

Closing the early years gap

FAST FACTS

- Children do not have an equal entitlement to early years provision as it is based entirely on a child's birth month. This is not the case with primary school.
- Children born between March and August are guaranteed two full years of provision, while children born in other months often end up receiving far less.
- As a result, only 50% of children are guaranteed two years of early years education.
- Starting school having received a year less of pre-school provision than their peers puts younger children at a huge disadvantage and creates an attainment gap before school has even begun.
- While the Scottish Government's policy of increasing early years provision from 600 hours per year to 1,140 is to be welcomed, unless the birthday discrimination is corrected, the gap will simply widen.
- There are two simple solutions.
 - There should be a single start-point for early years provision, just as there is for primary school provision, probably the August two years before a child is expected to start school.
 - Currently all children due to start school aged 4 have the right to defer, but only children born in January and February have a guaranteed right to an additional year of pre-school funding – that right should be extended to all children who are due to start school at the age of four and we support the Give Them Time Campaign

CONTEXT

The Scottish Government has identified the need to close attainment gaps in education. However, its own early years policy means that some children are starting school at a huge disadvantage simply because of the month in which they were born.

The Scottish Government's Blueprint for 2020¹ highlighted the importance of early years provision, stating:

"It is widely acknowledged, including by the Organisation for Economic Cooperation and Development (OECD) and EU, that the provision of universally accessible and high quality early learning and childcare enriches children with skills and confidence to carry into their schooling, and is a cornerstone for closing the poverty-related attainment gap between our most and least advantaged children"

Given the importance of this stage of development, it is bizarre that there is a huge variation in the entitlement to early years provision.

Currently, a child's entitlement to early years provision begins the term after they turn three. This is in contrast to primary school, where there is a single entry point in August.

Reform Scotland believes this birthday discrimination is contributing towards a huge gulf in development opportunities and as a result, rather than closing opportunity and attainment gaps, it is creating one before children have even started formal education.

¹ <https://www.gov.scot/publications/blueprint-2020-expansion->

<early-learning-childcare-scotland-2017-18-action/>

BACKGROUND

At present, all children are legally entitled to the same amount of primary or secondary school education.

However, a child's legal entitlement to government-funded early years provision depends on when a child's birthday falls.

The table below illustrates the current difference in entitlement and an approximation of what the difference will be following the expansion in provision from 600 hours to 1,140 hours per year.²

Child's birth month	Entitlement to provision begins	Total early years entitlement before starting school	600 Hours	1,140 hours
			Approx. number of hours of provision pre-school	Approx. number of hours of provision pre-school
1 March-31 Aug	August (Autumn term)	2 years	1,200 hours	2,280 hours
1 Sept-31 Dec	January (Spring term)	18 months	1,000 hours	1,900 hours
1 Jan – 29 Feb (starting school at 4)	April (Summer term)	15 months	800 hours	1,520 hours
1 Jan – 29 Feb (starting school at 5)	April (Summer term)	2 years 3 months	1,400 hours	2,660 hours

Many children will be receiving early years education through partnership providers. This will mean they have access to early years education, but only because their parents are paying more for it. The parents of younger children will receive less money towards the costs of their partnership provider than older peers due to the entitlement difference.

Although children born between September and February have an entitlement beginning the term after they turn three, in reality many will end up only receiving one year's provision as many local authority nurseries, especially those linked to schools, can fill up with the August intake and it can be difficult to find places available for subsequent intakes.

As a result, parents may choose to wait until the following August to ensure their child's place at the chosen nursery rather than take up a place elsewhere. While it can be argued that this is a parental choice, it is worth pointing out the practical difficulties of taking up a place elsewhere if the parent has another child attending the school.

Data from the National Record of Scotland indicates that since 1990 roughly half of all children born each year are registered in the six months between March and August. This means that only 50% of all children are guaranteed to receive two full years for government-funded early years education.

