



Education Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
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1 December 2016

A meeting of the **Education Executive** of West Lothian Council will be held within **Council Chambers, West Lothian Civic Centre** on **Tuesday 6 December 2016** at **10:00 a.m.**

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
4. Confirm Draft Minute of Meeting of the Education Executive held on Tuesday 25 October 2016 (herewith).

Public Items for Decision

5. Progress in Educational Attainment
 - (a) Presentation by Head of Education (Curriculum, Quality Improvement and Performance)
 - (b) Report by Head of Education (Curriculum, Quality Improvement and Performance) (herewith)
6. Governance Review - Excellence and Equity in Education
 - (a) Presentation by Head of Education (Learning, Policy and Resources)

- (b) Report by Head of Education (Learning, Policy and Resources) (herewith)
- 7. Wraparound Care - Holiday Provision - Report by Head of Education (Learning, Policy and Resources) (herewith)
- 8. Consultation - A Blueprint For 2020: The Expansion of Early Learning and Childcare in Scotland - Report by Head of Education (Learning, Policy and Resources) (herewith)

Public Items for Information

- 9. Appointment of Religious, Teacher and Parent Council Representatives - Report by Head of Corporate Services (herewith)

NOTE **For further information please contact Elaine Dow on 01506 281594 or email elaine.dow@westlothian.gov.uk**

MINUTE of MEETING of the EDUCATION EXECUTIVE of WEST Lothian COUNCIL held within COUNCIL CHAMBERS, WEST Lothian Civic Centre, on 25 OCTOBER 2016.

Present – Councillors Lawrence Fitzpatrick (Chair), David Dodds, Stuart Borrowman, Harry Cartmill, Alexander Davidson, Jim Dixon, Carl John, Dave King, Sarah King, Danny Logue, John McGinty, Anne McMillan, Andrew Miller, George Paul, Frank Toner and Jim Walker; Appointed Representatives Elsie Aitken, Myra Macpherson, Lynne McEwen and Margaret Russell; Parent Council Representative Eric Lumsden.

Apologies – Councillors Tony Boyle and Tom Conn; Appointed Representative John MacKinnon

Opening Comment

The Chair welcomed Councillor Jim Dixon to the meeting as the newly appointed member to the Education Executive replacing Councillor Angela Moohan.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Education Executive approved the minute of the meeting held on 30th August 2016 as being a correct record. The minute was thereafter signed by the Chair.

3. CONSULTATION ON DRAFT STATUTORY GUIDANCE - STANDARDS IN SCOTLAND'S SCHOOLS ETC. ACT 2000

The Education Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) providing details of the proposed response to the Scottish Government's consultation on the Draft Statutory Guidance for the Standards in Scotland's Schools etc Act 2000.

The report recalled that the Scottish Government was seeking views on draft statutory guidance for Part 1 of the Education (Scotland) Act 2016, which makes amendments to the Standards in Scotland's Schools etc. Act 2000. This legislation was a key part of the Scottish Government's strategy to ensure that the life chances of children and young people were improved and that Scotland's education system delivers excellence and equity. The specific questions and suggested responses were set out in Appendix 1 to the report.

The draft statutory guidance was developed to support those who had responsibility for duties in relation to:

- Reducing inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage;
- The National Improvement Framework (NIF); and
- Planning and reporting duties at school and education authority levels.

Reducing inequalities of outcome for pupils experiencing them as a result of socio-economic disadvantage was in line with the ethos of the Council's Anti-Poverty Strategy, and in line with current practice.

The Education Executive was asked to approve the proposed response to the Scottish Government's consultation on the Draft Statutory Guidance.

Decision

Approved the terms of the report.

4. EARLY LEARNING AND CHILDCARE - PLAN FOR FLEXIBILITY AND CHOICE - UPDATE

The Education Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) informing members of the implementation of the council's plan to increase the Flexibility in Early Learning and Childcare, to meet the needs of working parents. Details of the performance indicators measuring uptake of flexible provision and wraparound care were attached as an appendix to the report.

The report explained that under section 52 of the Act, education authorities were required to have regard to the desirability of ensuring that the method by which it made early learning and childcare provision available was flexible enough to allow parents an appropriate degree of choice when deciding how to access the service.

The aim of the Act was that children experienced consistent high quality early learning and childcare, and alleviated the need for parents to change their child's provider during the day to provide additional hours due to a model of funding and placements based on one session of 2.5 hours a day. The Act envisaged that longer sessions of early learning and childcare should be available through local authorities for parents who needed it.

The report went on to advise that the council had consulted parents in 2013 and 2015 on how they would like to see flexibility and choice in pre-school provision increased. As a result of the 2013 consultation, a new model of pre-school provision had been piloted at four establishments in Session 2015/16 which had proved popular. Following the 2015 consultation, it was proposed that the new model of provision would be available at ten establishments in Session 2016/17. The report provided details of the new model of provision.

The Service Manager, Policy and Performance, advised that wraparound care was provide at all of the venues offering the flexible model of early learning and childcare. The number of children accessing wraparound places had increase from session 2014/15 to 2016/17.

The next consultation on the expansion of flexibility and choice in Early Learning and Childcare was scheduled for the second half of 2017. It was anticipated that national changes to the provision of early learning and childcare would shape this consultation.

In the meantime, it was proposed that authority be delegated to the Head of Education (Learning, Policy and Resources) to extend the provision of the flexible model of early learning and childcare, and wraparound care places, where demand for these services existed and there was available capacity within the school estate to make provision. It was anticipated that this would result in increased provision being offered in session 2017/18 to accompany planned expansion to the pre-school estate.

During the course of the discussion it was noted that page 2, item VII of the report implied that consideration at PDSP was “underway” however this had already taken place.

It was recommended that the Education Executive:

1. Note the implementation of the council’s Plan to increase the Flexibility in Early Learning and Childcare and meet the needs of working parents;
2. Approve the proposed future development of the Plan to Increase the Flexibility in Early Learning and Childcare by delegating the decision to establish additional full day early learning and childcare places and wraparound care establishments to the Head of Education (Learning Policy and Resources) to facilitate flexibility and choice, and to meet the needs of working parents.

Decision

Approved the terms of the report.



EDUCATION EXECUTIVE

PROGRESS IN EDUCATIONAL ATTAINMENT

REPORT BY HEAD OF EDUCATION (CURRICULUM, QUALITY IMPROVEMENT AND PERFORMANCE)

A. PURPOSE OF REPORT

To inform members of progress in Educational Attainment

B. RECOMMENDATION

1. To note key features of attainment set out in the report and presentation, which demonstrate the impact of the Raising Attainment Strategy in making progress towards achieving the outcomes and targets that it contains.
2. To note that a further report on progress in the implementation of the Raising Attainment Strategy will be presented to the next meeting of the Education Policy Development and Scrutiny Panel.
3. To adopt 5+ and 3+ Level 6 SCQF Awards at point of exit as the key measure of attainment reported to members, parents and the public with effect from the 2017 exam diet.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>Raising Attainment is one of the key strategic outcomes of the Council.</p> <p>Closing the Gap is one of the two key outcomes of the Raising Attainment Strategy.</p>
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	Raising Attainment is one of the key strategic outcomes of the Council. The Raising Attainment Strategy is designed to raise educational attainment, and to close the gap in educational outcomes, both of which outcomes are reflected in performance indicators.

V	Relevance to Single Outcome Agreement	Education attainment is reflected in Performance Indicators within the Single Outcome Agreement.
VI	Resources - (Financial, Staffing and Property)	Within agreed Education Revenue Budget.
VII	Consideration at PDSP	Attainment is considered regularly by the PDSP and Executive as part of the Council's Performance Monitoring framework.
VIII	Other consultations	There has been consultation with headteachers, the professional associations, teachers, parents and partners throughout the implementation of the Raising Attainment Strategy.

D. TERMS OF REPORT

Authority Performance

West Lothian Council is committed to delivering the best possible outcomes for children and young people, in line with the Single Outcome Agreement outcome that our children will make the best possible start in life. Work to raise attainment is undertaken by schools, supported by centrally based officers, in terms of the Council's Raising Attainment Strategy. The Raising Attainment Strategy 2015/17 sets out how the council will raise the quality and value of service provision and how this will support the corporate priorities of raising attainment and narrowing the attainment gap.

