

Briefing for the Public Petitions Committee on petition [PE2229](#): Make Childcare Choice a Right in Scotland, lodged by Hannah Murison on behalf of National Day Nurseries Association

Brief overview of issues raised by the petition

The petition is mainly concerned with arrangements between local authorities to support cross-border placements of funded Early Learning and Childcare (ELC). The petition particularly references some local authorities' policies to restrict cross-border places to places at local authority-run settings.

Funded ELC

Local authorities have a duty to secure the provision of 1,140 hours of funded early learning and childcare for eligible children who reside in their area.

The policy intention is that the provision is 'provider neutral'. This means that parents/carers can choose which setting their child attends. This choice is intended to provide flexibility for parents/carers to, among other things, support employment and education/training opportunities.

This choice has both practical and policy limits. [Funding Follows the Child and the National Standard for Early Learning and Childcare Providers: operating guidance](#) explains that parents/carers should be able to choose where the ELC is provided, so long as the setting:

- meets the National Standard
- wishes to deliver funded ELC
- has available space
- is able to offer the funded hours in line with local ELC delivery plans
- has or is willing to enter into a contract with the local authority.

The Funding Follows the Child approach is intended to ensure that families have choice and flexibility in the childcare they access. Local authorities are expected to facilitate this choice and flexibility. Under Section 50 of the Children and Young People (Scotland) Act 2014, local authorities have a duty to produce a plan on how they intend to make ELC available in their areas. Local authorities must consult and this process should take place at least every two years. Under Section 52 of the 2014 Act, local authorities have a duty to consider how the ELC provision in their area provides a suitable degree of choice for families.

The policy intention is that families should not be limited to settings in their own local authority area. The [statutory guidance on the delivery of funded ELC](#) says that local authorities' admission policies should include arrangements for cross-boundary placements. The statutory guidance says that local authorities "should, wherever possible, make arrangements that ensure families accessing cross-boundary placements are treated on the same basis, for example in the timeframe for providing a decision, as families accessing provision within their local authority area." The statutory guidance also recommends that local authorities "meet on a regional or neighbouring basis to identify movement and places across boundaries and reach sustainable and mutually beneficial arrangements."

In the west of Scotland, a number of local authorities have agreed a [cross-border protocol](#) to manage families' requests for funded ELC outside of their home local authority. Elsewhere, there have been some issues with how cross-border placements have worked in practice, particularly in Edinburgh and the Lothians. Both the City of Edinburgh and West Lothian councils have policies where out of area requests for childcare will be met only through local authority settings, where there is capacity. Filling an empty space in a local authority setting is likely to have a lower marginal cost, in the short term, to the local authority than funding an ELC provider (i.e. if no additional staff are required at the LA setting).

In [April 2026, the Centre for Public Policy at the University of Glasgow](#) published an evaluation of the policy adopted by the City of Edinburgh Council. This found that:

"Without access to PVI childcare in Edinburgh, parents had to rely on local authority provision in the city or childcare - local authority and/or PVI - in their local authority area. Alternative childcare arrangements were often described as less flexible (i.e. restricted to school hours which did not echo working patterns) and the availability of places for children were limited (i.e. specific days, hours, and waiting lists) and were not available at short notice. Families often had to weigh up affordability, quality of provision, and practical travel considerations - sometimes incurring extra costs to maintain continuity of care or remain with a preferred provider."

The Scottish Parliament [held a debate on Childcare on 27 May 2026](#); this largely focused on plans to expand the childcare offer, but also touched on concerns about the way some councils approach cross-border placements. The amended motion that was agreed by Parliament included the following clause:

"... as a first step towards [the planned further expansion of the childcare system], the Scottish Government and COSLA must work together to ensure that cross-border placements are available across Scotland ..."

More details on the provision of funded ELC can be found in [a SPICe briefing on Childcare published in July 2026](#).

Key Organisations and relevant links

- COSLA
- Connect
- Centre for Public Policy at the University of Glasgow (authors of the report cited above).

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August 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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