



SCOTTISH EXECUTIVE

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# **STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000**

## **SECTION 34**

### **GUIDANCE ON PRE-SCHOOL EDUCATION**

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## SECTION 34: GUIDANCE ON PRE-SCHOOL EDUCATION

### Introduction

1.1 Section 34 of the Standards in Scotland's Schools Act 2000 (the '2000 Act') empowers Scottish Ministers to issue guidance to local authorities on the exercise of their functions in relation to pre-school education. This paper contains such guidance. It brings together, and in places extends, advice already given in other documentation, such as the **Department's letter of 26 September 2001 on the re-integration of pre-school education funding and the Department's letter of 30 October on the planning of children's services. It also reinforces the guidance issued on 21 January 2002 on the involvement of teachers in pre-school education, which authorities are expected to have regard to when discharging the functions in relation to pre-school education set out in this guidance.**

1.2 From April 2002, when sections 32-37 and 39 of the 2000 Act are brought into force, local authorities will be under a duty to secure a free, part-time pre-school education place for all eligible children, should their parents wish one.<sup>1</sup> This is an historic change. It gives legislative expression to the value placed by national government on universal pre-school education.

1.3 The 2000 Act requires local authorities to have regard to guidance issued by Scottish Ministers when exercising their functions in relation to pre-school education. If challenged on their decisions in relation to pre-school education, authorities may be called on to show what account they have taken of this guidance and on what grounds they have chosen to organise an element of pre-school education in a manner different to that recommended by this guidance.

1.4 Scottish Ministers may issue further or revised guidance, from time to time. This guidance will be issued by way of an education circular to local authorities. Scottish Ministers will consider requests from authorities and others to issue guidance on particular issues relevant to pre-school provision.

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<sup>1</sup> This duty is defined in Section 1(1A) of the Education (Scotland) Act 1980 ('the 1980 Act'), [as amended by section 32(3) of the Standards in Scotland's Schools etc. Act 2000 ('the 2000 Act')].

## **Policy context for the exercise of pre-school functions**

### *Integrated children's services*

2.1 Scottish Ministers are committed to the development of integrated services for children and families. Authorities should not view pre-school education in isolation: it should be fully linked to authorities' wider strategic goals to achieve better outcomes for all children and families. Ministers are also committed to supporting parents in their efforts to combine family responsibilities with work, study or training. They look to authorities to exercise their powers in relation to children's daycare in order to support family prosperity and the transition from welfare to work. While the interests of children are paramount, local authorities should also take into account, in all cases, the needs and preferences of parents in developing services for children.

### *Early childhood education and care*

2.2 Ministers see early childhood education and care as interdependent and mutually supportive. They believe these universal services should be planned, staffed, regulated, managed and resourced as one coherent system. They should offer a gateway, as appropriate, to more specialised services for children and families with particular or complex needs.

2.3 Ministers' aim in pursuing a policy of integrated children's services is not to make the terms "care" and "education" interchangeable, but to emphasise their interdependence. The defining characteristics of pre-school *education* will remain:

- the provision of a broad range of planned learning opportunities, in line with the *Curriculum Framework for Children 3-5*, which support the development of the whole child
- evidence that the needs of individual children are attended to, and that their progress is monitored and recorded in order to inform the next stages of learning, including the move to primary school

In providing pre-school education, staff should also, of course, value the role of parents in their children's learning, and work to create a genuine partnership with them. Ministers see particular and distinctive gains accruing from early education, in terms of children's learning skills and the attitudes that will later influence their lives as citizens, employees, and as parents themselves. In order to secure these benefits, Ministers are committed to the long-term public funding of early education services. The statutory duty on local authorities to secure pre-school education, taken together with this investment in services, reflects Ministers' expectation that early years education will benefit *all* children, in providing the foundation for life and learning skills. In this way, pre-school education is a key part of Ministers' wider social inclusion agenda.

