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Minister for Childcare and Early Years

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Convener
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The Scottish Parliament
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Dear Convener

Following my appearance at the Education and Skills Committee on 21 March 2018 and your subsequent letter of 5 April, I am writing to you with responses to the specific questions raised by Committee Members, those set out in the submissions from members of the public, and the question received through Twitter, which you helpfully shared. I have set out answers in the attached annex.

In addition, during my oral evidence session on 21 March, I undertook to write to the Committee on the increase of flexibility in the expansion of funded early learning and childcare from 475 to 600 hours per year. The Scottish Government has published four documents in relation to the evaluation of that expansion.

We published *Implementing early learning and childcare under the Children and Young People (Scotland) Act 2014: Progress update* on the implementation of the increase in entitlement to 600 hours in October 2016. This drew together evidence from a parent survey, longitudinal data from the Growing Up in Scotland study, a survey of local authorities, inspection data and government statistics to report on progress on specific issues such as: infrastructure changes, parental perceptions of the service, uptake of funded entitlement, local authority consultations, increase in flexibility and choice and staffing changes. The report is available at: <http://www.gov.scot/Resource/0050/00507218.pdf>

We undertook a *Financial review of early learning and childcare in Scotland*, which we published in September 2016. This also drew on the findings of *Costs of Early Learning and Childcare in Partner Provider Settings*, which was published around the same time. The Financial Review reported on the changes to Scottish Government funding and local authority expenditure related to the increase in

entitlement from 475 to 600 hours. The report is available at:
<http://www.gov.scot/Publications/2016/09/8729>

In December 2017, we published *The Expansion of Early Learning and Childcare: Evaluation Report 2017*. This report explores the impact of the expansion to 600 hours and introduction of entitlement for eligible two year olds under the 2014 Act; provides learning to help the implementation of the ELC expansion to 1140 hours as it is being rolled out; and provides an evidence-based picture of how things stand at the moment to provide a number of baseline indicators which will allow us to monitor the extent to which the expansion to 1140 hours is delivering its aims. The report is available at: <http://www.gov.scot/Resource/0052/00529620.pdf>

Using the Growing Up in Scotland data from two cohorts of children, we published *Early Learning and Childcare at Age Five: Comparing Two Cohorts* in December 2017. This provided evidence of the impact of the expansion to 600 hours on children's outcomes by comparing with those who had been entitled to 475 hours. The report is available at: <https://beta.gov.scot/publications/changes-early-learning-childcare-use-outcomes-age-5-comparing-two/>

I hope that the responses outlined here are helpful. Please let me know if you require any further information or clarification.

Yours sincerely

MAREE TODD

Questions from Members

Q: The total number of staff currently in place in the early years and childcare sector to deliver the Scottish Government's policy.

The latest Official Statistics published by the Scottish Social Services Council (SSSC) show that there were 33,430 staff working in the Day Care of Children sector on 31 December 2016, and 25,580 of those staff worked in settings that provided funded early learning and childcare. The SSSC figures may not cover some types of specialist staff working in early learning and childcare, such as speech and language therapists and psychologists.

Q: The baseline number of staff that were in place at the point at which the Scottish Government identified that 12,000 more were required to deliver its proposed entitlement increase.

We estimate that the expansion of ELC will require up to 11,000 additional workers in the sector. In producing this workforce estimate we used 2015 SSSC data as our baseline. This indicated that at December 2015 there were 17,359 practitioners working in settings delivering the funded entitlement.

Q: A breakdown of the Scottish Government's indicative allocation of capital funding totalling £400 million, including how much of this figure relates to the purchase of land, rather than construction costs?

The Scottish Government wrote to local authorities on 19 May 2017 to provide a global multi-year capital planning assumption to support local authorities in preparing the infrastructure component of their early learning and childcare expansion plans and to commit to progressing the necessary capital developments. This indicative figure was intended to help initiate the iterative process required to generate a robust final estimate of capital requirements.

