

FULL COUNCIL REPORT

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Service Area	Schools
Exempt/Non Exempt	Non Exempt
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To: Mayor, Ladies and Gentlemen

Proposal to Fund Part-Time Nursery Places in Nursery and Primary Schools

PURPOSE OF THE REPORT:

1. To consider the proposal to fund part-time nursery places in nursery and primary schools with effect from September 2015.
2. To consider the recent consultation on the proposal; the authority's legal responsibilities regarding nursery education and childcare provision; sufficiency of nursery and childcare places across the authority; and other matters relevant to the proposal.
3. To provide Councillors with the information to enable a decision on the proposal to be made.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 Within the County Borough nursery education is provided by 22 nursery settings in authority maintained schools (1 nursery school, 21 nursery classes in a primary school) and by 3 non-maintained educational providers within the childcare sector.
- 1.2 Schools currently offer full-time or part-time nursery places, or a mixture of both. The current mixture of full-time and part-time provision across the County Borough means that many schools have no space to admit children in the term following their third birthday. There is an inequality of provision at present; many three year olds have to wait for up to two terms until they are allocated a nursery space in a school.

- 1.3 In order to ensure that the authority meets its statutory obligations, and provides equitable access to nursery education it is proposed that with effect from September 2015, all children would be offered a part-time nursery place in the term following their third birthday. Nursery classes within schools would operate as follows:

Nursery group	This will contain pupils who became three years of age prior to 31st August. This cohort of pupils will complete a whole academic year in nursery before entering the Reception year group.
Pre-nursery group	This will contain pupils who reached three years of age in the previous term. These newly three year olds would join nursery classes in the Spring or Summer Term.

- 1.4 The authority has carried out consultation on these proposals during the period 3rd November 2014 – 1st December 2014, which included: an on-line survey; drop-in sessions/roadshows; distribution of 5,500 paper copies of the consultation leaflets; and a live social media session. Councillors received the report to consider the results of the public consultation on 14th January 2015.

2.0 AMBITION: WHERE WE WANT TO BE

- 2.1 The authority wishes to improve the outcomes for pupils within the Foundation Phase. Currently the authority is placed 22nd out of 22 authorities in Wales. Other authorities with similar levels of deprivation fund part-time nursery places and children are achieving higher standards than in Merthyr Tydfil. Evidence suggests that it is the quality of education, rather than the quantity and a continuity of education (early intervention) which have the biggest impact on pupil attainment.

- 2.2 The authority wishes to be able to:

- offer a part-time nursery place to every three year old in the term following their third birthday, thereby meeting statutory requirements;
- remove the gap in provision that many young children are currently experiencing with up to two terms gap; and
- continue to meet their statutory duties in relation to childcare which include: facilitating the childcare market to ensure it meets the needs of working parents; in particular those on low incomes, those with disabled children, or those who wish their child to attend Welsh medium provision; and ensuring people have access to the full range of information they need as a parent.

3.0 LEGISLATIVE FRAMEWORK

3.1 The authority's duty to secure sufficient nursery education

- 3.1.1 Section 117 of the School Standards and Framework Act 1998 defines 'nursery education' as full-time or part-time education suitable for children who have not attained compulsory school age (whether provided at schools or elsewhere).

- 3.1.2 In accordance with section 118 of the School Standards and Framework Act 1998 (and regulations made thereunder) the authority must secure that the provision (whether or not by it) of nursery education for children from the term after their third birthday, is sufficient for its area.
- 3.1.3 In determining whether the provision of such education is sufficient for its area in the authority:
- may have regard to any facilities which they expect to be available outside their area for providing such education; and
 - shall have regard to any guidance given from time to time by the National Assembly for Wales.
- 3.1.4 Guidance issued by the Welsh Office in 1999/2000 set out the principles and targets for early years' education. The published guidance, which has not since been superseded, made it clear that the target was to provide "free, at least half-time, good quality" education. 'Half-time' means a minimum of 10 hours a week for around the same number of weeks as the normal school year.
- 3.1.5 The authority also has a duty under the School Standards and Framework Act 1998 to have regard to the latest Additional Learning Needs (ALN) Code of Practice produced by the Welsh Government. As part of compliance with this duty the authority's commitment to general principles for children with ALN is set out in authority's Admission Booklet. The authority acknowledges that a child or young person may at any time have educational needs that will require additional resources. The additional learning needs of children and young people, including those of pre-school age, will be identified, recorded, assessed and met as early as possible and be reviewed regularly.

3.2 The authority's duty to secure sufficient childcare

- 3.2.1 Any change to educational provision will affect the childcare needs of those with parental responsibility and the authority needs to consider its duty under section 22 of the Childcare Act 2006 (the '2006 Act') to 'secure, so far as is reasonably practicable, that the provision of childcare (whether or not by it) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them: to take up, or remain in work; or to undertake education or training which could reasonably be expected to assist them to obtain work.'
- 3.2.2 The duties under the 2006 Act require the authority to shape and support the development of childcare provision in its area in order to make it flexible, sustainable and responsive to the needs of the community. The intention is to ensure that parents are able to access childcare locally that meets their needs and enables them to make a real choice about work.
- 3.2.3 It is not the intention of the duty to oblige the authority to meet the individual childcare needs of every working family, but to ensure that at a community level, the authority is taking strategic action with its partners to address gaps in childcare. The authority is expected to support the development of childcare where there is

sufficient parental demand that a childcare setting or a child minder could operate and be sustainable.

3.2.4 The Childcare Sufficiency Assessment 2014 – 17 (CSA) recommends that existing providers are supported to become sustainable and the CSA Action Plan 2014-17 will address this by

- Supporting providers to find, apply for, and access external funding.
- Providing funding application training for providers to help them understand the application process; and
- Continuing to promote and offer business planning training opportunities.

3.2.5 The effect of the wording '*reasonably practicable*' within the 2006 Act is to allow the authority to take into account its resources and capabilities in making decisions about when to intervene to address gaps in the childcare market. The authority is not under a duty to provide the childcare directly (although it has the power to make provision if it so chooses).

3.2.6 When considering the sufficiency of childcare, Councillors must have regard to the matters outlined in section 22(2)(a) of the 2006 Act, being (i) the needs of parents for childcare who are eligible for the childcare element of Working Tax Credit; (ii) the needs of parents for childcare in respect of which an amount of childcare costs may be included in the calculation of Universal Credit (for both (i) and (ii) parents can only claim for the costs of *registered* or *approved* childcare in this regard); (iii) the provision of childcare which is suitable for disabled children and (iv) the provision of childcare involving the use of the Welsh language.

3.2.7 Councillors will also need to have regard to Welsh Assembly guidance when considering its statutory duty under s.22 of the 2006 Act. The particular relevant points from the guidance in addition to the matters already set out in the statute itself, and of particular relevance for this report, state that:

- Local authorities should consider the particular issues around access to childcare for black and other ethnic minority parents, lone parents and those making the transition to work, including those training.
- Local authorities will also need to consider availability of childcare to support parents working atypical hours.
- Local authorities are required to secure childcare of sufficient duration and reliability to enable parents to make a real choice about work. Local authorities are required to act to secure sufficient childcare that is registered by the Care and Social Services Inspectorate Wales.

3.2.8 As part of these duties the authority must complete a Childcare Sufficiency Assessment (CSA) every three years and last year Merthyr Tydfil County Borough Council completed the CSA 2014 – 2017. The CSA Action Plan 2014 - 17, arising from the recommendations of the CSA, focuses on the three key areas of: affordability; accessibility and quality as outlined by the Welsh Government in their Childcare Policy Statement 'Nurturing Children; Supporting Families'. The CSA Action Plan, approved by Cabinet on 8th October, 2014, identifies nineteen key outcomes that will drive partnership work over the next three years to ensure that

there is childcare available in areas of identified need and the sustainability of existing childcare providers is supported more effectively.

3.2.9 The Childcare Sufficiency Assessment is revisited every year and in March/April 2015, the Early Years Team will re-assess the strategic priorities for the year ahead taking into account the decision made on the proposal to fund part-time nursery places in nursery and primary schools.

3.3 The authority's duty in respect of children in need

3.3.1 The authority also has duties under section 17 and 18 of the Children Act 1989 ('the 1989 Act'). It is the duty of the authority to (a) safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.

3.3.2 For the purposes of the 1989 Act 'children in need' are defined as follows:

A child shall be taken to be in need if she/he:

- is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a local authority;
- health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or
- is disabled.

3.3.3 Under section 18 of the 1989 Act the authority must provide such day care for children in need within their area who are (a) aged five or under; and (b) not yet attending schools, as is appropriate. In particular regard must be had to the duty under s.18(5) to provide for children in need within its area, who are attending any school, such day care or supervised activities as is appropriate outside school hours.

