



Joint implementation plan : funded early learning and childcare places for all children who defer their primary one start

Introduction

In October 2019 the Scottish Government committed to legislate to entitle all children whose school start is deferred access to funded ELC in their deferred year. In the current system, local authorities have discretion over a further year of funded ELC for children born between August and December who defer entry, while the youngest children (those born in January-February) are entitled automatically.

The Scottish Government laid a Scottish Statutory Instrument before the Scottish Parliament on 7 December 2020, in view of ensuring that this will become legislation in this parliamentary session. This Scottish Statutory instrument is subject to the affirmative procedure in parliament and will set the from which the obligation on education authorities comes into force.

This legislative change will align the funded ELC more closely with the existing right to defer, for children in this age group. This will allow families to make decisions for their children, based on what they feel is in the best interests of the child, without the financial barrier of additional ELC costs.

Impact on capacity, flexibility and pedagogy

Removing local authority discretion over funded ELC for deferred children born between August and December is likely to lead to an increase in the number of children each year with a statutory entitlement to funded ELC places. The scale of the increase will depend on individual parents' decisions and it is difficult to predict the extent and speed of parental response.

We recognise that the full expansion of the statutory entitlement to 1140 hours has been delayed due to the pandemic and that a new date for the full implementation of 1140 hours across Scotland is still to be agreed. Furthermore the ongoing COVID-19 pandemic risks continuing to impact on capacity where restrictions affect settings and capital projects.

Our commitment to extend 2 year old eligibility to include children of a care experienced parent will also potentially impact on capacity available in individual settings. With more children remaining in ELC for an additional year, there is a potential to constrain availability of places in some settings for new children, impacting on choice for families.

We note that in implementing this policy, it is essential that we work together with Education Scotland and parents to better understand the overall impact of an increase in the number of 4 and 5 year olds within ELC settings, and a wider age range in P1. This will include support to the ELC and teaching workforce to ensure they are confident in continuing to provide high quality developmental experiences for all children in both school and ELC environments.

Agreed implementation approach

Cognisant of the ongoing impact of the COVID-19 pandemic, including on delivery of the 1140 expansion, the Scottish Government and COSLA have agreed to the implementation approach set out below.

- the Scottish Government has brought forward legislation for full implementation of the obligation on education authorities to fund ELC in a deferred year to enter into effect in August 2023.
- local authorities will support a phased implementation of the obligation during the years 2021-22 and 2022-23. This will be based on adoption of the policy by pilot local authorities.
- Scottish Government and COSLA commit to working to increase the number of authorities implementing the obligation fully or partially in the year 2022-23.
- there will be clear national messaging for parents on this piloting approach which explains the differing approaches across Scotland.
- the Scottish Government will provide pilot local authorities with funding for the additional cost of early implementation of this obligation in the year 2021-22, in addition to the allocation under the last year of the ELC Multi Year Funding Agreement.
- the future cost of full implementation of the obligation across Scotland will be taken account of in the of ongoing revenue funding from April 2022.
- an evaluation of the impact in pilot authorities will inform discussions in 2021-22 of the need for any additional capital expenditure, taking account of existing Capital From Current Revenue (CFCR) flexibilities.

The pilot local authorities in 2021-22 will be:

- Angus
- Argyll and Bute
- Falkirk
- Scottish Borders
- Shetland Islands

Learning from pilot local authorities

This pilot implementation would provide the opportunity to monitor the impact of the policy, inform assessment of likely uptake of the entitlement and improve our understanding of the consequent impact on available capacity and financial implications. The pilot approach will help improve understanding of the impact on ELC settings and primary schools of the potential increase in number of deferred children.

The authorities participating in early adoption of the obligation will be involved in data collection and evaluation to consider the impact of the policy on ELC capacity, financial cost, and to assess communications and information approaches to support parental choice.

Evaluation of different approaches will support the creation of a national communications strategy alongside local approaches, ensuring when the policy rolls out in full that parental decision making is well supported.

The Scottish Government and COSLA will jointly review learning and report to Ministers and COSLA Leaders. This will take account of input from ADES networks, childcare sector, and parent representatives.

It is recognised that delivery may be impacted by the COVID-19 pandemic and any imposition of significant restrictions imposed at regional or national level, would require timescales to be reviewed.

The Scottish Government and COSLA remain committed to the expansion to 1140 hours of funded ELC and to ensuring that children who would benefit from an additional year of ELC should be able to access it.



MAREE TODD MSP
Minister for Children and Young People



COUNCILLOR STEPHEN MCCABE
COSLA Spokesperson for Children and Young People