Authorities were asked to prepare expansion plans on the assumption that £400 million of capital funding would be available at national level across three financial years (2018-19 to 2020-21 inclusive), in addition to £30 million allocated in 2017-18. This assumption excluded land purchase costs, which will not be funded by the Scottish Government.

Q: An update in due course on the funding package that is agreed between the Scottish Government and COSLA for the delivery of the expansion of funded early learning and childcare entitlement.

Scottish Ministers and COSLA Leaders reached agreement on a multi-year funding package for the expansion of early learning and childcare on 27 April 2018. This agreement represents a shared understanding of the costs required to deliver the expansion in entitlement to funded early learning and childcare to 1140 hours from August 2020.

Under this agreement, Scottish Government will provide local authorities with additional recurring revenue funding of £567 million per year by 2021-22, the first full financial year of the expansion.

In addition, the Scottish Government will provide local authorities with capital funding of £476 million over four financial years (2017-18 to 2020-21 inclusive).

Annual funding allocations for the period 2017-18 to 2021-22 are summarised in the table below.

Local authority multi-year funding by financial year (£m)

	2017-18	2018-19	2019-20	2020-21	2021-22
Revenue	33	96	307	508	567
Capital	30	150	175	121	-

Further information on the agreement has been lodged in SPICe (bib number: 59732).

Questions from the public

Save the Children

Q: What steps is the Scottish Government taking to increase the uptake of funded early learning and childcare for eligible two year olds?

We are aware uptake rates for the 2 year old entitlement are lower than we would like and we are supporting local authorities in a number of ways to improve uptake of places for eligible two-year-olds:

- Our Children and Young Person Improvement Collaborative has worked with local authorities to develop an improvement pack aimed at increasing the uptake of funded ELC places for eligible two-year-olds. The pack covers topics such as the application process and awareness raising.
- We held a '2 year old uptake session' with local authority leads on 22 March, in Perth, to present the improvement pack and support local authorities to identify actions that will remove barriers to uptake. We will look for other opportunities to build on this session with local authorities over the next year, starting with a session at the National Learning Event on 22 May.
- We are aware local authorities would find it helpful to be able to identify potentially eligible families in their area and target information to them directly. DWP and HMRC cannot share data without the legal authority to do so. As creation of a 'legal gateway' requires Regulations to pass in the UK Parliament, we are dependent on UK Government and UK Parliament timescales for this element. We are working with UK Government officials to progress these Regulations. I wrote to the Minister for the Cabinet Office, David Lidington, on 20 March, to express my disappointment that the first set of Regulations, using 'Public Service Delivery' powers under the Digital

Economy Act 2017, did not allow the required legal gateway and requested confirmation that time would be made for the required Regulations over the next 12 months. In the meantime, officials continue to work with HMRC and DWP to scope the requirements of a data sharing agreement, once the appropriate legal gateway is in place.

- We are also in discussion with agencies and services that work directly with parents (including DWP) to explore how information on the 2 year old entitlement can be passed on to eligible families.

In addition, the agreement reached with COSLA on multi-year revenue funding for the expansion to 1140 hours secures resources for local authorities to meet their welcome commitment to almost double uptake among eligible 2 year olds to 64% by 2021-22.

Q: What steps is the Scottish Government taking to improve the quality of funded early learning and childcare for eligible two year olds?

We published an [ELC Quality Action Plan](#) in October 2017 that sets out 15 actions that we will be taking before August 2020 to further embed quality in the early learning and childcare offer for all children. Actions that are particularly relevant to ensuring that eligible two year olds experience ELC that contributes to their cognitive, health and wellbeing outcomes are as follows:

Action 2: We will review the content of other initial qualifications in early learning and childcare, and the focus of continuous professional learning, informed by the most up to date research on child development. This should help ensure that ELC practitioners are able to recognise where children need extra support to meet their developmental milestones.

Action 4: We will create and deliver an online national programme of continuous professional learning that will be available to all early learning and childcare providers and will be centrally co-ordinated and funded. This will include a module on supporting the health and wellbeing of children experiencing disadvantage.

