

Notice of Meeting and Agenda Education and Children's Services Policy Board

Date	Time	Venue
Thursday, 24 August 2017	13:00	Council Chambers (Renfrewshire), Council Headquarters, Renfrewshire House, Cotton Street, Paisley, PA1 1AN

KENNETH GRAHAM
Head of Corporate Governance

Membership

Reverend Graham Currie: Mr Iain Keith: Mr Jack Nellaney: Councillor Derek Bibby: Councillor Bill Binks: Councillor Carolann Davidson: Councillor Natalie Don: Councillor Edward Grady: Councillor Neill Graham: Councillor Lisa-Marie Hughes: Councillor Karen Kennedy: Councillor Scott Kerr: Councillor Paul Mack: Councillor John McNaughtan: Councillor Will Mylet: Councillor Iain Nicolson: Councillor Emma Rodden: Councillor John Shaw:

Councillor Jim Paterson (Convener): Provost Lorraine Cameron (Depute Convener):

Further Information

This is a meeting which is open to members of the public.

A copy of the agenda and reports for this meeting will be available for inspection prior to the meeting at the Customer Service Centre, Renfrewshire House, Cotton Street, Paisley and online at www.renfrewshire.cmis.uk.com/renfrewshire/CouncilandBoards.aspx

For further information, please either email democratic-services@renfrewshire.gov.uk or telephone 0141 618 7112.

Members of the Press and Public

Members of the press and public wishing to attend the meeting should report to the customer service centre where they will be met and directed to the meeting.

Items of business

Apologies

Apologies from members.

Declarations of Interest

Members are asked to declare an interest in any item(s) on the agenda and to provide a brief explanation of the nature of the interest.

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| 1 | Revenue Budget Monitoring Report | 3 - 8 |
| | Joint report by Director of Finance & Resources and Director of Children's Services. | |
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| 3 | Children and Young People (Information Sharing)(Scotland) Bill | 15 - 18 |
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| 4 | Children (Equal Protection from Assault) (Scotland) Bill Proposal | 19 - 32 |
| | Report by Director of Children's Services. | |
| 5 | Education Governance: Fair Funding to Achieve Excellence and Equity in Education - A Consultation | 33 - 44 |
| | Report by Director of Children's Services. | |
| 6 | Inspection of Fordbank Primary School, Johnstone | 45 - 50 |
| | Report by Director of Children's Services. | |
| 7 | Early Learning and Childcare Entitlement - 1140 Expansion Plan | 51 - 60 |
| | Report by Director of Children's Services. | |



To: Education and Children's Services Policy Board

On: 24 August 2017

Report by: Director of Finance and Resources and Director of Children's Services

Heading: Revenue Budget Monitoring to 23 June 2017

1. Summary

- 1.1 Gross expenditure is £21,000 (0.1%) over budget and income is £21,000 (11.4%) greater than anticipated which results in a **break even position** for the services reporting to this Policy Board

This is summarised over the relevant service in the table below:

Division / Department	Current Reported Position	% variance	Previously Reported Position	% variance
Children's Services	Break even	-	n/a	-

2. Recommendations

- 2.1 Members are requested to note the budget position.

2.2 Budget Adjustments

Members are requested to note that since the budget was approved, there have been a number of budget adjustments resulting in a decrease of £134k. This is due to the transfer of budget to Finance & Corporate Services for admin support for the Early Years Strategy (£115k) and to the Corporate Landlord for property repairs (£19k).

3. **Children's Services**

Current position:	Break even
<i>Previously reported:</i>	<i>n/a</i>

3.1 **Central Admin:**

Current Position:	Net overspend £75,000
<i>Previously reported:</i>	<i>n/a</i>

The overspend mainly relates to additional staffing and admin costs.

3.2 **Primary Schools:**

Current Position:	Net underspend £58,000
<i>Previously reported:</i>	<i>n/a</i>

The underspend relates to teachers' salaries.

3.3 **Secondary Schools:**

Current Position:	Net underspend £58,000
<i>Previously reported:</i>	<i>n/a</i>

The underspend relates to transport costs and teachers' salaries.

3.4 **Additional Support for Learning:**

Current Position	Net overspend £27,000
<i>Previously reported:</i>	<i>n/a</i>

The underspend relates to transport costs and teachers' salaries.

3.5 **Childcare Services:**

Current Position	Net overspend £14,000
<i>Previously reported:</i>	<i>n/a</i>

The net overspend relates to the net effect of overspends in residential accommodation, childcare management and localities, offset by underspends in residential schools, special needs and fostering, adoption and kinship.

3.6 Projected Year End Position

It is anticipated at this stage that Childrens' Services will achieve a break-even year-end position.

Implications of the Report

1. **Financial** – Net revenue expenditure will be contained within available resources.
2. **HR & Organisational Development** – none
3. **Community Planning** – none
4. **Legal** – none
5. **Property/Assets** – none
6. **Information Technology** - none.
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – none
9. **Procurement** – none
10. **Risk** – none
11. **Privacy Impact** - none
12. **Cosla Policy Position** - none

List of Background Papers

None

Author: George McLachlan, Extension 6133
Lisa Dickie, Extension 7384

RENFREWSHIRE COUNCIL
REVENUE BUDGET MONITORING STATEMENT 2017/2018
1st April 2017 to 23 June 2017

POLICY BOARD : EDUCATION & CHILDREN'S SERVICES	
Description (1)	Revised Annual Budget (2) £000's
Employee Costs	115,463
Property Costs	9,292
Supplies & Services	5,908
Contractors and Others	15,697
Transport & Plant Costs	4,544
Administration Costs	9,937
Payments to Other Bodies	24,949
CFCR	0
Capital Charges	16,124
GROSS EXPENDITURE	201,914
Income	(2,887)
NET EXPENDITURE	199,027

Revised Period Budget (3) £000's
18,919
(357)
485
3,000
952
118
4,609
0
0
27,726
(185)
27,541

Actual (4) £000's
19,239
(360)
514
2,933
978
119
4,492
0
0
27,915
(227)
27,688

Adjustments (5) £000's
(183)
(1)
(22)
2
0
(2)
38
0
0
(168)
21
(147)

Revised Actual (6) = (4 + 5) £000's
19,056
(361)
492
2,935
978
117
4,530
0
0
27,747
(206)
27,541

Budget Variance (7) £000's %	
(137)	-0.7% overspend
4	1.1% over-recovery
(7)	-1.4% overspend
65	2.2% underspend
(26)	-2.7% overspend
1	0.8% underspend
79	1.7% underspend
0	0.0% break-even
0	0.0% break-even
(21)	-0.1% overspend
21	11.4% over-recovery
0	0.0% break-even

£000's
0
(0)

0.0%
0.0%

Bottom Line Position to 23 June 2017 is breakeven of
Anticipated Year End Budget Position is breakeven of

RENFREWSHIRE COUNCIL
REVENUE BUDGET MONITORING STATEMENT 2017/2018
1st April 2017 to 23 June 2017

POLICY BOARD : EDUCATION & CHILDREN'S SERVICES

Description (1)	Revised Annual Budget (2)	Revised Period Budget (3)	Actual (4)	Adjustments (5)	Revised Actual (6) = (4 + 5)	Budget Variance (7)		
£000's	£000's	£000's	£000's	£000's	£000's	£000's	%	
Central Administration	10,465	332	502	(95)	407	(75)	-22.6%	overspend
Pre-Five Service	14,930	2,803	2,803	0	2,803	0	0.0%	breakeven
Primary Schools	56,429	6,977	7,048	(129)	6,919	58	0.8%	underspend
Secondary Schools	73,320	10,785	10,727	0	10,727	58	0.5%	underspend
Special Schools	6,013	455	456	(1)	455	0	0.0%	breakeven
Schools Support Services	0	0	0	0	0	0	0.0%	breakeven
Healthy Lifestyles	6	0	0	0	0	0	0.0%	breakeven
Add Support for Learning (ASL)	6,884	844	840	31	871	(27)	-3.2%	overspend
Facilities Management	349	26	26	0	26	0	0.0%	breakeven
Educational Development	736	165	165	0	165	0	0.0%	breakeven
Psychological Services	686	114	114	0	114	0	0.0%	breakeven
Childcare	29,208	5,040	5,007	47	5,054	(14)	-0.3%	overspend
NET EXPENDITURE	199,026	27,541	27,688	(147)	27,541	0	0.0%	breakeven
Bottom Line Position to 23 June 2017 is breakeven of						£000's		
Anticipated Year End Budget Position is breakeven of						0		
						(0)		



To: EDUCATION & CHILDREN'S SERVICES POLICY BOARD

On: 24 AUGUST 2017

Report by: Director of Finance and Resources

Heading: Capital Budget Monitoring Report

1. Summary

- 1.1 Capital expenditure to 23rd June 2017 totals £3.892m compared to anticipated expenditure of £3.850m for this time of year. This results in an over-spend position of £0.042m for those services reporting to this board, and is summarised in the table below:

Division	Current Reported Position	% Variance	Previously Reported Position	% Variance
Children Services	£0.042m o/spend	1% o/spend	<i>n/a</i>	<i>n/a</i>
Total	£0.042m o/spend	1% o/spend	<i>n/a</i>	<i>n/a</i>

- 1.2 The expenditure total of £3.892m represents 15% of the resources available to fund the projects being reported to this board. Appendix 1 provides further information on the budget monitoring position of the projects within the remit of this board.
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2. Recommendations

- 2.1 It is recommended that Members note this report.

