

North Lanarkshire Council

Report

Education and Families Committee

approval noting

Ref GMcL/AH

Date 12/11/19

1140 Early Learning and Childcare Expansion Programme Update

From Gerard McLaughlin, Head of Education (Central)

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Executive Summary

This report provides Committee with an update on Early Learning & Childcare's (1140) expansion programme.

Recommendations

- (1) Note the current up to date position of SW HubCo.
- (2) Note the updated position with regards to Cumbernauld Village.
- (3) Note the update on the Early Learning & Childcare (1140) Contingency Plan.
- (4) Note the three year procurement framework for Funded Providers for eligible two year olds and all children aged from three years to those not yet attending primary school.
- (5) Note the deferred entry process for 2020/2021
- (6) Note the update on the on-going consultation relating to Nursery Teachers.
- (7) Note the continued engagement with various internal and external stakeholders.
- (8) Note the progress of the Early Learning & Childcare (1140) phasing strategy and next steps.

The Plan for North Lanarkshire

Priority Support all children and young people to realise their full potential

Ambition statement (7) Enhance collaborative working to maximise support and ensure all our children and young people are included, supported, and safe

1. Background

- 1.1 In line with the Children and Young People (Scotland) Act 2014, the Scottish Government committed to increasing the annual entitlement to Early Learning and Childcare from 600 hours to 1140 hours by August 2020 for all three to four year olds and eligible two year olds.
- 1.2 The implementation of an enhanced entitlement for Early Learning and Childcare provision requires a new resource model to be designed and developed.
- 1.3 A dedicated 1140 Hours Expansion team has been established by Education and Families and a detailed implementation plan is in place to underpin and monitor activity through to August 2020. The vision for Early Learning and Childcare in the Council has remained consistent through this period and is as follows:-

'Deliver in partnership, by a skilled workforce, in stimulating and nurturing environments, high quality and flexible Early Learning and Childcare which is affordable and accessible for all.'

- 1.4 There are a number of drivers for the work in the Early Learning and Childcare 1140 hours expansion. These include:
 - The workforce paper of November 2018 which sets out the broad context for the expansion of the workforce
 - The feedback from trade unions, practitioners and partners on the proposed staffing models
 - Updated advice on the national quality framework from Scottish Government
 - More detailed mapping based on emerging intelligence regarding what is needed within the expansion and a broad consensus about what might work.

2. Report

2.1 Update SW HubCo

- 2.1.1 As previously reported to Committee, as part of the 1140 implementation plan, 9 new builds are required. The contract for six of the nine Hub projects has been signed off and arrangements are being put in place for work to commence the following new builds
 - Bonkle Family Learning Centre
 - Carbrain Family Learning Centre
 - Chapelhall Family Learning Centre
 - Coltness Family Learning Centre
 - Netherton Family Learning Centre
 - Petersburn Family Learning Centre
- 2.1.2 The sign off for two of the nine proposed builds have been delayed due an issue with drainage. An agreement has been reached with Scottish Water on the surface water drainage for Wishawhill Family Learning Centre and Forgewood Family Learning Centre that should enable these contracts to be awarded allowing works to start in January 2020 as previously anticipated.

2.2 Update-Cumbernauld Village

2.2.1 The ninth of the new build proposals is Cumbernauld Village. As reported at the previous Education and Families Committee, the proposal to build a Family Learning Centre on the site of the former Cumbernauld Village Primary School received 87 objections. Subsequent discussion with the Planning Department and the community representatives highlighted a number of concerns, which included:

- The demolition of a sandstone building set within a conservation area
- The quality of the proposed materials of the Family Learning Centre
- Concerns around the access areas and parking facilities
- The issue around the land and wall around the proposed site.

2.2.2 The Council is required to comply with Planning Regulations and as such needs to submit a new application. Discussion is ongoing regarding the content of the proposed new planning application. Approval has been given to proceed to contract on eight of the new builds leaving Cumbernauld Village subject to further Planning considerations. Meantime, the Early Learning and Childcare team have put in place a contingency plan to allocate places to families from the Cumbernauld Village temporarily to support any potential delay, ensuring they are allocated their statutory 1140 hours entitlement from August 2020.

