



## **Education, Leisure and Housing**

# **EARLY LEARNING AND CHILDCARE POLICY**

**January 2021**

## Version Control

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## **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.**

In 2014, the Government increased the quantity of early learning and childcare from 475 to 600 hours per year for eligible children. In August 2020, all eligible children were to be entitled to 1140 hours of early learning and childcare. Due to the COVID pandemic in March 2020 the Government took the difficult decision to pause the implementation date and in December 2020 confirmed the new implementation date of August 2021. Orkney Islands Council is committed to working with local schools and partner providers across the islands to provide quality early learning and childcare for children and families.

### **1.3**

In August 2021 all early learning childcare settings will provide the increased statutory entitlement of 1140 hours during term-time. In the larger settings (Dounby, Glaitness, Papdale, Stromness, St Andrews) parents may be able to access more than the funded hours each year. A charge will be made for additional hours on top of the eligible entitlement. (See charging policy link in Appendix 1)

## **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 Scottish Social Services Council registered where appropriate. Potential partners must also meet acceptable standards of provision when inspected by Her Majesty’s Inspectorate of Education (grades of satisfactory or better) or the Care Inspectorate (grades of good or better), 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 2), will be entitled to a minimum of 600 hours of early learning and childcare from the term after their 2nd birthday (taking up their place in August, January or April). This entitlement will increase to 1140 hours in August 2021.

### **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 to an increase in hours, then this should be made towards 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.**

In Scotland there is one intake to primary school that takes place in the August of each year. Children born between March and the following February become eligible to start primary school in the August when they will be between four and a half and five and a half years old. Children born between 1 September and the end of February have the option of starting school either in the August preceding their fifth birthday or of delaying entry to the next August. Children born between 1 March and 31 August will start school in the year that they turn five. It is not possible for the local authority to change these conditions of eligibility.

### **4.2.**

Some parents therefore have a choice as to when their child starts primary school. Although their child may be eligible to start school before their fifth birthday, parents may wish to delay entry until the following year when their child will be five. Taking the choice to delay school enrolment for a year is known as deferred entry.

### **4.3**

From August 2023, a change in legislation means that all eligible children who defer will automatically be able to access funded early learning and childcare.

### **4.4. Automatic Deferral**

Children with birthdays in January or February will have the right to start school when they are four and a half. They will also have the right to defer entry and the local authority will provide early learning and childcare for an additional year if parents or carers request this.

## **4.5. Discretionary Deferral**

Children with birthdays between 1 September and 31 December will have the right to start school. They can also defer entry to school. As noted at 4.3 above this changes in August 2023. However, until August 2023 there is no right to an additional year of early learning and childcare. The local authority has the discretion to provide early learning and childcare where there are significant reasons for a child to do so. These may include:

- A child with very significant learning needs where there is evidence that they will benefit from an additional year and where there is a comprehensive child's plan.
- A child who is looked after with a Looked After Child's Plan and where there is evidence that they will benefit from an additional year of early learning and childcare.

## **4.6.**

Following an assessment of wellbeing, the case will be considered by a panel which will include the early years team and manager at the setting. This will include assessing whether an additional year of nursery will be of significant benefit to the child. Following their recommendation, the child may then be allocated a funded place.

## **4.7.**

Dependent on available capacity within each setting, it may be possible to accommodate other parental requests for a non-eligible discretionary deferral place within existing resources. Parents make a request for a discretionary deferred place in March before their child would be due to start school. Autumn born children are not entitled to an additional funded year of early learning and childcare, the allocation of a place to a non-eligible child is not automatic and is at the discretion of the local authority. There must be no additional costs incurred to the local authority, including requirements for additional staffing or additional hourly costs.

## **4.8.**

Discretionary deferrals cannot be accommodated at any setting outwith Local Authority settings, as this will always incur an additional cost.

## **4.9.**

If a setting is unable to offer a full place, the Local Authority may be able to offer a reduced number of hours to non-eligible discretionary deferral children, or a reduced offer at an alternative setting. A minimum offer would be likely to be four to five half days per week.

## **4.10.**

If there are more requests for discretionary deferrals than available places, and there are no developmental reasons for a child to defer, then places will be prioritised by age, with December born, followed by November born children being offered the first places.

#### **4.11.**

When deciding on allocation of non-eligible places, the Authority will consider projected uptake as well as individual setting contexts and any decision on non-eligible spaces is at Local Authority discretion and is final.

