



OFFICIAL REPORT
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Education and Skills Committee

Wednesday 5 October 2016

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Wednesday 5 October 2016

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EDUCATION AND SKILLS COMMITTEE

7th Meeting 2016, Session 5

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*Johann Lamont (Glasgow) (Lab)

COMMITTEE MEMBERS

*Colin Beattie (Midlothian North and Musselburgh) (SNP)

*Ross Greer (West Scotland) (Green)

*Daniel Johnson (Edinburgh Southern) (Lab)

*Richard Lochhead (Moray) (SNP)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Gillian Martin (Aberdeenshire East) (SNP)

*Tavish Scott (Shetland Islands) (LD)

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

*Ross Thomson (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Joe FitzPatrick (Minister for Parliamentary Business)

Councillor Stephanie Primrose (Convention of Scottish Local Authorities)

Claire Schofield (National Day Nurseries Association)

Maggie Simpson (Scottish Childminding Association)

CLERK TO THE COMMITTEE

Roz Thomson

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Education and Skills Committee

Wednesday 5 October 2016

[The Convener opened the meeting at 09:47]

Subordinate Legislation

Freedom of Information (Scotland) Act 2002 (Time for Compliance) Regulations 2016 [Draft]

The Convener (James Dornan): Good morning. I welcome everyone to the seventh meeting of the Education and Skills Committee in 2016 in the fifth session of Parliament. I remind everyone present to turn their mobile phones and other devices to silent for the duration of the meeting.

The first item of business is to take evidence on the draft Freedom of Information (Scotland) Act 2002 (Time for Compliance) Regulations 2016. I welcome to the meeting Joe FitzPatrick, the Minister for Parliamentary Business, and Government officials Andrew Gunn, who is a freedom of information policy officer, and Emily Williams, who is a solicitor. Good morning.

I invite the minister to make a short opening statement of around five minutes.

The Minister for Parliamentary Business (Joe FitzPatrick): Thank you, convener. I am very pleased to have the opportunity to say a few words in support of the regulations.

The proposed time-for-compliance regulations are a pragmatic response to issues that were raised in last year's consultation on extending coverage of the Freedom of Information (Scotland) Act 2002. During the consultation process, the grant-aided and independent special schools that were proposed for inclusion within the scope of the 2002 act highlighted the practical difficulties that they would experience because of school holidays in responding to requests within the standard 20-working-day period. The act allows for variation in response timescales in particular circumstances, and I am sympathetic to the position of those schools that are now required to comply with FOI obligations. Unlike local authority schools, grant-aided and independent special schools are, for the purposes of freedom of information, public authorities in their own right. Such schools are generally closed during holiday periods and have a limited number of administrative staff, who usually work only in term time, which clearly

creates practical difficulties for them in responding to FOI requests during holiday periods.

There is precedent for such proposals in other legislation—for example, the Pupils' Educational Records (Scotland) Regulations 2003 (SSI 2003/581), which require the release of information within timescales that are calculated according to school days rather than working days. I welcome the broad support for the proposals, including from Capability Scotland, the Royal Blind School, Kibble Education and Care Centre, and the Scottish Information Commissioner. In particular, I note the commissioner's observation that the regulations are, in practice, a backstop for the schools that are affected.

However, I also note the concerns that were expressed in some responses, including the Campaign for Freedom of Information in Scotland's concern that the proposed regulations would create a two-tier system. The campaign emphasised the need for a process of qualification and independent verification for agreeing when schools are recognised as being closed and suggested that such a process could be overseen by the Scottish Information Commissioner. In effect, that is what will happen. I hope that that allays the concerns of that campaign and others. The independent Scottish Information Commissioner oversees and enforces Scotland's freedom of information laws.

In addition, in consultation with the commissioner, I propose to revise the section 60 code of practice to emphasise the statutory duty to respond to requests promptly, and to stress that, if staff with the appropriate skills, knowledge and authority are available, it would be good practice to respond to any request, even if the regulations apply.

The proposed regulations, in tandem with revisions to strengthen the code of practice, are sensible and take into account the specific circumstances of the schools that are now subject to freedom of information law.

As with the order that extended coverage to which the regulations relate, it is our intention to review their impact later this year. The review will help to inform our on-going aim of keeping Scotland's freedom of information legislation effective and fit for purpose.

I hope that the committee will support the motion.

Liz Smith (Mid Scotland and Fife) (Con): Will you clarify whether the problem has come about because there has been a substantial increase in the number of FOI requests to those types of school?

Joe FitzPatrick: No, that is not the issue. Last year, we introduced orders to extend the FOI legislation to include the independent special and grant-aided schools, which came into effect in September this year. Prior to those changes, those schools were not covered. This is a pragmatic exercise that, in extending coverage to include the schools, deals with the specific difficulties in their complying with the 20-day deadline during school holidays.

Liz Smith: You mentioned the possibility of a two-tier system. Do you foresee a challenge based on that?

Joe FitzPatrick: No. The regulations deal with specific circumstances for specific institutions. They are generally very small institutions that in the main close down during school holidays. As I said, there is already a definition of what a school day is. I cannot think of any other organisation that is in the same position as those schools. Freedom of information legislation covers a host of organisations, but I cannot see any other organisation that we cover that would need the same exemption. The point that we are having to address is very specific.

Liz Smith: From other schools' perspective, obviously they close down during holidays, too. That is the area on which I had a slight concern about the possibility of a legal challenge, because it might be seen as being the case that there are different rules for different schools, but you are happy with the situation.

Joe FitzPatrick: The big difference between the schools to which the regulations will apply and local authority schools is that the latter are not the responsible body; for those schools, the local authority is the responsible body. However, the schools to which the regulations will apply will be the responsible body—for example, the Royal Blind School will be the responsible body—but if no one is at the school, responding to an FOI request would be particularly difficult.

Johann Lamont (Glasgow) (Lab): You say that the instrument is a “pragmatic response” to a problem, but you have confirmed that we do not know whether a problem exists.

Joe FitzPatrick: The matter came up in consultation. The schools that we were proposing to extend coverage to asked how they could respond to a request in 20 working days when they would be closed for school holidays. I must make the point again that the schools are different from local authority schools. They are generally very small institutions, and are closed during school holidays.

We have a code of practice. I hope that you have all received copies of the redraft, which I thought might be helpful to you. It makes it clear

that, if people are in the school, a request should be responded to within 20 working days. Indeed, the regulations do not remove the requirement for all public authorities to respond promptly.

Johann Lamont: I note that the Children and Young People's Commissioner for Scotland is opposed to the proposal.

Joe FitzPatrick: The commissioner made some comments that I hope we have taken on board in the code. The issue is about extension of coverage to specific schools. Prior to that legislative change, the schools were not covered; they have been covered only since September.

Johann Lamont: There is a difficulty here. First, you are identifying a solution to an issue when there is no evidence that there would be a major problem for schools. The schools have simply said that they think the issue might be a problem. Equally, if you say that it is a problem for schools because schools close during the summer, the logic of that position is that that would apply to all freedom of information requests in schools. That is because although the local authority is working and functioning, the evidence that it would need to get for an FOI request on what has happened would have to come from a school that might not be in a position to provide that information.

Did you consider the alternative option of saying that an FOI request to a school should be responded to within 20 days, but that you would allow the Scottish Information Commissioner to consider why a particular school could not comply within the 20 days and to recognise that the fact that the school was closed over the summer was the problem? That might have addressed the problem that people perceive that the proposed regulations represent a dilution of the Freedom of Information (Scotland) Act 2002 for a very specific group. If there is a big problem, is it not the case that it should be recognised for schools across the board, rather than specifically for those in the independent sector?

Joe FitzPatrick: I go back to the point that there is a major difference in respect of the responsible body for the two different types of school. The responsible body for local authority schools is the local authority. All local authorities have FOI units that manage their casework. The period of 20 working days still stands, but the concept of a school day is already understood in law—the terminology is laid out in legislation. The 20-day period still applies, but if a school is not open, there is a challenge. The code of practice makes it clear that if, over the holiday period, there are staff in the affected schools who are capable of answering an FOI request, the regulations should not apply. It would be for the Scottish Information Commissioner to police that.