3. **Background**

- 3.1 This report has been prepared by the Director of Finance and Resources.
- 3.2 This is the first capital budget monitoring to members in 2017/18 and it details the performance of the Capital Programme to 23rd June 2017, and is based on the Capital Investment Programme which was approved by members on 23rd February 2017, adjusted for movements since its approval.
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4. **Budget Changes**

- 4.1 Since the capital budget was approved budget changes totalling £3.238m have arisen which reflects the following :-

Budgets carried forward from 2016/17:-

- Schools Investment Programme (£0.106m).
- Early Years Estate Programme (£0.097m).
- Primary Schools Estate Programme(SEMP) (£1.654m).
- Riverbrae School (£2.919m).
- Close Support Unit (£0.728m)

Budget of £3.179m in the Primary Schools Estate Programme(SEMP) re-profiled to 2018/19 reflecting updated cashflows received for the projects.

Additional budget of £0.913m in the Early Years Estate Programme to support the expansion of Early Year provision from August 2020.

Implications of the Report

1. **Financial** – The programme will be continually monitored, in conjunction with other programmes, to ensure that the available resources are fully utilised and that approved limits are achieved.
2. **HR & Organisational Development** – none.
3. **Community Planning** –
Greener - Capital investment will make property assets more energy efficient.
4. **Legal** – none.
5. **Property/Assets** – none.
6. **Information Technology** – none.
7. **Equality & Human Rights** – The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – none.
9. **Procurement** – none.
10. **Risk** – none.
11. **Privacy Impact** – none.
12. **Cosla Policy Position** – none.

List of Background Papers

- (a). Capital Investment Programme 2017/18 & 2018/19 – Council, 23rd February 2017.

The contact officers within the service are:

- Geoff Borland, Extension 4786
- Alison Fraser, Extension 7376
- George McLachlan, Extension 6133

Author: *Geoff Borland, Principal Accountant, 0141 618 4786, geoffrey.borland@renfrewshire.gov.uk.*

Education & Children's Services - Appendix 1

RENFREWSHIRE COUNCIL

CAPITAL INVESTMENT STRATEGY - NON-HOUSING SERVICES

BUDGET MONITORING REPORT

BOARD: EDUCATION & CHILDREN'S SERVICES

Project Title	Approved Programme @23/02/17	Current Programme MR 3	Year To Date Budget to 23-Jun-17	Cash Spent to 23-Jun-17	Variance to 23-Jun-17	% Variance	Cash to be Spent by 31-Mar-18	% Cash Spent
EDUCATION & CHILDREN SERVICES								
Schools Investment Programme	0	106	0	0	0	0%	106	0%
Early Years Estate Programme	0	1,010	0	0	0	0%	1,010	0%
Primary Schools Estate Programme(SEMP)	21,547	20,022	2,600	2,665	-65	-3%	17,357	13%
Other Schools Investment Programmes	0	2,919	1,200	1,182	18	2%	1,737	40%
Technology Replacement Strategy ICT	400	400	0	0	0	0%	400	0%
PPP Lifecycle	0	0	0	0	0	0%	0	-
Close Support Unit	500	1,228	50	45	5	10%	1,183	4%
TOTAL EDUCATION & CHILDREN'S SERVICES BOARD	22,447	25,685	3,850	3,892	-42	-1%	21,793	15%



To: Education and Children's Services Policy Board

On: 24 August 2017

Report by: Director of Children's Services

Heading: Children and Young People (Information Sharing) (Scotland) Bill

1. Summary

- 1.1 The Children and Young People (Scotland) Act 2014 ('the Act') received Royal Assent on 27th March 2014. Parts 4 and 5 of the Act (concerning provision of the Named Person and the Child's Plan respectively) were scheduled to be implemented in August 2016. However, they were halted following legal challenges about the safeguards for the sharing of personal information.
- 1.2 In July 2016, the Supreme Court ruled that the Named Person proposals for sharing information were in breach of human rights laws. The Scottish Government responded by delaying implementation while it developed legislative amendments to ensure lawful information sharing processes.
- 1.3 Renfrewshire Council and its planning partners had made extensive preparations for the implementation of the Named Person Service (of which provision for the Child's Plan is a part) prior to the Supreme Court ruling. These plans were suspended in July 2016 while we awaited further advice from the Government.
- 1.4 The Children and Young People (Information Sharing) (Scotland) Bill was published on Tuesday 20 June. It will introduce a duty on public and other services to consider if the sharing of information will promote, support or safeguard the wellbeing of a child or young person. It will also ensure that the sharing is compatible with current law. The earliest the Bill can be enacted is August 2018.
- 1.5 The Government will produce Statutory Guidance for Information Sharing, however, no indication of timescales has yet been provided.

- 1.6 The GIRFEC Project Board is currently revising its implementation plans for Parts 4 and 5 of the Act in response to the new Bill. As yet there is no firm date for the commencement of the Bill, however, partners are working towards readiness for implementation of our Named Person Service in August 2018.
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2. **Recommendations**

The Education and Children's Services Policy Board is asked to note:

- 2.1 The implications of the new Information Sharing Bill for Renfrewshire's Children's Services.
- 2.2 That there is a multi-agency action plan in place to ensure preparation for compliance with the Bill and delivery of the Named Person Service.
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3. **Background**

- 3.1 The Children and Young People (Information Sharing) (Scotland) Bill is the Scottish Government's response to the Supreme Court judgement in 2016 regarding the provisions in Part 4 and 5 of the Children and Young People (Scotland) Act 2014. The Supreme Court ruled that the information sharing provisions within the Act were incompatible with human rights legislation. Specifically, the Court found that there were insufficient safeguards for the protection of personal and sensitive information.
- 3.2 The Supreme Court judgement emphasised the need for clarity about the rules for information sharing and guidance about how to assess proportionality in relation to the disclosure of personal information.
- 3.3 The Court also ruled that care should be taken to emphasise the voluntary nature of the Named Person Service to avoid the impression that failure to co-operate might be taken as evidence of a risk of harm.
- 3.4 The new Bill will introduce a duty on public and other services to consider if the sharing of information will promote, support or safeguard the wellbeing of a child or young person. It will also require that any sharing of information is compatible with current laws re data protection, human rights and the law of confidentiality.
- 3.5 Section 26B of the Bill provides for a 'Code of Practice' in relation to the sharing of information between service users and professionals. The Code sets out the steps practitioners must undertake when they share (or consider sharing) information in terms of their functions under Parts 4 and 5 of the Children and Young People (Scotland) Act 2014. In particular the Code specifies safeguards applicable for the sharing of information.

- 3.6 The Code requires that those sharing (or considering sharing) information must act in accordance with the law and in a manner which is proportionate to the aim being pursued. The Code includes a strong presumption that service users will be informed before information is shared (or in some circumstances as soon as possible thereafter) and that explicit consent will be obtained *unless there is a legal basis for not doing so*.
- 3.7 The Code describes the steps practitioners must take to inform service users that their personal or sensitive personal information *may* be shared; inform service users *before* their information is shared and to obtain consent; and if sharing has occurred without prior knowledge or consent, to inform service users as soon as practicable after the fact. Practitioners must record their actions and reasoning (including relevant legal basis) for all actions relating to the sharing of personal or sensitive personal information.
- 3.8 The Code of Practice does not introduce new rules for information sharing. Rather, it describes the relevant law (data protection, principally the Data Protection Act 1998, the law of confidentiality and human rights law) to which practitioners must comply when sharing personal information either with or without consent.
- 3.9 The Government have undertaken to issue statutory guidance to provide additional clarity about the legal basis for sharing information, however, there is no indication as yet about when this will be forthcoming.
- 3.10 Renfrewshire Children's Services had made comprehensive plans for the implementation of the Name Person Services prior to the Supreme Court decision. We are currently reviewing and updating the existing GIRFEC implementation plan to take account of the new Bill and ensure compliance with the new requirements.
- 3.11 While we await the Statutory Guidance, we will provide refresher training to all staff on information sharing laws to ensure clarity about the basis on which social work, health, education and other professionals supporting families share and receive information in their named person role.
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Implications of the Report

1. **Financial** - None.
2. **HR & Organisational Development** - None.

3. **Community Planning –**

Community Care, Health & Well-being - The appropriate sharing of sensitive personal information is necessary to promote, support and safeguard the wellbeing of some children and young people safe and this increases the likelihood of them becoming effective citizens who contribute productively to the communities in which they live.

Safer and Stronger - Sharing sensitive personal information between agencies and professionals is essential to keeping our most vulnerable children and young people safe from harm.
4. **Legal** - The Council's processes for sharing sensitive personal information must continue to be compliant with all relevant law. Compliance with the new Bill will require careful planning, implementation and oversight to avoid legal challenge.
5. **Property/Assets** - None.
6. **Information Technology** - None.
7. **Equality Opportunity and Human Rights Implications** – As the Bill was introduced to address human rights concerns, complying with its provisions will ensure human rights compliance.
8. **Health & Safety** - None.
9. **Procurement** – None.
10. **Risk** - It is essential that all potentially staff involved in the sharing of sensitive personal information are sufficiently trained to ensure they comply with relevant laws and follow local procedures.
11. **Privacy Impact** - None.
12. **CoSLA Policy Position** – None.

List of Background Papers

- (a) Children and Young People (Information Sharing) (Scotland) Bill and associated documents can be found here:
<http://www.gov.scot/Topics/People/Young-People/gettingitright/information-sharing>.