### *The new planning agenda*

2.4 Ministers have issued fresh guidance to authorities on the planning of children's services under the Children Act 1995 and have stressed the need for authorities to focus on service outcomes. They have also stressed the need for new

ways of working within local government, and across local government, health services, and partners in the private and voluntary sectors, to ensure that services respond flexibly to the needs of children and families. This principle applies also to pre-school education.

2.5 Local authorities (in collaboration with health, voluntary sector and other interests) are preparing more comprehensive Children's Services Plans for April 2002. These will provide strategic direction for the development of *all* children's services, including the universal services of pre-school education and childcare. Ministers will expect authorities to make clear in those plans how they will ensure the full integration of pre-school education within children's services. They will also expect to see performance monitoring of the participation of children in publicly funded pre-school education and of the quality of provision. For further treatment of these issues, please see the Department's letters of 26 September (on pre-school grant) and 30 October (on children's services planning). The Scottish Executive will issue, in due course, further guidance on the future role and status of Childcare Partnerships.

#### *Integrated funding of children's services*

2.6 From April 2002, all the resources supporting the universal services of early childhood education and care will be within GAE. There will no longer be a separate funding stream for early education. Resources for Sure Start Scotland also lie within GAE, as do resources for social work services for children and families. This integration of funding should enable authorities to match resources to plans across the range of children's services. Ministers want to see joined-up funding and integrated planning leading to more cohesive services on the ground. They have endorsed the findings and key recommendations of the recent report *For Scotland's Children* and will be taking further steps over the coming period to promote inter-agency collaboration and improved service delivery.

#### *Linking universal and targeted service*

2.7 In planning pre-school education, the links between universal and more targeted services are key. As a universal service, pre-school education offers a gateway through which more specialised support services can be provided without stigma to those needing them. Opportunities to dovetail social work, health, and other support for children and families with education provision should be exploited. Effective integration of the universal and more targeted services should also make for greater continuity in services through the age range, avoiding damaging discontinuities between services for 0-3s, 3-5s and school age children and their families.

#### *Integrated approach to quality assurance*

2.8 Ministers are committed to a system of unified regulation of social care services. In early childhood education and care this means a system of quality assurance which applies the same standards irrespective of whether providers are in the private, public or voluntary sector. The new Scottish Commission for the Regulation of Care and the Scottish Social Services Council will approach early

childhood education and care in a coherent and unified way, across all sectors. The Commission will work in collaboration with HM Inspectors of Schools in quality assuring pre-school education.

2.9 The new regulatory arrangements stress *outcomes for users*. In early childhood care and education, services will be regulated (registered and inspected) against one unified set of outcome standards. The focus will be on testing the quality of staff's interaction with children and on the range and quality of experiences offered to children, rather than on numbers of adults with particular qualifications or size of premises. This is reflected in the draft national daycare standards first published on 12 June 2001 (and subsequently reissued, with accompanying input standards, on 5 December 2001). In exercising their pre-school education functions, local authorities should seek to manage services towards these outcomes. Additional points are at paragraphs 6.1 to 6.8 below.

## **Duties and Powers**

### *Duty towards eligible children*

3.1 'Eligible' children towards whom local authorities have a duty to secure pre-school education are defined in The Provision of School Education for Children Under School Age (Prescribed Children) (Scotland) Order 2002 (SSI 2002/90) under Section 32(3) of the 2000 Act. This will come into force on 1 April 2002.

3.2 In broad terms, local authorities are required to secure pre-school provision for children from the school term following their third birthday until the end of the school term before they are first eligible to commence primary school. For the majority of children, this will mean they have access to free, part-time pre-school education over 5 or 6 school terms. Towards the very youngest children in the cohort – those aged just over 4\_ at the start of the school year – the authority has a duty to secure 4 terms of pre-school education.

### *Extended duty towards youngest children who defer entry*

3.3 But this duty is extended under the Order where the parents of children with birthdays in January or February choose to defer their child's entry to primary school. In such cases, authorities are under a *duty* to provide an *additional* year of free pre-school education. The child would then start school a year later aged five and a half.