Johann Lamont: You say that some of those schools might be open and might have somebody who could respond to such a request. Some of them will have a board, whose members would be able to access the information that was sought. Would it not have been more logical to start the other way round and to ask how, given the nature of the schools in question, flexible procedures could be produced, rather than shifting immediately to a “pragmatic” solution that exempts one part of the education system, but which does not recognise the same challenges elsewhere?

Joe FitzPatrick: No one is being exempted. If a school is open, that will count as a working day and the exemption will not apply.

We have come up with a proposal that takes account of the facts. It is not just a case of addressing a perceived problem. If a school was closed for 40 days—the average period is around 30 days in the summer—it would be very difficult for it to respond within 20 days. The chances are that the FOI letter would not even be seen in that period.

The issue came up in the consultation on the proposal to extend the FOI provisions. We are talking about extension of FOI legislation to cover schools that were not previously covered. When we introduced the subordinate legislation to do that, I thought that it was correct that parents and other interested parties now had the right to the same FOI that is afforded to people in relation to local authority schools and other bodies. As a responsible Government, we wanted to consult about how the proposal should be progressed. I was pleased that organisations such as Capability Scotland and the Royal Blind School said that the proposed regulations address a problem that they had identified.

In addition, we have said that we will look at the legislation a year from now to assess whether it is working as we expect. Our experience of the extension of the FOI provisions in other areas is that it has not ended up being as onerous as people had been concerned it would be. For example, when we extended FOI to cover leisure trusts, there was concern that that would be a real challenge for those organisations but, in practice, following partnership working with the Scottish Information Commissioner to make sure that those organisations had the necessary skills and were prepared for the change, the extension was not as onerous as had been anticipated. It should be remembered that the proposals are to do with the extension of FOI coverage.

Tavish Scott (Shetland Islands) (LD): You have rightly made much of the local authority being the responsible body, but the Government proposes to change the law in respect of

education to make schools the responsible bodies. Will that change have any implications?

Joe FitzPatrick: I must deal with existing arrangements. I do not foresee implications to do with changing the responsible body.

Tavish Scott: It is your Government that has proposed the change. Will there be some assessment of that when the law changes?

10:00

Joe FitzPatrick: One of the things that I hope colleagues will have seen is that, during the past few years, we have been working hard to make sure that our freedom of information laws keep up to date. It is absolutely appropriate that we do that. My starting point is about how we can ensure that people who require information can access that information in an easy and understandable way.

Tavish Scott: Perhaps I can put the question the other way around. Could the committee have the assurance that, if that law change takes place, the freedom of information implications for schools will be considered carefully when the committee is considering the legislation next year?

Joe FitzPatrick: Clearly, we would need to look at how a change to the responsible body would impact on people's rights. That is something that the Scottish Information Commissioner has also raised.

The Convener: Thank you, minister. If there are any changes resulting from the review after a year, will you make sure that the committee is fully informed of them?

Joe FitzPatrick: Yes. It is reasonable to keep the committee informed of the outcome of our review.

The Convener: Okay. We move on to the formal debate on motion S5M-01751, in the name of the minister. I remind everyone that officials are not permitted to contribute to formal debates and I ask the minister to move the motion.

Motion moved,

That the Education and Skills Committee recommends that the Freedom of Information (Scotland) Act 2002 (Time for Compliance) Regulations 2016 [draft] be approved.—
[Joe FitzPatrick.]

Motion agreed to.

The Convener: The committee must report to Parliament on the regulations. Are members content for me, as convener, to sign off a report?

Members indicated agreement.

Children's Services Planning (Specified Date) (Scotland) Order 2016 (SSI 2016/255)

Education (Student Loans) (Scotland) Amendment Regulations 2016 (SSI 2016/261)

10:01

The Convener: The next item is to consider two negative instruments, as noted on the agenda. The instruments will come into force unless Parliament agrees to a motion to annul them. No motion to annul has been lodged. Do members have any comments?

Johann Lamont: On the Education (Student Loans) (Scotland) Amendment Regulations 2016, I just want to note that there was significant correspondence from the Delegated Powers and Law Reform Committee, which seems to be concerned about whether the regulations can address the problem. I do not know whether we would want to do something about that now, but the DPLR committee did write to us in some detail about its concerns and I wondered whether any advice had been taken about the implications of what it says about there being no new equality impact assessment and that raising the age to 60 will not address the problem of the age cap of 55 being discriminatory.

The Convener: I believe that 60 is the standard age across the United Kingdom. We can consider the regulations again at our meeting on 26 October if anybody feels that it is necessary to do so. Would you like us to write to the Scottish Government so that we can consider its response at that meeting?

Johann Lamont: I think that would be useful. I am interested in the fact that the other committee took so much time to correspond with us about something it clearly thinks is quite serious and I wonder whether it might be useful for the record to get a response on what the DPLR committee said.

Liz Smith: Convener, I have no problem with it, but the Delegated Powers and Law Reform Committee letter does say that the committee has "outstanding concerns" about the basis for the Scottish Government's decision. It might therefore be worth probing a little bit further.

The Convener: We will write to the Scottish Government and ask for its view.

Early Years

10:03

The Convener: I welcome to the committee the panel consisting of Councillor Stephanie Primrose, the education, children and young people's spokesperson from the Convention of Scottish Local Authorities; Claire Schofield, the director of membership, policy and communications at the National Day Nurseries Association; and Maggie Simpson, the chief executive of the Scottish Childminding Association.

We will go straight to questions. I will start by asking Councillor Primrose about the figures from the Scottish Government about local authority spending and the amount of money the Government says was allocated to the early years and what was spent. COSLA has said that the Government's is a broad-brush approach. Does COSLA monitor spending in local authorities on the early years? If so, does it have figures that would suggest something different from what is suggested by the Government?

Councillor Stephanie Primrose (Convention of Scottish Local Authorities): The issue of local financial returns came to my attention a couple of months ago. At that point, our team began to try to find out exactly what was going on. We have concerns about the data that was used. I will put my hand up and say that I am not by any means an expert on LFRs, but we felt that one particular LFR was not representative of the overall expenditure by local authorities. I had an update from my authority the other day. We have at least three LFRs that would account for the expenditure. Even the six local authorities that were identified as having the largest underspend have all come back and said that the data that was collected was not sufficient to give an overall picture of exactly what was going on. The feeling is that if the money is there, it is accounted for and will be spent.

I am very much aware that I am here on COSLA business, but we have a significant amount of capital build going on in my authority—I am sure that every local authority is the same. We have projects at the planning stage and at the design stage, and we will obviously not be able to spend that money until we have boots on the ground, if you like. We are confident that the money that we have been given will be spent wisely. In my local authority, we are spending more on early years than we received.

The Convener: I go back to the question. If COSLA is saying that this is not an accurate picture of the spending, how does COSLA monitor that? Does COSLA monitor it? I do not see how COSLA can say that the Government's picture is

not accurate if it has not done any work to prove that it is not accurate.

Councillor Primrose: Work has certainly been done within the context of LFRs. That has been and will continue to be monitored to ensure that we can account for the LFR.

The Convener: Can we expect communication from COSLA that will refute those figures?

Councillor Primrose: Yes, absolutely. COSLA is very supportive of the work being done on early years. I said to the minister that I did not want to dwell on the LFR issue. This is a positive area and COSLA engages very well with the Scottish Government on it. We really want to move ahead to the next stage of delivering the 1,140 hours of funded early learning and childcare.

The Convener: You can, surely, understand the concerns of parents who are looking for places. In my local authority area, for example, there is a considerable underspend, and those parents need a clear explanation. Surely it is incumbent on either the local authority or COSLA to have that explanation out there for parents.

Councillor Primrose: We can certainly put that out. I put a press statement out more as a way of parking that and looking forward—I would rather look forward than back. We will certainly put out a statement on our position, if you seek reassurance on that.