The following key features of attainment demonstrate the impact of the Raising Attainment Strategy in making progress towards achieving the outcomes and targets that it contains.

- Pupils are sitting and passing more N5 examinations at the S4 stage in the three year period 2014 to 2016.
- Pupils are sitting and passing more Highers examinations at the S5 stage in the three year period 2014 to 2016.
- West Lothian pupils are outperforming the virtual comparator and national average in both literacy and numeracy at Level 3 and Level 4.
- At point of exit, West Lothian pupils are leaving with more qualifications than the virtual comparators and national average.
- At the S5 stage, West Lothian pupils are achieving at, or above, the level of the virtual comparator and the national average.
- The attainment of the most deprived 30% at point of exit, measured by total tariff points, is above the virtual comparator and the national average.
- The attainment of all pupils at point of exit, measured by total tariff points, is above the virtual comparator and the national average.

A further report on progress in the implementation of the Raising Attainment Strategy will be presented to the next meeting of the Education Policy Development and Scrutiny Panel.

School by School Performance

An analysis of the performance of individual secondary schools in the five year period 2012 to 2016 shows a general upward trend of the pupils achieving 3+ and 5+ passes at SCQF Level 6.

Within this general trend, variations in performance from year to year, and from school to school occur. Performance is discussed with and monitored at twice yearly performance meetings held between the Head of Service and each school management team. The detail of performance across a wide range of measures is monitored, and steps to raise attainment and address any drops in performance are discussed and monitored.

Details of the performance of each secondary school are included in the presentation associated with this report, along with details of the correlation between performance and the mean score achieved by each cohort in cognitive ability tests.

Performance Reporting

The Education Executive, at its meeting of 30 August 2016, noted that national reporting in 2016 would be undertaken in terms of Scottish Curriculum and Qualifications Framework (SCQF) awards. This means that National reporting now includes SQA band D results.

The Education Executive noted that moving to the SCQF framework was appropriate as it includes and recognises an extended and enhanced range of achievement in the senior phase which is in line with the principles of Developing the Young Workforce.

In the current year, SQA band D results have been excluded from figures reported and published by West Lothian Council, in order to make the performance reported directly comparable to previous years' reported attainment. This has facilitated performance management, and measurement of improvement in attainment. This position is not sustainable in the longer term, however, as it will lead to a divergence in performance figures reported by the Council and those reported nationally, which will lead to confusion amongst parents and citizens within West Lothian.

National reporting is now undertaken at point of exit, rather than in relation to the performance of a specific year group. The end point of a young person's schooling is considered the most relevant for comparison by Insight, the national performance tool, as it allow comparison of all attainment and achievement throughout the young person's schooling, and the totality of the attainment and achievement which will contribute to the destination that the young person progresses to.

The Local Government Benchmarking Framework uses SCQF Awards at level 6 at point of exit as its benchmark measurement of local authority education performance.

It is proposed therefore, to adopt 5+ and 3+ Level 6 SCQF Awards at point of exit as the key measure of attainment reported to members, parents and the public with effect from the 2017 exam diet.

This change will allow easier comparison with national performance for members, parents and the public. It will allow new baselines to be set for attainment when the Raising Attainment Strategy 2015/17 is reviewed. It will present the fullest and most accurate measure of the totality of the attainment and achievement of young people throughout the totality of their school attendance.

Performance management undertaken at schools and authority level will continue to rely on a wide range of measures in order to allow performance to be measured at key stages, and the performance of particular subjects, curricular areas, and groups of pupils to be measured.

E CONCLUSION

The Education Executive is invited to consider the authority wide and individual school performance outlined in this report and the accompanying presentation, and to approve the proposed change to the key measure of attainment reported to members, parents and the public

F BACKGROUND REFERENCES

Report to Education Executive 30 August 2016.

Appendices/Attachments: None

Contact Person: Andrew Sneddon, Service Manager – Policy and Performance
andrew.sneddon@westlothian.gov.uk

Donna McMaster
Head of Education (Curriculum, Quality Improvement and Performance)

Date of Meeting – 6 December 2016



EDUCATION EXECUTIVE

GOVERNANCE REVIEW – EXCELLENCE AND EQUITY IN EDUCATION

REPORT BY HEAD OF EDUCATION (LEARNING, POLICY AND RESOURCES)

A. PURPOSE OF REPORT

To invite the Education Executive to consider a presentation and comment on the Scottish Government governance review 'Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education.'

B. RECOMMENDATION

To consider a presentation and comment on the Scottish Government governance review 'Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education.'

C. SUMMARY OF IMPLICATIONS

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|---|---|
| I Council Values | Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | The Governance Review may result in legislative change, including fundamental changes to the statutory duties placed on local authorities. |
| III Implications for Scheme of Delegations to Officers | The Governance Review may result in fundamental changes to delegation to the Education Heads of Service, to Headteachers, and throughout services supporting education throughout the Council, which would require to be reflected in the scheme of delegation to officers. |
| IV Impact on performance and performance Indicators | The aim of the review is to improve excellence and equity, which, if achieved, would increase attainment and narrow the attainment gap, in line with the two objectives of the Attainment Strategy. |
| V Relevance to Single Outcome Agreement | The Governance Review may result in fundamental changes to the responsibilities of West Lothian Council, and the Community Planning Partnership, which would require to be |

	reflected in the Single Outcome agreement.
VI Resources - (Financial, Staffing and Property)	The Governance Review may result in fundamental changes to the resourcing of Scottish education with significant impact on education and other Council budgets.
VII Consideration at PDSP	-
VIII Other consultations	Governance Manager, Headteachers, LNCT, Financial Management Unit, Parent Councils

D. TERMS OF REPORT

The Scottish Government has launched a consultation on its governance review of Scottish education, entitled 'Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education' with responses required by 6 January 2017.

The governance review seeks views on how education in Scotland is run, including who should take decisions in relation to the education of children and young people, and how funding can be made fairer. It also asks about the support teachers and practitioners need to do their jobs well and how this can be improved.

The consultation forward identifies makes a number of introductory statements:-

- Teachers and practitioners are entitled to operate in a system where they are supported by a leadership that adds values to their own professional input.
- Teachers and practitioners are entitled to operate in a system where they are supported to collaborate to deliver for young people.
- Decisions about children are learning and school life should be taken at school level, supported by parents and the local community.
- Evidence shows that co-operation and collaboration, not competition and marketization, drives improvement.

The review of governance will examine “the system changes required to deliver the Scottish Government's commitment to empower schools and decentralise management and support through school clusters and the creation of new education regions.”

Early learning and childcare is included within the scope of the review.

The introduction sets out the current roles of the Scottish Government, Local Authorities, Education Scotland and other national bodies.

Background

The Scottish Government develops national policy and sets the overall direction of education policy. Scottish Ministers have a duty to secure improvement in school education provision and to use their powers to raise the standards of such provision. The Scottish Government provides funding to local authorities for the provision of early learning and childcare and school education.

Local authorities, as the education authority, have a duty to provide adequate and efficient school education including early years provision. They have a duty to improve at an education authority and school level. Local authorities set education budgets, including school-level budgets. Local authorities have direct responsibility for the provision and quality of early learning and childcare and schools, the employment of staff, the provision and financing of most educational services, and the implementation of Scottish Government policies in education.

Local authorities also have responsibility for a range of other services which support children and young people, families and communities such as child protection, social services and housing.

The OECD

The introduction to the review refers to the OECD (Organisation for Economic Co-operation and Development) report 'Governing Education in a Complex World' and its findings in relation to the good governance of education systems, that they should:-

- Focus on process, not structure
- be flexible and able to adapt to change and unexpected events
- work through building capacity, stakeholder involvement and open dialogue
- require a whole system approach
- harness evidence and research to inform policy and reform

The introduction also refers to the three themes found by the OECD to be vital for effective governance and successful reform – accountability, capacity building and strategic thinking.

The Scottish Government states that the main legislation underpinning Scottish Education has remained unchanged since before devolution, and states that now is the right time to review this broad framework

The Scottish Government notes that there continues to be a clear gap between the attainment of children and young people from the most and least deprived areas of Scotland, and states that deprivation alone does not explain variations in outcome. It notes that the Accounts Commission and OECD have noted variations in attainment and achievement across local authorities, and between children of similar socio-economic background from different areas, and that differences in outcome could not be explained by spend on education alone.

