

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

10th OCTOBER 2014

MEDIUM TERM SERVICE PLANNING –

**SCHOOL ADMISSION ARRANGEMENTS – FUNDING FOR PROVISION
OF NURSERY EDUCATION**

**JOINT REPORT OF THE DIRECTOR, EDUCATION & LIFELONG
LEARNING, GROUP DIRECTOR, CORPORATE SERVICES AND GROUP
DIRECTOR, COMMUNITY AND CHILDREN'S SERVICES**

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1. PURPOSE OF THE REPORT

- 1.1 This report provides Members with an update regarding the outcome of the judicial review of the phase 1 service change in respect of School Admission Arrangements. It also provides Members with options as to a way forward following the High Court's judgment that the Cabinet's decision of 8th January 2014 in relation to this service change (the "January Decision") was deemed to be unlawful in some respects.

2. RECOMMENDATIONS

It is recommended that Cabinet:

- 2.1 Note the outcome of the judicial review of the Cabinet's decision of 8th January 2014 to amend school admission arrangements; and
- 2.2 Consider whether it now wishes to initiate a further consultation in respect of the school admission arrangements service change proposal, as detailed in paragraph 5 and Appendix 1 of this report.

3. BACKGROUND

- 3.1 On the 21st October 2013 Cabinet considered a number of service change proposals (known as the 'Phase 1 proposals') and agreed to initiate a consultation on them. One of the proposals consulted on related to school admission arrangements.
- 3.2 Cabinet subsequently considered the results of that consultation process and an equality impact assessment for the proposal on the 8th January 2014. At that meeting Cabinet determined to proceed with the

proposed service change as set out in the Cabinet report of 21st October 2013, amended as follows:

That the implementation be delayed until September 2014 thereby not disrupting existing full-time attendance during the academic year and giving parents and carers more time to make any amended child care arrangements prior to the start of the September term. Also to provide full time education from the term after a child's fourth birthday rather than from the September after a child's fourth birthday as originally proposed. This will produce savings in a full year of £3.7M.

- 3.3 The January Decision was subsequently "called in" in accordance with the Council's Overview & Scrutiny Procedure Rules and a meeting of the Education and Lifelong Learning Scrutiny Committee was convened for the 20th January 2014. The committee determined not to refer the matter back to Cabinet for reconsideration.
- 3.4 The revenue budget strategy as agreed by Council on the 26th February 2014 included the financial savings estimated to arise from the January Decision during financial year 2014/15 amounting to £2.7M.

4. JUDICIAL REVIEW

- 4.1 In late February 2014 the Council received correspondence from Bindmans LLP, a firm of solicitors, who represented (at that time) two clients who considered the January Decision to be unlawful. The correspondence initiated the pre-action protocol process for judicial review.
- 4.2 The Claimants subsequently lodged an application for judicial review with the Court and that process ensued with the Council being represented by Counsel. This process culminated in a judicial review hearing on Monday 19th and Tuesday 20th May 2014. The Judge gave his judgment orally on Friday 23rd May and the official transcript was published in July 2014.
- 4.3 The judicial review claim succeeded on three of the five grounds upon which the January Decision was challenged. The result of the judicial review claim meant that the January Decision was 'quashed'.
- 4.4 The three grounds on which the claim succeeded were as follows: -
- 4.4.1 failure to have regard, or due regard, to the Council's statutory duty under section 118 of the School Standards and Framework Act 1998;
 - 4.4.2 failure to have regard, or due regard, to the Council's statutory duty under section 22 of the Childcare Act 2006; and

4.4.3 failure to have regard, or due regard, to the Council's statutory duty under section 17 and 18 of the Children Act 1989.

These statutory duties are all explained in further detail in Appendix 1 of this report.

4.5 The Council immediately lodged an initial request to appeal the judgment but this was refused by the Judge. At that time, the next stage open to the Council would have been to apply for permission to appeal to the Court of Appeal. However, it was not considered best use of public funds to pursue this as a course of action in this instance. This was agreed by Counsel.

5. SCHOOL ADMISSION ARRANGEMENTS – FUNDING FOR PROVISION OF NURSERY EDUCATION - NEXT STEPS

5.1 The judicial review judgment has clearly identified that additional information should have been presented to Cabinet as part of its decision making process in order for the January Decision to have been taken lawfully.

5.2 Members will recall that in line with their decision the original proposal, as presented, was amended to delay implementation to September 2014 and to bring forward full-time provision to the term after a pupil's 4th birthday (the original proposal having been for implementation from April 2014 and for full-time provision from the September following a pupil's 4th birthday).