As all children start school at the same entry point, regardless of their birth month, it means older children have a double advantage of being older to begin with, but also having had access to more pre-school education.

² There are three terms in a year and for the purpose of illustrating the

variation in entitlement, have assumed each term to be the same.

Expansion

Early years provision has expanded greatly under devolution.

Although there had been historical provision for some three and four-year-olds to attend nursery in Scotland for some time, it varied from area to area. The Standards in Scotland's Schools Etc Act 2000 placed a legal duty on local authorities to offer nursery provision and enabled them to use external providers to meet demand. The Act gave eligible three and four-year-olds an entitlement to 475 hours of early years provision. Although the Act removed the postcode lottery in provision, it created the inequality of entitlement based on birth month.

The Children and Young People (Scotland) Act 2014 expanded the entitlement from 475 hours per year to 600 hours.

Following Reform Scotland's previous work highlighting birthday discrimination, amendments were lodged at Stage 2 of the Children and Young People Bill to try to change the system so that all children had a basic guaranteed entitlement to two years of early years provision. The issue was discussed in committee on 14 January 2014 and although the Conservatives, Labour and Lib Dems all backed ending birthday discrimination, the amendments fell as the SNP had a majority on the Education and Culture committee and voted against.

However, then Minister for Children and Young People, Aileen Campbell, commented:

"The amendments are unnecessary, as any further expansion or changes to commencement dates for entitlement to early learning and childcare for two or three-year-olds can be achieved through secondary legislation made under the bill."

In other words, it is possible to change the current inequality in provision without primary legislation.

She went on to add that the focus of that 2014 legislation was to expand childcare to disadvantaged 2-year-olds and that

"the bill represents the first step in our journey towards transforming childcare".

The Scottish Government is continuing its commitment to the expansion of early years and childcare and will extend provision from 600 hours to 1,140 by 2020.

However, that also represents an opportunity to address the huge inequality in the current system. It cannot be justified that some children are denied the same access to a key part of education and development as their peers.

Yes, there is a cost attached to creating a single entry-point for early years as some children will become eligible at two and a half, as opposed to three. However, money has been committed to extending provision and surely the priority has to be that all children have the same basic entitlement and build from there.

POLICY RECOMMENDATIONS

Birthday Discrimination

Reform Scotland believes that every child should be entitled to a basic level of two years of government-funded nursery provision, regardless of when their birthday falls. In other words, provision for all children should start at a fixed point in the year, probably the August two years before they start school, just as it does for primary school.

While the increase in early years provision is to be welcomed, this also increases the scale of the birthday discrimination. A child born in December and starting school aged four would have a legal entitlement to 380 hours LESS than someone born in May, yet starting school at the same time. Potentially, due to the availability of spaces in the middle of the school year, it may be that the younger child ends up receiving only a year of early years education. A child born in January or February and starting school at the age of 4 would have been entitled to 760 hours less than their older peers. This is creating a massive gulf in provision and means younger children start school with an even greater disadvantage.

However, there is a simple solution. There should be a single start-date for early years provision, just as there is for primary school. This would ensure that every child had access to the same basic provision before starting school and would contribute towards the Scottish Government's aim of equality by ensuring equity in entitlement.

We accept that such a policy decision would increase the number of children entitled to provision and place a demand on early years providers. However, the Scottish Government is seeking to expand provision and is consulting

on how to manage this expansion. Reform Scotland believes that correcting this anomaly has to be the place to begin. This discrimination must end so we can ensure that, as far as government-funded provision goes, all children have the same basic entitlement.

Equal deferral rights

All children entitled to defer entry to school should be given a guaranteed right to an additional year of early years funding.

Parents of any child born between September and February and due to start school at age four have the right to defer entry until the following year. However, currently only children born in January and February also have an automatic guarantee of an additional year of pre-school funding. Reform Scotland thinks that this right should be extended to all children who are due to start school at the age of four and we support the Give Them Time Campaign.