Key Principles

The Scottish Government identifies key principles which should underpin the approach of the review. It will focus on how governance can be improved to support delivery of excellence and equity to children and young people.

It suggests that the following key principles should underpin the approach. The education system must:-

- be focused on improving outcomes, and support the delivery of excellence and equity for children and young people
- meet the needs of all children and young people, no matter where they live or their family circumstances
- support and empower children and young people, parents, teachers, practitioners and communities
- be supported by a simple and transparent funding system to ensure the maximum public benefit and best value for money
- support children and young people to make smooth transitions into formal learning through school and into further education, training and employment.

Devolving decision making and resources to schools and headteachers

In a section dealing with 'Empowering teachers, practitioners, parents, schools and communities', the Scottish Government states that children flourish in education systems where there are high levels of professionalism and where teachers, practitioners and schools are empowered with the autonomy and flexibility to make decisions. It repeats that the Scottish Government starts with the presumption that decisions about children's learning and school life should be taken at school level. It states that the Scottish Government is committed to extending to schools responsibilities that currently sit with education authorities, and to allocating more resources directly to headteachers to enable them to take decisions. It states that the quality of teaching and school leadership are the most important in-school factors in a child's outcomes, and that the Scottish Government is committed to empowering teachers and schools, and ensuring that they have the flexibility and freedom to teach.

Involving children, parents and communities

In a section covering 'Children and young people, parents and wider communities', the Scottish Government outlines its commitment to giving a stronger voice to children, parents and communities in schools, as involvement and participation lead to improved outcomes. It is stated that the clear objective of the Scottish Government is 'to devolve decision making and funding to teachers, schools and communities, and to open schools up and ensure that parents, the third sector, colleges, universities and employers can better support efforts to raise attainment and ensure that young people progress to positive destinations.'

Early Learning and Childcare

In relation to 'Early Learning and Childcare, the paper acknowledges that early learning opportunities are fundamental to supporting children and young people to succeed in life. It states that increasing the provision of quality early learning and childcare is a key element to the Scottish Government's approach to raising attainment, and that quality early learning opportunities make a significant and lasting difference to the attainment of children and young people, particularly the most vulnerable. The Scottish Government states that it is committed to further empowerment within early learning and childcare settings, and innovative delivery approaches where they can add value, including social enterprise and community enterprise particularly in remote and rural areas which face unique delivery challenges.

Strengthening 'the middle'

The section entitled 'Strengthening the middle – how teachers, practitioners, schools and other local and regional partners work together to deliver education' the Scottish Government refers to the OECD finding that effective governance requires a model that balances local diversity with the ability to ensure delivery of national objectives, accountability with trust, innovation with risk avoidance, and consensus building with decision making, and states that key to this is a strong and effective 'middle'. This is the level above schools and early learning establishments and below the Scottish Government. The Scottish Government states that this includes enhancing the capacity of teachers, practitioners, early learning and childcare settings and schools to collaborate and become mutually accountable for improvement, how they will work with other partners, and the role of local authorities and other partners in leading and supporting improvement in education.

Collaborative partnerships

The ambition of the Scottish Government is for systematic, widespread and effective collaboration and professional learning across Scotland, including, but not limited to a network of regional, inter-regional and inter-school 'cluster' partnerships innovating and leading improvement. The Scottish Government is committed to encouraging school clusters and other forms of collaborative working between schools and other partners across Scotland.

Education Regions

In a section entitled 'Education regions' the Scottish Government outlines its commitment to freeing teachers of unnecessary burdens. It recognises, however, that there may be some functions which are best delivered at a local or regional level rather than at school level. Currently, local authorities have primary responsibility for the delivery of education in their areas. The Scottish Government is committed to the introduction of new educational regions to ensure that best practice is shared more systematically and to ensure that improvement is driven collaboratively, deliberately and continuously across Scottish education. It states that the OECD highlighted the need for greater and more effective partnership and collaboration amongst local authorities.

The role of other national bodies

In the section which deals with 'A clear national framework and building capacity in education', the Scottish Government states that it is important that every part of Scottish Education understands the role it plays in empowering professionals and creating the collaborative and innovative culture required to ensure high performance. It wants national priorities to be joined up across different policy areas and for there to be coherence and alignment. It states that the role of other national bodies which support the delivery of education, such as Education Scotland, the Scottish Qualification Authority, and the General Teaching Council for Scotland must be considered. These, and other, national bodies must support the empowerment of teachers and build their capacity to drive improvement and raise attainment.

Funding for schools

The section 'Fair funding – learner centred funding' states that effective governance requires funding to be fair and transparent and for resources to be available to support good decision making, and outlines the Scottish Governments commitment to establishing a fair and transparent needs-based funding formula for schools. Currently funding is provided by the Scottish Government to local authorities using a needs-based funding, and financial resources are devolved by local authorities to schools in line with Devolved School Management guidelines. A further consultation on a funding formula will take place in March 2017, but the Scottish Government has invited comments on the principles which should underpin the formula:-

- Support for excellence and equity
- Fairness
- Simplicity, transparency and predictability
- Value for Money

Accountability and Scrutiny

In the section of the consultation entitled 'Accountability', the Scottish Government reiterates its view that empowering teachers and headteachers is key to delivering its vision of excellence and equity. It states that schools should be primarily accountable to parents and their local communities. The development of the National Improvement Framework will support parents and communities make informed choices by providing accessible data. It states that it is important that accountability aligns with the allocation of responsibilities and resources and that there is clarity about the level of responsibility at different levels in the system.

The Scottish Government wants accountability and scrutiny arrangements to be joined up and to reduce the burden of scrutiny on those delivering education. Those providing scrutiny also need to be held to account on the quality and impact of their work and to ensure that approaches to scrutiny are fair, transparent and consistent.

Consultation Format

The Consultation Paper sets a series of questions. These are included in the appendix to this report.

E. CONCLUSION

The Education Executive is asked to consider and comment on the questions within the Scottish Government governance review 'Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education.'

F. BACKGROUND REFERENCES

Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education

Appendices/Attachments: List of Questions

Contact Person: **Andrew Sneddon, Service Manager – Policy and Performance**
(andrew.sneddon@westlothian.gov.uk);

James Cameron,
Head of Education (Learning, Policy and Resources)

Date of meeting: 6 December 2016

Scottish Government governance review 'Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education.'

Question 1 – What are the strengths of the current governance arrangements of Scottish Education?

Question 2 – What are the barriers within the current governance arrangements to achieving the vision of excellence and equity for all?

Question 3 – should the key principles identified in the paper underpin the Scottish Government's approach to reform? Are there other principles which should be applied?

Question 4 – What changes to governance arrangements are required to support decisions about children's learning and school life being taken at school level?

Question 5 – What services and support should be delivered by schools? What responsibilities should be devolved to teachers and headteachers to enable this? You may wish to provide examples of decisions currently taken by teachers or headteachers and decisions which cannot currently be made at school level.

Question 6 – How can children, parents, communities, employers, colleges, universities and others play a stronger role in school life? What actions should be taken to support this?

Question 7 – How can the governance arrangements support more community led early learning and childcare provision, particularly in remote and rural areas?

Question 8 - How can effective collaboration amongst teachers and practitioners be further encouraged and incentivised?

Question 9 – What services and support functions could be provided more effectively through clusters of schools working with partners?

Question 10 – What services or functions are best delivered at a regional level? This may include functions or services currently delivered at a local or a national level?

Question 11 - What factors should be considered when establishing new educational regions?

Question 12 – What services or support functions should be delivered at a national level.

Question 13 – How should governance support teacher education and professional learning in order to build the professional capacity we need?

Question 14 – Should the formula for schools be guided by the principles that it should support excellence and equity, be fair, simple, transparent, and predictable and deliver value for money? Should other principles be used to inform the design of the formula?

Question 15 – What further controls over funding should be devolved to school level?

Question 16 – How could the accountability arrangements for education be improved?

Question 17 – Is there anything else you would like to add regarding the governance of education in Scotland.



