



OFFICIAL REPORT
AITHISG OIFIGEIL

Education and Skills Committee

Wednesday 21 March 2018

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 21 March 2018

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
EARLY YEARS AND CHILDCARE	2
ASK THE MINISTER	19

EDUCATION AND SKILLS COMMITTEE

10th Meeting 2018, Session 5

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*Johann Lamont (Glasgow) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Mary Fee (West Scotland) (Lab)

*Ross Greer (West Scotland) (Green)

Richard Lochhead (Moray) (SNP)

*Ruth Maguire (Cunninghame South) (SNP)

*Gillian Martin (Aberdeenshire East) (SNP)

*Oliver Mundell (Dumfriesshire) (Con)

*Tavish Scott (Shetland Islands) (LD)

*Liz Smith (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Clare Adamson (Motherwell and Wishaw) (SNP) (Committee Substitute)

Antony Clark (Audit Scotland)

Caroline Gardner (Auditor General for Scotland)

Joe Griffin (Scottish Government)

Donald Henderson (Scottish Government)

Tricia Meldrum (Audit Scotland)

Rebecca Smallwood (Audit Scotland)

Maree Todd MSP (Minister for Childcare and Early Years)

CLERK TO THE COMMITTEE

Roz Thomson

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education and Skills Committee

Wednesday 21 March 2018

[The Convener opened the meeting at 09:40]

Decision on Taking Business in Private

The Convener (James Dornan): Welcome to the 10th meeting in 2018 of the Education and Skills Committee. I remind everyone present to turn their mobile phones and other devices to silent for the duration of the meeting. We have received apologies from Richard Lochhead; Clare Adamson is attending in his place. Liz Smith will join us shortly and Tavish Scott will be here for only a short time, as he has stage 2 amendments to debate in another committee.

The first item of business is a decision on whether to take agenda items 4 and 5—on a review of the evidence heard today and on consideration of the work programme—in private. Is everyone content for items 4 and 5 to be taken in private?

Members *indicated agreement.*

Early Years and Childcare

09:40

The Convener: The next item of business is a briefing from Audit Scotland. I welcome Caroline Gardner, the Auditor General for Scotland; Antony Clark, assistant director at Audit Scotland; Tricia Meldrum, senior manager at Audit Scotland; and Rebecca Smallwood, senior auditor at Audit Scotland. The purpose of this session is to allow the Auditor General to brief the committee on her report “Early Learning and Childcare” and to allow members to ask questions on the findings. I understand that the Auditor General will first make a short statement.

Caroline Gardner (Auditor General for Scotland): Thank you, convener. As you know, improving outcomes for children and their families is a priority for the Scottish Government. My report, with the Accounts Commission, “Early Learning and Childcare” looks at how the Scottish Government expanded free provision of childcare to 600 hours in 2014 and what impact that has had on children and parents. It also looks at planning for the expansion to 1,140 hours by 2020.

The Children and Young People (Scotland) Act 2014 increased funded early learning and childcare. From August 2014, entitlement rose from 475 hours to 600 hours a year for all three and four-year-olds, and for eligible two-year-olds, which is estimated as 15 per cent of two-year-olds. From August 2015, eligibility expanded to around a quarter of two-year-olds.

We found that the Government and councils worked well together to expand provision, and parents are positive about the benefits for their children. Parents in our research reported a range of benefits, including improvements in cognitive development, social skills and behaviour, and children being better prepared for school. However, they also reported a limited impact on their ability to work, due to the number of hours available and the way in which those hours are provided, such as half-day sessions with fixed start and pick-up times.

Since 2014, the Government has invested almost £650 million of additional funding for the expansion to 600 hours, but the Government was not clear about the specific outcomes that it expected to achieve for children and parents. When the expansion was introduced, the Government stated that improving outcomes for children and outcomes for parents were equally important objectives, but there is a potential conflict between them. Improving outcomes for children means focusing on quality, whereas flexibility is more important if the aim is to improve

outcomes for parents. The Government has now stated that the primary aim of the further expansion to 1,140 hours is to improve outcomes for children.

The report highlights the lack of options appraisal to inform the expansion. The Government implemented the increase to 600 hours without comparing the costs and the outcomes associated with different ways of achieving its objectives. There is a lack of clear evidence that increasing the number of funded hours each week for children already receiving early learning and childcare improves their outcomes. The evidence is clearer that starting nursery at an earlier age can benefit children, particularly those in lower socioeconomic groups or with poorer home learning environments. The Government could have considered other ways of achieving its objectives, such as earlier access to funded early learning and childcare for all children for fewer hours, or earlier access to more hours for those children who are likely to benefit most.

The Government did not plan how to evaluate the impact of the expansion to 600 hours or make sure that baseline data was available, so it is not yet clear whether the investment is delivering value for money. The Government has done more to plan how it will evaluate the expansion to 1,140 hours, including publishing some baseline data. The Government and councils are working hard to plan for the expansion to 1,140 hours by August 2020, but councils had to prepare their initial expansion plans in the absence of important information about how the system will work from 2020, such as the quality standard expected, the flexibility required, and how the new funding follows the child model will work. Given the scale of the changes required, we feel that the Government should have started detailed planning with councils sooner.

Councils' initial estimate of the costs of delivering 1,140 hours is around £1 billion a year, which is significantly higher than the Government's figure of around £840 million. Councils estimate that they will need 12,000 extra whole-time equivalent staff, and £690 million for changes to infrastructure, while the Government expects that the expansion will need between 6,000 and 8,000 more staff, and it has initially allocated around £400 million for infrastructure. Some of the differences between those figures are due to different assumptions about flexibility, workforce and the uptake of funded places by eligible children.

The Government and councils are now working together to develop the plans, but it is clear that the expansion will require a significant increase in staffing and infrastructure over the next two and a

half years, and it is difficult to see how that can be achieved on time.

We are happy to answer the committee's questions.

09:45

The Convener: You talked about the difference between local authorities' estimates and the Government's estimates. Why is the report based on the local government figures? We seem to be taking those as the correct figures and the Government's figures as a shortfall. Could it be anything to do with the way that potential uptake is being measured? Are local authorities suggesting a higher uptake than the Government is suggesting?

Caroline Gardner: I do not think that we are saying that either figure is right; we are simply pointing out the difference between the two. In some ways, I am not surprised that there is a difference between the Government and councils at this stage. What we say in the report is that councils did not have some of the information that they needed about quality, flexibility and how the funding follows the child model will work, which has led to some of the differences. We also know that councils have done their modelling from the bottom up, whereas the Government has done it from the top down. Given the short time available until August 2020, we think that that makes it harder to get the right staffing and infrastructure in place on time.

The Convener: Are the Government and councils now working closely to achieve that?

Caroline Gardner: They are at the moment, yes.

Tavish Scott (Shetland Islands) (LD): I apologise for having to leave early.

I have two brief questions, the first of which relates to the convener's question. On workforce numbers, there appears to be some discrepancy between the numbers being talked about by Government ministers and the numbers talked about in your report. Can you shed any light on that discrepancy and, more to the point, what is going to fill the gap? When you were going through this exercise, did you come across training or other policies that are in place to ensure that we have enough trained staff to fulfil the policy?

Caroline Gardner: I will ask Rebecca Smallwood to pick that point up, if I may.

Rebecca Smallwood (Audit Scotland): You talked about the difference between the councils' estimates of the workforce and the Scottish Government's estimates of the workforce. Part of

that difference is due to the fact that the council figures that we have in the report also include central staff, for example administration staff, who are not counted in the Government's figures. The Government is purely estimating the number of practitioners.

The modelling used was also different. The Government has taken a zero-based approach, which looks at how many hours a day a practitioner will be delivering early learning and childcare—which works out at six of the seven hours that they are employed—and how many weeks of the year they will be able to provide that for. Its estimate is based on the existing workforce and the potential new workforce delivering at the same level of productivity. The model takes into account the number of hours that will be needed for the expansion to 1,140 hours and works out how many practitioners would be needed. It assumes that there is the potential to make efficiencies in the way in which existing staff work at the moment.

The councils are not always explicit about their approaches. However, where there is information on that, we can see that they have taken their current model for staffing and scaled it up for the expansion to 1,140 hours, taking account of the change of ratios if a longer day is being provided. The councils and the Government have basically taken different approaches to the modelling, which partly explains the differences between the figures.

Tavish Scott: That is a helpful answer, although it suggests that the point about flexibility has not been taken into account. Small nursery classes in small schools, in parts of Scotland that many of us represent, will be very different from big nurseries here in Edinburgh. Please correct me if I am wrong, but it does not strike me that the model that you have just described would take into account the difference between having four kids in a class and having lots more kids in a class, for example in the middle of a city.

Caroline Gardner: The Scottish Government's model assumes an hour a day per child to account for flexibility. However, I do not think that the Government has modelled for rural versus city areas.

Gillian Martin (Aberdeenshire East) (SNP): Following on from Tavish Scott's questions, there is a variable picture across local authorities. Is it a similar picture on take-up among eligible two-year-olds? Are the same local authorities that offer more flexibility offering a larger percentage of eligible two-year-olds access to nursery, or is that completely off the mark?

Caroline Gardner: It is worth saying that understanding how many eligible two-year-olds

are taking up their place is not as straightforward as we initially assumed that it would be. The number of eligible children depends on factors that are individual to each child and family, for example the benefits that they receive, whether the children are looked-after children and so on. I will ask the team to pick up the question of the variability across local government.

Gillian Martin: It is about not just eligible two-year-olds but whether three and four-year-olds are taking up their nursery places.

Rebecca Smallwood: The problem that we have is the way in which the information is collected at the moment. We do not know exactly how many children are eligible in each council area. We know what the uptake is among two-year-olds overall, but not all two-year-olds are eligible, so it is hard for us to compare across councils. The councils that have a higher uptake among two-year-olds may well have a higher number of eligible two-year-olds, so that makes it difficult for us.

It is also hard to quantify which councils are the most flexible. The information that we have shows some of the models that are on offer, but it is hard for us to quantify, using those models, what proportion of places are open for half a day, from 8 o'clock until 6 o'clock or from 9 o'clock until 4 o'clock.

Gillian Martin: Why is it difficult? Did the councils not give you that information? It seems to me quite fundamental that you should be told, at the very least, how many children are eligible and how many nurseries offer flexible places.