Action 9: We will refresh and re-launch National Guidance on Pre-birth to Three and Building the Ambition to bring this up-to-date with new evidence that will support practice in early learning and childcare. This will include strengthening content on supporting eligible two year olds.

Action 12: We will increase support for evidence-based family learning programmes to embed this in the early learning offer for families facing disadvantage.

Eligible two year olds are also likely to benefit from our commitment to provide an additional graduate-level practitioner for children attending nurseries serving the most disadvantaged areas.

Who Cares? Scotland

Q: Will you promote the creation of a right for all children and young people in all types of care to have independent advocacy in Scotland?

Our work to support looked after children and young people is based on the United Nations Convention on the Rights of the Child, which sets out children's rights to care and protection where they are looked after or adopted and, in particular, their right to have their views heard. Listening to the views and experiences of the child is firmly embedded in our GIRFEC approach and our Getting it Right for Looked After Children and Young People strategy, and I fully endorse advocacy as a way of ensuring that young people are included in decisions taken about them.

Advocacy is also a key consideration within the Children's Hearings System, and over the period 2015-17 we have worked with your advocacy services and those of Barnardo's and Your Voice to set up advocacy research projects testing different methods of provision. As you are aware, we are using the recently completed work with your organisation to develop a sustainable and effective national model which will implement Section 122 of the Children's Hearings Act 2011. We are working to have this in place by Autumn 2019.

Q: Will the Minister support our #LifetimeofEquality campaign, by considering the actions listed below, to help protect Care Experienced people from discrimination?

We're asking the U.K. Parliament to amend the Equality Act 2010 and make Care Experienced a protected characteristic. Will you help us raise the profile of this lobbying effort?

We're asking you as a Member of the Scottish Parliament, to support this amendment – and to do everything in your power to protect care experienced people from discrimination. Will you display public support for this campaign?

We're asking public and private organisations to amend their internal policies now and commit to treating Care Experience as an equalities group. Will you and your team commit to doing this?

We are committed to ensuring that care experienced children and young people are treated with fairness and respect, and their needs are central to our work on improving outcomes. Currently, there is a need for high-quality data on the extent to which discrimination exists or plays a part in the reduced life chances of children in care. Although the Scottish Parliament's legislative powers in relation to equality are limited, we have introduced a range of measures which support families and young people.

An improved framework introduced by the Children and Young People (Scotland) Act 2014 already provides care experienced young people with a range of new or enhanced support. This includes enabling eligible children to stay in care placements until age 21 and extending the duty on local authorities to provide aftercare services until age 26. Looked after children are automatically entitled to

additional support with learning unless assessed otherwise by an education authority; we are also committed to ensuring professionals who work with children are trained on attachment, child development and child protection. We continue to invest in activities which support families and intervene early to prevent difficulties escalating.

The GIRFEC approach is embedded throughout our children's services, and, as Corporate Parents, all public sector organisations, including Scottish Ministers, are required to ensure necessary support is in place to address barriers faced by looked after children and care leavers.

I believe strongly that the measures detailed above, which place the rights and wellbeing of the child at the centre, will make a difference in the lives of care experienced young people.

Q: Will the Minister continue to ensure the views of care experienced people are strongly considered when reviewing progress made by Corporate Parents on the realisation of their duties as established in the Children and Young People (Scotland) Act 2014?

Corporate Parenting is one of the key duties introduced by the Children and Young People (Scotland) 2014 Act; at its heart is the responsibility of organisations – and individuals – to uphold the rights and secure the wellbeing of a looked after child or care leaver, from infancy through to adulthood. Listening to the views and wishes of children and young people, and being proactive and determined in our efforts to address them, is absolutely central to good Corporate Parenting.

Corporate Parenting Plans must specifically set out what actions they will take to support care experienced young people. When reviewing progress made by our Corporate Parents we will pay close attention to whether they have considered the views and wishes of young people when developing their plans and I will reflect on this when I present my report to Parliament in the summer.