EDUCATION EXECUTIVE

WRAPAROUND CARE – HOLIDAY PROVISION

REPORT BY HEAD OF EDUCATION (LEARNING, POLICY AND RESOURCES)

A. PURPOSE OF REPORT

To invite elected members to consider the model for wraparound care offered on days that schools and early learning and childcare establishments are closed.

B. RECOMMENDATION

To recommend that the new model of provision, proposed within this report, is adopted in relation to wraparound care offered on days that schools and early learning and childcare establishments are closed.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Meeting the needs of working parents/carers by providing wraparound care to complement early learning and childcare and school education is an established policy objective of the council.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	The proposed changes are designed to ensure that wraparound care meets the needs of working parents/carers as closely as possible. The changes are designed, therefore, to boost uptake of wraparound care as measured by a performance indicator.
V Relevance to Single Outcome Agreement	None.
VI Resources - (Financial, Staffing and Property)	Wraparound care is designed to be self financing, on a full cost recovery basis. Any financial impact of the proposed changes will require to be monitored with adjustment to existing charges for term time and holiday wraparound care made as necessary.

VII Consideration at PDSP

15 November 2016. PDSP approved report for submission to Education Executive.

VIII Other consultations

Comments from customers.
Financial Management Unit

D. TERMS OF REPORT

Wraparound care was introduced on the basis that it is designed to be self-financing, on a full cost recovery basis. This remains the financial model under which wraparound care operates.

The current model requires parents/carers to pay for sessions booked, whether they are used or not, on all days that wraparound care is offered. This model has remained unchanged since the introduction of wraparound care. It was based on the model operated by the private sector, where it is normal practice for parents/carers to have to pay for their sessions, whether they are used or not, in order to retain their place. It was also based on the assumption that most working parents/carers would want to retain access to wraparound care, and to purchase additional hours, on those days when the wraparound centre was open but on which schools, including early learning and childcare provision, were closed.

This model results in parents/carers being charged for their regular sessions on those days that wraparound care is offered, but on which schools and early learning and childcare provision are closed. These days are the five annual in-service days, the October school holiday, the Spring school holiday (excluding Good Friday and Easter Monday when all centres are closed.) This will generally amount to 18-20 days, depending on when Easter falls within the year. No charge is made for sessions during the Christmas Holidays, when all wraparound care centres are closed, or during the summer holidays, when wraparound care is made available at certain centres, based on demand, and charged for on a whole day or half day basis.

This model has not previously given rise to any significant degree of dissatisfaction. Within the current session, however, a number of users have objected to being billed for days on which they have decided not to use the service offered.

This can be attributed mainly to the new model of wraparound care introduced to complement full day early learning and childcare provision, where parents purchase up to two hours between 4pm and 6pm. This provision is arguably of less use to parents on days when early learning and childcare is not offered than the sessions offered to complement the traditional half day model of early learning and childcare.

It is also the case that uptake of holiday wraparound care is low, with for example, between 25 and 50 children using the service in the Spring 2016 holiday, at 5 centres, compared to the 254 children receiving wraparound care when schools and early learning and childcare centres are open.

In light of the expressions of dissatisfaction received, it is appropriate to review current practice.

It is proposed to adapt the new model of provision so that parents are only charged for their wraparound sessions on days when schools and early learning and childcare are open.

Wraparound care would be made available at certain centres, based on demand, during the five annual in-service days, the October school holiday, the and the Spring school holiday (excluding Good Friday and Easter Monday when all centres are closed) as well as the summer holidays on the same basis as it is currently offered in the summer i.e. on the basis of full day or half day sessions.

In order to increase uptake of holiday wraparound care, it is proposed to reduce the charge from the current £28 per day/£15 per half day to £25 per day/£12.50 per half day. This is intended to benefit working parents/carers, and also to help meet fixed staffing costs by increasing income through increased attendance.

The reduction in income for approximately 18-20 days for some children will impact on the service's ability to recover all costs, as staff contracts will not be altered by this proposal, and costs remain largely fixed on these days. This will be offset by recent rises in the uptake of wraparound care, which will boost revenue income and increase efficiency by maximising the number of children accommodated within supervision ratios. It is also anticipated that attracting increased numbers during days that school schools and early learning and childcare establishments are closed will offset this decrease. Income will, however, require to be closely monitored to ensure that wraparound care remains self-financing, and any deficit may require to be offset by increased sessional charges for holiday and/or term-time wraparound when these are reviewed on an annual basis.

It is proposed that the changes come into effect from 1 January 2017.

E. CONCLUSION

The changes to holiday provision for wraparound care are made in response to customer feedback.

The proposed changes are designed to benefit working parents/cares by ensuring they are only charged for the days of wraparound care that they actually use.

The proposed reduction to the cost of wraparound care during periods when schools and early learning and childcare establishments are closed are also designed to benefit working parents/carers.

The provision of wraparound care can be expected to be reviewed again in light of the anticipated expansion of early learning and childcare from 600 to 1140 hours.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: None

Contact Person: **Andrew Sneddon, Service Manager – Policy and Performance** (andrew.sneddon@westlothian.gov.uk); **Donna Adam, Strategic Resources manager** (donna.adam@westlorthian.gov.uk)

James Cameron,
Head of Education (Learning, Policy and Resources)

Date of meeting: 6 December 2016



EDUCATION EXECUTIVE

CONSULTATION – A BLUEPRINT FOR 2020:THE EXPANSION OF EARLY LEARNING AND CHILDCARE IN SCOTLAND

REPORT BY HEAD OF EDUCATION (LEARNING, POLICY AND RESOURCES)

A. PURPOSE OF REPORT

To invite the Education Executive to consider the proposed response to the Scottish Government consultation 'A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland.'

B. RECOMMENDATION

To approve the proposed response to the Scottish Government consultation 'A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland.'

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Children and Young People (Scotland) Act 2014.
III Implications for Scheme of Delegations to Officers	Potential changes to the governance structure of Early Learning and Childcare would affect the powers of the Council and Council officers.
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	The proposed changes could have a significant impact on the Councils ability to ensure that 'Our children have the best start in life and are ready to succeed.'
VI Resources - (Financial, Staffing and Property)	The proposed changes could have a significant impact on the Council's resources. For the council to be able to deliver a further 540 hours, to total 1140 hours per child from 2020, the full cost would require to be funded by the Scottish

Government, in relation to ongoing annual revenue costs and also the capital investment needed to meet capacity requirements. Increased marketization and privatization of the sector is likely to adversely impact on the Council's ability to plan provision efficiently with a consequent cost increase for Council provision.

VII Consideration at PDSP

None.

VIII Other consultations

Early Years officers and practitioners.
Financial Management Unit.

D. TERMS OF REPORT

The Scottish Government has launched a consultation entitled 'A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland.' The consultation focuses on the plan to almost double entitlement to free Early Learning and Childcare to 1140 hours per year by 2020 for all three and four year olds and eligible two year olds. Alongside the Governance Review the Scottish Government will use this consultation to seek views on the range of policy choices required to take forward this expansion. These choices will shape the future direction and structure of the Early Learning and Childcare sector.

The consultation will close on 9 January 2017.

The consultation document sets out the Scottish Government vision for high quality, flexible Early Learning and Childcare which is affordable and accessible for all. It recognises that high quality Early Learning and Childcare can contribute to closing the attainment gap, delivering opportunities to our young people no matter their family background.

The Scottish Government's aims for the expansion in ELC entitlement are that it will:

- Improve outcomes for all children, especially those who will benefit most;
- Support the wider programme of work to close the attainment gap, as set out in Delivering Excellence and Equity in Scottish Education: A Delivery Plan for Scotland;
- Increase the flexibility of provision to support parents to work, train or study, especially those who need routes into sustainable employment and out of poverty;
- Help support parents to improve and enrich the home learning environment by integrating ELC with the range of family support;
- Support transitions through early years settings and into school to ensure continuity and progression through the learner journey;
- Provide a key contribution to our ambition to reduce child poverty;
- Be underpinned by a funding model which ensures the long-term sustainability of the system (which will be considered along-side our commitment to establish a fair and transparent needs-based funding formula for schools);

- Provide substantial new employment opportunities across all of Scotland with a range of roles across different qualification levels, supporting local economies; and
- Reduce the costs that parents and carers face in paying for childcare by providing an average annual saving of £3,000 per child when compared to the provision available prior to 2007.

