

Public Petitions Committee
Thursday 24 September 2026
3rd Meeting, 2026 (Session 7)

PE2229: Make Childcare Choice a Right in Scotland

Introduction

Petitioner	Hannah Murison on behalf of National Day Nurseries Association
Petition Summary	Calling on the Scottish Parliament to urge the Scottish Government to make funded early learning and childcare on a cross-local authority basis a legal right across Scotland, so no family is denied access to the childcare setting that works for them because of an arbitrary council boundary. National action is needed to prevent local authority cost-cutting from restricting parental choice and disrupting children's care and development.

Website <https://petitions.parliament.scot/petitions/PE2229>

1. This is a new petition that was published on 16 July 2026.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. Every petition collects signatures while it remains under consideration. At the time of writing, 658 signatures have been received on this petition.
4. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

- The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
September 2026

Annexe A: Summary of petition

PE2229: Make Childcare Choice a Right in Scotland

Petitioner:

Hannah Murison on behalf of National Day Nurseries Association

Date published:

16 July 2026

Petition summary:

Calling on the Scottish Parliament to urge the Scottish Government to make funded early learning and childcare on a cross-local authority basis a legal right across Scotland, so no family is denied access to the childcare setting that works for them because of an arbitrary council boundary. National action is needed to prevent local authority cost-cutting from restricting parental choice and disrupting children's care and development.

Background information:

NDNA Scotland, parent campaigners and providers seek national action to make cross-border funded childcare a right. We believe not doing so undermines Funding Follows the Child, parental choice and provider neutrality.

Two local authorities, Edinburgh and West Lothian, have made decisions meaning children entitled to nationally funded childcare places who live outside the council area can only access places in council run nurseries, and cannot access private, voluntary, and independent nurseries. Removing parental choice has significantly impacted families. They have had to move children from trusted nurseries, separate siblings, change work patterns, and face extra costs. This means losing familiar relationships, routines and support at a crucial stage in children's development. Around 100 families in West Lothian are affected, having chosen a nursery that met their child's needs and family circumstances. These decisions show how council boundaries are limiting a national entitlement and risk a domino effect in other areas.

Annexe B: SPICe Briefing



Scottish Parliament
Information Centre
Ionad Fiosrachaidh
Pàrlamaid na h-Alba

Briefing for the Public Petitions Committee on petition PE2229: Make Childcare Choice a Right in Scotland, lodged by Hannah Murison on behalf of National Day Nurseries Association

Brief overview of issues raised by the petition

The petition is mainly concerned with arrangements between local authorities to support cross-border placements of funded Early Learning and Childcare (ELC). The petition particularly references some local authorities' policies to restrict cross-border places to places at local authority-run settings.

Funded ELC

Local authorities have a duty to secure the provision of 1,140 hours of funded early learning and childcare for eligible children who reside in their area.

The policy intention is that the provision is 'provider neutral'. This means that parents/carers can choose which setting their child attends. This choice is intended to provide flexibility for parents/carers to, among other things, support employment and education/training opportunities.

This choice has both practical and policy limits. [Funding Follows the Child and the National Standard for Early Learning and Childcare Providers: operating guidance](#) explains that parents/carers should be able to choose where the ELC is provided, so long as the setting:

- meets the National Standard
- wishes to deliver funded ELC
- has available space
- is able to offer the funded hours in line with local ELC delivery plans
- has or is willing to enter into a contract with the local authority.

The Funding Follows the Child approach is intended to ensure that families have choice and flexibility in the childcare they access. Local authorities are expected to facilitate this choice and flexibility. Under Section 50 of the Children and Young People (Scotland) Act 2014, local authorities have a duty to produce a plan on how they intend to make ELC available in their areas. Local authorities must consult and this process should take place at least every two years. Under Section 52 of the 2014 Act, local authorities have a duty to consider how the ELC provision in their area provides a suitable degree of choice for families.

The policy intention is that families should not be limited to settings in their own local authority area. The [statutory guidance on the delivery of funded ELC](#) says that local authorities' admission policies should include arrangements for cross-boundary placements. The statutory guidance says that local authorities "should, wherever possible, make arrangements that ensure families accessing cross-boundary placements are treated on the same basis, for example in the timeframe for providing a decision, as families accessing provision within their local authority area." The statutory guidance also recommends that local authorities "meet on a regional or neighbouring basis to identify movement and places across boundaries and reach sustainable and mutually beneficial arrangements."

In the west of Scotland, a number of local authorities have agreed a [cross-border protocol](#) to manage families' requests for funded ELC outside of their home local authority. Elsewhere, there have been some issues with how cross-border placements have worked in practice, particularly in Edinburgh and the Lothians. Both the City of Edinburgh and West Lothian councils have policies where out of area requests for childcare will be met only through local authority settings, where there is capacity. Filling an empty space in a local authority setting is likely to have a lower marginal cost, in the short term, to the local authority than funding an ELC provider (i.e. if no additional staff are required at the LA setting).

