

Report

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| Report to: | Education Resources Committee |
| Date of Meeting: | 6 February 2018 |
| Report by: | Executive Director (Education Resources) |

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| Subject: | Review of Admissions Policy for Early Learning and Childcare Establishments |
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ provide an update on the review of the policy for admissions of children into early learning and childcare establishments in South Lanarkshire, including the process and outcome of consultation; and
- ♦ to seek approval for the admissions policy and process for the allocation of places to local authority and partner provider establishments from May 2018, to be implemented from the start of the new term in August 2018

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the priorities for admission to all early years' establishments, as detailed in Appendix 1, be approved;
- (2) that the admissions policy and process for the allocation of places to all early years' establishments be implemented from the start of the new term in August 2018;
- (3) that the Cross Boundary Inter-Authority Funding Protocol for parents/carers that are requesting Cross Boundary Funding for children aged 3-5 years placed in Private and Voluntary Provision, be noted; and
- (4) that the admissions policy for early years' establishments be endorsed and referred to the Executive Committee for approval.

3. Background

- 3.1. On 31 March 1998, the Education Resources Committee approved a revised admissions policy in light of national policy development. The priorities took account of the new statutory duties of the Children (Scotland) Act 1995 which was implemented in April 1997, ensuring that priority places would be available for 'children in need'.
- 3.2. The Government issued guidance under the Standards in Scotland's Schools etc Act 2000 which requires Councils to review their admissions policies every two years. The last review was completed in March 2016 and implemented in May of that year.
- 3.3. The Children and Young People (Scotland) Act 2014 represents one of the biggest changes to children's legislation for over a decade and introduced a new concept of early learning and childcare (ELC).

- 3.4. The Act placed a number of duties on local authorities in respect of early learning and childcare. The duties include provision of 600 hours for all:-
- 3 and 4 year olds from August 2014
 - looked after 2 year olds from October 2015
 - 2 year olds who live in workless or job-seeking households known as families seeking work within the Council area from October 2015
 - 2 year olds who would be eligible for a free school meal from August 2015
- 3.5. The Scottish Government outlined the eligibility dates for children aged 3 and 4 years accessing the 600 hours as follows:
- August Intake – child's qualifying birthday must be on or before 31 August.
 - January Intake – child's qualifying birthday must be on or before 31 December.
 - April Intake – child's qualifying birthday must be on or before last day in February.

Children aged 2 years who are eligible enter following their 2nd birthday

- 3.6. The current consultation was undertaken from November 2017 and concluded on 9 January 2018 and involved a range of stakeholders, including parents and staff from local authority nurseries, partner nurseries, private nurseries, playgroups and childminders, to evaluate the impact of the current admissions policy in meeting the needs of individual children and their families across South Lanarkshire.
- 3.7. The main issues to emerge from the consultation exercise outlined in the proposed policy are detailed in Appendix 2. Some of the findings included:
- The majority of responses confirmed the existing priorities with the admissions policy
 - Strong opinions were expressed regarding flexible and accessible provision with a minimum of 3 hours but options to be available up to 8 hours. In addition, parents wish to have choices of sessions not only morning or afternoon but more full days of part week
 - 'Free at three' – children should start nursery from the first day of the month following their third birthday
 - Children who are catchment pupils for a primary school within the Council should be treated in the same way as other children who live in the Council area for early learning and childcare places
- 3.8. In moving the policy forward for implementation, it will maximise the use of management information and reduce the bureaucracy for managers of nurseries and ensure consistency of approach for local authority and partner nurseries from May 2018. All admissions will be administered from a central early years.
- 3.9. Inter-Authority Cross Boundary Funding Protocol April 2017.
Children and Young People (Scotland) Act 2014 placed a duty on local authorities to increase the entitlement of all eligible 3 to 5 year old children to 600 hours of early learning and childcare. The Act also asked local authorities to provide an appropriate level of flexibility to allow parents/carers some choice when deciding to access services.

- 3.10. A significant number of parents/carers are opting for this level of flexibility and choice to meet childcare and family requirements; in particular they are requesting early learning and childcare funding from a local authority that they are not resident in. This is now being referred to as host authorities.

The duty for providing early learning and childcare lies with the authority where a child resides. These authorities are referred to as resident authorities.