The Scottish Government has identified the following themes, which will guide the expansion of Early Learning and Childcare:

Quality – the expansion will ensure a high quality experience for all children, which complements other early years and educational activity to close the attainment gap, and recognises the value of those we entrust to give our children the best start in life;

Flexibility – ensures that the expansion supports parents and carers in work, training or study, and that patterns of provision are better aligned with working patterns whilst delivering this in a way that ensures a high quality experience for the child;

Accessibility – ensures that early learning and childcare capacity is sufficient and is as conveniently geographically located as possible – particularly in areas of higher deprivation and in rural communities – to support families and enable parents and carers to work, train and study, while also appropriately meeting the needs of children who require additional support and parents who request ELC through the medium of Gaelic; and

Affordability – the expansion will increase access to affordable ELC which will help to reduce barriers to participating in the labour market which parents and carers face.

West Lothian Council is in broad agreement with these aims and themes. West Lothian Council believes that the best way to achieve the aims and ensure that the themes are implemented is through a publicly delivered, comprehensive early learning and childcare provision, linked to the accessible primary schools that are at the heart of each community.

West Lothian Council has fully used the resources provided to date to deliver the various aspects of the Children and Young People bill, including the roll out of 600 hours of Early Learning and Childcare, and the expansion of the service to include eligible two year olds. For the council to be able to deliver a further 540 hours, to total 1140 hours per child from 2020, the full cost would require to be funded by the Scottish Government, in relation to ongoing annual revenue costs and also the capital investment needed to meet capacity requirements.

E. CONCLUSION

The Education Executive is asked to approve the draft response to the Scottish Government governance review 'Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education.'

F. BACKGROUND REFERENCES

Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education

Appendices/Attachments: Draft Response

Contact Person: **Andrew Sneddon, Service Manager – Policy and Performance**
(andrew.sneddon@westlothian.gov.uk);

James Cameron, Head of Education (Learning, Policy and Resources)

Date of meeting: 6 December 2016

Appendix 1

Question 1 – How do we ensure children are fully supported at the transition stages throughout their early-learner journey?

Support at transition is aided by continuity of delivery of the 3-18 curriculum which would best be ensured through a publicly delivered, comprehensive early learning and childcare provision, linked to the accessible primary schools that are the heart of communities.

What support should be provided to ensure that the ELC workforce and teachers have the skills, knowledge and capacity to support transitions?

Integration into the publicly delivered comprehensive education system.

Integration into the wider education workforce, and access to the partnership and collaboration available through the community planning framework, led by local authorities and including health and social policy, and the frameworks supporting GIRFEC and the Named Person.

Integration into the professional development opportunities available to staff in primary and secondary schools.

Participation in Validated Self Evaluation to improve quality and performance alongside staff in primary and secondary schools.

Access to identified early years support staff, with a remit to assure and raise quality.

Funding to train staff to facilitate delivery of increased hours. When hours increased to 600 per annum from August 2014, local authorities were provided with resources through Developing the Young Workforce funding, totalling £5.8 million across Scotland (£186k for West Lothian). Without similar funding, it is unlikely that the next stage of the increase in hours can be implemented successfully.

Question 2 – What support is required to ensure that the ELC workforce have the skills, knowledge and capacity to deliver high quality provision for two year olds?

Integration into the wider education and social policy workforce, and access to the partnership and collaboration available through the community planning framework, led by local authorities and including health and social policy, and the frameworks supporting GIRFEC and the Named Person.

Access to identified early years support staff, with a remit to assure and raise quality. This would not be improved by further fragmentation of early years delivery.

How can the ELC sector best meet the specific learning, developmental and environmental needs of two year olds?

High quality initial training of early years workforce with a specific focus on this age group. Opportunity to work collaboratively with other professionals including health, social policy

and education professionals. This is best achieved through Integration into the wider education workforce.

Workforce must be skilled to identify need and respond appropriately, providing timely early intervention linked to delivering positive outcomes. This is best achieved through Integration into the wider education workforce.

Fragmentation of early years provision will damage effective early intervention for 2 year olds.

What approach should be taken on the transition for these children when they turn three?

Support at transition would best be ensured through integration of early learning and childcare for both two and 3-4 year olds into the publicly delivered, comprehensive schools that are the heart of communities. This would ensure effective sharing of information, and provide continuity and progression to the next stage of the child's development and learning.

Within local authority settings, there are established and effective transition procedures implemented by all establishments. These links are not so strong with all other providers, some of which have minimal or no transition links with the establishments to which children will progress.

Question 3: How can the qualification routes and career paths that are open to early learning and childcare practitioners be developed to ensure that the ELC sector is seen as an attractive long-term career route?

Through integration of early learning and childcare for both 2 and 3-4 year olds into the publicly delivered, comprehensive education system.

Through integration into the local authority workforce with a commitment to the minimum wage, staff development opportunities, and the career progression opportunities not available in a small scale private enterprise.

Qualifications need a greater focus on early learning to ensure that this important element of early learning and childcare can be delivered effectively.

Question 4: How can we increase the diversity of the ELC workforce, in particular increasing the gender balance in the sector?

Through integration into the local authority workforce with an explicit commitment, and statutory duty to deliver, equal opportunities.

Integration into the local authority workforce with a commitment to the minimum wage, staff development opportunities, and the career progression opportunities not available in a small scale private enterprise, will make employment in ELC more attractive to a wider range of applicants.

Question 5: How can payment of the Living Wage and wider Fair Work practices be encouraged across the ELC sector?

Through integration of early learning and childcare for both 2 and 3-4 year olds into the publicly delivered, comprehensive education system. Local Authority employees are

significantly more likely to have access to the living wage, fair employment practices backed up by robust employment and equalities policies, stability of employment and career progression opportunities, unlikely to be available within small scale private enterprises.

Question 6: What actions should be taken to support increased access to outdoor learning, exercise and play?

Investment in facilities and staff training. Resources would need to be provided to deliver these. Any future funded schemes such as “Grounds for Learning” could potentially be made available to nursery sector to enhance the use of outdoor space and equipment.

Through integration of early learning and childcare for both 2 and 3-4 year olds into the publicly delivered, comprehensive education system staff are made aware of current national guidance and best practice in outdoor learning, exercise and play. The local authority has high expectations of the quality of these practices, and invests to support its implementation through staff development and access to and joint working with specialist staff, for example Active Schools.

Question 7: How could accountability arrangements for early learning and childcare be improved?

Through integration of early learning and childcare for both 2 and 3-4 year olds into the publicly delivered, comprehensive education system which is proven to have a high degree of accountability through inspection, local authority oversight, complaints procedures including reference to the SPSO, quality assurance and local democratic control. Partnership with Education Scotland and the Care Inspectorate is facilitated at local authority level. This provides an established framework for authority provisions, and prevents the duplication inherent in the necessity to form multiple relationships with the management of different providers.

Question 8: What factors must be considered in delivering flexible ELC provision, while continuing to ensure a high quality service?

The needs of children should be placed first. Not all models of flexibility (e.g. evening or night time provision for shift workers, or frequent changes in hours of provision) will meet these needs.

The negative impact of disrupting children’s essential developmental routines requires to be recognised.

To what extent could funded ELC support parents and carers with non-standard working hours, such as working shifts and weekends?

The needs of children should be placed first. Not all models of flexibility (e.g. evening or night time provision for shift workers, or frequent changes in hours of provision) will meet these needs.

The negative impact of disrupting children’s essential developmental routines requires to be recognised.

It is unclear why early learning would be treated differently from school education in this regard. Research evidence proves the importance of secure, stable relationships with primary caregivers during the early formative years.

Any increase in flexibility in provision needs to be deliverable within the resources provided, as has been the case within West Lothian during recent periods of development of new flexible models of delivery. Further expansion of the current flexibility model in West Lothian Council to include non-standard hours may result in additional costs e.g. shift allowances which could impact negatively on the viability of further expansion of flexibility

Question 9: How can we ensure fair and sustainable funding for all providers offering the ELC entitlement?

Funding is currently included in Grant Aided Expenditure, and West Lothian Council favours the continuation of this model.