3. Contingency Planning

3.1 Scottish Government have requested that contingency plans are completed and reported to Early Learning and Childcare Expansion Boards by mid-November 2019 and then reported to Scottish Government thereafter. General contingencies are currently in place to support pressure areas within the programme eg new builds not ready on time and these plans will be regularly updated and reported as appropriate. Contingency plans will be dependent on demand during nursery admissions conducted between December and May 2020.

4. Procurement

4.1 Framework

The Scottish Government and Local Authorities have committed to making an unprecedented level of investment in Early Learning and Childcare, almost doubling the entitlement from 600 hours to 1140 hours per year from August 2020, for all eligible two year olds and all children aged from three years to those not yet attending primary school. This is outlined in the Children and Young People (Scotland) Act 2014 and will be high quality, flexible Early Learning and Childcare that is accessible and affordable for families, with the local authority being the guarantor of quality.

Committee will recall the update provided to the Education and Families Committee in September 2019, with regards to the interim framework to support the delivery of 1140 hours to funded providers within North Lanarkshire for session 2019-2020 – a year in advance of this becoming statutory.

Following the success of this procurement framework and in line with statutory requirements, approval has been sought from the Executive Director Education and Families, per General Standing Orders 21.3.2, to undertake a further procurement for

the delivery of 1140 hours, for all eligible two year olds and all children aged from three years to those not yet attending primary school.

The procurement will be via the "light touch" method and will commence on 1 August 2020, for a period of 3 years. This flexible method gives new applicants an opportunity, if required, to apply to become a funded provider during the lifetime of the procurement. It is anticipated that new applications would be reviewed on a 6 monthly basis.

A voluntary contract notice was posted on the Public Contracts Scotland website on 23 October 2019 inviting interested parties to submit a tender application by 12 noon on Friday, 15 November 2019.

Two training sessions, to assist childcare providers with the completion of tender applications on Public Contracts Scotland have taken place, and both were well attended.

Based on historic usage and the increase in hours (from 600 to 1140 hours) the estimated annual cost of funded ELC is just under £12m per year. This allows for additional contingency, in the event that there are increased applications out with the admissions process.

The value of the service being offered is £5.55 per hour per child for children aged from three years to those not yet attending primary school and £5.80 for eligible two year olds.

A further report providing an update on the framework will be presented to a future Education and Families Committee.

4.2 Deferred Entry

Committee will be aware that the Council agreed a motion, on 20 June 2019, which guarantees four year olds, with birthdays falling the day after the school returns in August and the last day in February, have the option to defer entry to Primary 1 and receive a further year of early learning and childcare provision.

The motion states;

This Council notes the aims of the Give Them Time Campaign, set up by parents to share experiences of applying for a further year of nursery funding for their child to defer starting P1; understands that the national survey found that only 19% of parents knew about the legal right to defer children born between September and December, compared with 80% knowing that children born in January and February can be; notes that the Council does not offer a guaranteed right to nursery funding for deferred children born between September and December and agrees that, starting with applications for the 2020/21 school year, any application to defer a child's P1 start whose birthday falls from September to February be granted automatically, with a further one year's nursery funding provided. Agrees that the Council write to the Scottish Government to request that Ministers engage with the Council regarding the extra funding required within its 2020/21 budget to finance all additional nursery placements for children who have a legal right to defer the start of primary school under the terms of the Education Scotland Act (1980)."

Following a letter from North Lanarkshire, seeking clarification regarding deferred entry, Scottish Government wrote a response on the 30th July '19. A joint letter from Scottish Government and COSLA was sent to all local authorities on the 9th October 2019 (Letter included Appendix 1). At this stage the Scottish Government has confirmed there is no change in the law and therefore it remains for each local authority decide whether to fund (or not) nursery provision for discretionary deferrals. However, the Scottish Government has indicated they wish to engage in discussions with umbrella bodies such as COSLA and ADES to assess the resource implications of a potential policy change and agree a joint way forward. In essence, this confirms that no additional funds are available to North Lanarkshire Council to implement enhanced deferral arrangements, which was a condition included in the motion presented to Council in June '19.