In [April 2026, the Centre for Public Policy at the University of Glasgow](#) published an evaluation of the policy adopted by the City of Edinburgh Council. This found that:

"Without access to PVI childcare in Edinburgh, parents had to rely on local authority provision in the city or childcare - local authority and/or PVI - in their local authority area. Alternative childcare arrangements were often described as less flexible (i.e. restricted to school hours which did not echo working patterns) and the availability of places for children were limited (i.e. specific days, hours, and waiting lists) and were not available at short notice. Families often had to weigh up affordability, quality of provision, and practical travel considerations - sometimes incurring extra costs to maintain continuity of care or remain with a preferred provider."

The Scottish Parliament [held a debate on Childcare on 27 May 2026](#); this largely focused on plans to expand the childcare offer, but also touched on concerns about the way some councils approach cross-border placements. The amended motion that was agreed by Parliament included the following clause:

"... as a first step towards [the planned further expansion of the childcare system], the Scottish Government and COSLA must work together to ensure that cross-border placements are available across Scotland ..."

More details on the provision of funded ELC can be found in [a SPICe briefing on Childcare published in July 2026](#).

Key Organisations and relevant links

- COSLA
- Connect

- Centre for Public Policy at the University of Glasgow (authors of the report cited above).

Ned Sharratt
Senior Researcher
August 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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

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Annexe C: Written Submissions

PE2229/A: Make Childcare Choice a Right in Scotland

Scottish Government written submission, 7 August 2026

1. Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why.

The Scottish Government recognises the issue raised in this petition and shares the petitioners' concerns about the impacts of decisions made in some parts of Scotland on children, families and ELC providers. Ministers have committed to exploring cross-boundary provision with COSLA within the context of wider reform and the Scottish Government's ambition to expand the wider childcare offer during this parliament.

Education authorities have a statutory duty to ensure that funded Early Learning and Childcare (ELC) is available to the children ordinarily residing within the authority's area. While education authorities do not have a statutory duty to provide funded ELC to children who reside outside their area, they have the power to do so under section 23 of the Education (Scotland) Act (1980).

Education Authorities also have a duty to have regard to the statutory guidance on ELC in relation to cross-boundary placements, which states that, wherever possible, education authorities should make arrangements that ensure families accessing cross-boundary placements are treated on the same basis as families accessing provision made available by their own education authority.

The Scottish Government is open to exploring all potential routes to improving families' experiences. Creating a legal duty to provide services on a cross-boundary basis would be a challenging and lengthy process, given the statutory duties with respect to ELC, and school education generally, are currently held by education authorities towards their residents.

Existing cross-boundary arrangements continue to work well for many children currently accessing their funded hours in education authority areas where they are not resident. While the Scottish Government is committed to exploring all options for longer term solutions, the best prospect for an expedient and timely solution for families whose choice of cross-boundary placement is restricted is through engagement with local government and improved cooperation between education authorities.

2. What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

As was highlighted during a parliamentary debate on 27 May 2026 in relation to expanding childcare, Ministers consider this is a key issue for local and national Government to consider during this Parliamentary session. Ministers have committed to exploring cross-boundary provision with COSLA within the context of wider reform and our ambition to expand the wider childcare offer during this parliament.

The Cabinet Secretary for Education, Culture and Gaelic has already noted to the COSLA Spokesperson for Children and Young People that cross-boundary provision will be a key topic for engagement over the coming months. This engagement is expected to be led by the Minister for Children, Young People and the Promise.

Scottish Government officials are also considering the feasibility of alternative routes to a solution in the context of our work to develop a wider childcare offering during this parliamentary term.

3. Is there any further information the Scottish Government wish to bring to the Committee's attention, which would assist it in considering this petition?

The Scottish Government is not aware of any areas where cross-boundary provision is wholly excluded. In a few areas, however, education authorities have restricted the choice of setting for non-residents to education authority-run settings.

Funding Follows the Child and the National Standard is the non-statutory policy framework for the delivery of 1140 hours of funded ELC. It was developed jointly by the Scottish Government and COSLA on behalf of education authorities to underpin the expansion of funded ELC to 1140 hours from August 2021. Funding Follows the Child is a provider neutral approach, which recommends that choice is placed in the hands of parents and carers, enabling them to access their child's entitlement from any setting in the public, private or third sector, including from a childminder – who meets the National Standard, has a place available, and is willing to enter into a contract with the education authority.

The Scottish Government expects education authorities to use the principles and criteria of Funding Follows the Child and the National Standard as a framework to shape local funded ELC delivery. However, the decision on how to allocate funded places is the statutory responsibility of each individual education authority.

The Children and Young People (Scotland) Act 2014 (section 50) requires education authorities to consult with families in their own areas about how they should make ELC available. This duty helps authorities to ensure an appropriate mix of provision within their area that reflects local circumstances and allows for choice. In making operational decisions about local ELC service delivery, authorities are also responsible for meeting their own statutory duties regarding Best Value in the use of public funds.

The Scottish Government recently committed to expanding childcare support to children from nine months through to the end of primary school over the course of this Parliament. This is a significant undertaking, which will require the expertise, support, and collaboration of partners across Scotland, and will take time. Action on cross-boundary provision of ELC will need to take account of any impact on funded ELC delivery arising from concurrent work to develop a wider childcare offering.