DH
4 August 2017

Author: Dorothy Hawthorn Head of Child Care and Criminal Justice



To: Education and Children's Services Policy Board

On: 24 August 2017

Report by: Director of Children's Services

Heading: Children (Equal Protection from Assault) (Scotland) Bill Proposal

1. Summary

- 1.1 This proposal for a Private Member's Bill has been introduced by John Finnie, Green Party MSP for the Highlands and Islands. It proposes a change in the law such that any physical punishment of children (currently allowable in some circumstances) becomes illegal. The Bill cites evidence which demonstrates the impact negative childhood experiences can have in later life, and points to obligations under international law which appear to be undermined by continuing to allow physical punishment. The UK ratified the United Nations Convention on the Rights of the Child in 1991 but has not amended the law. The United Nations (UN) have reported concerns about the lack of prohibition of corporal punishment and the defences of 'justifiable assault' (in Scotland) and 'reasonable punishment' (in the rest of the UK).
- 1.2 The proposal states its aim as to promote and safeguard the health and well-being of children and young people by ensuring they are afforded the same right to protection from assault as adults. It proposes this would be achieved by ending the current legal position that the physical punishment of children can be viewed as justifiable assault.
- 1.3 The draft response to the consultation is attached as Appendix 1. In the draft response, we express support for the proposal, from the perspective of offering additional support to parents to manage children's behaviour in more positive ways and shift attitudes and behaviours, rather than to seek to criminalise parents. The importance of a supportive rather than punitive approach is highlighted.

- 1.4 The consultation process closed on 4 August 2017. The draft response (Appendix 1) has been submitted, in order to meet the timescale of the consultation, noting that approval will be sought at the Policy Board on 24 August 2017. Responses will be published on Mr Finnie's website unless confidentiality is requested. Respondents will be named unless anonymity is requested.
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2. Recommendations

- 2.1 The Education and Children's Services Policy Board is asked to approve the draft response to the consultation on the Private Member's Children (Equal Protection from Assault) (Scotland) Bill Proposal, as detailed in Appendix 1.
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3. Background

- 3.1 John Finnie, Green Party MSP for the Highlands and Islands, has introduced a Private Member's Bill¹ which proposes a change in the law such that any physical punishment of children (currently allowable in some circumstances) becomes illegal. The Bill cites evidence which demonstrates the impact negative childhood experiences can have in later life, and points to obligations under international law which appear to be undermined by continuing to allow physical punishment. The UK ratified the UN Convention on the Rights of the Child in 1991 but has not amended the law, despite the UN reporting concerns about the lack of prohibition of corporal punishment and the defences of 'justifiable assault' (in Scotland) and 'reasonable punishment' (in the rest of the UK).
- 3.2 Longitudinal studies indicate that, although there has been a decline in the use of physical punishment, this is very gradual. Mr Finnie believes that attitudes are not changing fast enough and therefore legislation is required. In 2016, the Scottish Government confirmed that it did not support the physical punishment of children, but has thus far not introduced any proposals to amend the law.

Existing Legislation

- 3.3 The Criminal Justice (Scotland) Act 2003 prohibited certain forms of physical punishment of children in Scotland (blows to the head, shaking, hitting with an implement), and clarified the issues which should be considered in any case of alleged assault on a child which stemmed from physical punishment. The 2003 Act left room for parents and others caring for, or in charge of, children to plead a defence of justifiable assault under the existing common law. As such, Scots law does not prohibit all forms of physical punishment of children by parents and others caring for or in charge of children, neither does it offer children the same protection from assault as adults.

¹ http://www.parliament.scot/S5MembersBills/John_Finnie_Final_Consultation_Document_pdf.pdf

3.4 The 2003 Act also put into statute law common law principles about the factors a court must have regard to when considering whether an assault on a child, in exercise of a parental right or a right derived from having charge or care of a child, was justifiable. These are:

- the nature of what was done, the reason for it and the circumstances in which it took place;
- its duration and frequency;
- any effect (whether physical or mental) which it has been shown to have had on the child;
- the child's age; and
- the child's personal characteristics (including, in particular, sex and state of health at the time the thing was done).

3.5 Other legislation has outlawed the use of corporal punishment in certain contexts, specifically:

- In school education (Section 16 of the Standards in Scotland's Schools Act 2000);
- In foster care and kinship care agreements (Looked After Children (Scotland) Regulations 2009);
- In day care, child minding or child care settings (Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011).

Physical punishment remains legal in the other areas of the UK although the Welsh Government has indicated that it will seek cross-party support to end the defence of 'reasonable punishment'. The UK is one of 6 of the 28 EU member states which have not outlawed physical punishment of children.

3.6 The United Nations (UN) is clear that legal provisions which allow any level of violent punishment of children are not compatible with the UN Convention on the Rights of the Child (UNCRC) and ought to be repealed. In 2016 the UN Committee on the Rights of the Child called on all administrations in the UK to prohibit the use of corporal punishment as a matter of priority. This was the fourth time that the UK was called upon to do so, previous recommendations having been made by the UN Committee on the Rights of the Child in 1995, 2002 and 2008.

Scottish Policy Context

3.7 In the 14 years since the 2003 Act was enacted, the Scottish Government's policies on children have been further developed. For example, the current Scottish Government's work in this area is underpinned by its *Getting It Right for Every Child (GIRFEC)* policy, key parts of which were translated into law via the Children and Young People (Scotland) Act 2014. GIRFEC features 8 indicators of wellbeing, one of which is: "Safe: Protected from abuse, neglect or harm at home, at school and in the community." GIRFEC states:

“Every child and young person has the right to be, and feel, safe and protected from any avoidable situation or acts of commission or omission by others that might affect their wellbeing. Such as:

- being physically, sexually or emotionally harmed in any way;
- being put at risk of physical, sexual or emotional harm, abuse or exploitation.”

Definition of Physical Punishment

- 3.8 The United Nations Committee on the Rights of the Child defines corporal or physical punishment as –

“... any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement - a whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). In the view of the Committee, corporal punishment is invariably degrading.”

Potential Impact of Bill

- 3.9 The Bill would not create a new criminal offence, as the common law offence of assault will apply, albeit with a modification removing ‘reasonable chastisement’ as a defence. The Bill, if passed, would require the amendment or repeal of relevant parts of Section 51 of the Criminal Justice (Scotland) Act 2003.
- 3.10 It is intended that a Children’s Rights and Wellbeing Impact Assessment will be undertaken as part of the development of legislation. This would help to ensure that the impact of the legislation is fully explored and that measures are put in place to mitigate any negative impacts the Bill may have upon children.

Resource implications

- 3.11 The proposed Bill states that evidence from countries where physical punishment is no longer permitted suggests that the number of reports of alleged incidents may increase (although it is unlikely that the proposal would result in a large number of additional prosecutions). There may therefore be a financial impact on those required to investigate and manage any additionally reported cases.
- 3.12 Should the Scottish Government and related services provide resources and public information to help parents move away from the use of physical punishment, as would be expected, there would also be cost implications.

Family support, health and social work services may also require additional resources to help support parents and manage the transition to any new arrangements.

3.13 Potential costs could therefore include:

- Scotland-wide information campaign to raise awareness of the change in the law (estimated as moderate);
- educational materials aimed at supporting parents and changing public attitudes towards physical punishment (estimated as moderate);
- additional parenting support (estimated as moderate);
- additional costs associated with investigating alleged assaults on children and any proceedings arising from these investigations, assuming there is an initial rise in reporting (estimated as minimal);
- the consequences of any criminal convictions (estimated as minimal).

3.14 These costs would fall on the Scottish Government, bodies such as social work services and Police Scotland, and on local authorities. In the context of Renfrewshire, there are already a number of parenting support programmes in place such as Incredible Years and Triple P, as well as services such as Families First which promote positive parenting. Social Work Scotland, have expressed a view that there may be an initial, short term increase in resourcing required, but that with sufficient early resourcing, in the longer term the positive impact may result in some reduction in the need for statutory protection services.

3.15 The proposal states that this Bill should both improve the well-being of children and lead to positive outcomes for children, parents, families and Scottish society as a whole. The proposal suggests that a fundamental aspect of sustainable development is ensuring that economic, cultural and political systems do not favour some people while harming others. It is therefore suggested that continuing to allow the physical punishment of children would tacitly encourage a form of discipline which can harm children physically and emotionally and which is not equal, as there is no legal justifiable assault on adults.

3.16 The consultation process asked respondents to give their views on the proposal, as detailed in appendix 1. A draft response has been submitted highlighting our position in support of the Bill. We are of the view that children should have the same rights and protection as adults. In accordance with the UN Convention on the Rights of the Child, all children have the right to a violence-free upbringing, including the right to be protected from all physical punishment. The international evidence indicates that physical punishment has the potential to damage children and carries the risk of escalation into physical abuse. Evidence also highlights the risks between physical punishment and a range of poor outcomes for children.²

² <https://www.nspcc.org.uk/globalassets/documents/research-reports/equally-protected.pdf>

- 3.17 There is good evidence from those countries who have already experienced a change in the law, that legislating to ban the use of physical assault as a form of chastisement by parents to discipline children is accepted by society and does not result in the increased prosecution of parents³, but could potentially result in a decrease in incidence of violent crime⁴ and child abuse in the long term⁴. We therefore support the proposed bill from the perspective of offering additional support to parents to manage children's behaviour in more positive ways and shift attitudes and behaviours, rather than to seek to criminalise parents. It is important that a supportive rather than punitive approach be taken.

Implications of the Report

1. **Financial** - There may be an initial, short term increase in resourcing required, but that with sufficient early resourcing, in the longer term the positive impact may result in some reduction in the need for statutory protection services

2. **HR & Organisational Development** – None.

3. **Community Planning** –

Children and Young People Renfrewshire's Community Plan outlines our aim for children and young people in Renfrewshire to live in a safe, secure, stable and nurturing environment at home and in the community and to have their rights respected. The proposed Bill is in line with this aim, and would ensure children have equal protection to adults.