Rebecca Smallwood: The issue is that the councils do not know which two-year-olds are eligible in their area. There are issues around information sharing between the Department for Work and Pensions, Her Majesty's Revenue and Customs and the councils. Although councils employ a variety of strategies to promote uptake among eligible two-year-olds, we know that one of the reasons for a lower uptake than anticipated is that parents do not necessarily know that their child is eligible.

Gillian Martin: If the information is not there, does that make it difficult for the Government to do the work that you are saying should have been done to analyse take-up?

Antony Clark (Audit Scotland): There is a broader issue beyond the two-year-olds, which is data on the actual activity levels of funded early learning and childcare throughout Scotland and within local authority areas. I look to Rebecca Smallwood to correct me if I get this wrong, but the data is gathered on an annual census, which simply captures how many children are registered in different settings at a point in the year. Local

authorities do not necessarily have good, reliable data from their partner providers about the number of parents that use funded places and pay to top up early learning and childcare. That is important information to help local authorities to understand the capacity in the system at the moment and the gaps that need to be filled as we move towards the expansion to 1,140 hours. The Government and local authorities are aware of that issue and are working through it as part of their expansion planning, but there are significant issues around data availability to inform appropriate planning.

The Convener: Can I follow up on the fact that you do not seem to have obtained information from councils about flexibility? I accept the point about the DWP and the two-year-olds, but surely councils must know, for example, how many of their providers are open from 8 o'clock until 6 o'clock. That sort of information must surely be available to you.

Rebecca Smallwood: That information is available—the Care Inspectorate collects information on that. The issue is that although a setting might be open for those hours, it might not have places for all children for all of those hours. A small proportion might be offered the extended provision, but a large number may get a part-day place. That information is not collected consistently.

The Convener: Local authorities have clearly got to start gathering that information in some way.

Mary Fee (West Scotland) (Lab): Let us go back to the workforce issue to pick up something that Tavish Scott said. I want to be clear about the difference between the number of staff that the Scottish Government says will be needed to deliver the 1,140 hours and what local authorities are saying, which is that 12,000 staff will be needed. There is a difference of 4,000 between the two figures, and I want to be absolutely clear. In a previous answer, Ms Smallwood said that a lot of that difference is down to local authorities including administration staff in their estimate. Is that correct?

Rebecca Smallwood: The councils' figure includes admin staff.

Mary Fee: Is that 4,000 admin staff?

Rebecca Smallwood: No. Some of the difference is because of the inclusion of admin staff, but some of it will be because they have taken different approaches to modelling how many staff they will need in the future. The Government's approach assumes that the existing staff might be able to deliver ELC more efficiently. It has taken a uniform approach to the number of hours a day that someone can do it. The councils have looked at the existing staffing models and have adjusted them to take account of changes to

staffing ratios, because, if people are working a longer day, there will need to be more members of staff.

Mary Fee: If the purpose of increasing the number of hours is to improve outcomes for children, surely more staff will be needed. It would seem a huge underestimate to say that the 8,000 whole-time equivalent staff could deliver the level of care and education that are required for the increased number of children in the system while improving outcomes.

Caroline Gardner: As Rebecca Smallwood says, the Government's figure is based on a standard assumption about the ratio of staff to children across Scotland, whereas the councils' figures are built up for each of the 32 local authorities, taking the provision they currently have but scaling it up from 600 to 1,140 hours. As Rebecca says, there is also a difference because of the inclusion of admin staff in the councils' figures. Some of the difference will come down to quality, some will come down to flexibility and some will be down to the fact that there is an element of negotiation about the funding that is required.

The point that we are making is that there is a gap. We suspect that the Scottish Government's figures are on the low side, and there is not very much time to get those staff in place before August 2020.

Mary Fee: I would have expected both the Government's figures and the local authorities' figures to use the same basis to calculate the staff to children ratio—that there would not be any difference—but it seems that one is calculating the ratio slightly differently.

Caroline Gardner: I think that it is a question for the Government. I can see that there may be an element of flexibility in some nursery settings, which the Government will want to understand. Equally, however, for us to be 19 months away from the point at which the 1,140 hours' entitlement is meant to be delivered and for there to be that big a gap between the staffing assumptions that the two levels of government are working on seems a problem that will make it harder to get the childcare in place by August 2020.

Mary Fee: I have a final question. In your opening remarks, you said that the Government should have started planning with councils earlier to meet the target. I accept that I am asking you to speculate, but do you think there is a danger that the target of 1,140 hours will not be met by 2020?

Caroline Gardner: In the report, we say that we think it will now be difficult. That is not to say that the target cannot be met, but there is an awful lot to be done in terms of training and recruiting the

number of staff that are required while extending and improving buildings or building new buildings for nursery provision where that is needed. We know, from the amounts of money that are involved, that both of those are big pieces of work. As we have been discussing, there are still differences of view about how much investment is needed, but 18 months is not a long time in which to make that investment, particularly when all councils are trying to increase their provision by that amount at the same time.

Mary Fee: They also have to recruit and train new staff.

Caroline Gardner: Exactly.

Liz Smith (Mid Scotland and Fife) (Con): I apologise to the witnesses and to colleagues for my slightly late arrival this morning. I would like to drill down into some very interesting comments that Ms Smallwood and Mr Clark have just made about the data. Accuracy of data is obviously crucial in guiding the policy.

You have given us some idea of where you think there are discrepancies. Could I ask for a little bit more detail about that? Is it your impression that there are considerable difficulties in getting the information that ought to be coming from the DWP and HMRC to inform councils, or is that data there but not being extrapolated correctly? What do you feel is the problem in getting hold of that crucial information?

Rebecca Smallwood: I think that the problem is around data sharing. It would probably be worth taking the issue up with the Scottish Government, because it will have more of the detail. There have been on-going discussions between the Government and the DWP on the matter and it might be able to give you a more up-to-date picture of progress.

Liz Smith: You say the problem is around data sharing. Is the problem likely to be increased given the data protection changes that are coming in in May?

Rebecca Smallwood: I am not sure whether those changes will cover it.

Liz Smith: I feel very strongly that there are two issues here. The first is that, from a policy angle, we have to improve the accuracy of the data that needs to be collected. Secondly, it is important to ensure that the parents with eligible youngsters know what their entitlement is. Do you feel that there is a lot more work to be done on the second of those issues? Do local authorities need to make a lot of changes in how they ensure that parents are aware of what their entitlement is?

10:00

Caroline Gardner: We found that informing the parents of eligible two-year-olds, in particular, of their entitlement is key in getting the take-up figure up from around 10 per cent to 25 per cent. Some councils have done some very good work, but the evidence that we heard from parents was that the issue is more widely one for parents of three and four-year-olds as well.

Tricia Meldrum (Audit Scotland): It is obviously a complex area, and it is difficult for parents to navigate their way through what they are entitled to, what options are available and so on. We include a recommendation that councils and the Government should help to make that information clearer for parents, so that they understand what they are entitled to and what options are available to them.

Liz Smith: Right. We are told that there is a 97 per cent uptake of registration for funded places. Do you get the impression that 97 per cent is an accurate figure?

Tricia Meldrum: As Antony Clark said, that figure is based on a census at a point in time. The census is carried out once a year, so that was the number of registered children at that point in time. However, we do not know how many children that is. There is also an element of double counting, as children could be registered at more than one place.

Liz Smith: Is it not key that we identify exactly where those eligible children are?

Tricia Meldrum: We are aware that the Scottish Government and councils are working together to improve the recording of data around the uptake of places, registrations and so on.

Liz Smith: Do you have any idea when that work is going to be completed?

Rebecca Smallwood: We think that it will be in place around the 2020 expansion date.

The Convener: You are quite right that the information must be out there for parents. How can we get that if there is a barrier preventing the sharing of information between the DWP and the Scottish Government, local authorities or whoever is responsible for it? We cannot get the information out there unless we have it.

Antony Clark: The evidence from the research that Rebecca Smallwood and Tricia Meldrum have mentioned is that one of the best ways of making people aware of their eligibility for these important services is through people such as health visitors and staff who are engaging with families anyway. There is a role for staff working in the community to act as the communicators of eligibility, making sure that people are taking up the funded early

learning and childcare services that they are entitled to.

A broader point is that strategic planning is important for local authorities. In the report, we make the point that local authorities need to get better at developing proper strategic commissioning plans for the services they will need to deliver after the expansion. That should involve engaging with communities and understanding the needs of families and parents, which will inform the appropriate targeting of the resources that are being invested for the future.

The Convener: Given the complexities of the welfare system, the information surely has to be shared between the DWP, local authorities and the Government to make sure that the health visitors are giving the right information to the right people.

Caroline Gardner: Absolutely. That is key for the grouping of eligible two-year-olds.

The Convener: That is primarily what I am talking about.

Caroline Gardner: For three and four-year-olds, the entitlement is universal, so it is much more about all health visitors and general practitioner practices knowing what the entitlements are and being able to point parents in the right direction. Our work showed that that makes a big difference to parents' take-up.

The Convener: I take that on board. Thank you.

George Adam (Paisley) (SNP): Good morning. I am sorry to labour the point about data. I seem to be asking this question in every committee I am on. Are you saying that local authorities do not know who all those who are eligible are? If so, is that because, as Liz Smith said, there is a problem in accessing the data? Is there a problem with the process, the legality or whatever? Is that the problem, or is it the fact that the data is just not there at all?

Caroline Gardner: The data is there. The team will keep me right on this. The key problem in councils not knowing who is eligible is around two-year-old children. It is estimated that about 25 per cent of two-year-olds are eligible, either because their parents receive certain benefits or because they are looked-after children. However, councils will not automatically know who those children are without information from HMRC and the DWP. The information is held by those two agencies, but it is not shared with councils at the moment. There is no statutory duty on councils to hold that data themselves, so they have to negotiate with HMRC and the DWP to gain access to it. We understand that that negotiation is under way.

George Adam: Okay. It is interesting to hear about the difference between the Scottish

Government and local government figures. This is a two-pronged question. First, headquarters staff were taken into account: is that HQ staff who are currently in local government as we speak—admin staff and central staff? Secondly, in your opinion, is this just the usual dance that the Scottish Government and local government do—I was a local councillor—or are they effectively negotiating at this point to see how they can deliver the service?

