



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Education, Children and Young People Committee

**Wednesday 8 March 2023**

**Session 6**



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Pàrlamaid na h-Alba

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**EDUCATION, CHILDREN AND YOUNG PEOPLE COMMITTEE**  
**8<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Sue Webber (Lothian) (Con)

**DEPUTY CONVENER**

\*Kaukab Stewart (Glasgow Kelvin) (SNP)

**COMMITTEE MEMBERS**

\*Stephanie Callaghan (Uddingston and Bellshill) (SNP)

\*Graeme Dey (Angus South) (SNP)

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

\*Ross Greer (West Scotland) (Green)

\*Stephen Kerr (Central Scotland) (Con)

\*Ruth Maguire (Cunninghame South) (SNP)

\*Michael Marra (North East Scotland) (Lab)

\*Willie Rennie (North East Fife) (LD)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Peter Grant (Scottish Government)

Clare Haughey (Minister for Children and Young People)

Kirstie McKerron (Scottish Government)

**CLERK TO THE COMMITTEE**

Pauline McIntyre

**LOCATION**

The Robert Burns Room (CR1)



# Scottish Parliament

## Education, Children and Young People Committee

Wednesday 8 March 2023

*[The Convener opened the meeting at 09:15]*

### Subordinate Legislation

#### Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2023 [Draft]

**The Convener (Sue Webber):** Good morning, and welcome to the eighth meeting in 2023 of the Education, Children and Young People Committee. Agenda item 1 is evidence from the Minister for Children and Young People, Clare Haughey, and her officials on the draft Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2023. I welcome the minister along with her officials from the Scottish Government: Peter Grant, who is the head of zero to five early learning and childcare and support; and Kirstie McKerron, who is a solicitor in the legal directorate.

I invite Ms Haughey to speak to the draft instrument. You have up to three minutes.

**The Minister for Children and Young People (Clare Haughey):** Thank you, convener, and good morning to the committee. The amending order will increase from 1 April the income thresholds for families with a two-year-old who is eligible for funded early learning and childcare because a parent receives a joint working tax credit and child tax credit or a universal credit award.

The Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014 specifies that a two-year-old is eligible for funded ELC if their parent is in receipt of child tax credit and working tax credit with an annual income that does not exceed £7,920 or if their parent is in receipt of universal credit with a monthly income that does not exceed £660 per month. The amending order increases from 1 April the income threshold to £8,717 per year for households that are in receipt of child tax credit and working tax credit, and the universal credit income threshold will increase to £726 per month, which is the equivalent of £8,717 per year.

We are making this change to reflect changes at a United Kingdom level. From April, the UK Government will increase the national living wage from £9.50 to £10.42 per hour, so household income would exceed the current thresholds if

they remained the same. The order's purpose is to protect eligibility for two-year-olds whom we would expect to be eligible for funded ELC as a result of their parents or carers being in receipt of the affected qualifying benefits. If we chose to make no changes to the income thresholds, we estimate that about 1,000 eligible two-year-olds would no longer be eligible, despite there being no significant difference in their families' household circumstances.

It is important to be clear that no two-year-old who currently receives funded ELC will be affected by the changes. Once a child has met the eligibility criteria, they will remain eligible, despite any subsequent change in circumstances.

As the amendment's purpose is to maintain eligibility, we do not expect a significant increase in the number of two-year-olds who become newly eligible for provision. We do not expect a significant impact on local authorities' ability to fund such provision within the current financial settlement. As such, there is no evidence that additional funding will be required to support implementation of the amendment.

The impact on uptake will be closely monitored by the Scottish Government and the Convention of Scottish Local Authorities through the appropriate mechanism, which is the ELC finance working group. Appropriate arrangements will be made if uptake is significantly above the expected level and if local authorities' costs increase as a result.

