

16 June 2014

Agenda Item: 7

REPORT OF THE SERVICE DIRECTOR, YOUTH, FAMILIES AND CULTURE

EARLY EDUCATION FOR 2 YEAR OLDS AND STATUTORY GUIDANCE FOR CHILDCARE

Purpose of the Report

1. To provide information on proposed changes to the statutory duties for local authorities regarding early education and childcare that come into effect later this year, and to provide an update on the Council's current position and proposed response to such changes.
2. To report on the progress of the roll out of the Education Entitlement for 2 year olds in Nottinghamshire.

Information and Advice

3. Revised Statutory Guidance for Early Education and Childcare comes into effect from September 2014. It provides guidance on eligibility for the entitlement to early education for 40% of the most disadvantaged two-year-olds. It introduces new elements relating to:
 - how local authorities discharge their duties to secure early education for two, three, and four-year olds;
 - the provision of information, advice and training to childcare providers; and
 - the introduction of childminder agencies.
4. It covers all early years providers including all those registered on the Ofsted Early Years register, those registered with a childminder agency, and schools taking children age 3 years and over.

Early Education and Childcare Places

5. The Guidance requires local authorities to secure early education places offering 570 hours a year over no fewer than 38 weeks of the year for every eligible 2 year old and all 3 and 4 year olds. Eligible 2 year olds are:-
 - looked after by the Local Authority, adopted, or in receipt of a guardian/residence order

- in receipt of free school meals, in families receiving working tax credit or disability living allowance
 - in families with a gross annual income of less than £16,190
 - have an Education, Health and Care (EHC) plan.
6. The Guidance also places a duty on local authorities to ensure places are offered flexibly, to meet the needs of parents, with:
- no session longer than 10 hours
 - no session shorter than 2.5 hours and
 - not before 7.00am or after 7.00pm.
7. The minimum patterns for the take up of places are:
- 3 hours per day over 5 days of the week
 - 5 hours per day over 3 days of the week.
8. The Guidance maintains a requirement for local authorities to secure sufficient childcare, where it is practicable to do so, for working parents and those studying for training or employment for children aged 0-14 years (or up to 18 for disabled children). The Guidance requires local authorities to undertake an annual review of provision and report to members on how they are meeting their duty to secure sufficient places; to encourage schools to offer childcare from 8.00am to 6.00 pm; and ensure parents are aware of their entitlement, of the quality of provision available, and how to access it.
9. Work is ongoing to complete the annual Childcare Sufficiency Assessment (CSA) for Nottinghamshire. The Assessment outcomes will be presented to the Children and Young People's Committee in September 2014.

Quality of Provision

9. The Government has a clear expectation that all children are able to take up their entitlement to funded early education in a high quality setting, with Ofsted being the sole arbiter of quality. Currently 76% of providers in Nottinghamshire are judged to be Good or Outstanding. The Guidance states that local authorities should only fund 2 year old children in provision rated Satisfactory /Requires Improvement where there is insufficient Good or Outstanding provision. It requires that support available from local authorities to providers should focus on those providers who are:
- judged less than 'Good' by Ofsted at their most recent inspection
 - newly registered providers who have not yet had an inspection report published
 - those not having met the requirements of the Ofsted registration process.
10. Local authorities will also be required to provide/signpost support/training linked to areas of improvement identified in Ofsted reports. However, local authorities have the power to offer support, information and advice to other

providers at their request and have the power to make reasonable charges for such support/training, focused on:

- meeting the requirements of the Early Years Foundation Stage (EYFS)
- meeting the needs of vulnerable children, including those with special educational needs and disability (SEND)
- being effective in their safeguarding practice.

