

MAYOR AND CABINET			
Report Title	Response by the Executive Director for Children and Young People to the comments referred by the Children and Young People Select Committee on Nursery Education and Childcare review		
Key Decision	No	Item No.	
Ward	n/a		
Contributors	Executive Director for Children and Young People		
Class	Open	Date:	19 March 2014

1. Summary

- 1.1 The Children and Young People Select Committee conducted an in-depth review of Nursery Education and Childcare. The review was scoped in May 2013 and evidence gathering sessions were held in July 2013 and October 2013, as well as visits in October and November 2013. The report and the recommendations were presented to Mayor and Cabinet in December 2013. The report is attached as Annex A.
- 1.2 The review looked at the quality of provision, funding, affordability and accessibility as well as what changes can be made to better meet children's needs in Lewisham by providers, the Council and Government.
- 1.3 The Chair stated in the introduction to the report, that Lewisham Council, as a borough, quite rightly places great importance on the care and influences that happen in the earliest years of the lives of our children. The review is welcomed, given the importance of early years provision.

2. Purpose

- 2.1 To respond individually to the 4 areas of recommendations highlighted within the report: Flexible provision of childcare, Transitions from pre-school provision to reception, Role of Social Care and Free entitlement to childcare for 2 year olds.

3. Recommendation

- 3.1 The Mayor is asked to approve the responses to the recommendations made within the Select Committee's Nursery Education and Childcare Review and to report them to the Select Committee.

4. Flexible Provision of Childcare – The Committee recommends that:

4.1 Childcare providers should be encouraged and supported by the Council to take a flexible approach to delivering childcare with a range of available hours and locations.

We agree with the need for parents and carers to be able to access childcare to suit their own particular circumstances more effectively. The extension of the Free Entitlement from 12.5 to 15 hours has encouraged some flexible delivery of childcare within school nurseries, where many children are offered one full day in addition to half-days. Schools nurseries are able to make use of top-up if they wish and we have worked with schools to develop standard costings. We do encourage school nurseries to develop full time places and offer support where there is interest. However, despite this support and encouragement, schools are reluctant to incur the additional costs and disruption that more flexible provision might cause. It is therefore left to the PVI (private, voluntary and independent) and childminder sectors to provide the most flexibility.

With PVI providers, if families wish to add additional time, this is normally welcomed. The amount of flexibility will depend on how practical the needs of the parents are against the providers' needs to fill full-time places. We have systems to encourage and discuss greater flexibility with all providers.

In responding to this recommendation, officers are reviewing how more effective encouragement and support can be given within available resources, including rapid sharing of practice and re-issuing providers with financial and practical models of how more flexible provision might operate, particularly in schools.

4.2 Providers should be encouraged and supported to share their experiences of implementing flexible provision with other providers across the borough.

We agree with this approach, as we know that those nurseries and settings considering more flexible provision will be reassured by advice and expertise from others who are already offering more flexibility. With all early years providers, we have established sharing of best practice through regular manager meetings. These meetings are an opportunity for childcare providers to be informed of any legislative changes and also a forum for them to share best practice with each other. We are considering the development of 'lead' nurseries, PVIs and childminders who may be encouraged to pilot more flexible provision.

We are building in conversations about flexible nursery provision with schools with nurseries through the termly School Achievement Reviews.

Our two nursery schools are both outstanding providers and we are discussing ways of implementing flexible provision with them.

4.3 Flexible arrangements for the free 3 and 4 year old entitlement provision, including arrangements to extend provision to cover more weeks than the specified 38 weeks through fee top-up arrangements, should be explored.

We recognise the importance of extending provision to cover more than the normal school annual timetable and our systems already allow this. We are discussing this further with early years providers and suggesting that, even if they are unable to extend their own provision, they can signpost parents elsewhere. Children Centres can also play a role in signposting parents to provision.

Some Lewisham providers have been delivering the stretched offer (the Free Entitlement over more than 38 weeks) for some time. This works well for working parents as it means that their fees are the same each week and helps parents with Universal Credit claims. Otherwise non-term time weeks are more expensive as the Free Entitlement does not apply.

4.4 Schools and nurseries should be encouraged to work with childminders in order to provide wraparound care for younger pupils.

This is an area in progress and discussions are underway of how best to bring childminders into the fore across universal school providers.

Many schools already run successful breakfast and after school clubs and are well placed to bring childminders into their school communities..

4.5 Nursery and childcare providers should be encouraged to increase the number of children with special educational needs that they look after.