Caroline Gardner: I will start off with the second of your points. I would be surprised if there was not an element of negotiation on the number of staff and the costs involved. That is routine. However, the gap is quite significant at this point. We understand some of the reasons why it is there, given the different approaches that the Government and councils have taken to modelling and estimating the figures, but that gap needs to close.

I am sorry, but I have forgotten what your first question was.

George Adam: Are the HQ staff already in local government?

Caroline Gardner: Those are the additional admin staff that councils think they will need to expand the provision to 1,140 hours.

George Adam: Are they additional to the staff who are already there?

Caroline Gardner: That is right.

George Adam: So, that figure could be part of the negotiation between the two levels of government. There is always a difference between local government and national Government about service delivery, because one is on the front line and one is looking from afar. Work is still being done between the two to reach agreement. Are we in the early stages at this point?

Caroline Gardner: Yes. As I said in my response to the convener's opening question, we are not so much expressing surprise that there is a gap as noting the size of the gap and the fact that some of it is because the councils did not have the guidance that they needed on things like flexibility, equality standards and how funding will follow the child in the future. That means that it is taking longer to close the gap while the clock is ticking towards 2020.

The Convener: This is probably a good time to remind members that we need to keep our questions short, as we have an early start to chamber business today. I say that not because your are next, Oliver, but because of previous questions.

Oliver Mundell (Dumfriesshire) (Con): I believe you, convener.

I wonder whether there is a detailed breakdown of the difference between the Scottish Government's and the councils' figures. You mentioned that admin staff make up some of that difference, but do you have a detailed breakdown?

Rebecca Smallwood: We might be able to give you something on that. I will give you what we have. You might be better off asking the Government, because the picture is moving all the time. We know that the councils have been changing their figures recently and submitting them to the Government, so it might be able to give you a more up-to-date picture of the difference, which might be more helpful.

Oliver Mundell: That is helpful. I am also interested in whether you feel, even on the basis of the Government's more optimistic figure, that it will be very difficult to recruit that number of staff in the given timescale.

Caroline Gardner: Our concerns are twofold. Yes, it will be difficult to recruit that number of staff and have them trained to the required standard by August 2020. Alongside that, the investment in infrastructure is significant. Both sides recognise that it is significant, whatever the exact figure is, and everybody will be looking to have that infrastructure in place over the same short period of time, which is why we concluded that it will be difficult to achieve the expansion by August 2020.

Oliver Mundell: In my constituency, there is concern that, as the local authority expands its nursery provision, a number of its staff are likely to come from existing private and voluntary providers. Have you looked at that issue? It would obviously have a significant effect on provision, particularly in smaller rural communities.

Caroline Gardner: We know that it is a concern. Rebecca Smallwood can pick that up.

Rebecca Smallwood: The partner providers have raised that with us as a concern when we have spoken to them. It is hard for them to recruit in the first place, and they are losing staff to council provision, where they are getting better terms and conditions. They have definitely raised that as a risk.

Oliver Mundell: In Dumfries and Galloway, all the private providers have asked for a halt to the procurement process, because they are worried that they cannot deliver what has been asked of them at the price that the council is willing to pay. It could result in around 2,000 places being lost if some of those providers begin to fold. Have you looked at that in the context of the payment per place?

Antony Clark: We refer to it in paragraph 102 of the report, where we make reference to the National Day Nurseries Association's survey, in

which providers talk about the differential rate that they charge parents as opposed to the fee that they receive from local authorities. They highlight it as a risk in the expansion moving forward.

Oliver Mundell: Have you considered setting a standardised national rate across different local authorities? One of the other concerns that I have heard repeatedly is that different local authorities have used different modelling and have a different funding package for third party providers.

Antony Clark: We did not look specifically at that as part of the audit. The introduction of a national policy would be a policy matter rather than an audit matter.

Johann Lamont (Glasgow) (Lab): Is there any evidence that local authorities calculate the cost of a publicly provided place as X but offer external providers Y, so that they are driving costs out into the private and third sectors? Is that something that you have looked at?

Antony Clark: We did not look at the unit cost calculation for local authority provision or private or third sector provision as part of the audit. It is certainly an interesting question, but it was not part of the audit work that we did. Rebecca Smallwood might want to add to that.

Rebecca Smallwood: The Scottish Government produced a financial review that looked at that difference. The cost of council provision came out, on average, at £5.45 an hour, and I think that councils are paying partner providers, on average, £3.70 an hour. There are differences between the ways in which those rates are calculated, in that the £5.45 for councils is for three and four-year-olds, whereas the partner provider figure is for zero to four-year-olds.

Sorry—councils pay partner providers £3.59. The £3.70 is how much partner providers say it costs them. Councils also identified about 99p an hour as the cost to them of commissioning a partner provider place. That does not go to the partner provider; it is another cost that councils incur.

Johann Lamont: I imagine that provision for zero to four-year-olds costs more because the ratios are different. The younger the child is, the more it costs, but councils are offering less money. I suppose that that reflects the financial pressures on local authorities.

I have a question about admin staff. People can say, "Well, admin staff—what do they do? We don't need to count them in the calculation". However, I want to get a sense of what that cost might be. Has any work been done on the support staff that are needed in order for nurseries to deliver services for all children, but specifically for children with special needs? Has the cost of staff

who are deemed to be support staff been brought into play in the calculations? It might be that that support allows a young person to access a nursery place.

Caroline Gardner: I will ask Rebecca Smallwood to comment, but I think that the figure that she mentioned, which is in the councils' estimates and not in the Government's, is for the staff that councils need centrally to receive applications from parents of eligible two, three and four-year-olds and then match them with places that meet their needs as closely as possible, rather than for administrative staff in the nurseries themselves.

Johann Lamont: Is it reasonable to say that, although there might be some economies of scale where higher numbers of places and hours are administered, there are still costs associated with that?

Caroline Gardner: Absolutely. Again, it will vary from council to council depending on what they are starting with and how many children they need to cover when we get to 1,140 hours.

Johann Lamont: I want to say a bit more about the nature of the young people who are coming in, but the submission that we received from the fair funding for our kids group says:

"The Care Inspectorate reports a third of 3-4 year olds are not receiving a funded place".

Is it your understanding of the Government's calculations that it is simply saying, "This is what we give; if we had more, it would be more"? Is it taking into account the deficit in access to places?

Twenty years ago, I did not access a funded place because the hours were ridiculous and were no use to somebody who was in full-time work, but I thought that things had moved on. Is the Government's calculation based on the number of children in the system being bulked up, or is it acknowledging that there is a space where there is theoretically a right but it is not being accessed?

10:15

Caroline Gardner: I will ask Rebecca Smallwood to comment in a moment, but there are two complications there. I am sorry—this is complicated. First, as we say in the report, it is difficult to calculate how many children are eligible. The data are about registrations and not about children. There is a bit of complexity there that links back to the figures from the fair funding for our kids group.

Secondly, we know that the Government and councils have made different assumptions about the uptake of eligibility, which is part of the reason for the difference between them. Rebecca, do you want to put some flesh on that?

Rebecca Smallwood: Yes. I think that the figure that the Care Inspectorate reported about a third of three to four-year-olds not getting their places was in trial statistics that it published only in one year. It labelled them as trial statistics because there were a lot of data quality issues. We believe that it has not published them again since the census figures, and although there are issues around the quality of those, they are probably the more reliable figures out of what is available at the moment on uptake.

I think that everyone is basing their projections for the 1,140 hours on the population rather than on how many people are currently taking up their places. For three and four-year-olds, they are basing their figures on the projected population, albeit with different assumptions about what the uptake will be.

Johann Lamont: Are they looking at the special needs of children? We know that it is more difficult where children's needs cannot be met within the local authority's places, and that might distort the figures on the costs. We also need to acknowledge that, if a local authority is effective at getting children with special needs into nursery settings, there will be support needs that go alongside that. Is there any evidence that work has been done on that? Surely we would hope that, given the expansion in hours, children who are currently excluded—I would not say that that happens routinely, but they may find it more difficult to access places—will be accommodated.

Rebecca Smallwood: That work is on-going. The Scottish Government did a survey of about 10,500 parents and it looked at additional support needs as part of that. It found that 17 per cent of parents who have eligible children with additional support needs were dissatisfied with their access to suitable early learning and childcare, and about half had had one or more difficulty in accessing suitable provision.

There is an ELC inclusion fund of £2 million to help staff to support children with additional support needs, and that funds specialist training for ELC staff as well as equipment. I think that the Government has got to the stage of appointing a partner to administer that fund. It is not yet open for applications, but that is in the pipeline.

Johann Lamont: I presume that the £2 million will have to be bulked up. If we are increasing eligibility from 600 to 1,140 hours, £2 million is not going to be sufficient.

Rebecca Smallwood: That is the current figure that we have.

Johann Lamont: Okay. Thank you.

Ross Greer (West Scotland) (Green): The difference between the Government's figures and

the council's figures is proportionately most striking when it comes to infrastructure. Will you expand on how such a dramatic difference has occurred there?

Caroline Gardner: That is the biggest difference. Again, I think it comes down to the parties' different approaches to modelling. Tricia Meldrum can say a bit more about that.

Tricia Meldrum: The Scottish Government's guidance on infrastructure says that councils should make the best use of their assets first. There is a kind of ordering, and the first thing is to make the best use of what they already have. That includes expanding beyond school hours into school holidays et cetera. They should then look at the availability of partner providers and work with them, and the final option should be to build new infrastructure.

Whether the councils have taken that approach is not very clear from their plans. We understand that that is part of the discussions that are going on between the councils and the Scottish Government as they look at revising the plans. However, whichever way we look at it, I think that a significant amount of additional infrastructure will still be required over a short time period.

Ross Greer: Absolutely. I think that the short time period is going to be a particularly acute issue. The Government's overall figure is £400 million, but the councils estimate more than £400 million for entirely new infrastructure alone. Is there a breakdown of the £400 million? How much of it is for purchasing land, versus the cost of constructing on land that councils already own?

Tricia Meldrum: I am not aware of any breakdown. We have a figure of £411 million for new builds, but I do not know the breakdown between land and other things.

Ross Greer: Okay. Thank you.