The Convener: I would like to move on to another area, which is the educational benefit of 30 hours of provision compared to 16 hours. Would anyone like to comment?

Maggie Simpson (Scottish Childminding Association): There is clear evidence that children really do benefit from high-quality early learning and childcare. However, there is no evidence that if they were there for 1,140 hours, they would benefit twice as much as they would if they were there for half that time. From our point of view, it is very much about the balance of the day. It is not like going to school, where children learn from one end of the day to the other. These are very young children and there are lots of different skills that we want them to acquire and that depends on the pace of the day and ensuring that children can get out and about, just as much as on the skills that they are learning while they are with a particular practitioner.

Claire Schofield (National Day Nurseries Association): I support that. It all comes back to the issue of quality; with the expansion to 1,140 hours, we absolutely have to ensure that we have the right quality. As academics and experts will say, you can expand provision, but if it is not of good enough quality you will have problems and the benefit to children will become a disbenefit.

Therefore, we must ensure that there is investment in quality, and the workforce is absolutely critical to that.

The Convener: Before I move on to my colleagues, Councillor Primrose wants to comment.

Councillor Primrose: We are very supportive of the 1,140 hours and no one here will underestimate the necessity of having intervention as early as possible. However, we have to build up to this and, in that respect, we have a significant amount of work to do.

Picking up on Claire Schofield's comments, I think that we absolutely must start moving on the workforce issues. I saw a statistic—in fact, I think that it was the minister who told me this—suggesting that we are talking about 18,000 people, and we need to get in and plan for that workforce. I have raised that absolutely critical issue with the minister. I agree that we need high-quality provision—after all, we are talking about our young people—but we need to get a move on with this work.

Johann Lamont: On the one hand, a nursery place is about providing childcare to support families to go to work or whatever; on the other, it is about education and supporting our young people to learn as early as possible. Has any work been done on the importance of closing the attainment gap at that very early stage, and what would be the implications for the way in which we would then deliver such support?

Maggie Simpson: If you look at some of the research from the growing up in Scotland study, you will find significant information that points to the importance of the care and support theme against which practitioners are inspected. It has said that the only thing that really makes a significant difference to children's literacy by the time they start school is the quality of care and support.

Practitioners are inspected against various themes, but the care and support theme is about ensuring that very young children have really good communication skills and the ability to interact with their peers and other people. That sounds terribly obvious when you think about the needs of very young children, and you will not be surprised to hear that childminding comes top of the list in the grading of the care and support theme. After all, childminders have smaller ratios that they can work with and, with community childminding services, which very much concentrate on early intervention, the results of inspections show—and this is backed up by the GUS research—that the care and support theme is critical.

Johann Lamont: I suppose that my question is: if two children, one of whom is more

disadvantaged than the other, go to nursery and that disadvantage is reflected in the first child's literacy and numeracy, should resources in the system be directed specifically at closing the attainment gap? In other words, do you accept that disadvantaged children at age 3 will benefit more from a nursery education than children from a less disadvantaged background?

Claire Schofield: Again, it comes back to high-quality provision and the quality of the adult-child interactions that Maggie Simpson referred to. It is all about having good ratios and skilled practitioners, and communication skills are absolutely fundamental in that respect. It could definitely be argued that we must ensure that there is more investment in more disadvantaged children to give them better-quality provision and better input in order to help narrow the gap.

Johann Lamont: This is a question for COSLA, too, but does that mean that you would expect more resources to be directed at childcare centres in disadvantaged areas than elsewhere?

Councillor Primrose: I imagine that some of that will be picked up with the attainment challenge funds. Given that many of our early years establishments sit within the primary school context, I imagine that there will be co-work there, too.

The points that have already been made about the quality of care for young people are absolutely pivotal. You know as well as I do that the earlier we can get interventions in, the more successful they are. This is what local authorities do—it is something that we work on, and we try to put as much as we possibly can into disadvantaged areas.

Local government has a very great desire to work very closely with the Scottish Government to really nail the attainment gap, but in order to do that, we need to start as early as we can. We are talking about two, three and four-year-olds, but we have to look at the whole context, as we need to put in place interventions even before the age of two. We need to have enough health visitors and ensure that recruitment levels are high enough. I think that local authorities put a significant amount of money into that area.

10:15

Johann Lamont: The new Education (Scotland) Act 2016 places a specific responsibility on school functions to address socio-economic disadvantage, which is critically important in the early years.

Can you provide us with evidence of the kinds of things that have been done in early years provision to address the attainment gap, as

opposed to addressing the generalised needs of all children at the ages of two and three?

Councillor Primrose: Absolutely—we can do that without any issues.

I do not want to go on about my own authority, but we have six or seven family centres in some of our most deprived areas so that children as young as six weeks—or rather, their parents—can access support. There is support for the child and the parents. We can certainly provide more detail on that.

Johann Lamont: Have you done any work on testing? If we assume that 1,140 hours of provision is a great thing, is there a test of whether that produces better outcomes? There might be less overall general provision, but you can redirect resources. Has any work been done on testing the ideas and the different options, or are you simply saying, “That is a given—it will be 1,140 hours and we will set spending priorities on the back of that”?

Maggie Simpson: Ironically, it is about having the ability to look across the whole of early learning and childcare rather than at the specifics of the 1,140 hours. There is evidence to show that the investment that has gone in to community childminding services in many local authorities improves and raises the attainment of those children. The evidence comes from independent research that we commissioned from Dr Christine Stephen at the University of Stirling.

That research shows, as I said, that if the conditions are right, those children will thrive. We can certainly assist them in the transition to group care and to school at a later date. The question is how we join that up, rather than thinking of the early intervention for specific children aside from the 1,140 hours. Those elements should be seen as one service, and in many areas that is exactly what is happening. That needs to happen across more local authority areas, because at present many authorities are not using their childminding services in that way.

Councillor Primrose: I have just been advised that pilots are taking place in local authorities to look at different models. We have such pilots going on in my authority at present—for example, one early-years establishment is opening at 8 am and closing at 6 pm. Again, we can furnish the committee with more information about that.

Liz Smith: I would like to ask a question of Claire Schofield. We have had substantial feedback from parents regarding the attainment gap that suggests that some children are receiving two years of nursery provision, others are receiving 18 months and a further group is receiving 15 months. There is a bit of inequity in the system. Is that a genuine concern for you? What are providers saying about that?

Claire Schofield: As we move to the target of 1,140 hours of provision, there are a number of different challenges. The number of hours and the flexibility are a challenge, and if we add in the issue of birthday discrimination—which has been described as how long a child will get the provision for—that is yet another challenge to meet.

We need to take a phased approach with regard to how many different things we can address at once and the timescale for doing those things. Children will increasingly be spending more of their hours in a range of different settings, and that quality and investment needs to be everywhere. If we talk about disadvantaged two-year-olds and the quality of the provision that we want for them, we want that to be happening in the private sector as well as in local authority settings and childminding.

The overriding concern for us is that we will see the workforce moving from the private sector to the local authority. If we do not do something to stop that and support workforce quality everywhere, there will be a real risk there. Ideally, we would like everyone to get the same amount of provision before they get to school, but we need to think about how many different issues we can tackle at any one time.

We need to think about the priority of quality and the importance of narrowing gaps. The amount of provision is important: we get feedback about it and people are concerned that children get different levels of provision based on their birthday. However, it is a priority that would be better looked at at a later stage, rather than a first priority.

Liz Smith: I will pick up on those points and on Maggie Simpson's point that we must look at things in the round and take a holistic approach to early years.

I was interested to hear last week that the Scottish Government is thinking about consulting on something that is called the child account. As I understand it, there would be an entitlement to a certain amount of money that would follow the child. That would provide greater flexibility in relation to the institutions that provide the range of childcare from the early years to perhaps beyond primary school. Would that be attractive to parents who are trying to access childcare?

Claire Schofield: We get a lot of feedback that it would be attractive to childcare providers and parents. It would change the starting point of designing a service that meets individual needs—it would put more power in the hands of the parents to design something that best meets their children's needs.