As I said on my previous visits to the committee to discuss amending the thresholds, we will continue to monitor future increases to the national living wage, and we will uprate thresholds when that is required to keep pace with changes. COSLA agrees with that approach and agrees that it is necessary in order to maintain a similar profile of eligible children.

I am happy to respond to any specific questions from the committee.

**The Convener:** Do members have questions or comments on the draft instrument?

**Willie Rennie (North East Fife) (LD):** I have no issue with the order, but I will take a cheeky opportunity to ask about uptake for two-year-olds. I know that we have made changes to the relationship with the Department for Work and Pensions so that we can access information. The gap between Scotland and England is still quite significant. According to the statistics for 2022, 14 per cent of the population in Scotland had access to provision for two-year-olds, whereas the figure for England was 21 per cent. How quickly do you envisage us closing that gap? Have you seen any early evidence that we are doing so?

**Clare Haughey:** The data sharing arrangements are not yet in place, so they have not had an impact that would show a change. We still expect those arrangements to be in place for the end of this financial year and we are on track for that. We have been progressing work on the data sharing arrangements with the DWP, His Majesty's Revenue and Customs, and local authorities. As soon as we have all those data sharing agreements in place, the information will then be able to be shared with local authorities, so that they can access it and write to the parents of eligible children. With COSLA and local authorities, we will look at how that uptake goes. On current figures, we anticipate that around 25 per cent of children in Scotland will be eligible. We have to remember that England and Wales already have those data sharing arrangements, but Scotland does not.

We will monitor that, and I am sure that the committee will be interested in the figures. I can commit to writing to the committee to let you know when the data sharing arrangements are in place and how many families we anticipate are eligible. However, we need to remember that families have choice and that not every parent of an eligible child will decide that they want to access that provision.

**Willie Rennie:** I will also take this opportunity to ask about the provision for deferrals for four-year-olds going to primary school. We are supposed to have that provision in place from 1 August, and an evaluation of the pilot is due this month. Is it still the plan to have that evaluation report this month, in time for August?

**Clare Haughey:** Yes.

**Willie Rennie:** Could you share the details of the membership of the deferral working group and how often it has met?

**Clare Haughey:** Certainly. I can write to the committee with that information, if that would be helpful, so that all committee members can access that.

**Willie Rennie:** Great. Thank you.

**Stephen Kerr (Central Scotland) (Con):** I hope that I am on the right instrument—I am sure that you will keep me right, minister. I have a technical question. As much as I always welcome the appearance of ministers before our committee, is there a technical reason why we could not automate this process, instead of having to go through the process when we all agree and have always all agreed with the measures?

Are school dinners covered by this instrument as well?

**Clare Haughey:** No.

**Stephen Kerr:** I will come back to that, then. I ask my question about the technical aspect.

**Clare Haughey:** I will pass over to Kirstie McKerron, the lawyer, who I hope can answer that.

**Kirstie McKerron (Scottish Government):** The order is made under the affirmative procedure, by virtue of the 2014 act. I will just pull up the full title of that to keep you right. The order is made under section 47 of the Children and Young People (Scotland) Act 2014. Under section 99(2) of that act, the order is subject to the affirmative procedure. It is subject to that procedure because a change in the national living wage is made by virtue of United Kingdom regulations, and the exact amount of that is not always set out. That is why the measure is subject to the affirmative procedure—it is so that the exact amount can be taken into consideration and then put in the order.

**Stephen Kerr:** Is it possible to amend the legislation so that that happens automatically? There would have to be a change to the legislation for that to happen.

**Kirstie McKerron:** That is correct.

**The Convener:** Minister, you have responded to the issues that members have raised—thank you for that.

Under agenda item 2, I invite the minister to move motion S6M-07658.

*Motion moved,*

That the Education, Children and Young People Committee recommends that the Provision of Early Learning and Childcare (Specified Children) (Scotland) Amendment Order 2023 [draft] be approved.—[*Clare Haughey*]

*Motion agreed to.*

**The Convener:** The committee must now produce a report on the on the draft instrument. Is the committee content to delegate to the deputy convener and me the responsibility for agreeing that report on the committee's behalf?

