



Education, Leisure & Housing

**EARLY LEARNING AND CHILDCARE
POLICY**

January 2023

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Contents

1. Introduction	3
2. Types of Provision.....	3
3. Eligibility for early learning and childcare	4
4. Deferred entry to school and eligibility for an additional year of early learning and childcare.....	5
5. Registration Procedures for Enrolment	5
6. Allocation of Places	6
7. Induction to Settings.....	8
8. Family Engagement	9
9. Charging for Additional Services and Hours.....	9
10. Capacity of Settings	10
11. Children’s Workforce and Staffing in Local Authority Settings.....	10
12. High Quality Environments.....	12
13. Learning Through Play	12
14. Management and Quality Assurance/Improvement.....	12
15. Attendance	13
16. Food	14
17. Safety and Managing Risk	14
18. Access to Provision	15
19. Complaints	15
Appendix 1: Eligibility for Two Year Old provision	16

1. Introduction

1.1.

Early learning and childcare is defined by the Children and Young People (Scotland) Act 2014 as “a service consisting of education and care, of a kind that is suitable in the ordinary case for children who are under school age, regard being had to the importance of interactions and other experiences which support learning and development in a caring and nurturing setting.” This definition emphasises the requirement to provide education and care in a seamless, integrated and holistic way.

1.2

All early learning childcare settings provide the statutory entitlement of 1140 hours during term-time. Larger settings (Glaitness, Papdale, St Andrews) offer extended days over 46 weeks per year, subject to demand. In the larger settings parents may be able to access more than the funded hours each year. Dounby and Stromness offer extended days over 43 weeks per year. A charge will be made for additional hours on top of the eligible entitlement. The Early Learning and Childcare Charging Policy is available from the Council Website.

2. Types of Provision

2.1.

Early learning and childcare may be provided through a range of providers, for example, local authority nursery classes within schools, stand-alone local authority settings and other partners, including private day care settings, voluntary sector organisations and child minders. All of these types of provider will be referred to as settings within this policy.

2.2.

The local authority will only enter into partnership with Partner Providers if potential partners are registered with the Care Inspectorate and staff are SSSC (Scottish Social Services Council) registered where appropriate. Potential partners must also meet acceptable standards of provision when inspected by the Care Inspectorate (grades of good or better) and meet the National Standard, or when quality assured by local authority officers.

2.3.

All partner provider settings enter into a Service Level Agreement with the local authority, which sets out the conditions for the provision.

2.4.

If sufficient local authority settings and/or partners are offering funded provision in an area to meet demand, the Local Authority may take the decision not to take on further funded providers. This is to ensure best value and business sustainability for existing providers.

3. Eligibility for early learning and childcare

3.1.

The legislation for eligibility for early learning and childcare and primary schools is set out in the Education (Scotland) Act of 1980, the Children and Young People (Scotland) Act 2014 and the Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014.

3.2.

In determining enrolment procedures for entry into primary school and eligibility for early learning and childcare, Orkney Islands Council will take account of legislation and Scottish Government arrangements.

3.3.

Children are eligible for early learning and childcare from the term after their third birthday (taking up their place in August, January or April) and remain eligible for early learning and childcare until they have reached eligibility for school (see section on Deferred Entry). Therefore:

- Children born between 1 March and 31 August can start in August following their third birthday.
- Children born between 1 September and 31 December can start in January following their third birthday.
- Children born between 1 January and the end of February can start in April (summer term) following their third birthday.

3.4.

Children who are Looked After, under a kinship care order or have a parent appointed guardian (at any time after their second birthday) are eligible for early learning and childcare and family support from their second birthday.

3.5.

Children whose parents or carers are in receipt of particular benefits, as defined in the Specified Children Order (see Appendix 1), will be entitled to a minimum of 1140 hours of early learning and childcare from the term after their 2nd birthday (taking up their place in August, January or April).

3.6.

It is important to note that parents have no statutory obligation to access early learning and childcare and may choose how many hours they would like their child to access. There is no requirement to use all hours offered.

3.7.

