

CONSULTATION

[Inspection of early learning and childcare and school age childcare services in Scotland - Scottish Government - Citizen Space \(consult.gov.scot\)](#) Deadline 28th October 2022

Scottish Out of School Care Network Response

This consultation aims to gather views on a vision for the future of inspection and what this will deliver for children, families and practitioners, teachers and staff working in the sector from the full range of early learning and childcare (ELC) and school age childcare services, whether or not they currently provide funded ELC.

It is seeking views on the strengths of existing inspection arrangements, where improvements can be made and the proposal to bring forward a shared quality framework to be used in inspection of these services, developed collaboratively by the Care Inspectorate, HM Inspectors of Education (HMIE), sector representatives, practitioners, teachers, staff and children.

[Read the consultation paper](#)

Overall proposed vision:

High quality early learning and childcare and school age childcare experiences are critical to giving children the best possible start in life. Inspection of ELC and school age childcare services encourages and empowers settings, practitioners and teachers to continually improve their service for the benefit of the children in their care, including through self-evaluation. It provides independent assurance to families and stakeholders, and supports settings to provide consistent, high-quality services and experiences for all children. It takes a collaborative approach between the inspectorates, settings, practitioners and teachers, and respects children's rights. Quality expectations for settings are clear, consistent, evidence-based and proportionate.

Question 1.1: **To what extent do you support, or not support, the Scottish government's overall proposed vision for the purpose and aim of inspection of ELC and school age childcare services?**

- Fully support
- **Partially support**
- Don't support

Can you tell us why you think this?

Overall, the vision statement is really good, however, we should go further than “respect children’s rights” and make it clear in the vision that their rights are not just respected but that the vision “promotes children’s rights,” making this part of a more active process.

We certainly agree with the last sentence in terms of clarity, consistency, evidence-based and proportionate, as while this is important to all types of services, school age childcare, in particular, is about children’s leisure time, not formal education, although, of course, their wellbeing and development is well supported in good quality services, and they learn through play and social

interaction, services should not be measured in terms of early years settings where, for example, children's gains in literacy and numeracy may be included in assessments.

Question 1.2: **Do you think the proposed vision is missing anything or contains something that you think does not reflect the purpose and aim of inspection of ELC and school age childcare services?**

- Yes
- No

If yes, can you tell us what that is?

1.2 At a recent consultation event on this topic our members, school-age childcare services, made it very clear that they would like to see not just high-quality experiences mentioned as a catch all, but high-quality play activities as being more specific to what they see they provide for children. This applies widely as play is also central to Building the Ambition, and for child development across the widest age range.

Draft guiding principles

The Scottish Government believes that the approach to inspection of ELC and school age childcare services should:

- 1. Support our [National Outcomes](#) and improve children's life chances** through the provision of high quality services, to ensure that our children's rights are respected, they grow up loved and safe, and can realise their full potential
- 2. Provide clarity to settings, practitioners and parents and carers** on what standards they can expect and the roles and responsibilities of key agencies in delivering them
- 3. Support consistency in outcomes** across services so that all children and families experience high quality provision, regardless of where it is accessed
- 4. Support continuous improvement** within individual settings and add value to the delivery of services, including through building on settings' use of self-evaluation
- 5. Support collaboration** and professional dialogue between providers, practitioners, teachers and staff working in settings, inspection bodies and local authorities
- 6. Listen** to and take account of the views, experiences and needs of children and families
- 7. Be adaptable** to respond to evidence and new policy developments
- 8. Be efficient**, avoiding duplication and eliminating unnecessary bureaucracy for providers

Figure 1: Overview of draft guiding principles for inspection of ELC and school age childcare services

Question 1.3: To what extent do you support, or not support, the Scottish government's draft guiding principles for inspection of ELC and school age childcare services?

- Fully support
- Partially support
- Don't support

Can you tell us why you think this?

We are part of a coalition of organisations requesting that the national outcomes for the future actually include “Care” as an outcome. So, we would like to see this included when or if this happens as all of the proposed inspection processes and methods are about ensuring that care standards are met.

Question 1.4: If you answered, 'partially support', please can you tell us more about which principles you do and don't support?

Question 1.5: Do you think the draft guiding principles are missing anything?

- Yes
- No

If yes, please can you tell us what you think we have missed?

Guiding principles 3 and 4 may prove problematic for school age childcare services as there is nothing in this to acknowledge the extent to which providers have little or no control over the premises they use: very few have their own premises, unlike nurseries, or operate from a cosy family setting, like childminders.

The extent to which they try to overcome issues, such as not being allowed to display signs or children’s work, or limited or no access to outdoor spaces, must be acknowledged. The provision of a quality environment for children is much easier when you have dedicated space and you do not have to set everything up and pack it all away at the end of the day, as an example.

