

The Educational Institute of Scotland

Question 1

The EIS is of the view that early years education should be funded and delivered on the same basis as Scotland's highly successful comprehensive education system- publicly funded, publicly provided, free at the point of use.

If equity and high quality are to be imperatives, rather than profit, then local authorities as the public providers of education in Scotland should be exclusively funded by the Scottish Government, on a ring-fenced basis, to deliver children's ELC entitlement.

The EIS view, like that of the wider STUC, is that the highest quality of ELC provision lies in local authority run nurseries where children receive the benefits of higher levels of skill among staff, more of whom are qualified to degree level, and where children are more likely to have access to a qualified teacher, as well as access to a suitable outdoor play area and play equipment.

The EIS is not in favour of any move that would encourage the privatisation of education, including that for early learners. We would not seek to extend the range of funded providers; rather we would wish to see higher levels of funding to local authorities for the provision of education, including nursery education. In essence, the EIS would not wish to see the simplification of a process for the realisation of an objective with which we strongly disagree.

Question 2

Firstly, the EIS does not support the 'Funding Follows the Child' model on which this consultation is based. As is the view of the STUC, this demand-led model, poses significant risks for the delivery of childcare: of creating a service dependent in large part on lower paid and unqualified staff; of variability and lack of equivalence in the delivery of the 3-18 curriculum for early learners; of a two tier system in which the more affluent can purchase additional nursery provision while those who cannot afford it do not; of even greater inequity than already exists with regards to children's access to a qualified teacher.

It should be noted that access to qualified teachers is already falling within the early years and childcare system with a 39% reduction in teacher numbers within early years settings over the past decade. There is now also considerable variability across and within local authorities in term of children's access to a teacher. While the Scottish Government has committed to ensuring only undefined 'access to a teacher', some local authorities, with legal impunity, have been removing teachers from nursery classrooms to reduce costs.

In line with international and Education Scotland's own evidence, the EIS is of the view that the pedagogical input of qualified degree-educated teacher professionals, as part of a pre-5 workforce, is an essential ingredient to the CfE 3-18 curriculum, if it is to lead to more equitable outcomes as intended. In October 2015, the Scottish Government, seemingly persuaded that the quality of early years provision is as important as quantity, announced its intention to

provide additional qualified teachers or degree educated childcare workers for nurseries in the most deprived areas¹. Though welcome, the pledge reveals a misunderstanding of the roles of teachers and childcare workers, a lack of awareness of the value of qualified teachers in the early years of education as evidenced in recent research by the Child's Curriculum Group²; and in terms of providing access to a teacher, can only be a starting point. Without universally extending the commitment to a guaranteed minimum (and adequate) access to a nursery teacher, enabling meaningful interaction with a teacher for all Scotland's early learners, it will fall short of that which is required to meet the needs of the thousands of nursery-aged children living in poverty in homes whose postcodes lie outwith the SIMD zones targeted by the current policy.

Further, with provision of early years education and childcare now potentially being delivered more readily in the private sector, where access to highly qualified staff generally, and teachers in particular, is lower, and with a potentially greater role for childminders, there is a genuine challenge as to how quality and equity of education provision can be maintained across the sector.

A recent Joseph Rowntree Foundation programme paper: *Creating an Anti-poverty Childcare System*³ states that a shift to supply side funding for pre-school childcare services is the most effective route forward:

"International evidence and the best examples of high quality provision in the UK suggest that the most effective approach to funding pre-school childcare is supply side funding, where investment is made directly in service. This approach provides the means to offer universal access to services and effectively shape the quality, affordability and flexibility."

Regarding partnership arrangements, the document references providers' access to improvement support but cites only the Care Inspectorate as a source of such support, omitting Education Scotland which, in the context of Scotland's education system being subject to this kind of scrutiny, is troubling for the EIS. The EIS is firmly of the view that Early Level learners, in engaging with CfE, must have their entitlement to be taught by qualified teachers safeguarded in statute, as school-aged learners do. While the EIS does not necessarily view inspection as the best means by which to deliver school improvement, while this is the approach in Scotland, all educational establishments which deliver the 3-18 curriculum should be healthily staffed with qualified teachers and the education as opposed to the care provision, inspected by HMIE inspectors, who are themselves qualified teachers.