If parents are using less than the hours available and would like to request an increase in hours, then this should be made before the end of the term to start the following term. This enables staffing to be put in place.

4. Deferred entry to school and eligibility for an additional year of early learning and childcare

4.1.

Generally, children in Scotland start school when they are aged between 4½ and 5½ years old. When they are eligible to start school depends on when their fifth birthday is. Children born between 1 March-31 August will usually start school at the beginning of the Autumn term in the August the year they turn 5. Children born on or between 1 September-last day in February will usually start school at the beginning of Autumn term in the August before they turn 5.

4.2

From August 2023, a change in legislation means that children not yet five years old on the day the new school term starts in August 2023 will have the right to start school, however they can also defer entry to school until the following year and will automatically be able to access an additional year of funded early learning and childcare.

5. Registration Procedures for Enrolment

5.1.

Registration for early learning and childcare takes place in February or March each year.

5.2.

The local authority advertises registration by using the local press, posters/leaflets, social media, Council website, and via other agencies.

5.3.

Information about all available funded providers, plus registration documentation will be available on the Council Website.

5.4.

Parents will be invited to seek further information, from the setting's early learning and childcare manager or head teacher.

5.5.

Registration will be carried out by completing an online registration form via the Council Website. The local authority will set a 'registration week' during February or March during which most registration activity will take place and the online

registrations will open that week from 9am on the Friday until 5pm on the following Friday. Registrations which are not straightforward (such as placing requests) will be referred to the Early Years Team.

5.6.

Late enrolments will be carried out by the Local Authority in consultation with the setting, for example, families who come to Orkney after the normal registration date. Late enrolment may reduce your chances of getting the setting you would like.

6. Allocation of Places

6.1.

Ordinarily, all eligible children are able to have an early learning and childcare place in the school or setting in their local catchment area.

6.2.

Exceptions might be if no provision exists in the local area, if a setting is full, or if a child arrived late into an area and the setting had no additional capacity. In these circumstances, the child will be offered a place in an alternative setting.

6.3.

In the Papdale catchment area there are two settings, Papdale and the Strynd. Glaitness is also available as a choice to Papdale catchment parents. When registering forms will be accepted on a first come first served basis. Parents will be asked to indicate their first choice, followed by their second and third in the event that their first choice is oversubscribed at the time of registering.

6.4.

Parents may make a placing request to elc@orkney.gov if they would like their child to go to a setting outwith their catchment area. Placing requests may be granted provided there are no unsustainable financial implications/additional costs for the Local authority.

6.5.

Eligible children are defined in sections 3.3 and 3.5. If local authority settings have limited capacity, places will be prioritised in the following way:

- Eligible child who lives in the catchment area.
- Eligible child outwith the catchment area who has additional support needs which are best met in the setting. This would include Looked After children.
- Placing or split placement request for an eligible child who lives outwith the catchment area who has a sibling already in that setting (in 2 year old provision or nursery).
- Placing or split placement request for an eligible child who lives outwith the catchment area who has a sibling already in school (P1-7).

- Placing or split placement request for eligible child to meet childcare requirements for working parents, for example, the setting offers an all year pattern.
- New placing requests not covered above.

Local Authority settings must ensure that sufficient capacity is retained to accommodate new arrivals and that not all spare spaces are allocated to children outwith catchment or non-eligible children.

6.6.

Final decisions on split placements and placing requests will be made in early May. When deciding on split placements and placing requests, the Authority will consider projected uptake as well as individual setting contexts and any decision is at Local Authority discretion and is final. Parents can request that a decision be reconsidered, but there is no statutory Right of Appeal.

6.7.

Requests for split placements between more than one school or setting, including partner providers, will be considered provided that:

- the total number of hours across the two placements do not exceed 1140 hours
- no excessive or unaffordable costs are incurred to the local authority.

Unless there are exceptional circumstances, requests to make or change the structure of a split placement that are made after budgets are set will only be considered if this does not incur an additional cost.

6.8.