We agree that this is critical to ensure that all early years settings are able to meet the needs of children with special educational needs. We currently, within our existing resources, continue to provide services for the nurseries and childminders to develop their skills in dealing with children with special educational needs. Following the SEN Review, we have increased our ability to build capacity in the early years sector through specialist Educational Psychologists working with providers and the Early Years Improvement Team and through the new early years specialists working as part of Drumbeat's outreach support for children with ASD. Good practice across this field is presented as part of the sharing of good practice at managers' meetings and childminders' networks. This is encouraging more settings to have both the capacity and the confidence to take children with special educational needs. We want to ensure that this capacity is then sustainable through on-going training and support. However, given resource restraints, this support

and potentially other services as well will be dependent on PVI's buying in to training and support packages in the future.

5 Transitions from pre-school provision to reception- The Committee recommends that:

5.1 Schools should be encouraged to improve their relationships with nursery and childcare providers in their local area to support transitions from pre-school settings to the reception stage.

We know how important transitions are for children, particularly for vulnerable children. This is an area that is constantly improving and the review's focus on the area has supported further discussions.

Schools have identified all transitions as a key area of focus. This has been discussed at Primary Strategic meetings and transition into schools now also will be discussed as part of the termly School Achievement Reviews. This is becoming part of the quality judgements of the monitoring of schools and nurseries. We have developed an Early Years Transition Working Party, which is about to launch a transition form that will follow a child all the way through to school from any form of pre-school provision. This will support a single universal tracking system for use by all relevant parties which will ensure that children are tracked and the best provision is created for them.

5.2 Nursery and childcare providers should also be encouraged to improve their relationships with schools in their local area to support transitions from pre-school settings to the reception stage.

The Transition Working Party includes nurseries and PVI's and their views have been taken on board when developing the transition processes. These agreed processes should act as a catalyst to bring nurseries, childminders and schools together. This will also be promoted at managers' meetings and childminders' network meetings. As resources allow, we intend to introduce a system to evaluate impact of the transition processes and thereby monitor improvements.

5.3 Schools should provide information to parents about childcare availability in the local area, including nurseries and childminders.

Officers are now discussing this with schools to encourage them to provide information in terms of childminders or PVI's and supporting them to advertise their services to parents of childcare that is of an appropriate standard. They will also include breakfast and after school clubs as part of the signposting.

6. Role of Social Care – The Committee recommends that:

6.1 The priority places budget supporting nursery placements on social care grounds should be maintained at its current level.

There are no proposals in the 2014/15 Budget savings to change this, but it will be reviewed regularly in light of the use of the budget and the savings required by the Council.

6.2 Children's Social Care should further improve links with early years providers, with attention paid to childminders to address perceptions.

Plans are in place for the service manager for Referral and Assessment to make more links with providers, including childminders. However, capacity is limited.

6.3 Officers should explore the possibility of increasing the role of early years practitioners in early intervention work to potentially reduce the escalation of cases to social care practitioners.

While resources allow it, the Early Intervention Service will address this recommendation by working more explicitly with early years practitioners to increase awareness of early intervention support available for families, and use of the CAF/TAC. The service will also review its work with early intervention providers, e.g. children's centres, to ensure partnership links with providers are built and sustained. We will also ensure that providers are fully participating in safeguarding training, so that we are confident about their understanding of thresholds and available support.

7. Free Entitlement to Childcare for 2 Year Olds – The Committee recommends that:

7.1 The sign up process for both parents and providers should be simplified in order to encourage further take up.

Officers' view is that the process no longer needs further simplification. We have taken steps to ensure that it is not a barrier to uptake by allowing both parents and providers to ring and speak to the Pupil Support Team in order to sign up.

The processes for parents and childcare providers to engage with the two year old early learning offer are now very straightforward and simple.

Parents can confirm their eligibility in 2 ways:

- Completing the application form that was sent to them in the initial letter
- Telephoning the Pupil Support Team, where they can confirm in about 2 minutes whether they meet the criteria.

Childcare providers that are signed up to deliver the 3 & 4 Year Old Free Entitlement Offer do not need to go through any other process in order to deliver the two-year-old early entitlement offer.

The numbers are increasing steadily as parental awareness of the offer becomes more widespread and providers are more confident in working with the entitlement offer.

7.2 Regular monitoring of the availability of places should be carried out and publicised to provide up to date information about provision to parents. This should include information on the Lewisham website showing whether there are vacancies with specific providers.

There are 114 PVI childcare providers, 54 school nursery classes and over 500 childminders. The government expectation is that they provide the Council (the Family Information Service) with regular updates on their occupancy which we then make available on the Council's website. Given the turnover of places filled, it would not be feasible without significant investment to do more than this in order to have a fully up to date 'live' system.

Our sufficiency survey indicated that parents in general do not have a problem in finding vacancies.