Conditions of Funding

11. Local authorities will be required to limit the requirements they place on providers or child-minder agencies to those which ensure:
 - places are delivered free of charge
 - places are flexible and meet the needs of parents
 - funding is used properly and in accordance with arrangements made with providers
 - providers meet the needs of disabled children and children with SEN
 - providers keep children safe.
12. Local authorities can withdraw funding from providers if they have reasonable grounds to believe they cannot meet the above requirements and improve practice. However, local authorities are required to:
 - ensure that providers are treated equitably
 - maintain a list of providers that receive funding
 - ensure that administrative processes are easy to use
 - provide written explanation if funding is withdrawn and have/publish a complaints procedure for providers.
13. The revised guidance permits local authorities to make additional requirements of any provider rated Satisfactory or Requires Improvement, if a parent wishes to use that provision, in order to address the quality issues raised by Ofsted at inspection. However, the local authority will have powers to withdraw funding and secure alternative provision for children attending any provider subsequently rated as Inadequate, taking into account the continuity of care for any such children and Ofsted monitoring information about the provider.
14. In Nottinghamshire:
 - the annual Childcare Sufficiency Assessment is underway;
 - a review of the financial support offered to the Early Years Private, Voluntary and Independent (PVI) sector has begun;
 - capital developments will help ensure there are sufficient childcare places where they are needed;
 - current local compliance arrangements will be reviewed, in consultation with provider representatives for the sector, to drive further quality improvement across the provider network.

Roll Out of Early Education Places for Two Year Olds

15. To date, a total of 800 new childcare places are being created across the County with Department for Education capital and transformation funding. These additional places, focused on the areas of greatest need for places, will also ensure the Council is in a good position to meet the demands of the expanded offer for 2 years olds which will extend to include 3,600 places for eligible two year olds from September 2015. The figure varies dependent on existing provision.

District	Places Created
Ashfield	82
Bassetlaw	84
Broxtowe	81
Gedling	105
Mansfield	254
Newark & Sherwood	158
Rushcliffe	36

16. There are currently 1,441 (75.4%) 2 year olds across the County taking up their free early education place. The total number of eligible children from September 2013 to July 2014 is 1912. The summer term data is currently being collated and will be available by mid - June. The DfE target is for 80% of 2 year olds taking up the offer by term 3 which the Council is on track to exceed. In this respect we are required to encourage the take up of early education places and undertake outreach activities to identify those children not taking up their full hours and support them to do so. We achieve this by working closely with children's centres and health providers and via the Families Information Service to ensure families can access information about eligibility and availability.

Summary

17. The Council is very well placed to meet its statutory duty to ensure all eligible 2 year olds are able to access good quality early education places in areas where they are needed the most. The Early Years' service target for September 2014 is to ensure at least 85% of eligible children take up the offer and Nottinghamshire County Council is currently achieving a higher take up rate than the national local authority average (74%).

Other Options Considered

18. No other options have been considered.

Reason/s for Recommendation/s

19. To ensure the Council continues to meet its statutory duties regarding the provision of early education and childcare.

Statutory and Policy Implications

20. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Public Sector Equality Duty Implications

21. An equality impact assessment was undertaken in October 2013 and is available as a background paper.

Safeguarding of Children and Vulnerable Adults Implications

22. Continued support to early education and childcare providers will remain focused to ensure children in their care are safeguarded.

Implications for Service Users

23. Children and families will benefit from increased and/or improved services aimed at giving young children the best start in life, preparing them better for school.

RECOMMENDATION/S

That:

- 1) the information on proposed changes to the statutory duties for local authorities regarding early education and childcare that come into effect later this year, and the update on the Council's current position and proposed response to such changes be noted.
- 2) the progress of the roll out for the Education Entitlement for 2 year olds in Nottinghamshire be noted.

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Constitutional Comments

24. As this report is for noting only, no Constitutional Comments are required.

Financial Comments (KLA 02/06/14)

25. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Draft Early Education and Childcare – Statutory guidance for local authorities, September 2014

Achieving 2 year olds free early education entitlement – update – report to Children and Young People’s Committee on 9 December 2013

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

All.

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