Clare Adamson (Motherwell and Wishaw) (SNP): Ms Gardner, if we go right back to the start, you talked in your opening remarks about the Government being unclear about what the outcome priorities were. You said that, if the funding was following the child, it would be quality, and if it was following the parents, it would be flexibility. I am really at a loss to see why those should be two competing and disparate priorities and outcomes. What evidential work has been done on quality? Are you saying that flexibility inevitably reduces quality?

Caroline Gardner: Not at all. Everybody agrees, I think, that an outcomes-based approach is a good thing, and that improving outcomes for children and helping parents into work, training or study are both worth while. The number of

childcare hours is not an outcome but an output, although it is one that many parents welcome.

I think the clearest way to put it is that, if we are looking to improve outcomes for children, the evidence does not suggest that providing extra hours for children who are already receiving childcare does much to improve outcomes for children. There is much stronger evidence that starting access to early learning and childcare earlier improves outcomes. If that is the Government's priority outcome, we think that, rather than making 600 hours available for all children, it should have at least considered whether it could have had more of that outcome by providing fewer hours for all children from the age of two, or by taking the most disadvantaged children and giving them additional hours from the age of two onwards.

The point is not so much that quality and flexibility are in competition, but that the outcome that we are trying to achieve affects the way in which we invest the money that we are putting in. There is significant investment in the policy for very good reasons.

The Convener: We will finish on that note. I thank the Auditor General and her colleagues for their attendance. I understand that the minister has been watching the evidence from her ministerial office. I will suspend the meeting for a couple of minutes as we await her.

10:22

Meeting suspended.

10:25

On resuming—

Ask the Minister

The Convener: This is the last in our series of ask-the-minister evidence sessions. Today we will hear from the Minister for Childcare and Early Years, with a focus on two themes: early learning and childcare; and care-experienced young people.

I welcome Maree Todd, the Minister for Childcare and Early Years. She is accompanied by officials from the Scottish Government. I welcome Michael Chalmers, director for children and families; Joe Griffin, deputy director, creating positive futures division; and Donald Henderson, deputy director for care, protection and justice.

I invite the minister to make a brief opening statement.

The Minister for Childcare and Early Years (Maree Todd): I am tempted to say that you saved the best until last, convener.

Thank you very much for the opportunity to appear before you. It has been a great privilege for me to serve as the Minister for Childcare and Early Years since my appointment last November. That is particularly so, given the priority that this Government places on early years, on a preventative approach and on ensuring that every child and young person has the same opportunity to prosper in life. Too many of our children and young people, through no fault of their own, do not start with the life chances to which they are entitled.

I understand that the committee wishes to focus its questions today on two key areas of policy: early learning and childcare; and looked-after children. Those policy areas sit at the heart of our ambitious programme to transform outcomes for our children and young people. The evidence tells us that support in the early years is where we can make the biggest positive impact on outcomes for children, and that is what we have focused on, with our investment in early learning and childcare. Given the critical importance of that programme, I recognise and welcome the important role of this committee and, indeed, Audit Scotland in scrutinising the Government's approach.

Let me be clear from the outset about the Audit Scotland report. I and my ministerial colleagues agree that the expansion to 1,140 hours of early learning and childcare is hugely ambitious. Where we perhaps depart from some of the reporting on this issue is that we think that it is our job—indeed, our duty—to be hugely ambitious. To give just one example, recruiting the numbers of people that we

need to the workforce is in itself a considerable challenge, albeit one that will provide opportunities for good-quality jobs and careers for people in every community in this country. However, I am confident that we are on track, not least because of the strong partnership that we have with local government and with other key players. I agree that challenges—indeed, difficult challenges—remain, but I am determined that we will succeed, because the prize is so great. It is an opportunity to give children the best start in life and to transform their life chances.

We also have a responsibility, as a Government and as a country, to improve the life chances of young people in the care system, who depend on us to ensure that they can have the safe, fulfilling and loving childhood to which they are entitled. Too often, as a country, we have let those young people down. It is for that reason that Fiona Duncan was asked to lead the root-and-branch review of care, which is being shaped of course by the voice of care-experienced young people themselves. We will engage with the recommendations of the review as they emerge and I am determined that we seize this opportunity to transform the life chances of our looked-after children.

Convener, I welcome the opportunity to engage with the committee today on these two policy areas, which are important to the Government's fundamental commitment to the country's children and young people. I am happy to be here to explore these issues further and I am happy to answer your questions.

The Convener: Thank you, minister. As you are aware, the committee invited suggestions and submissions from stakeholders and the public for today's session. I thank everyone who has contributed. We will ask questions in person today and anything that is not asked now will be sent to the minister for a formal response. All responses will be shared with those who asked the questions.

I will ask the first question, before I invite questions on childcare from members of the committee.

Minister, you will have seen that we were speaking to the Auditor General earlier. What action has the Government taken so far in response to the Audit Scotland report and what steps does it plan to take in the future?

10:30

Maree Todd: We remain on track to deliver the expansion to 1,140 hours of funded, high-quality early learning and childcare. Our expansion programme is ambitious and it will be challenging to deliver, but we are working hard, with local authorities and other delivery partners, to ensure that we create the workforce and the physical

capacity that is required. It is absolutely crucial to that delivery that we reach agreement on the multiyear funding package to support the expansion by the end of April, and we are on track to do that. We are making really good progress in reaching a shared understanding of the revenue and capital costs of the expansion following updates to the local authority cost estimates. I am confident that we are going to reach an agreement soon. The Deputy First Minister and I will meet with leaders of the Convention of Scottish Local Authorities next week, on 29 March, to progress the funding discussions.

The Convener: In the Audit Scotland report, there is lots of talk about a big gap between the Scottish Government and local authorities. Are you confident that that gap is going to be closed in terms of the cost, the flexibility and the quality that is desired from this project?

Maree Todd: I am absolutely confident. It is probably wrong to speak about a funding gap. As I have said repeatedly, we are committed to funding this policy in full. It is right that we take the time to assure ourselves about the robustness of these estimates and that we are collectively making best use of public funds through this, frankly, significant investment.

The Audit Scotland report presented two sets of estimates of the revenue costs arising from the expansion: one prepared by the Scottish Government; and one prepared by local authorities. As you heard, Audit Scotland did not particularly analyse either set of estimates—it did not interrogate the figures; it just identified that there was a difference between them. We are working hard with COSLA and local authorities to reach a shared understanding of the costs.

You heard from the Auditor General about some of the areas where there are different underlying assumptions. We have a joint finance working group working hard on that. The local authorities submitted their updated financial estimates to us in March and that will inform next week's political discussions on the multiyear funding.

Oliver Mundell: Following on from that, Audit Scotland suggested that there had been some significant movement. Do you have a breakdown of what the gap in terms of staffing levels or funding is now?

Maree Todd: I am not going to negotiate this in public and, let us face it, you would not expect me to. At the moment we are at a crucial point in these negotiations, but I can assure you that we are working well together and are working towards a shared understanding of what is required.

Oliver Mundell: Does that mean that the Government has increased its offer or has all of the movement been on the local authority side?

Maree Todd: As I said, I am not going to negotiate this in public.

Oliver Mundell: I am grateful to you for agreeing to meet with some private providers in my constituency. They have expressed a great deal of concern about the situation. They talk of a crisis and have asked for procurement to be paused because they are worried that they will not be able to deliver the expansion in relation to the 2,000 places that they currently provide. They are worried about losing staff to the council's expansion and they are also worried about the phasing that Dumfries and Galloway Council has proposed, which means that parents will be able to move their children to different nurseries in different parts of the region that will get the 1,140 hours first. They also feel that there is a great unfairness in that they currently have to cross-subsidise nursery places and that hard-working families have to pay out of their own pocket to pick up the shortfall. Do you have any comment on that?

Maree Todd: First, I am really looking forward to meeting you and these partners. One of the things that I am most pleased with is how closely we are working with many different people on the ground. We are absolutely clear that partner providers will be part of the picture. We do not think that we are going to be able to deliver the quality and the flexibility that we require without having private nurseries, third sector nurseries and childminders as part of the package. The Government is developing a provider-neutral model, and we are absolutely sure that these people should be part of our offering.

On phasing, the reason why we are phasing the expansion in the way that we are is because we want this policy and this increase in hours to benefit the people who need it most first. We have therefore asked local authorities to go first to the areas where there is the greatest level of need. I do not think that anyone around this table would disagree with that approach—I think that it is the right thing to do. We are not going to go from 600 to 1,140 hours overnight; there will be a phased transition, and it is absolutely right that we phase and target initially the areas that need it most.

On staff, I understand that there is an issue with private nursery staff being more lucratively employed in local authorities and we are working very hard to change that situation. You will understand that, as part of our offering, what we have agreed to fully fund should enable nurseries to pay the living wage. We think that that is absolutely at the heart of ensuring quality. We want the staff to have good-quality jobs. That is why we are giving extra money to local authorities, so that they can increase their offering to private

nurseries and make sure that people are paid a good wage.

On the cross-subsidy issue, we are not going to set a national rate or anything, but we are determined to iron out some of the differences in procurement across the nation, because we think that the steps that are involved in procurement mean that businesses can face quite a lot of barriers to becoming funded providers. We want to simplify that process so that a business simply has to pass the national standard. We are trying hard to simplify that. We do not want to lose any of the quality on the way but, let me assure you, we are keen that people other than local authorities—including partner providers such as private nurseries, third sector nurseries and, definitely, childminders—continue to operate in this sector.

Oliver Mundell: On staffing numbers, do you think that it is realistic to expect that we will be able to find 6,000 in new staff in time? I know that Dumfries and Galloway is struggling to recruit enough staff to meet current provision. I have heard from some local authority headteachers that they have to take time out of running not just the nursery but the primary school to help out in order to fill gaps. Do you think that it is realistic to expect that, across the country as a whole, we are going to find that number of people in time?

Maree Todd: Yes, although I absolutely acknowledge the level of challenge that is involved. I visited a roadshow that was being held in a school, and I heard the process being described as the biggest recruitment drive since the second world war. It is huge. The scale of the ambition is incredible, but it will be transformative. As I said, the prize will be worth having.

We are putting robust measures in place to ensure that we have sufficient capacity. We are supporting new entrants to the sector to gain the qualifications that they need, and we are attracting more people into jobs in early learning and childcare by ensuring that there are career and progression pathways into the sector.