3.3.4 The authority currently fulfils both the target duty under section 17 of the 1989 Act, and its duty under section 18 of the 1989 Act to provide appropriate day care for children in need, through a range of services which identify children that are in need within its area, and provide care for them. For instance:

- Where a child resides in a designated Flying Start area they would have access to the authority's Flying Start programme from birth, which offers free high quality childcare.
- There is a wide range of additional services available within the authority's area to meet the needs of pre-school children in need, including specific day care needs.

3.3.5 The care needs of individual families with children in need will inevitably be affected by their particular circumstances and by the particular local services available to them at that point. The authority works with these individual families to identify the specific needs of any child determined to be in need.

It should also be noted that Greenfield Special School is not affected by the nursery education proposals and will continue to offer full-time nursery places to children with special educational needs admitted to the school.

3.4 Eradicating child poverty and the United Nations' Convention on the rights of the child

3.4.1 Under the Children and Families (Wales) Measure 2010 the authority must:

- prepare and publish a strategy for contributing to the eradication of child poverty which the Council has done through the adoption of the Single Integrated Plan and its predecessor, the Children and Young People's Plan; and
- take all reasonable steps to perform the actions and functions set out in the strategy for the eradication of child poverty. The actions and functions, and the steps the Council has done and will take to perform them, are again set out in the Single Integrated Plan.

3.4.2 It is a priority of the authority to engage with families who have any additional needs as early as possible to support them to make the most of family life and reach their full potential. The authority has also used the *United Nations Convention on the Rights of a Child* as a basis for developing the vision for Merthyr Tydfil County Borough ensuring that it is a safe, healthy and prosperous place to live and learn.

3.5 The public sector equality duty:

3.5.1 Section 149(1) of the Equality Act 2010 imposes a duty upon public authorities to have "due regard" to the three equality needs when exercising their functions. It states that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protective characteristics include age, gender, race, religion and disability.

3.5.2 An Equality Impact Assessment has been completed in respect of this proposal.

4.0 CURRENT POSITION: WHERE ARE WE NOW IN 2015?

4.1 Nursery sufficiency - summary

4.1.1 The recent information report to Cabinet *Sufficiency of Nursery Education Places* (17th December, 2014) (Appendix 1) indicated that the authority is failing to meet its statutory obligation to offer a part-time nursery place to every three year old in the term following their third birthday. Currently, more than 200 children aged three who are eligible for a part-time nursery place in the current academic year will be unable to access a place until September 2015. However, the authority would meet its statutory duty if part-time nursery places are funded across all nursery and primary schools as this would create capacity for an additional 443 nursery pupils. From 1st

September, 2015, this would establish an equitable system enabling every three year old to be offered a part-time nursery place in the term following their third birthday.

4.1.2 The sufficiency assessment of current nursery places in the non-maintained (private) educational sector carried out in November 2014 indicated that there was capacity for:

- an additional 240 sessions per week; and
- growth of a further 280 sessions per week (if non-maintained educational providers increase their capacity).

4.1.3 This capacity would assist parents who may wish to access full-time nursery provision, wrap around care, etc.

4.2 The School Standards and Framework Act 1998 requires the authority to secure that the provision (whether or not by it) of nursery education for children from the term after their third birthday, is sufficient for its area. Although there is no definition of the term 'sufficient' set out in the Act, it is clear that the authority has insufficient nursery places available and cannot meet the demand. .

4.3 The authority concludes, therefore, that there would be sufficiency of part-time nursery places within schools and the non-maintained educational providers to meet demand if part-time nursery places are offered in schools with effect from 1st September, 2015.

4.3.1 Nursery provision

a) Quality

Schools currently offer full-time or part-time nursery places, or a mixture of both. Other authorities with similar levels of deprivation fund part-time nursery places and those pupils are achieving higher standards than in Merthyr Tydfil. Evidence suggests that it is the quality of education rather than the quantity which has the biggest impact on what pupils achieve. The authority currently ranks 22nd out of the 22 authorities in Wales with regards to performance outcomes at the end of the Foundation Phase (age 7).

The Welsh Government's *'Building a Brighter Future: Early Years and Childcare Plan'* (2013) states 'Research tells us that high-quality early education and childcare produces greater long-term benefits for our children and strongly influences their future life chances. The right early education and childcare can help to tackle some of the more entrenched issues that result from living in deprivation, including low skills and poor health that will take time to overcome'. Raising outcomes in the Foundation Phase is a priority for the authority.

b) Time

Councillors need to also consider whether 12.5 hours per week for a part-time nursery place is 'sufficient' to meet the educational needs of nursery pupils in the authority. The statutory requirement for a nursery place is 10 hours per week, however this proposal will offer a part-time place of at least 12.5 hours per week in line with current educational practices. The majority of authorities in South Wales: Caerphilly; Cardiff; Newport; Blaenau Gwent offer part-time nursery provision of 12.5

hours per week. Rhondda Cynon Taf is currently consulting on providing part-time nursery places of 15 hours per week for pupils the term after their 3rd birthday, increasing to full-time (30 hours) the term after their 4th birthday.

The *Education (School Day and School Year) (Wales) Regulations 2003* apply to schools maintained by local education authorities and to special schools (whether or not so maintained). They make provision (among other things) for a school day which is ordinarily to be divided into two sessions (with a break in the middle), and for schools (other than nursery schools) to meet for at least 380 sessions during any school year.

School sessions:-

4. (1) *Subject to paragraph (6), every day on which a school meets is to be divided into two sessions which are to be separated by a break in the middle of the day unless exceptional circumstances make this undesirable.*

(2) *At least 380 sessions must be held at a school during any school year save that nothing in this paragraph is to require a nursery class to meet for that number of sessions.*

(3) *Where at any time a school is prevented from meeting for one or more sessions for which it was intended that it should meet, and it is not reasonably practicable for arrangements to be made for it to meet at an alternative time for those sessions, the school is to be treated for the purposes of paragraph (2) as if it had met as intended.*

(4) *Subject to paragraph (5), on every day on which a nursery school or nursery class meets there must be provided at least three hours of suitable activities.*

(5) *On a day on which a pupil —*

(a) *attends a nursery school or nursery class which meets for only a single session; or*

(b) *attends a nursery school or nursery class for one only of two sessions, it is sufficient to provide the pupil with one and a half hours of suitable activities. .*

(6) *In a school which meets on six days a week there may on two of those days be only a single session.*

4.3.2 These Regulations state that pupils attending full-time nursery must receive three hours of suitable activities per day; one and a half hours of suitable activities per day for a part-time nursery place

4.3.3 As part of this proposal schools will be funded 50% of a full-time nursery place for a part-time nursery place. This is an equitable funding level for part-time nursery places of 12.5 hours per week and gives schools some flexibility in planning nursery times around the existing times of the school day.

4.4 Childcare sufficiency - summary

4.4.1 The recent information report to Cabinet *Childcare Sufficiency in Relation to the Nursery Education Proposals* (14th January, 2015) (Appendix 2) considered the sufficiency of childcare provision across the authority. The authority has a duty under section 22 of the Childcare Act 2006 (the '2006 Act') to 'secure, so far as is reasonably practicable, that the provision of childcare (whether or not by it) is sufficient to meet the requirements of parents in their area who require childcare in

order to enable them: to take up, or remain in work; or to undertake education or training which could reasonably be expected to assist them to obtain work.'

4.4.2 The duties under the 2006 Act require the authority to shape and support the development of childcare provision in its area in order to make it flexible, sustainable and responsive to the needs of the community. The intention is to ensure that parents are able to access childcare locally that meets their needs and enables them to make a real choice about work. It is not the intention of the duty to oblige the authority to meet the individual childcare needs of every working family, but to ensure that at a community level, the authority is taking strategic action with its partners to address gaps in childcare. The authority is expected to support the development of childcare where there is sufficient parental demand that a childcare setting or a child minder could operate and be sustainable.

4.4.3 As part of these duties the authority completes a Childcare Sufficiency Audit every three years and last year Merthyr Tydfil County Borough Council completed the CSA 2014 – 2017. The CSA Action Plan, approved by Cabinet on 8th October, 2014, identifies nineteen key outcomes that will drive partnership work over the next three years to ensure that there is childcare available in areas of identified need and the sustainability of existing childcare providers is supported more effectively.

4.4.4 The authority concludes, therefore, that the information within the report *Childcare Sufficiency in Relation to the Nursery Education Proposals* suggests that there would be sufficiency of childcare provision within current providers to meet childcare demands that may arise should schools only provide part-time nursery places from 1st September, 2015.

4.5 Responses to consultation - summary

4.5.1 For the purposes of the consultation the following proposal brief was put forward for public and service user consultation between Monday 3rd November 2014 – Monday 1st December 2014.