If that move happened, we would need to ensure that we had rules on how and where the

account could be used, so that it would be directed at high-quality provision. It could not be a completely free account; conditions would have to be tied in. However, in terms of driving the flexibility and choice elements of the strategy, it would be a positive step.

Liz Smith: As I understand it, the choice element is extremely important. Choice is what parents are asking for, but at the moment it is compromised by the fact that some provision is inflexible because public and private providers do not always work together. Could a child account get over some of that barrier? It could get rid of birthday discrimination at the same time. Do you see giving parents greater flexibility in decision making as the way forward?

Claire Schofield: The classic situation is that of the child who has to move because they cannot access their hours in the private setting that they have been in. That can create all sorts of difficulties for a family that is trying to balance working life and childcare. The child account approach would enable parents to design what they needed to meet their and their child's needs, and would mean that they would not be forced into transitions that they did not want to make.

Liz Smith: Is that attractive to COSLA too, Councillor Primrose?

Councillor Primrose: We are prepared to look at things. At this point, COSLA does not have a position on that particular part of the child account. We are still looking at the blueprint and trying to get the foundations built. It is something that we would consider, but we do not have a firm stance on it. I would need to go back to the leaders on that.

Maggie Simpson: It is a problem at the moment for us. Around a third of local authorities are not using childminding services at all for the funded hours. In terms of choice, that aspect is not even there. Ironically, some of those local authorities are using childminding services for vulnerable children. We have the strange situation where a child is placed with a childminder precisely because there is a small childminder to child ratio and high-quality care and support, but as soon as the child is two, they are moved. That makes no sense to me. I do not think that it is the local authorities' intention that that should happen, but that is what is happening at the moment. There clearly needs to be some changes if the attainment gap is to be closed.

The Convener: There is a recognition that childminders will have to play a substantial role. Councillor Primrose, why do some councils use childminders while others do not?

Councillor Primrose: A lot depends on the locality, to be honest. This is just a thought, but

authorities probably use local childminders more in rural areas.

I will pick up on a point that Claire Schofield made. Local authorities cannot take on 1,140 hours on their own—we need to build in flexibility. I see childminders, private nurseries and our own services as being on a level playing field. We cannot deliver the service by ourselves; of course we want to bring in our partners.

The Convener: Okay. Ms Simpson, you do not seem to completely agree with Councillor Primrose.

Maggie Simpson: In places where the services are not being used, things are all over the place. Places such as Aberdeen and West Lothian are using their childminding services—those areas have not lost touch with their childminding services; they have been using them for other services, such as community childminding. Those local authorities have a clear understanding of the quality of the service and how to make judgments about it. However, other local authorities do not have such a clear understanding and are not really able to interpret the information that they get through organisations such as the Care Inspectorate about the quality of the service, because they are not familiar with the service. They have been slower to move across and get that understanding. We are doing work with the Care Inspectorate, Education Scotland and the local authority to start to pull that together. Not surprisingly, I would like to see a bit of pace on that work now.

Ross Thomson (North East Scotland) (Con): I declare an interest as a councillor on Aberdeen City Council, and I refer members to my entry in the register of members' interests.

I have a supplementary on the first line of questioning—I will put my question directly to Councillor Primrose. As the convener highlighted, the potential for underspend naturally caused concern. I know from speaking to other local authorities that they want to spend wisely and that it does not feel like there is any underspend. There is a challenge in how COSLA monitors the spend but, given that the funding comes from the Scottish Government, what more do you think that the Scottish Government could do, working in partnership with COSLA, to ensure that resources are being allocated correctly?

Councillor Primrose: That is an interesting question. We need to come up with figures, and I have agreed that we will do that. I have spoken about this a bit, but we need the blueprint, which I think is heading out for consultation in the next wee while. I take Maggie Simpson's point: we need to get a move on and up the pace. If the Scottish Government can produce the blueprint

and we can get things done, that will assist COSLA and all our local authorities in identifying where we need to put buildings up and so on. The blueprint is necessary. At COSLA, we are a wee bit concerned that a lot of things are going on but the foundations are not there. Having the blueprint would assist COSLA greatly by telling us exactly what the 1,140 hours looks like.

This is about two, three and four-year-olds. I know that the situation is not ideal, but COSLA would like the Scottish Government to think about a learner journey. For example, if your three-year-old is with a childminder or at an early years centre, and your six-year-old comes at a different time, we would like that to be treated as a whole learner's journey. I do not know whether that is at all possible; I have raised it but I did not get very far.

Colin Beattie (Midlothian North and Musselburgh) (SNP): I hear a great deal about the need to have flexibility and choice for parents. I ask our witnesses what that means to them and how well we are delivering it.

Maggie Simpson: That is an interesting question. There were real concerns about there being a patchwork. Would that mean a child being moved from one place to another, and would that affect the outcomes for that child? We have gone back and looked at the issue again. There is a big difference in relation to choice. A parent might say that they are going to map something that meets the needs of the child and takes account of the pace of the day. For example, the day might be spent partly in a group setting, and partly with a childminding service. That happens now, and it is feasible and workable. It works both for the family and for the child. We need to make sure things are done that way round, rather than saying, "These are the needs of the working family." A parent would not disregard the needs of their child, but there were real concerns about that. I do not see a problem with building in that flexibility and choice, but we need to look across the whole of early learning and childcare and not just at the 1,140 hours.

Colin Beattie: You seem to be saying that it is all about hours.

Maggie Simpson: It is not all about hours; it is about making sure that you consider the needs of the child first and what that child will enjoy and benefit from, which can involve that mixture of provision.

10:30

Claire Schofield: The needs of the child are central. There are questions about what time of day provision happens, which is very much where partnership between different providers comes in.

Childminders need to work with centres to ensure really strong transitions. We need that relationship between the practitioners so that they share that information with one another and with parents.

On the point about things being driven totally by parental need for flexibility of provision because of work, clearly the policy is approaching provision the other way round. We are told by the Minister for Childcare and Early Years that the priority is very much around quality, outcomes and improving attainment for children—that is the first priority and we have to keep that in mind when services are designed. However, there could be a limit on how flexible we should be and how many different transitions a child should have during the day because there could be a negative effect.

There should be partnership and joint working but there also has to be a sensible approach to how far we should go and what kind of provision is appropriate at different times of the day to meet the needs of the child.

Councillor Primrose: I agree with what has been said. In particular, I agree with Claire Schofield's point that the needs of the child are central. We need to bear it in mind that this is about getting it right for every child. What is right for one child may not be right for another child. What is right in one local authority may not be the greatest idea in another local authority. It comes back to the idea of flexibility.

Colin Beattie: There seems to be a need for a common standard. The service delivery landscape involves local authorities, the private sector, not-for-profit organisations, childminders and so on. How easy is it to make all those different pieces fit together to suit the needs of individual children?

Maggie Simpson: It is not easy. That is the problem, as we are moving at pace towards the provision of 1,140 hours and the difficulty is around how we put in that flexibility at the same time.

At the moment, we have that type of provision; it is just that it is not under the umbrella of the funded hours. Lots of children go their childminder in the morning; the childminder takes them to and collects them from nursery; and then the parent collects them from the childminder. We already have that provision; it is just that it is not within that blueprint of what the expectation is within the funded hours.

I do not think that there is a problem with delivery; I think that there is a problem with how local authorities are looking at putting all of that in their planning process.

Colin Beattie: Should local authorities be driving this? Clearly somebody has to.

Maggie Simpson: It has to be the local authorities, because they will commission those services. We have an early learning and childcare officer who is going round talking to individual local authorities to give them a better understanding of the childminding services in their areas and how they can map those into the provision that they are looking to deliver.

Claire Schofield: Such provision is already happening, and giving parents access to 1,140 hours may open up new demand from parents who do not already put such packages together because they will not be paying for the services themselves. Those parents perhaps use informal care provided by friends and family, and they may take the opportunity to move into using a childminder and a nursery, for example.

We will have to see what the trials bring out and what happens in the initial stages of roll-out. I would say that we could expect more demand and therefore a greater need to make sure that all provision, wherever it is, is resourced to enable it to happen.

