

Agenda Item	4.
Report No	EDU 11/20

## HIGHLAND COUNCIL

**Committee:** Education

**Date:** 6 August 2020

**Report Title:** Early Learning and Childcare Update

**Report By:** Head of Resources

### 1. Purpose/Executive Summary

- 1.1 This report provides Members with an update regarding provision of Early Learning and Childcare (ELC), as part of the return of school and ELC settings and reflects the latest national and local developments in this regard.
- 1.2 Included with the report is an appendix providing a setting by setting position regarding the hours being provided in school session 2020/2021 i.e. whether 600 or 1140 hours.

### 2. Recommendations

- 2.1 Members are asked to note:
  - i. the update information provided in relation to Early Learning and Childcare and plans for provision, as part of the wider return of school and ELC settings from August;
  - ii. the update on a setting by setting basis as per **appendix 1**; and
  - iii. that further update reports on ELC will come back to Education Committee, including further updates in relation to the 1140 expansion programme, considering further national discussions and directions.

### 3. Implications

- 3.1 Resource – the financial implications associated with ELC decisions were considered as part of past reports to Education Committee July 2020 (regarding 600/1140 hours funding) and the Corporate Resources Committee June 2020 (regarding partner provider keyworker funding). Further details regarding ELC funding and costs were also circulated to members of the Committee following the July meeting. A further assessment of financial impact will be prepared to support any decisions to future Committees, and as part of future planning and reporting regarding 1140 expansion. This activity will align with future determinations from the Scottish Government in this regard.

- 3.2 Legal – Operational delivery plans take account of the removal of the Statutory Duty to provide 1140 hours from August and will take account of relevant Scottish Government directions and guidance relating to the return of School and ELC settings.
- 3.3 Community (Equality, Poverty and Rural) – No implications to highlight from this report.
- 3.4 Climate Change / Carbon Clever – Implications associated with capital projects will be considered as part of regular capital project management arrangements.
- 3.5 Risk – Risk management remains a key focus of ELC planning and delivery, covering the safe re-opening of our ELC settings, and ongoing management of capital project delivery. The clarity provided by Scottish Government regarding 1140 hours, as outlined within this paper, provides greater certainty and reduces risk around future expansion, and the confidence that the Council will have reasonable notice regarding any further Scottish Government direction and regulations i.e. at least a 6 month period and not before January 2021. Therefore, there is currently no national directive that states that 1140 hours must be in place or all children before July 2021.
- 3.6 Gaelic - ELC settings include Gaelic medium education provision, and the update provided in this paper will cover those settings also.

#### **4. Background**

- 4.1 The Education Committee of 2 July considered a report on Early Learning and Childcare, together with an update on national developments including the removal of the statutory duty to provide 1140 hours from August 2020. That report set out the wider impact and implications for ELC arising from Covid-19, and in light of that agreed *“that from August 2020 onwards, the Council would continue to fund existing ELC settings delivering 600 or 1140 hours, at those levels, to provide sustainability and allow settings to continue to deliver funded ELC provision as and when circumstances allowed.”* Further expansion of settings to 1140 were therefore paused, and subject to further clarity from Scottish Government in relation to the statutory duty, and in turn assessment and decision by the Council on next steps.
- 4.2 As highlighted within both the ELC and schools return report, presented to committee on 2 July, the ELC return position remained dynamic, and under the Scottish Government’s recovery roadmap, was still subject to further detailed guidance and further formal confirmation from Scottish Government regarding the safe reopening of ELC provision.

#### **5. Current Position**

- 5.1 Since the last report, several key developments have taken place and are set out within this paper. Notably, and most recently, further childcare guidance was provided by the Scottish Government on 30 July, confirming that the requirement for children to remain in small groups of 8 will be removed and there would be an ease on the current restrictions regarding blended placements. These changes will have a positive impact on service delivery for all of Highland’s settings.
- 5.2 **ELC Expansion**

- 5.2.1 On 8 July, a letter from the Minister for Children and Young People was issued to all Local Authorities to provide further clarity on next steps for the 1140 expansion programme.
- 5.2.2 That letter re-affirmed that the legal obligation to increase provision to 1140 hours from August 2020 had been suspended, and that *“Local authorities’ focus should be on delivering a model for funded ELC during the recovery period, which reflects the principles of the Strategic Framework for Reopening Schools, Early Learning and Childcare.”*
- 5.2.3 A revised date for full implementation of the expansion to 1140 hours would be jointly agreed by Scottish Government and Local Government, taking full consideration of the factors impacting on delivery, including the disruption to capital programmes. It was expected an initial assessment of readiness will be undertaken by December 2020 and Scottish Government would give at least 6 months’ notice of a new date for expansion to 1140 hours.
- 5.2.4 Regarding expectations in the current year, the following clarity was provided *“it will not be feasible to reinstate a universal 1140 duty in the academic year 20/21, or while the coronavirus public health measures, which significantly impact on ELC capacity, remain in place, if that is longer.”*
- 5.2.5 The letter re-affirmed that core principles under-pinning ELC remained, including Funding Follows the Child, Provider Neutrality, partnership working and fair work. In relation to National Standards however, the letter noted that in light of the Covid-19 impact, *“that it is no longer feasible to set a national requirement for all funded ELC providers to meet the National Standard from August 2020.”*
- 5.2.6 The commitment to continue to provide committed funding to Local Authorities for 1140 hours was re-stated, alongside the flexible use of such funding available to address Covid-19 responses. Financial sustainability of providers within the ELC sector remained a key concern, and the letter again re-affirmed Scottish Government’s commitment to that agenda, and in turn the expectation that Local Authorities utilise ELC funding to ensure sustainability.
- 5.2.7 Considering the above and the very clear Scottish Government position regarding 1140 hours during the academic year 20/21, it is not necessary at this time to consider further ELC expansion plans, pending further clarity from Scottish Government regarding next steps, which is expected later this calendar year. This updated position will be subject to further report and discussion at Education Committee as the year progresses.
- 5.3 **ELC Settings and Covid-19 Recovery**
- 5.3.1 Since the date of the last Committee, there has been further clarity regarding operationally how ELC settings could operate as part of their re-opening.
- 5.3.2 Phase 3 guidance for school age childcare was published on 3 July 2020. From the 15 July, all Care Inspectorate registered school age childcare providers can operate breakfast clubs, after school care and holiday care, if they wish to do so. This includes all school age childcare services in the local authority, private and third sector. In allocating spaces, services should continue to prioritise critical childcare for key