Q: Will the Minister commit to doing everything within her power to ensure 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?

We as Corporate Parents share a duty to ensure that care experienced children and young people are included, listened to and their rights and wishes respected. I expect all Corporate Parents to consider potential barriers faced by looked after young people they encounter and to work collaboratively and proactively to make sure they receive the support they need. We are also actively promoting the voice of the young person through the independent Care Review /1000 Voices and the Year of Young People.

I am absolutely committed to making sure that care experienced young people achieve their full potential, and am encouraged by the most recent statistics on looked after children, which show that the attainment gap is narrowing. This year's

publications shows 71% of care experienced young people are in positive destinations compared with 40% in 2009-10. Through the Commission for Widening Access and Developing the Young Workforce we have taken many steps towards promoting equality of access for our looked after young people, providing a non-repayable university bursary entitlement and funding a number of employability programmes aimed at helping young people with complex needs, including those with care experience, to achieve positive outcomes.

Children 1st & Includem

Q: Given 42% of looked after children live at home with their parents, what more could the Scottish Government do to support children looked after at home and their families who consistently have the poorest outcomes? Clearly being on a compulsory supervision order isn't in itself an intervention, but for too many children looked after at home that's all they get. How can we make sure they get all the support they need and that the focus of improving the care system is on this group as well as those in placements away from home?

With regard to the points raised by Children 1st and Includem relating to children looked after by home, we are clear that children should only be looked after at home where this is the best option for them, and where there is a clear plan and appropriate services in place to meet their needs. We have seen the number of children looked after at home falling from 5,986 in 2007 to 3,766 in 2017. Recent years have seen an increase in funding for the Centre for Excellence for Looked After Children in Scotland (CELCIS), with specific projects focusing on early intervention and prevention for children on the edges of care, including those looked after at home. The Scottish Government provides funding of £750,000 per annum to Intandem, a new mentoring service for children looked after at home between the ages of 8 and 14. We fund Includem and a number of other organisations through the Children, Young People and Families Early Intervention Fund and Adult Learning and Empowering Communities Fund, to make a difference to lives of children looked after at home.

I note the points raised by Children 1st around the provision of family support services and the links with Part 12 of the Children and Young People (Scotland) Act 2014 and as part of the 2017-18 Programme for Government, we have commissioned CELCIS to undertake a progress review on the use of family support services across local authorities. This will include the provision of the Family Group Decision Making initiative and other models designed to prevent children going into care. The findings of the Review are due later in the year.

Children 1st also raise the subject of kinship care and the need to listen to the voices of those placed with kinship families and I value the vital role played by kinship carers in providing secure, stable and nurturing homes for children who cannot be cared for by their birth parents. Between 2007 and 2017, the number of children looked after by kinship carers has risen from 2094 to 4138 and the Scottish Government is providing local authorities with an additional £10.1 million per annum, to ensure kinship carers receive the same allowance as foster carers in their area.

Funding has also been provided to a number of other organisations, including Citizens Advice Scotland to deliver the Kinship Care – Advice Service for Scotland , which was re-launched this year, following feedback from children in kinship care and the families who support them.

Barnardo's Scotland

Q: Do children & young people who are looked after at home receive appropriate support?

As stated above, we are committed to providing high-quality care and support to those children who need to be looked after, including those who are looked after at home. Where children are looked after at home, there should be a clear plan and services in place to meet their needs.

Our early engagement approach focuses on intervention and prevention for children on the edge of care, including those looked after at home, supporting families and communities to prevent children from becoming looked after where possible. Through the Transforming Pathways, Improving Lives project, CELCIS are working with CPPs to identify and evaluate new forms of support for children on the edges of care, including those looked after at home. In addition to our funding of CELCIS, Includem, Intandem and others mentioned previously, I am committed to improving service delivery approaches and family support needs for children looked after at home.

