

**Expansion of early learning and childcare: Children's Rights and Wellbeing Impact Assessment (CRWIA)**  
**Date of publication: 3 May 2019**

**Executive summary**

The Children and Young People Act (Scotland) 2014 (the 2014 Act) made 600 hours of funded ELC per year available for all 3 and 4 year olds (from the relevant start date) and extended the entitlement to eligible 2 year olds. In a joint agreement with local government, the Scottish Government has committed to almost double the entitlement to 1140 hours per year from August 2020.

Funding Follows the Child will be introduced alongside the national roll-out of the expanded entitlement to funded ELC in 2020. This 'provider neutral' approach is underpinned by a National Standard<sup>1</sup> that all providers delivering the funded hours – regardless of whether they are in the public, private or third sector, or childminders – will have to meet. The National Standard focuses on what children and their families can expect from their ELC experience, regardless of where they access their funded entitlement.

At the heart of the National Standard is a clear and consistent set of quality criteria, recognising that the ELC expansion is fundamentally about improving the early years experience of our youngest children and reflecting international research and evidence of what drives quality experiences and outcomes for children. It will ensure that all settings which are offering the funded entitlement are delivering the highest quality ELC experience for children.

As well as offering greater choice of high quality providers, the expansion to 1140 hours will also enable parents to access different patterns of provision. Secondary legislation has been laid in the Scottish Parliament to increase the maximum session length for funded ELC from 8 hours to 10 hours and to remove the minimum session length time from August 2019<sup>2</sup>. Once passed, this will allow families to access their child's ELC entitlement over longer sessions over a smaller number of days if this best meets their family needs and enable them to access, for example, a full day session at a private nursery without paying for additional hours as part of their funded entitlement.

The evidence highlights that the ELC expansion has the potential to impact positively on children's social, emotional and cognitive outcomes, particularly for those facing disadvantage. This CRWIA process found that:

- The ELC expansion will have positive impacts on the following Articles from the United National Convention on the Rights of the Child (UNCRC):

Article 2 – Non-discrimination

Article 3 – Best Interests of the child

Article 5 – Parental Guidance and a child's evolving capacities

Article 6 – Life, survival, and development

Article 12 – Respect for the views of the child

Article 18 – Parental responsibilities and state assistance

Article 23 – Children with disabilities

Article 28 – Right to education

Article 29 – Goals of Education

<sup>1</sup> <https://www.gov.scot/publications/funding-follows-child-national-standard-early-learning-childcare-providers-principles-practice/>

<sup>2</sup> The Children and Young People (Scotland) Act 2014 (Modification) (No.1) Order 2019

	<p>Article 31 – Leisure, play, and culture</p> <ul style="list-style-type: none"> <li>• The ELC expansion will also give further effect to the implementation of the UNCRC in Scotland as it addresses the following recommendation made by the UN committee in its concluding observations on the implementation of the UNCRC in the UK<sup>3</sup>: <i>‘Taking note of target 4.2 of the Sustainable Development Goals, on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations’.</i></li> <li>• The ELC expansion will also support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area. As part of NHS Scotland’s evaluability assessment of the expansion programme<sup>4</sup>, a theory of change was developed for the expansion programme and the model of potential beneficiaries. Outcomes for children are presented in Figure 1 of this paper which considers how we expect the expansion of funded ELC hours to contribute to promoting each of the eight wellbeing indicators: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, and Included.</li> <li>• There is no evidence that longer session lengths impact on children’s wellbeing. We will monitor impact on children through the Scottish Study of Early Learning and Childcare (SSELC) and through the Care Inspectorate’s inspection function.</li> <li>• Children already access longer sessions routinely. The legislative changes in the ELC session length will mean more hours can be funded per day. The changes do not mean that parents and carers must choose longer sessions for their child. Our parental communication strategy aims to ensure that parents can access the information they need on the ELC expansion in order to make an informed choice which supports the wellbeing of their child when accessing ELC.</li> <li>• The SSELC is a cross-sectional and longitudinal study that will evaluate the expansion of the funded entitlement to 1140 hours; assessing the extent to which the expansion’s long-term benefits have been achieved. These benefits are: improved child development and narrowing attainment gap; increased family resilience and improved child and parent health and wellbeing; and more parents in work, training, or study. The SSELC will also include exploration of the number of hours a child attends a setting per day and the number of days per week. From this we will be able to ascertain whether there are any correlations between</li> </ul>
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<sup>3</sup> Convention on the Rights of the Child: Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland. Committee on the Rights of the Child; United Nations. July 2016.  
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhskHOj6VpDS%2F%2FJqg2Jxb9gncnUyUqbnuttBweOlylfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjxij3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0GL>

<sup>4</sup> <http://www.healthscotland.scot/publications/evaluability-assessment-of-the-expansion-of-early-learning-and-childcare>

