

The early years: what practitioners and policy makers need to know

Early years briefing

BRIEFING PAPER 6: LEGISLATING TO IMPROVE OUTCOMES FOR YOUNG CHILDREN IN SCOTLAND

SNP manifesto pledges

"We will set out the steps we need to take to increase childcare support here in Scotland to match the best elsewhere in Europe." Scottish National Party manifesto

The Scottish National Party was elected in May 2011 with a mandate to improve the lives of young children, and its ambitions are rightly high. In addition to matching the best in Europe, the party's pledges include introducing "new legislation that creates an obligation on councils, the health services and government to deliver early years services and to see early years education as an essential part of the learning journey." The manifesto also pledges that the new Government will put "Childcare For All at the centre of our ambition for families in Scotland."

These are just a few of the many promises to improve outcomes for young children and their families, fully outlined in Children in Scotland's *Early Years Briefing No. 4*.¹

This briefing paper brings together the key characteristics of successful European countries' early years education and care policies (taking Slovenia, Norway, Denmark and Sweden as examples) and sets out how the Scottish Government could begin to legislate for change that will deliver on its pledges.

The challenge

Numerous research studies show the value of positive experiences in the early years and make clear the benefits of investment in universal early childhood services in the short and long term for children and their families. The European Commission's *Communication on Early Childhood Education and Care* [COM(2011)66]² (signed up to earlier this year by Westminster minister, Tim Loughton, on behalf of the UK) summarises the research and describes how a system of high quality Early Childhood Education and Care can transform young children's lives. It links investment in early childhood with meeting other European objectives outlined in the Europe2020 growth strategy: reducing poverty (including child poverty) and reducing the numbers of children leaving school early. *Briefing no. 3* explains the significance of the Communication for Scotland in more detail.³

Scotland currently falls far short of established childcare targets set at the

European level, and so has some way to go to match the best in Europe. Targets agreed by ministers in Barcelona in 2002 (and since clarified by the EC Communication on Early Childhood Education and Care⁴ as referring to full-day and not part-time provision) require places be available for at least 33% of under 3s and 90% of children aged between 3 and compulsory school age. UK figures stand at only 5% for under 3s and 24% for 3 and 4 year olds.

Studies by Children in Scotland,⁵ the Day Care Trust and Save the Children⁶ show that the cost of childcare in Scotland is rising and remains a significant factor in preventing further reductions to levels of child poverty. The high cost of childcare also contributes to further inequality and discrimination, in terms of access to early education and care services.

A survey by Children in Scotland in 2011 found that childcare costs are rising above inflation. A weekly cost of £84 for 25 hours of care is just over half the average part-time wage. The Daycare Trust's most recent survey⁷ of school-age holiday care found a weekly average fee of £89. Only those with the very lowest incomes in the UK may have to pay no more than 30% of childcare bills; as income increases financial support decreases. In Norway parental contributions are subsidised according to income level, but they are capped at no more than 20% of Early Childhood Education and Care fees for all parents.⁸

The new Scottish Government has a historic opportunity to change significantly the way Scotland values its youngest children and their families, and to realise the universal health and wellbeing that has so far proven difficult to attain for much of Scotland's population. While Scotland would, as part of the UK, be pioneering in taking this step forward, other European countries have already developed this path before us, leaving a clear map to follow.

Following European precedents

Research funded by the European Commission, with support from the Scottish Government, into how other countries have invested in the care and education of young children clearly indicates the way forward for countries that have made improving children's health and wellbeing, and eradicating child poverty a real priority.⁹

Early Years Briefing No. 7 sets out the experience of two countries with contrasting

histories, population and wealth. The stories of how Norway and Slovenia worked towards universal and integrated investment in Early Childhood Education and Care are tales of clear vision with phased implementation over a number of years.

Slovenia, a country with a GDP (89%, as a % of EU average) substantially lower than Scotland (114%), has a system of integrated, universal Early Childhood Education and Care absent across Scotland. Slovenia also has achieved higher levels of child wellbeing (7th compared with the UK's 24th in international league tables) and lower levels of child poverty (10.9% of households living in poverty have a child under 6 in Slovenia, versus 22.6% in the UK).
 (Source: *Working for Inclusion research report*)

A special report: *Integrated Early Childhood Education and Care in Scotland*¹⁰ explains the reasons behind, and negative consequences of, current divisions between early years 'education' and 'care' in Scotland. Informed by the European research and the EC Communication on ECEC, this report also sets out what needs to change in order to meet the Scottish Government's challenge of 'matching the best elsewhere in Europe'.

Detailed policy change must be matched by an ambitious legislative process. The following points set out what Scotland needs to achieve to increase the likelihood of positively transforming young lives.

Characteristics of the best European Early Childhood Education and Care legislation and policy

A clear vision based on two things: first, an understanding of the role that Early Childhood Education and Care (ECEC) services play in contributing to children's learning, nurture, care, creativity and health, and second, a commitment to upholding children's rights. Early Childhood Education and Care is seen as a universal public good for children and families, just as primary school education have been seen and treated within Scotland for a long time. Phased, timed targets and goals that move towards achieving such a vision (already partly outlined in existing policy) in significant steps need to be put in place.

Services that are universal and rights based, but with additional support for those who need them. The best Early Childhood Education and Care in Europe has a charging policy operating from the end of maternity/paternity leave to the start of compulsory school age.

This means providing a universal entitlement to flexible care and education, with subsidised funding, capped fees scaled according to income, and free for those with low incomes.

Early Childhood Education and Care (ECEC) is fully integrated. This means dovetailing services to maternity and paternity entitlements, ending the divide between education and care provision and ensuring simple funding payment structures throughout.¹¹

Provision is in partnership with parents and children, and is responsive to its particular community, be it urban or rural, rather than a 'one-size fits all' approach. Legislation needs to establish a significant set of nationwide standards by which the outcomes for children and families are evaluated without resorting to a standardised way of delivering provision.