Q: Do children and young people in and leaving care receive appropriate support in relation to mental health and wellbeing?

Our 10-year Mental Health Strategy was published on 30 March, and sets out our vision to improve mental health in Scotland. There are a number of actions in the Strategy aimed at ensuring that children and young people have good mental health and that agencies act early enough when issues emerge and impact young lives.

Early intervention and prevention are the cornerstone of our approach to mental health and wellbeing. Mental health needs to be something that everybody talks about, and reducing stigma and promoting discussion and early action are vital to ensuring that Scotland is the best place to grow up for our children and young people, especially in 2018 - the Year of Young People. Promotion of good mental wellbeing is crucial to allow all children and young people to flourish and reach their potential and it is the support, guidance and action of everyone working with children and young people that will achieve this vision.

When a child or young person does experience mental ill health it is vital that they are able to access the support and help they need, when they need it - ask once, get help fast. This aspiration applies as equally to care leavers as it does to any other type of need.

Q: How is continuing care being implemented across Scotland?

We have introduced ground breaking measures to improve outcomes for young people and are alive to the benefits of seeking continuous feedback to improve all aspects of policy and implementation. We have paid £4.2 million per year to Scottish local authorities since 2015-16 to support the costs of implementing Continuing Care, and this funding commitment rises to £9.3 million by 2019/20 at which point we expect the net total cost each year to stabilise.

Corporate Parents have duties to ensure they safeguard and promote the wellbeing of our looked after children and care leavers. Their Corporate Parenting Plans should indicate how each organisation is implementing its obligations for looked after children and.

We continue to consider all evidence from local authorities, carers, young people and any other relevant bodies on what is working well and what is challenging in relation to Continuing Care. Taking an evidence-based approach to implementation is the most effective way to ensure that eligible young people are able to exercise their right to remain in their care placement until the age of 21. We expect to obtain evidence of actual uptake across Scotland from local authority returns in 2017-18; and the first full year of data on Continuing Care will be published in the National Statistics publication "Children's Social Work Statistics" in 2019.

Q: Do care leavers have appropriate choices in relation to housing?

Decisive action has already been taken to ensure care experienced young people get the support they need. The Children and Young People (Scotland) Act 2014 allows eligible children to stay in care placements until age 21, and has extended the duty on local authorities to provide aftercare services until age 26. As Corporate Parents, all public sector organisations are required to ensure necessary support is in place to address barriers faced by looked after children and care leavers.

The Minister for Local Government and Housing wrote to local authorities last summer about their delivery of housing options services to care leavers and shared the responses with the Local Government and Communities Committee as part of their inquiry into homelessness. Many reported having protocols between housing and other departments on young people leaving care and Champions Boards.

Preventing homelessness among those at particular risk, including care leavers and care-experienced young people, is one of the issues being addressed by the Homelessness and Rough Sleeping Action Group. The 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. This has been an important part of developing their most recent set of recommendations on tackling rough sleeping, published in March. These have been accepted by the Scottish Government and highlight the need to ensure plans are always agreed to prevent homelessness amongst those at highest risk including those leaving or with experience of the care system. Further recommendations will be made on transforming temporary accommodation this spring.

We also welcome the recent Report on Homelessness from the Local Government and Communities Committee which made a number of recommendations on care leavers and I am committed to working with my colleague Mr Stewart on the various recommendations that have been made in that report.

Q: Does the care system equip young people for a successful future?

We want to prevent children becoming looked after where possible and appropriate. However, where children in need require long term support from corporate parents we must ensure that they receive the very highest quality of care and support in order to support their wellbeing.

The independent Care Review, in conjunction with 1,000 Voices, is putting care experienced children and young people at its heart and will continue to do so over its duration. The Care Review is also looking at how engagement and participation with care experienced children and young people can be embedded in practice for after the Review's conclusion. Improvements for children and young people who experience our care system will best be achieved through corporate parents working together, in partnership with children, young people and families, to promote their interests, uphold their rights, and safeguard their wellbeing.