Members should note none of the seven other local authorities, which make up the West Partnership, are currently implementing arrangements for deferral of children born between August and December.

A further paper will be brought to the next meeting of the Education and Families committee outlining the full cost of implementing deferral of children born between August and December across North Lanarkshire. Therefore, until a full and concise appraisal has been completed of the affordability implementing new arrangements, the current deferred entry policy and the admissions policy will remain in place.

Members should take cognisance of the financial impact section of this report.

5. Nursery Teachers

The council currently has 72 nursery classes within existing primary schools. Traditionally, Early Learning and Childcare employed nursery teachers within these settings. With the advent of 1140 hours, it will be important to utilise the expertise of a relatively small number of staff across an expanding Early Learning & Childcare landscape to maximise impact. Education and Families is currently working with Teacher Trade Unions to consider the options for this group of staff in advance of the delivery of the new 1140 provision. Teaching colleagues have been presented with the following options:

Option 1 - Development of an Equity & Excellence Quality Support Teachers' post

Scottish Government allocated funding to appoint 40 Equity and Excellence Leads. This can either be a teacher (with existing, or a willingness to develop, early years expertise) or a graduate level practitioner (with a graduate level qualification).

The Council is committed to retaining a number of teachers from within the existing Early Learning & Childcare cohort. The responsibilities of the Equity & Excellence Quality Support Teacher will include:

- Management and provision of a high quality early learning and childcare service
- Implementation of a high quality early years curriculum for all children in accordance with relevant national and local guidelines

- Closing the attainment gap by providing intensive targeted support/early intervention to children living in the lowest Scottish Index of Multiple Deprivation.

Option 2 - Placement within a primary school setting

Next steps include the options being shared and distributed to ELC teachers and further consultations with Joint Secretaries will take place to discuss and agree the Quality Support Teacher designation and job description. Engagement with JNCT remains consistent and positive.

6. Corporate Communications and other Stakeholder Engagement

The Early Learning & Childcare (1140) team have been working with Corporate Communications who have developed an Early Learning & Childcare microsite which went live on 3 October 2019 to support engagement with parents/carers, staff and other stakeholders. A communications plan is in place to ensure parents/carers and staff are kept up to date on the fast-paced developments within the programme. Development of a programme newsletter has been finalised and regular updates will be distributed.

Further, full dialogue has taken place with the council's Funded Providers, Internal Audit Service, Risk Management team, professional associations (teachers and trade unions), West Partnership, Scottish Government, Scottish Futures Trust, Inspiring Scotland and Routes to Work.

Meetings are continuing to take place with primary school head teachers with nursery classes, Family Learning Centre Heads and Early Learning & Childcare practitioners on a setting by setting basis.

7. 1140 Hours Phasing Strategy

A programme has been developed to phase in the delivery of 1140 hours across Early Learning & Childcare settings. The phasing will deliver 1140 hours firstly for all our most vulnerable children and families, with priority being given to eligible 2 year olds.

<p>Phase 1: Beginning September 2019</p>	<ul style="list-style-type: none"> • 22 establishments to deliver additionality for eligible 2s (including 15 Family Learning & Childcare) <p style="text-align: right;">130 Children</p>
<p>Phase 2: September to October 2019</p>	<ul style="list-style-type: none"> • 16 Family Learning Centres to deliver additionality to their most vulnerable children and children of working parents (3 to 5 years). • 19 term time establishments to deliver additionality to children 3 to 5 years. This is presently being progressed: <p style="text-align: right;">220 Children</p>