'In order to ensure that the local authority meets its statutory obligations to secure sufficient provision of nursery education for all children from the term following their third birthday, and in order to provide equitable access to nursery education for all children it is proposed with effect from 1st September 2015 that:

- *All nursery places will be funded on a part time basis*
- *All three year olds will be provided with access to a nursery place starting the term following their third birthday.'*

4.5.2 The proposal will help to create additional capacity of places within the nursery education system in Merthyr Tydfil by releasing places otherwise occupied by a full-time pupil. Therefore this will enable all three years olds to access a part-time nursery place in the term following their third birthday, should their parents choose to take it up.

4.5.3 The results of the recent public consultation were reported to Cabinet on 14th January 2015. The report can be accessed via the Background Papers link of the agenda. This includes details of the responses:

- Online – **62%** of responses agreed with the proposal (168 out of 271 responses).
- Leaflets – 50% of responses agreed with the proposal (19 out of 38 responses)
- Letters/emails – 100% against the proposal (11 responses)
- Short Surveys – 100% against the proposal (9 responses)
- Workshop – 100% of the attendees agreed with the proposal (7 attendees)
- Petitions Received
 - Number of signatories = **288**
 - Number of signatories = **261**

TOTAL AGREEMENT = 57%

(194 of 338 responses in support of the proposal)

Comments on standards: *‘The standards in our nursery classes need to improve. Other authorities who are providing part-time nursery places are achieving better outcomes in the Foundation Phase. Quality rather than quantity’.*

‘No gap in provision – better for all children especially our vulnerable pupils’.

Raising standards and outcomes in the Foundation Phase is a priority for the authority. Being able to offer all three year olds a part-time place will assist in this as there will be consistency in the amount of teaching and learning that this group receives; there will be no gap in provision; and continued early intervention for those in greatest need.

Comments on Welsh-medium education: *‘The proposals are effectively discriminating against parents who choose Welsh medium education for their children, and who will have to settle for English medium education because of geographical and economic reasons instead of applying their own parental choice for WM schools’.*

The authority’s Welsh-medium primary schools will benefit from this proposal. One school currently operates a good practice model working effectively with local private Welsh-medium nursery education provider (Meithrin) to transport pupils between the school and the Meithrin.

The other school will be able to establish a pre nursery group for three year olds. This is something that neither school can do at present and will provide further nursery places in the Welsh-medium sector.

Comments on Childcare: *‘I think it will affect full time working parents who are unable to pay the extortionate crèche fees and have to beg borrow and steal time from family members to look after children who should be accessing full time education’.*

‘I believe due to the impracticalities of children having to go part time many will not be able to access because it is logistically impossible to work around the amount of time the children will attend!’

There is an issue with availability of affordable childcare provision in Merthyr Tydfil and this need to be addressed.’

The recent CSA indicates that *'32.5% of families with young children indicate that more affordable childcare would benefit their family'*. The offer of a part-time nursery place should assist many families who will be able to access free nursery education for their child from the age of three. Many of the private nursery and childcare providers already operate a pick up/drop off service from schools for parents who need further wrap around care. Private providers interviewed last term indicated that they would look to continue and, depending upon demand, extend this service.

Comments in support of the proposal: *'There should be equality of access to the provision - part time nursery should be available to all. Nursery education is not childcare- a school is not a childcare service - it is there to educate our children. Parents should then take the responsibility to find additional appropriate childcare provision if they wish to secure full time access'*.
'Keep to statutory requirements in line with other local authorities'

Comments on work opportunities: *'As far as affecting a parents' ability to work, I feel this is irrelevant as (there are) few jobs that work around school hours. If you want to work, you will regardless of obstacles as I have been raised to think. It's more about breaking the cycle of poverty than providing perceived free child care'*.
'parents who currently work full-time may be left in a position where there are forced to forfeit work'.

'It is nearly impossible to return to work when your child is in part-time nursery for a year or more, you would only be able to work for 2-3 hours a day unless you could afford a child minder or crèche that would collect the child after a morning session at school or take them to school after lunch'.

'I must say that it will be extremely difficult to continue with full-time work and maintain part-time nursery. If we do have to stay part-time and continue to pay Crèche fees along with an increase in council tax, our financial position as a working family would be compromised, as I am assuming many other working families would be too'.

The CSA assessment indicates that *'36% of families with one or more dependent child are not using any form of childcare'* and that *'those using childcare would like it to be cheaper/more affordable but they continue to use it mainly in order to attend work.'* *'There are also opportunities around helping to ensure parents / carers are accessing all the support they are entitled to and raising awareness of more cost effective childcare options.'*

4.5.4 The CSA Gap Analysis Report indicates that more affordable childcare would benefit 32.5% of all families with young children. In the current academic year over 200 three-year olds will be unable to access a part-time place as there is insufficient capacity within schools. If the authority offers a part-time nursery place to all three year olds this will assist families who find cost a barrier.

4.5.5 Low income families are *'concerned with the cost of childcare with 47% preferring to use partner/family/friends as they are cheaper. However, 44% of this group agree that childcare is affordable'*. Low Income families are *'most likely to be using childcare tax credits with 28% of respondents using them'*.

Through delivery of the CSA Action Plan the authority plans to ensure that parents from low income families no longer just assume they can't afford childcare by:

- Looking for opportunities to support access to childcare for low income families, who are not eligible for Flying Start, to access provision.

4.5.6 Families Looking for Work The CSA indicates that 104 parents/carers who completed the survey (12%) were in training and/or looking for work '*38% of (these) parents who are looking for work say childcare has stopped them or their partner from getting a job compared to 5% of all respondents to the parent/carer questionnaire*'. These families can also be '*unsure of what financial support is available with a third unsure if they are eligible for tax credits. 40% of employers who identified childcare as having an impact on their recruitment and retention, identified affordability of provision as an area for improvement. Providers rate the support for families looking to return to work as satisfactory*'.

4.5.7 Through delivery of the CSA Action Plan the authority plans to ensure that more parents who are looking to return to work will no longer see childcare as a barrier to employment and/or training by:

- Working with key partners including Job Centre Plus, Bridges into Work and employers to provide signposting to affordable childcare options;
- Working in partnership with Job Centre Plus to develop a monitoring and recording system. Whereby parents who cite childcare as a barrier to work are asked to prioritise a range of factors e.g. affordability, location, tax credits. This information is collated and reviewed on an annual basis, so that promotional and awareness work can focus on identified priorities;
- Providing information and signposting to childcare provision at relevant events including employment fairs and college open days; and
- Providing employers with information to signpost employees to affordable childcare. Attend local business networking events to raise awareness of support available to employers.
- Raising awareness of all families/carers to the tax credits and financial support they are entitled to: by providing leaflets to all providers to distribute; holding tax and childcare clinics; and liaising with Citizens Advice Bureau so that they can also advise clients.

4.5.8 The authority recognises that if the proposal goes ahead it will affect working families with rising three year olds and that many families will have to plan ahead for how they will accommodate their childcare needs. The work of the Early Years Team in planning strategically to meet local demand for childcare and nursery education provision in the community will play an important role in assessing any changing or increasing demand. The annual update to the Childcare Sufficiency Assessment (March/April 2015) will also assist in planning for any changing priorities in the community.

5.0 NEXT STEPS

- 5.1 Prior to making their decision, Councillors need to consider the proposal to fund part-time nursery places in nursery and primary schools in light of their statutory duty to offer a part-time nursery place to every three year old in the term following their third birthday. The capacity of schools within the County Borough is insufficient to deliver this duty and current inequalities and gaps in provision cannot be addressed, unless nursery places are delivered on a part-time basis.

6.0 FINANCIAL IMPLICATIONS

- 6.1 The proposed changes to nursery provision are currently estimated to deliver financial savings of £278k in the part-year September 2015 – March 2016 and £422k over a full financial year. Reduced funding to schools will impact upon governing bodies as they consider the management of their delegated budget in relation to the number of teaching and non teaching posts in their school. The implementation of the nursery proposal will put some posts at risk including within the catering service as school meals will no longer be required for nursery pupils.

6.2 The local authority's scheme of delegation for financing schools

- 6.2.1 At present all nursery places are funded based on whether the place provided is full-time or part-time (up to the funding limit of the 1979/80 FTE figure). In order to implement the proposal to fund nursery places on a part-time basis only, it is therefore necessary to alter the local authority's scheme of delegation to reflect this change. If the local authority's scheme of delegation is not changed to reflect this proposal then full-time nursery places will continue to be funded.

6.3 Adjusting the funding periods to be able to include pupils entering school in the summer term

- Schools are currently funded for the number of pupils based on counts in January and September (averaged over the year)
- In recognition that the local authority is proposing three formal annual admissions into Nursery education, including a summer term intake, it is proposed to include a summer term pupil count in the scheme of delegation
- This will ensure that all nursery pupils are funded for a part-time place when they take up their place, regardless of the term of entry.

