Briefing for the Public Petitions Committee

**Petition Number:** PE1630

**Main Petitioner:** Fiona Webb

**Subject:** Nursery funding for 3 year olds

Calls on the Parliament to urge the Scottish Government to revise their criteria for children becoming eligible for part-time funded nursery places following a child’s third birthday.

**Background**

The current eligibility for three year olds to statutory early learning and childcare is set out in *The Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014*, made under Part 6 of the Children and Young People (Scotland) Act 2014. This defines the ‘starting point’ for three year olds as:

- (a) where a child’s third birthday falls in the period beginning 1st March and ending on 31st August, the first day of the autumn term occurring in that year;
- (b) where a child’s third birthday falls in the period beginning 1st September and ending on 31st December, the first day of the spring term immediately following that birthday; and
- (c) where a child’s third birthday falls in the period beginning 1st January and ending on the last day of February, the first day of the summer term immediately following that birthday;

This approach to eligibility has been criticised by Reform Scotland, in their 2013 report on “Ending birthday discrimination in nursery provision.” They recommended that: "provision for all children should start at a fixed point in the year, just as it does for primary school. We think this should probably be the August two years before they are due to start school.”

**Scottish Government Action**

The Scottish Government plans to increase Early Learning and Childcare Provision to 1,140 hours per year by 2020 and is currently consulting on how to do this (consultation closes on 9th January). It has previously increased provision to 600 hours per year under the Children and Young People (Scotland) Act 2014. However, these expanded hours have maintained the
same rule about the starting point being from the term following the child’s third birthday (or second birthday for those two year olds entitled to provision).

**Scottish Parliament Action**
The issue of when a child starts pre-school has been raised at various times in parallel with Scottish Government policy to expand provision.

For example, in a parliamentary debate in September 2016, the issue was raised by Alison Harris, MSP and Liz Smith MSP (OR 29th September 2016).

In 2014, at stage 2 of the Children and Young People Bill, Liz Smith MSP put forward an unsuccessful amendment which sought to ensure that all children would be entitled to two full years of early learning and childcare. Arguing against the change, the Minister, Aileen Campbell MSP said:

> “A number of local authorities already start children from their third birthday, or the month after their third birthday, where they have capacity to do so. The youngest children—those born in January or February—who may get less provision when they are three, will continue to be entitled to an additional year after they are four, where parents want that, to ensure that they benefit from early learning and childcare and are ready to start school.” *(Official Report, Education and Culture Committee 14th January 2014)*.

A previous petition, PE1116, was raised on the same issue in 2008 by Alexis Stevenson. The then Petitions committee closed the petition in 2009, on the grounds that the Scottish Government was planning to expand provision to 570 hours a year in 2010.

**Camilla Kidner**  
**Senior Researcher**  
4th January 2017

---

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

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP