

SCMA Response to Scottish Government Consultation – Reform of the SQA and Education Scotland: Expert Panel and Advisory Group Draft Terms of Reference

The Scottish Childminding Association (SCMA) was pleased to be consulted on the above. In general terms we are supportive of this exercise and, in particular, of the intention to remove the inspection function from Education Scotland if it will result in a simplified shared/single inspection framework for early learning and childcare. **However, we would have significant concerns that this will continue to adversely impact upon the childminding workforce and, in turn, children and families if the scrutiny and inspection function were simply to move into a replacement educational entity – lessons need to be learned instead of repeating the mistakes of the past.** We are also concerned that the proposed composition of the Practitioner & Stakeholder Advisory Group **does not include any specialised representation from childminding (a distinct form of childcare and learning) and would request this is rectified through the inclusion of SCMA.** Detailed comments are provided below.

EXPERT PANEL: TERMS OF REFERENCE

The draft Terms of Reference includes -

“with the decision taken that the inspection function will move out of Education Scotland, consulting on and advising on the purpose, remit, and governance and situation of the inspection function, taking into account the impact on the wider inspection and scrutiny landscape”.

We believe educational inspection and how it impacts upon the wider inspection and scrutiny landscape, particularly childcare, is an extremely important matter which continues to be under-recognised at a national level in Scotland by a range of statutory stakeholders. In recent years there has been a significant increase in requirements placed on childcare providers by a range of statutory stakeholders to demonstrate their adherence to a range of frameworks and standards. This has included wider policy frameworks such as Getting it Right For Every Child (GIRFEC) and Building the Ambition which are firmly embedded in childminding practice, Curriculum for Excellence and the National Health & Care Standards, but it has also seen a range of updates and refreshes including Realising the Ambition and a range of specific standards or frameworks layered on to support the development and expansion of Early Learning & Childcare policy and improving outcomes for children. ^{i,ii,iii,iv,v,vi,vii,viii}. As predominantly sole workers, this has had a disproportionate effect on the childminding workforce and their practice. Collectively, this increase in bureaucracy, accompanied by the rapid scale of ELC nursery expansion, is understood to be the main factor which has led to a significant decline in the childminding workforce, threatening its future sustainability and, in turn, the availability of this unique, high-quality form of learning and childcare for children and families in Scotland.

Background/context

The Care Inspectorate has the responsibility to regulate, inspect and scrutinise all forms of childcare in Scotland including childminding. As such, childminding is a regulated profession which prior to the expansion of ELC policy to support the delivery of 1140 funded hours of ELC by 2020 for all three, four and eligible two-year olds, was already subject to inspection and scrutiny covering a wide range of detailed quality indicators. During this time childminding has consistently achieved higher ratings across all quality criteria, through independent inspection by the Care

Inspectorate, than Daycare of Children's Services (local authority nurseries, private nurseries and other early learning and childcare settings)^{ix}. In parallel, Education Scotland was charged with developing a quality framework to support the delivery of ELC and published How Good Is Our Early Learning & Childcare (HGIOELC) in 2016^{vii}. This provides a self-evaluation framework of quality indicators to measure improvement against in ELC settings.

SCMA is a professional membership organisation with approx. 3400 members (85% of the childminding workforce in Scotland), we provide a professional voice for our members and the wider childminding workforce and are supportive of ongoing quality improvement, quality assurance, inspection and scrutiny. However, we also strongly believe that this should be proportionate and the statutory sector has a responsibility to minimise the level of bureaucracy for practitioners (particularly where harmful), working together where appropriate to achieve this aim.

SCMA recognised at an early stage that the expansion of ELC policy in support of the delivery of 1140 by 2020 was creating additional bureaucracy and also leading to much duplication. Prior to August 2020 and in the years leading up to this date local authorities have been continuing with their own local quality assurance systems; and in parallel at a national level the Scottish Government was developing a new National Standard with ongoing criteria that providers must meet to deliver funded hours and both the Care Inspectorate and Education Scotland have been developing and introducing their separate, more detailed inspection frameworks. SCMA engaged with the Scottish Government and others about this, as while larger childcare providers such as nurseries may have been able to sustain separate dual inspections (although some may struggle as well), we recognised this would put much more significant pressure on childminding where the effect would be more pronounced. For additional context, the majority of childminders are sole workers and unlike nurseries they do not have teams of staff (practitioners, managers, finance/admin and quality improvement officers) to support them. In simple terms during the day their sole focus is on practice delivery and everything else has to be done by them individually, unpaid, in their own time in the evenings or at weekends (cleaning their settings, undertaking professional learning, documenting quality assurance, keeping up-to-date with the latest guidance, administration, finance, liaising with parents, marketing etc).

Recognising these issues, and the risks posed by separate, dual inspections, **an independent review of ELC had recommended in 2015 that –**

“in future, either a joint education and care inspection or one inspection conducted by one single inspectorate body for ELC should be standard”^x.

In response to this the Scottish Government charged the Care Inspectorate and Education Scotland with developing a single shared inspection and to engage with a range of stakeholders in its development. This work was very slow and the Care Inspectorate and Education Scotland failed to reach agreement on a single shared inspection, issuing a statement in September 2019 noting that the development of a shared inspection would be deferred until after the expansion of ELC had been completely implemented and that they would instead continue to develop their own separate frameworks.^{xi} While we do not under-estimate the challenges involved, this was very disappointing and frustrating as we were aware from supporting childminders around Scotland of the adverse impact this was having on them. **It is now six years since a shared inspection was recommended and the Care Inspectorate and Education Scotland were charged with developing this by the Scottish Government. Consensus was not reached across the involved statutory stakeholders and a single, shared inspection has still not been achieved. During this period childminders have had to absorb the consequences of this – an evolving, detailed quality framework (and inspection) by the Care Inspectorate and a separate detailed learning framework (with possible inspection) by Education Scotland - alongside additional requirements of ELC expansion linked to the National Standard layered on at a national and local level, which we believe has contributed collectively to a significant reduction in our workforce.** And conversely, while it was hoped that this would increase quality across the wider early learning and childcare workforce there is a significant and increasing risk of premature skills loss from the childminding workforce due to the level of accompanying bureaucracy and duplication.

The adverse impact on the childminding workforce, children and families.

Latest statistics confirm that the childminding workforce has declined by 22% in the last five years^{xii}. This has been an accelerating trend in parallel to ELC expansion. SCMA recommended the need for urgent research into this trend in our most recent annual ELC audit which we are commissioned to undertake on behalf of

the Scottish Government every year^{xiii}. The Scottish Government agreed to fund this workforce research and Ipsos/MORI were appointed to undertake this work under the direction of the Scottish Government, Care Inspectorate and SCMA. This work was postponed due to the pandemic, is currently underway and is due to report at the end of 2021. Keen not to lose ground during the pandemic, SCMA also undertook a large-scale membership survey in spring 2020 which secured a high response from members (1470 responses/38% response level). This explored childminders' reasons for leaving the profession and, importantly, looked ahead and captured data on childminders' future workforce intentions. **This survey found that the level of paperwork and bureaucracy associated with current childminding practice was the main reason that both childminders had left the workforce (70%) and were considering doing so within the next five years (59%)^{xiv}. The survey also found that on top of the significant decline in our workforce within the last five years, 25% of childminders did not believe they will still be childminding in five years and a further 26% didn't know if they would. We believe this data to be deeply worrying and compelling, as when running this data together we have the makings of a workforce crisis. And while we need to account and adjust for the age profile of the childminding workforce (21% aged 55+), the results indicated a strong opportunity to positively influence this if we could reduce the pressure on the childminding workforce - only 25% said that nothing could be done to change their minds.**

To complicate matters further, this does not yet show the full effect of ELC expansion and bureaucracy on childminders' workload. Only a small number of childminders (approximately 200 / 5%) had been involved in delivering funded hours at the time of conducting our last ELC Audit (August 2019) and several barriers to increasing childminder involvement in funded hours had been identified. We did not repeat our audit last year due to the pandemic, but re-introduced it this year and data collection is underway. We do anticipate these numbers will have increased, but the new Quality Framework launched by the Care Inspectorate to support ELC expansion will go beyond providers involved in funded hours delivery and apply to all childcare providers. **As such, the figures noted above may under-state the full impact as part of this additional work is still to hit the wider childminding workforce.**