### **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 enrolment documentation will be available on the Council Website (see Appendix 1)

#### **5.4.**

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

#### **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 8am on the Monday until 5pm on the Friday. Registrations which are not straightforward (such as placing requests) will be referred to the Early Years Team.

#### **5.6.**

Information on registration numbers and number of sessions requested will be passed to the local authority from the setting by the end of March each year at the latest.

#### **5.7.**

Late enrolments will be carried out by the setting in consultation with the Local Authority, for, for example, families who come to Orkney after the normal registration date but may reduce parents 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.**

Parents may make a placing request to the Early Learning Team 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.

### **6.4.**

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. This would include automatic deferrals and agreed discretionary deferrals following an assessment of wellbeing (see 4.5).
- 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.
- Discretionary deferrals for non-eligible child due to parental preference (see 4.6).

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.

## **6.5.**

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.

## **6.6.**

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.

## **6.7.**

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.

## **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 need to enrol them in 3-5 nursery provision as per normal procedures.

## **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.**

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. If there are only three or fewer children aged 2-5 on an island, then the Local Authority may use their discretion to offer a free place to the third child to create a social cohort. However, these discretionary places cannot be offered if this incurs an additional cost to the Local Authority

### **6.14.**

In Kirkwall, where more than one Local Authority setting may serve the same catchment area, new catchment based enrolments will be accepted on a first come first served basis.

## **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, eg 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, National Health Scotland, Health Scotland 2014). A small contribution is requested to cover the cost of this 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 will be made for additional hours on top of the eligible entitlement. (See charging policy link in Appendix 1)

## **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 General Teaching Council, or the 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 Scottish Social Services Council recognised qualification for practitioners in day care of children settings within three years of taking up post. Senior practitioners and managers are appointed on the condition that they complete a Bachelor of Arts in Childhood Practice or other Scottish Social Services Council 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 Scottish Vocational Qualification 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. If the numbers of children exceed the ratio for one member of staff, additional Early Years Practitioners will be appointed to work alongside the Lead Practitioner to meet ratio requirements.

## **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

## **11.10.**

Early Years Support Workers may be appointed to work alongside the early years teams to enhance the team capacity to work with children with additional support needs.

## **11.11.**

Early Years Practitioners and Lead Practitioners who work full time term time only are employed for 35 hours per week for 41 weeks per year, plus holidays. This includes five in-service days plus 70 hours outwith the school term to be allocated in agreement with the manager. Appropriate use of this additional time could include attendance at the setting outwith term time to prepare the playroom and equipment, staff training, home visiting, running groups and other work with families. Additional time for part time staff is allocated on a pro-rata basis.

## **11.12.**

Nursery staff who work in settings providing all year round provision are employed for 35 hours per week for 50 weeks per year.

### **11.13.**

Practitioners in all settings will have an allocation of planning, preparation, collegiate and development time. For full time staff, this will be at least 8.5 hours per week during school term times. For part time staff, this will be on a pro-rata basis. The manager or head teacher will agree the use of these hours.

### **11.14.**

All practitioners will undertake a minimum of 12 hours Continuous Professional Development per year and managers will ensure that they allocate time within in-service days and/or non-contact time or cover ratios to enable this to happen.

## **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, General Teaching Council Scotland, Scottish Social Services Council.

## **14.4.**

At least 12 hours of professional learning and development and Continued Professional Development opportunities will be made available to all early learning and childcare 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 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)
- local authority level (quality assurance and improvement processes)
- national level (Care Inspectorate/Her Majesty's Inspectorate inspection processes)

## **14.7.**

Following an Her Majesty's Inspectorate of Education 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 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 treated as non-attendance and followed up 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 small 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: Useful links

Early Learning and Childcare information on the Council Website:

<http://www.orkney.gov.uk/Service-Directory/P/Early-Learning-and-Childcare.htm>

Charging policy:

[www.orkney.gov.uk/Service-Directory/P/buying-additional-hours.htm](http://www.orkney.gov.uk/Service-Directory/P/buying-additional-hours.htm)

Information on Care Inspectorate Notifications:

<http://hub.careinspectorate.com/media/481042/records-that-all-registered-care-services-must-keep-and-guidance-on-notification-reporting.pdf>

## Appendix 2: Eligibility for Two Year Old provision

Qualifying benefit
Universal Credit
Income Support
Income Based Jobseekers Allowance
Employment & Support Allowance (Income Related)
Child Tax Credit, but not Working Tax Credit (income less than £16,105)
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