

## Early Learning and Childcare Admissions Policy

### Report by Mary Smith, Director, Education, Communities and Economy

#### 1. Purpose of Report

This paper up-dates Council on the outcome of a Motion to Council passed at Council in August 2011 in relation to catchment areas for nursery pupils.

The report outlines the current admissions policy for Early Learning and Childcare (ELC) in Midlothian following the implementation of the Children and Young People (Scotland) Act 2014 and requests that Council notes the progress to date.

#### 2. Background

In August 2011, a Notice of Motion was raised by Councillor Imrie, countersigned by Councillor Boyes, to Midlothian Council. The minute of the Council meeting records the agreed motion:

*Midlothian Council now believes that the time is right to review the arrangements with an amendment to provide that nursery provision be made on primary school catchment areas.*

*Midlothian Council recognises that it cannot do it alone and therefore calls upon COSLA to enter into discussions with Midlothian Council to examine arrangements so that nursery provision is allocated on primary school catchment areas, which would allow this issue to be debated at a national level and thereafter presented to the Scottish Government"*

Accordingly the Director of Education and Children's Services wrote to the Chief Executive of COSLA on 8 November 2011 requesting that COSLA enter into discussions with the Scottish Government to examine the existing arrangements for the admission of pupils into nursery provision.

The minute of the Council meeting on 28 February 2012 notes:  
*COSLA responded on 13 February 2012 advising that COSLA had taken soundings from various Councils on this matter and did not feel that there is an underlying concern and that there did not appear to be local government wide support to examine arrangements for admission of pupils into nursery provision.*

The Council decision was that *a further report providing details on a scheme of allocating primary school catchment areas for nursery provision be submitted to Council, prior to requesting COSLA to pilot such a scheme in Midlothian.*

*(Action: Director, Education and Children's Services).*

A further report has not been submitted to Council from that period. However the entire landscape and legislation in relation to nursery provision has changed significantly since that date with the increase to 600 hours of ELC and the introduction of an entitlement for certain 2 year olds.

### 3. Legislation and Policy

Under section 47(1) of the Children and Young People (Scotland) Act 2014<sup>1</sup>, *an education authority must secure that the mandatory amount of early learning and childcare is made available for each eligible pre- school child belonging to its area.*

Education Scotland advise:

*“The 2014 Act requires [Local Authorities] to ‘make arrangements’ for ensuring that parents receive their entitlement to free [Early Learning and Childcare]. There is no requirement for this to include catchments and this is not covered in legislation. Indeed, the 2014 act requires [Local Authorities] to operate with a high level of flexibility to meet parental demands.”*

In addition, they advise:

*“...the difference (in law) lies in the fact that children not yet at primary school are ENTITLED to receive education; whereas, from the age of five years old (with some exceptions) are REQUIRED to receive education. The former is covered now by the Children and Young People Act 2014; the latter, by the [Education (Scotland)] 1980 Act.”*

Midlothian Council Policy guidelines (Admission to Early Learning and Childcare for 3 and 4 year old children within schools and classes<sup>2</sup>) 11<sup>th</sup> revision, as approved by Cabinet on 17<sup>th</sup> November 2015, are quite clear that there are no catchment areas in relation to nursery places and this is in line with national policy.

*Catchment areas and denominational status do not apply to Early Learning and Childcare provisions. Applications may be accepted for children aged two and over. The application form will inform parents that attendance at an Early Learning and Childcare provision does not guarantee a place in primary one at the same school. Children have an entitlement to Early Learning and Childcare and, should a place be unavailable in their preferred Early Learning and Childcare provision, Midlothian will try to identify a place within an alternative provision.*

### 4. Flexibility

Scottish Government is committed to raising the entitlement to ELC to 30 hrs per week by 2021 (1140 hours per annum). This will affect almost 2,500 children in Midlothian.

Under section 52 of the Act<sup>3</sup> local authorities must support families through the provision of an early learning and childcare service which is flexible enough to allow parents an appropriate degree of choice when deciding how to access the service.