Where high quality school age childcare services encounter such issues, in our experience, the measure and extent to which they strive to address them, is something which should be included e.g. my italics below.:

3. Support consistency in outcomes across services so that all children and families experience high quality provision, regardless of where it is accessed...*with due consideration of the type and nature of the setting*

4. Support continuous improvement within individual settings and add value to the delivery of services, including through building on settings' use of self-evaluation...*with consideration of the type and nature of the setting*

By adding” due consideration of the type of nature of the setting” this helps providers, parents, inspectors and children know that the new inspection processes and measures will be applied in a

proportionate way, given the diversity from fully outdoor services to purpose-built buildings with control over kitchens, outdoor space and all staff involved.

The legislative landscape

The Care Inspectorate has statutory obligations under section 53 of the Public Services Reform (Scotland) Act 2010 to carry out inspections of all ELC and school age childcare settings that are registered with them. Under section 47 and schedule 12 of the Public Services Reform (Scotland) Act 2010, ELC and school age childcare services are also regulated by the Care Inspectorate as 'care services' (either as a 'day care of children' service, which includes some school age childcare services, or as a childminding service).

HMIE also has powers to inspect educational establishments under section 66 of the Education (Scotland) Act 1980. This includes powers to inspect 'nursery schools' that are providing funded ELC to children, which may be nursery or childminding settings.

QUESTIONS under 2 are for providers so SOSCN did not answer them.

Question 2.1: Some settings in Scotland currently receive inspections from both the Care Inspectorate and HMIE, visiting either separately or jointly.

If you are an ELC and/or school age childcare setting (including childminders, practitioners, teachers and staff working within those settings), from which organisations has your setting or service previously received inspections? (please tick all that apply)

- Only the Care Inspectorate (single agency inspection)
- Only HMIE (single agency inspection)
- Both the Care Inspectorate and HMIE (as separate visits)
- Both the Care Inspectorate and HMIE (as a joint visit)
- **Neither/ not applicable**

Question 2.2: If you are an ELC setting providing funded ELC (or a childminder, practitioner, teacher or staff member working within that setting), when did your setting or service last receive an inspection from HMIE?

- Within the last 2 years
 - 2-5 years ago
 - 5-10 years ago
 - More than 10 years ago
 - Never
- N/A

Question 2.3: If you are an ELC and/or school age childcare setting (or a childminder, practitioner, teacher or staff member working within that setting), when did your setting or service last receive an inspection from the Care Inspectorate?

- Within the last 2 years
- 2-5 years ago
- 5-10 years ago
- More than 10 years ago
- **Never**

Question 2.4: Discounting periods of disruption over the COVID-19 pandemic, what is your experience of the current inspection approach?

- Mainly positive
- Neither positive or negative
- Mainly negative
- **I have not experienced this**

Question 2.5: Discounting periods of disruption over the COVID-19 pandemic, what do you consider are the benefits of the current inspection approach? Do you have examples of positive experiences to share?

Question 2.6: Discounting periods of disruption over COVID-19 pandemic, what do you consider are the challenges of the current inspection approach? Do you have examples of challenging experiences to share?

Question 2.7: Under the Public Services Reform (Scotland) Act 2010, HMIE and the Care Inspectorate are under a duty to 'cooperate and coordinate' their inspection activity.

To what extent do you agree or disagree that the two inspectorate bodies cooperate with one another and coordinate inspection activity effectively?

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree
- Don't know

Can you tell us why you think this?

N/A

Question 2.8: Do you think any change is required to the current duty to 'cooperate and coordinate' inspection activity to provide opportunities to improve cooperation and coordination between the inspectorate bodies in the short and medium term?

- Yes, more could be done
- No, more could not be done

If you answered 'Yes', what more could be done?

Question 2.9: What are your views on how local authorities carry out their role in monitoring and supporting quality improvement in ELC and school age childcare provision (where appropriate), and how this aligns with the inspection functions carried out by the Care Inspectorate and HMIE?

Question 2.10: Please provide any further comments on how you think the current inspection approach could be improved.

[Our Vision – the Guiding Principles of Inspection](#)

A shared quality framework

Proposal

- The introduction of one shared quality framework which would apply to all registered providers of ELC, including all nurseries and childminding services, as well as school age childcare services.
- The shared quality framework would be a self-evaluation tool designed to support services to improve the provision of ELC and school age childcare for children and families.
- The shared framework would align the quality indicators within, and replace, the Care Inspectorate [quality framework for day care of children, childminders and school-aged childcare](#), and Education Scotland's '[How Good is our ELC?](#)'.
- It would be developed collaboratively by the Care Inspectorate, HMIE, sector representatives, practitioners, teachers, staff and children.
- It would include quality elements relating to care, play, nurture, wellbeing, education, development and learning. It would make clear which elements are relevant to which types of settings. Not all elements of the framework would apply to all types of services or all types of inspections.
- It would be used to inspect all ELC and school age childcare services that are currently inspected by HMIE and/or the Care Inspectorate.

Considerations

This section is intended to explore further the views of the ELC and school age childcare sectors and other interested individuals/organisations on a proposed shared quality framework for all ELC and school age childcare services.

It explores how a shared framework might bring the Care Inspectorate and HMIE's separate inspection approaches together to provide clarity to the sector, support high quality provision of services and better support outcomes for children and families. It would seek to harness the expertise that the Care Inspectorate and HMIE each bring to the sector and set out the quality indicators that each of the organisations expect services to meet in one document.