workers and vulnerable children and this critical provision should be delivered as part of a co-ordinated local authority response.

- 5.3.3 Phase 3 guidance for childminders was issued on 10 July 2020. From the 15 July Childminders can return to their normal operating model in line with Care Inspectorate adult to child ratios for childminding services. Restrictions on the number of households was lifted, and larger childminding services who are registered for more than eight children can care for more than eight children at one time.
- 5.3.4 On 16 July 2020, The Covid-19 Advisory Sub-Group on Education and Children's Issues issued an advisory note regarding physical distancing in schools. In the context of ELC settings this means that the use of 'bubbles' in childcare settings will not be required and the restrictions on blended placements will also be lifted if the virus continues to be suppressed.
- 5.3.5 The easing of these restrictions will have a positive impact on ELC delivery. Many families in Highland use their funded ELC hours via a blended placement model. With the lifting of this restriction families will be afforded the flexibility they had access to pre Covid-19. Additionally, the removal of the use of 'bubbles' will enable settings to work to their full registered capacity, offering equitable hours to all children in those settings. For our partner providers, the easing of both restrictions will support business sustainability.
- 5.3.6 On 30 July, the Scottish Government issued updated guidance for all childcare providers, to apply effective from 10 August. The guidance confirms the changes referred to above at 5.3.5 regarding the easing of restrictions. The guidance also states that *"the changing restrictions do not mean a 'return to normal'. This guidance continues to stress that minimising overall contacts is important for the suppression of the virus and efficacy of test and protect. The guidance sets out a package of age-appropriate public health measures that minimises the risks for staff, children, families and communities, based on public health advice."*
- 5.3.7 **Appendix 1** sets out a summary status position for ELC settings across the Highlands, reflecting the funding levels, at 600 or 1140 hours, being provided to reflect the 'status quo' pre-Covid 19 position and the July Education Committee's decision to continue funding at those levels from August 2020. In light of the Scottish Government announcement of 30 July, further assessment is taking place across settings in terms of operational delivery arrangements from August.
- 5.4 **Engagement with Partner Providers and Childminders**
- 5.4.1 Throughout the period of planning for a safe return to ELC, Highland's Partner Providers and Childminders have been updated with information on a weekly basis, or when required in light of changing national positions regarding ELC.
- 5.4.2 Partners are represented on the School Return ELC Sub Group. A wider representation of our Partners sits on the Partnership Group Forum which meets every six weeks. Several our partner providers continue to provide critical childcare under agreement with the council and provide flexibility in meeting these needs across the region.

## 5.5 Capital Projects

- 5.5.1 Members will be aware, from recent reports to Committee and to Council, of the general impact on capital programme delivery due to Covid-19 and lockdown. In particular, delays to on-site project delivery and construction, delays to design/ development/ planning/ tendering activity due to lockdown and furlough of private sector project team members staffing, and finally risks and concerns around financial impact in terms of contract costs and future delivery.
- 5.5.2 The Council, on 25 June, agreed several contract awards in relation to the capital programme, including a number which were school and ELC related, recognising the essential nature of these. That report also noted the key part that capital investment will play as part of the area's recovery. It is expected that further recommendations for contract awards will come forward, as further progress around the ELC programme takes place.
- 5.5.3 As Members will appreciate, for many projects it is only in recent weeks that Council staff and or contractor staff have been able to re-focus and re-commence planning and delivery work on projects. It should also be noted that significant re-programming work is necessary, particularly for those projects that were to commence or be completed during the summer 2020 window. Careful programming is required for any projects that require particularly intrusive or disruptive work which need to be carried out during holiday periods. Review and re-programming work are underway, but certain dates will not be known until that activity is complete. Updates will be provided to future meetings of this Committee.

## 6. Next Steps

- 6.1 The current focus remains on the re-opening of schools and ELC settings, and the provision of ELC from Council settings from August onwards.
- 6.2 While work continues in relation to ELC capital project delivery, with further update reports to come back to this Committee, the further expansion to 1140 hours will be subject to further direction from Scottish Government, and assessment by the Council. As noted above it is expected to be December 2020 before any initial national assessment takes place, and at least 6 months' notice can be expected from Scottish Government regarding a new date for statutory provision of 1140 hours.
- 6.3 The Committee will continue to receive updated reports regarding ELC, and further detail on the implications and plans for ELC expansion, including financial implications, will be considered as and when the further clarity from Scottish Government is received, later this year.

Designation: Head of Resources

Date: 3 August 2020

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Appendices:

Appendix 1 – [Local area setting by setting update](#)