Safer and Stronger The proposal states that this Bill should both improve the well-being of children and lead to positive outcomes for children, parents, families and Scottish society as a whole. The proposal suggests that a fundamental aspect of sustainable development is ensuring that economic, cultural and political systems do not favour some people while harming others. It is therefore suggested that continuing to allow the physical punishment of children would tacitly encourage a form of discipline which can harm children physically and emotionally and which is not equal, as there is no legal justifiable assault on adults.

³ Boyson R, Thrope L. (2002) Equal Protection for children: An overview of the experience of countries that accord children full legal protection from physical punishment. NSPCC.
<https://resourcecentre.savethechildren.net/library/equal-protection-children-overview-experience-countries-accord-children-full-legal>.

⁴ The Economist. *Spanking and Crime Rates*.
<http://www.economist.com/blogs/charlemagne/2013/07/spanking-and-crime-rates?fsrc=scn/tw/te/bl/spankingandcrimerates>

4. **Legal** - The proposed Bill would give children the same rights and protection as adults. The current Scottish position contravenes the rights of children and young people to be protected from avoidable pain⁵. This is in direct opposition to Articles 3 and 8 of the UNCRC, which most recently, the Scottish Government in the Children and Young People (Scotland) Act 2014 committed public bodies to take steps “to secure better or further effect within its areas of responsibility on the UNCRC requirements”.
5. **Property/Assets** - None.
6. **Information Technology** – None.
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals’ human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council’s website.
8. **Health & Safety** None.
9. **Procurement** – None.
10. **Risk** - None.
11. **Privacy Impact** - None.
12. **CoSLA Policy Position** – None.

List of Background Papers

- (a) Background Paper 1
http://www.parliament.scot/S5MembersBills/John_Finnie_Final_Consultation_Document_pdf.pdf

The foregoing background papers will be retained within Children’s Services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Laura McLean, Child Protection Advisor, Children’s Services, 0141 6186697, laura.mclean@renfrewshire.gcsx.gov.uk

Author: Dorothy Hawthorn, Head of Child Care and Criminal Justice, 0141 618 6827, dorothy.hawthorn@renfrewshire.gcsx.gov.uk

⁵ United Nations Committee on the Rights of the Child (2008): Consideration of reports submitted by States parties under Article 44 of the Convention. Concluding observations: United Kingdom Of Great Britain And Northern Ireland. United Nations. Available <http://www.refworld.org/docid/4906d1d72.html>

Draft Response to Consultation Questions on Children (Equal Protection from Assault)
(Scotland) Bill Proposal

SECTION 1 - ABOUT YOU

1. Are you responding as:

- ☐ an individual – in which case go to Q2A
- ☒ on behalf of an organisation? – in which case go to Q2B

2A. Which of the following best describes you? (If you are a professional or academic whose experience or expertise is not relevant to the proposal, please choose “Member of the public”)

- ☐ Politician (MSP/MP/Peer/MEP/Councillor)
- ☐ Professional with experience in a relevant subject
- ☐ Academic with expertise in a relevant subject
- ☐ Member of the public

2B. Please select the category which best describes your organisation:

- ☒ Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)
- ☐ Commercial organisation (company, business)
- ☐ Representative organisation (trade union, professional association)
- ☐ Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
- ☐ Other (e.g. club, local group, group of individuals, etc.)

3. Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

- ☒ I am content for this response to be attributed to me or my organisation
- ☐ I would like this response to be anonymous (the response may be published, but no name)
- ☐ I would like this response to be confidential (no part of the response to be published)

Name/organisation: Renfrewshire Council Children's Services

4. Please provide details of a way in which we can contact you if there are queries regarding your response. (Email is preferred but you can also provide a postal address or phone number. We will not publish these details.)

Contact details: laura.mclean@renfrewshire.gcsx.gov.uk

SECTION 2 - YOUR VIEWS ON THE PROPOSAL

Aim and approach

1. Which of the following best expresses your view of the proposal of giving children equal protection from assault by prohibiting all physical punishment of children?

☒ Fully supportive

☐ Partially supportive

☐ Neutral (neither support nor oppose)

☐ Partially opposed

☐ Fully opposed

☐ Unsure

Please explain the reasons for your response.

We are of the view that children should have the same rights and protection as adults. In accordance with the UN Convention on the Rights of the Child, all children have the right to a violence-free upbringing, including the right to be protected from all physical punishment. The international evidence indicates that physical punishment has the potential to damage children and carries the risk of escalation into physical abuse. Evidence also highlights the risks between physical punishment and a range of poor outcomes for children.⁶

We therefore support the proposed bill from the perspective of offering additional support to parents to manage children's behaviour in more positive ways and shift attitudes and behaviours, rather than to seek to criminalise parents. It is important that a supportive rather than punitive approach be taken.

⁶ <https://www.nspcc.org.uk/globalassets/documents/research-reports/equally-protected.pdf>

2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

☐ Yes (if so, please explain below)

☒ No

☐ Unsure

Please explain the reasons for your response.

Legislation has previously used to good effect as a means of facilitating attitudinal change and has the potential to bring about a positive change in behaviour. This has been demonstrated with other public health issues such as drink driving, wearing seatbelts and smoking in public places. Our aim should not be to criminalise parents, but to raise awareness and educate on the benefits of positive parenting.

3. What do you think would be the main advantages, if any, of giving children equal protection from assault by prohibiting all physical punishment of children?

A move away from physical punishment to more positive and less damaging means of discipline and guidance may help to support basic human needs such as being safe, feeling loved and part of a family, and having high levels of esteem (both self-esteem and esteem for others). It could serve to improve the wellbeing of children, parents, and family units, addressing issues such as physical and mental health and promoting good, respectful relationships between family members. Consequently this may lead to a reduction over time in the levels of violence and aggression in society. A move to increase societal awareness and recognition of children's rights and promote the messages of equality and safety is also consistent with the National Performance Framework Outcomes⁷, the Equally Safe Strategy⁸ and the current National Parenting Strategy⁹.

⁷ <http://www.gov.scot/About/Performance/scotPerforms/outcome>

⁸ <http://www.gov.scot/Resource/0045/00454152.pdf>

⁹ <http://www.gov.scot/Resource/0040/00403769.pdf>

4. What do you think would be the main disadvantages, if any, of giving children equal protection from assault by prohibiting all physical punishment of children?

None. In establishing equal protection, rather than negatively impacting on parents, we would be offering positive parenting supports and clarity on the legal position. This may lead to initial resource implications, however this is likely to reduce over time through cultural change.

Financial implications

5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have:

- ☐ Significant increase in cost
- ☒ Some increase in cost
- ☐ Broadly cost-neutral
- ☐ Significant reduction in cost
- ☐ Unsure

Please explain the reasons for your response.

The proposed Bill may lead to an increase in referrals to services initially, and to a need to resource positive parenting supports. Within Renfrewshire there are existing programmes in place to offer support in relation to positive parenting strategies. Over time the Bill may lead to a reduction in violence and aggression, and therefore a reduction in the need for intervention.

Equalities

6. What overall impact is the proposed Bill likely to have for the following protected groups (under the Equality Act): race, disability, sex, gender reassignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity)?

☒ Positive

☐ Slightly positive

☐ Neutral (neither positive nor negative)

☐ Slightly negative

☐ Negative

☐ Unsure

Please explain the reasons for your response (if you are of the view that there will be different overall impacts for different groups please specify in your comments)

The Bill would ensure children have the same protection as adults and as such address the current age based inequality.

7. If you believe there is a negative impact in what ways could any negative impact of the Bill on any of the protected groups be minimised or avoided?

Sustainability of the proposal

8. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

☒ Yes

☐ No

☐ Unsure

General

9. Do you have any other comments or suggestions on the proposal?

We welcome this proposed Bill and note the importance of recognising the links between this proposal and other work being undertaken, for example the Domestic Abuse Bill and the proposed review of Section 12 of the Children and Young Persons (Scotland) Act 1937.



To: **Education and Children's Services Policy Board**

On: **24 August 2017**

Report by: **Director of Children's Services**

Heading: **Education Governance: Fair Funding to Achieve Excellence and Equity in Education – A Consultation**

1. Summary

- 1.1. The Scottish Government undertook a major consultation exercise on a review of education governance between September 2016 and January 2017. A total of 1154 submissions were received. These comprised responses from 382 organisations and 772 individuals. A full analysis of all consultation responses can be found in the document "Education Governance: Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education, Analysis of Consultation responses".
 - 1.2. The proposals outlined in the publication may potentially result in significant changes to the way in which education services are organised in Scotland. It is anticipated that these changes may have wide ranging consequences for the role of local authorities in the delivery of education to children and young people in their communities.
 - 1.3. The main principle of the review is to seek to devolve power from a national level to a regional level and from a local level to a school level. The stated purpose of this shift is to empower schools and teachers to drive improvement at a local level with others in the system sharing responsibility for collaborating to support this improvement.
 - 1.4. Coincident with the publication of the outcome of the governance review is a consultation paper entitled "Fair Funding to Achieve Excellence and Equity in Education". It has been asserted by many that the funding of schools across Scotland varies markedly based on where you live. In order to address this perception, the Scottish Government is seeking views on alternative funding models for schools.
 - 1.5. A draft response to these consultation questions can be found at Appendix 1 to this report for consideration.
-

2. Recommendations

- 2.1. The education and children's services policy board is asked to approve the consultation response (Appendix 1) for submission to the Scottish Government.