	<ol style="list-style-type: none"> 1. 5 establishments are now fully implementing 1140 hours 2. 9 establishments progressing to implementation for 21st October. 3. 5 establishments progressing to implementation by 31st October <p style="text-align: right;">506 Children</p>
Phase 3: November to February 2020	<ul style="list-style-type: none"> • 16 family learning centres (existing provision) staffed for phasing 1140 for all remaining children with statutory entitlement. • 27 full time establishments staffed for phasing 1140 for all remaining children with statutory entitlement
Phase 4: February to June 2020	<ul style="list-style-type: none"> • Remaining term time models staffed for delivering 1140 for all remaining children with statutory entitlement • New build establishments staffed for delivering 1140 for all remaining children with statutory entitlement

By February 2020, 69 out of a possible 106 establishment will be delivering additional hours (19 with full implementation and 40 partial implementation of 1140 hours). By June 2020 the remaining 37 establishments will be staffed to support the delivery of 1140hours by August 2020

Officers will continue to monitor capacity through admissions data in order to support further phasing. Throughout the phasing approach, consideration will be given to ensuring parents are offered a choice of Early Learning & Childcare provision within each locality. An example of the types of options which will be available are as follows:

- Term Time Nursery Classes (6hrs per day over 38wks)
- Full Time Nursery Classes (4hrs45min per day over 48wks)
- Funded Provider (Nursery Provision/Childminders)
- Gaelic provision offered within Airdrie and Cumbernauld locality
- Split placements between local authority nurseries, private/voluntary/independent nurseries and childminders.

Phasing data is regularly reported to Scottish Government and Committee will be updated on any future stages of phasing.

8. Equality and Diversity

8.1 Fairer Scotland

The strategy of NLC, as approved by the Education Committee in November 2017, is to positively target families who live in SIMD areas 1–4. Consideration has also been given to ensure there is a mix of services within localities.

8.2 Equality Impact Assessment

This is a statutory entitlement for eligible two year olds and all children aged from three years to those not yet attending primary school.

9. Implications

9.1 Financial Impact

The roll out of the 1140 hours expansion programme will continue to be monitored against the available capital and revenue grant funding, with regular updates provided to Committee.

Cognisance must also be given to the financial challenge of deferred entry. The Education Committee on 18th December 2018 approved a rate of £5.55 per child per hour for 3 - 5 year olds for delivery of 1140 Hours from August 2019 for external provision. This approved rate equates to an annual payment of £6,327 per child. There are currently 510 children within external settings who are eligible for deferred entry for session 2020/21, which results in a potential additional cost of £3.22m based on 100% uptake. It should be noted there are also 1,867 eligible children within local authority settings resulting in potential additional expenditure of £11.81m based on the annual cost of £6,327 per child. Overall the increased costs could be in the region of £15.03m per annum if 100% of eligible children seek deferred entry.

In addition there would have to be a review of the current nursery estate to determine if there are any capital funding requirements to accommodate the additional demand within existing settings and linked facilities costs such as cleaning and catering.

9.2 HR/Policy/Legislative Impact

The expansion is driven by legislation ensuring the provision of 1140 hours Early Learning and Childcare, as a statutory requirement from August 2020 for eligible two year olds and all children aged from three years to those not yet attending primary school.

9.3 Environmental Impact

Access to local childcare services will provide environmental benefits through the use of local community based networks and facilities.

9.4 Risk Impact

Without the workforce and infrastructure in place by August 2020, the Council may be at risk of failing in their statutory duty to provide 1140 hours nursery provision for eligible two year olds and all children aged from three years to those not yet attending primary school.

10. Measures of success

10.1 Delivery of the expansion within the required timescale, ensuring full access to 1140 hours Early Learning and Childcare provision by August 2020.

10.2 Children have access to funded entitlement of 1140 hours from August 2019.

11. Supporting documents

11.1 Appendix 1 - Letter from Scottish Government, 9th October 2019.

A handwritten signature in black ink, appearing to read "Gerard A. McLaughlin". The signature is written in a cursive style with a prominent flourish at the end.

**Gerard McLaughlin
Head of Education (Central)
Education and Families**



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To:
Local Authority Directors of Education

Copy:
Local Authority Directors of Finance
Nicola Dickie, COSLA
Lesley Gibb, ADES Early Years Network

9 October 2019

Dear Colleagues

Primary 1 Deferral and Early Learning and Childcare (ELC) Eligibility

I am writing to make you aware of the Scottish Government's intention to bring forward legislation to ensure that all children who are not yet 5 on the first day of school are able to receive funded early learning and childcare (ELC) if their school start is deferred.