Colin Beattie: How good are we—

The Convener: Colin, I am going to let Gillian in with a question now.

Gillian Martin (Aberdeenshire East) (SNP): I want to go back to the resistance from some local authorities to using childminders. Is there a correlation between the local authorities that are not using childminding services and those that have the underspend?

I have another question about flexibility across local authority borders. For example, when I had young children, I lived in Aberdeenshire but worked in Aberdeen city. Will such flexibility be looked at? Is there flexibility for somebody who is a constituent and council tax payer in one local authority but who requires childminding services where they work? Has that been looked at?

Maggie Simpson: I do not have the answer to the question whether there is a link between the underspend and councils that do not use childminding services, but I can find out. I can do that because we have been commissioned to produce on-going reports on how childminding services are being used. However, we have not found such a link. As I said, the irony is that the issue is not even just about childminders not being used for the funded hours; it is that they are being used for community childminding services and not for the funded hours. That is probably more of a concern to me at the moment.

For some local authorities, that is not deliberate. They have not had a discussion and said that they will not use childminding services; they just have not put those services into the framework yet. We

have been commissioned to do that work partly so that we can take it to some of the local authorities to show them what services are available, what the quality of those services is and how they can fit in. Not too many local authorities telling us, “Not yet,” or, “Not at all”—they just have not got to that stage yet.

The other side of the issue is that even local authorities that are using their childminding services do not give those as an equal choice. I suppose that if I was balancing the budget, I would maybe do much the same thing as they are doing, which is to fill up their own places first. In some places, it is only if there is no vacancy that local authorities say that there is an option to use a childminding service.

Those things need to change as much as anything else, because otherwise, as I said, we will not meet children’s needs as well as we might be able to.

Gillian Martin: So the process should be driven more by parental choice, first of all.

Maggie Simpson: It should be driven partly by parental choice, but it should be very much about the needs of the children. As I said, some placements have been made with a community childminding service specifically because of a recommendation—in some cases from a health visitor—that the child needs that low ratio and that mixture. The Scottish Parliament information centre briefing refers to evidence that some children really benefit not just from the low ratio but from being with a mixed age group and with children with different capabilities, so that they do not think, “I am a disadvantaged child.” Far from it: they are just a two-year-old in a setting that is perfectly capable of providing for their needs and integrating them well.

Claire Schofield mentioned transition to other services, which happens really well where it works well. When there is a good link between the childminder and the nursery, the nursery has a better understanding of the child’s needs and can move them on. However, that is a challenge.

Gillian Martin: My second question was about the cross-border arrangements between local authorities. That is more for Stephanie Primrose.

Councillor Primrose: There are cross-border examples. I will get them to you, but such arrangements take place as we speak. I do not have information on the local authorities involved, but I will get it to you.

Maggie Simpson: It is the usual story: where it works well, it works really well, and where it does not, it does not. There seems to be no logic to that at the moment, although that is easy for me to say.

Daniel Johnson (Edinburgh Southern) (Lab):

I have a supplementary question on the point about flexibility. As a parent of two pre-school children, when I heard that talk about flexibility and making different elements of childcare work together in a single day, I thought that that was probably not the way that most parents think about flexibility. When they think about flexibility, that is to do with their working day. Having a child move between providers in a single day is far from what parents want—they want flexible provision from a single provider, certainly within a single day and probably even throughout the week. Is that not the real challenge? That is probably for Claire Schofield.

Claire Schofield: That model is the private and third sector nursery model. Those nurseries provide a full-day service for parents who work traditional hours. If that is the parental choice and that is where parents want to go, that is a good option for them, but we need to consider that as we move to 1,140 hours a year. We are not in a 9 to 5, Monday to Friday world any more, and there are parents who work all sorts of different hours and who will have other needs. The initiative, where it works, certainly needs to involve consideration of parents who work non-traditional hours and who need care at different times.

Maggie Simpson: Is that the case though? Surely a working parent needs to know that childcare is managed for them. They need to know that they can drop the child off and pick them up, but it is up to the range of providers to manage for the parent what happens in between.

A parent will drop off their child with the childminder, and they do not need to worry about whether the childminder will get the child to nursery and bring them back again, because they have already made that arrangement with the childminder. The child does not have to stay with the childminder all day long—as a working parent, Mr Johnson, you simply need to know that the care is managed in the best interests of the child.

Daniel Johnson: I would challenge that—

The Convener: I ask committee members and panel members to speak through the convener, as we are getting a lot of conversations going on at the same time.

Maggie Simpson: I am sorry.

Daniel Johnson: The reality of childcare is this: the moment a child is looked after outside the home context, that is in a sense disruption. Any working parent would recognise that. I think that, from the anecdotal evidence, what parents are after is to minimise the number of changes, certainly within a day and, I would say, within a week.

I recognise that such provision is what a lot of parents need to make things work, but my sense is that what has been described is not the ideal—far from it. Any child will be exhausted by multiple things happening in the day.

Maggie Simpson: Sorry—who is exhausted? Is it the parent or the child?

Daniel Johnson: The child.

Maggie Simpson: I would argue that that is not necessarily the case. As I said, we have to work it the right way and look at the needs of the child. If that means putting together two services so that the childminder takes the child to nursery, or having a pattern such as childminder-nursery-childminder, that can work better than having one service that may not meet the needs of the child if it is a prolonged day. It depends on how that day is actually organised. As a parent, you need to know that the provision will work for your child rather than there being one specific model. No?

The Convener: Okay—thank you. Ross Thomson has a small supplementary.

Ross Thomson: It is on the back of Daniel Johnson's question. Out of interest, I will just throw this idea out there, as I want to hear your feedback, given that this is an evidence session. Educationalists in North East Scotland tell me that there is a balance to be struck in trying to find ways to ensure that children are not in institutions and nursery all the time. That might involve looking at things such as stay and play, where parents are able to interact and play with children, which can help in identifying early signs of mental health issues. Creative play is also beneficial. How do we try to get that balance right?

Maggie Simpson: We are back to the question whether we chunk this into the 1,140 hours, or look at early learning and childcare. You are absolutely right in that we would always want good toddler groups, stay-and-play sessions and those types of provision alongside the funded hours.

With regard to how we evidence the outcomes for children, the statutory guidance refers to registered services. They are accountable, because they are inspected by Education Scotland or the Care Inspectorate, so there is an outcome that is evidenced in a different way. That does not preclude the existence of the other services. What we should be looking at is all those types of services happening within local authority areas and being designed, to a certain extent, by community planning partnerships that will look at the broader needs rather than just at the specific part of the Children and Young People (Scotland) Act 2014.

I absolutely see a place for the sessions that Ross Thomson describes; it is just that, for the

actual funded hours, we are looking at registered services. I think that the two are complementary.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I have a small supplementary to Daniel Johnson's point. It is a personal point of view. I tend to agree that a child being in one place during the day is better for the child and the parent, but I accept that that is a personal opinion.

The crux of the matter, as we have discussed, is the need to ensure that all parents and children have access to everything. The big thing emerging from the discussion for me is that different local authorities are saying that different services are available. Parents should be able to choose whether they use a childminder, a nursery or a combination of both if that is what meets their needs.

10:45

Maggie Simpson: I am sorry, perhaps I am not communicating well. A real benefit of the way in which the childminding service currently works is that a child is in their local community, with a mixture of ages, and will use the local authority nursery service, because that is where the child—at four, in particular—will meet the children with whom they will go to school. We would not want to disrupt that.

A parent might choose to use the childminding service exclusively for the whole day, if they were concerned that a child was being shot from one place to another, but that would not meet the child's need to meet their peer group as they go on to school. What has always worked well is not chopping and changing but putting together something that meets the child's needs, using a variety of services.

We often find that a childminder takes a child to the local toddler group, for exactly the same reason—so that they are part of the community. The childminder is building up a community-based set of services, which will include the local authority nursery. They might also be meeting the needs of older children in the family—getting them to cubs, taking them to swimming class and doing all the things that happen throughout the child's normal day.

