

Item: 7

Education, Leisure and Housing Committee: 7 February 2024.

Early Learning and Childcare – Review of Policy.

Report by Corporate Director for Education, Leisure and Housing.

1. Purpose of Report

To review the Early Learning and Childcare policy.

2. Recommendations

The Committee is invited to note:

2.1.

That, on 6 February 2019, the Education, Leisure and Housing Committee recommended approval of the Early Learning and Childcare Policy.

2.2.

That since the policy was last considered at Committee, there have been changes in national guidance, resulting in a small number of updates to the policy.

2.3.

That the Early Learning and Childcare Policy has since been updated to reflect current practice, further national guidance and legislation.

It is recommended:

2.4.

That the Early Learning and Childcare Policy, attached as Appendix 1 to this report, be approved.

3. Background

3.1.

On 6 February 2019, the Education, Leisure and Housing Committee recommended approval of the Early Learning and Childcare Policy, which had been updated and revised following the Scottish Government funding a phased increase to 1,140 hours to the statutory hours of early learning and childcare to be completed by August 2020, together with the expansion of Early Learning and Childcare and phasing activity which had resulted in the existing policy no longer meeting the needs of the service.

3.2.

Since the policy was last considered at Committee, there have been changes in national guidance, resulting in a small number of officer updates to the policy.

4. Summary of main policy updates

4.1.

The Early Learning and Childcare Policy, attached as Appendix 1 to this report, outlines that settings must achieve grades of good or better to meet the National Standard for Early Learning and Childcare, and that if improvement fails to be made following an improvement period, then the setting will no longer be able to offer funded provision.

4.2.

The eligibility for 2-year-olds has been updated, to reflect changes in the benefits criteria and also to include care-experienced parents who have been in a formal arrangement.

4.3.

Increased emphasis has been placed on ensuring the security of settings. This is in response to the publication of national guidance by the Care Inspectorate following a rise in the number of children leaving nursery premises without an adult across Scotland.

4.4.

The Health and Care (Staffing) (Scotland) Act 2019 is due to be enacted in April 2024. This Act requires that the Care Inspectorate and Early Learning and Childcare services review adult to child ratios based on factors such as the needs of the children, the layout of the building and the experience and wellbeing of the staff. It may be the case, depending on the circumstances at a setting, that additional practitioners above ratio may be required. Therefore, the service will need to consider carefully if accommodating children who are not yet eligible for funded provision is sensible.

4.5.

Settings across Orkney have and are continuing to experience significant difficulties in recruiting staff. Parents are increasingly taking up the option to defer their child's start to school and are opting for an additional year of nursery. This is putting pressure on already stretched services. The updated policy, therefore, has adjusted the early entry options for children, reverting to statutory entitlement, which means children start the term after they are three. Exceptions to this include September and October born children who will be able to have a reduced number of sessions from the start of November until they are eligible.

4.6.

Across Orkney, post pandemic, settings have noted an increase in the number of children who have additional support needs and this is common across mainland and island settings. Settings have also been under increasing pressure in terms of staffing and demand from non-eligible two-year-olds. The implementation of the Health and Care (Staffing) (Scotland) Act 2019 in April 2024 will add pressure in relation to staffing levels and deployment. Consequently, only eligible two-year-olds will be offered an Early Learning and Childcare place across all areas in Orkney except in very small settings where a non-eligible two year old could be invited to attend if this enabled a social cohort to be established in situations where only one eligible child is attending a setting.

4.7.

In exceptional wellbeing and child protection related circumstances, for example if a child is at risk of being placed on the Child Protection Register, a discretionary place may still be offered to a non-eligible two-year-old.

4.8.

In islands with no existing nursery provision and with no registered child minders, the Council will support a new partner childminder to set up a service to provide funded Early Learning and Childcare to eligible children on the island. Childminders will be paid an enhanced rate for the funded hours to ensure that offering Early Learning and Childcare is viable for them.

4.9.

It should be noted that, since August 2022, children who are not yet 5 on or before the first day of the school term in August are automatically guaranteed another year in nursery, with their places being prioritised over new enrolments. The policy has adjusted the eligibility criteria accordingly.

5. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

6. Island Communities Impact

As the policy being reviewed and delivered in terms of this report has been assessed as being unlikely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in Orkney, a full Island Communities Impact Assessment has not been undertaken.

7. Links to Council Plan

7.1.

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan strategic priority of Strengthening our communities.

7.2.

The proposals in this report relate directly to Priority C5 Childcare of the Council Delivery Plan.