	<p>session length/frequency and developmental outcomes. This study will allow us to identify if any actions need to be taken by the Scottish Government to ensure the rights and wellbeing of children are fully supported through their ELC experience.</p>
<p><b>Background</b></p>	<p>The Scottish Government and local authorities have committed to almost double the funded entitlement to early learning and childcare (ELC) from 600 to 1,140 hours from August 2020 for all 3 and 4 year olds and eligible 2 year olds. This will be high quality, flexible ELC that is accessible and affordable for families.</p> <p>The expansion will deliver three main benefits for children and families:</p> <ul style="list-style-type: none"> <li>• children’s development improves and the poverty related attainment gap narrows;</li> <li>• more parents will have the opportunity to be in work, training or study; and</li> <li>• increased family resilience through improved health and wellbeing of parents and children.</li> </ul> <p>The Scottish Government has worked in partnership with COSLA and a variety of stakeholders across the ELC sector throughout the development of the 1140 expansion policy and has consulted widely on the expansion of funded ELC.</p> <p>There is currently very high uptake of funded ELC in Scotland. Our latest ELC census data<sup>5</sup> shows near universal uptake of funded ELC by 3 and 4 year olds. Approximately 10% of 2 year olds are registered for funded ELC (compared to the roughly 25% that are eligible), and this has increased gradually over the last few years. In addition, our Research on Parents’ Views and Use of ELC in Scotland<sup>6</sup> showed that of the parents surveyed, 90% would use some or all of their child’s expanded hours.</p> <p>Local authorities are ‘phasing in’ the expanded offer between now and August 2020. This allows local authorities and nurseries to test the practicalities of the expanded offer, and to get feedback from parents. Our expansion planning guidance<sup>7</sup> which was issued to local authorities in March 2017 made clear that plans for phasing should reflect the Scottish Index of Multiple Deprivation to ensure that families and communities who stand to benefit most from the expansion also benefit first. As a result of ‘phasing in’ the entitlement, over 11,000 2 to 5 year olds are already accessing more than 600 hours of funded ELC<sup>8</sup>.</p> <p><b>Background - Expansion of Funded ELC to 1140 Hours</b></p> <p>The driving force behind the expansion of funded ELC is to secure improved outcomes for all children in Scotland. The provision of high quality ELC is a key contributor to our ambition to close the poverty-related attainment gap.</p> <p>It is widely acknowledged, including by the Organisation for Economic Cooperation and Development (OECD)<sup>9</sup>, that the provision of universally accessible and high quality early learning and childcare helps to provide</p>

<sup>5</sup> <https://www2.gov.scot/Topics/Statistics/Browse/Children/Pubs-Pre-SchoolEducation>

<sup>6</sup> <https://www.gov.scot/publications/exploring-parents-views-use-early-learning-childcare-scotland/>

<sup>7</sup> from <https://www.gov.scot/publications/blueprint-2020-expansion-early-learning-childcare-scotland-etc-expansion-planning/>

<sup>8</sup> <https://www.gov.scot/publications/early-learning-and-childcare-delivery-progress-report/>

<sup>9</sup> <http://www.oecd.org/education/school/startstrong.htm>

children with skills and confidence to carry into school education, and is a cornerstone for closing the poverty-related attainment gap between children from the most and least deprived communities. Evidence from both UK and international evaluations and studies of early learning and childcare programmes, including our own Growing Up in Scotland Study<sup>10</sup>, support the fact that all children, and especially those from disadvantaged backgrounds, can benefit in terms of social, emotional and educational outcomes from attending early learning and childcare.

The expansion to 1140 hours intends to maximise this opportunity to ensure that all children in Scotland get the best possible start in life. The expansion will also bring economic benefits. In the short term, the increased investment in the ELC sector will promote sector growth and create new Fair Work jobs, with the multi-year funding package enabling payment of the real Living Wage to all workers delivering the funded ELC entitlement. The increase in funded, flexible ELC will help increase parents' opportunities to access work, training or further study. In the longer term, the increased investment in children's outcomes during the early years is anticipated to reduce interventionist public spending later in life, and have a positive impact on long term health, wellbeing and productivity.

### **Background - Funding Follows the Child and The National Standard**

Funding Follows the Child will be introduced alongside the national roll-out of the expanded entitlement in 2020. This 'provider neutral' approach is underpinned by a National Standard<sup>11</sup> that all providers delivering the funded hours – regardless of whether they are in the public, private or third sector, or childminders – will have to meet. The National Standard focuses on what children and their families can expect from their ELC experience, regardless of where they access their funded entitlement.

At the heart of the National Standard is a clear and consistent set of quality criteria, recognising that the ELC expansion is fundamentally about improving the early years experience of our youngest children and reflecting international research and evidence of what drives quality experiences and outcomes for children. It will ensure that all settings which are offering the funded entitlement are delivering the highest quality ELC experience for children.

