



9 December 2019

Ms Maree Todd MSP  
Minister for Children and Young People  
Scottish Government  
St Andrew's House, Regent Road  
Edinburgh, EH1 3DG

Dear Maree,

### **ELC places for children who defer entry into Primary 1**

- The expansion of Early Learning and Childcare is an excellent example of the impact that shared leadership across both spheres of Government can make. I know that we both agree that almost doubling the number of funded ELC hours will be transformational for children and their families.

Noting the debate in the Scottish Parliament of 2<sup>nd</sup> October and subsequent communication to Local Authorities, I wanted to take this opportunity to set out COSLA's position on the commitment from the Scottish Government to bring forward legislation to ensure that all children who are not yet five on the first day of school are able to receive funded ELC if their school start is deferred.

As background it is helpful to highlight COSLA's work to date on deferred entry into Primary 1. COSLA have taken a number of steps to engage with the Give Them Time campaign and we remain in regular contact to ensure there is a shared understanding of priorities and concerns. In light of the campaign's 'asks' of Local Government, in April 2019 the COSLA Children and Young People Board agreed that we would take a consistent position on communicating the legal deferral rights for children. However it was also agreed that local authorities should retain their discretion for funding decisions for August to December births, which will continue to be made in line with the best interests in the child. COSLA and ADES have been working together to support local authorities to implement this position.

The proposed legislative change for funding for deferrals was discussed at the meeting of the Children and Young People earlier this month. Whilst we are looking to work collaboratively with the Scottish Government on this issue we have a number of concerns about an approach which impacts on the ability to deliver 1140 hours by August next year.

First, there are a number of questions about impact on the delivery of the wider 1140 expansion. Through the ELC Joint Delivery Board we have established a mechanism for joint oversight of progress. While the most recent Delivery Progress Report has a number of positive messages about the position with a year to go, including that over 40,000 children are already receiving more than 600 hours of funded ELC, it also highlighted the significant challenges to meet our targets for capacity, workforce and infrastructure by August 2020.

WHEN CALLING PLEASE ASK FOR: Matthew Sweeney [matthew@cosla.gov.uk](mailto:matthew@cosla.gov.uk)

I am confident that the partnership work on delivery assurance, including an offer of tailored support to Local Authorities and the removal of barriers to delivery at a national level, will ensure the whole system is supported to meet our ambitious targets. However a change in the cohort of children eligible for 1140 hours funded ELC at this stage will make our road ahead even more challenging.

To inform early thinking, COLSA have been working with our members to collect information aimed at providing a rough estimate of the additional capacity as a result of this proposal. Local authorities have modelled the impact if children with August to December births defer at a similar rate to children born in January and February (who are currently entitled to automatic funding of an additional year of ELC).

Whilst we are still in the process of collecting these figures, and we will provide more detail once the data is fully collected and compiled, I wanted to share early findings. Whilst results show considerable variability in the indicative deferral rates, ranging from 37% to 98%, there is an average deferral rate of 55%. I also wanted to be emphasis that this early data should be seen in the context of:

- The possibility behavioural changes as a result of the increase of ELC entitlement to 1140 hours, which has the potential to increase the overall number of deferrals.
- The existing pressure on local expansion plans with the new entitlement for 2 year olds of care experienced parents. We understand the Scottish Government are looking for this to be in place in the near future so that these children can take up places in August 2020.
- There would be a number of additional staff required, with increases in numbers of ELC practitioners, management and supporting roles. These are not included in current workforce planning at either at a local or national level.
- Current infrastructure projects have been planned, agreed and built in line with the eligibility previously agreed, meaning that additional facilities would be require to provide the additional places.

Overall this means a significant number of additional places would be required to meet the aims of the proposed legislative change.

In light of these concerns, the clear message from the Children and Young People's Board was that we cannot implement this change by August 2020. Local Government and the Scottish Government need to take time to develop a robust understanding of the impact of the change, ensure we have appropriate plans in place and provide opportunities public to share their views on any agreed approach.

A detailed assessment of the additional revenue and capital resources required by local authorities to meet the new commitment is required. I also want to reinforce that resources to meet this change in eligibility must be provided by the Scottish Government above and beyond the agreed multi-year funding package, with a commitment for regular review through the ELC Finance Working Group.

Board members also highlighted a number of broader policy concerns about the impact of this change. It is possible that there will be changes to how ELC settings operate on a day to day basis, and a knock on impact on the shape of Primary 1 classes. Members highlighted the need for more national messages about deferrals. In particular there needs to be a clearer articulation of the increased use of play-based approaches within primary 1 and further

information about the impact on deferring entry in Primary 1 on attainment, achievement and broader outcomes for children in the short, medium and long term.

Finally I wish to make it clear that we would expect a period of policy stability for ELC over the medium term, to avoid creating further challenges for the planning, implementation and delivery of local expansion plans. Time is needed to not only to deliver our commitments but also to ensure parents and families can get a clear understanding of their local offer.

COSLA officers have been mandated to enter into discussions with your officials about the shape of a joint implementation plan, with regular updates being brought to the Children and Young People's Board and COSLA Leaders as appropriate. I know that officers and Scottish Government officials are in regular contact on this issue and we are more than happy to discuss the Board's position further.

Your Sincerely,

A handwritten signature in black ink that reads "Stephen McCabe". The signature is written in a cursive style with a large initial 'S'.

Cllr Stephen McCabe

**COSLA Children and Young People Spokesperson**