7.3 The Mayor and Cabinet make representations to the government outlining some of the issues with the 2 year old free entitlement, including:

- a) The legislation has not been properly thought through, and is not having the intended impact.**
- b) Providing care for 2 year olds in a setting designed for 3 and 4 year olds requires different skills from staff and facilities, which many providers are unable to provide without further assistance.**
- c) The funding structure should be re-examined as the childcare market's response, especially from childminders, indicates that government funding is not in line with what the market requires.**
- d) As low income families are being targeted for this provision it is unlikely in many cases that they will be able to afford to pay for additional hours from providers, therefore providing less incentive for providers to offer the entitlement. All childminders should have DBS checks carried out every 3 years.**

The points under this recommendation are not for officer comment. However, it is hoped that the points below are helpful background to the issues raised.

- a) We believe that the impact of the 2 year old free entitlement will take time before it becomes embedded in the same way as the 3 & 4 year old offer which expanded to the 3 year olds in 2004.
- b) There is central training to support childcare providers to increase the number of places available for 2 year olds that can take up the offer with them. We are working with outstanding providers to develop system

leadership to share best practice. Some childcare providers have sought capital funding to develop and purchase age appropriate resources to take additional 2 years olds.

- c) The funding rate of £6.00 per hour for 15 hours per week for 38 weeks has been set by central government. The table below shows information gathered from childcare providers through Lewisham and identifies that there are a few childcare providers that charge more than £6.00 per hour.

Childcare fees in Lewisham (average)	CC Area 1	CC Area 2	CC Area 3	CC Area 4
Childminders	6.50	7.53	6.00	5.92
Full Daycare	4.48	4.36	4.44	4.12
Pre School - sessional	6.00	4.52	6.00	4.12
CC Area 1 comprises the following wards: Brockley, Evelyn, New Cross and Telegraph Hill				
CC Area 2 comprises the following wards: Blackheath, Crofton Park, Ladywell, Lee Green, Lewisham Central and Rushey Green.				
CC Area 3 comprises the following wards: Catford South, Downham, Grove Park and Whitefoot				
CC Area 4 comprises the following wards: Bellingham, Forest Hill, Perry Vale and Sydenham.				

- d) The offer is generally well received by term time only providers, as this fits in with their opening times which may be either mornings only or mornings and afternoons for 38 weeks. Full day care, all year round providers find it more challenging as they are there from 8am to 6pm for 50 weeks per year. However, if the child is eligible for a funded place then the funding is guaranteed.

The 3 year renewal process for DBS is a locally-agreed protocol for Lewisham employees. All childminders must have a current enhanced DBS certificate in order to register with Ofsted. Ofsted cannot insist, but recommends an annual update.

8. Financial implications

- 8.1 The funding of free entitlement places and the support provided to child care providers in the borough is funded from within the Dedicated Schools Grant. Support on child care sufficiency and the Family Information Service is funded from Council resources. The implementation of the actions set out in the responses will create no additional burden on the resources of the general fund.

9. Legal implications

- 9.1 The Constitution provides for Select Committees to refer reports to the Mayor and Cabinet, who are obliged to consider the report and the proposed response from the relevant Executive Director, and report back to the Committee within two months (not including recess).
- 9.2 Under the provisions of the Childcare Act 2006 a local authority has to make arrangements in an integrated manner with a view, broadly, to securing maximum benefit for users of early childhood services and making their availability widely known. Local authorities are required to facilitate and encourage the involvement of parents and prospective parents, early years providers and others engaged in activities which may improve the well-being of young children in the development of those arrangements.
- 9.3 In responding to its responsibilities under the Childcare Act 2006 the local authority must have regard to the quality and quantity of early childhood services which are provided or expected to be provided, in their area and their location.
- 9.4 Section 8 of the Childcare Act 2006 enables a local authority to assist any person who is providing (or proposing to provide) childcare, or to make arrangements with a person for the provision of childcare (including, in either case assisting financially).
- 9.5 Local authorities are permitted to provide childcare themselves, but (except in the case of day care for children in need under s18 (1) or (5) of the Children Act 1989) only if there is no other provider willing to provide it or the local authority considers in all the circumstances, that it is appropriate to do so. In exercising any of these powers the local authority must have regard to guidance issued by the Secretary of State.
- 9.6 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.7 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.

- 9.8 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.9 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 9.10 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 9.11 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

10. Crime and disorder implications

- 10.1 There are no crime and disorder implications arising from this report.

11. Environmental implications

- 11.1 There are no environmental implications arising from this report.

12. Equality implications

12.1 There are no equality implications arising from this report.

Background Documents

CYP Select Committee - Nursery Education and Childcare Review – 2nd July 2013.

<http://councilmeetings.lewisham.gov.uk/documents/s23326/06NurseryEducationAndChildcareReview02072013.pdf>