### *Duties in relation to children with special needs and children with disabilities*

3.4 In addition to the duties outlined above, authorities should be aware of the "mainstreaming" provisions of the 2000 Act (which will be commenced, with regard to pre-school, in 2002). These provisions require authorities to secure pre-school education in places other than special schools, unless doing so would not be suited to the ability or aptitude of the child; would be incompatible with the provision of efficient education for the children with whom the child would be educated; or would result in unreasonable public expenditure being incurred which would not ordinarily be incurred. The Act states that it shall be presumed that such circumstances arise only exceptionally. The intention behind these provisions is to establish the right of all

children and young people to be educated alongside their peers in mainstream schools unless there are good reasons for not doing so.

3.5 In exercising their pre-school education functions under the 2000 Act, authorities should also have regard to the new duties on authorities imposed by the recent amendments, at UK level, to the Disability Discrimination Act 1995. These provisions (inserted by sections 11, 12 and 13 of the Special Educational Needs and Disability Act 2001 (c.10)) state that it is unlawful to discriminate against school pupils and prospective school pupils on the grounds of disability. The provisions also mean that the 1995 Act now covers the education as well as the childcare provided by private and voluntary sector providers. Authorities should also have regard to the likely impact of draft legislation – the Education (Disabilities Strategies and Pupil Records Bill) – which is now before the Scottish Parliament. When enacted this Bill will place authorities under new duties to plan for improved access to the curriculum (including the pre-school curriculum) by disabled children, in all the centres managed by the authority which offer publicly funded pre-school education. Local authorities will want to take account of the new provisions in their contracting arrangements with private and voluntary providers, although these providers are not specifically covered by the Act. Guidance will be issued which will clarify how authorities should use their contracts with these providers to ensure commitment to the authorities’ own strategies for providing access; and to ensure that the access to the curriculum that they provide achieves parity with that offered in the authority’s own centres.

#### *Power to secure pre-school education beyond the duty*

3.6 The 2000 Act specifically empowers local authorities to secure pre-school education beyond the terms of their statutory duty.<sup>2</sup> There are two main ways in which authorities might choose to exercise their discretion. They might:

- secure additional pre-school education beyond the extent of their duty for eligible children; and/ or
- secure pre-school education for children not eligible under the terms of their duty.

3.7 An example of the first would be the provision of pre-school education with additional “wraparound” care for children aged 3-5 for whom such extended service was judged beneficial. An example of the second would be the provision of pre-school education for a child in the period before he or she first became eligible under the 2000 Act; or for a child with a September to December birthday whose parents had sought to defer entry.

#### *Additional pre-school at authority’s discretion for deferred entry children*

3.8 Some further comment on the category just mentioned - children with September to December birthdays whose parents are considering deferral - may be helpful. Authorities will retain their discretion over the provision of additional pre-school education for such children. As ‘eligible’ children under the 2000 Act, they

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<sup>2</sup> This power is detailed in section 1(1B) of the 1980 Act, as inserted by section 32(3) of the 2000 Act. “Pre-school children” are defined by section 1(4B) of the 1980 Act, as inserted by section 32(5) of the 2000 Act. In simple terms, ‘pre-school children’ are understood to include all children under school age.

will in any event be entitled to five terms of free pre-school education. They will not be able to claim an extra year as of right. In reaching decisions on whether or not deferred entry into primary school is appropriate for these children, authorities should follow the **guidance issued by ADES on the exercise of their discretion**. This guidance is designed to ensure that decisions by authorities in relation to such children are made on clear and consistent criteria and that the process for reaching decisions is transparent. Authorities should in addition provide opportunities for discussion between parents, council officers responsible for admissions, and any other relevant council officers and third parties.

3.9 Where a pre-school place for a 'deferred' child with a September to December birthday is refused, the authority should explain the reasons for this decision in writing to the parent(s) of the child concerned.

3.10 Under Section 33 of the 2000 Act, authorities are entitled to charge for services which are provided outwith their statutory duty. Annex B of Roma Menlowe's letter of 26 September 2001 on *the Re-integration of Pre-school funding: Implications for Policy and Practice* set out the principles to be applied by local authorities when setting charges for services. Local authority charges for pre-school education and linked childcare should be drawn in such a way as to reduce the risk of undercutting comparable provision in the private day nursery sector, although this does not mean that local authorities must always set their charges at a higher rate than the most expensive private provision.