I do not want children to be thrown from pillar to post. We should be using a range of local services to build up something that meets the needs of the child and works for working families. That is the challenge that is out there, and we should go ahead and meet it.

Richard Lochhead (Moray) (SNP): The Government's policy on childcare will be transformational and will be one of the biggest policies that the Parliament faces during this five-

year parliamentary session. Councillor Primrose said that the workforce might require an extra 18,000 people, which is a massive challenge.

According to our briefing paper, the financial review of provision by partner providers, which was published on 27 September, found that

“around 80 per cent of practitioners and 50 per cent of supervisors in partner settings are paid less than the Living Wage”.

How will such pay and conditions attract 18,000 extra people into the workforce over the next few years?

Councillor Primrose: I absolutely accept the point. Early years expansion is a hugely positive policy. I am fortunate in that, with the cabinet secretary, I co-chair the national advisory group on developing the young workforce, and we have raised that issue in the group.

We need to take a serious look at how we present childcare as a career. As I think that I said to the minister, when we ask people what they are going to do, they say, “I’m going to be a hairdresser” before they say “I’m going into childcare.” We need to reverse that and make people realise that childcare is a worthwhile and important profession. There is a good bit of work to do there, and we need to get on with it.

On pay and conditions, I can speak only for my local authority, which pays in line with the Scottish living wage. I think that we pay £8.33 an hour, which is slightly above the living wage. As employers, we take the issue seriously.

Claire Schofield: It is a huge challenge. In relation to reaching the living wage, the biggest gaps are in the private and third sectors. To get there, we need a workforce strategy that goes hand in hand with the 1,140 hours target. We need investment.

I completely agree with Councillor Primrose that we need to create a much more aspirational career path, so that people see childcare as a profession that they want to join. However, the reality must back up the aspiration. We must ensure that there are better rates of pay outside local authority centres, so that people can aspire to roles in childcare and then can be developed and can stay in those roles. Over the period of the 600-hours target, there has been a loss of practitioners into local authority services, and that will be unsustainable when we move to a 1,140 hours target. It is a huge challenge and it needs investment. Time is a concern because, as we have said, there is only a very short time to make that kind of change in the workforce and we need to get on with it.

Maggie Simpson: My members are self-employed so the situation becomes even muddier

because there is no living wage aspect. Nevertheless, and partly because they do not register with the Scottish Social Services Council, they are having to do training—workforce development—in their own time and at their own cost. If you are looking to make sure that quality is sustained as you use those people more in the future, that must be addressed.

Some work has been done on improving the learning pathway and, as part of that, the workforce and quality group was making sure that there was a much more sensible way for people to progress and get the qualifications and underpinning knowledge that build on the skills and experience that they already have. I know that there is no concern about the quality of the existing workforce, but if there were to be a big recruitment of childminding services, you would have to make sure that you got the right people. It is a challenging job. Not only is a childminder providing a quality service to young children, they are running their own business, managing their own terms and conditions and the whole bit that goes along with that. We need to make sure that we get the right people in, even if it takes longer.

Councillor Primrose: I have a couple of points to make on that. Local authorities have identified that and it is important to mention that local authorities assist childminders in kind, if you like. A lot of our continuing professional development courses and so on are open to childminders.

We have a very good basis on which to develop the workforce. If we look at how successful the science, technology, engineering and mathematics programme has been, it shows that local authorities and the Scottish Government have form on promoting different types of work. We definitely have the foundations, but I agree with Claire Schofield that we need to get on with it.

The Convener: Richard, you have a question.

Richard Lochhead: I am trying to get my head around whether the right drivers are in play to lead the local authorities to take the right decisions about the kind of provision to make in a local area. There are clearly a lot of variables out there. No doubt there are financial concerns but there will also be rural/urban concerns and so on. If there is a gap between what local authorities are paying their own staff compared to what they are negotiating with non-council providers, it might raise some questions.

Our briefing says that

“there is considerable variation across the country from 92% of registrations with the local authority in West Lothian to 41% in Moray”

which happens to be the constituency that I represent. I thought to myself that Moray is quite a rural area so perhaps there is a difference

between West Lothian and Moray because of the rurality, but then I thought that there are a lot of areas in Scotland that are even more rural than Moray. I am trying to get my head around what leads local authorities to take decisions about the kind of provision that they can make in their locality.

Councillor Primrose: I would like to think that our decisions are led by what is right for the child. My local authority is trying to make sure that we have provision in every ward. As you know, early years do not have catchment areas and we do not provide travel.

Local authorities are trying to make sure that there is provision where it is required. I do not want to go on about my authority, but we are putting provision in rural areas. In one particular area, we are building significant additions to our early years provision. I would like to think that local authorities are being driven by what is right for the child.

Mr Lochhead said that financial constraints are a concern. I know that the budget statement will not be made until December because the Westminster budget has not been agreed, but finance is a concern. Local authorities are trying hard to make sure that they have the right provision in the right place for any particular child, whether it be a childminder or a partner provider. That is the context in which it is looked on.

I do not think that it is being looked on as involving great money savings or things like that. There is a genuine concern that it should be GIRFEC in practice. I would certainly like to think that in my own local authority, that would be the case.

Maggie Simpson: At the last strategic forum, which the minister chairs, I asked about having an impact assessment before services are opened up to look at what impact those new services would have on the existing services in the area. Ironically, in some local authorities, when brand new buildings have been put up—which has been absolutely necessary—the impact has been that some of the local childminding services have been put out of business because they are not being commissioned in that area. That has not been the deliberate intention of the local authority. It is partly because of the pace of change and partly perhaps because of a lack of understanding. The process is not necessarily happening as sensibly as it should. If you are not including local childminding services in your workforce planning, you are not doing it as well as it could be done.

Claire Schofield: In our latest private sector survey, occupancy was at 77 per cent. That suggests that about a quarter of places are potentially available. Given the level of expansion,

we need to make sure that those places are used. Local authorities should be building on what is already in place, rather than duplicating it.

Richard Lochhead: It would seem that there is no simple explanation that any of us are aware of as to why West Lothian is at one end of the spectrum, at 92 per cent local authority registrations, and Moray is at the other end of the spectrum, at 41 per cent. The panel are shaking their heads: I see that nobody has an explanation for that.

Councillor Primrose: I think that the trials will be very worth while. I believe that they have started—I am happy to be corrected on that. When we get the results of the trials, we will be in a more informed position to answer some of those questions.

On the point that Claire Schofield made about 77 per cent occupancy, we have a bit of work to do in relation to the vulnerable two-year-olds. There is a concern among some parents and carers, because the definition of a vulnerable two-year-old is linked to Department for Work and Pensions benefits—there is a suspicion there. People are worried that if their vulnerable two-year-old goes into childcare, whether that is in a childcare setting or at a childminder's, their benefits might be affected if they all of a sudden take their child out. We have work to do there. I know that the former cabinet secretary certainly picked up on that issue and, again, COSLA has been working to try to identify what we can do to increase the uptake of provision for vulnerable two-year-olds.

The Convener: If there is some information that you could share with the committee on that, that would be helpful.

Tavish Scott: By any standards of the imagination, 18,000 staff is a huge number of people. Where are they coming from?

Councillor Primrose: That is a very good point. We certainly had a long discussion about that a couple of weeks ago. We will have to have a blended workforce. Somebody said to me the other day that we need to have a B & Q-style take on this so that we are not looking just at young girls aged 16 or 17 going to college; we need to perhaps include people who have raised their own families and want to come back in to the workforce. We also need to make sure that we offer the flexibility for part-time work.

I take the point that we need to make this a profession that young people and indeed older people, including women returning to work, want to come into. I read that adding 18,000 people to the workforce would be the largest growth in the workforce since the second world war. That is an incredible statistic if it is true.