6.4 Schools Forum consultation

- In accordance with the statutory requirement to consult with the Schools Forum on any proposed changes to the scheme of delegation, the local authority presented the following proposals in the meeting of the Schools Forum held on 25th November 2014
 - Fund all nursery places on a part-time basis with effect from September 2015 i.e. 0.5 of a full time place
 - Introduce a Summer Term Pupil Count
- The precise technical detail of the proposal can be seen in Appendix 3

- Members discussed the proposals, noted that they would be put to the vote in the meeting held on 10th December and requested further information regarding the financial impact on those schools effected
- In the meeting of the Schools Forum held on the 10th December these proposals to change the scheme of delegation were represented, discussed and voted on
- The main reasons offered for proposal 1 were as follows
 - Current provision of nursery places insufficient to provide all three year olds with timely access to nursery education
 - Current provision of part time and full time places is inequitable, with many children unable to access a full-time place
- The main reasons offered against proposal 1 were as follows
 - Financial impact on schools effected by changes
 - Difficulty in organising the staffing requirement to cover the three pupil intakes as numbers will rise during the year
 - Impact on quality of education if full-time provision reduced to part-time
- In response to the arguments against the proposal the following points were offered
 - Schools may be able to reduce financial impact by offering parents wrap around provision chargeable to parents
 - Many other local authority's already operate 3 formal nursery intakes a year, and indeed must do so to meet the statutory requirement so it can be planned for and managed
 - Early access to quality nursery education is more important than being in receipt of a full-time place
- Members voted on proposal 1 as follows
 - For, 3 Against, 9 Abstained, 1
- If the local authority supports proposal 1 then it is a statutory requirement to refer to the Welsh Minister for adjudication in this matter. A request has been sent to the Minister. This is the case wherever a local authority proposal to amend the scheme of delegation is not supported by the Schools Forum.
- The Schools Forum members unanimously accepted proposal 2 i.e. to introduce a summer term count into the scheme of delegation
- Two further changes to the scheme of delegation were proposed in order to provide transitional arrangements to help manage areas of impact that had been identified in the wider consultation with Headteachers through the Joint Headteacher Forum.
- These transitional proposals are detailed in Appendix 3 but are summarised as follows:-
 1. Do not apply a negative retrospective adjustment to schools who have opted to reduce their Jan 15 nursery intake from full-time to part-time (for Jan 15 count only)
 2. To introduce an additional lump sum for the single stand-alone nursery school as a transitional arrangement whilst the long-term sustainability of the stand-alone nursery school is considered by the local authority
- The Schools Forum members unanimously accepted transitional proposals 1 and 2.

7.0 FORMAL REQUEST TO WELSH MINISTER TO APPROVE REVISION TO THE SCHEME OF DELEGATION

- 7.1 In accordance with the School Funding (Wales) Regulations 2010 (Section 28) the local authority, where the Schools Forum refuse to approve proposals submitted under 2a of Schedule 14 to the 1998 Act, is required to refer the matter to the Welsh Minister for approval of such proposals.
- 7.2 The local authority has therefore requested that the proposed change to the scheme of delegation be approved effective from 1st September 2015, subject to Council's decision.
- 7.3 As you will be aware each local authority is statutorily required to set the Schools' Budget before 14th February 2015 and therefore a definitive position with respect to this proposal is required in order to do so. This is the reason ministerial approval is being sought at this time.
- 7.4 The local authority is aware that no revised scheme is to come into force unless approved by the Welsh Ministers in accordance with the School Funding (Wales) Regulations 2010, however the local authority will continue to fail to meet its statutory obligations with regards to providing sufficient nursery education places if the scheme cannot be approved as proposed above.

8.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

- 8.1 The Single Integrated Plan and Sustainability Impact Assessment has been completed and the implementation of the recommendation has some positive impacts on the Single Integrated Plan. No negative impacts have been identified.

9.0 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full EqIA Report is required. Both forms can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.
- 9.2 The positive impacts are:-
- All three year olds can be offered a part-time nursery place in the term following their third birthday.
 - Continuity of support. Younger children within Flying Start settings across the authority will no longer experience a gap in provision waiting for a part-time nursery place to become available.
 - Children admitted to Greenfield Special School will continue to be offered a full-time nursery place.
 - Welsh-medium primary schools currently offer part-time nursery places (current provision maintained) but do not have capacity to offer pre nursery provision. The proposal to fund part-time places will enable a pre nursery group to be established in one of the primary schools.

- The proposal will enable families who currently find cost a barrier to accessing childcare will be assisted by being offered a free part-time nursery place for their child in the term following their third birthday.

9.3 The negative impacts are

- Working families expecting to be able to access full-time nursery places may have to make alternative part-time childcare arrangements for September 2015.
- Families looking for work may be unable to access part-time work that fits around a part-time nursery place.

9.4 Current proposals to address the issues are:-

- The authority's Early Years Team plans strategically to meet local demand for childcare and nursery education provision in the community and will play an important role in assessing any changing or increasing demand and working with the community to address this need.
- Through delivery of the CSA Action Plan the authority plans to ensure that more parents who are looking to return to work will no longer see childcare as a barrier to employment and/or training by:

Working with key partners including Job Centre Plus, Bridges into Work and employers to provide signposting to affordable childcare options;

Working in partnership with Job Centre Plus to develop a monitoring and recording system. Whereby parents who cite childcare as a barrier to work are asked to prioritise a range of factors e.g. affordability, location, tax credits. This information is collated and reviewed on an annual basis, so that promotional and awareness work can focus on identified priorities;

Providing information and signposting to childcare provision at relevant events including employment fairs and college open days;

Providing employers with information to signpost employees to affordable childcare. Attend local business networking events to raise awareness of support available to employers; and

Raising awareness of all families/carers to the tax credits and financial support they are entitled to: by providing leaflets to all providers to distribute; holding tax and childcare clinics; and liaising with Citizens Advice Bureau so that they can also advise clients.

10.0 RECOMMENDATIONS that

10.1 the proposal to fund part-time nursery places in nursery and primary schools with effect from 1st September 2015, be approved, subject to the Minister's approval of the appropriate changes to the Scheme of Delegation for schools;

10.2 the proposed changes to the scheme of delegation be approved; and

10.3 the proposed transitional arrangements to the scheme of delegation be approved.

LORRAINE BUCK
CHIEF EDUCATION OFFICER

BACKGROUND PAPERS		
<i>Title of Document(s)</i>	<i>Document(s) Date</i>	<i>Document Location</i>
Childcare Sufficiency Assessment 2014–17 Childcare Sufficiency Assessment – gap analysis Childcare Sufficiency Assessment 2014–17 Action Plan	October 2014	Early Years Team Electronic versions available on Family Information Service’s website

Consultation has been undertaken with Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.



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CABINET - INFORMATION REPORT

Date Written	21 st November 2014
Report Author	Joyce Slack
Service Area	Education Services
Committee Date	17 th December 2014

To: Chair, Ladies and Gentlemen

Sufficiency of Nursery Education Places

PURPOSE OF THE REPORT:

To inform Members of the sufficiency of nursery education places within maintained and non-maintained settings in relation to the proposal for adjusting funding arrangements for nursery places in primary schools with effect from September 2015.

1.0 INTRODUCTION AND BACKGROUND:

1.1 The authority has a duty to provide sufficient nursery education:

Section 118(1) of the *School Standards and Framework Act 1998* provides that:

"A local education authority in Wales shall secure that the provision (whether or not by them) of nursery education for children who-

- (a) have not obtained compulsory school age, but
- (b) have attained such age as may be prescribed is sufficient for their area."

The *Education (Nursery Education and Early Years Development and Childcare Plan (Wales) Regulations 2003* (as amended) provide that the prescribed age shall be the term after a child's third birthday.

Section 118(2) of the 1998 Act provides so far as relevant, that:

"In determining for the purposes of sub-section (1) whether the provision of such education is sufficient for their area a local authority-

(b) shall have regard to any guidance given from time to time by the National Assembly for Wales."

The relevant guidance is *Welsh Office Circular 7/99*. Under the heading "Statutory duty on local authorities to secure provision" paragraph 3.7 states:

"The Government's guiding principles for early years' education continue to be.

Securing provision

Integration of early years' education with childcare, in line with local childcare strategies and childcare plans, to meet the needs of children and their parents."

The guidance refers to the year 1999-2000, and therefore on a literal reading it is inapplicable. However the authority regards the guidance as continuing from year to year and for "four-year-old" one should now read "three-year-old".

Therefore the authority needs to be in a position to provide further nursery places for three year olds across the County Borough.

- 1.2 Within the County Borough nursery education is provided by 22 nursery settings in authority maintained schools (1 nursery school, 21 nursery classes in a primary school) and by 3 non-maintained educational providers within the childcare sector.
- 1.3 Schools currently offer full-time or part-time nursery places, or a mixture of both. The current mixture of full-time and part-time provision across the County Borough means that many schools have no space to admit children in the term following their third birthday. There is an inequality of provision at present; many three year olds have to wait for up to two terms until they are allocated a nursery space in a school.
- 1.4 Other authorities with similar levels of deprivation currently fund part-time nursery places and those pupils are achieving higher standards than in Merthyr Tydfil. Evidence suggests that it is the quality of education rather than the quantity which has the biggest impact on what pupils achieve. The authority currently ranks 22nd out of the 22 authorities in Wales with regards to performance outcomes in the Foundation Phase.
- 1.5 The statutory requirement for a nursery place is 10 hours per week, however a part-time place of at least 12.5 hours per week will be provided by schools in line with current educational practices.