How Scotland can match the best in Europe

Legislate for an entitlement to flexible (up to full-time) Early Childhood Education and Care immediately following the end of maternity/paternity leave. This should include an entitlement to care that also fits around school provision. This could be an entitlement phased in over 5 years for example, with initial priority given to communities where provision for children is limited and of poor quality, but where demand is potentially high.

Set out a detailed vision, then link negotiated, phased targets to Single Outcome Agreements. Linking these targets to specific funding to enable the setting up of nationally agreed service

provision, will enable transfer to the block grant once initial investment has been made. European precedence is for high levels of local autonomy guided by national agreements.

Set out in legislation a process for managing funding. This should link with tax credit systems currently determined by Westminster. Yearly levels of subsidies and a cap on parental fees should both be established by legislation. A phased system could start by providing higher subsidies to: those with low incomes; those in areas where choice of provision is limited; and, families which have young children with disabilities. Again this can be managed through local mechanisms that are best able to determine local priorities and respond to local realities.

Legislate to replace, over a set time period, Scotland's fragmented early years system. It should be replaced by a new early years system that allows childcare for children of school age to be fully linked into integrated Early Childhood Education and Care, and similarly subsidised and funded.

Move towards a clearly defined, integrated governmental oversight of early years provision.¹² This should include: having one cabinet secretary responsible for an integrated early years system, and moving responsibility for all Early Childhood Education and Care into one agency, for example, Education Scotland; the requirement that all those working with young children, including primary teachers, have a common core of high quality education and training, by making it possible for example, for primary teachers to specialise in the 3-5 age group, and by permitting the probationary year to be accredited in a nursery environment, and; moving towards a more unified and adequate system of pay and conditions for those working across education and care for young children.

Developing the provision of Early Childhood

Education and Care in this way needs to be managed by education departments in close coordination with broader health and social care legislation, policies, services and inspection.

Full implementation of the existing Additional Support for Learning Act and its provision for young children,¹³ along with implementing government recommendations for reinstating universal health checks for 24-30 month children, would be helpful in tightening the net under children and families who need support in addition to universal services.

However, improving the basic universal service of midwives, and health visitors, would further anticipate and prevent difficulties arising. Together with an integrated, universal system of Early Childhood Education and Care, this would ensure that young children and their families are helped out of poverty or ill health and become more likely to achieve higher levels of wellbeing, health and happiness as a result.

The risks

If the new government fails to fully grasp the opportunity to transform policy and investment, then education and care for young children and primary school age children will remain piecemeal and unequal. This, in turn, will leave primary and secondary teachers and the health service having to deal with the effects of this systemic lack of investment. It will also leave many parents struggling to support their children and move out of poverty.

The risk of inaction is that, despite years of high ambition and aspiration, Scotland will remain mired near the bottom of the European league table on early years provision and child wellbeing. This low position has high costs; immediately for the lives and life chances of children themselves, but soon after too, for families, communities, the economy and Scottish society.

If you have any comments about this briefing or suggestions about professional practice or strategy, then please contact Sara Collier at scollier@childreninscotland.org.uk or on 0131 222 2412.

This document is one in a series of Children in Scotland briefings that highlight issues, research or areas of policy that have a particular impact on children's early years and on the diverse workforce that provides services for this group. This work is supported through grants from Esmée Fairbairn Foundation and the Scottish Government's Child and Maternal Health Division.
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- (2 and 4) European Commission (2007) *European Commission Communication: Providing all our children with the best start for the world of tomorrow* [COM(2011)66] http://ec.europa.eu/education/school-education/doc/childhoodcom_ed.pdf
- (3) Children in Scotland, (2011) *Early Years Briefing No. 3, The European Commission's Communication on Early Childhood Education and Care* <http://www.childreninscotland.org.uk/docs/EYFbriefingpaper3v3.pdf>
- (5) Children in Scotland, (2010) *The Costs of Childcare* www.childreninscotland.org.uk/html/pub_tshow.php?ref=PUB0362
- (6) Save the Children and the Daycare Trust conducted research into parents' views of the costs of childcare. A report will be published in September 2011. www.savethechildren.org.uk/scotland
- (7) Day Care Trust, (2011) *Holiday childcare costs survey*, www.daycaretrust.org.uk/news.php?id=50
- (8) OECD, *Starting Strong II*, Early Childhood Education and Care

- http://www.oecd.org/document/3/0,3746,en_2649_39263231_27000067_1_1_1_1_00.html
- (9) Children in Scotland (2008-2010). *Working for Inclusion: the role of the early years workforce in addressing poverty and promoting social inclusion*. www.childreninscotland.org.uk/wfi
- (10, 11 and 12) Children in Scotland, (2011), *Special Report 2: Integrated Early Childhood Education and Care in Scotland* http://www.childreninscotland.org.uk/html/poly_con.htm
- (13) Children in Scotland (2011), *Early Years Briefing No. 5: Scotland's Additional Support for Learning Act as a resource for young children (and their parents) and for early years providers*.

Further reading

- Children in Scotland, (2011), *Early Years Briefing No. 7: How they did it: Norway and Slovenia's Early Childhood Education and Care policy*.
Children in Scotland, Working for Inclusion country profiles series:
Norway http://www.childreninscotland.org.uk/docs/WFINORWAYA4Report_000.pdf
Slovenia <http://www.childreninscotland.org.uk/docs/WFISloveniaA4Report.pdf>
Sweden <http://www.childreninscotland.org.uk/docs/WFISwedenA4Report.pdf>
Denmark <http://www.childreninscotland.org.uk/docs/WFIDENMARKReportA4.pdf>