- 3.11. While it is clear there is no legislation requirement for local authorities to accept funding requests from non-residents, Glasgow City Council, East Renfrewshire Council, Renfrewshire Council, Inverclyde Council, East Dunbartonshire Council, West Dunbartonshire Council, South Lanarkshire Council, North Lanarkshire Council, South Ayrshire Council, North Ayrshire Council, East Ayrshire Council and Argyll and Bute Council have collaborated to produce clear guidelines and protocol that support the spirit of the Act and provide parents/carers and families with the opportunity to make such a request.
- 3.12. Parents/carers can ask a private and voluntary provider working in partnership with any of the named authorities to make a request on their behalf to the host local authority of a child for early learning and childcare funding. The timing of this request is important to ensure it complies with existing host local authority timelines for allocating funding to partner providers.
- 3.13. An Inter-Authority Cross Boundary Admission Panel, inclusive of representatives from all participating local authorities, will meet in May each year to review funding requests and agree levels of cross boundary funding for the new session, commencing August. Funding requests will be granted in the first instance on a reciprocal basis (i.e. the resident authority will match the host authority with funding requests, therefore, eliminating the need for payment between local authorities).
- 3.14. Where there is an imbalance of number of children placed between host and resident authorities, negotiation will take place to agree the level of cross boundary funding, with payment rates being invoiced at the rate of the host authority.
- 3.15. Levels of funding will be agreed within the constraints of resident local authority budgets and all places will be allocated in accordance with an agreed Inter-Authority Cross Boundary Admission Criteria which reflects all authorities' admissions priorities.

4. Proposals

- 4.1. The proposed admissions policy is outlined in Appendix 1, with the changes highlighted.
- 4.2. The admissions policy priorities will be used for the allocation of an early learning and childcare place. Once places are allocated, particular patterns of sessions are then matched wherever possible: morning, afternoon or full day.
- 4.3. Where there are too many requests for the preferred sessions than places available a ballot will be held in line with agreed procedures and places allocated in line with the admissions policy.

- 4.4. In relation to the proposed priorities for allocation of additional hours, a number of Early Learning and Childcare establishments may be able to offer additional hours and, as we move to implementing 1140 hours, this will increase. It may be that additional hours will be through the phased approach to 1140 hours, free for children who fall within the Council's exemption criteria and paid by other parents. The charge to parents and/or carers for this service is detailed within the Council's Nursery Fees' Policy.

Additional hours will be allocated in accordance with the following priorities:

| Priorities | Category |
|------------|---|
| Priority 1 | All Priority 1 children |
| Priority 2 | Children whose parents and/or carer are in employment or education |
| Priority 3 | All children allocated a place in the nursery including those children returning to nursery for a further year which includes deferred children approved by the Council |
| Priority 4 | All children resident outwith South Lanarkshire Council Area |

- 4.5. The Annual Admissions' allocation is held in May each year. All applications for local authority and partner nurseries are considered with places allocated. Parents are informed of their child's early learning and childcare place in writing by the end of the first week in June each year.
- 4.6. Applications received after 30 April each year will not be processed until after the full Early Learning and Childcare admission process has been concluded in June each year. This may reduce the choice of Early Learning and Childcare establishment available to parents and/or carers if the nurseries they have chosen are oversubscribed.
- 4.7. Children will be allocated on a first come, first served basis into any remaining places in accordance with the Admissions Policy criteria.
- 4.8. If there are no places available at a particular Early Learning and Childcare establishment, then parents and/or carers will be offered an alternative nursery.
- 4.9. Deferred entry to Primary School
If a parent and/or carer applies for deferred entry to primary school for their child they may be able to access an additional year of funded Early Learning and Childcare. This will only be considered where either of the following apply:
- children whose 4th birthday falls in the January or February of the year they are due to start primary school.
 - approval following a central Education Resources' review based on information submitted
 - when parent/carers wish to be considered for deferred entry for their child where the 4th birthday falls between August and December and there is insufficient supporting evidence to approve this application, then the Council may approve a deferred year at nursery. However, first choice of nursery or preferred sessions cannot be guaranteed.

