

Scottish Women's Convention response to:
The Scottish Government:
Consultation on Early Learning and Childcare Statutory Guidance
March 2020

Introduction

In updating the Early Learning and Childcare Statutory Guidance, the Scottish Government (SG) has drawn on feedback from stakeholders to ensure that it is clear and readable and to improve clarity on specific points. The SG intends to ensure that everyone involved in early learning and childcare can provide their views before the guidance is finalised. Following consideration of the responses to the consultation, including through an independent analysis of the responses, the final version of the Early Learning and Childcare (ELC) Statutory Guidance will be published in May 2020 and come into force from 1 August 2020.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to women's equality.

1 (a) Does the Guidance help your understanding of the legislation relating to education authorities' functions in the delivery of early learning and childcare?

The Guidance as laid out within this particular format gives a clear and comprehensive overview. This provides in depth directions about the particular functions of education authorities in relation to delivery of ELC provision. Given the importance of having thorough knowledge of legislation as pertaining to high quality delivery, it is paramount that this is laid out in a thorough manner.

Early years education should be of a standard that indicates a pathway for development and is preparatory for further schooling and later life. Legislation in which delivery of ELC is accounted for should be understood by educational authorities as having a two-fold approach: to invest in children's progression and to allow women to gain equality both at an individual and societal level.

Given the importance of childcare for women and their families, it is particularly apt that the guidance provides a comprehensive overview of the following. It is imperative that this remains clearly emphasised within any final draft:

- The full definition of ELC including the recognition of the role that this plays in supporting children's advancement and socialisation.
- The role that the private and third sector have in provision of ELC to explain the whole scale flexible approach that is intended to be taken.
- That delivery is required without payment of fees to ensure women are not left out of pocket.
- The duties placed on education authorities in regards to promoting entitlement to eligible families.
- The burdens placed on parents and carers when balancing competing demands and that education authorities should allow time for parents to respond effectively to proposed changes.
- That eligibility criteria for two year olds remains the same regardless of whether a parent or carer moves off of specific benefits or not.

(b) Are there any specific aspects of the early learning and childcare legislative framework that remain unclear after reading the Guidance?

In regards to the legislative framework, it is laudable that the guidance lays out the clear commitment for authorities to be able to use discretionary powers to provide ELC for children outwith the eligibility criteria.

These powers are merely discretionary, however. Failure to include appropriate guidance on best practice and implementation may result in some children losing out on places at the expense of their development depending on what education authority they come under.

This would be a particular worry in areas where socioeconomic inequalities are prevalent. ELC provision, whether discretionary or not, should be looked upon as the promotion of every child's intellectual and social development. Guidance should include appropriate toolkits as to how each education authority exercise their functions under this particular discretionary power.

This would be further assisted where finalised guidance could be issued in smaller, separate documents in relation to key themes. An example would be legislation with regards to looked after children and the relevant statutory obligations around this.

2 (a) Do you find the Guidance clear and readable?

Women suffer the brunt of negative consequences where childcare is not delivered in a sustainable and favourable manner. This in turn poses a threat to their economic autonomy, educational prospects and equality in general. The SG is therefore to be commended for ensuring that the guidance is as extensive as possible as well as being laid out in an accessible and clear manner. It is imperative that the following remains emphasised within any finalised draft:

- The commitment to ensure parents and carers are not asked to make upfront payments or deposits and that where optional extras can be purchased, these costings must be transparent.
- Consulting with representative samples of the local population with a specific remit that includes individuals with protected characteristics as well as others less likely to engage with statutory services.
- Recognition of the specific barriers in rural areas that families will face.
- That education authorities consulting on delivery must assess the impact on persons with lived experience of poverty.
- That families should be able to choose from a range of provision that reflects local demand.
- Making clear approaches around split placements, including further information around provision of meals where this arrangement is in place.
- That all partners should have due regard for ensuring flexibility of childcare. This is particularly apt given the way in which employment is now structured outwith the 9 to 5 stereotype.

(b) Are there any specific areas of the Guidance where we could improve readability?

It is to be commended that the guidance outlines all services which have a clear role to play in identifying eligible families and promoting entitlement. This should be followed up, however, by public information detailing how each area intends to work to promote this with due regard for their unique localities and any challenges that they may face.

It would be beneficial if arrangements were also made where the finalised documents provided summaries of overviews and best practice of related guidance and toolkits such as Funding Follows the Child. Insertions of such provisions would provide handy all-encompassing guidance for parents and carers about the relevant documents and how to highlight issues.

Finally, in regards to split placements for individual children within ELC provision, one of the most pertinent aspects would be to publish best practice on this approach. Given that this particular method of childcare delivery may be a novel way of ensuring childcare needs are met, it is imperative that appropriate guidance is given on such.

3 Do you have any other comments on the Early Learning and Childcare Statutory Guidance for education authorities?

Whilst it is agreeable such appropriate guidance is issued, other points for consideration would include working to connect guidance with relevant legislation whereupon approaches and targets have been set by the Scottish Government. Using the Child Poverty (Scotland) Act, 2018 and the targets set within this, for instance, would tie in to the framework as to how education authorities can use such guidance in the elimination of child poverty and the furtherance of equality.

Conclusion

The SWC welcomes the opportunity to respond to the draft statutory guidance regarding the provision of early learning and childcare. Women often stress that the development of all children, equal access and flexibility should be at the forefront in order to promote children's full potential in regards to provision. Delivery of free childcare that is of a high standard and provides robust flexibility is a key promoter of women's equality.

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