SCMA has used this powerful data constructively and shared this with a range of stakeholders. This was instrumental in our advocating the need for and securing a new Action Plan on Childminding from the Scottish Government^{xv}, ^{xvi}. Our survey findings were also used to inform the ongoing research into childminding workforce trends being undertaken by Ipsos/MORI. **However, these important pieces of work will not have impact without a joined-up approach between statutory stakeholders involved in inspection and scrutiny, a recognition of the issues and a commitment to change.**

SCMA has been leading nationally on engaging stakeholders on our workforce pressures (both the declining trends in our workforce and the excessive levels of paperwork and bureaucracy). These are not sustainable, will not have a quick fix and require a joined-up, strategic response. This is why we also published our new three-year strategy in May 2021, designed to promote recovery, strengthen childminding, support families and increase choice^{xvii}. At its core is a dedicated work stream on Workforce, Learning & Quality aimed at creating a more sustainable workforce (including addressing the issues adversely affecting this), then supporting ongoing learning and upskilling to support quality improvement and assurance - while continuing to support ELC expansion and implementation amongst other areas.

COVID-19: delays, multiple (unco-ordinated) stakeholder demands on childminders returning as we progress through recovery and the 'Perfect Storm'

Recognising the unprecedented nature of the pandemic and the challenges presented, the Scottish Government removed the statutory duty on local authorities to deliver 1140 hours by 2020. Much inspection and quality improvement work was also paused during the pandemic. Physical inspections were largely not possible with virtual inspections prioritised by the completion of self-evaluation documentation.

As progress was made in suppressing the virus the Scottish Government reintroduced the statutory duty to deliver 1140, but moved the deadline to August 2021. More recently, in June 2021 the Care Inspectorate has launched its new Quality Framework which it had started to consult on before the pandemic and had to pause^{viii}. This has taken the form of a soft launch, piloting the Quality Framework's use with selected providers and has suggested further consultation, but details remain unclear regarding this and about when the Quality Framework will support

inspection for all providers. In parallel, Education Scotland has continued with its separate scrutiny activities through HGIOELC. At a national and local level, activity related to ELC policy has been ramping up significantly. We continue to receive reports from childminders around the country that local authorities are confused about who is inspecting what and what frameworks should be used, with the added complexity of differing interpretation of Education Scotland's HGIOELC Framework by local authorities, with some staff unclear if this is just for nurseries or for all childcare providers including childminders.

We recognise that there had been a strong focus on quality improvement nationally and locally before the pandemic, and that some ground has been lost. This has been due to providers having to prioritise ensuring their practice has complied with ever-changing operating guidance (to ensure safety for children, families and providers) and also prioritising business survival (due to the sustained decrease in demand for childcare arising from parents being required to work from home). We also recognise that all stakeholders are keen to make up this ground. **However, what is not working is trying to do this all at one time. Childminders are increasingly reporting that they cannot sustain the increasing and multiple (unco-ordinated) demands on their time from Scottish Government, Care Inspectorate, Education Scotland and local authorities. This is layered on top of the workforce challenges highlighted earlier in this submission. The current situation feels chaotic and is creating the conditions for the 'Perfect Storm'.**

Within the last few weeks SCMA has also become aware of a number of childminders in different local authority areas who have previously been involved in delivering funded hours ceasing to do so, due to the level of bureaucracy which they cannot sustain. This is of emerging concern and highlights the continuing risks to national policy ambitions posed by bureaucracy.

Looking forward, we do not believe it credible to continue with this level of paperwork – it is neither appropriate nor sustainable for sole workers. Continuing to do so could indicate those generating and overseeing this are out of touch with and detached from the practicalities and realities of current practice. The experience of COVID, which should also inform learning, has also been that providers have been overloaded with a high volume of very detailed guidance and practice documents ranging from 40-140 pages. Without the intervention of SCMA and sectoral organisations supporting other childcare providers and providing the vital link between policy and practice to support implementation, many important measures would not have made it into practice. **As such, it is also important that organisations providing scrutiny are subject to scrutiny themselves to ensure that their requirements do not place excessive or unreasonable demands on providers which have an adverse effect on their abilities to support families.**

Why is this so important to children and families?