5.3 A revised proposal paper has now been developed and detailed at Appendix 1 to this report. Members will note the proposal addresses the concerns Members highlighted when they took the decision to amend the original proposal (as set out in paragraph 5.2 above) in January 2014.

5.4 Appendix 1, together with a further paper attached at Appendix 2 to this report, incorporates the required additional information (referred to at paragraph 5.1 above) that would enable Cabinet in the first instance, should it resolve to do so, to initiate a consultation on the revised proposal.

5.5 The proposal outlined at Appendix 1 is based on revised admission arrangements of full-time provision from the term following a child's 4th birthday and it being implemented from September 2015.

5.6 Subject to Members' decision, it is recommended that an eight (8) week consultation be initiated on this revised proposal as detailed in Appendix 1, the results of which (together with an updated Equality Impact Assessment ('EIA')) would be reported back to Cabinet in order for it to determine whether, and if so, how it wishes to progress with the revised proposal.

- 5.7 Cabinet Members will be fully aware and mindful of the general equality duty introduced by the Equality Act 2010 and the specific public sector equality duties applicable to the Council as a local authority in Wales.
- 5.8 If a consultation process is initiated on the proposal the EIA produced prior to Members taking any final decision would consider the potential impact of the proposal, the designated protected groups and identify any potential mitigation either in place or which can be put in place to limit any impact.

6. CONCLUSION

- 6.1 Having been subject to judicial review, it was found that additional information should have been included in the report presented to Cabinet in order for them to lawfully have taken the January Decision.
- 6.2 Additional information has now been included in an amended proposal paper (Appendix 1) in order for Cabinet to decide whether in the first instance it wishes to initiate a further consultation process in respect of that proposal. The results of the consultation process, an updated EIA, and the necessary further information identified in the proposal paper would be reported back to Cabinet in order for a decision to be made on how it wishes to proceed.