Unless specifically stated at enrolment, once a child has been accepted for a three year old place at a setting, including placing and split placement requests, they will be entitled to finish their funded early learning and childcare experience at the same setting without making a new request or enrolment. This is to ensure continuity of provision.

In the Papdale catchment area if parents decide to change setting, then they need to fill in a change of setting form during Registration week which will be placed on a first come, first served basis.

6.9.

In specific circumstances, for example, a placing request at a setting that is predicted to become busier, a place may be given for one year only, rather than declining a request. This will be made clear to parents or carers when the place is offered.

6.10.

If a child is in two year old provision, their parents do not need to enrol them in 3-5 nursery provision, and their registration will be carried into 3-5 provision. In the Papdale catchment area, if parents decide to change setting, then they need to fill in a change of setting form.

6.11.

Where capacity allows within existing resources, settings may offer a child who is registered at that setting for that academic year, an early learning and childcare place from their third birthday before they become eligible the term after they are three. This may include a reduced number of hours. However, early entry places cannot be offered if this incurs an additional cost to the Local Authority.

6.12.

Early entry places will not be offered to two year olds from their second birthday, unless they are looked after.

6.13.

To support the isles, in island schools with only one child on roll in the nursery, additional non-eligible children (for example, two year olds) may be offered a free early learning and childcare place so that a social cohort is created.

In addition, if there are non-eligible two year olds on the island and the setting has space and capacity within existing staffing arrangements, two year olds may be offered a number of funded sessions at the setting. However, these discretionary places cannot be offered if this incurs an additional cost to the Local Authority, or if the setting is likely to exceed staffing capacity. The Council reserves the right to withdraw or partially withdraw the discretionary place if the place is required for an entitled child. Under such circumstances parents / carers will be provided with ten working days written notice of the withdrawal.

7. Induction to Settings

7.1.

Information about the setting will normally be included in the school/setting handbook or information leaflets. Informal liaison prior to starting early learning and childcare is encouraged.

7.2.

Settings will use a range of approaches to support transition between home and school/nursery/other settings. This may include visits or sessions to which children and parents can be invited, visits to toddler groups by early years practitioners and stay and play events. Families may also be offered a home visit.

7.3.

Appropriate and timely information about children with additional support needs will be given to the school or setting by the Named Person or Lead Professional where appropriate.

7.4.

Attendance can be tailored to suit the child and family, e.g gradually increasing the number of sessions/length of sessions according to the wishes of the parents.

7.5.

No child will be given shorter or fewer sessions due to developmental needs or differences, for example toilet awareness issues.

8. Family Engagement

8.1.

Engaging, learning from and working with parents, carers and families is a key part of the role of managers and practitioners in early learning and childcare settings.

8.2.

Settings will create a range of opportunities to engage families and other partners, for example, stay and play sessions, social experiences and working groups.

8.3.

Settings will support parents and carers to engage with their children's learning and will provide opportunities for parent and carers to find out about how very young children learn.

8.4.

Intergenerational working, including opportunities for children to engage with older people, will be offered where possible, as part of children's early years experience.

9. Charging for Additional Services and Hours

9.1.

All schools and settings will offer children a healthy snack based on the current nutritional guidance, Setting the Table (Nutritional guidance and food standards for early years childcare providers in Scotland, NHS Health Scotland 2014). One healthy snack per child per day is funded by the Scottish Government. This consists of milk and a portion of fruit or vegetables. A small contribution may be requested to cover the cost of any additional snacks each day and parents may choose to contribute this daily, weekly or termly.

9.2.

In the larger settings, parents may be able to access more than the funded hours each year. A charge may be made for additional hours on top of the eligible entitlement. The Early Learning and Childcare Charging Policy is available from the Council Website.

9.3.

No charge will be made by any setting (Local Authority or partner funded provider) for the following:

- Funded early learning and childcare hours that form part of a child's allocation.
- Top up payments for funded hours other than in those contributions mentioned in 9.1.
- For children using a split placement, charges for unfilled hours at one setting when the child is using funded early learning and childcare at another setting.

10. Capacity of Settings

10.1.