We recognise that a number of stakeholders previously contributed their views during engagement sessions with the Care Inspectorate and Education Scotland on the development of a shared framework in 2017/2018. The views gathered as part of that work remain helpful and informative. The responses gathered through this consultation will build on the work undertaken by the inspectorate organisations and stakeholders prior to the pandemic on the development of a shared framework in consideration of the current context.

The shared quality framework would support and strengthen an integrated approach to inspection for funded ELC services, enabling the two separate inspectorate bodies to work together, assessing the quality of settings at the same time, using the same framework, and aligning and quality assuring their findings. This integrated approach would be achieved through joint working between the inspectorates, including a shared approach to planning of inspection activity, ensuring that inspection cycles are joined up and transparent.

A shared quality framework would also mean that settings that are currently inspected by both the Care Inspectorate and HMIE would only be required to work with and review one document to receive clarity on what is expected from each of the inspectorate bodies. Additionally, and to support consistency, services that are only inspected by one organisation would be able to review the same document as other services across the sector, which would set out clearly which inspection elements are relevant, or not relevant, to their type of service. The development of this framework would be strongly informed and based upon core elements and strengths of the inspection frameworks currently in place.

Questions

Question 3.1: Do you support the proposal to develop a shared quality framework between HMIE and the Care Inspectorate?

- Yes
- No
- **Unsure**

Can you tell us why you think this?

Whilst we appreciate for early years settings, including childminders, which provide funded places, this often-triple assessment process is overwhelming and requires far too much repetition of processes of inspection and reporting, on their behalf we welcome the streamlining suggested here.

For the school age childcare services, however, in consultation with our members, who have just begun to appreciate the clarity and resourcefulness of the Care Inspectorate Quality Framework,

there are anxieties that this good resource would be watered down or dominated by academic educational standards which do not apply to their settings.

We would suggest that the current content and structure of this framework is retained, with any additional and necessary educational outcomes, specifically for funded early years settings, could be added in as a section, where applicable, and clearly labelled as such. We are amongst those who admire the style, content and rich resourcefulness of this quality framework and it would be a pity to lose any of that.

Question 3.2: What do you consider are the benefits to implementation of a shared quality framework?

Certainly, for those providing ELC funded places this must be a welcome reduction on their workload, and it also reduces duplication of inspection across the board.

Question 3.3: What do you consider are the challenges to implementation of a shared quality framework?

What comes out clearly in consultation with our membership is that a major challenge, for school age childcare services, would to be inspected by a former HMRC inspector who, in their view, may not understand the value of their play-based practice, and who may try to measure on outcomes that are academic and not relevant to school age childcare.

Question 3.4: Do you think that the development of a shared quality framework will meet the needs of the sector to simplify the inspection landscape and reduce the inspection burden?

- Yes
- No
- Unsure

Why do you think this?

Obviously, it will reduce the workload of Funded ELC providers and the inspection bodies.

Question 3.5: Do you think that the shared framework should apply to all ELC services, including funded and unfunded nursery and childminder provision for 0–5-year-olds, and to childcare provision for children of school age (over 5 years old)?

- Yes
- No
- Unsure

Why do you think this?

The school age childcare providers consulted were very clear that they would prefer their own inspection standards with a strong focus on play and Playwork, and, as stated before, they fear an overtly educational focus would be brought in through the shared framework.

In our view we could retain the CI framework for all providers with additional sections devoted to the essential educational outcomes relevant for funded ELC.

Section 4: Additional comments

Question 4.1: Do you have any additional comments in relation to improving inspection of ELC and school age childcare services in Scotland?

We fully understand that it is really necessary to reduce the reporting burden on ELC funded places providers, and indeed all providers, as this is still seen to be a process which is stressful and burdensome on all types of services.

We welcome the vision and principles with a caveat that they will not be worth much if not applied consistently, fairly and evenly, as set out.

As a practical person I find it difficult that a newly published, well written and designed, quality framework for care inspected services, is barely being given time to bed in before, potentially, being replaced with yet another new Framework. That is why I suggest if there are missing standards relating to educational development for ELC funded places, then they are added in relevant sections to the existing framework. I have previously, for our own quality improvement purposes, mapped across "How good is our school" "ELC" etc., and there is much already in common, such as GIRFEC, Wellbeing, SHANARRI and so on. Once these commonalities are identified and described as such across all settings (as this gives clarity also to the informal learning and development for all non-funded services too), then there may not be too many other standards left to add in their own sections.

Furthermore, in research work some years ago, we found that for early primary school there are learning through play indicators in CfE, although not widely known or used in practice. We watch with interest the outcomes of the UPSTART campaign for a play-based kindergarten stage from primary 1 and 2 in Scottish schools. Perhaps to future proof standards should this come into force, the demands of our school age childcare services that more standards should be about play, could be highly relevant here.

Respondent information

Irene Audain, Chief Executive

Scottish Out of School Care Network

Yes to sharing publicly/ with other Government departments

Date of submission 11/10/2022