Currently flexibility lies within a range of services: Partnership centres, voluntary sector nurseries, private nurseries and childminders – flexibility is one of the core expectations of the Scottish Government and this

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<sup>1</sup> <http://www.legislation.gov.uk/asp/2014/8/section/47/enacted>

<sup>2</sup>

[http://www.midlothian.gov.uk/download/downloads/id/6302/11\\_admission\\_to\\_early\\_learning\\_and\\_childcare\\_11th\\_rev](http://www.midlothian.gov.uk/download/downloads/id/6302/11_admission_to_early_learning_and_childcare_11th_rev)

<sup>3</sup> <http://www.legislation.gov.uk/asp/2014/8/section/52/enacted>

encompasses the choice of provider and a choice of hours, much of which is provided currently by non-Council ELC providers.

Where it is in the best interests of the child, shared placements between two ELC settings can be arranged.

The Council will work closely with these providers to establish a sustainable model of delivery that ensures the long-term viability of providers, flexibility, choice to parents and additional capacity.

There is a “soft start option” in Midlothian Council provisions, where twenty minute drop off and pick up windows are operated, allowing parents and carers flexibility to accommodate arrangements for their other children.

It should be noted that “entitlement” to ELC in Midlothian follows the child, allowing parents/carers to pick the setting and provider (Council, Partnership centres, voluntary sector nurseries etc.) that best suits their needs and circumstances.

## **5. Consultation**

Extensive consultation was undertaken in preparation for the expansion to 600 hours of ELC in 2014, including survey monkey questionnaires, roadshows and focus groups. In 2015 further consultation was carried out with parents/carers. As a result of that extensive consultation the pattern of attendance for children was changed. In 2016 consultation was undertaken for the revisions to the Early Years staffing model for ELC provision and further consultation will take place on preparations for the implementation of the increase to 1140 hours.

## **6. Report Implications**

### **6.1 Resource**

There are no capital, revenue or resource implications in retaining the existing policy.

### **6.2 Risk**

Where there is pressure on places at a particular provision there may be challenge from parents seeking to place their children at that setting. However Midlothian provides capacity for all its eligible children across the authority in a range of settings, in accordance with its legislative requirements.

### **6.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

### **6.4 Key Priorities within the Single Midlothian Plan**

Getting it Right for Every Midlothian Child (GIRFEMC) 1: Children in their early years and their families are being supported to be healthy, to learn and to be resilient

GIRFEMC 4: Children and young people are supported to be healthy, happy and reach their potential

GIRFEMC 5: Inequalities in learning outcomes have reduced.

**6.5 Impact on Performance and Outcomes**

The preventative and early intervention nature of early years provision has an impact, in the short, medium and long term, on outcomes for children and on a wide range of performance measures, for example those measured as part of reducing inequalities in learning outcomes.

**6.6 Adopting a Preventative Approach**

High quality Early Learning and Childcare ensures Midlothian's children have the best possible start in life.

**6.7 Involving Communities and Other Stakeholders**

Consultation with parents and carers was carried out and their views used to shape the delivery model for the expansion to 600 hours, and providers from all strands were included in discussions around the delivery model. This will be repeated to ensure that our provisions meet the new Scottish Government requirement of 1140 hours by 2020/21.

**6.8 Ensuring Equalities**

The Scottish Government undertook an EQIA process on the Act. The equality impact assessment is available here:

<http://www.scotland.gov.uk/Topics/People/Young-People/legislation/impact>

**6.9 Supporting Sustainable Development**

There are no sustainable development implications in retaining the existing policy.

**6.10 IT Issues**

There are no IT issues implications in retaining the existing policy.

**7 Recommendations**

It is therefore recommended that Council:

**7.1** Notes the developments in Early Learning and Childcare since the original motion in 2011;

**7.2** Notes the current admissions policy for Early Learning and Childcare in Midlothian following the implementation of the Children and Young People (Scotland) Act 2014 and notes the progress to date.

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