The capacity of each setting is agreed with the Care Inspectorate taking into account National Care Standards, including factors such as building/infrastructure/ floor area, number of and access to toilets, and access to play areas etc.

10.2.

The Care Inspectorate Registration Certificate specifies the maximum number and the age groups permitted at any time in each setting.

10.3.

Local Authority settings are staffed for the number of eligible children registered each year. The staffing capacity of the setting may be less than the registered number.

10.4.

At registration time, where possible, one or two places should be kept for late enrolments in catchment areas or for requests by other agencies.

11. Children's Workforce and Staffing in Local Authority Settings

11.1.

Settings vary in size across Orkney from 1 to 90 children at any one time.

11.2.

The staffing ratio is specified by the National Care Standards and in nurseries is

- 1:10 for children aged 3 years and over if they stay for less than 4 hours
- 1:8 for children aged 3 and over who stay for more than 4 hours
- 1:5 for children aged 2-3 years

11.3.

Each setting will have a Care Inspectorate Registered Manager, which will be the head teacher or the early learning and childcare manager.

11.4.

It is a requirement that all staff will be registered to either the GTCS (General Teaching Council), or the SSSC (Scottish Social Services Council).

11.5.

Any member of staff who fails to register within the specified period or maintain their registration will no longer be able to attend for work at the setting.

11.6.

Unqualified practitioners may be appointed to practitioner posts. Early years practitioners or support workers are appointed on the condition that they will complete a SSSC recognised qualification for practitioners in day care of children settings within three years of taking up post. Senior practitioners are appointed on the condition that they complete an HND in Childhood Practice or equivalent, and managers are appointed on the condition that they complete a BA in Childhood Practice or other SSSC recognised qualification for managers in day care of children settings within five years of taking up post.

11.7.

All staff in Local Authority settings who require a qualification for their job role will have the course fees funded by the Local Authority. Attendance at SVQ training sessions will be paid (for example, two hour morning session). In addition, traveling expenses for isles staff will be funded.

11.8.

Settings with consistently less than 24 children will be led by an Early Years Lead Practitioner. Additional Early Years Practitioners will be appointed to work alongside the Lead Practitioner to meet ratio requirements and the needs of the children.

11.9.

Settings with consistently more than 24 children will usually be staffed by a senior practitioner or registered manager and a number of Early Years Practitioners to meet the ratio requirement and the needs of the children.

11.10.

Early Years Support Workers may be appointed to work alongside the early years team to enhance the team capacity where required.

12. High Quality Environments

12.1.

All settings should provide a rich, stimulating, age appropriate learning environment for young children. Settings should be warm, welcoming and nurturing, staffed by practitioners who understand that relational ways of working are key to children's wellbeing.

12.2.

Children should have daily access to extended periods of time in a naturalistic outside environment. Where a setting has more than one member of staff, this should be offered as a free-flow experience.

13. Learning Through Play

13.1.

Practitioners should plan high quality first hand play based experiences that are responsive to children's needs and interests.

13.2.

Learning should be documented in individual folders, plus, for example, group floorbooks, planning walls or documentation, and wall displays.

13.3.

Children should be engaged in planning and leading their own learning and practitioners should use innovative and age appropriate ways to support children to do this.

14. Management and Quality Assurance/Improvement

14.1.

The local authority and the Care Inspectorate have the responsibility to oversee the development, delivery and quality of early learning and childcare in all settings that are offering funded early learning and childcare.

14.2.

Within a Local Authority school based setting, the overall management rests with the head teacher or early learning and childcare manager, who will ensure that the provision is a fully integrated part of the whole school. In partner provider nurseries, there will be a registered manager who is responsible for the management of the setting.

14.3.

School and setting managers will ensure that all registrations of provision and practitioners are completed and kept up to date with the appropriate national bodies i.e. Care Inspectorate, GTCS, SSSC.

14.4.

At least 12 hours of professional learning and development and CPD opportunities will be made available to all early learning and child care practitioners each year. This could include collaborative training with early years practitioners in other agencies as well as practitioners and childminders across other aspects of early learning and childcare

14.5.