The conclusion of the financial review that local authority provision is more expensive than private sector provision is not true in every case.

Once initial investment and placement decisions have been made, efficient use of resources dictates that account must be taken of the marginal cost of additional admissions or changes of choice. The marginal cost of placing a child in a private provider (£2154 in West Lothian), is less than the marginal cost of placing a child in local authority provision (Close to £0 in many cases, if staff have been employed at an establishment but the number of children admitted is less than that allowed by supervision ratios.)

Efficient planning dictates that account is taken of matching child numbers to the number that can be accommodated within supervision ratios as closely as possible.

The total cost of £2,402 per annum per child in West Lothian takes account of many services provided to private sector partners, for which they are not charged, including, for example support for children with additional support needs, which can be very costly.

The childminder rate is almost identical to hourly rate of council provision (£4 x 600 hours - £2,400 per annum, but does not take account of services provided to parents and children directly by the Council, including, for example support for children with additional support needs.

Early Learning and Childcare funding provided to WLC has been fully required to deliver the various aspects of the new legislation and has been fully utilised.

Question 10: What more can we do to promote and support the involvement of childminders in the entitlement to ELC? What are the barriers, if any, to becoming a childminder? How can we ensure quality while preserving the unique value of home-based care?

The blended model of childcare represents a model of provision that many parents choose for themselves at present in West Lothian, by employing a childminder who will drop off and collect from local authority nurseries. This model is chosen, in particular, by working parents/carers who would not be able to drop off or pick up their children themselves. As such, West Lothian Council sees some merit in it, although it represents a continuation of the status quo, and not necessarily an improvement in early learning and childcare. West Lothian Council does not believe, however, that introducing a layer of Council administration into the combination of childminder plus local authority nursery will add any value.

Choice of childminder is a personal matter, and it is unlikely that parents would wish a local authority to choose and allocate a child minder on their behalf. If paying and allocating childminders was made the responsibility of local authorities, this would be likely to decrease choice, decrease satisfaction, and increase bureaucracy by introducing an unnecessary and unwelcome layer of administration.

Blended childcare could best work if parents were given a direct payment by the Scottish government to cover the 540 hours not spent in local authority provision.

West Lothian Council recognises that childminders are a vital part of childcare provision in west Lothian, and recognises the desirability of ensuring their service provision is sustainable. West Lothian Council has worked successfully with childminders in delivering services to vulnerable two year olds and other children receiving social policy support. West Lothian Council promotes the availability of childminders to parents accessing Early Learning and Childcare who require additional support.

West Lothian Council cannot, however, guarantee the availability of a childminder in every community in West Lothian to support the concept of blended childcare.

Question 11: How do we ensure that the voice of children and their families is heard as we plan this expansion?

Current statutory guidance requires regular consultation. West Lothian Council has consulted by contacting directly the parents of all known two and three year olds to ask what service they would like to see. The increase in full day placements, and expansion of wraparound care, is a direct response to these consultations. The expansion of playgroups and council nurseries providing services to eligible two year olds is also rooted in consultation.

Consultation has taken place on budget prioritisation, and the development of early learning and childcare in West Lothian has been guided by the response.

Dissatisfied parents make their views known through the complaints system, and future service provision is guided by views expressed.

Mechanisms already exist, therefore, to ensure that the voice of families and the wider community is heard.

Key messages from Building the Ambition national practice guidance for example on quality and relationships, reflect the best interests and needs of the child, and West Lothian Council is committed to involving young people in their learning in age appropriate ways.

Question 12: How can we ensure equality of access for all children? What barriers do children with disabilities and additional support needs currently face in accessing early learning and childcare? What further action is required to address these barriers?

Equality of access would best be ensured through integration of early learning and childcare for both 2 and 3-4 year olds into the publicly delivered, comprehensive education system which has the capacity and experience to support children with the full range of additional support needs. It is unlikely that all small, private businesses will have the capacity or experience to support the whole range of additional support needs.

Access to training, including in GIRFEC, is facilitated by this integration. Partnership working with other professional including health and social policy is facilitated by this integration.

It is unlikely that private sector providers will be motivated to set up businesses in areas of social deprivation where parents will not have the ability to purchase additional hours at premium rates. Marketisation is unlikely, therefore, to ensure equality of access.

Question 13: How can we support higher take-up rates amongst eligible two year olds, and other groups less likely to access entitlement?

West Lothian Council supports the concept of holistic models of provision, where a number of services for children and families are co-located, provide one potential solution for enabling children from more difficult to reach families to access their ELC entitlement. Such centres exist within West Lothian in the existing Early Years Centres.

The location of holistic centres in areas of deprivation would be undermined by the implementation of a crude model of provision based on 'the money following the child' as this would result in money flowing from areas of deprivation to more affluent areas.

If the money follows the child, children of the most aspirational parents in areas of deprivation will be removed from provision within these areas, further diluting their comprehensive nature, to the detriment of those who do attend.

This would undermine efforts to increase equity and excellence for all, and to close the attainment gap.

Question 14: How can more social enterprises, and third sector providers be encouraged to enter the early learning and childcare sector?

Social enterprise and third sector providers currently make a valuable contribution, particularly to provision for vulnerable two year olds.

Opportunities are available to enter the sector through training provided by local colleges, and quality assurance support provided by local authorities. Stability of provision is hard to achieve as children, and therefore parents, progress rapidly through the early years, resulting in a constant turnover of parents.

It is unclear, however, how the entry of more social enterprise and third sector providers would support the delivery of any of the aims identified in the consultation document. West Lothian Council believes the best way of addressing the conditions necessary to deliver equity and excellence for all, including high quality staffing, are best achieved through a comprehensive, publicly delivered early learning and childcare system, linked to school provision in each community.

Question 15: How can the governance arrangements support more community-led ELC provision particularly in remote and rural areas?

It is unclear how the entry of more community led providers would support the delivery of any of the aims identified in the consultation document.

Question 16: How can the broader system for promoting, accessing, and registering for a place in an ELC setting be improved? Please give examples of any innovative and accessible systems currently in place.

A centralised system for placing children is essential to achieve efficiency by matching children, physical and staffing resources in the most efficient manner. This ensures that all applications are considered together, against agreed criteria, in order to maximise equity for all.

A centralised system for placing children is essential to prevent double counting. A multiplicity of providers not under central control is likely to exacerbate the problem of double counting as some parents will attempt to enrol their child in more than one setting in order to secure the best possible outcome for their child.

Question 17: Do parents and carers face any barriers in accessing support with the costs of ELC provision (beyond the funded entitlement)? What more can we do to ensure additional hours are affordable?

Current statutory guidance requires that local authorities consult on wraparound and out of school care. West Lothian Council has consulted and as a result expanded wraparound care provision within West Lothian.

Consideration could be given to extending schemes such as school clothing grant, or introduction of a new allowance modelled on Educational Maintenance Allowance to support the least affluent in society. Any such scheme would require to be fully funded.

Question 18: How can ELC providers, particularly private and third sector providers, be encouraged to extend capacity?

It is unclear how the expansion of private and third sector providers would support the delivery excellence and equity for all, identified in the consultation document.

Each expansion of funded early learning and childcare has been necessary as the market has failed to deliver early learning and childcare of sufficient quality, accessible for all parents, in all communities, without state intervention. Private provision is limited to areas of sufficient affluence to support private provision, or areas with parental capacity to deliver social enterprise care.

Question 19: What funding model would best support our vision for high quality and flexible ELC provision, which is accessible and affordable for all?

The cost of rolling out the new legislation to increase hours to 1140 as from 2020 must be fully funded by Scottish Government to enable local authorities to meet the requirements of the enhanced service provision. This includes ongoing annual revenue costs and also the capital investment needed to meet capacity requirements. It is not the case that West Lothian Council has not fully utilised the resources provided to date to deliver the various aspects of the Children & Young People bill, including the roll out of the 600 hours of Early Learning & Childcare.

Option 1: Funding Dependent on Delivery – funding would continue to be routed through the local government block grant route. However, local authorities would have to submit detailed plans to secure all, or potentially a proportion of, the spend.

Alternatively, money not spent could either be clawed back or removed from the baseline for the following financial year;

Funding is currently included in Grant Aided Expenditure, and West Lothian Council favours the continuation of this model.