The expansion of the ELC workforce is already underway, so it is not that nothing has happened. To support the first phase of the workforce expansion in 2017-18, we have already provided local authorities with £21 million in additional revenue funding, increased the ELC-related capacity in colleges and universities and increased ELC modern apprenticeships by 10 per cent. We estimate that the combined effects of that investment have already supported between 2,000 and 3,000 additional placements to enter the ELC workforce—those people are already in place. We launched phase 1 of our national recruitment campaign in October last year. It is possible that none of us—with the exception of Ross Greer—will have seen it, because it is targeted at young

people, and school leavers in particular. It was very successful at attracting people to our website. It is a bit too early to be absolutely sure of its impact, but we are pleased with the increase in traffic to the website that we have had, and we think that it will result in extra recruitment.

Phase 2 of the recruitment campaign is coming in the next few months and will be targeting returning parents and career changers. With that phase, we are also hoping to increase the diversity of the workforce.

Johann Lamont: We have received a lot of very helpful submissions and I thank all of those who took the time to provide us with information for this session. I want to focus on one submission, which is from the fair funding for our kids group. It basically describes the current situation for families trying to access childcare, so it is not about aspiration—everybody can share aspiration—but about the reality of people's experience. It states:

"Most councils only offer free childcare for half days ... Two-thirds of all nursery places in Scotland are for half days only ... Just one in ten council nurseries are open between 8am-6pm or longer ... Nineteen councils have no nurseries which are open between 8am-6pm".

It lists a number of other issues, which suggest that there is a pretty major problem with the current situation. What work are you doing to address those issues? There may be an expansion of eligibility to include hours rather than just half days in the future, but what that submission seems to describe is that it is very difficult for families to access the support and the childcare places that they need.

Maree Todd: That is a reason to expand the eligible hours. One of the main reasons that we are doubling the hours of ELC provision is that that will make a significant difference. When families are able to access more hours, there will not be the same difficulty. I can see, as a parent myself, that for some families, gaining three hours of funded access to childcare in an afternoon in a local authority setting may not be transformative, but gaining something near a school day and having some flexibility around where that is delivered will absolutely be transformative. We are changing things precisely because of the concerns that have been raised.

Johann Lamont: Sorry, but my point relates to the current entitlement to 600 hours. That submission describes people not being able to access those hours because the hours are not available in a setting that suits them. There is no logical connection between expanding the number of hours and making childcare more accessible. I am interested in how you think you would address this question.

If most nurseries only offer free childcare places for half days and you expand the hours to offer more half days, that does not necessarily make it more likely that families can access whole days or longer periods in a day, so they will not be able to use the facilities that are there.

You may have heard me asking the Auditor General and her staff about the statistic that

“The Care Inspectorate reports a third of 3-4 year olds are not receiving a funded place”.

I am not sure whether that is true. What is your estimate of the number of places that young people or families are entitled to that are not taken up?

Maree Todd: I heard that discussion with the Auditor General and her team and I understood from what was said that the figure of a third was from a data collection that—

Johann Lamont: I am asking what the correct figure is.

Maree Todd: I think that our census is correct.

Johann Lamont: What figure does it give?

Maree Todd: It states that nearly 100 per cent of the places for three and four-year-olds are taken up. That is my understanding.

Johann Lamont: I am interested in this expansion of hours. Maybe we can have a further conversation about how you secure what is already there before you expand it and whether you balance one off against the other.

You are expanding the number of free care places, but there is evidence of local authorities increasing the cost of childcare for the paid places. For example, in Glasgow, a 50 per cent increase in childcare costs has just been brought in without consultation with families. Do you have a view on that decision and whether that cuts across a policy which says that childcare is central to our young people?

Maree Todd: What we are aiming to do is increase childcare. I can see that I am failing to get this point across to you, but that will naturally increase flexibility, because it is a huge increase. We are talking about moving from a half day each day to a whole day—virtually the same as a primary school day—

Johann Lamont: Are you going—

The Convener: Can you let the minister finish? You have cut her off twice.

10:45

Maree Todd: Increased childcare is the aim of this policy and that will naturally provide more flexibility. In addition to that, local authorities go

out on a regular basis to consult with their local populations as to what is required to meet their needs—it is a statutory requirement. I believe that local authorities have a good understanding of supply and demand in their areas.

The most recent Care Inspectorate report, from 19 September 2017, shows that flexibility is improving. More than half of providers—51.4 per cent of providers—are now offering a choice of provision. The proportion of council settings providing funded ELC before, during and after school increased from 19 per cent in 2013 to 30 per cent in 2016. The proportion of council settings operating during school holidays has increased from 18 per cent to 23 per cent. I agree that we are not where we want to be yet, but we are moving in the right direction and I think that the increase in funded hours will transform this landscape.

Johann Lamont: Do you have a view on the cost of non-funded hours being increased by 50 per cent without consultation with parents? Is that not going against a policy which I would support, which recognises the fundamental importance of childcare and the benefits of funded places by Government? Is increasing the charged amount by 50 per cent in line with Government policy or does it go against that policy?

Maree Todd: As I understand it, the increased cost of that childcare in Glasgow is still very fairly priced compared with alternatives. There are exemptions for families on low incomes. It is for local authorities, as I am sure you will understand—

Johann Lamont: Do you think that the 50 per cent increase is reasonable?

Maree Todd: It is for local authorities to make decisions on such issues, not central Government.

The Convener: I will come in on two points. One is the Glasgow point. Glasgow raised the threshold for eligibility, which means that more people are benefiting—all those who earn less than £30,000. I accept Johann Lamont’s point about the increased cost of childcare places for those who earn over £30,000, but that is obviously to help fund places for those who earn less than that.

More importantly, on the very important point that Johann Lamont raised about flexibility, if local authorities are at this stage using an inflexible model, can we be assured that, when we get to the end of this process, that inflexible model—no matter if it is half days or a full day but within a very set time, which does not work for many parents—will no longer be used?

Maree Todd: At the moment, we are absolutely focused on delivering this expansion, moving from

600 hours of funded entitlement to 1,140 hours of funded entitlement for all three and four-year-olds and for eligible two-year-olds. As you will understand, that is our primary focus at the moment.

In 2020, we are hoping to look at introducing a funding follows the child model, which I am sure will solve some of these flexibility issues. We have a consultation out on what that might look like. We have consultations out on a national standard. I think that underpinning it by a national standard will solve many of these problems. Also—I am failing to get this point across—increasing the hours, essentially doubling them, will undoubtedly make the entitlement more useful to parents.

Ruth Maguire (Cunninghame South) (SNP): I would like to ask about the role of childminders in the delivery of the hours. The Scottish Childminding Association submission tells us that 10 out of the 14 ELC trials involved childminding, but the association felt that in some cases, that was based on

“lack of nursery availability, rather than parental choice and flexibility.”

I am interested to hear your thoughts on where childminders fit into this and the role that they could play in providing that care in a home setting, with smaller numbers of children, and how that may benefit a number of our children who are using them.

Maree Todd: Absolutely. I see childminders as a great option for some families—for younger children, and for children who are part of a family where some children are going to school as well. I absolutely agree with the concept of families being able to choose the type of childcare that suits their needs. Childminders will be a part of this.

One of the reasons that we included childminding in the trial is because we were determined that childminders should be an important part of things. In fact, later today, I am meeting Maggie Simpson, the chief executive of the Scottish Childminding Association, to discuss further how we can ensure that the association is comfortable with how things are going.

The view of central Government is that we are provider neutral. We want this expansion to happen. We are not saying who should be providing the care; we are saying that we want it to happen. We have engaged extensively with stakeholders, including childminders.

To go back to the funding follows the child model, I think that it will solve many of the problems in this area—or the perceived problems, or the perceived barriers. The model will make it provider neutral. As long as the provider meets the

national standard, they will be eligible to become a funded partner.

We are also quite keen to simplify the procurement process so that it is not quite so burdensome and so that it is a bit more proportionate for childminders, who may only be looking after a small number of children but, if they are unlucky, those children might come from different local authority areas. We are really very keen to engage with childminders. We see them as a very valuable part of the offering and we are keen to smooth out the barriers that they are facing.

Ruth Maguire: At the end of her submission, Maggie Simpson makes quite a strong statement that

“The future of childminding is under threat”

if it is not included fully and properly. You have given a flavour of some of the things that can be done, but what else can be done? How can we ensure that local authorities and the services that they commission are properly included as partners?

Maree Todd: We are determined. Central Government believes that the funding following the child model will make it provider-neutral. Families will be able to choose the type of childcare that suits their family needs best.

I am sure that families will continue to use childminders in some cases, because that will be what suits their needs best. I am meeting Maggie Simpson later today and I am all ears to hear what problems she has and what points she wants to raise with me. I will be more than happy to take those on and work on them together with her to ensure that we deliver the expansion with childminders at the heart of it.

Mary Fee: I want to come back to the workforce issue that Oliver Mundell asked you about.

The Convener: You should have said, I would have let—

Mary Fee: No, I did, but you did not let me. I was trying very patiently to get in.

Audit Scotland said that the Scottish Government has not yet done enough to ensure that the staff will be in place in time to deliver the increase in hours. You will know that local authorities estimate that 12,000 staff are needed and the Scottish Government figures estimate the number at 8,000. When you answered Oliver Mundell, you spoke very fully about what has been done to recruit additional staff. How many additional staff have you recruited?

Maree Todd: Between 2,000 and 3,000 are already in place.

Mary Fee: How many staff are in place to deliver this now?

Maree Todd: Between 2,000 and 3,000.

Mary Fee: How many staff in total are in place?

Maree Todd: I cannot give you that figure. I will have to write to you. An extra 2,000 to 3,000 started training this year, but I cannot give you the figure of current number of staff.

Mary Fee: How near to the figure of 12,000 is it?

Maree Todd: Between 2,000 and 3,000 is quarter of the way through.

Mary Fee: Do you not have a figure for the number of staff you had before you increased it by 2,000 to 3,000?

The Convener: You could send the figures to us.

Maree Todd: Yes, I will send you the figures.

The Convener: If you do not have them, you do not have them.

Maree Todd: We will answer that question in writing.

Mary Fee: If you could give us the figures that would be very welcome.