APPENDIX 1

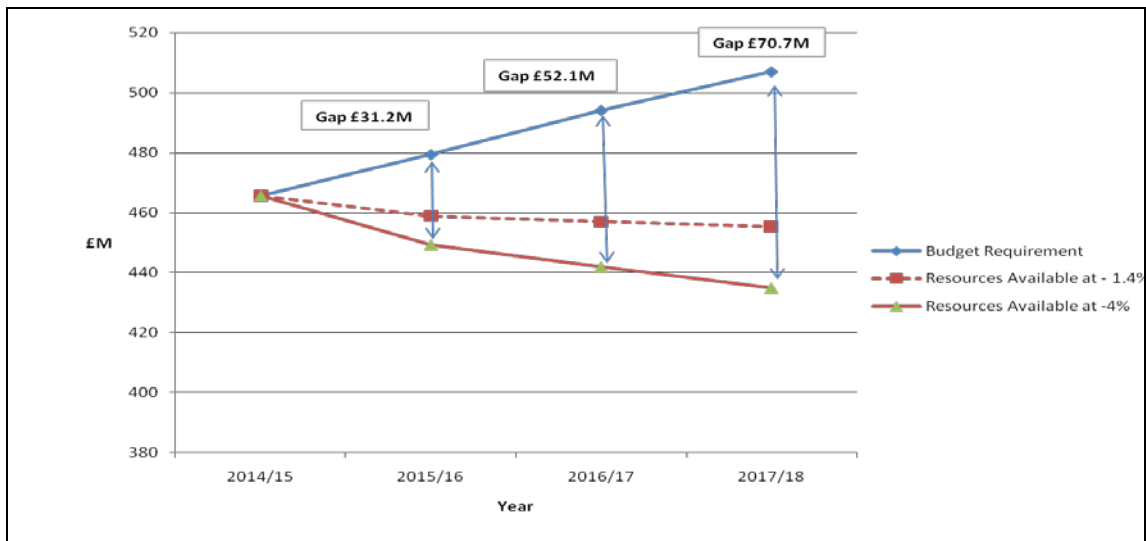
SCHOOL ADMISSION ARRANGEMENTS –

**PROPOSALS TO AMEND FUNDING FOR PROVISION OF NURSERY
EDUCATION**

1. BACKGROUND

- 1.1 On the 26th February 2014, Council approved the 2014/15 revenue budget strategy. This strategy set out the Council's response to the decrease in Welsh Government funding of -3.7% for 2014/15 and provided an update on the estimated budget shortfall over the medium term to 2017/18. The strategy will deliver a balanced budget for 2014/15 through a combination of actions. After a Council Tax increase of 4.5% for 2014/15, the budget gap of £14.4m is being addressed by:
- Delivery of £4M of efficiency savings (excluding schools)
 - Delivery of agreed Phase 1 Service Changes / Cuts totaling £5.2M in-year (as approved by Cabinet on the 8th January 2014)
 - Use of £5.2M 'Medium Term Financial Planning & Service Transformation Reserve' as transitional funding to support implementation timing of Service Changes / Cuts.
- 1.2 At the time of the Council meeting in February, the estimated budget gap over the 4 years from 2014/15 to 2017/18 was £63.4M (this is before closing the £14.4M budget gap for 2014/15, through £9.2M of permanent base budget reductions and £5.2M via 'one off' transitional funding). Cabinet have continued to receive regular updates on the projections of the Council's revenue budget position for the period to 2017/18 (current financial year 2014/15 and a 3 year projection), as part of the Council's Medium Term Service Planning arrangements.
- 1.3 The latest assessment of these projections indicates an estimated budget gap over the 3 years from 2015/16 to 2017/18 of £70.7M with an initial 2015/16 gap totalling £31.2M. This assessment continues to reflect assumptions on likely settlement levels in light of recent correspondence received from Welsh Government. The provisional Local Government Settlement itself is due to be announced on the 8th October 2014. The current projection is illustrated in Figure 1 below:

Figure 1: Medium Term Financial Planning Modelling Update (2015/16 to 2017/18)



1.4 Given the size of the budget gap faced and the timescale requirements for any implementation of service changes, Cabinet agreed to receive reports on potential service change / cut proposals as soon as these become available, given the need to balance an estimated remaining gap of over £23M (after the implementation of Phase 2 proposals, the decision taken in respect of Leisure Services and the planned delivery of £4M of efficiencies) for 2015/16.

2. **PRINCIPLES**

2.1 Notwithstanding the anticipated funding reductions, the Council remains committed to its promise to continue to deliver effective and efficient public services, stronger communities and social justice. Above all we want to make Rhondda Cynon Taf a safer, healthier and more prosperous place to live, work and learn.

2.2 The economic climate within which we find ourselves, however, means we must deliver our commitment within the context of reduced available funding. In order to assist us in ensuring our available resources and services are prioritised we will endeavour where possible to test any service change / service reduction or alternate service delivery proposals against the following guiding principles:

- I. **Services are as equitable as possible across Rhondda Cynon Taf;**
- II. **Proposals will result in a reasonable level of service remaining in place;**
- III. **Services will remain sustainable over the medium term (3 to 5 years);**

- IV. **Services will, as far as possible, be generally better or as good as the rest of Wales;**
- V. **Services will continue to meet our statutory obligations.**

3. LEGISLATIVE FRAMEWORK

- 3.1 The Council has a number of statutory duties which are relevant to this proposal which Members must be reminded of, and have in their minds, prior to initiating any consultation and before taking any final decision(s) in respect of this proposal. These are set out in detail below.

THE COUNCIL'S DUTY TO SECURE THAT THE PROVISION OF NURSERY EDUCATION IS "SUFFICIENT" FOR ITS AREA

- 3.2 Section 117 of the School Standards and Framework Act 1998 defines 'nursery education' as full-time or part-time education suitable for children who have not attained compulsory school age (whether provided at schools or elsewhere).
- 3.3 In accordance with section 118 of the School Standards and Framework Act 1998 (and regulations made thereunder) the Council must secure that the provision (whether or not by it) of nursery education for children from the term after their third birthday, is **sufficient for its area.**
- 3.4 In determining whether the provision of such education is sufficient for its area the Council:-
 - (a) may have regard to any facilities which they expect to be available outside their area for providing such education; and
 - (b) shall have regard to any guidance given from time to time by the National Assembly for Wales.
- 3.5 In 1999/2000 the former Welsh Office published guidance which set out guiding principles and targets for early years education. Although the guidance was for the year 1999/2000, it has not since been superseded. The guidance at that time made it clear that the target was to provide "free, at least half-time, good quality" education. "Half-time" meant a minimum of 10 hours a week for around the same number of weeks as the normal school year.
- 3.6 Ultimately what is "sufficient" nursery education for this Council's area is a matter of judgement for the Cabinet, based on what it considers the benefits of any particular amount of education and the particular educational needs of children of the County Borough to be.
- 3.7 The Council also has a duty under the School Standards and Framework Act 1998 to have regard to the latest Special Educational Needs (SEN) Code of Practice produced by the Welsh Ministers. As part of compliance with this duty the Council's commitment to general

principles for children with special education needs is set out in its Starting School Booklet. It is the Council's policy that the special educational needs of children, including those of pre-school age, will be identified, recorded, assessed and met as early as possible and they will be reviewed regularly.