- 4.10. Currently, places for partner providers are allocated and approved centrally although, all heads of local authority establishments are involved in the annual admissions allocation meeting. To ensure greater consistency and equity, a new process will be followed for all early learning and childcare establishments from May 2018 with all admission being administered centrally managed by the early years' service.
- 4.11. The new process will involve a central meeting with nominated representatives held in May each year to allocate all places – local authority and partner providers. Places will be considered across the 4 geographical localities of the Council, Hamilton, East Kilbride, Clydesdale and Rutherglen/Cambuslang, and will be based on the information held in the NAMS system (Nursery Admissions Management System). The new process will be implemented in May 2018.

5. Employee Implications

- 5.1. None

6. Financial Implications

- 6.1. The Nursery Charges Policy will apply to the allocation of nursery places where applicable.

7. Other Implications

- 7.1. The main risk associated with this report in taking forward the legislative requirements in the Children and Young People (Scotland) Act at this stage is that we still await further additions to the legislation.
- 7.2. To mitigate the risk, a further evaluation on the impact on the new legislation and the eligibility criteria to determine affordability and sustainability will be monitored.

8. Equality Impact Assessment and Consultation Arrangements

- 8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore no impact assessment is required.
- 8.1. Consultation involved an on-line consultation for all stakeholders from the beginning of November 2017 until 9 January 2018. Focus discussions took place with identified groups.

Tony McDaid

Executive Director (Education Resources)

16 January 2018

Link(s) to Council Values/Ambitions/Objectives

- Improve achievement, raise educational attainment and support lifelong learning
- Protect vulnerable children, young people and adults

Previous References

- Education Resources Committee - April 2016

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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2 EDUCATION RESOURCES

3 SOUTH LANARKSHIRE COUNCIL EARLY YEARS ADMISSIONS POLICY 2018

| <i>Proposed Policy Children aged 0-3 years Priority 1</i> | <i>Proposed Policy Children aged 3-5 years Priority 1</i> |
|---|---|
| <p>1 i) Children affected by Abuse Children with additional support needs Looked after and Accommodated Children from birth up 2 years old Children who at any time from the age of 2 years have been a) Looked after and Accommodated or b) subject to a Kinship Care Order Children affected by Domestic Violence Children affected by Substance Misuse Children affected by a disability within the home *2 year olds as required by relevant legislation from time to time applying</p> <p>1 ii) eligible 2 year olds resident outwith South Lanarkshire Council but are within a catchment area of a primary school within the Council Area</p> | <p>1 i) Children affected by Abuse Children with additional support needs Children who at any time have been a) Looked after and Accommodated or b) subject to a Kinship Care Order Children affected by Domestic Violence Children affected by Substance Misuse Children affected by a disability within the home</p> <p>1 ii) eligible 3 and 4 year old year olds resident outwith South Lanarkshire Council but are within a catchment area of a primary school within the Council Area</p> |
| <i>Priority 2</i> | <i>Priority 2</i> |
| <p>2 i) New applications (0-3 year olds)</p> <p>2 ii) New applications - eligible 2 year olds resident outwith South Lanarkshire Council but are within a catchment area of a primary school within the Council Area</p> | <p>2 i) Children in their pre-school year – new applications</p> <p>2ii) Deferred entry children Sept/Dec</p> <p>2 iii) Transfer application pre-school year children – change in circumstances</p> <p>2 iv) children in their pre-school year resident outwith South Lanarkshire Council but are within a catchment area of a primary school within the Council Area</p> |

| Priority 3 | Priority 3 |
|---|--|
| 3 i) Transfer applications – change in circumstances 3 ii) Transfer applications – change in circumstances - eligible 2 year olds resident outwith South Lanarkshire Council but are within a catchment area of a primary school within the Council Area | 3 i) Children in their ante pre-school year – new applications 3 ii) Transfer applications ante-pre-school year – change in circumstances 3 iii) children in their ante-school year resident outwith South Lanarkshire Council but are within a catchment area of a primary school within the Council Area |
| Priority 4 | Priority 4 |
| 4 i) Transfer applications – parental choice 4 ii) Transfer applications – parental choice - eligible 2 year olds resident outwith South Lanarkshire Council but are within a catchment area of a primary school within the Council Area | 4 i) Deferred entry children: Sept/Dec Parental Choice 4 ii) Transfer application pre-school year children - parental choice 4 iii) Transfer applications ante-pre-school year – parental choice 4 iv) children resident outwith South Lanarkshire Council but are within a catchment area of a primary school within the Council Area in 4i, 4ii, 4iii |
| Priority 5 | Priority 5 |
| All children resident outwith South Lanarkshire Council Area | All children resident outwith South Lanarkshire Council Area |

The allocation of any place within an early years establishment must be allocated using the following policy in line with the Central Admission Process and in conjunction with the well being assessment provided by the Public Health Nurse. Guidance pertaining to each priority will be contained in guidelines for staff.