8. Links to Local Outcomes Improvement Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Local Outcomes Improvement Plan priority of Cost of Living.

9. Financial Implications

There are no financial implications arising from the policy changes outlined in this report as these can be managed within the existing budget allocation.

10. Legal Aspects

The policy changes comply with the requirements of current and forthcoming legislation. There are no legal implications arising from the policy changes.

11. Contact Officers

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12. Appendices

Appendix 1: Early Learning and Childcare revised policy.

Appendix 2: Equality Impact Assessment.



**Orkney Islands Council
Education Leisure and Housing**

**Early Learning and
Childcare Policy**

Version Control

Document Reference.	Revision.	Issue Date.	Reason for Issue.	Reviewer.	Sign.
	00.	Date	New Policy.	Service Manager (Early Learning and Childcare)	
	01.	August 2014	Policy Update	Service Manager (Early Learning and Childcare)	
	02.	March 2017	Policy Update	Service Manager (Early Learning and Childcare)	
	03.	December 2020	Policy Update	Service Manager (Early Learning and Childcare)	
	04.	January 2022	Policy Update	Service Manager (Early Learning and Childcare)	
	05.	January 2024	Policy Update	Service Manager (Early Learning and Childcare)	

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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.

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

1.3.

Early learning childcare nursery settings provide the statutory entitlement of 1140 hours. Smaller nursery settings provide 1140 within the school day and term. Some larger nursery settings (Glaitness, Papdale, St Andrews) offer extended days over 46 weeks per year, subject to demand. Dounby and Stromness offer extended days over 43 weeks per year, subject to demand. 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. The Early Learning and Childcare Charging Policy is available from the Council Website.

1.4.

Partner providers may offer the funded hours in a more flexible way and parents will be able to access more than their funded hours if the setting has capacity.

1.5.

All providers of funded Early Learning and Childcare are required to meet the National Standard for Early Learning and Childcare. This means that settings must achieve grades of good or better when inspected by the Care Inspectorate. If a setting fails to achieve grades of good or better or otherwise not meet the National Standard, then they will be given an improvement period of six months to demonstrate that they have capacity to improve. This will be monitored by the early years team. A further six month period may be given if some but not sufficient improvement has been made. If there is insufficient improvement, or grades are repeatedly below good, then the setting will no longer be able to provide funded Early Learning and Childcare.

2. Funded partners

2.1.

The local authority will enter into partnership with Partner Providers if potential partners are registered with the Care Inspectorate and staff are SSSC (Scottish Social Services Council) registered where appropriate. Potential partners must also meet acceptable standards of provision when inspected by the Care Inspectorate (grades of good or better) and meet the National Standard, or when quality assured by local authority officers. If a setting is newly established and hasn't yet been inspected, they will be able to come into partnership to offer funded provision after appropriate quality assurance by the Early Years Service.

2.2.

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

2.3.

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

3. Eligibility for early learning and childcare

3.1.

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

3.2.

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

3.3.

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

- Children born between 1 March and 31 August can start in August following their third birthday.
- Children born between 1 September and 31 December can start in January following their third birthday.

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

3.4.

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

3.5.

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

3.6.

Children of formally Care Experienced parents may access funded early learning and childcare from the term after their second birthday (Appendix 1).

3.7.

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

3.8.

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

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

4.1.

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

4.2.

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

5. Registration Procedures for Enrolment

5.1.

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

5.2.

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

5.3.

Information about all available funded providers (including childminders who are in partnership to offer funded Early Learning and Childcare), plus registration documentation will be available on the Council Website.

5.4.

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

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

5.6.

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

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 has no additional capacity. In these circumstances, the child will be offered a place in an alternative setting.

6.3.

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

6.4.

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

6.5.

Eligible children are defined in section 3. If local authority settings have limited capacity, places will be prioritised in the following way:

- Eligible child who lives in the catchment area.
- Eligible child outwith the catchment area who has additional support needs which are best met in the setting. This would include Looked After children.
- Placing or split placement request for an eligible child who lives outwith the catchment area who has a sibling already in that setting (in 2-year-old provision or nursery).
- Placing or split placement request for an eligible child who lives outwith the catchment area who has a sibling already in school (P1-7).
- Placing or split placement request for eligible child to meet childcare requirements for working parents, for example, the setting offers an all-year pattern.
- New placing requests for eligible child not covered above.

Local Authority settings must ensure that sufficient capacity is retained to accommodate new arrivals and that not all spare spaces are allocated to children outwith the catchment or to 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 (including building layout, staffing and the needs of existing children) 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 does 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 staffing and budgets are set will only be considered if this does not incur an additional cost.