### **Background - Changes to the ELC Session Length**

Under the current legislation, the ELC funded entitlement can only be used for a session of 8 hours' or less duration and there is a minimum session length of 2.5 hours. Families who wish to use a 10 hour session have to pay for an additional two hours of ELC, which is referred to as 'wraparound care'. Based on feedback from a number of consultation events on the National Standard, and from our research on Parents' Views and Use of ELC in Scotland<sup>12</sup> there is wide support to provide more flexibility with session lengths.

Published research measuring outcomes for children in ELC does not gauge the impact of a specific number of hours per day that is the most beneficial for children nor the point at which the length of a session starts

<sup>10</sup> <https://www.gov.scot/publications/growing-up-scotland-changes-child-cognitive-ability-pre-school-years/pages/0/>

<sup>11</sup> <https://www.gov.scot/publications/funding-follows-child-national-standard-early-learning-childcare-providers-principles-practice/>

<sup>12</sup> <https://www.gov.scot/publications/exploring-parents-views-use-early-learning-childcare-scotland/>

	<p>to disadvantage children. This means we cannot currently state the relative impact of a certain number of hours per day relative to another. All credible research which we have reviewed<sup>13</sup> agrees that the most consistent indicator and greatest contributor to improved outcomes for children is high quality.</p> <p>Secondary legislation has been laid in the Scottish Parliament to increase the maximum session length for funded ELC from 8 hours to 10 hours and to remove the minimum session length from August 2019<sup>14</sup>. Subject to parliamentary approval, this will allow families to access their child's ELC entitlement over longer sessions over a smaller number of days if this best meets the needs of their child.</p> <p>The minimum session length is being removed as it is considered superfluous in the context of the expanded entitlement and the Care Inspectorate's registration requirements. 'Day care of children' is required to be registered with the Care Inspectorate where the service meets the minimum service duration - of more than two hours in any day. While there is currently no legislative requirement that all funded ELC should be registered with the Care Inspectorate, in practice the Scottish Government and local authorities require it to be so. The National Standard for becoming a funded provider requires settings to achieve minimum Care Inspectorate inspection grades and so assumes that services are registered and therefore regulated with the Care Inspectorate and meet the minimum service duration and a defined quality standard.</p> <p>Our long-term evaluation of the expansion programme, the SSELC, will include exploration of the number of hours a child attends a setting per day and the number of days per week. From this we will be able to ascertain whether there are any correlations between session length/frequency and developmental outcomes. If, at any point, evidence comes out of the evaluation process to support a different course of action, we will respond to this in further legislative change.</p>
<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>A range of UK and international studies have found that high quality ELC provision can help to improve children's cognitive development in the early years. The expansion of ELC will affect all 3 and 4 year olds and around a quarter of 2 year olds. The targeting of the funded entitlement to around a quarter of all 2 year olds is based on evidence that all children, but especially those experiencing the most disadvantage, benefit from access to high quality ELC. Those eligible for the 2 year old offer include looked after children, children in families receiving support due to an ongoing asylum claim and children whose family are in receipt of a no or low income 'qualifying benefit'.</p> <p>This Children's Rights and Wellbeing Impact Assessment (CRWIA) was therefore undertaken to consider the impacts that increasing the statutory entitlement to 1140 hours of funded ELC and of modifying the current minimum and maximum session lengths will have on the rights and wellbeing of children eligible for ELC in Scotland. The process also sought to explore any impacts on children's rights and wellbeing resulting from the introduction of Funding Follows the Child, underpinned by the National Standard.</p>

<sup>13</sup> [Rapid evidence review: Childcare quality & children's outcomes](#)

<sup>14</sup> The Children and Young People (Scotland) Act 2014 (Modification) (No.1) Order 2019

	<p>A number of key sources informed the development of the expansion of ELC:</p> <ul style="list-style-type: none"> <li>• <b>Rapid evidence review: childcare quality and children’s outcomes</b><sup>15</sup>: this evidence report highlights the benefits to children from attending early learning and childcare. Key findings show that all children have the potential to benefit, but the biggest impact tends to be among children from more disadvantaged backgrounds.</li> <li>• <b>Starting Strong 2017: Key OECD Indicators on Early Childhood Education and Care; 2017</b><sup>16</sup>. The OECD have produced a series of reports under the theme of Starting Strong. It provides an authoritative overview of the international data and evidence on ELC from over a decade of research and aims to support countries to review and improve their ELC. The latest report (2017) concludes that giving all children access to high quality early education and care will lay the foundations for future skills development, boost social mobility and support inclusive growth. This report also states that disadvantaged children benefit the most from this investment.</li> <li>• <b>The effective provision of pre-school education (EPPE) project</b><sup>17</sup>: this was a longitudinal study funded by the Department for Education and Skills 1997 – 2004. Leading academics published numerous reports using EPPE data focusing in particular on the impact on children’s outcomes. There is clear evidence from EPPE to show that duration of attendance (in months) is important, with an earlier start (under 3 years of age) related to better intellectual development. It also found that high quality ELC is essential and related to better intellectual and social/behavioural development for children.</li> <li>• <b>Provision of early learning and childcare and parents’ outcomes – an evidence brief</b><sup>18</sup>: this evidence report looks at the impact on parents of their preschool children attending early learning and childcare (ELC). These include direct impacts associated with childcare costs and the indirect impact of increasing parental ability to return to or seek employment, training or education.</li> <li>• <b>Changes in early learning and childcare use and outcomes at age 5: comparing two Growing Up in Scotland cohorts</b><sup>19</sup>: this provided evidence of the impact of the expansion to 600 hours on children’s outcomes by comparing with those who had been entitled to 475 hours.</li> <li>• <b>Parents’ views and use of early learning and childcare</b><sup>20</sup>: this includes findings from a survey of over 10,000 parents across Scotland alongside focus group and interviews with particular groups of interest to explore current patterns of use of ELC as well as an in-depth exploration of parents perceptions of quality, flexibility, accessibility, and affordability. This found that parents on average</li> </ul>
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<sup>15</sup> <http://www.healthscotland.scot/publications/rapid-evidence-review-childcare-quality-childrens-outcomes>