Just before I move on to the issue of childminding, I want to be really clear: is the increase in the provision intended to improve educational outcomes for children or is it for the benefit of the parents? I am confused, because you have spoken about both. What is the primary focus or intention of the increase in provision?

Maree Todd: The primary intention is to improve the quality of our educational offering for children. We are determined to close the attainment gap, which is already apparent at age three. We are determined to put in place early years education that narrows that gap before the children reach school.

As Clare Adamson pointed out, it does not have to be a binary choice. It is not an either/or. We can do more than one thing at a time. We are absolutely determined to increase the quality of early years education, but we are also determined to increase flexibility for families. As well as improving the educational offering, if we can also improve the family income by reducing childcare costs or by freeing parents up to go into education or to work longer hours, then we will improve the family income as well. That will make a huge difference to the individual child.

Mary Fee: To improve outcomes, do you need encourage more children to come into the system?

Maree Todd: Absolutely.

Mary Fee: I will move on to the issue of childminders. Childminders are a very valuable asset. If the aim of the increase in provision is to improve outcomes for children, how will you assess the educational outcomes for the children who are based with childminders? How will you make sure that they are on a par with children who attend nurseries?

Maree Todd: At the moment childminders are regulated and care inspected, so the outcomes for children going through childminding are very good.

Mary Fee: I am talking specifically about educational outcomes. How will you ensure that childminders help to reduce the attainment gap?

Joe Griffin (Scottish Government): We are looking at two points there. In a consultation we will be having shortly on the national standard to underpin the model of the funding following the child, we will look at whether it is reasonable to expect childminders to be qualified. At the moment, many childminders are qualified, but it is not a requirement, so we would like to consult on whether it is reasonable to expect a qualification of that kind.

The second aspect is looking at a much more integrated inspection regime between the Care Inspectorate and Education Scotland so that there is a more seamless understanding of the quality of the provision that is provided in all the different settings, on the education and learning side and the childcare side.

Mary Fee: If there are childminders who are not qualified and you decide that there should be a requirement that they be qualified, we might lose childminders if some do not want to go through that process.

Maree Todd: Let me be clear that it will not just be us that make the decision on whether childminders should be qualified. We are putting that out for consultation at the moment and we are keen to have childminders state whether they think it is appropriate to ask them to be qualified.

The Convener: Johann Lamont, you wanted to come in very briefly.

Johann Lamont: There is an interesting point about the attainment gap. I think it would be fair to say that, in the Government's thinking, the expanded hours will mean improvements for children and families. I accept that, but I was very struck by the Auditor General's argument, which says that the same pot of money could be directed in another way, particularly around the way the gap has grown by the time a child is three. The suggestion was that Government had not done any work to look at investing in vulnerable younger children where that gap emerges instead of giving everybody extra hours from the ages of three and

four. Have you reflected on the Auditor General's suggestion that you should have done that? Would you look at that strong argument for saying that, if you are to address the attainment gap in particular, you should direct resources to two-year-olds, particularly those youngsters who are already disadvantaged by the time they get to two?

Maree Todd: Is that not exactly what we are doing? We have expanded the entitlement to all three and four-year-olds. We have a universal offering, but we are also targeting it at eligible two-year-olds. We are already doing both. We are determined to close that attainment gap.

Johann Lamont: The Auditor General's suggestion is that, rather than expand the offering, you could put even more resource into two-year-olds. Given the challenges of identifying vulnerable two-year-olds, by making a general offer to all two-year-olds, you would pull in lots of youngsters who are already disadvantaged.

Until I read that in the Auditor General's report, I had not properly thought it through, but there is logic to that argument. I wonder whether it is something you would look at further.

Maree Todd: We are absolutely determined to close the attainment gap, so we are very keen to target eligible two-year-olds and we are working on that. We might come on talk later in evidence about how to identify these two-year-olds and how to get them in.

11:00

Johann Lamont: I am sorry to interrupt you, but do you know why the Government did not test the option of including all two-year-olds in the 600 hours instead of using the money to expand the provision? I am not sure whether I have a view one way or another about which would be better, but I wonder whether you know why no evidence-based work on that option was done.

Maree Todd: Can I just clarify what you are putting to me? Are you saying that the Government should have looked not at expanding childcare for three and four-year-olds and making the 600 hours universal for two-year-olds but at increasing the offer to 1,140 hours for all eligible two-year-olds plus all three and four-year-olds?

Johann Lamont: To be fair, it is not my proposition, although I have said that I think that it would make sense. The Auditor General is saying that there is another way of achieving the outcomes, because there is an issue with uptake among vulnerable two-year-olds—we are not capturing them in sufficient numbers.

If the increase in provision is about the attainment gap, you will invest in all two-year-olds,

because you will then capture the vulnerable two-year-olds. Do you know why work on that option was not done? I am asking whether there is an evidence base rather than taking a view on your policy. Would you look at expanding provision to cover all two-year-olds instead of expanding it for older children?

The Convener: Do you know whether that work was done?

Maree Todd: I do not.

Johann Lamont: The Auditor General suggests that it was not done.

Ross Greer: The largest proportionate and absolute difference between the Scottish Government's numbers and the councils' numbers relates to infrastructure. The Government's figure is £400 million, whereas the councils say that £690 million of additional infrastructure spending is required. Will you elaborate on how you reached the £400 million figure?

Maree Todd: As you can imagine, we looked at what assets we already have in the country and took them into account when we were deciding whether it was possible to deliver the expansion. We agree that there are discrepancies between what we say and what local government says, but I assure you that those discrepancies are getting closer as we speak.

Ross Greer: I understand that. What I am trying to get to the bottom of is the £400 million figure that the Government came to. Was that an acknowledgement of how much money would be available to you, or was it a result of identifying how much was actually required? Was £400 million the result of creating a shopping list of everything that would be required or an acknowledgement of the financial situation that the Government is in and how much you would realistically be able to offer?

Maree Todd: I will ask my colleague, Joe Griffin, to answer that for you. He is much more familiar with the model.

Joe Griffin: As with a number of our national figures, it is based on an economic model that runs a certain set of assumptions about take-up and the different service options, and on principles that we shared with local government in advance of the planning process. We said that there is a hierarchy of how to use infrastructure. Local government should start with its existing assets, look at reusing and so on, and new build should be a last option. We shared the £400 million as an indicative figure to assist with that level of planning.

Ross Greer: If it has been broken down, will you tell us how much of that estimate was

allocated to the purchase of land rather than construction costs?

Joe Griffin: I do not have that figure to hand. I can check back and we can write to you if we have that as a clearly disaggregated part of the estimate. I do not know.

Ross Greer: I hope that the Government does have that information, because it comes back to issues that have been raised previously in the committee of policy coherence in Government. This would be another example where the existing use value of councils' purchasing power of land would perhaps come in. If the Government was taking an all-Government approach, that would make sense.

The estimate from councils included more than £400 million for new builds, not just refurbishment or extensions to existing sites. Obviously there will be some difference between the figures, and the minister has indicated that that difference is narrowing, but that figure indicates the scale of the construction that is required. Bearing in mind that we are not yet at a point of agreement and that a number of the construction projects will be quite considerable in scale, on what basis does the Government believe that they will be completed in time, in the next two years? Construction takes time.

Joe Griffin: Yes, it does. We work extremely closely with local government on the full range of issues to do with early learning and childcare, and infrastructure is one of those. The message that I hear most clearly is that the end-of-April date for reaching a political agreement on a multiyear basis for funding is very important, in terms of those timescales. That is what we are working towards. The understanding that we have in conversations with local government is that if we can meet that date, then the construction processes and so on can take place very quickly after that.

Ross Greer: Is there confidence that those construction processes can be completed in the next two years? To me, that begs the question that if there is such a significant difference on the level of construction that is required, how can there possibly be an agreement on the timescale in which that can be completed?

Joe Griffin: The minister has already said that we are not in a position to say how the negotiations are going, but we are confident collectively that we will reach a point very soon where there is a shared understanding of what is required. It could be quite a quick process.

I have not heard directly from any council that anything is impossible. We would all share the characterisation that the situation is challenging,

but I have not heard from any council that it is in a position whereby it is literally impossible.

Liz Smith: I will ask about some comments in the Audit Scotland report. Obviously, it is very supportive indeed about the ambition of the Scottish Government's policy, but it says:

"The Scottish Government did not undertake effective analysis once the 600 hours provision was in place."

That was put in place five years ago. The Scottish Government is implementing the increase in hours without comparing the potential costs and outcomes of expanding childcare and therefore without looking at other possibilities of spending the money, which you said cannot be done in one phase.

I am of the same opinion as my colleague Johann Lamont, in that I am not an expert on what is the best thing to do, but you said to her that you did not know whether any work had been done on that. Audit Scotland is saying that it was not done. Will you clarify who is correct?

Maree Todd: I can look into it and write to you with clarification.

Liz Smith: Sorry, minister—are you of the opinion that Audit Scotland is correct when it flags up that there is a problem in that not enough analysis was done of the 600 hours provision in order to inform policy? Is that correct or do you disagree with it?

Maree Todd: The expansion to 1,140 hours was announced back in 2014 and it was a manifesto commitment of our party, which then won the election. We are delivering on a manifesto commitment. Perhaps I did not understand your question correctly.

Liz Smith: I do not think that anybody is disagreeing about the laudable aims of the policy, which are clearly flagged up by Audit Scotland. A substantial amount of public money is going into the policy and the committee wants an assurance—which I am sure that many parents want—that that money is going to be well spent. Audit Scotland is flagging up that it would have been helpful to assess how well delivered the 600 hours has been, with good-quality analysis and a good-quality data set to inform that. However, you said to Johann Lamont that you do not think that that policy work has been done. That is a concern to me. Will you clarify whether you think that the work has been done?

Maree Todd: I think that I understand what you are saying now. Audit Scotland also highlighted that there is data collection in place for this expansion, and that we have better baseline figures with which to compare it. Going forward, there will be better data collection and there will be better analysis of what this expansion delivers.

Liz Smith: So, we are not going to get the information to know whether the expansion is working until we have done another phase of development and implementation.

Maree Todd: Yes. The issue was raised in the debate in Parliament by one of my colleagues. They quoted Harry Burns, who said, in essence, “We have enough evidence that this will work. Let us just get on and do it.”