All forms of childcare are not the same and the ongoing reduction in the childminding workforce, linked to ever-increasing levels of paperwork and bureaucracy, is already reducing parental choice for forms of childcare and will reduce this further if not addressed urgently.

Childminding –

- is a unique, nurturing and high-quality form of learning and childcare delivered in a home setting;
- consistently achieves higher ratings across all quality criteria, through independent inspection by the Care Inspectorate, than Daycare of Children's Services (local authority nurseries, private nurseries and other ELC settings)^{ix};
- has the lowest adult-to-child ratios by childcare provider, maximising and increasing opportunities for more one-to-one care^{xviii};
- enables children of different ages to learn and play together in small groups, enhancing communication skills, learning and development^{xix};
- follows the same learning and quality frameworks, including Curriculum for Excellence and Getting it Right for Every Child (GIRFEC), as nurseries;
- incorporates a higher element of outdoor learning and play than most other forms of childcare;
- can be blended with other forms of childcare (i.e. nursery), so that children can experience the best of both forms of childcare;

- can be particularly beneficial for young children who may struggle to adapt or may get lost in a larger setting and also for children with Additional Support Needs (ASNs);
- is viewed by many families who use childminding as a wider form of family support (enabling siblings to be together; providing care before, during and after school; providing continuity of care from 0-12 years old and supporting children and families through the range of transitions within; in addition to providing emotional support to parents).

The Scottish Government has also engaged Ipsos/MORI to undertake a separate research project exploring parents' and childminders' perceptions of childminding on children's and families' outcomes to support ELC expansion, increase understanding about childminding and to increase parental choice. This will be published later this month and will report further additionality which childminding can offer children and families beyond nursery provision.

Considering these issues collectively, we believe it essential that lessons are learned and the Expert Group does not repeat the mistakes of the past by moving the educational inspection function from Education Scotland into a replacement educational entity without considering the wider impact of this on childminders, other providers and families and ensuring a single, proportionate shared inspection is delivered upon which recognises within it the distinct nature of childminding. We are very supportive of ELC policy and in particular its intent to close the attainment gap, and also of other policies and frameworks aimed at improving children's outcomes. We want ELC to succeed and be remembered for its transformative provision of funded childcare and not remembered as a policy which destabilised the childminding and wider workforce.^{xiii, xx, xxi} Something has to change if we wish to avoid this. As should be clear from the foregoing, SCMA is committed to constructively tackling the issues which are impacting negatively on childminders and, in turn, children and families. We are solutions-focussed and would be willing to participate in a multi-stakeholder response which would maintain quality assurance, but with lighter touch, joined-up and more proportionate requirements on childminders.

PRACTITIONER & STAKEHOLDER ADVISORY GROUP

We have reviewed the proposed membership of the above group and are concerned that this does not include SCMA. This omission is disappointing, as SCMA has frequently had to remind statutory stakeholders about childminding during ELC expansion. Childminders play a significant role in contributing to the learning of children from 0-12 years old. Approximately 50% of children in childminding settings are of pre-school age and 50% are of school-aged childcare age, and it is not uncommon for childminders to continue caring for children with ASNs up to age 16. SCMA is also the only national organisation in Scotland dedicated to supporting and specialising in all aspects of childminding. We note that other provider organisations (including the Care & Learning Alliance, Early Years Scotland and the National Day Nurseries Association) have been included within this group. It is an omission and outlier that SCMA has not similarly been included to represent the distinct experience of childminding within this group. As Scottish Government will be aware, we are an important contributor who should be included alongside sectoral organisations representing other forms of childcare provision. **As such, we would formally request that SCMA is included within this important group and believe this submission should provide an indication of the informed contribution which we could make to this review.**

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References

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- ix Early Learning & Childcare Statistics, Care Inspectorate
- x Independent Review of Scotland's Early Learning and Out of School Care Workforces, Scottish Government, 1 June 2015
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- xiv #TellSCMA: Childminding & You Survey 2020, SCMA, May 2020 (unpublished)
- xv Childminding on the Edge: SCMA Response to Scottish Government Consultation on 'Action Plan: A Vibrant Childminding Sector in Scotland', September 2020.
- xvi Our Commitment to Childminding in Scotland, Scottish Government, January 2021
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