## **Delivery of Pre-School Education**

### *Volume and duration of a pre-school place*

4.1 The duration of a part-time pre-school place is defined in regulation by The Provision of School Education for Children Under School Age (Prescribed Children) (Scotland) Order 2002 (SSI 2002/90), which comes into force on 1 April 2002. In general terms a part-time place provides a service to eligible children for a minimum of 412 \_ hours over the three terms of the school year. In many centres, this means that children will receive 12 \_ hours a week of pre-school education for 33 weeks. When children are only eligible, during a school year, to receive pre-school education for one or two terms out of three, then the amount of education to which they are entitled is reduced accordingly on a pro-rata basis. Authorities are, of course, able to secure additional pre-school education beyond the statutory 412 \_ hours.

### *Requests for fewer hours*

4.2 If a parent whose child is eligible for pre-school education expressly asks for fewer hours, this request does not relieve the authority of the obligation to secure appropriate provision for that child. Nor should the authority seek to impose a 'fully-loaded' place upon the child in the face of a settled preference by the parent for fewer hours. To do so would be to cut across the voluntary nature of pre-school education. Nor should a parent's request for fewer hours automatically limit the location or type of provision that might be secured by the authority.

### *Alternative configurations*

4.3 Although five half-day sessions each weekday during term-time may be the normal configuration of a 'place', authorities will have some flexibility over the distribution of the annual hours. In addition, they can and should, as far as is possible, be willing to accommodate parental preferences for a different patterns of attendance, especially where such requests reflect parental working patterns or travel to work arrangements. For example, the weekly hours of pre-school education may be compressed into 2\_ days to enable a parent to fulfil a part-time working pattern. Authorities should also be prepared to be flexible over the education element of the child's childcare experience if this enables the parent to purchase the other childcare service they need to fit around family working patterns.

4.4 Your attention is specifically drawn to paragraphs 8-10 of the Department's letter of 26 September, which warns against ascribing functions ('education' or 'care') to time slots in the day. Rigid compartmentalisation of 'education' and 'daycare' is at odds with research findings on the nature of much centre-base childcare. It is also damaging to the viability of partner centres and perpetuates divisions between services which Ministers aim to overcome.

4.5 In agreeing patterns of attendance with parents, authorities should of course satisfy themselves that the proposed pattern allows the child sufficient rest as well as stimulus; and that the child's early learning experience is distributed reasonably over the whole year. Current guidance on grant arrangements sets out constraints on the configuration of provision. These minimum restrictions have been imposed in the interests of the child, and authorities are expected to continue to respect them after 1 April 2002. They are as follows: no child should have more than 3 continuous hours of pre-school education without a clear rest period; educational hours should not exceed 5 in any one day; and there should not be more than 5 sessions of 2\_ hours in any one week.

### *Responding to parental preferences*

4.6 Authorities will be aware that Section 43 of the 2000 Act removes pre-school education from the system of placing requests which applies to primary and secondary schools under their management. However, the general duty of authorities to educate pupils in accordance with the wishes of their parents remains (contained in Section 28 of the 1980 Act).

4.7 A key aspect of this responsiveness relates to the placement of children in particular centres – both in terms of location and in terms of the choice between public, private and voluntary centres. Given the way the duty on authorities and the power available to authorities are framed in the 2000 Act (in terms of 'securing' rather than 'providing' services), parents will have a reasonable expectation not only that authorities will secure a numerical sufficiency of places but also that these places will as far as possible reflect parental preferences – including, where appropriate, preferences for centres outwith their own area and for non-local authority centres within their own area. In exercising their pre-school education functions, authorities should ensure that any restrictions on choice are explained and justified by reference to clear admissions policies..