The creation of a set of National Standards provides opportunity, in lieu of legislation and as a first step, for the Scottish Government to encourage local authorities to provide minimum access for each child attending a nursery in Scotland to a qualified teacher, whose terms and conditions are SNCT (Scottish

¹ <http://news.scotland.gov.uk/News/Developing-potential-1e71.aspx>

² <http://www.eis.org.uk/Policy-And-Publications/Sustain-The-Ambition>

³ JRF programme paper: *Creating an Anti-poverty Childcare System* <https://www.jrf.org.uk/report/creating-anti-poverty-childcare-system>

Negotiating Committee for Teachers) compliant. The EIS would wish to see partnership arrangements reflect this.

The EIS, while holding serious reservations about the provision of nursery education by private providers, welcomes the commitment to payment to childcare workers of the 'real' living wage as a minimum by all providers delivering the funded entitlement. In addition to this being a step in the right direction in terms of achieving fair pay for all within the ELC workforce, it is important in addressing the lifelong pay and pension inequalities that, without significant intervention, will be experienced by the predominantly female ELC workforce. More, of course, requires to be done to eliminate such pay inequality completely.

The EIS would wish to see the full range of the principles of the Fair Work convention- effective voice, security, opportunity, respect and fulfilment- embedded in any local authority-private provider partnership arrangements.

Question 3a

The EIS view on how early years education and childcare should be delivered is articulated earlier within this response. In addition to those comments, we would wish to question how Early Level CfE will be delivered for 3-5 year olds in the context of childminding.

Question 3b

The EIS has no view on this.

Question 4

Research conducted by the EIS in 2010 found that across Scotland, public nursery provision offers a higher proportion of provision which has access to an outdoor play area (90.2% as opposed to 76.5% in the private sector and 70.6% in the voluntary sector).

As Children in Scotland pointed out in a media release of 24/08/10, research published in *Children in Europe* magazine demonstrated that private sector provision does not require to meet the outdoor space standards required of public provision:

'outdoor space standards in services for young children vary widely across Europe, with some countries, including the Republic of Ireland, France and Germany, having no national requirements specified. Although Scotland does have a requirement for local authority nursery schools and classes for 3-4-year-olds to provide an area of 9.3m² per child – less than the size of the average bedroom – other services need

only provide 'adequate and appropriate space' for the activities being undertaken.'

This clearly highlights that in this regard, also, local authority provision offers a higher quality learning experience to nursery children.

A potential challenge for the range of proposed ELC providers, if quality is to be maintained, is adherence to the national minimum of requirement of 9.3m² per child.

In addition to availability of physical space within the grounds of a nursery establishment, adequate resourcing in terms of outdoor equipment and toys is essential, as is quality training for early years staff, including teachers, in delivering outdoor learning, exercise and play. If nurseries are to be encouraged to take outdoor learning beyond their own immediate play areas, additional funding of transport costs may be required, depending on the locations selected.

Healthy adult to staff ratios to ensure that outdoor learning experiences are of the highest quality, including for children with additional support needs, are, of course, essential.

Consideration should also be given to how families on low incomes can be supported financially to ensure that their children have the necessary shoes and clothing for any outdoor activity.

Question 5

The EIS welcomes the reference to the role of Education Scotland in supporting improvement planning within early years establishments, as per the rationale provided earlier in this response.

Regarding accessibility and the assertion that the Funding Follows the Child model offers greater flexibility, the EIS remains unconvinced of this. In our view, families could be offered the flexibility that they need in terms of hours in which care of their children is delivered, through direct funding of local authority providers.

The EIS has been clear in previous consultation responses on childcare that the drive for greater flexibility for parents should not be at the expense of the terms and conditions of those employed within the sector, many of whom are also parents of young children and who face challenges in meeting the costs and the limitations of childcare.

Also in terms of accessibility, the EIS would wish rurality to be a consideration, in addition to access to early years provision within areas of high deprivation.

In seeking to maximise the inclusion of children with additional support needs in early education, in the view of the EIS, qualified teachers are best placed in terms of training and expertise to identify additional support needs, and to determine and deliver the pedagogical interventions required to meet the wide spectrum of such needs. The EIS would urge that serious consideration be given

to ensuring healthy presence of qualified teachers in all early years establishments as a key means of ensuring that the provisions of the ASL Act are delivered for early learners.

On business sustainability, the EIS disagrees strongly that education for any age and stage of learner should be delivered as a business. As previously stated, we are of the wholehearted view that education as a public good, should be publicly funded and publicly provided on a not-for-profit basis.

Regarding Fair Work practices, the EIS would question why providers should be required to demonstrate commitment to only one additional practice aside from fair and equal pay. To limit expectations in this way could encourage a cynical tick-box approach rather than the development of sound workplace cultures, policy and practice. The EIS welcomes the inclusion of workforce engagement through trade unions, for example. International evidence, including from the OECD, clearly demonstrates that the highest performing education systems feature active education unions. If a provider opted not to focus on this principle of Fair Work, this benefit would be lost. All providers in receipt of public funds should be required to demonstrate commitment to the development of all of the Fair Work practices, as they apply to their particular contexts, for the benefit of the workforce, and, ultimately, the benefit of young learners and their families, and of wider society.

On payment processes, the EIS is strongly of the view that all aspects of the nursery experience should be free at the point of use- snacks and outings, included. We believe that music education is part of Curriculum for Excellence and should not be delivered at cost to parents and carers, the danger in this being that only those children whose families can afford to pay, are able to participate in and derive the many benefits that there are to be gained from, music education.

The consultation document refers quite frequently to parental choice and flexibility without clearly defining the parameters for or rationale of this. It is worth noting the experiences of countries which have encouraged greater parental choice in terms of the schools which their children attend- a causal outcome of which has been reduced outcomes in terms of equity.

In terms of the provision of food to children attending early years settings, the EIS would wish to see this delivered on a universal basis and in line with current recommendations on children's nutrition and education around healthy eating.

The document is silent on child to adult minimum ratios- a key element in determining the degree of equity and quality of learners' experiences and thereby of outcomes. The EIS would wish to see clear stipulations with regards to ratios written into the national standards. We believe that to ensure equity in provision, a national minimum staffing standard should be developed, to include nursery settings. Within that standard, issues of additionality should be considered, e.g. deprivation, additional support needs, English as an Additional Language, rurality, and guaranteed time for promoted members of staff.

Additionally, the EIS would concur with OECD findings with regards to other indicators of quality- the effectiveness of the curriculum, the physical environment and staff gender and diversity. The EIS view is that Curriculum for Excellence provides a framework within which, with adequate resources, high quality learning experiences can be designed and delivered for Scotland's early learners. The physical environment is, of course, key to providing the space and surroundings to enable those high quality learning experiences to occur, and to supporting the wellbeing of the children and adults who learn and teach within it. Finally, diversity within the workforce is of huge importance in fostering a sense of belonging among learners, all of whom should see the diversity of their communities reflected in the composition of the staff who work with them.

Question 6

Regarding payment of the 'real' living wage, it is the view of the EIS that the Scottish Government could do more to encourage employers, including ELC employers, to pay the people who work for them at least at this rate.

It is the view of the EIS that the payment of poverty wages by any employer is wholly unacceptable and more so where employers are seeking access to public funds to support their businesses. The EIS holds such a position both as a trade union which objects to the exploitation of fellow trade unionists in any sector, and as a professional association whose members witness the impact of poverty, largely as a consequence of low income from employment, on children's education on a daily basis in the classroom.

The EIS would suggest that the Scottish Government should go further than making a condition of funding for the additional hours living wage hourly rates for the funded hours only. As a minimum, while EU law prevents mandatory payment of the living wage as a public procurement requirement, the EIS would expect stringent adherence by the Scottish Government and local authorities to the principles of the Statutory Guidance on the Selection of Tenderers and Award of Contracts – Addressing Fair Work Practices, including the living wage, as a key means of realising the aims of the Working Together recommendations.

Question 7

The EIS would reiterate the view that early learning and childcare should be delivered by local authorities.

The stated intention to ensure that newly established ELC settings will be inspected within one year by the Care Inspectorate seems to ignore the importance of the quality of children's **educational** experience within early years; the EIS is of the view that 'daycare' should neither be the sole nor the over-riding priority. A probationary evaluation based on expectations of quality of care alone falls far short of ensuring the calibre of provision required to deliver the entitlements of the 3-18 curriculum, GIRFEC and the ASL Act for Scotland's 3-5 year olds.

Question 8

In terms of support towards implementation, requirements include:

- Training of employers around the full set of Fair Work principles
 - Scottish Government intervention to boost teacher recruitment and retention to ensure healthy teacher numbers within early years, with particular emphasis on pay, workload and diversification of career pathways that encourage enhanced qualifications and specialism in early years education
 - Scottish Government intervention to determine healthy minimum child to adult and child to teacher, ratios
 - Financial support for local authorities to extend existing or to build new, premises as required to accommodate children for an increased number of hours, including ensuring access to outdoor play areas.
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