<sup>16</sup> <http://www.oecd.org/education/school/startingstrong.htm>

<sup>17</sup> <http://discovery.ucl.ac.uk/10005309/>

<sup>18</sup> <http://www.healthscotland.scot/publications/provision-of-early-learning-and-childcare-and-parents-outcomes-an-evidence-brief>

<sup>19</sup> <https://www.gov.scot/publications/changes-early-learning-childcare-use-outcomes-age-5-comparing-two/>

<sup>20</sup> <https://www.gov.scot/publications/exploring-parents-views-use-early-learning-childcare-scotland/>



	<p>use 29 hours of ELC per week for an eligible 3 or 4-year-old, and 24 hours per week for an eligible 2-year-old.</p> <p>The evidence highlights that the ELC expansion has the potential to impact positively on children’s social, emotional and cognitive outcomes, particularly for those facing disadvantage. The expansion to 1140 hours intends to maximise the opportunity to ensure that all children in Scotland get the best possible start in life.</p> <p>The expansion will also bring economic benefits which will further support children’s rights and wellbeing. In the short term, the increased investment in the ELC sector will promote sector growth and create new Fair Work jobs, with the multi-year funding package enabling payment of the real Living Wage to all workers delivering the funded ELC entitlement. The increase in funded, flexible ELC will help increase parents’ opportunities to access work, training or further study. In the longer term, the increased investment in children’s outcomes during the early years is anticipated to reduce interventionist public spending later in life, and have a positive impact on long term health, wellbeing and productivity.</p> <p>We have also considered whether increasing the maximum session length for funded ELC will impact on children’s wellbeing. It is important to note that research on Parents’ views and use of early learning and childcare the Parent Survey found that 10-hour sessions are commonly used by families already. Research measuring outcomes for children in ELC does not gauge the impact of a specific number of hours per day that is the most beneficial for children nor the point at which the length of a session starts to disadvantage children. This means we cannot currently state that a certain number of hours per day is beneficial or detrimental. All credible research which we have reviewed<sup>21</sup> agrees that the most consistent indicator and greatest contributor to improved outcomes for children is high quality.</p> <p>As part of the ELC expansion we are also developing a parental communication strategy to ensure that parents have the information to make an informed choice about how to use their child’s ELC entitlement in order to best meet the needs of their child. National and local government both have a role to play in making sure parents and carers are aware of their child’s funded ELC entitlement and how to make the best choice for their child. The Scottish Government has been working closely with parent organisations and parents to make sure we understand what information parents need about ELC, and when they need it.</p> <p>The legislative changes mean that local authorities will be able to ensure an appropriate mix of ELC models within their authority area. Parents and carers will therefore have more choice in how they access their child’s ELC entitlement and our parental communication strategy and local communication will ensure that parents and carers can make the choice for their child based on their individual needs. The legislative changes do not mean however, that parents and carers must access the full entitlement or longer ELC session lengths if this does not meet the needs of their child.</p>
<p><b>Children and young people’s views and experiences</b></p>	<p>The Scottish Government’s decision to increase funded ELC was informed by a range of international evidence about the transformative impact of ELC for children. Due to the age of the children involved, our approach to representing children’s views during the development to this</p>

<sup>21</sup> <http://www.healthscotland.scot/publications/rapid-evidence-review-childcare-quality-childrens-outcomes>

policy has largely been to engage with organisations that represent children and families' interests although local authorities facilitated some discussions with children on our behalf, described below. In addition, we know that parents consider their own child's views when choosing the right setting for them. Our parent survey found that feedback from their child is also important for parents' quality judgements, including parents listening to their child's explicit views, and looking for evidence of their child's development<sup>22</sup>.