3. Background

- 3.1. On 13 September 2016, the Scottish Government announced a consultation exercise on the way in which schools in Scotland are governed. This is part of its delivery plan for education as announced in June 2016 and reported in the programme for government in September 2016.
- 3.2. The Depute First Minister made a statement in parliament on Thursday 15 June 2017 to support the publication of the document "Education Governance: Next Steps Empowering Our Teachers, Parents and Communities To Deliver Excellence and Equity For Our Children". This publication outlines the plans for the reform of educational governance in Scotland.
- 3.3. The main principle of the review is to seek to devolve power from a national level to a regional level and from a local level to a school level. The purpose of this shift is to empower schools and teachers to drive improvement at a local level with others in the system sharing responsibility for collaborating to support improvement.
- 3.4. The devolution of power to schools and teachers will mean that the role of the local education authority will change significantly. It is proposed that this revised role will be to support schools to drive improvement and deliver better outcomes for children.
- 3.5. Coincident with the publication of the outcome of the governance review is a consultation paper entitled "Fair Funding to Achieve Excellence and Equity in Education". It has been asserted by many that the funding of schools across Scotland varies markedly based on where you live. In order to address this perception, the Scottish Government is seeking views on alternative funding models for schools.

Implications of this report

1. Financial Implications

There are likely to be significant financial implications for the council. These should become clearer following the outcome of the national consultation on funding for schools in the autumn of 2017 and the publication of a draft education bill in the summer of 2018.

2. HR and Organisational Development Implications

Changes to the way in which staff are recruited to schools by head teachers may have an impact on current recruitment practice. Changes to the role of the local authority in supporting professional development may have an impact on the relationship between the employer and employee in the longer term. In particular, further clarity will be required around performance management in light of shared responsibilities with regional improvement collaboratives. These areas should become clearer once a draft education bill is published in the summer of 2018.

3. Community Plan/Council Plan Implications

- | | |
|----------------------------|--|
| Children and Young People | - The review of governance seeks to ensure equity and excellence for all children and young people in their learning. |
| Empowering our Communities | - Devolving powers to head teachers and schools will seek to ensure decisions are made to meet the needs of local communities. |

4. Legal Implications

A new education Bill will be presented which will amend duties as they relate to local education education authorities.

5. Property/Assets Implications

This will become clearer in due course.

6. Information Technology Implications

None.

7. Equality and Human Rights Implications

The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required, following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored and the results of the assessment will be published on the Council's website.

8. Health and Safety Implications

None.

9. Procurement Implications

Changes to the way that schools are funded could result in implications for the council in the procurement of products and services.

10. Risk Implications

It is possible that changes to the way in which schools are funded could result in changes to levels of risk across a range of indicators.

11. Privacy Impact

None.

12. Cosla Policy Position

Cosla is seeking to work closely with Scottish Government to ensure proposals are agreed which improve outcomes for all children and young people.

List of Background Papers

- (a) Education Governance: Fair Funding to Achieve Excellence and Equity in Education – A Consultation

The foregoing background papers will be retained within children's services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Gordon McKinlay, Head of Schools, 0141 618 7194, gordon.mckinlay@renfrewshire.gcsx.gov.uk

Children's Services

GMCK/LG

17 August 2017

Author: Gordon McKinlay, Head of Schools, 0141 618 7194,
gordon.mckinlay@renfrewshire.gcsx.gov.uk



Education Governance: Fair Funding to Achieve Excellence and Equity in Education – A Consultation

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- ☐ Individual
☒ Organisation

Full name or organisation's name

Renfrewshire Council

Phone number

0141 618 7194

Address

Renfrewshire House
Cotton St, Paisley

Postcode

PA1 1ZT

Email

gordon.mckinlay@renfrewshire.gcsx.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☒ Yes
☐ No

Consultation questions

Question 1

(a) What are the **advantages** of the current system of funding schools?

The current system of funding schools has a number of significant advantages for both schools and local communities.

It ensures a whole system approach to improving outcomes for children and young people. Schools are embedded in a local context which seeks to meet the needs of local communities. In order to address holistic issues faced by children schools need to continue to work in partnership with a range of other services.

In Renfrewshire we have clearly defined and transparent methodologies to calculate individual school base budgets. Both the local joint negotiating committee and the appropriate policy board agree changes to Renfrewshire's devolved management scheme.

We augment this funding level by assigning centrally held budgets to meet specific school needs. For example, we may direct additional resources to particular schools if specific requirements are identified to address attainment issues within an area, to deal with increases in school roles resulting from placing request appeals, to meet the needs of refugees, or the additional costs arising from disability requirements of staff or pupils. In this way, budgets are devolved to schools and head teachers to ensure they can make appropriate decisions.

Where budgets are not devolved, there are specific reasons for this. For example, central retention of funds provides a "safety net" to small schools in the event of an outbreak of illness likely to impact on a number of staff simultaneously, such as flu or norovirus, as well as covering the cost of maternity or special leave.

Schools are also protected against the impacts changes to their budget requirements such as filling a vacancy with a teacher on a higher pay point than the previous incumbent.

It is our experience that the current system ensures schools contribute towards the local authority's obligations in pursuit of national commitments like maintaining pupil: teacher ratio and retaining places for newly qualified teachers.

The provision of a teacher induction scheme place to every newly qualified teacher who requires one is integral to the funding agreement between local and national government. Under the current arrangements we can direct probationers into vacancies, effectively utilising the schools devolved budget. Devolving more power to head teachers risks them making decisions in the interests of their school to recruit experienced staff in preference to probationers, potentially jeopardising the national agreement.

In Renfrewshire, the approach taken to tackling poverty has allowed schools to be seen in the context of a whole system approach including housing, benefits, employment and specialist support services for children. The positioning of our schools within a broader children's and wider council services approach has provided significant benefits and opportunities to tackle inequalities as a result of adverse childhood experiences. The funding of schools alongside broader children's services and other council provision ensures a whole system approach. Separating

this out may risk losing opportunities to tackle poverty, inequality and approaches to closing the poverty related attainment gap in a more structured manner.

(b) What are the **disadvantages** of the current system of funding schools?

The financial capacity of local authorities to meet the needs of local communities and deliver fundamental and sustainable change to address the poverty related attainment gap is heavily influenced by the resources distributed through the national distribution process.

The main disadvantage of the current system of funding schools relates to the absence of a nationwide funding model. This may lead to a perception of disparities in the budget attributable to similar schools in different areas given the differences in budget allocations to individual local authorities across the country.

Inclusion in the Scottish Attainment Challenge is very welcome and the targeting of pupil equity funding highlights a clear shift towards resources being targeted on the basis of the impact and incidence of deprivation. However, its focus and financial scale remains a small portion of overall school funding. As a result, the current approach can result in variability of provision where resource distribution across Scotland is driven predominantly by school pupil numbers irrespective of variation in underlying need.

Question 2

(a) What are the benefits to headteachers of the current Devolved School Management schemes?

In Renfrewshire, our experience is that the scheme of devolving resources to schools allows head teachers to make decisions locally which will have a positive impact on learning and teaching, attainment and school improvement. Head teachers find that a consistent allocation formula provides a degree of certainty of future budget. This facilitates effective planning and equity across the local authority area.

The consultation document indicates that there is wide variation of practice in relation to devolved school management of resources. Whilst this may be perceived to be the case it would also be recognised that the ability of head teachers to make decisions based on this devolution is not restricted by the scheme itself but a broad range of factors. Schools will still require a minimum number of teachers and will still require to comply with employment practices laid down in legislation and in national collective agreements and terms and conditions as established by tripartite agreements among the Scottish government, councils and teaching unions.

It has also been asserted that there has been an increase in the central management of budgets, and a consequent reduction in head teacher autonomy and control over decision making. In Renfrewshire we have not sought to reduce the areas of financial decision making exercised by head teachers. There are, however, a number of areas where we do agree central coordination. This includes areas such as the management of energy costs and long term teacher absence cover. Managing these budgets in this way allows more effective targeting of resources as well as the management of financial risk and allowing head teachers to focus on

education management and leadership, including the financial management of budgets which more directly impact on attainment and school improvement.

- (b) What are the barriers that headteachers currently face in exercising their responsibilities under Devolved School Management? How could these barriers be removed?

In Renfrewshire, we believe that our approach in relation to the resourcing of schools is managed in a collegiate manner which seeks to reduce and remove barriers to local decision making wherever possible. Our head teachers already exercise extensive autonomy within the context of delivering local and national priorities.

Schools work in very close partnership with a broad range of other services. In order to get it right for every child, our leaders work effectively in a complex environment with a broad range of partners. Such children's services partnerships take account of significant aspects of child development outwith the school. Where changes are considered to devolved school management these should ensure barriers are not in evidence across services and agencies in order to ensure effective working to meet the needs of the whole child however these services are funded.

Question 3

How can funding for schools be best targeted to support excellence and equity for all?

In Renfrewshire, our approach seeks to ensure funding is targeted appropriately to schools to support equity and excellence within the context of national priorities. The budget derived by the devolved management scheme forms the basis of budget allocations to each school. Funds are also distributed by the council to support individual school needs and to implement national and local priorities. The distribution of additional support needs budget is informed by specialist educational managers to ensure it is targeted to those pupils who need it most.

Any change to the current model of the targeting of funding directly to schools suggests a level which is significantly above those needed to meet statutory requirements for areas such as class size maxima. As referred to earlier, the current national funding distribution arrangements to local authorities takes more limited account of deprivation indicators. Addressing this issue at the same time as part of a more holistic system wide review is likely to have a much greater impact on addressing the poverty related attainment gap across Scotland. This link between funding distribution and deprivation levels may have a significant role to play in explaining some of the underlying reasons for the variation in funding levels across schools. Local authorities with higher levels of deprivation will experience greater demands on their funding across a wide range of services including social care, employability and welfare services. Consequently, this will limit their ability to direct resource to education to the same extent as other more affluent areas. Although a major undertaking, before any further targeting of funds directly to schools is considered, a more fundamental whole system review at a national level would aid in supporting equity and excellence.