6.8.

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

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

6.9.

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

6.10.

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

6.11.

Where capacity allows within existing resources, settings may offer a child who turns three in September or October an Early Learning and Childcare place after the October holidays. This may be for a reduced number of hours until January, which is the start of their statutory entitlement. Children who are registered for that year and who do not turn three until November or after will start the term after their third birthday as per the statutory entitlement.

6.12.

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

6.13.

Places will not be offered to ineligible two year olds unless there are exceptional circumstances, for example, a child is at risk of being placed on the Child Protection

Register. Requests should be made to the Service Manager for Early Learning and Childcare.

6.14.

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.

6.15.

In Kirkwall, where more than one Local Authority setting may serve the same catchment area (Papdale and Strynd nursery settings), new enrolments for children living in the catchment 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, website or information leaflets. Informal liaison with parents and carers prior to children 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. Parents are welcomed in nurseries and may stay for periods of time whilst settling their child.

7.3.

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

7.4.

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

7.5.

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

8. Family Engagement

8.1.

Engaging with, 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 practitioners, parents and carers to share how very young children learn.

8.4.

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

9. Charging for Additional Services and Hours

9.1.

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

9.2.

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

9.3.

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

- Funded early learning and childcare hours that form part of a child's entitlement.
- 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 the 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 of children 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 minimum staffing ratio specified by the National Care Standards for 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 Registered Manager, which will be the head teacher or the early learning and childcare manager.

11.4.

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

11.5.

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

11.6.

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

11.7.

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

11.8.

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

11.9.

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

11.10.

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

12. High Quality Environments

12.1.

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

12.2.

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

13. Learning Through Play

13.1.

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

13.2.

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

13.3.

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

14. Management and Quality Assurance/Improvement

14.1.

The local authority 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 standalone and 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 practitioner registrations are completed and kept up to date with the appropriate national bodies i.e. Care Inspectorate, GTCS, SSSC.

14.4.

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

14.5.

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

14.6.

Quality Assurance processes will be carried out at:-

- setting/school level (using current early learning and childcare quality frameworks).
- local authority level (quality assurance and improvement processes).
- national level (Care Inspectorate/HMIE inspection processes).

14.7.

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

14.8.

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

15. Attendance

15.1.

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

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.

Early learning and childcare is non-statutory, however, parents/carers should let the setting know if their child is not going to attend, before their child is due to attend that morning/afternoon. Failure to arrive as expected will be followed up promptly and appropriately. This would include phoning parents/carers or might involve contacting the Health Visitor.

15.4.

If a child repeatedly does not attend as planned, the manager will arrange a meeting to discuss this with the parent/carer. This is to ensure that the child is safe, but also to plan ways to support the family, for example, stay and play sessions, additional home visits or changing the number of sessions or session timings.

16. Food

16.1.

All children who stay for a morning or afternoon session are entitled to a lunch, and one free healthy snack. If children stay all day and have a second snack, parents are invited to pay a contribution towards this.

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 vigilant at arrival and departure times.

17.4.

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

17.5.

Managers are responsible for ensuring that the setting is safe and secure. This includes ensuring that boundaries and any doors or gates are secure and systems for managing these are in place.

17.6.

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.

17.7.

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 useful links).

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 the Sure Start Fund, 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 can be requested by contacting elc@orkney.gov.uk

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. Supporting alternative providers

19.1.

In islands with no existing nursery provision and with no registered childminders, the Local Authority will support a new childminder to set up a service to provide funded Early Learning and Childcare to eligible children on the island.

19.2.

Support will include a set up grant, in addition to the Business Gateway Grant, advice and on-going practice support.

19.3.

To ensure that it is viable for the childminder to offer funded hours, they will be paid an enhanced rate for up to 1140 hours per year (the funded hours). The enhanced rate will be linked to the hourly rate set out by the Scottish Living Wage (Real Living Wage Scotland). If other non-eligible children attend the childminder, then the rate paid will be adjusted accordingly.

20. 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.

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 (in related downloads on link below):

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

Care Inspectorate notifications

<https://www.careinspectorate.com/index.php/notifications>

Appendix 1: Eligibility for Two-Year-Old provision

Qualifying benefit/situation
Universal credit (and your monthly earned income is £726 or less).
Income Support.
Income Based Jobseekers Allowance.
Employment & Support Allowance (Income Related).
Child Tax Credit, but not Working Tax Credit (earnings are £18,725 or less).
Child Tax Credit and Working Tax Credit (earnings are £8,717 or less).
Age 16-18 and claiming any of these benefits in your own right.
Incapacity Benefit or Severe Disablement Allowance.
Pension Credit.
Asylum Seeker receiving support under Part VI of Immigration & Asylum Act 1999.
Children who are Looked After, under a kinship care order or have a parent appointed guardian (at any time after their second birthday).
Children of Care Experienced parents who have been in care under a UK local authority or in a formal care arrangement.