THE COUNCIL'S DUTY TO SECURE "SUFFICIENT" CHILDCARE FOR WORKING PARENTS

- 3.8 Any change to educational provision will affect the childcare needs of those with parental responsibility. Cabinet will therefore need to consider its duty under section 22 of the Childcare Act 2006 (the '2006 Act') to "secure, so far as is reasonably practicable, that the provision of childcare (whether or not by it) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them (a) to take up, or remain in work; or (b) to undertake education or training which could reasonably be expected to assist them to obtain work."
- 3.9 The duties under the 2006 Act require the Council to shape and support the development of childcare provision in its area in order to make it flexible, sustainable and responsive to the needs of the community. The intention is to ensure that parents are able to access childcare locally that meets their needs and enables them to make a real choice about work.
- 3.10 It is not the intention of the duty to oblige the Council to meet the individual childcare needs of every working family, but to ensure that at a community level, the Council is taking strategic action with its partners to address gaps in childcare. The Council is expected to support the development of childcare where there is sufficient parental demand that a childcare setting or a child minder could operate and be sustainable. Examples of how the Council could address gaps include:
- providing training and business support to childcare providers,
 - to help providers run efficiently;
 - providing market information to providers;
 - supporting networks of and links between providers;
 - creating targeted incentives to address any gaps in the market.
- 3.11 The above represents best practice which is already being undertaken by this Council.
- 3.12 The effect of the wording "*reasonably practicable*" within the 2006 Act is to allow the Council to take into account its resources and capabilities in making decisions about when to intervene to address gaps in the childcare market. The Council is not under a duty to provide

the childcare directly (although it has the power to make provision if it so chooses).

- 3.13 When considering the sufficiency of childcare, Cabinet must have specific regard to the matters outlined in section 22(2)(a) of the 2006 Act, being (i) the needs of parents for childcare who are eligible for the childcare element of Working Tax Credit; (ii) the needs of parents for childcare in respect of which an amount of childcare costs may be included in the calculation of Universal Credit (n.b. for both (i) and (ii) parents can only claim for the costs of *registered* or *approved* childcare in this regard); (iii) the provision of childcare which is suitable for disabled children and (iv) the provision of childcare involving the use of the Welsh language.
- 3.14 Cabinet will also need to have regard to Welsh Assembly guidance when considering its statutory duty under s.22 of the 2006 Act. The particular relevant points from the guidance in addition to the matters already set out in the statute itself, and of particular relevance for this report, state that:
- i. Local authorities should consider the particular issues around access to childcare for black and other ethnic minority parents, lone parents and those making the transition to work, including those training.
 - ii. Local authorities will also need to consider availability of childcare to support parents working atypical hours.
 - iii. Local authorities are required to secure childcare of sufficient duration and reliability to enable parents to make a real choice about work. Local authorities are required to act to secure sufficient childcare that is registered by the Care and Social Services Inspectorate Wales.
- 3.15 As part of these duties a Childcare Sufficiency Audit must be completed on a triennial basis, complemented by an annual refresh. On the 23rd June 2014 Cabinet agreed the Council's Childcare Sufficiency Audit 2014-2017 triennial plan (the 'CSA'). The outcomes are critical for the forward planning of childcare, workforce development and Flying Start Services. Cabinet also agreed the 2014-2015 Childcare Development Delivery plan. The plan identifies eleven key priorities that will drive partnership work over the next three years to ensure that there is even more childcare available in areas of identified need and the sustainability of existing childcare businesses is supported more effectively. Having recently considered and approved both documents Members will appreciate their importance and particular relevance to this proposal.
- 3.16 If Cabinet decides to initiate a consultation on the proposal, the question whether the proposal enables the Council to meet its "childcare sufficiency" duty would need further investigation by officers; and the results of that investigation would be reported back to

Members in order that they could be taken into account before any final decision was reached. Officers would need to investigate further what childcare needs would be created by the proposal; and what provision is either in place to meet them now, or could be put in place (and within what timeframe it could be put in place).

- 3.17 Should Cabinet decide to initiate a consultation on the proposal officers will make a detailed assessment of what the childcare needs would be as a result of the proposal being implemented (on the understanding that the assessment is necessarily provisional). i.e.
- i. Officers would look at the picture in each individual area within the authority, as broken down by area in the CSA;
 - ii. They would make an assessment of what needs are likely to arise in each area, on the basis of the number of schools in each area that are expected to go on providing full-time education, even if education is only funded part-time;
 - iii. They would compare that need against the childcare provision picture for each area, as set out in the CSA;
 - iv. They would contact a sample of schools/childcare providers to see what the possibilities are in each area for childcare to be put in place, and by when it could be put in place, bearing in mind the regulatory requirements that need to be met before childcare can be provided;
 - v. They would consider, inter alia, the picture for disabled children; childcare in respect of which the childcare element of working tax credit is payable (or, if applicable, childcare costs which may be included in the calculation of Universal Credit); and childcare involving the use of the Welsh language;
 - vi. They would also consider issues around access to childcare for black and other ethnic minority families, lone parents, and those making the transition to work.