We definitely need to start targeting people for those jobs. We need to make sure that our colleges are up to speed and that the courses are there. We perhaps need to expand beyond what we think of as the traditional pattern, where young girls aged 16 or 17 go to college to train in childcare. We need to target women returners; we need to target people who are perhaps retired; and we need to target men. I know that the minister is very keen to do that. When we talk about childcare jobs, most people tend to think that they are for ladies. I know that there is a significant discrepancy between the number of female and male teachers, but we need to make sure that men realise that just as men can teach, men can get childcare jobs. We need to think about the whole workforce issue. If I can go one step further, I think that we need to have a serious review of the whole workforce. I do not think that we can put early years in a silo; we have to look at workforce planning.

Tavish Scott: With respect, Stephanie, you have four and a half years. Actually, you have less than that—probably three and a half years. By August 2021, every parent in this room and every parent in Scotland will be expecting 1,140 hours, because that is what the Government has said will happen. I am interested in how we will get there.

I take the point about the blueprint. As you said, it will be a local authority by local authority assessment. Perhaps I will ask Maggie Simpson and Claire Schofield whether they think that local authorities get that. Are they saying to your organisations, “We have this big 18,000-people target, broken down by local authority area. How will we deliver the provision in four and a half years’ time?”

11:00

Claire Schofield: Everyone understands the scale of the challenge. The difficulty is putting things into practice. Local authorities have their own centres, which they need to staff. We have seen the movement—our members’ biggest concern, in terms of their workforce, is how they retain staff and how they can be not just a training ground that people come into and then move on from.

We need to look at the statistic that, on average, 23 per cent of partner-provider income comes from local authorities. As that percentage increases, we need to ensure that it supports a living wage. We need a campaign to open things up and get all sorts of people thinking about early learning and childcare as an exciting career with huge opportunities. We also need to get people into all sorts of provision and enable them to stay there. Funding rates and affordability for parents need to support that.

Tavish Scott: Are you concerned that, as we get close to the date, political panic will set in because different places around the country will not be anywhere near ready to deliver the provision? At that point, will local authorities say, quite understandably, that they have just got to get it done through traditional local authority mechanisms—in other words, local authority nurseries—and will your parts of the system get squeezed out?

Claire Schofield: I really hope not. There is a very clear message that everybody needs to work together on this. We are all working closely, in a number of different forums—forums on the workforce, or the 1,140 hours strategic groups—and there is a common understanding that we need to do this together.

The challenge is just too big. One size does not fit all families and children, so we would not be doing them a service if we said, “No, it’s just going to be this model and that’s it.”

Tavish Scott: I ask Maggie Simpson to pick up on Richard Lochhead’s point about the difference between rural and urban areas. I represent a very rural area. Claire Schofield is absolutely right in saying that the local authority alone will not be able to do this. How will it work in rural Scotland, where the challenges are even greater than they are in, say, Glasgow?

Maggie Simpson: I suppose that there are some obvious routes that would make life a lot easier. There is an opening to use childminding services, provided that they are of the right quality; as I said, 80 per cent of them are the right quality and could be used tomorrow. In Shetland, there are 21-odd childminders that you could be using today. At the moment, you are not using the childminding services—

Tavish Scott: I am.

Maggie Simpson: Oh, you are—I am sorry. Well, you are using them, but not for your funded hours. There is an obvious route there.

Only four childminders in the whole of Scotland are being used for three and four-year-olds, so there is an obvious route there. As I said, that is not because local authorities have been making specific decisions not to use childminders; it just has not happened yet.

An easy message to get across is that there is an existing workforce of the right quality that can provide the right service. They will not solve all the problems and they will not get us to 1,140 hours—sorry—but they will make a significant difference. At the moment, I am very reluctant to agree to do any recruitment of childminding services, because they need to have a viable business. There is no point in me recruiting new childminding services

only to find that they will not be used. That would be a waste of everybody's time and expense.

Reassurances can be made quickly, so that we are able to have the plan to get the provision in place over the next few years.

Tavish Scott: If I may, convener, I will ask one final question of each of our panellists. What is the one thing that would make a difference to delivering 1,140 hours? What one thing, whether it is managerial or workforce related, needs to happen? What one driver would start to push this on?

Maggie Simpson: I suppose that ours is the easiest, is it not? There are potentially 32,000 places in childminding services that could be used.

Councillor Primrose: I do not want to send out panic signals or anything like that. Local authorities are on their way. In my local authority we have something like 12 new builds coming up, so I do not think that we have a panic. We need to address issues around terms and conditions, and COSLA will play its part in that.

I do not get the sense that there is a panic. Having spoken to the minister a couple of weeks ago, I think that the increases will come in tranches. I do not think that we will have 600 hours and then the next day, all of a sudden, we will have 1,140 hours. Workforce planning will be an issue, but I am not panicked about it. I do not think that in 2020 we are not going to see the 1,140 hours being delivered. I would like to offer some reassurances that local government is on to that. We have new builds going up, and we need to push on the workforce, but I am not panicked—not yet.

Claire Schofield: The issue is the workforce, and ensuring that partner providers are funded at a rate that means that they can employ the workforce to meet the need.

Maggie Simpson: It is interesting to look at the 600 hours and the 1,140 hours. To return to the point that was made way back, how do we prioritise? We have existing services that meet the needs of those eligible children, and vulnerable children in particular, and it is important that we look more carefully at that. If priorities are going to be set over the next few years, I would urge that those services should be prioritised. We have a good mixture, with community childminding services and some of the other services that are around, to meet the needs of those children first rather than worrying too much about how we get to the end point for all children all the time.

Liz Smith: I am still interested in the flexibility aspect, which is obviously a real concern. You have given some interesting answers. Claire Schofield mentioned in response to a question

about spare capacity that another 20 per cent plus is available, and there is also capacity in childminding.

What do we have to do, as Tavish Scott has rightly asked, about the terms of delivery for those extra hours? How can we ensure that parents will use that spare capacity? It is obviously an important part. What can we do?

Claire Schofield: Exploring the idea of the child account is one way forward, as is allowing parents to decide where they are going to use their hours. Providers tell us that they can offer only so many places, so they are rationed with regard to the number of families to whom they can offer a place. That limits it. Again, providers that are currently in a minority and are not working in partnership should, if their quality is high enough, be brought into partnership so that their capacity can be used.

Liz Smith: So we need to get rid of the rationing.

Claire Schofield: Yes.

Liz Smith: What is the best way of doing that?

Claire Schofield: The child account would be one way, or we could move to a presumption that a parent can go to a local authority and say, "My child is here and I want my child to stay here", and the funding follows the child.

Maggie Simpson: The information needs to go out to parents as well. In a sense, we have trained parents into one way of thinking, and that is not easy to change. I feel for those parents who have been told for years that, when their child gets to a certain age, they go to nursery for two and half hours or three hours and 10 minutes a day and that is it; the child will be fine and off they go to school. To change that, and suddenly say, "Actually, a childminding service might meet the needs of your child differently", is really tricky.

The information is not out there for parents at present. To a certain extent it is coming from the Scottish Government, but not really. Most people hear about nursery and all the rest of it by word of mouth. They hear about it from neighbours and friends and all the rest, who say that they should get their child signed up. There is real work to be done on providing information to help parents in making sensible decisions about what will meet the needs of their child.

Liz Smith: Do you have a recommendation for how we can better disseminate that information?

Maggie Simpson: The trick is, please do not give out a paper "Parents' guide". I would get bored after two seconds. There are so many ways these days to better advertise what services are about in order to give people a real understanding and to encourage parents to use them. Parents

are the best sellers of those pieces of information. We need to help them along, and there are plenty of ways to do that.

Councillor Primrose: We would certainly agree with that. We feel that the 600 hours was perhaps not as well publicised as it could have been, and we agree that we need to ensure that there is a big public awareness campaign, in whatever form that takes.

Daniel Johnson: I want to come back on the point about funding levels and the living wage, directing my question at Claire Schofield. I think that private providers are provided with £3.59 per hour per child. If you have a staffing ratio of 4:1, it does not take a lot of arithmetic to work out that there is not a lot of change out of £8.25 an hour per staff member, especially when you include supervisors and you need spare capacity to deal with sickness. Do we need to have a fundamental rethink about the funding formulas and bake in the living wage from the start rather than seeing it as something that is nice to have if you can?