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Early learning and childcare Policy Update
Service / service area responsible.	ELH
Name of person carrying out the assessment and contact details.	Catherine Diamond
Date of assessment.	22/12/23
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Existing, with some updates to respond to new legislation and national guidance. This happens regularly to accommodate changes in eligibility etc.

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To support the operation of funded Early Learning and Childcare
Is the function / policy / plan strategically important?	(Strategic plans include major investment plans, new strategic frameworks or plans such as annual budgets, locality plans or corporate plans).
State who is, or may be affected by this function / policy / plan, and how.	All users of funded Early Learning and Childcare, managers and practitioners
How have stakeholders been involved in the development of	This is an existing policy which is being updated. Previously parent and carer surveys have been

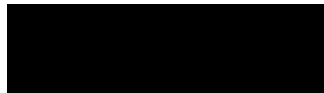
<p>this function / policy / plan?</p>	<p>used to inform the plan. Information on uptake of hours has been used to plan current the extended hours offer. In the previous update on allocation of places, practitioners and managers were consulted on the best approach to managing places.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>Early Learning and Childcare Policy in Orkney has at its core meeting the requirements of the Children and Young People (Scotland) Act (2014) In preparing for the legislative process the Scottish Government undertook five significant impact assessments in 2019, 2020 and 2021. The 2021 EQIA can be found: https://www.gov.scot/publications/expansion-early-learning-childcare-reinstatement-1140-statutory-duty-equalities-impact-assessment-eqia/</p> <p>The 2019 EQIA can be found at https://www.gov.scot/publications/equality-impact-assessment-expansion-early-learning-childcare/</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Guidance for Public Bodies for further information.</p>	<p>Please see above</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>Nationally minority ethnic families may be more likely to work atypical hours. In Orkney there is no existing evidence that this is the case, however, the ability to use childminders or settings where the offer is outwith school hours would have a positive impact.</p>
<p>2. Sex: a man or a woman.</p>	<p>There is no anticipated direct impact anticipated; however it is intended that there would be a positive advantage to anyone who has caring responsibilities for young children – this may impact more on women than men who are more likely to be the primary carers of young children.</p>

	Provision of funded Early Learning and Childcare provides both jobs for workers and enables parents to work. At the present time the early learning and childcare workforce in Orkney is almost entirely female and as women are more likely to be primary carers this is likely to positively impact on women, enabling them to work.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	There is no anticipated direct impact anticipated
4. Gender Reassignment: the process of transitioning from one gender to another.	Government research identified knowledge gaps in this area. However, there are no anticipated negative outcomes that would arise from the review or the principles proposed.
5. Pregnancy and maternity.	There is no anticipated direct impact anticipated; however it is possible there would be positive advantages to anyone who is pregnant/has very young children as they would have access to free childcare from the time in which their child is eligible.
6. Age: people of different ages.	The policy has a direct benefit on children and their carers
7. Religion or beliefs or none (atheists).	There is no anticipated direct impact anticipated.
8. Caring responsibilities.	The provision of childcare has a direct benefit for people with caring responsibilities who have young children.
9. Care experienced.	Care experienced children are eligible for the 2 year old provision. The extension of eligibility to 2 year olds for care experienced parents is a direct benefit.
10. Marriage and Civil Partnerships.	There is no anticipated direct impact anticipated
11. Disability: people with disabilities (whether registered or not).	The purpose of the extension of childcare potentially has a direct benefit on young children including those with a disability; there would be benefits too and anyone with caring responsibility who is also disabled.
12. Socio-economic disadvantage.	The 2 year old provision has eligibility criteria which positively favour families who have low income. The benefit eligibility criteria continues to rise each year to ensure that parents are still eligible.

3. Impact Assessment	
Does the analysis above identify any differential impacts which need to be addressed?	No
How could you minimise or remove any potential negative impacts?	
Do you have enough information to make a judgement? If no, what information do you require?	Yes

4. Conclusions and Planned Action	
Is further work required?	No
What action is to be taken?	
Who will undertake it?	
When will it be done?	
How will it be monitored? (e.g. through service plans).	

Signature:



Date: 22-12-23

Name: CATHERINE DIAMOND

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrrsupport@orkney.gov.uk