West Lothian Council support the public delivery of a comprehensive early learning and childcare system linked to the schools that are at the heart of communities.

West Lothian Council strongly supports the links between early learning and school education implicit throughout the government review of governance.

West Lothian Council supports continuity of delivery of the 3-18 curriculum and believes that this is best achieved in a universal, publicly delivered, comprehensive system of early learning and childcare, with clear progression for children from early learning and childcare to primary and then secondary education. West Lothian Council believes that this progression and continuity of experience would be damaged by the fragmentation that would result from increased marketization.

West Lothian Council notes that increasing payment to the private sector will reduce the resources available to deliver universal high quality, teacher led early learning and childcare, particularly a holistic approach in areas of deprivation.

West Lothian Council welcomes the plans to extend early learning and childcare, but notes that planning to support this will be frustrated by the uncertainty introduced by increased marketization.

West Lothian Council supports the Scottish Government's ***vision of excellence and equity for all children and young people across Scottish Education***.

Equality cannot be delivered if provision is fragmented in the early years, the time at which early intervention to support attainment, health and social needs, including preventative actions to address child poverty, is most crucial. Local authorities are at the heart of community planning partnerships, and frameworks to support GIRFEC, wellbeing indicators and the introduction of the named person. Private sector businesses do not have these links and are not part of these collaborative and co-operative systems. To expect each community planning partner to form a multiplicity of links with many diverse private sector providers would be unduly burdensome. It is possible that the ability to form the necessary effective links is beyond the capacity of some private sector providers.

How would the Scottish Government ensure effective participation in children's planning, GIRFEC and the named person by private providers? Would it be for each local authority to do through contractual arrangements?

West Lothian Council agrees with the OECD report Doing Better for Families that **more comprehensive childcare** is likely to help **remove barriers to employment**. The most comprehensive childcare is likely to be delivered through a publicly delivered system linked to the schools at the heart of communities.

• Option 2: Funding Follows the Child – a more demand-led system where parents and carers choose the provider, who must meet minimum agreed standards, and then the funding follows while still being administered by local authorities. This could be

underpinned by the introduction of a funding formulae which set rates for the provision which would apply to all providers, regardless of sector. These rates could vary according to the age of the child, any additional support needs; across different providers, e.g. childminders, playgroups and nurseries; and, across rural and urban provision (to reflect differences in the average costs of delivery);

This model assumes that all private nurseries would be willing to accept children whose parents decline to purchase additional hours at premium rates. Experience within West Lothian has shown that some private providers only wish to accept children whose parents will agree to purchase additional hours. A voucher scheme that does not recognise that providers may not accept children viewed as uneconomic is unlikely to deliver the increase in parental choice envisaged.

This model also assumes that all private nurseries would be willing to accept children with additional support needs, especially those with social, emotional and behavioural needs. A voucher system that does not recognise that private providers may choose not to, or may not have the capacity to accept children with additional support needs is unlikely to deliver the increase in parental choice envisaged.

If private providers retain the ability to accept or reject applications, or to permanently exclude children from their provision, a voucher system is unlikely to deliver the increase in parental choice envisaged.

A voucher scheme will increase the marketization and privatization of early learning and childcare, increase fragmentation in the sector, and frustrate efforts to increase equity of outcome for all children and young people. These proposals appear to run counter to the sentiments expressed by the Deputy First Minister in his introduction to the Scottish Government's governance review, in which he states that competition and marketization do not drive improvement. West Lothian Council endorses this view.

West Lothian Council notes the commitment of the government to quality, but believes that quality teacher led early learning is unlikely to be delivered by the private sector.

West Lothian Council notes the importance of early intervention, and notes with concern the likely barriers to effective, joined up early intervention that would result from the fragmentation of early learning and childcare resulting from increased marketization and privatization.

West Lothian Council notes with concern the barriers that marketization would place in the way of efficient planning of services. Efficiency is achieved by planning staffing at each venue based on demand, and maximising the placement of children within the supervision limits resulting from this staffing. Any reduction in the Council's ability to plan efficient provision will raise fixed costs, decreasing the resource available to deliver quality, teacher led early learning and childcare.

West Lothian Council notes with concern the negative impact that the proposed voucher system would have on equity of outcome and equity of experience.

Equity is advanced as a key driver for the Scottish Government's governance review, and underpins the Scottish Government's Delivery Plan. West Lothian Council fully supports the objective of increasing equity of outcome for all children and young people, and reducing the negative impacts resulting from socio-economic disadvantage.

The proposed voucher scheme, and increased marketization and privatization of early learning and childcare, will frustrate efforts to increase equity. Experience of placing requests made under the parental choice legislation has shown that children move, in general, from areas of greater deprivation to schools located in the most affluent areas.

West Lothian Council agrees that ***poverty and inequality act to limit the opportunities for some children in Scotland***. If 'the money will follow the child', however, resources can be expected to flow from establishments located in the most deprived areas of West Lothian to those located in the most affluent areas. It is unclear how this proposed flow of funding is compatible with the objectives of ensuring equity of outcome, the commitment to a comprehensive, universal system, and other initiatives including the Attainment Challenge which aim to maximise the resources available in areas of greatest deprivation.

West Lothian Council agrees that the creation of ***new employment opportunities, spread across all local authority areas***, is desirable. Unfortunately, if the money follows the child, employment opportunities will not be created in the most deprived areas, where they are most needed. Based on national supervision ratios, equal employment is created by a given number of children, regardless of the sector of the provider.

West Lothian Council agrees with a **focus on strengthening the quality of early learning and childcare**, but does not see how the fragmentation of provision will support collaboration amongst practitioners, or improve quality assurance.

It is unclear what role a local authority would have in administering a voucher scheme. Were one to be introduced it would be more efficient for it to be administered nationally through DWP or HMRC. As the local authority would be both administrator and beneficiary of the scheme an inherent conflict of interest would exist.

There would be a significantly greater administrative burden for local authorities negotiating placement of children according to parents' wishes and maintaining an audit trail of funding for each child. The pre-school census, which informs distribution of funding currently, would need to be expanded to capture the additional information that would be required to accurately allocate and track funding for each child.

• **Option 3: Early Learning and Childcare Accounts – a demand-led system where parents and carers receive the funding – through, for example, a system similar to that proposed by the Commission for Childcare Reform²³ – which they can then spend at a provider of their choice; and**

This option will also increase marketization and privatization, and will not provide a comprehensive experience aimed at securing equity of experience and quality are similar to those outlined above in option 2.

An increase in the marketization and privatization of early learning and childcare will increase fragmentation in the sector, and frustrate efforts to increase equity of outcome for all children and young people. These proposals run counter to the sentiments expressed by John Swinney in his introduction to the Scottish Government's governance review that competition and marketization do not drive improvement. West Lothian Council endorses this view.

West Lothian Council notes the commitment of the government to quality, but believes that quality teacher led early learning is unlikely to be delivered by the private sector.

West Lothian Council notes the importance of early intervention, and notes with concern the likely barriers to effective, joined up early intervention that would result from the fragmentation of early learning and childcare resulting from increased marketization and privatization.

West Lothian Council notes with concern the barriers that marketization would place in the way of efficient planning of services. Efficiency is achieved by planning staffing at each venue based on demand, and maximising the placement of children within the supervision limits resulting from this staffing. Any reduction in the Council's ability to plan efficient provision will raise fixed costs, decreasing the resource available to deliver quality, teacher led early learning and childcare.

West Lothian Council notes with concern the negative impact that the proposal will have on equity of outcome and equity of experience.

Equity is advanced as a key driver for the Scottish Government's governance review, and underpins the Scottish Government's Delivery Plan. West Lothian Council fully supports the objective of increasing equity of outcome for all children and young people, and reducing the negative impacts resulting from socio-economic disadvantage.

The proposed scheme, and increased fragmentation, marketization and privatization of early learning and childcare, will frustrate efforts to increase equity. Experience of placing requests made under the parental choice legislation has shown that children move, in general, from areas of greater deprivation to schools located in the most affluent areas.

If 'the money will follow the child' resources can be expected to flow from establishments located in the most deprived areas of West Lothian to those located in the most affluent areas. It is unclear how this proposed flow of funding is compatible with the objectives of ensuring equity of outcome, the commitment to a comprehensive, universal system, and other initiatives including the Attainment Challenge which aim to maximise the resources available in areas of greatest deprivation.