1,140 & Childminding Team, ELC Division

PE2229/B: Make Childcare Choice a Right in Scotland

Petitioner written submission, 14 September 2026

PE2229 calls on the Scottish Parliament to urge the Scottish Government to make funded early learning and childcare (ELC) on a cross-local authority basis a legal right across Scotland, ensuring that no family is prevented from accessing their chosen funded childcare provider because they live on the opposite side of a council boundary.

The current picture

Although Scotland's funded ELC policy is intended to be provider-neutral and based on parental choice, families do not have a legal right to access funded childcare across local authority boundaries. This leaves access vulnerable to local policy decisions.

Decisions by the City of Edinburgh Council and West Lothian Council demonstrate the problem. In Edinburgh, changes were introduced that prevented new cross-boundary funded placements in partner provider settings and then restricted access further. In West Lothian, restrictions were introduced which removed access to funded places in private, voluntary and independent (PVI) settings for children living outside the council area, affecting families immediately.

These decisions have created a situation where a national entitlement is being applied differently depending on where a child lives. Families in similar circumstances can access very different levels of choice because of local authority boundaries.

This runs contrary to the policy intention underpinning Funding Follows the Child. Scottish Government guidance states that the approach is intended to be provider-neutral and that families should be able to access funded childcare with the provider that best meets their needs, including through cross-boundary arrangements where appropriate. The statutory guidance also makes clear that local authority admission policies should include arrangements for cross-boundary placements.

Issues raised

Unequal access to children's entitlements

Children should be able to benefit equally from a national entitlement regardless of where they live. However, current arrangements mean that access to funded childcare is determined by local authority policy rather than by national principles.

The consequence is that children in some parts of Scotland continue to access funded places in the setting that best meets their needs, while others are denied that opportunity. A national entitlement should not result in a postcode lottery.

Restrictions on parental choice

The principle of parental choice has been central to Scotland's ELC expansion. Funding Follows the Child was specifically designed to empower families to select

the provider that works best for their child and family circumstances. Scottish Government guidance explicitly states that families should be able to access funded ELC with the provider of their choice where the provider meets the National Standard, has capacity, and is contracted to deliver funded hours.

However, local restrictions remove choice from families. Parents who have selected a nursery because of location, continuity of care, sibling arrangements, specialist support, transport links, or proximity to work can find that choice removed through local policy decisions over which they have no control.

This is concerning as evidence has highlighted the importance families place on flexibility and choice when accessing childcare.

Supporting employment and tackling poverty

The Scottish Government has recognised high-quality, flexible childcare as a key enabler of parental employment and a contributor to tackling child poverty.

When families lose access to childcare settings that fit with working patterns, commuting arrangements, or family circumstances, it becomes more difficult to remain in work, increase working hours, or enter employment. Restrictions on cross-boundary access can undermine government objectives around labour market participation and reducing poverty.

Research by [The Centre for Public Policy at the University of Glasgow](#) found that “The evidence suggests that this change has reshaped how families navigate childcare arrangements with consequences for parental choice, affordability and flexibility” and that it “has limited the principle of funding follows the child.”

National policy undermined by local implementation

The issue highlighted by PE2229 is not that Scotland lacks a policy commitment to parental choice. The issue is that where local decisions are made that do not support this principle, parents have no ability to access the funded places in the way that was intended. Where councils have consulted on plans to change the ability of parents from outside their areas to access places flexibly through that council, those parents who are most affected are excluded from those consultations.

Successive Scottish Governments have promoted Funding Follows the Child as a provider-neutral approach that gives families choice and flexibility. The challenge is that there is no enforceable mechanism to ensure that this principle operates consistently across Scotland. As recent events in Edinburgh and West Lothian have demonstrated, local authorities can introduce policies which restrict that choice while remaining responsible for delivery of the entitlement.

The petition does not seek to create a new childcare entitlement. Instead, it seeks to protect and deliver the policy intentions that already sit at the heart of Scotland's funded ELC system.

The existing policy framework already recognises cross-boundary placements, parental choice, and provider neutrality. PE2229 therefore builds on established policy rather than introducing a new approach.

Conclusion

The evidence before the Committee demonstrates agreement that parental choice and provider neutrality are intended features of Scotland's funded ELC system. The PE2229: SPICe Briefing outlines clear national expectations regarding parental choice and cross-boundary provision, while the Scottish Government submission (PE2229A) acknowledges the negative impacts that recent restrictions have had on families, children and providers. The existence of those restrictions demonstrates that the current framework is not providing consistent protection for childcare choice across Scotland.

PE2229 addresses a clear gap between national policy ambition and local implementation and represents an opportunity to close that gap.

Without action, there is a risk that restrictions similar to those introduced in Edinburgh and West Lothian could spread to other local authority areas. As financial pressures increase, limiting cross-boundary access may be viewed as an easier cost-saving measure because the immediate impact falls primarily on families who live elsewhere.

Making cross-local authority access to funded childcare a legal right would provide clarity and consistency across Scotland. It would protect parental choice, support children's continuity of care, contribute to wider employment and anti-poverty objectives.