Recent models for targeting resource through SIMD or free meal entitlement, as outlined by the Scottish Attainment Challenge and Pupil Equity Funding, may not take enough account of a number of factors relating to deprivation. For example, SIMD does not acknowledge poverty which relates to levels of privately rented accommodation in particular communities. Within Renfrewshire, we have highlighted areas within certain communities where this has a significant impact on the provision of services.

Similarly, free meal entitlement, has limitations as it is dependent on families claiming the benefit. There is considerable evidence to indicate that the uptake of free meal entitlement tails off as children become older which may undermine the robustness of this as a basis for distribution.

In light of such issues, it would also be helpful to take a more sophisticated approach, using a wider range of indicators of poverty to ensure the targeting of such additional resources actually impact where they should.

Question 4

- (a) What elements of school spending should headteachers be responsible for managing and why?

Head teachers already have responsibility for managing the spending that will have a direct impact on learning and teaching. Current schemes of devolved school management are in line with the guidance produced in 2012. This takes account of local and national priorities as well as recognising the level of resources available to the local authority. It should be recognised that tension between the devolution of resources to schools and the duty on the local authority to ensure best value may lead to decisions which can appear as though they have removed autonomy from head teachers. Care should be taken when drawing such a conclusion. Efficiency derived from scale should lead to an increase of resources being made available to schools rather than a perceived reduction in autonomy.

It is worth recognising that devolution of budget may not lead to an increase in devolved power for head teachers. Legislation as well as local and national priorities may also impact on the flexibility available in relation to many budget decisions. It may appear reasonable to devolve all budgets in relation to staffing directly to schools. This, however, could mean that all the risk associated with terms and conditions of employment, absence cover and national targets relating to teacher numbers would also have to transfer from the local authority to the school and head teachers. Current arrangements support managing such risk through centralised budget mechanisms, providing protection and mitigation to individual head teachers from such issues.

The mainstreaming of and inclusion of all children has been an established principle for many years. Where a child has additional support needs these should be catered for in the mainstream setting wherever possible. If spending on additional support needs is retained by the local authority when all other influential areas of spending are devolved to the school there is an implication that schools should not have to manage such situations.

- (b) What elements of school spending should headteachers **not** be responsible for managing and why?

Schemes of delegation already seek to exclude areas of spend that cannot be directly influenced by schools. The proposals do not appear to have included spending on additional support needs. It is unclear as to why this is the case. In Renfrewshire, the majority of these budgets are currently largely part of the devolved scheme in order to meet specific need at the local level.

One of the advantages of the current approach of funding schools relates to the sharing of risk. This is particularly important when considering small or rural schools. In such settings risks may be greatly increased through no fault of the school itself. For example, a single, long term absence of a member of staff could consume the absence cover budget for such a school. The local authority is best placed to continue to manage this risk. Great care should be given to the preparation of funding devolved to head teachers to ensure no school becomes compromised in its ability to meet all needs.

- (c) What elements of school spending are not suitable for inclusion in a standardised, Scotland-wide approach and why?

A standardised, Scotland-wide approach to funding would allow the distribution mechanism to local authorities to better recognise the impact of deprivation on need.

Care should be taken when specifying which costs are included as this could be perceived as overruling the management and organisation of local authorities. For example, Renfrewshire Council has brought together budgets to improve coordination and overall management of building maintenance arrangements whilst simultaneously freeing up head teachers to focus more of their time on leading learning and teaching. Similarly, we have centralised management of administration functions. These activities do not directly impact on learning and teaching and devolving responsibility could risk reducing coordination, economies of scale, and increasing duplication and inefficiency. Retaining flexibility to design service, management and budget arrangements which best meet the needs locally should remain a key principle in the delivery of local services.

If a standardised approach results in a set percentage or amount of the local authority budget that should be allocated to education, this further dilutes the democratic authority of councils to make funding decisions based on local circumstances. As the current allocation to schools is already the full amount available within Renfrewshire it is difficult to see how this would improve circumstances from head teachers.

Question 5

- (a) What would be the **advantages** of an approach where the current system of funding schools is largely retained, but with a greater proportion of funding allocated directly to:

1. Schools;
2. Clusters; or
3. Regional Improvement Collaboratives?

As the distinct roles of schools, clusters and regional improvement collaboratives, as envisioned by the review of governance, become more clearly defined it should be easier to comment on the advantages of an approach where the current system of funding is largely retained.

At this point, however, it is difficult to comment on an approach to the funding of clusters and regional improvement collaboratives without further clarification. This is particularly the case with regards to their legal standing as it relates to their ability to enter in to legal contracts, meet procurement legislation, hire staff, meet audit, accounting and taxation requirements.

- (b) What would be the **disadvantages** of an approach where the current system of funding schools is largely retained, but with a greater proportion of funding allocated directly to:
1. Schools;
 2. Clusters; or
 3. Regional Improvement Collaboratives?

As noted above.

Question 6

The Scottish Government's education governance reforms will empower headteachers to make more decisions about resources at their school. What support will headteachers require to enable them to fulfil these responsibilities effectively?

Increasing the range and scope of duties and responsibilities on head teachers in order to empower them to make decisions about resources in their school will be welcomed by many. They will, however, require appropriate support to be in place to ensure such decision making improves outcomes for our children and young people.

Education support services will require to be constructed in way that is able to respond in an agile and flexible manner to meet the individual needs of schools whilst ensuring the efficient practices established by local authorities in recent years. In Renfrewshire, our experience is that many of these services are provided on a council wide or cluster basis which has sought to ensure best value for local communities. Whilst this approach has many benefits and ensures consistently high standards of support it could be challenging to devise bespoke models which could respond on an individual basis.

Head teachers will continue to require a range of support services including administrative, legal, procurement, HR, catering, cleaning and maintenance. They will also require support within the context of broader children's services in order to ensure a consistent high quality approach to GIRFEC and child protection. These are best organised at local authority level to ensure consistency and in order to achieve best value and allow levels of resources to be maintained within schools in order to focus on learning and teaching.

Question 7

What factors should be taken into account in devising accountability and reporting measures to support greater responsibility for funding decisions at school level?

It is our understanding that funding decisions made at school level will remain within accountability and reporting frameworks laid out by the local authority as part of their role in providing education support services.

For example, the recommendations indicate that the local authority will remain the employer while the head teacher will have responsibility to recruit and manage the staff in their school. This will mean that the local authority will ultimately be accountable for staffing decisions made by the head teacher. As such, clear separation of responsibilities between the head teacher and the local authority will require to be established. This will be necessary in order to protect both head teachers as they discharge their duties and employees in their relationship to their employer.

Differentiation between the responsibilities of the local authority for support services and the regional improvement collaborative for improvement of performance will also require to be carefully considered. Where duties lie with the local authority assurance will be needed in adhering to financial and employment duties. Where these overlap with school or regional aspirations mechanisms will require to be established in order to ensure the best outcomes for all concerned.

Question 8

Do you have any other comments about fair funding for schools?

We welcome any approach to the funding of schools which improves outcomes for children and young people. Head teachers are best placed to make many decisions within the context of their local community. There remain, however, aspects of the universal offer to our children which are better organised in a way that sees the school in a much wider context. To this end, GIRFEC should remain at the heart of good decision making at school, local authority and regional collaborative level. The relationship between the proposals and broader planning for integrated children's services should not lose sight of the highly effective partnership working which has been embedded across Scotland.



To: Education and Children's Services Policy Board

On: 24 August 2017

Report by: Director of Children's Services

Heading: Inspection of Fordbank Primary School

1. Summary

- 1.1. Fordbank Primary School was inspected by Education Scotland in May 2017, as part of a national sample of education. The letter to parents, published by Education Scotland on 22 August 2017, is attached as an appendix to this report. The letter to parents is also available from the director of children's services or from the Education Scotland website www.educationscotland.gov.uk
- 1.2. The purpose of the inspection was to evaluate the quality of education. Inspectors assessed the school, with a focus on four quality indicators which were: leadership of change; learning, teaching and assessment; raising attainment and achievement; and ensuring wellbeing, equality and inclusion.
- 1.3. This was a positive inspection and the letter to parents identified four key strengths of the school. These were:
 - the effective leadership of the acting headteacher in a period of change;
 - the strong inclusive ethos in which children feel safe, cared for and valued. Staff work effectively as a team to create a nurturing climate for learning;
 - children who show a high level of respect for one another. This is evident in the way they work together in class and show care and consideration for each other; and
 - strong partnerships with parents. Across the school staff support and encourage parents as partners in their children's learning. The school is rightly held in high regard by its wider community.

1.4. The report identified four areas for further improvement:

- The school should have a clear focus on raising attainment through strategic planning for school improvement;
- to continue to develop approaches to improve the quality of learning and teaching which promote consistently high expectations;
- to continue to improve the use of information on children's progress overall to support continuous improvement and raise attainment; and
- to develop the curriculum more fully to ensure that children can build on their previous learning effectively as they move through the school.

1.5. Children's services has an agreed set of procedures for responding to inspection reports. The school and the service will prepare an action plan indicating how they will address the points for action in the report, and share this plan with parents. In addition, the school will be supported in its improvement by children's services.

2. Recommendations

2.1. Members of the education and children policy board are asked to note the key strengths and the areas for improvement in the Education Scotland report on Fordbank Primary School.

3. Background

3.1. Education Scotland's letters to parents are published online by Education Scotland.

3.2. The report includes four recommendations for improvement. These recommendations will be addressed through an action plan, produced by the school and supported by children's services staff.