West Lothian Council agrees with a **focus on strengthening the quality of early learning and childcare**, but does not see how the fragmentation of provision will support collaboration amongst practitioners, or improve quality assurance.

There would be a significant administrative burden for local authorities negotiating placement of children according to parents' wishes and maintaining an audit trail of funding for each child. The pre-school census, which informs distribution of funding currently, would need to be expanded to capture the additional information that would be required to accurately allocate and track funding for each child.

• **Option 4: A hybrid approach – a model with similar principles to the self-directing care approach²⁴, whereby parents and carers choose how their child receives their ELC support – e.g. this could be determined by the local authority; parents and carers could choose their provider and then the money follows; or parents receive the funding (this could also be in the form of an Early Learning and Childcare Account, similar to option 3, to ensure that it is spent on ELC).**

This option will also increase marketization and privatization, and mitigate against a comprehensive experience aimed at securing equity of experience and quality are similar to those outlined above in option 2.

An increase in the marketization and privatization of early learning and childcare will increase fragmentation in the sector, and frustrate efforts to increase equity of outcome for all children and young people. These proposals run counter to the sentiments expressed by John Swinney in his introduction to the Scottish Government's governance review that competition and marketization do not drive improvement. West Lothian Council endorses this view.

West Lothian Council welcomes the commitment of the government to quality, but believes that quality teacher led early learning is unlikely to be delivered by the private sector.

West Lothian Council notes the importance of early intervention, and notes with concern the likely barriers to effective, joined up early intervention that would result from the fragmentation of early learning and childcare resulting from increased marketization and privatization.

West Lothian Council notes with concern the barriers that marketization would place in the way of efficient planning of services. Efficiency is achieved by planning staffing at each venue based on demand, and maximising the placement of children within the supervision limits resulting from this staffing. Any reduction in the Council's ability to plan efficient provision will raise fixed costs, decreasing the resource available to deliver quality, teacher led early learning and childcare.

West Lothian Council notes with concern the negative impact that the proposal will have on equity of outcome and equity of experience.

Equity is advanced as a key driver for the Scottish Government's governance review, and underpins the Scottish Government's Delivery Plan. West Lothian Council fully supports the objective of increasing equity of outcome for all children and young people, and reducing the negative impacts resulting from socio-economic disadvantage.

The proposed scheme, and increased fragmentation, marketization and privatization of early learning and childcare, will frustrate efforts to increase equity. Experience of placing requests made under the parental choice legislation has shown that children move, in general, from areas of greater deprivation to schools located in the most affluent areas.

If 'the money will follow the child' resources can be expected to flow from establishments located in the most deprived areas of West Lothian to those located in the most affluent areas. It is unclear how this proposed flow of funding is compatible with the objectives of ensuring equity of outcome, the commitment to a comprehensive, universal system, and other initiatives including the Attainment Challenge which aim to maximise the resources available in areas of greatest deprivation.

West Lothian Council agrees with a **focus on strengthening the quality of early learning and childcare**, but does not see how the fragmentation of provision will support collaboration amongst practitioners, or improve quality assurance.

Cost of care could potentially influence parental choice i.e. cheaper rate will provide access to more hours, unless resource are provided in hours rather than financial value. This could provide an incentive to provide the cheapest possible provision rather than focusing on quality.

Question 20: If it were possible for aspects of the entitlement to be phased in ahead the full roll out by 2020, how should this be implemented?

This should be implemented, dependant on sufficient capital and revenue support from the Scottish Government, and the availability of a suitably qualified workforce, with a focus on areas of deprivation and areas where provision is less accessible.



EDUCATION EXECUTIVE

APPOINTMENT OF RELIGIOUS, TEACHER AND PARENT COUNCIL REPRESENTATIVES

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To outline to the Education Executive the arrangements to be made for the appointment of religious, teacher and parent council representatives to any committee set up to deal with education following the May 2017 council election.

B. RECOMMENDATIONS

It is recommended that the Education Executive:

1. note the arrangements to be put in place for the appointment of three religious representatives, two teacher representatives and one parent council representative to any committee set up to deal with education following the May 2017 council election; and
2. note that members appointed to any committee set up to deal with education would be invited to accept the terms of the Councillors' Code of Conduct and abide by its requirements.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|--|
| I Council Values | Being honest, open and accountable; making best use of our resources and working in partnership |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | The appointment of three religious representatives fulfils the duty on the council under Section 124 of the Local Government (Scotland) Act 1973, as amended. The appointment of two teacher representatives and one representative from West Lothian Parent Councils' Representative Forum is in accordance with existing council policy and will allow the teaching profession and parent council forum to comment on the policy decisions of the committee and have full rights of participation, including voting. |
| III Implications for Scheme of Delegations to Officers | None |
| IV Impact on performance and performance Indicators | None |

V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	The proposed arrangements were endorsed by the Education PDSP at its meeting held on 15 November 2016.
VIII	Other consultations	None

D. TERMS OF REPORT

D1 Legislative Policy

The council has a statutory duty to appoint three religious representatives to any committee dealing with its education function. The council also has the statutory power to appoint other non-elected members to the committee, as it sees fit. Appointed members have the right to sit on the Education Executive, and to have full rights of participation, including voting.

Nominations for two of the religious representatives will be sought from the Church of Scotland and the Roman Catholic Church. The third religious representative will be sought by election from an electoral college comprising representatives of all denominations and religious bodies in West Lothian.

Membership of the electoral college will be drawn from all denominations and religious bodies, in proportion to the number of places of worship of each within West Lothian. This number will be determined according to the Register of Places of Worship drawn up for the purpose.

The nomination made by the electoral college, along with those of the Church of Scotland and the Roman Catholic Church will be reported to the first meeting of any committee set up to deal with education following the election in May 2017.

D2 Current Council Policy

The existing council policy is to appoint two teachers (one from the primary/early years' sector and one from the secondary/special education sector) and one representative of parents who is nominated by the West Lothian Parent Council's Forum. Current arrangements allow appointed members to participate in certain meetings of other council bodies, such as the Education (Quality Assurance) Committee, Education Policy Development and Scrutiny Panel, Joint Consultative Group (Teaching Staff) and Employee Appeals Committee.

Two teacher representatives, one from the primary/early years' sector and one from the secondary/special education sector, will be appointed following a ballot of all teachers to be employed in schools by West Lothian Council on 4 May 2017. A letter will be sent to all teachers, via the Head Teacher of each school, advising them of the arrangements for the election and inviting nominations. If more than one teacher is nominated, ballot papers will then be distributed to all teachers via the Head Teacher of each school. A closing date for the return of ballot papers will be set.

The appointment of a parental member to the Education Executive will be nominated by the West Lothian Parent Council's Forum and would assist West Lothian Council in fulfilling its duty to involve parents in the education provided to children, as well as further enhancing the strong existing partnership between parents and the council.

Arrangements will be made to complete the nomination and election processes before the local government election takes place on 4 May 2017.

The Councillors' Code of Conduct applies only to elected members and not to co-opted members of local authority committees. Co-opted members are, however, expected to apply the same high standards of conduct as elected councillors.

Guidance issued to all local authorities by the Standards Commission for Scotland states "local authorities should, therefore, expect co-opted members to comply with the Code and it should be a condition of their appointment. In cases where the authority has no discretion over the appointment (such as the Church of Scotland and Roman Catholic Church representatives on education committees) the authority should seek confirmation from the appointing authorities that they will require their appointees to comply with Code".

The council will invite the third religious representative, both teacher representatives and parent council representative to accept the Code of Conduct and will seek assurances from the Church of Scotland and Roman Catholic Church that their representative will comply with the Code.

E. CONCLUSION

These arrangements will allow the religious, teacher and parent council representatives to join the first meeting of any committee set up to deal with education after the council elections on 4 May 2017.

F. BACKGROUND REFERENCES

Minute of meeting of Education Executive held on 15 November 2011

Minute of meeting of Education PDSP held on 15 November 2016

Appendices/Attachments: None.

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Julie Whitelaw, Head of Corporate Services.

Date of meeting: 6 December 2016