearer guidance. We would suggest that statements and explanations are provided first with legislative references provided as a footnote, hyperlink or bracketed text.

(b) Are there any specific areas of the Guidance where we could improve readability?

Para 16 Given the number of pieces of legislation and guidance referred to in this guidance it would be useful to have a table of list of legislation and associated guidance in one place which can be referred to. It is particularly important that the practice guidance, 'Realising the Ambition' is given prominence.

3 Do you have any other comments on the Early Learning and Childcare Statutory Guidance for education authorities?

We would welcome reference to the new Best Start Grants for families with a child starting ELC or school, and encouragement for education authorities to include this in their information for parents and carers. For parents on low incomes accessing these grants can make a substantial contribution to their child being able to take part in activities and to narrowing the attainment gap.