The Scottish Government has consulted widely on the expansion of funded ELC and findings from these consultations have shaped the development of the policy. Full respondent lists are included in each of the published analysis to the consultations. Respondents included but were not limited to local government, ELC providers, public bodies and regulators, voluntary organisations, and parents and carers:

- **1140 Hours Expansion – Programme of trials** [2016]<sup>23</sup>. This consultation gathered views on the Scottish Government's programme of trials to test a variety of models for delivering the expanded ELC commitment. This consultation received 73 responses.
- **A Blueprint for 2020: The Expansion in Early Learning and Childcare** [2016-2017]<sup>24</sup>. This consultation gathered views on the Scottish Government's vision and high-level principles for the expansion as well as the key policy choices that had to be made. It included questions on ensuring equality of access. This consultation received 336 written responses. In addition, a series of consultative events were held across Scotland to raise awareness of the consultation and to seek views of parents directly.
- **Expansion of Early Learning and Childcare in Scotland: Quality Action Plan** [2017]<sup>25</sup>. This sets out 15 actions that we are taking to strengthen and further embed quality in the ELC offer, and this was developed collaboratively with key representatives of the ELC sector who were represented on the Quality Reference Group.
- **Early Learning and Childcare Service Models consultation** [2018]<sup>26</sup>. This consultation gathered views on the proposed range of criteria that would form the National Standard underpinning the 'Funding Follows the Child' approach to early learning and childcare (ELC) service provision. This consultation was run jointly with COSLA. This consultation received 219 written responses. In addition to the online consultation, the Scottish Government held a total of eight consultation events in different locations. Most attendees at the events were ELC providers.
- **Parent Focus Groups** [2018-2019]. We held nine focus groups with parents and carers of children in early learning and childcare to seek

<sup>22</sup> <https://www.gov.scot/publications/exploring-parents-views-use-early-learning-childcare-scotland/>

<sup>23</sup> <https://www.gov.scot/publications/early-learning-childcare-programme-trials-analysis-responses-scottish-government-discussion/pages/1/>

<sup>24</sup> <https://www.gov.scot/publications/blueprint-2020-expansion-early-learning-childcare-scotland-consultation-analysis-report/>

<sup>25</sup> <https://www.gov.scot/publications/blueprint-2020-expansion-early-learning-childcare-scotland-quality-action-plan/>

<sup>26</sup> <https://www.gov.scot/publications/early-learning-childcare-service-model-2020-analysis-public-consultation/>



	<p>feedback on our parental communication strategy. These events were attended by 86 parents and carers in total. Special consideration was taken to ensure the views of different parent groups were heard; this included ensuring there was a wide geographical spread of sessions, purposefully taking into account those communities which have a high proportion of minority ethnic families and families which live in rural communities. To inform the parent focus group discussions, a number of discussions and a co-design workshop were held with organisations including Stepping Stones for Families, Save the Children, Children in Scotland, Parent Network Scotland, Families Outside, Early Years Scotland, the Multicultural Family Base, South Lanarkshire Council, Moray Council, and a Young Scot young parent group.</p> <ul style="list-style-type: none"> <li>• <b>Children’s Views</b> [2019]. Two local authorities agreed to conduct small scale facilitated discussions with children. Children offered observations on outdoor learning, longer days, staff, what they like about ELC, what they didn’t like about ELC, what they learn, food, and naps. Overall children were positive about their experience, particularly mentioning the wide range of activities that they participate in during their ELC sessions. Where children expressed negative views, this was largely related to missing parents and other personal relationships.</li> </ul>
<p><b>Key Findings, including an assessment of the impact on children’s rights, and how the measure will contribute to children’s wellbeing</b></p>	<p><b><u>Key Findings – Children’s Rights</u></b></p> <p>The ELC expansion will have positive impacts on the following UNCRC Articles:</p> <p>Article 2 – Non-discrimination  Article 3 – Best Interests of the child  Article 5 – Parental Guidance and a child’s evolving capacities  Article 6 – Life, survival, and development  Article 12 – Respect for the views of the child  Article 18 – Parental responsibilities and state assistance  Article 23 – Children with disabilities  Article 28 – Right to education  Article 29 – Goals of Education  Article 31 – Leisure, play, and culture</p> <p><b><i>Expansion of Funded ELC and Changes to the ELC Session Length</i></b></p> <p>There is already very high uptake of funded ELC in Scotland. Our latest ELC census data<sup>27</sup> shows near universal uptake of funded ELC by 3 and 4 year olds. Approximately 10% of 2 year olds are registered for funded ELC (compared to the roughly 25% that are eligible), and this has increased gradually over the last few years. In addition, our Research on Parents’ Views and Use of ELC in Scotland<sup>28</sup> showed that of the parents surveyed, 90% would use some or all of their child’s expanded hours.</p> <p>Amending the Children and Young People (Scotland) 2014 (the 2014 Act) to change the ‘mandatory amount’ of ELC to 1140 hours a year from August 2020, means that local authorities will have a statutory duty to secure 1140 hours per year of funded ELC for each eligible young child belonging to (i.e. residing in) its area, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion,</p>

<sup>27</sup> <https://www2.gov.scot/Topics/Statistics/Browse/Children/Pubs-Pre-SchoolEducation>

<sup>28</sup> <https://www.gov.scot/publications/exploring-parents-views-use-early-learning-childcare-scotland/>

political or other opinion, national, ethnic or social origin, property, disability, birth or other status. For 3 and 4 year olds this offer is universal and the 2 year old eligibility targets children facing particular disadvantages. Secondary legislation is also being laid to increase the maximum session length for funded ELC from 8 hours to 10 hours and to remove the minimum session length time from August 2019. Subject to parliamentary approval, this will allow families to access their child's ELC entitlement over longer sessions over a smaller number of days if this best meets the needs of their child.