3.3. Progress on the action plan will be monitored by children's services staff on a proportionate basis. A report will be prepared within two years of the original inspection, detailing the progress made in implementing the action plan. This report will be made available to parents.

3.4. Children's services welcomes the process of audit undertaken by Education Scotland as supportive to continuous improvement in Renfrewshire education establishments. The inspection report will be used by the school and the service in the context of supporting and developing the quality of educational provision.

Implications of this report

1. **Financial Implications**
None.

2. **HR and Organisational Development Implications**
None.

3. Community Plan/Council Plan Implications

Children and Young People	- High standards of education provision ensure that children and young people are given the best start in life so that they promote and contribute to a more prosperous, fairer society.
Community Care, Health and Well-being	- By providing an environment which encourages care, welfare and development, establishments play a crucial role in developing children and young people so that they become responsible citizens. The school and nursery's success in promoting healthy lifestyles is evaluated as part of the quality assurance process.
Empowering our Communities	- High standards of education provision ensure that children and young people are given the best start in life so that they promote and contribute to a more prosperous, fairer society.
Greener	- Participation in the eco-schools programme encourages young people to become environmentally aware.
Jobs and the Economy	- The quality assurance process contributes to our young people becoming successful learners, confident individuals, effective contributors and responsible citizens.

4. Legal Implications

Standards in Scotland's Schools etc Act 2000.

5. Property/Assets Implications

None.

6. Information Technology Implications

None.

7. Equality and Human Rights Implications

The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only.

8. Health and Safety Implications

None.

9. Procurement Implications

None.

- 10. **Risk Implications**
None.
- 11. **Privacy Impact**
None.
- 12. **Cosla Policy Position**
None.

List of Background Papers

- (a) None.

Children's Services
TMcE 20170808

Author: Tony McEwan, Education Manager, telephone no 0141 618 7198

22 August 2017

Dear Parent/Carer

In May 2017, a team of inspectors from Education Scotland visited Fordbank Primary School. During our visit, we talked to parents/carers and children and worked closely with the headteacher and staff. We gathered evidence to evaluate the quality of leadership and management, learning provision and children's successes and achievements.

The inspection team found the following strengths in the school's work:

- The effective leadership of the acting headteacher in a period of change.
- The strong inclusive ethos in which children feel safe, cared for and valued. Staff work effectively as a team to create a nurturing climate for learning.
- Children who show a high level of respect for one another. This is evident in the way they work together in class and show care and consideration for each other.
- Strong partnerships with parents. Across the school staff support and encourage parents as partners in their children's learning. The school is rightly held in high regard by its wider community.

The following areas for improvement were identified and discussed with the headteacher and a representative from Renfrewshire Council:

- The school should have a clear focus on raising attainment through strategic planning for school improvement.
- To continue to develop approaches to improve the quality of learning and teaching which promote consistently high expectations.
- To continue to improve the use of information on children's progress overall to support continuous improvement and raise attainment.
- To develop the curriculum more fully to ensure that children can build on their previous learning effectively as they move through the school.

Quality indicators help schools, education authorities and inspectors to judge what is good and what needs to be improved in the work of the school. You can find these quality indicators in the publication *How good is our school?* Following the inspection of each school, the Scottish Government gathers evaluations of three important quality indicators to keep track of how well all Scottish schools are doing.

Here are Education Scotland's evaluations for Fordbank Primary School:

Leadership of change	good
Learning, teaching and assessment	good
Raising attainment and achievement	good
Ensuring wellbeing, equality and inclusion	very good



To: **Education and Children's Services Policy Board**

On: **24 August 2017**

Report by: **Director of Children's Services**

Heading: **Early Learning and Childcare Entitlement - 1140 Expansion Plan**

1. Summary

- 1.1. The Children and Young People (Scotland) Act 2014 introduced an increase in the entitlement of free early learning and childcare, from 475 to 600 hours per annum, for children aged 3 and 4 and some 2 year olds. Renfrewshire Council has fulfilled this duty. The Scottish Government is commitment to increasing the entitlement to free early learning and childcare from the present level to 1140 hours per annum by 2020.
 - 1.2. Local authorities will be responsible for ensuring that the 1140 hours commitment is delivered through their own provision, working with providers from the independent and voluntary sector, including child minders.
 - 1.3. The Scottish Government has indicated that local authorities should explore opportunities for expansion on a phased basis over the next three years rather than waiting until 2020 to deliver. Local authorities are required to present an expansion plan on how they will achieve the delivery of the increased entitlement to the Scottish Government by 29 September 2017.
 - 1.4. The Scottish Government recognises that there are some challenges in developing the plans particularly in relation to funding, infrastructure and the availability of a workforce to deliver the policy.
 - 1.5. The Early Years Team has been working with other services to develop the Renfrewshire Expansion Plan. An 1140 hours governance board has been established and is chaired by the Head of Early Years and Inclusion. The governance board has representation from services across the council and is supported by a project manager and the Services Planning and Policy Development Manager (Children's Services).
-

2. Recommendations

- 2.1. The Education and Children's Services Policy Board is asked to approve:
- (i) that the Head of Early Years and Inclusion submits a draft Renfrewshire Expansion Plan to the Scottish Government by 29 September and for the plan to be homologated by the board at its meeting in November 2017;
 - (ii) the admissions criteria for allocating 1140 hours of early learning and childcare to children attending establishments involved in the phasing of the entitlement, as outlined in paragraph 4.8 of this report,
 - (iii) the change of job title for early years staff as detailed in paragraph 5.6 of the report, and
 - (iv) the change of name of Pre-Five Centres to Early Learning and Childcare Centres and classes as detailed in paragraph 5.6.
-

3. Background

- 3.1. Renfrewshire delivers the present entitlement to 600 hours of free early learning and childcare for 3950 children aged 3 and 4. 638 children aged 2 are accessing their entitlement to free early learning and childcare.
- 3.2. Parents in Renfrewshire can choose to have their child's entitlement provided either in a local authority provision or from one of the providers on the Renfrewshire Early Years Framework arrangement. Parents indicate that they choose to access a service from partnership providers because those services are viewed as more flexible than local authority provision.
- 3.3. Parents can access their child's entitlement from the following services:
- 12 local authority pre-five centres
 - 22 nursery classes
 - 33 partner providers in the independent or voluntary sector.
- 3.4. The local authority provides 2790 early learning and childcare places for 3 and 4 year olds and 568 places for 2 year olds. 1160 places are commissioned for 3 and 4 year olds from providers and 70 places are commissioned for 2 year olds.
- 3.5. The Children and Young People (Scotland) Act (2014) requires local authorities to deliver the entitlement to early learning and childcare on a flexible basis to meet the needs of parents and children. Renfrewshire Council has made significant progress in achieving this. Parents in Renfrewshire apply for their preferred nursery and pattern of service indicating their first three preferences. Attempts to deliver the preferred options are managed across 10 geographical areas (localities).

- 3.6. In preparation for delivering the increased entitlement of early learning and childcare Children's Services has established an 1140 hours governance board which is chaired by the Head of Early Years and Inclusion. The governance board has representation from services across the Council and is supported by a project manager, the Services Planning and Policy Development Manager (Children's Services) and by senior officers in Human Resources and Organisational Development
- 3.7. Three work stream groups have been established to support the planning and delivery of the expansion plan:
- Workforce
 - Infrastructure
 - Policy.
- 3.8. Each of the workstreams requires to give attention to the following key principles identified by the Scottish Government:-
- Quality
 - Accessibility
 - Flexibility
 - Affordability.
- 3.9. The Scottish Government indicates that policy objectives to be delivered by the increase entitlement of free early learning and childcare is to give children the best start in life, close attainment and inequality gaps, offer parents a choice of settings and delivery options and reduce the cost of childcare for parents.
- 3.10. The delivery of early learning and childcare is underpinned by the following four key principles:
- **Quality** as the driving principle of the early learning and childcare expansion programme. Early Years provides the foundation for promoting secure attachment, better health, social and learning behaviours with long term impact on improved outcomes for children.
 - **Accessibility** - The overall capacity with the current system can be redesigned to more fully meet the ambition to extend entitlement. Renfrewshire's expansion plans will require to evidence that best use will be made of existing services and assets within the Local Authority, private and 3rd sector. Any remaining gaps will be addressed through creation of new services.
 - **Flexibility** - Current early learning and childcare delivery models, particularly within local authorities must become more flexible and responsive to parental demand. This should include more settings offering all year round provision and for longer opening hours thus enhancing flexibility and choice for families.

- **Affordability** -Reducing the cost of early learning and childcare for families is a significant driver in the ambition to extend provision from 600 hours to 1140 hours. This must be set alongside the redesign of early learning and childcare services in a manner that is affordable and sustainable for Local Authorities and Scottish Government and delivers long term value for money.

- 3.11. The Scottish Government has stated that the expansion of early learning and childcare will be fully funded. Funding is expected to be allocated in line with requirements detailed in the Renfrewshire Expansion Plan, which is due for submission to the Government at the end of September 2017. Renfrewshire Council is required to demonstrate that funding for the purpose of delivering the early learning and childcare expansion is based on evidence of need within the local authority area and meets the key policy objectives. The Scottish Government has indicated that funding allocations will be confirmed via the Scottish Budget process later this year.
- 3.12. The Scottish Government has also indicated its commitment to provide all children attending over lunch time with a free meal entitlement. The costs of free meals will be funded by the Scottish Government.
- 3.13. The expansion will require a substantial investment in workforce and infrastructure. The Scottish Government has indicated that funding will be phased from 2017/18 to support the implementation of the increased entitlement to ensure that the capacity to deliver is in place for 2020.
- 3.14. Renfrewshire has received confirmation of £630,000 revenue and £913,000 funding to support the implementation of the increased entitlement for 2017/18.