The relevant guidance is *Welsh Office Circular 7/99*. Under the heading "Statutory duty on local authorities to secure provision" paragraph 3.7 states:

Targets

The provision of a free, at least half-time, good quality, education place during the three terms before the start of compulsory education for every four-year-old whose parents want this. It should be as accessible as possible to the child's home. Half time means a minimum of ten hours a week for around the same number of weeks

as the normal school year. This has already been achieved in Wales from September 1998.

2.0 AMBITION: WHERE WE WANT TO BE

2.1 Maintained settings

The authority wants to ensure that it is able to offer a part-time nursery place to every three year old either at a nursery school/class or in the non-maintained sector in the term following their third birthday. If greater capacity is created within schools then nursery classes would operate as follows:

Pre-nursery group	This will contain pupils who reached three years of age in the previous term. These newly three year olds would join nursery classes in the Spring or Summer Term. If the total cohort is estimated at 661 then approximately 2/3 of this figure (440 pupils) would be eligible to join school in these two terms (the remainder of pupils would become three years of age in the summer term and only eligible to attend nursery in the forthcoming autumn term).
Nursery group	This will contain pupils who became three years of age prior to 31 st August. This cohort of pupils will have a whole year in nursery.
The September 2015 cohort is estimated at 661 pupils and the pre-nursery group (who will be offered part-time nursery place in spring and summer terms 2016) is estimated at 584 pupils. Therefore there needs to be sufficient capacity for 661 (nursery group) + 584 (pre-nursery group), ie. 1245 part-time places.	

As a result, the sufficiency and capacity of nursery classes across schools has been assessed:

Nursery classes	Total number of pupils	Number of places available at start of Autumn Term		Spare capacity for children who will be eligible for a nursery place in Spring and Summer terms	Estimated number of three year olds with no offer of place (in year cohort estimated at 440)
		Full-time places	Part-time places		
September 2014	611	443	168	239 (pt places)	201
September 2015 (estimate)	661		1341 (the capacity of some nursery classes will increase)	680 (pt places)	0

This table indicates that there is sufficient capacity to provide an additional 443 nursery places by offering only part-time provision across the authority's nursery classes and that this would enable a part-time nursery place to be offered to all three year olds in the term following their third birthday.

2.2 Non-maintained educational settings

As part of the proposal to fund part-time nursery places in schools the authority wishes to also assess the current sufficiency within the non-maintained educational settings in the County Borough and their capacity to grow if current demand increases. The three educational settings are monitored by Estyn and would offer similar provision to school nursery classes.

The current capacity within the non-maintained educational sector (surveyed in November 2014) is as follows:

Provider	Number of providers	Number of registered places	Vacancies
Non-maintained educational providers	3	74 per day = 740 sessions* per week	240 per sessions week

*places are allocated per session in the non-maintained sector (10 session = full-time provision)

This table indicates that there is currently (Autumn Term 2014) a vacancy rate of 32.4% within the non-maintained educational providers, although figures change every term.

In meetings with the non-maintained educational sector (Autumn Term 2014), providers indicated their wish to expand capacity to meet any future rise in demand. Two of the three providers outlined that a further 280 sessions per week could be provided if necessary within their existing setting at Cwm Golau (The Integrated Children's Centre). These existing providers currently offer families wrap around care, full-time places and links with local schools to transport children between settings.

The authority's Early Years' Team works with external providers to assist them in meeting Estyn registration requirements for non-maintained educational provision and would continue to do so for any new providers wishing to set up in the community. It takes around eighteen months to become registered so although, if there is sufficient local demand, further educational providers may develop in the community, the authority has only considered existing capacity when considering sufficiency.

2.3 Childcare

The Childcare Sufficiency Assessment 2014 (CSA) comments on the capacity within all settings as follows: "*the Family Information Service Census, indicated that 30% of providers who participated have available spaces*" and recommended "*trying to use existing providers, where possible, to fulfil unmet demand and also enable sustainability*".

The CSA records the details of the non-maintained sector (all providers) as:

Provider	Number of providers	Number of registered places	Full-time vacancies	Part-time vacancies
Childminder	24	99	19	29
Day Nursery	8	322	76	38
Cylch Meithrin	7	98	30	0
Pre-school playgroup	14	239	4	24
Total	53	758	129	91

The CSA suggests that there is sufficient provision to meet childcare demands within the current providers.

- 2.4 It is important to note that in Merthyr Tydfil CBC a large number of parents (36%) use no form of childcare support. The CSA indicates that the type of childcare most likely to be used in Merthyr Tydfil is:

'family and friend networks, with parents selecting this type for two key reasons: affordability and trust. 45% of respondents agree/strongly agree with the statement "I prefer my family and friends to look after my child".' The CSA also states that *'families with at least one 3-4 year old were most likely to say "lack of suitable provision for that age group is a barrier to using childcare", with 4% of respondents from this group stating it is a barrier.'*

Offering part-time places in nursery school/classes would offer support to such families without additional cost. The CSA Gap Analysis Report indicates that more affordable childcare would benefit 32.5% of all families with young children. Being able to offer a part-time nursery place to all three year olds will assist families who find cost a barrier.

3.0 CURRENT POSITION: WHERE ARE WE NOW IN 2014?

- 3.1 The sufficiency assessment of current nursery places indicates that within the education service more than 200 three year olds eligible for a part-time nursery place in the current academic year will be unable to access a part-time nursery place until September 2015.
- 3.2 The authority can meet its statutory duty, however, if part-time nursery places are funded across all primary schools as this would create capacity for an additional 443 nursery pupils. From 1st September 2015, this would establish an equitable system enabling every three year old to be offered a part-time nursery place.
- 3.3 The sufficiency assessment of current nursery places in the non-maintained educational sector indicates there is currently capacity for:
- an additional 240 sessions per week; and
 - growth of a further 280 sessions per week (if non-maintained educational providers increase their capacity).

This capacity would assist parents who may wish to access full-time nursery provision, wrap around care, etc.

- 3.4 The authority concludes that there is a sufficiency of part-time nursery places in schools and the non-maintained sector to meet demand if part-time nursery places are offered in schools with effect from 1st September, 2015.

4.0 NEXT STEPS

- 4.1 The four week public consultation on the proposal to fund nursery places in schools on a part-time basis commenced on Monday 3rd November 2014 and closed on Monday 1st December 2014.
- 4.2 This report can assist in future consideration of the responses to the public consultation particularly in relation to the report that will be presented in January 2015.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The sufficiency of nursery places will help inform members when considering the outcomes from the consultation to only fund part-time nursery places. The proposed changes to nursery provision are currently estimated to deliver financial savings of £278k in the part-year September 2015 - March 2016 and £422k over a full financial year.

6.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

- 6.1 The Single Integrated Plan and Sustainability Impact Assessment has been completed and the proposal positively impacts on communities, equality of provision and social inclusion. No negative impacts have been identified.

7.0 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full report is not required at this time but should accompany the report on Nursery Funding following the public consultation. The screening form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

LORRAINE BUCK
CHIEF EDUCATION OFFICER

BACKGROUND PAPERS

Title of Document(s)	Document(s) Date	Document Location
Childcare Sufficiency Assessment 2014 – 2017	2014	Early Years Team. Electronic version available on Family Information Service website
Childcare Sufficiency Assessment (Gap Analysis)	2014	Early Years Team. Electronic version available on Family Information Service website

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.

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INFORMATION REPORT

Date Written	10th December, 2014
Report Author	Joyce Slack
Service Area	Schools
Committee Division	Information Report
Committee Date	14 th January, 2015

To: Chair, Ladies and Gentlemen

CHILDCARE SUFFICIENCY IN RELATION TO THE NURSERY EDUCATION PROPOSALS

PURPOSE OF THE REPORT:

To consider the sufficiency of childcare provision across the authority and the possible impact to families with children aged 3 and 4 if the proposal to fund part-time nursery places is approved.

1.0 INTRODUCTION AND BACKGROUND

1.1 The authority is currently failing to meet its statutory obligation to offer a part-time nursery place to every three year old in the term following their third birthday. Schools currently offer full-time or part-time nursery places, or a mixture of both. The current mixture of full-time and part-time provision across the County Borough means that many schools have no space to admit children in the term following their third birthday. There is an inequality of provision at present; many three year olds have to wait for up to two terms until they are allocated a nursery space in a school. However, if all schools offered part-time nursery places there would be sufficient capacity to offer every three year old a place in the term following their third birthday and the authority would meet its statutory obligation.