The research shows us that attending high quality ELC provision can help to improve children's cognitive development in the early years  
The increase in ELC entitlement from 600 to 1140 hours will maximise the opportunity to ensure that all children in Scotland get the best possible start in life, having positive impacts on **Article 2 (Non-discrimination) and Article 28 (Right to education)**.

More flexibility about session length will also allow parents to access ELC sessions that are more closely aligned with their working patterns. This in turn could help ensure that children are able to benefit from their full ELC offer while also maximising the time that they are able to spend with their parents and facilitate their right to be raised by, or have a relationship with, their parents, which will have positive impacts on **Article 18 (Parental responsibilities and state assistance)**.

The expansion of funded ELC to 1140 hours also has associated economic benefits which will help parents and carers to support their children having further positive impacts on **Article 18 (Parental responsibilities and state assistance)**. It is intended that, alongside changes in flexibility through removing the minimum session length time, the increased hours will provide more opportunities for some parents to move into employment, increase their hours of work, or to study if they wish to do so.

#### ***Funding Follows the Child and The National Standard***

A rapid evidence review by NHS Health Scotland highlights that ELC has the potential to impact positively on all children's social, emotional and cognitive outcomes, and especially those from disadvantaged backgrounds. A key finding from research is that ELC must be of high quality if children are to benefit<sup>29</sup>.

We recognise that the earliest years of life are crucial to a child's development and have a lasting impact on outcomes in health, education and employment opportunities later in life, therefore quality is at the heart of the expansion. Funding Follows the Child will be underpinned by a National Standard<sup>30</sup> that all providers delivering the funded hours – regardless of whether they are in the public, private or third sector, or childminders – will have to meet. This will ensure that any provider offering the funded hours will be able to offer children a high quality ELC experience. This means that the ELC expansion will have a positive impact on **Article 3 (Best Interests of the child), Article 6 (Life, survival, and development), Article 29 (Goals of Education), and Article 31 (Leisure, play, and culture)**.

<sup>29</sup> <http://www.healthscotland.scot/publications/rapid-evidence-review-childcare-quality-childrens-outcomes>

<sup>30</sup> <https://www.gov.scot/publications/funding-follows-child-national-standard-early-learning-childcare-providers-principles-practice/>

Development of children's cognitive development, health and wellbeing already underpins all aspects of practice in ELC. This will also be emphasised through for example Criteria 2 of the National Standard which will ensure that providers of funded ELC from August 2020 must have Care Inspectorate quality evaluations which are good or better on the theme relating to quality of care and support; and must have a framework to support children's learning that is informed by national guidance and is appropriate to support individual children's development and learning focused on active learning through play. This criteria of the National Standard means that from August 2020, ELC settings delivering the expanded hours must be able to demonstrate how they are supporting outcomes for children in relation to children's cognitive development, health and wellbeing.

In addition, the National Standard emphasises the importance of parents and carers engaging with and being involved in the life of the ELC setting their child attends, having further positive impacts on **Article 18 (Parental responsibilities and state assistance)** as ELC recognises the principle that parents and carers have responsibilities for the upbringing and development of the child. Sub-criteria 5.1 requires that providers of the funded entitlement ensure there is open and regular communication with parents and carers about the work of the setting and that families are meaningfully involved in influencing change and sub-criteria 5.2 means that parents and carers are supported to engage in their child's learning and development in settings which provide the funded entitlement.

The National Standard also emphasises that providers of funded ELC must comply with the duties under the Equality Act 2010 and the setting will be willing to provide appropriate support, including making any reasonable changes to the care and learning environment, to ensure that children's additional support needs do not create a barrier to them accessing a full range of experiences and meets their individual needs. Through these criteria, there will be positive impacts on **Article 23 (Children with disabilities)** as ELC provision must be delivered in a way that ensures equality of access for, and accounts for the varying needs of, all children including those with a disability.

The National Standard also includes a requirement that funded ELC providers must have a framework to support children's learning that is focussed on active learning through play and a requirement that children must have daily access to outdoor play, including regular outdoor play in a natural environment. Both of these criteria will have positive impacts on **Article 31 (Leisure, play, and culture)**.

