

Scottish Childminding Association (SCMA) | Response to the Scottish Government consultation on the updated Early Learning and Childcare (ELC) Statutory Guidance

The Scottish Childminding Association (SCMA) is a professional membership organisation. We represent the views and experiences of childminding and of our members – just under 4000 childminders (83% of the childminding workforce in Scotland), in addition to supporting the professional and learning needs of our members and developing childminding in Scotland. We are grateful for the opportunity to respond to this important consultation and would offer the following comments.

1(a) Does the Guidance help your understanding of the legislation relating to education authorities' functions in the delivery of early learning and childcare?

Yes, as presented, the document helps our understanding of the legislation relating to education authorities' functions in the delivery of Early Learning and Childcare (ELC).

1(b). Are there any specific aspects of the early learning and childcare legislative framework that remain unclear after reading the Guidance?

We believe the guidance is clear, but in some cases does not go far enough nor address all of the issues required. Please see our more detailed response to Q. 3 below

2(a). Do you find the Guidance clear and readable?

Yes. While recognising the statutory nature of the document and, by default, that this is legalistic, technical and detailed in places, we believe the document reads well and is more accessible than the 2014 guidance which it will replace.

2(b). Are there any specific areas of the Guidance where we could improve readability?

No.

3. Do you have any other comments on the Early Learning and Childcare Statutory Guidance for education authorities?

PLAY

We welcome the commitment that play, as outlined in 'Building the Ambition' and in the newly launched National Practice Guidance 'Realising the Ambition', will continue to be an essential and fundamental part of children's learning and happiness (paragraph 24). As outlined in Realising the Ambition "through play a child develops their cognitive, social, emotional and physical capacities" and "is an intrinsic part of human nature and development" deserving wider recognition.

RETAINER FEES

We are concerned that the National Standard for ELC does not currently allow for the charging of retainer fees. This is an established part of childminding business practice and if childminders are not able to charge such fees, in response to parent demand to keep spaces open, this could have a significant adverse effect on the viability of their businesses. We have worked constructively with colleagues in the Scottish Government to address this and believe that this point has been recognised. As such, we strongly support the inclusion of paragraph 61 within the Draft Statutory Guidance for ELC which will enable childminders to make optional

service charges “such as the provision of localised cover arrangements required by parents and carers (for example acting as the emergency contact for a child, cover for shift patterns, holiday cover etc) which requires the setting to retain a place in order to meet this demand during the hours that the child is receiving part of their funded ELC entitlement at another setting as part of a split placement”. We also welcome the recognition that such arrangements are outwith the scope of ELC.

LOCAL AUTHORITY REQUIREMENT TO PROMOTE ALL PARTNER PROVIDER SERVICES EQUITABLY

While welcoming the additional requirement that Local Authorities should consider how they make parents and carers aware of their child’s entitlement, of the range of provision available, and how to access this (paragraph 91), we do not believe this goes far enough. In line with the provider-neutral nature of ELC policy, we believe that the guidance should explicitly require all Local Authorities to clearly promote all partner providers (including childminders) in their area, equitably alongside their own Local Authority nursery provision.

METHOD OF DELIVERY & LOCAL MODELS / ‘OFFERS’ FOR ELC

In Section 51 (paragraphs 107-112) the guidance provides examples of the models which Local Authorities could offer. This includes term-time, full-time, half days and part days. We believe that some of the models being offered by Local Authorities to parents and providers can be too prescriptive and sometimes limited to particular times of the week. This does not reflect the increasingly flexible nature of modern childminding services or the increasing demand from parents for flexibility. As such, we are concerned that some of these models being offered may disadvantage childminding services from operating competitively alongside nursery provision. This has become more evident in recent months as local ELC offers are being made to parents and we receive increasing contact from members reporting anger and frustration amongst parents and childminders where childminding is not being presented as an option. This may also act as a barrier to both our shared desire to increase the number of childminders involved in delivering funded hours and to parental choice.

FLEXIBILITY & PARENTAL DEMAND

We strongly support the recognition that “flexibility should be driven by local demand from families regarding the nature, and type, of provision they require” (paragraph 124) and that “there will be an ongoing need to review and change models in response to demand from parents and carers within their area” (paragraph 130).

REQUIREMENT TO PROVIDE BLENDED CARE

We strongly support the recognition (in paragraph 131) that “a mixed model of provision can be beneficial for children and parents, and education authorities should accommodate split placements across different providers where this meets the needs of the child and parents or carers”. Catering for blended models of childcare should be standardised across Scotland and Local Authorities should not be allowed to only offer single-provider models.

RELATIVES & DELIVERY OF FUNDED HOURS

We understand that currently childminders are not allowed to deliver childminding services (ELC or other) to their own children or their relatives’ children. This is enshrined in legislation [Public Services Reform Act 2010; Children (Scotland) Act 1995]. We believe there can be circumstances where this should be considered, i.e. in remote and rural areas where childcare provision is more limited and relatives may be involved in the paid care of children. We would ask the Scottish Government to consider how it can support such childminders and families in Scotland.

We would be happy to continue discussion of any of the above with the Scottish Government.

Graeme McAlister, Chief Executive
Scottish Childminding Association
26 February 2020