- Priorities 1-4 are children who are resident within South Lanarkshire Council Area and those children who are catchment pupils for a Council Primary school
- All children residing outwith the Council no matter the circumstances are considered priority 5
- Eligible children will have access to Early Learning and Childcare regardless of age, gender, race, religion or need.
- Early Learning and Childcare will be provided on a non-denominational basis.
- Children with an identified and supported need (Priority 1) may be offered a place as soon as they reach their qualifying birthday.
- Securing a place in a school nursery class does not guarantee a primary school place within the primary school
- Children deferring entry from Primary 1 and staying at nursery where an additional year of funding has been agreed by the Council are considered returning children

Consultation Responses

- The majority of responses confirmed the existing priorities with the admissions policy
- It was noted that children who are catchment children for primary schools within the Council should have greater status than children who are non catchment children
- A significant level of response (86%) confirmed that Early Learning and Childcare (ELC) sessions should operate for a minimum of 3 hours
- Strong views expressed the opinion for a greater focus and support for working parents and also those involved in or trying to engage in training or study particularly in relation to the costs of childcare which currently are a barrier to access
- Strong opinions expressed the need for full day provision to be available as a choice for parents rather than morning or afternoon sessions
- A majority of views expressed would prefer local nursery classes to operate 9am to 3pm to coincide with older children school hours but also to provide support for parents
- 71% of parents supported longer hours within 38 weeks with 29% of parents seeking 52 week provision. A further breakdown of the 71% identified that 39% of parents confirmed their wish for 38 week provision of longer hours with 32 % wishing longer hours but also additional weeks, e.g., 40 or 42 weeks depending on work commitments. The 32% felt 52 week provision is too much and costly when they do not require it.
- 7% of parents responding confirmed that at this time they would not wish to use the proposed ELC increased hours of 1140 however the remaining 93% would use the new entitlement
- Strong opinions were expressed regarding flexible and accessible provision with a minimum of 3 hours but options to be available up to 8 hours. In addition, parents wish to have choices of sessions not only am or pm but more full days of part week
- Siblings within the same family where possible should be allocated places in the same nursery
- Siblings within the same family where possible should be allocated the same session, e.g., morning or afternoon
- working parents and also those involved in training or study should be allocated full day or additional hours before other parents wishing additional hours
- Twins or multiple births (triplets) within the same family should be allocated places and the same sessions in the same nursery?
- Children should attend one provision for their funded place
- Once children are allocated the entitled hours additional hours, requests for additional hours detailed on the application form should then be considered and where there is insufficient hours to accommodate all requests then a ballot should be held.
- New applications for children in their pre-school year should get priority over transfer applications
- 'Free at three' – children should start nursery from the first day of the month following their third birthday
- nursery places continue to allocate places in accordance with parental choice and that nurseries should not operate 'catchment areas'
- Children who are catchment pupils for a primary school within the Council should be treated in the same way as other children who live in the Council area for early learning and childcare places
- All children residing outwith the Council and not considered catchment children for a Council primary school should be considered priority 5 no matter the circumstances

- The majority of responses confirmed that children should attend for a minimum of three sessions and be encouraged to use the 600 hours free early learning and childcare
- Funding cannot be split between nurseries within, or outwith, the Council
- The settling period for children starting nursery should be no longer than two weeks and in agreement with Parents
- Where Parents are not allocated their first choice nursery, then the second or third choice should be considered either in local authority or partner nurseries. Should Parents, in these circumstances, wish to submit a transfer application for consideration at their first choice nursery, the application should be considered as a 'change in circumstances'

Some of these areas for action are reflected in the review of the Admissions Policy.