**Members indicated agreement.**

**The Convener:** I thank the minister and her officials for their participation. We will have a short suspension to allow them to leave.

09:25

*Meeting suspended.*

09:26

*On resuming—*

**Human Trafficking and Exploitation  
(Independent Child Trafficking Guardians)  
(Scotland) Regulations 2023 (SSI 2023/18)**

**The Convener:** Our next item of business is consideration of two pieces of subordinate legislation that are subject to the negative procedure.

As members have no comments on the first instrument, does the committee agree that we do not wish to make any recommendations in relation to it?

*Members indicated agreement.*

**Education (Scotland) Act 1980  
(Modification) Regulations 2023  
(SSI 2023/37)**

**The Convener:** Do members have any comments on our next negative instrument?

**Stephen Kerr:** It is unfortunate that the minister is not here, because my comment is not directed at the regulations; it is made in the same spirit as that in which Willie Rennie offered his questions to the minister. My concern is that the take-up of school meals is not what it should be. Although the provision exists, we know from the reports that we have that we can do better at encouraging children to take school meals. I wondered what the minister's thoughts were on what we could do with our partners in COSLA to deal with that, but she is not here.

**The Convener:** We are dealing with a negative instrument.

**Stephen Kerr:** I cannot ask a question, but I have put on record my concern. A number of grants and provisions, including those for school uniforms, are not taken up to anything like the level that they should be. We need to do a lot better at making people aware of the support for families.

**Michael Marra (North East Scotland) (Lab):** The adjustment is to the threshold for obtaining free school meals. I wonder why we are not adjusting income thresholds more substantially, in line with inflation. Has the Government considered that, given the challenges that families face? I am concerned about the threshold for access. Will the committee consider making representations to the Government about that?

09:30

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** The comments have been

helpful, although they do not relate directly to the statutory instrument. It is helpful to highlight the fantastic work that the Scottish Government has done on free school meals and the approach to universality. The substantial increase to the school clothing grant has made a massive difference to constituents across the country.

Mr Kerr is right that we need to maximise uptake. Any correspondence to the Government that draws attention to the successes of those policies and asks what we can do to enhance take-up will be really welcome. We always welcome the qualifying criteria, which Mr Marra referred to, being kept under review—budgetary considerations to one side. On that basis, I am happy for us to write to the relevant minister.

**Stephen Kerr:** [*Inaudible.*—minister.

**The Convener:** Enough of that, please, Mr Kerr.

I do not think that we have any comments specifically relating to the statutory instrument, but we desire to write to the relevant minister to ensure that all the opportunities for families to support their young people through their education are maximised. Whether it be school meals or clothing grants, we need to find a way to cut through to make sure that everyone who is eligible can access the opportunities and is aware of them. Do we agree to that approach?

*Members indicated agreement.*

**Stephanie Callaghan (Uddingston and Bellshill) (SNP):** We might want to mention things such as automatic enrolment—that might be helpful.

**The Convener:** We might come back to that in our response as well.

I thank members for that brief discussion—

**Bob Doris:** I apologise for cutting across you, convener. I would never normally do that, but Ms Callaghan made an important point about automatic enrolment. We might want to draw the matter to the attention of the Social Justice and Social Security Committee. When I sat on the Social Security Committee and convened it previously, it looked at the automation of benefits. Given the connection between our interest in the issue and that committee's interest, it might be worth making it aware of any correspondence that we have. Apologies again.

**The Convener:** Your apologies are noted.

Is the committee agreed that it does not wish to make any recommendations in relation to the statutory instrument?

*Members indicated agreement.*

**The Convener:** That brings the public part of today's meeting to an end. We will consider our final agenda item in private.

09:32

*Meeting continued in private until 11:55.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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