Liz Smith: I beg to differ on whether it is satisfactory to implement a policy without having an adequate data set to inform whether the judgment is the correct one. This morning, we again had comment from Audit Scotland that there are issues about the data set being incomplete, particularly when it comes to identifying where the most vulnerable two-year-olds are. That is a serious issue, because children may miss out on their funding because we do not know where they are. Does that not reinforce the need to do good-quality analysis of just how effective the spend is?

Maree Todd: I agree. We are aware of the issue of two-year-olds and we are absolutely well aware that the uptake of entitlement for two-year-olds is lower than we would hope, and we are taking steps to address that.

Local authorities would find it very helpful to be able to identify potentially eligible families in their areas and to target information to them, much as they can down south in England. However, that relies on their being able to access information from the Department for Work and Pensions and Her Majesty’s Revenue and Customs, and that requires agreement from the United Kingdom Government to share the data within an appropriate legal framework. That will require the UK Government to pass some legislation, and I have to say that I have been very disappointed with the response that I have had from the UK Government when we have contacted it to try to progress this. I have written to it just this week to express my disappointment again that the first set of regulations under the public service delivery powers in the Digital Economy Act 2017, which are due to be introduced at Westminster next month, are not drafted to reflect the needs of Scottish local authorities. I am sorely disappointed by that.

Liz Smith: Another issue that Audit Scotland flagged up this morning was that the concern about inadequate data is not just whether all the information coming from Westminster is accurate—I agree that there is a point there—but that some local authorities do not appear to have understood the strategic plan that they are supposed to be operating. Has there been sufficient discussion with the Scottish Government and local authorities on where their strategic plans lie and whether there is a good chance that local

authorities have the relevant data to implement the policy?

Maree Todd: Yes. Last year, local authorities were given information in “A Blueprint for Fairness: The Final Report of the Commission on Widening Access” six months before we asked for their detailed plans. They had good-quality information with which to work. As well as that, there has been lots of face-to-face engagement between my officials and local authorities to try to help them to understand what is required when developing the plan. As you can imagine, over the past few months there has been even closer engagement on that. We are very close to having a shared understanding of what is required going forward.

Liz Smith: I will ask for a final point of clarification, if I may. You mentioned that you think that the issue of flexibility will be partially solved, or, we hope, fully solved in the long term, by allowing the money to follow the child. Your predecessor hinted in Parliament three years ago that there would be a child account. Is that child account going to be the method by which you allow money to follow the child? If it is, when will it be in place?

Maree Todd: We are still developing the model. We have developed the national standards and they are going out for consultation. The funding-follows-the-child model is in development. There is a lot of work going on around that, so I cannot tell you what it will look like.

As I said earlier, our current focus is absolutely on delivering the expansion. We expect the funding-follows-the-child model to be in place or nearly in place by 2020. However, at the moment, our focus is on expansion, and the funding-follows-the-child model will follow the expansion. Joe Griffin will clarify that.

Joe Griffin: The Government has said that, although the funding-follows-the-child model will not be based on a childcare account system from August 2020, nevertheless we wish to commission a feasibility study to look at what aspects are involved in implementing such a thing. We are still in the process of tendering for an organisation to provide that feasibility study.

Liz Smith: To be clear, am I right to say that, when it was announced in Parliament, which was before the minister’s time, no feasibility study had been done?

Joe Griffin: It is correct that we had not done a feasibility study of a childcare account operating in Scotland.

George Adam: To follow on from Liz Smith, I have a similar question to the one that I put to the previous panel. When I asked Audit Scotland about data for two-year-olds, I was told that it is

there. Sorry if I sound like Lieutenant Columbo here but, for my own sanity, can you tell me now that we are having difficulty with HMRC and the DWP in getting the information that would help us to move everything forward? Is that the situation that we are in now?

11:15

Maree Todd: Yes, that is the situation that we are in now. We need the UK Government to pass legislation to enable that data sharing, and thus far I have been disappointed.

George Adam: That is one of my biggest concerns, and it is one of the biggest concerns of all the committees that I am on—and that is quite a few, minister. We seem to have the same issue all the time with agencies not sharing information. The issue is never really the lack of the information; it is about getting the relevant information when we need it.

Maree Todd: It is very frustrating. The situation is that local authorities in England already have the legislation that allows them to access that data. They can access the data and target eligible two-year-olds who need it most, but we cannot. We are pressing to get the regulations passed, but thus far I have been disappointed. I have written again to the UK Government this week. We are determined to fix that.

Meanwhile, we are doing everything else that is within our power to improve the situation. We have staff in jobcentres who are trained to raise the issue and to offer places. We have been working with healthcare professionals who are working with these younger children, who might raise the issue that there are places available for eligible two-year-olds. In some places it is working quite well. At a nursery in Alness that I visited recently, close to where I live, a third of the two-year-olds using the service are eligible two-year-olds. There is a really good level of uptake in that local area. I asked the nursery how it had managed that and it said that it was through word of mouth. Once people know that this is available, they are using it but, as I say, the issue is getting the information.

George Adam: That lack of clarity seems bizarre to me.

Maree Todd: It is very frustrating.

The Convener: We will move to the second theme, which is questions on care-experienced young people. I would like to start by asking a question that we have received from Who Cares? Scotland, some of whose members have joined us today—welcome. The question is this:

“Will the Minister commit to”

ensuring

“that care experienced children and young people feel like they belong and are included in the communities where they live; ensuring they can access with ease opportunities to identify and develop their interests, skills, talents and ambitions?”

Maree Todd: Absolutely. I do not think there is a single person at the table who would disagree with that. This is something that unites the whole Parliament, I would say, and unites civic Scotland. We are determined to improve the circumstances that looked-after children find themselves in.

The Convener: Thank you.

Clare Adamson: I have been doing some work with Nurture Scotland in my area with regard to kinship care, the advice that is given to potential kinship carers and the level of support that they are seeking from the local authority. I understand that the decision has been made to give best start grant only to those who have the orders in place. What work has the Government been doing since the working group was established in 2017 to ensure that there is parity for kinship carers across local authority areas, so that they get equivalent advice and there is parity for people in getting to that point?

Maree Todd: It is a very challenging area to work in because it is so complex. I was at the launch of kinship care week on Monday and I heard first hand from the people speaking at that event that every kinship arrangement is particular to that individual family. I also heard how it is often grandparents who take on the responsibility, often in an emergency situation, so they are not anticipating it at all and suddenly they are taking on responsibility for an extended family and for young children when they have not had such a responsibility in a good number of years. It is a very complex area. Citizens Advice Scotland is working hard and providing a kinship advice service so that people are aware of what they are entitled to, to help them to navigate this complex area. However, I am more than happy to listen if you think that there is more that we could do.

Clare Adamson: In that case, minister, I am going to push my luck and ask whether you would be prepared to meet Nurture Scotland and me to discuss some of the issues that it has raised with me?

Maree Todd: I would be delighted to.

Gillian Martin: I would like to ask you some questions about continuing care, on which we had very powerful evidence from a panellist last week. My first question is about assessing the uptake of continuing care places and getting the message out to foster carers and to the young people in foster care who are about to reach the age of 16 and are looking to the future. How is the offer of continuing care being communicated?

Maree Todd: We are trying very hard to communicate the offer of continuing care. I share your concerns about how that is being applied on the ground. I think that all of us, as MSPs, hear anecdotal stories that cause us concern about how the policy of continuing care is operating. The Children and Young People (Scotland) Act 2014 contained a suite of groundbreaking measures to improve the outcomes and we are absolutely alive to the benefits of seeking continuous feedback from care-experienced young people to improve all aspects of policy and implementation. We, as parliamentarians, are regularly meeting these people and feeding into the system. We, as the Government, are regularly meeting with them and hearing how it works and trying to improve the system. We are all absolutely committed to improving the situation for these young people.

Gillian Martin: Is there a varying picture across local authorities of how effectively that is being done? If young people are not aware of what they are entitled to or foster carers are not aware of the option to continue to have somebody under their care, is it the same as with the issue of flexibility in childcare, for which there is a varying picture across local authorities?

Maree Todd: It would be fair to say that there is a varying picture, as there is for almost everything that we look at. We are gathering data on that. We will have our first set of data later this month, but I do not think we will have really good-quality data on continuing care until the following year, unfortunately.

I am meeting Kezia Dugdale, who is a substitute member on this committee, later this month; she has made some freedom of information requests around the country, which I am hoping she will be willing to share with me. That should give me a better picture of what is happening and I stand ready to assess what is happening and try to make improvements on the ground.

The care review is also looking at this area, as I am sure you understood from last week, and it has close contact with many care-experienced children and young people. It is determined that the review will have an impact and also that we will not have to wait until the end of the review process to begin that impact. I am hopeful that, with the reporting of the discovery phase of the care review due very shortly, there will be some meat for us to get into to try to improve the situation.

Gillian Martin: As the convener mentioned, we have some members of Who Cares? Scotland in the public gallery today and I imagine that they will have a lot of evidence about the varying geographical picture. We all know the statistics on homelessness and the fact that a shocking percentage of people who are homeless are care experienced. What is being done to assess that

and to tackle it and prevent it from happening? Obviously continuing care is part of that, but there is more, is there not?

Maree Todd: Absolutely. On the specific issue of preventing homelessness, I acknowledge that much more needs to be done to address the practice and the cultural issues throughout Scotland today. We have made some progress on addressing homelessness and leaving care, but it is the responsibility of all of us. We have to make sure that people are not leaving care into homelessness. We now have an improved framework introduced by the Children and Young People (Scotland) Act 2014 and the independent review of care to help us to deliver better outcomes and to improve the quality of care for young people alongside the extension of legal rights to those leaving care. We issued some guidance on housing options for care leavers in 2013. The Minister for Local Government and Housing wrote to local authorities in 2017 for information about provision of housing for young people who have experience of the care system.

The Scottish Government has worked with COSLA to introduce legislation to exempt care leavers from council tax, and that will take effect from the beginning of the next council year in April. The Minister for Local Government and Housing also wrote to local authorities last summer about their approach to this issue and shared responses with the Local Government and Communities Committee as part of an inquiry into homelessness. A lot of local authorities reported having protocols between housing and other departments and young people leaving care and champions boards and the like.