The ELC expansion will also have positive impacts on **Article 12 (Respect for the views of the child)**. Already, our national practice guidance on the 2014 Act<sup>31</sup> stresses the importance of ensuring that ELC is child-centred and acknowledges the views and actively involve children in the meaningful ways in everyday decision in the ELC setting. We hear excellent examples of how ELC settings meet these recommendations already and the ELC expansion will maximise the opportunity for ELC settings to continue this practice.

#### ***Parental Communication***

As part of the early learning and childcare expansion the Scottish Government realises the importance of ensuring parents and carers of eligible children are able to make an informed choice about ELC which

<sup>31</sup> <https://www2.gov.scot/Resource/0045/00458455.pdf>

	<p>best meets the needs of their child. Our work with local authorities and stakeholders in this area will have a positive impact on <b>Article 5 (Parental Guidance and a child’s evolving capacities)</b>. Parental communication about the expansion (both national and local) will help parents and carers to make informed decisions about the type and pattern of ELC provision that will best meet their child’s needs.</p> <p>National and local government both have a role to play in making sure parents/carers are aware of their child’s funded ELC entitlement in order to be able to make the best decision about ELC for their child. The Scottish Government have been working closely with stakeholders such as parent organisations and, more importantly, parents to make sure we understand what information parents need and when about ELC. This work has helped to support the development of our parental communication strategy for the ELC expansion.</p> <p>To help ensure that children’s rights are at the centre of decisions about how parents make use of the extended ELC hours, we are also developing a resource that parents can use to help make informed choices about how to access the ELC offer that’s right for their child. This will take the form of a set of questions that parents could ask when they’re thinking about hours and patterns of attendance for their child and the choice of settings to use.</p> <p><b><u>Key Findings - Further Effect to the Implementation of the UNCRC in Scotland</u></b></p> <p>The ELC expansion will give further effect to the implementation of the UNCRC in Scotland as it addresses the following recommendation made by the UN committee in its concluding observations on the implementation of the UNCRC in the UK<sup>32</sup>: <i>‘Taking note of target 4.2 of the Sustainable Development Goals, on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations’.</i></p> <p>‘Together: The Scottish Alliance for Children’s Rights Annual State of Children’s Rights’ report from 2016<sup>33</sup> provided data and evidence on where Scotland stands on each of the Concluding Observations. It found that the expansion of funded ELC through the 2014 Act created opportunities to address this recommendation. The Together: the Scottish Alliance for Children’s Rights annual report also recognised how we have put a range of measures in place to ensure that children who stand to benefit most from access to ELC benefit from an enhanced offer that meets their needs and the needs of their family. These include an earlier offer for eligible two-year-old children, increasing access to evidence based family learning programmes, and support from an additional graduate-level practitioner for children attending settings serving the most disadvantaged areas.</p>
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<sup>32</sup> Convention on the Rights of the Child: Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland. Committee on the Rights of the Child; United Nations. July 2016.

(<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhskHOj6VpDS%2F%2FJgg2Jxb9qncnUyUgbnuttBweOlyfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjxi3uZ0bjQBOLNTNvQ9fUIEOvA5LtW0GL>)

<sup>33</sup> <https://www.togetherscotland.org.uk/pdfs/TogetherReport2016.pdf>

	<p>Given these findings from the Together: the Scottish Alliance for Children’s Rights annual State of Children’s Rights in Scotland report from 2016 on the 2014 Act, the expansion in funded entitlement and introduction of Funding Follows the Child means there is the opportunity to give further effect to the implementation of the UNCRC in Scotland through the expansion of ELC and our continued commitment to ensure that children who stand to benefit most from access to ELC benefit from an enhanced offer.</p> <p><b><u>Key Findings – Children’s Wellbeing</u></b></p> <p>The ELC expansion will support public bodies in Scotland to meet their duties to safeguard, support and promote the wellbeing of children in their area. As part of NHS Scotland’s evaluability assessment of the expansion programme, a theory of change was developed for the expansion programme and the model of potential beneficiaries. Outcomes for children are presented in Figure 1 of this paper<sup>34</sup> which considers how we expect the expansion of ELC hours to contribute to improving children’s outcomes . The ELC expansion will mean that children learn <b>responsibility</b> for their behaviours, all children feel <b>included</b> in ELC, children <b>achieve</b> their full potential at every stage of development, children are <b>healthy, active</b> and <b>nurtured</b>, children’s learning is supported at home and their needs are <b>respected</b>, children are <b>safe</b>. It is expected that this will be achieved through children: experiencing positive relationships with peers and ELC staff; experiencing more play based/enriching learning experiences; having access to regular and nutritional food; in need of additional and professional support being identified earlier and receiving appropriate support; and also ELC staff offering increased opportunities for meaningful parental engagement.</p> <p><b><u>Key Findings - Unknown Impacts</u></b></p> <p>As the published research measuring outcomes for children in ELC does not gauge the impact of a specific number of hours per day on children’s wellbeing, this means we cannot currently state that a certain number of hours per day has a negative or positive impact. All credible research which we have reviewed<sup>35</sup> agrees that the most consistent indicator and greatest contributor to improved outcomes for children is high quality.</p> <p>Quality is at the heart of the ELC expansion. The National Standard will ensure that all providers offering funded hours meet the same quality criteria. Our long-term evaluation of the expansion programme, the Scottish Study of Early Learning and Childcare, will include exploration of the number of hours a child attends a setting per day and the number of days per week. From this we will be able to ascertain whether there are any correlations between session length/frequency and developmental outcomes. If, at any point, evidence comes out of the evaluation process to support a different course of action, we can respond to this in further legislative change.</p>
<b>Monitoring and review</b>	<p>The SSELIC is a cross-sectional and longitudinal study that will evaluate the expansion of the funded entitlement to 1140 hours. Baseline data is being collected from children and their parents accessing 600 hours of funded ELC. In 2022-23, data will be collected from those accessing 1140 hours. Measuring before and after the expansion allows for an assessment of the extent to which</p>