4.8 It is also important to take parental preferences into account when considering children with September to December birthdays whose parents are considering deferring entry into primary school. Scottish Ministers recommend that requests from parents for an additional year of pre-school be dealt with on an individual basis. Where an additional year is granted local authorities will want to take account of parents' preferences as far as possible. Local authorities will want to discuss with parents what would be in the best interest of the child. The final decision on whether or not to send their child to school though will rest with the parent. Authorities can fund additional pre-school education taken by deferred children in private and voluntary partner centres, as well as in authorities' own centres. Decisions should take account of parental preferences as far as possible. Authorities should provide information on their policies and practices to parents of all children with birthdays from September to February who are considering when their child should start attending primary school.

#### *Admissions policies*

4.9 The need for clear allocation criteria should be met through an authority-wide admissions policy, negotiated with parental interests and published. The main function of such a policy will be to reconcile mismatches between supply and demand for places, taking account of parental preferences as far as possible. Demands arising from the authority's statutory duties will take precedence, including those arising from duties under children's legislation towards children who are vulnerable or in need. The admissions policy will also regulate the allocation of pre-school education places available once authorities' statutory duties have been fulfilled (that is, the places which the authority, under its discretion, makes available). Competing priorities should be clearly ranked in the admissions policy, on the basis of children's needs.

4.10 It follows from paragraph 4.7 that the admissions policy should also make clear what kind of provision the authority will secure – in terms of location and type (nursery school or class, private day nursery, playgroup).

4.11 Local Authorities should take account of shifts in parental demands and preferences when developing their admissions policies. Admissions policies should be reviewed regularly (but no less than once every two years) and any revisions should be publicised.

#### *Transport*

4.12 Ministers would like provision of pre-school care to be as local as possible, and hope that local provision (which may be best achieved through partnership arrangements with the private and voluntary sectors) will minimise the need to transport children for long distances. Ministers recognise, however, that in some circumstances, particularly in remote areas, authorities may wish to facilitate transport provision so that access to pre-school education and childcare places is not compromised. Consequently, Section 37 of the 2000 Act gives authorities the power to provide transport, free of charge, to and from places which provide pre-school education, although it does not place authorities under a duty to do so. **Francesca Osowska's letter to Chief Executives on 18 February 2000** gave further

information about the provision of transport for pre-school education, and also about possible sources of funding which authorities can draw on in order to supply or facilitate this provision. Although some of the sources of funding mentioned in this letter will cease to be available from 1 April 2002, the letter is still a useful source of information on different funding sources. An updated letter will be sent to Chief Executives in due course.

*Monitoring of Delivery of the Pre-school Duty*

4.13 The letter of 26 September 2001 about the Reintegration of Pre-school Education Funding made it clear that Ministers will continue to take a close interest in achieved participation rates for 3 and 4 year olds, requests for deferrals and deferrals granted. Authorities therefore need to ensure that they can produce participation-related data as from 1 April 2002. As was outlined in Ger Harley's letter of 17 January 2002, Directors of Education will be informed each year of a "census week" in the Summer term when the key statistics relating to participation rates will be collected.

## **Commissioning pre-school places from other providers**

5.1 Section 35 of the 2000 Act gives authorities express power to secure provision through suppliers other than themselves. Parents value a diversity of provision within pre-school education and Ministers expect local authorities to use this power.

5.2 In fulfilling their duty or exercising their discretion, local authorities may either provide services at their own hand, using staff and facilities under their direct management, or commission services from providers in the private and voluntary sectors. Paragraph 4.7 above suggests that parents in light of these provisions may reasonably assume that authorities will in general be disposed to meet their choices of pre-school provider. Ministers expect authorities to secure pre-school education through partner providers in the voluntary and private sectors wherever there is parental demand for this and wherever it is consistent with 'best value' in the use of public funds. They see this as fundamental to providing a responsive and flexible service that puts users' needs first.

5.3 The availability in the private sector of childcare services over the whole working day often makes this sector particularly attractive to parents in work, study or training. Ministers expect authorities to weigh the needs of such parents for all-day provision (and the wider benefits of supporting their continued employment or training to the community) when they assess the options for securing pre-school education for their children. Other parents have strong preferences for voluntary sector provision, valuing its character and scope for parental involvement. Here too, the benefits as well as the costs of provision outwith the public sector need to be assessed in the round before authorities reach decisions on where to 'secure' provision. The Audit Scotland report '*A good start: commissioning pre-school education*' (March 2001; ISBN 0 903433 29 0) is a useful guide to obtaining good value in pre-school provision.