Preventing homelessness among those at particular risk, including care-experienced young people, is one of the issues that are being addressed by the homelessness and rough sleeping action group. That group has consulted those with experience of homelessness through a series of “Aye we can” events facilitated by the Scottish homelessness involvement and empowerment network, part funded by the Scottish Government. That is an important part of developing the group’s recommendations into the spring. I welcome the recent report on homelessness from the Local Government and Communities Committee. I am committed to working with Kevin Stewart, my colleague, on the various recommendations that have been made in the report.

I have to reiterate that I am vexed by the stories that I hear time and again raised by my fellow MSPs about the situation out there for care leavers and I am determined—and there is a good team that is determined—to solve this problem and to improve the situation.

Gillian Martin: I am getting a look from the convener, but I will push my luck and ask one final question, which is on behalf of a friend of mine who is a befriender. There is continuing care in foster care, but befrienders often have to move on at a certain point even though they have established a relationship with a young person. Will you look into extending the befriending period so that befrienders can continue to have those links with the young people whom they have befriended beyond 16?

Maree Todd: I am more than happy to look into that.

The Convener: I ask committee members and the witnesses to keep the questions and answers as succinct as possible.

Ruth Maguire: Kevin Browne's words from last week about continuing care and homelessness among care-experienced young people have been on my mind quite a bit. As well as the practical and structural things, we have to hear him when he says that there is something a bit darker going on, when we can take young people away from neglect and abuse, bring them into a system and then simply let them go. We do not do that with our own children and even 40-year-old MSPs sometimes go back to their mum for support. It is a serious issue. We cannot claim that we have a system that loves young people who are care experienced and then just drop them when they are young adults. What can we do about the culture that lets that happen and that we collectively allow to happen if we hear those things and do not change something?

11:30

Maree Todd: We are required by law to take evidence on and consider together how to address the challenges of embedding real cultural change across all aspects of the public sector with regard to corporate parents. I agree with you. I hear stories about where things are not working for people from constituents' cases being raised with me by MSPs. When reading such letters, I am sometimes shouting, "Where is the corporate parent in this?" I absolutely agree that there are times when we, as a society, are falling short and we all need to challenge ourselves to improve that situation.

All the ministers are raising the profile of corporate parenting as part of their routine business with corporate parents, and we are trying to learn at first hand about some of the good work—do not get me wrong; there is some really good work going on out there—and to share it. All of the corporate parents have to report to me, I hope, by the end of this month, on their plans, and I will speak to Parliament before the summer

about the corporate parenting plans across Scotland.

Ross Greer: To go back to the theme of my previous question on policy coherence, the work that the Minister for Local Government and Housing has done is I think a positive example of policy coherence and preventing siloed working in which you are the minister solely responsible for improving the lives of care-experienced young people. However, so many other examples seem to be missed. An example that we used previously with the Minister for Further Education, Higher Education and Science was about the cost of transport and how, if we see student support as being purely something that is delivered through support packages in the education portfolio, we will not achieve the change that is required. How do you ensure that a whole-Government approach is taken to improving the lives of care-experienced young people? Transport is a good example of that.

Maree Todd: That is a really challenging aspect of Government. The care review that is being conducted by Fiona Duncan is absolutely a root and branch inquiry that is going into every area. It is speaking to care-experienced children and young people and to folk who work in the sector. I am confident that the review is getting a good picture of exactly what goes on and where the deficits are. Fiona Duncan's challenge is to come back to us and say, "This is what I have found, and this is what I think can solve it." I think that, last week, the committee got a sense from Fiona Duncan of just how committed she is to improving the situation. The Government is absolutely committed to acting as well.

Ross Greer: In the Government's response to the review when it comes out, will we be able to see clear evidence of a whole-Government approach being taken?

Maree Todd: Yes. It will absolutely take a whole-Government approach to solve the issue. Actually, to reiterate, it will take a whole-society approach.

Johann Lamont: I want to go back to the issue about continuing care, to follow on from Gillian Martin's and Ruth Maguire's points. As has been mentioned, in the evidence that we heard last week, Kevin Browne spoke powerfully about the idea that a 16-year-old could be told, "Well, you could stay but the finance is not there." That just would not be said to any young person who is not care experienced. We have a briefing from Barnardo's in which it reflects its experience that the system is not working and that there are problems. It states:

"We have heard of continuing care placements being withheld from eligible young people and this being

explained to them and their carers as a decision based on finance.”

Will you confirm that that is unacceptable? What resources are available specifically to support continuing care provision? In your submission to us, you say that, once you have met Kezia Dugdale, you will look at the statistics. I presume that the Government can get any information that Kezia Dugdale can get through a freedom of information request, so you do not have to wait for her to share it with you. What conversations have you had with Who Cares? Scotland and other organisations and with young people who are care experienced about that specific issue? When you came to the committee with the Continuing Care (Scotland) Amendment Order 2018, I highlighted my concern that the Government was promoting that order without asking the questions about whether there had been progress on the intention behind it.

Maree Todd: I absolutely agree that it is unacceptable if people who are entitled to continuing care are not receiving it. On the resources that we have put in, we have paid £4.2 million a year to Scottish local authorities since 2015-16 to support the cost of implementing continuing care, and the funding commitment rises to £9.3 million by 2019-20, at which point we expect the net total cost each year to stabilise. We also fund CELCIS—the centre for excellence for looked after children in Scotland—which received almost £5 million last year, and the realigning children’s services programme, at approximately £450,000 per year, to provide capacity building in the sector and to support community planning partnerships to improve outcomes for vulnerable children and families.

The First Minister has commissioned the root and branch care review. We speak very regularly with people who are care experienced. When I came into this room, I saw in the audience a number of people who I would say are friends, and I have been in the post only since last November. We are absolutely listening, and we are absolutely determined to improve the situation.

Johann Lamont: I agree completely with you on the importance of the review. I think that the committee was hugely impressed with what we heard last week, particularly about the way in which those involved in the review are going about their business. They are trying to engage with care-experienced young people and responding to the fact that those young people have forced themselves on to the political agenda. They have been hugely effective in doing that, for which we applaud them.

What conversations are you having specifically about the issue? I hear what you say about resource, but there has not been a translation from

resources to care-experienced young people having the right to continuing care. As well as waiting for the statistics and meeting Kezia Dugdale, will you bring together the groups and organisations to talk to them and hear their evidence, which they accept is anecdotal but which obviously reflects experience?

Maree Todd: I am certainly willing to look at that. As I say, I get a number of constituency cases raised with me that involve the issue. I look at it regularly. I regularly look at whether an issue raised in one local authority area might be replicated across the country. I am more than willing to consider meeting with those groups to discuss the issues more closely.

Mary Fee: Johann Lamont has brought up the issue of finance and continuing care, but I want to touch on another issue that Barnardo’s has highlighted. The guidance sets out three very narrow circumstances in which local authorities should decide not to give someone continuing care. If people are being refused continuing care on the grounds of resource, there is an issue with that guidance being implemented correctly in local authorities. How will you address that?

Maree Todd: First, we have to gather the evidence. I am grateful to everyone who is writing and talking to me to tell me about such situations. We then have to go back to the local authorities and challenge them on it.

Mary Fee: Clearly, the evidence is there. Barnardo’s tells us that there are three narrow grounds, so clearly those grounds are not being correctly applied. You need to take steps to address that.

Maree Todd: Absolutely.

Mary Fee: Last week in the committee, I raised the issue of care-experienced people and homelessness. In the previous session of Parliament, the Equal Opportunities Committee, of which I was the convener, did an inquiry into young people and homelessness in which we found that a large percentage of young people who were homeless were care experienced. That was in 2012. Six years on, we are still in the same situation. I accept that you say that we have to make sure that people are not leaving care and becoming homeless, but the reality is that they are. Young people do not need more consultation or more guidance; they need more support, and not just financial support. A lot of young people who leave care need emotional support and, to be frank, they need that for as long as they need it for. However, there is a limit on the amount of continuing care that young people leaving care will experience. Will you review that?

Maree Todd: Sorry, can you say that again?

Mary Fee: There is a time limit on the care that someone who is care experienced receives once they leave care. Every young person is different. A young person of 18 might need emotional support for two, three or four years and another young person might need it for far longer. As corporate parents, we have a responsibility to ensure that the young people who leave care get the right amount of emotional support that they need to enable them to sustain tenancies. Exempting them from council tax is not giving them emotional support.

Maree Todd: I agree. That is just one of the many things that are required to help them to maintain their tenancies. I agree that more needs to be done, and I said that at the outset. We have made great strides, but absolutely more needs to be done and we are determined to do it.

Mary Fee: But people are still ending up on the streets after leaving care, so clearly not enough is being done.

Donald Henderson (Scottish Government): I think that the Government and ministers would accept that; hence many of the things that are being done now. In 10 days or so, we will see the statistics. We could start a conversation now, but it will be a much stronger conversation when we have the statistics available to us and, coincidentally, that will more or less align with the meeting that the minister is having with Kezia Dugdale. There are a number of things that interlock.

It is clear that, in too many places in the country, local authority staff, for whatever reason, do not understand the legal rights of care-experienced young people, and we would all view that as unacceptable. I think that it is being done with absolutely no malice, but the wrong advice is being given to care leavers—it is the wrong official reaction. We will want to work with the Convention of Scottish Local Authorities, and I suspect that it will want to work with us, to ensure that that aspect is rectified.

You are right that that is not sufficient. We now understand far better not only the causes but the nature of the adversity that some young people—not just those who have been in care but pretty much everybody who has—face, and what we need to do about it. The current law does not provide a maximum age; it permits local authorities to provide assistance at any age, although there is a greater presumption in favour and requirement for those under 26. The assistance is not limited to bricks and mortar; it can be in any area at all. For instance, befriending or mentoring were mentioned earlier. The role of a trusted adult in people's lives, certainly in the teenage years, is a proven protective factor,

notwithstanding the adversity that they may have faced in their early lives.

Our understanding of the issue—indeed, our scientific knowledge of it—has been jumping on over the years and we need to be able to respond to that. We are working with mentoring programmes in my area of higher education and in relation to children from more deprived areas going into training. I doubt that we have reached the limits of that. There is more that we need to do and benefit will come from it.

The Convener: On that point, I will draw the session to a close. I thank the minister and her officials for their attendance. That brings us to the end of the public part of the meeting.

11:44

Meeting continued in private until 12:11.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba