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**REPORT TO: EDUCATION, CHILDREN'S AND LEISURE SERVICES  
COMMITTEE ON 19 APRIL 2023**

**SUBJECT: INFORMATION REPORT: PRIMARY 1 DEFERRAL AND EARLY  
LEARNING AND CHILDCARE ELIGIBILITY**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND  
ORGANISATIONAL DEVELOPMENT)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee of the change in legislation for Primary 1 Deferral and Early Learning and Childcare (ELC) Eligibility and the service's position regarding this.
- 1.2 This report is submitted to Committee in terms of Section III (D) (1) of the Council's Scheme of Administration relating to exercising the functions of the Council as an Education Authority.

**2. BACKGROUND**

- 2.1 In Scotland all parents and carers have the legal right to defer their child's entry to primary school if they are not yet 5 years old at the beginning of the school year.
- 2.2 Nationally the standard approach was that the youngest children, with a January or February birthday, would automatically be entitled to an additional year of funded ELC. While children with birthdays between August and December would have to apply to the local authority to request funded ELC for that year.
- 2.3 Through discretionary decision making in Moray any child whose date of birth fell after the beginning of the school year, in August, was entitled to funded ELC for that year irrelevant of which month the birthday fell.
- 2.4 In October 2019 the Scottish Government committed to legislate to entitle all children whose school start is deferred, access to funded ELC in their deferred year which would bring all 32 local authorities in line.

- 2.5 In December 2020 a Scottish Statutory Instrument was brought before the Scottish Parliament to ensure that the legislation would be realised in this parliamentary session. The change meant it would align the funded ELC more closely with the existing right to defer, for children in this age group. This then should allow families to make decisions for their children, based on what they feel is in the best interested of the children, without the financial barrier of additional ELC costs.
- 2.6 A joint implementation plan was devised, taking cognisance of the Covid-19 pandemic and the ongoing expansion to 1140 hours funded ELC.
- 2.7 A phased approach was taken during 2021-22 and 2022-23 which involved 5 pilot authorities including Angus, Argyll and Bute, Falkirk, Scottish Borders and Shetland Islands.
- 2.8 The pilot implementation allowed the opportunity to monitor the impact of the policy and to inform the assessment of likely update of the entitlement.
- 2.9 Throughout the pilot evaluations were made of the varying approaches and data was collected by Scottish Government to understand the impact of the policy on ELC capacity, financial cost and parental understanding.
- 2.10 On completion of the pilot the agreement between Scottish Government and CoSLA outlined that from August 2023 all children who defer their entry to school for a year can automatically access an additional year of funded ELC.
- 2.11 The funded ELC places will be available for children who are deferring the school year beginning August 2023.
- 2.12 In Moray we will continue to support all parental requests to defer if the child's date of birth falls after the start date of each new academic year.

### **3. SUMMARY OF IMPLICATIONS**

#### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

This report relates the priority 'Provide a sustainable education service aiming for excellence' from the Corporate Plan and to 'Building a better future for our children and young people in Moray' from the LOIP.

#### **(b) Policy and Legal**

Under the [2006 Act](#) (Scottish Schools Parental Involvement Act 2006) there is a duty to involve parents in their child's education, including attending ELC in a public school. The upcoming change in legislation does not affect this right and will allow families to make decisions based on what they feel is in the best interest of their children, without the financial barrier of additional ELC costs.

**(c) Financial implications**

There has been no indication from the Scottish Government about any change to funding as a result of this change in the national position. However, in Moray this does not represent a change in service offer and so there are no financial implications arising directly from this report.

**(d) Risk Implications**

There is a risk that as more families choose to defer children there will be less space in ELC settings for eligible 2 year olds or new funded 3 year olds.

**(e) Staffing Implications**

No staffing implications arising directly from this report.

**(f) Property**

There are no property issues arising from this report.

**(g) Equalities/Socio Economic Impact**

An Equality Impact Assessment is not required as this report is to inform Committee on legislation change.

**(h) Climate Change and Biodiversity Impacts**

None arising directly from the report.

**(i) Consultations**

Head of Education (Chief Education Officer), Continuous Improvement Officer (West), Continuous Improvement Officer (East) and Business Support Team Manager and Tracey Sutherland, Committee Services Officer have been consulted and are in agreement with the contents of this report as regards their respective responsibilities.

## **4. CONCLUSION**

### **4.1 That the Committee scrutinise and note the contents of this report.**

Author of Report:

Hazel Sly, Early Years Service Manager

Background Papers:

<https://www.gov.scot/publications/funded-early-learning-and-childcare-places-joint-implementation-plan/>  
<https://www.gov.scot/publications/early-learning-childcare-statutory-guidance-july-2021/pages/9/>

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