<sup>34</sup> [http://www.healthscotland.scot/media/1445/evaluability-assessment-of-the-expansion-of-early-learning-and-childcare\\_english.pdf](http://www.healthscotland.scot/media/1445/evaluability-assessment-of-the-expansion-of-early-learning-and-childcare_english.pdf)

<sup>35</sup> [Rapid evidence review: Childcare quality & children's outcomes](#)

	<p>the expansion's long-term benefits have been achieved. These benefits are: improved child development and narrowing attainment gap; increased family resilience and improved child and parent health and wellbeing; and more parents in work, training, or study.</p> <p>The SSELC will also explore the number of hours a child attends a setting per day and the number of days per week. From this we will be able to ascertain whether there are any correlations between session length/frequency and developmental outcomes.</p> <p>In addition, the data transformation project will improve the data available on the provision of statutory ELC. It will address evidence gaps and advance our understanding of the characteristics of the small percentage of families who do not currently take up their child's ELC entitlement.</p> <p>A significant part of the project is to improve the ELC census, which currently records data on the number of registrations for funded ELC. By 2022, the census will be based on an individual child level collection, and will collect characteristics data on children accessing funded ELC, including: sex, ethnicity, disability status, whether the child has any additional support needs, and the home postcode of the child (to enable analysis by the Scottish Index of Multiple Deprivation). This should allow for more substantive analysis on how different families use funded ELC and help to identify where new or different policy interventions are required to improve awareness and uptake of the statutory entitlement and better understand children's experiences and use of ELC.</p>
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Bill - Clause	Aims of measure	Likely to impact on . . .	Compliance with UNCRC requirements	Contribution to local duties to safeguard, support and promote child wellbeing
<b>The Children and Young People (Scotland) Act 2014 (no.2) Order 2019</b>	<p>The expansion will deliver three main benefits for children and families:</p> <ul style="list-style-type: none"> <li>• children's development improves and the poverty related attainment gap narrows;</li> <li>• more parents will have the opportunity to be in work, training or study; and</li> <li>• increased family resilience through</li> </ul>	All 3 and 4 year olds and around a quarter of 2 year olds.	<p>Will have positive impacts on the following UNCRC articles:</p> <p>Article 2 – Non-discrimination  Article 3 – Best Interests of the child  Article 5 – Parental Guidance and a child's evolving capacities  Article 6 – Life, survival, and development  Article 12 – Respect for the views of the child  Article 18 – Parental responsibilities and state assistance  Article 23 – Children with disabilities  Article 28 – Right to education  Article 29 – Goals of Education  Article 31 – Leisure, play, and culture</p>	Will have positive impacts on all wellbeing indicators as set out in Annex A.



	improved health and wellbeing of parents and children			
<b>The Children and Young People (Scotland) Act 2014 (no.1) Order 2019</b>	This measure aims to enable families to access different patterns of provision.	All 3 and 4 year olds and around a quarter of 2 year olds.	Will have positive impacts on the following UNCRC articles:  Article 2 – Non-discrimination Article 18 – Parental responsibilities and state assistance Article 28 – Right to education	Published research measuring outcomes for children in ELC does not gauge the impact of a specific number of hours per day on children’s wellbeing. This means we cannot currently state that a certain number of hours per day has a negative or positive impact. All credible research which we have reviewed <sup>36</sup> agrees that the most consistent indicator and greatest contributor to improved outcomes for children is high quality. Given that current data is not available to ascertain whether the impact of this legislative change will be either positive or negative on children’s

<sup>36</sup> [Rapid evidence review: Childcare quality & children's outcomes](#)

				wellbeing this will have to be monitored.
<b>CRWIA Declaration</b>				
<b>Authorisation</b>				
<b>Policy lead</b> Fran Iwanyckyj, Uptake, Eligibility, and Engagement Policy Officer, Early Learning and Childcare			<b>Date</b> 1 May 2019	
<b>Deputy Director or equivalent</b> Alison Cumming Deputy Director, Early Learning and Childcare			<b>Date</b> 1 May 2019	