

PE1630/A

Reform Scotland Letter of 7 February 2017

“Calling on the Scottish 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.”

The birthday discrimination within government-funded nursery provision is an issue we have been highlighting for many years, most recently in our publication [‘The Early Years Lottery’](#).

Reform Scotland believes that there can be no defence of the current system which leads to some children receiving a full two years of government-funded pre-school education, while others only receive a year. This is especially illogical given the Scottish Government’s aim of addressing the attainment gap. How can we expect to close the attainment gap if children are starting school having received such a wide variation in access to pre-school education.

The Scottish Government’s commitment to expand government-funded childcare is to be welcomed. However, unless this anomaly is addressed, the gap in entitlement will widen further.

At present, all children are legally entitled to the same amount of primary school education, with a single start point in August. However, a child’s legal entitlement to government-funded nursery provision depends on when a child’s birthday falls, as the entitlement begins the term after a child turns three.

This means that children born between March and the end of August start nursery in August, at the start of the new school year; children born between September and the end of December start in January, at the start of the spring term; and children born in January and February start after Easter, at the start of the summer term.

As a result, the actual amount of government-funded nursery provision a child is entitled to can vary considerably.

For children already receiving nursery education through partnership providers, it means that their parents do not receive as much money towards the costs of their nursery provision as others. However, children attending local authority nurseries who are born between August and February and who will start school when they are four will receive less nursery education. Indeed, some children can end up only receiving one year’s provision as many local authority nurseries, especially those linked to schools, fill-up with the August intake and there are no places available for subsequent intakes.

Data from the National Records of Scotland indicates that since 1990 between 49-51% of annual births each year are registered between March and August.¹ That means that only about 50% of all children are guaranteed to receive two years of

¹ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/general-publications/weekly-and-monthly-data-on-births-and-deaths/monthly-data-on-deaths-registered-in-scotland>

government-funded nursery provision, while many receive substantially less. As all children start school at the same time of year, it means older children have a double advantage of being older to begin with, but also having access to more early years provision.

This also means that the Scottish Government’s policy of trying to offer greater early years provision to vulnerable two-year-olds is limited by their birthday. For example, due to the difficulty in taking up local authority provision in April, in reality a vulnerable 2-year old born in January and starting school at the age of 4 years is unlikely to actually receive any more provision than a non-vulnerable child whose birthday is in March.

This discrimination is highlighted in Table 1 below, which also indicates how the variation will grow under the proposed expansion in hours. Table 2 outlines the situation for vulnerable children where the entitlement begins at age 2.

Table 1: Basic entitlement to government-funded early years provision.

Child’s birthday	Entitlement to government-funded early years provision begins	Approximate total entitlement in hours under current 600 hours per year scheme ²	Approximate financial entitlement for partnership provider under 600 hours per year ³	Approximate total entitlement in hours under current 1,140 hours per year scheme ⁴	Approximate financial entitlement for partnership provider under 1,140 hours per year ⁵
1 Mar – 31 Aug	August/ Autumn Term	1,200 hours	£4,200	2,280 hours	£7,980
1 Sept – 31 Dec	January/ Spring Term	1,000 hours	£3,500	1,900 hours	£6,650
1 Jan – 29 Feb (Starts school age 4)	April/ Summer Term	800 hours	£2,800	1,520 hours	£5,320

² We have approximated the hours based on an each of the three terms being equal, therefore 200 hours per term

³ Based on Edinburgh City Council funding 2015/16 which funded partnership children at £2,100 per year, or £3.50 per hour

⁴ We have approximated the hours based on an each of the three terms being equal, therefore 200 hours per term

⁵ Based on Edinburgh City Council funding 2015/16 which funded partnership children at £2,100 per year, or £3.50 per hour

1 Jan – 29 Feb (Starts school age 5)	April/ Summer Term	1,400 hours	£4,900	2,660 hours	£9,310
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Table 2: Vulnerable children’s entitlement to government-funded early years provision

Child’s birthday	Entitlement to government-funded early years provision begins	Approximate total entitlement in hours under current 600 hours per year scheme ⁶	Approximate total entitlement in hours under current 1,140 hours per year scheme ⁷
1 Mar – 31 Aug	August/ Autumn Term	1,800 hours	3,420 hours
1 Sept – 31 Dec	January/ Spring Term	1,600 hours	3,040 hours
1 Jan – 29 Feb (Starts school age 4)	April/ Summer Term	1,400 hours	2,660 hours
1 Jan – 29 Feb (Starts school age 5)	April/ Summer Term	2,100 hours	3,800 hours

The deferral system cannot be used to justify this situation. The expectation is that children born between September and February start school at the age of four. Although parents of these children can choose to defer, only those born in January and February are legally entitled to receive an additional year’s funding for early years provision.⁸ The Scottish Government’s ‘Growing up in Scotland’ research suggests about half of children born in January and February are deferred. Using the data for 2015 from the National Records of Scotland for births by month of registration⁹, this would mean about 40% of children would receive less than two years’ provision.

⁶ We have approximated the hours based on an each of the three terms being equal, therefore 200 hours per term

⁷ We have approximated the hours based on an each of the three terms being equal, therefore 200 hours per term

⁸ Scottish Government, Growing up in Scotland, 2012

⁹ <https://www.nrscotland.gov.uk/files//statistics/weekly-monthly-births-deaths-data/2016/table1-monthly-october-births-by-hb-area.xlsx>

Under the current situation the amount of early years provision a child is entitled to¹⁰ can vary by up to 400 hours or by up to £1,400 in contribution towards a partnership provider.

Under the proposed expansion in hours a child born in January, and starting school aged four, would have a legal entitlement to 760 hours LESS than someone born in May. This is creating a massive gulf in provision and means younger children start school with a massive disadvantage. This would also widen the financial difference in entitlement to £2,660.¹¹

Reform Scotland has been arguing for many years for a simple solution – that there should be a single start date for early years provision as there is for primary and secondary school. This would ensure that every child had access to the same basic provision before starting school, and would also ensure that vulnerable children actually receive an additional years' provision, which they only receive at present if their birthday falls in the right month.

We accept that this will increase the demand placed on early years providers. However, the Scottish Government is seeking to expand provision and ending this anomaly would appear to be a sensible place to begin. This discrimination has to end so that we ensure, as far as government-funded provision goes, all children have the same basic entitlement.

We would also draw the committees attention to a Freedom of Information response we received from the Scottish Government which confirmed that it did not know how many children are currently eligible and entitled to pre-school provision but are unable to access it or are on a waiting list. Further, it was not aware of the average number of total hours a child spends in a state pre-school or nursery before starting school. Given the huge expansion being planned, Reform Scotland believes that the Scottish Government should know this information. It is clear that problems exist in terms of current provision, however, if the Scottish Government is unaware of the scale of these problems, how can expansion be properly implemented.

¹⁰ Not including children who are deferred
¹¹ Not including children who are deferred