1.2.1 The recent information report to Council (17th December, 2014) identified a sufficiency of nursery education places within schools and the non maintained sector. However, it also indicated that there would be a continued demand for

nursery education provision and childcare within in the non-maintained sector in order to provide parents/carers with:

- Greater flexibility;
- Access to wrap around care; and
- Access to before and after school support.

2.0 AMBITION: WHERE WE WANT TO BE

2.1 The authority wishes to be able to:

- offer a part-time nursery place to every three year old in the term following their third birthday, thereby meeting statutory requirements;
- remove the gap in provision that many young children are currently experiencing with up to two terms gap; and
- continue to meet their statutory duties in relation to childcare which include: facilitating the childcare market to ensure it meets the needs of working parents; in particular those on low incomes, those with disabled children, or those who wish their child to attend Welsh medium provision; and ensuring people have access to the full range of information they need as a parent.

2.2 To advise Council of the duties relating to childcare provision and the information within the recent Childcare Sufficiency Assessment 2014 – 17 (CSA) and related documentation, to inform and assist members when considering the outcomes from the recent consultation to fund part-time nursery places in schools.

3.0 LEGISLATIVE FRAMEWORK

3.1 There are a number of statutory duties which are relevant in the consideration of childcare provision and whether it is sufficient for the area. These are set out in detail below to assist and advise members when considering the proposal to fund part-time nursery places in schools with effect from September 2015.

3.2 The authority's duty to secure sufficient childcare

The authority has a duty under section 22 of the Childcare Act 2006 (the '2006 Act') to 'secure, so far as is reasonably practicable, that the provision of childcare (whether or not by it) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them: to take up, or remain in work; or to undertake education or training which could reasonably be expected to assist them to obtain work.'

The duties under the 2006 Act require the authority to shape and support the development of childcare provision in its area in order to make it flexible, sustainable and responsive to the needs of the community. The intention is to ensure that parents are able to access childcare locally that meets their needs and enables them to make a real choice about work.

It is not the intention of the duty to oblige the authority to meet the individual childcare needs of every working family, but to ensure that at a community level, the authority is taking strategic action with its partners to address gaps in childcare. The authority is expected to support the development of childcare where there is sufficient parental demand that a childcare setting or a child minder could operate and be sustainable.

The Childcare Sufficiency Assessment (CSA) recommends that existing providers are supported to become sustainable and the Action Plan will address this by

- Supporting providers to find, apply for, and access external funding.
- Providing funding application training for providers to help them understand the application process; and
- Continuing to promote and offer business planning training opportunities.

The effect of the wording “*reasonably practicable*” within the 2006 Act is to allow the Council to take into account its resources and capabilities in making decisions about when to intervene to address gaps in the childcare market. The Council is not under a duty to provide the childcare directly (although it has the power to make provision if it so chooses).

When considering the sufficiency of childcare, Members must have regard to the matters outlined in section 22(2)(a) of the 2006 Act, being (i) the needs of parents for childcare who are eligible for the childcare element of Working Tax Credit; (ii) the needs of parents for childcare in respect of which an amount of childcare costs may be included in the calculation of Universal Credit (for both (i) and (ii) parents can only claim for the costs of *registered* or *approved* childcare in this regard); (iii) the provision of childcare which is suitable for disabled children and (iv) the provision of childcare involving the use of the Welsh language.

Members will also need to have regard to Welsh Assembly guidance when considering its statutory duty under s.22 of the 2006 Act. The particular relevant points from the guidance in addition to the matters already set out in the statute itself, and of particular relevance for this report, state that:

- Local authorities should consider the particular issues around access to childcare for black and other ethnic minority parents, lone parents and those making the transition to work, including those training.
- Local authorities will also need to consider availability of childcare to support parents working atypical hours.
- Local authorities are required to secure childcare of sufficient duration and reliability to enable parents to make a real choice about work. Local authorities are required to act to secure sufficient childcare that is registered by the Care and Social Services Inspectorate Wales.

The Childcare Act 2006 places a statutory duty on local authorities to secure sufficient childcare to address the needs of working parents/carers in their area. The completion of a Childcare Sufficiency Assessment (CSA) every three years is a key part of this duty and earlier this year Merthyr Tydfil County Borough Council completed the CSA 2014 – 2017. The CSA Action Plan 2014, arising from the

recommendations of the CSA, focuses on the three key areas of: affordability; accessibility and quality as outlined by the Welsh Government in their Childcare Policy Statement 'Nurturing Children; Supporting Families'. The CSA Action Plan, approved by Cabinet on 8th October, 2014, identifies nineteen key outcomes that will drive partnership work over the next three years to ensure that there is even more childcare available in areas of identified need and the sustainability of existing childcare businesses is supported more effectively.

3.3 The authority's duty in respect of children in need

The authority also has duties under section 17 and 18 of the Children Act 1989 ('the 1989 Act'). It is the duty of the authority to (a) safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.

For the purposes of the 1989 Act 'children in need' are defined as follows:
A child shall be taken to be in need if she/he:

- is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a local authority;
- health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or
- is disabled.

Under section 18 of the 1989 Act the authority must provide such day care for children in need within their area who are (a) aged five or under; and (b) not yet attending schools, as is appropriate. In particular regard must be had to the duty under s.18(5) to provide for children in need within its area, who are attending any school, such day care or supervised activities as is appropriate outside school hours.

The authority currently fulfils both the target duty under section 17 of the 1989 Act, and its duty under section 18 of the 1989 Act to provide appropriate day care for children in need, through a range of services which identify children that are in need within its area, and provide care for them. For instance:

- Where a child resides in a designated Flying Start area they would have access to the authority's Flying Start programme from birth, which offers free high quality childcare.
- There is a wide range of additional services available within the authority's area to meet the needs of pre-school children in need, including specific day care needs.

The care needs of individual families with children in need will inevitably be affected by their particular circumstances at any given point in time and by the particular local services available to them at that point. The authority works with these individual families to identify the specific needs of any child determined to be in need at that point in time. It should also be noted that Greenfield Special School is not affected

by the nursery education proposals and will continue to offer full-time nursery places to children with special educational needs admitted to the school.

3.4 Eradicating child poverty and the United Nations' Convention on the rights of the child

Under the Children and Families (Wales) Measure 2010 the authority must:

- prepare and publish a strategy for contributing to the eradication of child poverty which the Council has done through the adoption of the Single Integrated Plan and its predecessor, the Children and Young People's Plan; and
- take all reasonable steps to perform the actions and functions set out in the strategy for the eradication of child poverty. The actions and functions, and the steps the Council has done and will take to perform them, are again set out in the Single Integrated Plan.

It is a priority of the authority to engage with families who have any additional needs as early as possible to support them to make the most of family life and reach their full potential. The authority has also used the *United Nations Convention on the Rights of a Child* as a basis for developing the vision for Merthyr Tydfil County Borough ensuring that it is a safe, healthy and prosperous place to live and learn.

4.0 CURRENT POSITION: WHERE ARE WE NOW IN 2014?

4.1 Geographical provision

The table below is based upon live births in each ward and indicates the estimated pupil population eligible for a part-time nursery place in the academic year 2015/16. It is broken down by age group to indicate children eligible for a nursery place (those pupils aged 3 by 1st September 2015) and those eligible for a pre-nursery place (those pupils aged 2 by 1st September 2015). Children who reach 3 years of age in the Autumn Term 2015 will become eligible for a part-time nursery place in the Spring Term 2016, and children who reach 3 years of age in the Spring Term 2016 will become eligible for a place in the Summer Term 2016.

	WARD	ESTIMATED PUPIL NUMBERS FOR ACADEMIC YEAR 2015 - 2016			
		Sep-15	Jan - Aug 2016	Total pupils in academic year	Part-time nursery places available in school
		Nursery	Pre nursery		
BEDLINOG PRIMARY	Bedlinog	16	10	26	34
TRELEWIS PRIMARY	Bedlinog	33	14	47	60
HEOLGERRIG PRIMARY	Cyfarthfa	32	16	48	60
YSGOL COED Y DDERWEN	Cyfarthfa	36	52	88	60
DOWLAIS PRIMARY	Dowlais	35	39	74	60
PANTYSGALLOG PRIMARY	Dowlais	18	13	31	66
GURNOS NURSERY	Gurnos	54	54	108	160
YNYSHOWEN PRIMARY	Merthyr Vale	35	37	72	76
CYFARTHFA PARK PRIMARY	Park	60	20	80	92

GELLIFAELOG PRMARY	Penydarren	24	33	57	60
GWAUNFARREN PRIMARY	Penydarren	22	24	46	64
TROEDYRHIW PRIMARY	Plymouth	27	24	51	80
ABERCANAID PRIMARY	Plymouth	13	26	39	50
TWYNYRODYN PRIMARY	Town	51	57	108	94
CAEDRAW PRIMARY	Town	37	21	58	60
EDWARDSVILLE PRIMARY	Treharris	48	44	92	90
YSGOL Y GRAIG PRIMARY	Vaynor	21	20	41	60
TOTALS		562	504	1066	1226

Across the authority there are expected to be 562 pupils eligible for part-time nursery places in September 2015 and a further 504 pupils becoming eligible for a pre-nursery part-time place during the academic year. In total 1066 pupils during the 2015/16 academic year. The information is broken down by Ward and it should be noted that many of the children born in these areas are expected to choose Welsh-medium or faith education where pupils attend from across the County Borough. The table indicates that there are 1226 part-time nursery places available across the schools listed above.