4. 1140 Expansion - Developments To Date

- 4.1 The Scottish Government issued planning guidance in March 2017 and requires an expansion plan from local authorities by 29 September 2017. Renfrewshire's 1140 hours governance board is leading on the development of the draft expansion plan.
- 4.2 Initial engagement with all local authority and existing provider nurseries has taken place. There has also been initial engagement with providers that are not on the partnership framework but have expressed an interest in supporting the expansion of services in Renfrewshire.
- 4.3 An initial consultation with parents to establish future needs has been concluded and findings have informed the draft expansion plan.
- 4.4 A mapping exercise identifying all early learning and childcare services in Renfrewshire has been completed. The exercise has allowed an analysis of uptake of entitlement, demand, occupancy levels, current and projected population and geographical needs. It has also allowed proposals to consider the infrastructure required to deliver the increased entitlement through a reconfiguration of space within and outwith existing early years buildings, options for refurbishment, extensions and new builds will be required.

- 4.5 Renfrewshire will require to extend the capacity of our present services and also remodel how these services are offered. We will also continue to work with provider nurseries to expand provision. Some new provision will be required from the local authority. The use of child minders is also being considered. Proposals are being developed for each postcode/locality area.
- 4.6 A small number of parents (8%) who responded to the recent survey identified childminding as a preferred option for accessing provision. It is proposed that a small pilot using childminders will be explored to address the need and consider how childminders can offer parents a flexible option for the early learning and childcare entitlement.
- 4.7 A phased approach to delivering the draft expansion plan over the next three years is being developed. Priority will be given to establishments with high numbers of children from the Scottish index for multiple deprivation areas (SIMD) one and two and where there is capacity to deliver additional places. Opportunities to pilot new approaches will also be explored. This approach is in line with Government advice.
- 4.8 An amendment to the admissions criteria is required to ensure equity in the allocation to the increased entitlement to 1140 hours in the identified establishments involved in the phasing programme. The proposed criteria is as follows:

Eligible two year olds:

- (1) To children eligible for a funded place who are categorised as a priority 1 or 2 as outlined in the existing Early Years Admissions Policy. Places to be allocated in priority order.
- (2) To children categorised as a priority 3B as outlined in the existing policy.

Three and four year olds:

- (1) To children categorised as a priority 1 or 2 as outlined in the existing Early Years Admissions Policy. Places to be allocated in priority order.
- (2) To children categorised as a priority 3A of the existing policy. Places to be allocated in the following priority order:
 - (i) Children in their deferred year with a January or February birthday or where it has been approved for children born between September and December;
 - (ii) Children in their pre-school year;
 - (iii) Children in their ante pre-school year.

In **all** categories listed above priority is given to children whose parents or carers are:

- In employment, education or training and in receipt of income support, income based job seekers allowance, working tax credits or universal credit, or
- In employment, education or training.

In line with the admissions guidance places will be balloted for if there are insufficient places to meet demand, all other circumstances being equal.

- 4.9 The proposed criteria has a direct link to the expansion policy objectives in terms of closing the attainment and inequality gaps and in reducing the costs of childcare for parents. The Early Years Admissions Policy is currently under review and will be presented to the policy board later this year.

5. Staffing and Workforce

- 5.1. Early Learning and Childcare is a service regulated by the Care Inspectorate. The Care Inspectorate sets the ratio for staff to children in all early years services and the provider of the service is required to meet the required staffing levels. To achieve the expansion a substantial increase in staffing will be required. It is expected that Renfrewshire will require more than 200 additional FTE nursery officers and a number of additional promoted staff, including Seniors, Depute Heads and Heads of Centres. As there will be a significantly increased number of children receiving lunch support workers will be required to assist in supervising children at lunch time.
- 5.2. Work is ongoing to determine the exact staffing numbers, including proposed management structures, required for the new models of delivery, additional places and new services. The expansion plan may require some changes to the existing contracts of employment for staff e.g. change of hours; change from term time to full time. These changes will be negotiated with the relevant trade unions as the expansion plan is developed.
- 5.3. Additional business support and ancillary staff will also be required, including catering, cleaning and janitorial, to respond to the increased number of services, additional children and bigger services.
- 5.4. The additional early years staff will require to be recruited via newly qualified staff from FE colleges and other training providers, Foundation and Modern Apprentices, staff moving from part-time positions to full time and transferring from other organisations.
- 5.5. The Scottish Government is developing a market campaign to meet the workforce needs of the expansion, with the campaign scheduled to go live in autumn 2017. Renfrewshire Council is also developing a recruitment campaign.
- 5.6. A change of title for Renfrewshire Council's early years staff is proposed for all designated posts employed in Pre-five Centres and Nursery Classes. It is recommended that the term 'Pre-five' be removed and replace with 'Early Learning and Childcare'. It is also recommended that Pre-Five Centres be renamed as Early Learning and Childcare Centres and Early Learning and Childcare Classes to modernise and align the service with national developments.
- 5.7. Additional staff may also be required by the independent sectors (partner providers) and additional childminders may require to be recruited. Providers from the independent sector are concerned that they will lose staff to local authorities due to difference in rates of pay. The Government has indicated its commitment to ensuring fair work practices and staff receiving the living wage. It is expected that additional revenue will be available to enable partner providers to pay the living wage to their staff.

- 5.8. The Scottish Government has indicated a commitment to fund additional graduates, either a graduate practitioner with a relevant early years degree or a teacher with early years experience, to early years establishments in the most deprived areas. The funding for this will be available from August 2018. Renfrewshire is to receive funding for 26 graduates. Work is ongoing to identify the establishments and the arrangements for recruiting the staff. The proposal for allocating the graduates to establishments will be incorporated into the plan being submitted to the Scottish Government.

6. Delivering the Early Years 1140 Expansion

- 6.1. The government guidance is that authorities should 'use what you have' when planning the expansion.
- 6.2. In developing the expansion plan for Renfrewshire the planning teams have followed government guidance by considering options for increasing places by approximately 1500 through the following:
- Extending the range of options for delivering 1140 hours of early learning and childcare across a year, including opening hours and flexible attendance pattern across a school calendar year, which includes provision for children with additional support need;
 - Developing, introducing or expanding outdoor nursery provision;
 - Extending provision on the Renfrewshire Early Years Framework Arrangement with present and new providers;
 - Reconfiguring existing facilities;
 - Refurbishments;
 - Extensions;
 - New builds;
 - Establishments using outdoor areas places.
- 6.3. There are a number of risks associated with the expansion plan including the availability and procurement of construction firms to undertake the adaption and new developments required; sufficient qualified workers and the need for the continued support of partnership providers in offering services to Renfrewshire children.
- 6.4. The final plan detailing the expansion proposals will be submitted to the Education and Children's Services Policy Board in October 2017 following the submission of the plan to the Scottish Government on 29 September 2017.

Implications of this report

1. Financial Implications

The cost will be met from the funding provided by the Government for the expansion of 1140 hours of early learning and childcare. Revenue and capital funding has been confirmed for this current financial year. Future years funding will be agreed by the Scottish Government following consideration of the Renfrewshire Expansion Plan.

2. HR and Organisational Development Implications

There will be staffing implications to deliver the increased entitlement and maintain the existing level of quality services. Additional early years staff and managers will be required. Management structures will require to be developed in response to the revised models of provision. The expansion will also impact on support staff, including ASNAs, support assistants, business support, catering, cleaning and janitorial. The trade unions will be invited to participate in workstreams and changes to current contracts negotiated.

There will be a change of job title for early years staff.

3. Community Plan/Council Plan Implications

Children and Young People	- ensuring the best start in life for children and young people. Close attainment and inequality gaps
Community Care, Health and Well-being	- Earlier intervention will lead to healthier outcomes for children.
Empowering our Communities	- Local services will benefit children, young people and members of the community.
Jobs and the Economy	- Accessible, affordable and flexible childcare. Increased employment opportunities.
Safer and Stronger	- Services are provided by a highly skilled workforce.

4. Legal Implications

The Council requires to comply with the changes to support for early learning and childcare in the Children and Young People (Scotland) Act 2014. The changes to early learning and childcare entitlement will have a direct impact on the present Framework Arrangements between providers and the Council.

5. Property/Assets Implications

The Renfrewshire Expansion Plan will consider the full needs in terms of infrastructure. The need for remodelling or extending current buildings and new build options are being explored.

6. Information Technology Implications

None.

7. Equality and Human Rights Implications

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations.

8. Health and Safety Implications

It is integral to the Council's aim of securing the health and wellbeing of employees and those affected by its undertakings and without this continued effective focus, there is a risk that will adversely impact on the Council both financially and in terms of service delivery.

9. Procurement Implications

The Renfrewshire Expansion Plan will consider the way in which providers are contracted to deliver early learning and childcare services for entitled children.

10. Risk Implications

Concern that some new builds may not be delivered in time and prevent the required number of additional places being available by 2020.

Ability to recruit the required number of staff within the required timeframe. There is a level of uncertainty about future partner provision due to concerns about futures rates for procured services and workforce availability.

11. Privacy Impact

Personal information will only be held as required to deliver the service. This will be done in accordance with data protection legislation.

12. Cosla Policy Position

Cosla is involved in negotiations with the Scottish Government regarding the expansion of 1140 hours of early learning and childcare.

List of Background Papers

- (a) A Blueprint for 2020: The Expansion of Early Learning and Childcare in Scotland, The Scottish Government, 2017

The foregoing background papers will be retained within children's services for inspection by the public for the prescribed period of four years from the date of the meeting.

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