Claire Schofield: Absolutely. We would be keen to look at that and we were pleased to hear the minister say that he wanted to talk to us about the living wage and how we can make that a reality. As well as the funding rate from the local authority, we need to think about the parents who are not yet eligible for 1,140 hours because we cannot have one member of staff being paid one rate because they are working with three-year-olds and another member of staff being paid a different rate because they are working with two-year-olds. If it is a living wage, it should be paid across the whole nursery. What would the knock-on effect be for the people buying their hours privately for their babies and their toddlers before they are eligible? There is the whole issue about the funding and there is also the issue for parents and what that move would do to affordability.

Daniel Johnson: I believe that your organisation states that private providers make an average hourly loss of £1.88 per child. Is that correct? How did you arrive at that figure?

Claire Schofield: The figure comes from providers. We asked providers what the shortfall was on the local authority rate. It is the difference between the rate that they are funded at by local authorities and the rate that they would be able to charge a parent for that same hour. I think that 70-odd per cent of members said that they had a shortfall and that is the average loss out of the ones that have a shortfall.

Maggie Simpson: May I come in on that?

The Convener: Briefly, please.

Maggie Simpson: Some work was done as part of the financial review by Ipsos MORI on

childminding services and their actual costs, which are somewhat more difficult to fine tune down to something specific. However, we worked with Ipsos MORI and I think that it found that the variation was bigger than the commonality, so it depended on how the service was costed.

Ironically, some childminders are being commissioned by the local authority for community childminding and then, as Claire Schofield says, you have the same child from the same local authority and the rate of pay is completely different. It is really up to the childminding service to make some decisions about whether it is prepared to go ahead and continue to provide that type of service or whether it makes decisions about what will make the business viable.

At the moment, childminding services do not seem to be making those decisions quite so harshly. If they have a child, particularly an eligible child, who is coming in and they are really making an impact through their community childminding service, there is no way that they will stop that service and say, "I'm sorry but that's not enough money." However, I would not want that pattern to continue. The pay needs to be realistic for the service that is being provided.

Ross Thomson: Following on from Tavish Scott's question about the workforce, I would like to tease out a little bit more from Councillor Primrose. I have a couple of questions about the workforce and staffing.

I have been told that in Aberdeen, to meet the 2020 requirement, they are looking at about an additional 267 staff in total—that is practitioners in total, including early years. Aberdeen has some teachers in the nursery too, so that would be the total figure. At the moment, the council has a cohort of 40 supported places in training. That is just to meet the current statutory demand, not the 2020 demand. Where are the authorities that you represent with that requirement in terms of training and have they raised any concerns about the people who are going through the process?

Is there a possibility that local authorities could commission places? I know that the Scottish Government is liaising with colleges and universities but could the local authorities commission places themselves?

Councillor Primrose: I will give you one example. It is an authority that I do not represent but I will give it to you anyway: Aberdeen. With the issues surrounding the gas and oil industry—we might not yet have the full picture on that—people are being taken out of the industry and trained. I think that the story was covered on "Reporting Scotland". That reskilling approach is a good idea.

As I have said before, we cannot look at the issue in isolation. We need to sit down and have a

proper discussion about the workforce from start to finish. You gave the example of Aberdeen having 40 training places, but it will need 270-odd additional staff. We need to look at that issue.

COSLA is very prepared to sit down with the Scottish Government and discuss that. However, we cannot just look at the early years and childcare; we really need to talk about the years from zero to 18, as well. There are good examples. I know about that example in Aberdeen, but other areas are doing that too.

Modern apprenticeships are a very good way of bringing in young people. We also need to look at how we bring in people who are not at school. We need to ensure that colleges are up to speed on that.

11:15

Ross Thomson: I appreciate that you are representing COSLA, but I know that the Scottish Local Government Partnership, which represents a number of local authorities, has been quite explicit in saying that it has concerns about resources in particular. It felt that there was not great partnership working or consultation from the Scottish Government. It raised a number of concerns and wrote to the minister, I think. Do you share the concerns that the SLGP has raised?

Councillor Primrose: With all due respect, I am not in a position to comment on that. I do not know what the SLGP has said, so I will not comment on that, if you do not mind.

Ross Thomson: Aberdeen City Council, which is my authority, is looking at an additional 3,500 places by 2020, which means capital investment and new provision. Around 15 new nursery provisions are being looked at. Obviously, there are difficulties with access to land to ensure that the provisions are in the right places. I represent North East Scotland and am obviously speaking from a local perspective, but can you give me a greater sense of the challenges and whether there are similar challenges in other parts of Scotland in the authorities that you represent?

Councillor Primrose: There certainly are similar challenges. We discussed the issue with the Minister for Childcare and Early Years just a few weeks ago. We need to start to look at other opportunities. For example, I think that the minister said that, if a building was not being used, a new building does not necessarily need to be built. The building can be adapted. I think that Mark McDonald said something about a church hall. If it was not being used, why would we not convert it if the building was appropriate? We need to look at different ways of providing.

To pick up a point that Ross Thomson made, local authorities are spending phenomenal amounts to ensure that there is provision. I know that a lot of authorities have spent money on ensuring that there is specific provision for two-year-olds, as they require things that are different from what four-year-olds require. Those things go through local authorities on a daily basis.

Maggie Simpson: I urge real caution on that specific point. The new build is great, and a lot of work is being done on what buildings can be like, even through adapting existing buildings. That is a great idea, but we are increasingly seeing the use of premises or even individual school classrooms that are not appropriate. The furniture is the wrong size, for example. There are things as straightforward as that, as local authorities have been pressurised into moving quickly. I know that they would not necessarily like that.

Equally, in some more rural areas, four-year-olds are put into primary 1 classes in order to make space for two-year-olds at the back. That is not what people would want, but that is happening in practice. In the next four years, I am sure that COSLA will quite rightly support such things not happening. There is a real challenge in buildings and ensuring that the provision is appropriate.

Councillor Primrose: I assure members that local authorities adhere to the Care Inspectorate's standards.

Ross Thomson: A very good point was made on ensuring that things are absolutely right, especially in relation to new build. Concern has been expressed to me that, to get some of the new provision in place, essentially that should have started last year if it is to meet the 2020 deadline.

Councillor Primrose: You will find that things started last year. We are starting to open buildings now. If my authority is doing that, members can expect that a lot of the other local authorities are doing that, too.

Daniel Johnson: I note that one of the issues for local authority provision is that a majority cannot provide lunch. Some of the capital expenditure is pretty fundamental. A classroom cannot just be opened to start to provide lunches. Have you done an assessment of the capital requirement to put that provision in place? Lunch needs to be provided to get past the three hour and 10 minute block.

Councillor Primrose: Absolutely. COSLA is aware of that. If you want precise figures, I can get them to you, but I do not have them with me.

Daniel Johnson: That would be helpful.

Councillor Primrose: That relates to the point I made about the LFRs. Free school meals and

such things have not been taken into account in the LFRs. I will get figures to you about the costs of that under the free school meal entitlements.

Daniel Johnson: Given the capital constraints that councils find themselves under, is there an adequate amount of capital to make those investments and build those buildings?

Councillor Primrose: There is never enough capital for local authorities, but we will make do and mend. I think that our new builds will increasingly incorporate that. At the moment, we are pushing hard on the matter. Capital-wise, from my local authority's point of view, it will spend more than it gets. That is an issue, but that is up to each local authority.

Daniel Johnson: Do you think that there will be local authorities in which the majority of provision is full-day provision?

Councillor Primrose: That will be in a context of flexibility—I hate to use that word. The trials that are coming through will show us what type of things parents and children require.

Maggie Simpson: Daniel Johnson is right about the costs of lunch. As Councillor Primrose said, those costs are not yet being transferred across in the private sector. I am sure that Claire Schofield would say that, too. That has certainly not been costed in with the childminding services yet. At the moment, childminders provide that as part of their fee.

The Convener: As no one has any more questions, I thank everyone for attending the meeting, which has been very useful.

11:21

Meeting continued in private until 11:27.

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