However, once the nursery pupils have been admitted in September some schools will have insufficient space to accommodate all the pre-nursery pupils who will become eligible for a part-time place during the remaining two terms of the academic year. Therefore, it is important to also consider the childcare provision available other than in the authority's maintained schools.

The table below illustrates the different types of pre-school provision available across the authority by ward and type and shows that there are 1122 places available across the authority.

	WARD	Child-minders	Day nursery	Pre school playgroup	Meithrin	Total places available in ward
		number of providers	number of providers	number of providers	number of providers	
BEDLINOG PRIMARY	Bedlinog			2		88
TRELEWIS PRIMARY	Bedlinog					
HEOLGERRIG PRIMARY	Cyfarthfa	3	1	2	1	158
YSGOL COED Y DDERWEN	Cyfarthfa					
DOWLAI PRIMARY	Dowlais	3	1	2		96
PANTYSGALLOG PRIMARY	Dowlais					
GURNOS NURSERY	Gurnos		1	4		88
YNYSOWEN PRIMARY	Merthyr Vale	2	1	1	1	104
CYFARTHFA PARK PRIMARY	Park					
GELLIFAELOG PRMARY	Penydarren	4		2		33

GWAUNFARREN PRIMARY	Penydarren					
TROEDYRHIW PRIMARY	Plymouth	5	2	4	1	284
ABERCANAID PRIMARY	Plymouth					
TWYNYRODYN PRIMARY	Town	1	1		1	87
CAEDRAW PRIMARY	Town					
EDWARDSVILLE PRIMARY	Treharris	7	1	1	1	109
YSGOL Y GRAIG PRIMARY	Vaynor			1	1	75
TOTALS		25	8	19	6	1122

English medium schools that will be unable to run a pre-nursery class in the Spring and Summer Terms 2016 are in the Cyfarthfa, Dowlais and Town wards which currently have 158, 96 and 87 childcare places available in the local community. Park ward has no provision within the ward but the local primary school has the capacity to accommodate all local pupils with some spare capacity.

The Childcare Sufficiency Assessment 2014 – 17 (CSA) summaries the findings from the Geographical Gaps analysis as:

‘Evidence ...suggests that location of provision is not considered a barrier, with less than 1% of all respondents stating “there is not childcare in the right location”. 84% of all respondents agree or strongly agree with the statement “childcare is located in the right place.” In focus group and interview sessions, parents/carers felt that childcare was in the right location for them. The majority of providers believe the location and accessibility of provision is satisfactory to good’.

4.2 Affordability

The CSA assessment indicates that 36% of families with one or more dependent child are not using any form of childcare. *‘Affordability plays a key role in the initial decision of whether or not to use childcare. It can also be a factor in other decisions such as returning to work which often prompts the question “is it worth me going to work?” 43% of those respondents who are not using childcare are not currently in employment, with 12% studying / training and 7% looking for work’.*

‘Those using childcare, would like it to be cheaper/more affordable but they continue to use it mainly in order to attend work. Non users are most likely to use family networks, because they are considered to be a cheaper option. To close the income gap the challenge, which may not be achievable, is to finding a price structure that responds to parents needs for affordability and the providers need to be sustainable. There are also opportunities around helping to ensure parents / carers are accessing all the support they are entitled to and raising awareness of more cost effective childcare options’.

The CSA Gap Analysis Report indicates that more affordable childcare would benefit 32.5% of all families with young children. In the current academic year over 200 three-year olds will be unable to access a part-time place as there is insufficient

capacity within schools. If the authority offers a part-time nursery place to all three year olds this will assist families who find cost a barrier.

Low income families

The CSA indicates that low income families are *'concerned with the cost of childcare with 47% preferring to use partner/family/friends as they are cheaper. However, 44% of this group agree that childcare is affordable'*. Low Income families are *'most likely to be using childcare tax credits with 28% of respondents using them'*.

Through delivery of the CSA Action Plan the authority plans to ensure that parents from low income families no longer just assume they can't afford childcare by:

- Looking for opportunities to support access to childcare for low income families, who are not eligible for Flying Start, to access provision.

Families Looking for Working and/or Studying or Training

The CSA indicates that 104 parents/carers who completed the survey (12%) were in training and/or looking for work *'38% of (these) parents who are looking for work say childcare has stopped them or their partner from getting a job compared to 5% of all respondents to the parent/carer questionnaire'*. These families can also be *'unsure of what financial support is available with a third unsure if they are eligible for tax credits. 40% of employers who identified childcare as having an impact on their recruitment and retention, identified affordability of provision as an area for improvement. Providers rate the support for families looking to return to work as satisfactory'*.

Through delivery of the CSA Action Plan the authority plans to ensure that more parents who are looking to return to work will no longer see childcare as a barrier to employment and/or training by:

- Working with key partners including Job Centre Plus, Bridges into Work and employers to provide signposting to affordable childcare options;
- Working in partnership with Job Centre Plus to develop a monitoring and recording system. Whereby parents who cite childcare as a barrier to work are asked to prioritise a range of factors e.g. affordability, location, tax credits. This information is collated and reviewed on an annual basis, so that promotional and awareness work can focus on identified priorities;
- Providing information and signposting to childcare provision at relevant events including employment fairs and college open days; and
- Providing employers with information to signpost employees to affordable childcare. Attend local business networking events to raise awareness of support available to employers.
- Raising awareness of all families/carers to the tax credits and financial support they are entitled to: by providing leaflets to all providers to distribute; holding tax and childcare clinics; and liaising with Citizens Advice Bureau so that they can also advise clients.

4.3 Type of Provision

The CSA indicates that a large number of parents (36%) currently access no childcare provision and *“families with at least one 3 – 4 year old were most likely to say lack of suitable provision for that age group is a barrier to using childcare”*. Being able to offer a part-time nursery place to all three year olds will assist parent who find lack of provision a barrier at present.

4.4 Unmet demand for childcare

The authority is unable to meet its statutory obligation to offer a part-time nursery place within schools. However, if the proposal to fund a part-time nursery place goes ahead then schools will establish nursery and pre-nursery groups. The nursery group will be pupils who were aged 3 by 31st August, and the pre-nursery group will admit pupils in the term following their third birthday i.e. in the Spring and Summer terms. In the current academic year over 200 children who have reached the age of 3 cannot be offered a part-time nursery place in a school in the term following their third birthday. This gap in provision also affects pupils in Flying Start settings who find that when they reach their third birthday there is no place available in the local school nursery. The proposal will ensure a continuity of provision and greater certainty for parents and carers who may wish to undertake training and/or seek employment.

The CSA highlighted that *‘Families are growing increasingly frustrated with not knowing if and when provision is going to be available for their child. This is having a detrimental impact on their wider decisions in relation to considering opportunities in relation to training, studying and returning to employment’*.

4.5 Quality of provision

The CSA found that *‘90% of all parents/carers currently using childcare agree with the statement “the quality of childcare is high” and only 6% of respondents who are not using childcare give “there is no childcare of sufficient quality” as a reason’*.

4.6 Age gaps

The CSA reported that *“2% of all respondents to the parent / carer questionnaire stated that “there is no childcare available that is suitable for the age of my child”. Families with at least one 3 – 4 year old were most likely to say lack of suitable provision for that age group is a barrier to using childcare, with 4% of respondents from this group stating it is a barrier”*.

4.7 Childcare for Children with Disabilities

Parents of children with disabilities find it difficult to trust childcare providers, with 31% saying this is the reason they prefer to use partner/family/friends for childcare. Providers rate the existing provision for disabled children as poor to satisfactory and have asked for support/ training to better meet the needs of disabled children. Organisations such as Law yn Llaw have provided considerable support for families of children with disabilities, but there is still more work to be done in terms of support

for this group into childcare and ensuring that they are able to access provision to meet their needs.

Through delivery of the CSA Action Plan the authority plans to ensure that families of children with special needs and disabilities can easily access childcare provision by:

- Providing training to enable existing and new providers to offer childcare places for children with disabilities;
- Working in partnership with agencies that engage with families of disabled children to signpost and support them into childcare; and
- Improving the access and availability of information for parents / carers of children and young people with disabilities.