We recognise that local authorities are working incredibly hard to prepare for August 2020, and that remains our collective delivery priority. This letter is intended to clarify the current position and to inform you of next steps, as COSLA, ADES, and the Scottish Government work together to assess the resource implications and agree a reasonable implementation timetable.

I am also aware that a number of local authorities have had discussions locally about their own policies to fund ELC for August to December born children where families wish to defer their school start. As well as this, I recognise the work colleagues have undertaken following the COSLA Children and Young People's board decision in April to adopt a consistent approach to communicating rights about deferred entry and funded ELC eligibility to parents and carers.

Scottish Labour Party Debate: Nursery Funding (Deferred Entry to Primary School) – 2 October 2019

You may be aware that Scottish Labour MSP, Iain Gray, lodged a motion on 30 September calling on the Scottish Government to bring forward legislation in this parliamentary session to fund early learning and childcare for all children who are deferred (see Annex A for full text).

The Minister for Children and Young People, Maree Todd MSP, lodged an amendment to this, that sought to clearly set out the need for joint working with local government to assess resourcing implications. These motions were taken in the Chamber on 2 October 2019, and the Labour motion was passed.



Current Policy

For now, there is no change in the law.

All children who are still 4 at the start of the school year can be deferred and start primary one the following year. Children with a birthday in January or February are automatically entitled to another year of funded ELC.

For children with a birthday between the school commencement date in August and the end of December, additional funded ELC is at the discretion of the local authority using their powers under section 1(1C) of the Education (Scotland) Act 1980. These decisions should involve parents and practitioners, and be based on an assessment of the child's wellbeing. Colleagues are aware that we are in the process of updating the Children and Young People (Scotland) Act 2014, Early Learning and Childcare Statutory Guidance (<https://www.gov.scot/publications/early-learning-childcare-statutory-guidance/>).

Next Steps

Partnership working is vital to the ELC expansion. Before any amendment to the law is made, it is of course essential that Scottish Government, COSLA, and ADES agree the way forward together, in line with the principles of local democracy. This will require proper assessment of the resource implications in the context of delivering the ELC expansion. We will begin these discussions soon and update colleagues in due course.

I hope this update was useful and I would be very happy to discuss any concerns arising from this letter with you and your teams. In the first instance, please contact Francesca.lwanyckyj@gov.scot who will be able to direct your query.

Yours sincerely



Alison Cumming
Deputy Director, Early Learning and
Childcare Programme, Scottish Government

Scottish Labour Party Debate: Nursery Funding (Deferred Entry to Primary School) – 2 October 2019 ([Official Report](#))

Motion S5M-19193: Iain Gray, East Lothian, Scottish Labour, Date Lodged: 30/09/2019

That the Parliament recognises that, under the Education (Scotland) Act 1980, parents have the legal right to defer their child's entry to primary education if they are not five years old by the commencement of the school year; understands that those children who are born in January and February have an automatic entitlement to funded early learning and childcare during the deferred year, while those born between August and December do not have this automatic entitlement; commends the "Give Them Time" campaign for their work in highlighting this issue; calls on the Scottish Government to bring forward legislation in this parliamentary session to automatically entitle young people aged four, who are born between August and December, to funded early learning and childcare in line with statutory government provision for three- and four-year-olds when their parents use their legal right to defer entry to P1, and further calls on the Scottish Government to work with COSLA to ensure the necessary resources are available.

Motion S5M-19193.1: Maree Todd, Highlands and Islands, Scottish National Party, Date Lodged: 01/10/2019

As an amendment to motion S5M-19193 in the name of Iain Gray (Give Them Time Campaign), insert at end ", and agrees that, in line with the principles of local democracy, this should be advanced with the agreement of local government following proper assessment of the resource implications, and in partnership with parents and the sector."