5.4 Ministers expect authorities to offer sufficient funding to partner centres to enable them to deliver high quality provision offering the kind of broadly-based experience set out in the *Curriculum Framework for Children 3-5*. The Department will write to authorities annually around the first quarter of the year to provide further information about partnership arrangements. This letter will give details of the minimum expected payment each year for each pre-school place bought from partner providers.

### *Monitoring of authorities' commissioning strategy and practice*

5.5 Your attention is drawn to Annex D of the department's letter of 26 September 2001. This states that the department will retain a close interest in local authorities' commissioning practice and processes. Authorities must be able to supply the department with relevant data concerning their commissioning strategy and practice. Relevant data will include the rates at which partners are commissioned; the range and value of any services to partners which are recharged to the sum paid for pre-school services; charges made for any other services which partners are required to use; and the results of consultations with partners on the benefits of support services provided by the authority, and partners' views on priority services for the future.

### *Cross-border Provision*

5.6 The duty on local authorities to secure pre-school education refers to all eligible children resident in their area. For most eligible children, a place at a centre in their 'home' local authority will meet their requirements. There will be cases, however, where parents of eligible children may request a pre-school place in a different local authority area. This will often occur when parents travel some distance to work or study. Often, family life depends critically on securing a 'cross-border' place; and Ministers believe authorities should wherever possible respond positively to such requests.

### *Funding cross-border movement of eligible children*

5.7 Section 35 of the 2000 Act permits local authorities to enter into arrangements with 'any person' in order to secure pre-school provision. This power extends to arrangements with other local authorities, and with providers in a different authority area. The local government settlement from April 2002 incorporates assumptions about the level of cross-border provision for all eligible children. These assumptions are based on the participation of four year olds (including cross-border four year olds) in 2001-2002. There should therefore be no need for financial transfers between authorities with regard to cross-border provision for eligible children - unless the level of such provision changes in a way which significantly affects specific authorities. The Executive will make information about levels of cross-border provision available to all authorities. The way in which the reintegration of the pre-school grant has been handled is intended to entrench the principle that funding follows the education, not the residence, of children towards whom authorities have a duty.

5.8 Local authorities may wish to secure provision outside their own local authority area for children who are not 'eligible' under the Act (see paras 3.6 and 3.7 for examples). Under these circumstances, it is expected that authorities will commission provision from the neighbouring authority and pay that authority - regardless of whether the child is placed in a local authority centre or in a partner centre commissioned by the "importing" authority. Where a partner centre is selected, the responsibility for monitoring and assessing the centre rests with the importing authority. This should save partner providers from having to negotiate a multiplicity of contracts with different commissioning authorities.

5.9 Scottish Ministers look to authorities to co-operate positively in these matters, and think it sensible for authorities to agree common procedures for the operation of cross-border arrangements. Such procedures will include arrangements for registration, quality assurance and any necessary financial transfers. In agreeing such arrangements, Scottish Ministers hope that authorities will be mindful of the importance of minimising administrative burdens upon individual pre-school centres, whilst recognising that interventions to improve quality are sometimes necessarily intensive.

5.10 Although Scottish Ministers hope that such situations will be avoided, local authorities have a power, under section 35 of the 2000 Act, to enter into an arrangement with a private or voluntary provider in another area independently of the

local authority responsible for that area. **Ministers would expect local authorities to exercise this power only in exceptional circumstances.**

## Quality assurance in pre-school education

6.1 The arrangements for regulating the quality of early education services are changing with the advent of the Scottish Commission for the Regulation of Care (the Care Commission) and the Scottish Social Services Council. Ministers' policy objectives have been spelt out in the white paper "*Aiming for Excellence*" and "*Regulation of Early Education and Childcare- The Way Ahead*", and fully debated during passage of the Regulation of Care (Scotland) Act 2001. Under that legislation, all centres offering early education and childcare will be subject to registration and inspection against national care standards.