4.8 Welsh Language/Bilingual Childcare Provision

The CSA indicates that *'38 families who completed the survey (4%) were currently using some form of Welsh Language provision with 84% of those families using childcare for all their children'*.

Through delivery of the CSA Action Plan the authority plans to ensure that more families who would like Welsh Language Childcare can find and use it by:

- Promoting existing Welsh language and bilingual provision and raise awareness that it is an available option.
- Considering the findings of the CSA in light of the results of the Welsh in Education Strategic Plan 2014 -17
- Supporting existing Welsh and Bilingual Language provision to become more sustainable. Also support them to undertake market research to ascertain if they should expand and / or develop their service to better meet the needs of parents.
- Supporting providers to undertake training and development to increase the level of Welsh Language used in existing settings.

The data collected as part of the CSA suggests only 55 families, less than 1% of all families, *'are not currently using childcare because 'there is no suitable Welsh language provision'. This suggests that while Welsh Language provision maybe an ideal it is... not barrier to accessing provision'*.

4.9 Black and Ethnic Minority Families

The CSA survey was completed by 4% of parents/carers from Black and Ethnic Minority families. This is the group least likely to be using childcare provision with 59% not accessing childcare and 20% (7 respondents) perceiving cost as a barrier.

Through delivery of the CSA Action Plan the authority plans to ensure that more families from black and ethnic minority communities will use and benefit from childcare by:

- Working with community leaders and groups to encourage Black and Ethnic Minority families to promote existing provision and the benefits of accessing childcare; and

- Encouraging more black and ethnic minority families living in Flying Start areas to take up the childcare element.

4.10 Time gap

The time gap analysis within the CSA considered the time of day when provision is available; supply and demand of provision at weekends; and provision in term times and school holidays. It identified a demand for childcare to be available at different times with '21% of respondents' indicating increased provision between '3.30pm to 6pm. *'Providers rank the suitability of opening times as satisfactory to good and where possible offer flexibility within constraints such as staff ratios and cost'*. Overall less than '1% of all respondents felt that childcare wasn't flexible enough'.

Through delivery of the CSA Action Plan the authority plans to ensure that provision is available at times when parents/carers need and want it by:

- Exploring opportunities to encourage all after school clubs to open until at least 6pm; provide a cost benefit model to enable them to see the benefits of extended opening;
- Signposting parents to existing provision that is open during these hours; and
- Working with schools to encourage them to develop partnerships with existing childcare provision, such as childminders, and / or develop their own provision to meet the needs of working in parents in a sustainable way.

4.11 Conclusions

As illustrated above, the Childcare Sufficiency Assessment: Action Plan 2014-17 identifies and addresses the priorities for the authority over the next three years.

The information presented within this report suggests that there is sufficient childcare provision within current providers to meet childcare demands that may arise should schools only provide part-time nursery education places from September 2015.

5.0 NEXT STEPS

- 5.1 The four week public consultation on the proposal to fund nursery places in schools on a part-time basis commenced on Monday 3rd November 2014 and closed on 1st December, 2014.
- 5.2 This report can assist in the consideration of the responses to the public consultation on the proposal to fund part-time nursery education places in schools.

6.0 FINANCIAL IMPLICATIONS

- 6.1 The sufficiency of childcare will help inform members when considering the outcomes from the consultation to fund part-time nursery places in schools. The proposed changes to nursery provision are currently estimated to deliver financial savings of £278k in the part-year September 2015 – March 2016 and £422k over a full financial year.

7.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

7.1 The Single Integrated Plan and Sustainability Impact Assessment has been completed and the implementation of the recommendation has some positive impacts on the Single Integrated Plan. No negative impacts have been identified.

8.0 EQUALITY IMPACT ASSESSMENT

8.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full report is not required at this time. The screening form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

LORRAINE BUCK
CHIEF EDUCATION OFFICER

BACKGROUND PAPERS		
<i>Title of Document(s)</i>	<i>Document(s) Date</i>	<i>Document Location</i>
Childcare Sufficiency Assessment 2014 - 17	October 2014	Early Years Team. Electronic version available on Family Information Service website
Childcare Sufficiency Assessment 2014 – 2017 (Gap Analysis)	October 2014	Early Years Team. Electronic version available on Family Information Service website
Childcare Sufficiency Assessment Action Plan 2014 - 17	October 2014	Early Years Team. Electronic version available on Family Information Service website

Consultation has been undertaken with Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.

Proposal to change the LMS Scheme of Delegation

In order to implement the proposal to fund all nursery places on a part-time basis, the local authority is required to change the scheme of delegation to reflect this.

Therefore the proposed changes are as follows;

(i) Fund all nursery places on a part-time basis i.e. 0.5 of a full time place

In order to implement this change in the scheme of delegation the section B.7.3.2 'Admissions Policy to Primary Schools (including Infants Schools/Nursery Units)' **to be amended to read as follows;**

'The financial resources for nursery aged pupils will only provide funding for part-time provision in line with the Local Authority's statutory requirement to ensure there are sufficient places for part-time nursery education for children in the term following their 3rd birthday. As per B.7.3 above funding for part-time provision will be weighted at 0.5 in the formula calculation.

Funding will be provided for pupils included in the count (see provisions above under B.7.3 – B.7.3.1) up to the number of places made available by the Admissions authority as per the published Admissions Policy.

The provision of nursery funding within VA / Foundation schools will follow the same principles and funding limits as that being applied to the maintained schools for which the LA is also the Admissions Authority. VA / Foundation schools are free to set their own admissions limit for nursery education places however the funding of any places over and above the funding limit determined by the local authority will be financed from the school's own delegated budget.'

This proposal is to take effect from September 2015

The funding limit is currently the 1979/80 figure. However the local authority is considering amending this to reflect capacity based on available physical space (as per MSCW calculation) as per WG recommendations. A statutory consultation will be carried out to implement this change to available places and if implemented this will be reflected in future Admission's policy documents rendering the 1979/80 number redundant.

(ii) Introduce a Summer Term Pupil Count

The suggested amendment to the scheme of delegation is to introduce a pupil count date in the summer term so that funding for pupils entitled to a nursery place in the summer term attracts appropriate funding

In order to implement this change the following pupil count arrangement is proposed

	<u>CURRENT ARRANGEMENT</u>	<u>PROPOSED ARRANGEMENT</u>	<u>WEIGHTING</u>
<u>Summer Term</u>	Estimated pupil numbers as at date in January of the financial year prior to the allocation of the formula.	<i>Estimated pupil numbers as at date in May of the financial year in respect of which the formula applies.</i>	1/3
<u>Autumn Term</u>	Estimated pupil numbers as at date in September of the financial year	<i>Estimated pupil numbers as at date in September of the financial</i>	1/3

	in respect of which the formula applies.	<i>year in respect of which the formula applies.</i>	
<u>Spring Term</u>	Estimated pupil numbers as at date in January of the financial year in which the formula applies.	<i>Estimated pupil numbers as at date in January of the financial year in which the formula applies.</i>	1/3

The following transitional arrangements also need to be given consideration

TRANSITIONAL ARRANGEMENTS

SPRING TERM 2015 INTAKE

If a pupil commences a full-time nursery place in January 2015 then they are at risk of having this provision reduced to part-time should the local authority implement the proposed change to funding.

Therefore in order to reduce this potential impact on schools some Headteacher/governing bodies have taken the decision to only offer a part-time place in January.

These schools are now at risk of financial loss from the 2015/16 retrospective adjustment. This is since they have already received funding for an estimated number of full-time pupils starting in January 2015 and the actual count will now record these pupils as part-time.

It is estimated that the impact of this across all schools is £13k which under current arrangements will be clawed back from schools in the 2015/16 retrospective adjustment.

Proposal:

For those schools who included estimated full time nursery pupils (January 2015) but have since offered part time intake (for January 2015) the negative financial impact of this decision will not be included in the calculation of the retrospective adjustment that is to be applied in the 2015/16 formula allocation.

IMPACT ON STAND ALONE NURSERY SCHOOL

The impact of the proposal to the stand alone nursery school is a 25% reduction on the schools formula funding compared to an average impact in the primary sector of 3.4%.

The range of reduction in the primary sector goes from Nil for those schools only providing part-time nursery provision currently, to 1.3% for those schools already subsidising their nursery provision above the 1979 number, to 4.85% and 5.67% for those primary schools with the biggest impact.

Therefore it is clear that the impact of this proposal on the single stand-alone nursery school is significantly higher when measured against other primary sector schools.

To minimise the impact of this change it is proposed that as a transitional arrangement the Schools Forum consider the reintroduction of a larger lump sum for the nursery school in view of its small school status. It is still expected that even with a transitional arrangement the impact on the nursery school will still be greater than for any other primary school effected.

Proposal:

To introduce an additional lump sum for the nursery school as a transitional arrangement whilst the long-term sustainability of the stand-alone nursery school is considered by the local authority as part of a school organisation strategy

The amount of lump sum to be agreed in the next forum.