The registered manager will ensure that self-evaluation is consistently carried out by the setting and helps to inform provision, staff development needs, development priorities to be included in the school/setting improvement plan, and the standards and quality report.

14.6.

Quality Assurance processes will be carried out at:-

- setting/school level (self-evaluation processes eg How Good is Our Early Learning and Childcare, Care Inspectorate Quality Framework, National Standard for Early Learning and Childcare)
- local authority level (quality assurance and improvement processes)
- national level (Care Inspectorate/HMIE inspection processes)

14.7.

Following an HMIE or Care Inspectorate inspection, or a local authority review, the local authority will support the school/setting in creating and implementing an Action Plan if appropriate.

14.8.

If a partner provider has not met the National Standard and has failed to improve within 12 months despite input from the Local Authority, then the Local Authority will no longer be able to use the setting as a partner provider.

15. Attendance

15.1.

A register of children will be kept for school/setting records and for census purposes.

15.2.

At registration, parents request the number of sessions/hours that they would like each term. This may be varied (increased and decreased) in discussion with the setting.

15.3.

Daily attendance will be kept on a register. Failure to attend as expected will be followed up promptly and appropriately, which might include phoning parents or contacting the Health Visitor.

15.4.

The manager of the setting has the authority to discuss a child's irregular attendance with the parent.

16. Food

16.1.

All children who stay for a morning and afternoon session are entitled to a lunch, and a free healthy snack. The snack is usually served during a morning, afternoon or late afternoon session.

16.2.

Any food served will comply with current nutritional guidance for children aged 2 to 5 years.

16.3.

Parents may choose to bring a packed lunch for their child. In these circumstances, each setting should support parents to provide a healthy packed lunch in line with current nutritional guidance.

17. Safety and Managing Risk

17.1.

The Authority and Care Inspectorate's guidelines on safety and security in settings must be strictly followed.

17.2.

Settings will use risk benefit assessments to manage risk and to support children to develop their skills in managing risk.

17.3.

Settings must ensure that children are appropriately supervised at all times. Staff should be particularly watchful at arrival and departure times.

17.4.

No child should be allowed to leave the premises with an unknown or unauthorised person.

17.5.

Any adults (including frequent volunteers) who have regular access to children in the setting will be required to join the PVG scheme. This would not apply to parents or carers sharing a session, who will be supervised by members of staff.

17.6.

Should an incident or accident occur in a setting, it should be recorded using the Local Authority or setting procedures (if not a Local Authority setting). Depending on the nature of the incident or accident, the Local Authority should be informed, and the Care Inspectorate should be notified (see appendix 1).

18. Access to Provision

18.1.

Transport is not provided by the Local Authority for children below school age and parents are responsible for making their own arrangements.

18.2.

Some funding may be available through Sure Start for instance where a child's attendance at a setting is curtailed or precluded due to real difficulties being experienced by the family. Application forms are available on the Council Website (see appendix 1).

18.3.

For children who may be unable to access provision for extended periods, for example due to illness, some support for the child and communication with the family may be provided from the school/setting/ or early years team.

19. Complaints

All settings will ensure that complaints procedures are clearly displayed on notice boards and in setting information handbooks or leaflets. In addition to making a complaint to the setting or Local Authority, parent and carers should be notified of their right to make a complaint directly to the Care Inspectorate.

Appendix 1: Eligibility for Two Year Old provision

Qualifying benefit/situation
Universal credit (and your monthly earned income is less than £610)
Income Support
Income Based Jobseekers Allowance
Employment & Support Allowance (Income Related)
Child Tax Credit, but not Working Tax Credit (income less than £16,480)
Child Tax Credit and Working Tax Credit (income below £7,320)
Age 16-18 and claiming any of these benefits in your own right
Incapacity Benefit or Severe Disablement Allowance
Pension Credit
Asylum Seeker receiving support under Part VI of Immigration & Asylum Act 1999
Children who are Looked After, under a kinship care order or have a parent appointed guardian (at any time after their second birthday)
Children of Care Experienced parents