6.2 From April 2002, the Care Commission will inspect all early education and childcare services for children, including nursery schools and classes and other centres offering pre-school education. Within this inspection regime HM Inspectors of Education and the Care Commission will collaborate in the inspection of pre-school education. Inspections will cover all aspects of children's experience and staff's relations with children, including children's learning and their wider emotional, social and personal development. From time to time these inspections may carry an additional focus, so that particular aspects of provision can be examined in more depth. Children's learning is expected to be one such focus; and HM Inspectors will join inspections which have a particular in-depth education focus such as the curriculum.

6.3 Local authority nursery schools classes and partner centres in the private and voluntary sector commissioned by authorities to supply pre-school education services will from time to time undergo inspections with this added educational focus. It should be stressed however that such inspections will not introduce new outcome standards for childcare services. Like all other inspections, they will be grounded in the national care standards; but they will test in more depth such matters as providers' delivery of a well-balanced programme for children's learning, the scope and sensitivity of staff's assessment of children's learning, and the adequacy of arrangements for the transition to primary school. The standards are underpinned by *The Child at the Centre*, which is already well established as a tool for self-evaluation in pre-school centres. The quality indicators of *Child at the Centre* and the *Curriculum Framework for 3-5* help to elaborate national expectations of centres which are resourced for educational purposes.

6.4 There will be further guidance in due course from the Commission and HMIE about how such educationally-focused inspections will be conducted, and their frequency, scope and duration. A letter covering interim working arrangements for pre-school inspections was sent by HMIE and the Care Commission at the beginning of March 2002. In due course, a protocol between the Care Commission and HMIE will set out how such arrangements for integrated inspections will be developed and managed. It will also cover exchange of information between the Care Commission and HMIE, for example in respect of co-ordination of inspection schedules as well as where concerns arise in respect of the quality of care and experience on offer.

6.5 The arrangements for setting up the Commission have left resources with local government which take account of the residual responsibilities for local authorities

arising from these changes. Ministers expect authorities to use the funding that was left with local authorities to support a quality monitoring and support role. In relation to centres providing early education, local authorities are indeed under a statutory duty in terms of sections 3(2) and 3(3) of the 2000 Act to endeavour to secure improvement in all pre-school education centres, including those in the private and voluntary sector with whom they have arrangements to provide free pre-school education.

6.6 If the Care Commission in its inspection report and action plan raises concerns over quality issues in a centre (whether one managed directly by the authority or a partner pre-school centre), Ministers expect authorities to work with that provider (through its representative body, if appropriate) in order to improve its standards of care and education. The support that authorities provide to registered childcare and early education centres should not however duplicate the inspectorial or evaluative function of the Care Commission.

6.7 The Department's letter of 26 September about the re-integration of pre-school grant made clear that from January 2002 decisions on the commissioning of pre-school education from partner centres would rest entirely with local authorities. The Department would no longer carry out its initial checks or maintain a national register of grant-eligible partner centres. It will be for authorities to satisfy themselves as to the quality of provision offered by prospective partner centres, and they will be responsible for deciding whether or not to commission places at a centre. The assessments that authorities make of the fitness of prospective partners should not however duplicate the inspection services provided by the Commission and HMIE.

6.8 The Commission is under a statutory duty to provide information to the public about the availability and quality of pre-school services. It is expected that the Commission will co-operate with the existing Childcare Information Services in providing information.

## **Conclusion**

7.1 Ministers see high quality services for all children as a crucial means of improving children's life chances and achieving social inclusion. Ministers therefore attach great significance to local authorities' new duty to secure universal pre-school education. This guidance is intended to help authorities to implement that duty as effectively as possible, by setting the provisions of the 2000 Act in the context of policy developed over the past two years. In this way, Ministers expect that pre-school education will make a powerful and distinctive contribution to children's experience, knowledge and skills, while remaining a firm part of authorities' wider effort to secure integrated services for children and families.