THE COUNCIL'S DUTY IN RESPECT OF CHILDREN IN NEED

- 3.18 The Council also has duties under section 17 and 18 of the Children Act 1989 ('the 1989 Act'). It is the duty of this Council to (a) safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.
- 3.19 For the purposes of the 1989 Act "children in need" are defined as follows:

A child shall be taken to be in need if-

- (a) He/She is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard

of health or development without the provision for him/her of services by a local authority;

(b) His/Her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services, or

(c) He/She is disabled.

3.20 Under section 18 of the 1989 Act the Council must provide such day care for children in need within their area who are (a) aged five or under; and (b) not yet attending schools, as is appropriate. In particular regard must be had to the duty under s.18(5) to provide for children in need within its area, who are attending any school, such day care or supervised activities as is appropriate outside school hours.

3.21 The Council currently fulfils both the target duty under section 17 of the 1989 Act, and its duty under section 18 of the 1989 Act to provide "appropriate" day care for children in need, through a range of services which identify children that are in need within its area, and provide care for them. For instance: -

(1) Where a child resides in a designated Flying Start area they would have access to the Council's Flying Start programme from birth, which offers, inter alia, 12.5 hours per week of free high quality childcare.

(2) Children who are assessed to be at risk may have an agreed amount of childcare purchased on their behalf from the Council's budget to meet its duties under section 17 of the 1989 Act. The Council's Early Years and Family Support Service will find placements for children on request from social workers amongst a range of childcare providers.

(3) The Council provides childcare itself through five nurseries, four of which are in more deprived areas of the County Borough.

(4) There is a wide range of additional services available within the Council's area to meet the needs of pre-school "children in need", including specific day care needs.

3.22 The care needs of individual families with children in need will inevitably be affected by their particular circumstances at any given point in time and by the particular local services available to them at that point. The Council works with these individual families to identify the specific needs of any child determined to be in need at that point in time.

3.23 Any change in provision of nursery education from full-time to part-time will create an extra need for day care and/or supervised activities for

children in need for the remainder of the day. If Cabinet decides to initiate consultation on the proposal, officers will be undertaking further work to identify the particular requirements of children in need, so that they can be taken into account when any final decision is taken.

ERADICATING CHILD POVERTY & THE UNITED NATIONS CONVENTION ON THE RIGHTS OF A CHILD

3.24 Under the Children and Families (Wales) Measure 2010 the Council must: -

- (a) prepare and publish a strategy for contributing to the eradication of child poverty which the Council has done through the adoption of the Single Integrated Plan. Cabinet Members will, of course, be familiar with the content of this plan and its predecessor, the Children and Young People's Plan 2011 - 2014; and
- (b) take all reasonable steps to perform the actions and functions set out in the strategy for the eradication of child poverty. The actions and functions, and the steps the Council has done and will take to perform them, are again set out in the Single Integrated Plan.

3.25 It is a priority of the Council, and its partner organisations of the Rhondda Cynon Taf Local Service Board, to engage with families who have any additional needs as early as possible to support them to make the most of family life and reach their full potential. If Cabinet decides to initiate consultation on the proposal, further consideration of the effect of the proposal for issues of child poverty and social deprivation will be considered (whether as part of the Council's EIA, or otherwise).

3.26 The Council has also used as a basis for developing its priority of ensuring that the future generations of Rhondda Cynon Taf live in a safe, healthy and prosperous County Borough the shared set of rights for children and young people set out in the United Nations Convention on the Rights of a Child. A link to a summary of these rights is provided below: -

[Summary of United Nations Convention on the Rights of a Child](#)

3.27 Should Cabinet resolve to initiate a consultation in relation to any proposal the consultation process would be specifically tailored so that the Council can obtain relevant information on the particular matters set out at paragraphs 3.2 - 3.25 above, which would then be reported back to Members in order to assist them with any decision they may subsequently take.

4. CURRENT ARRANGEMENTS

4.1 Under the Council's current school admission arrangements, the level of provision is generally full time. The Council tries to ensure this provision is available at a maintained school within the family's school catchment area or, if available, offer places in neighbouring schools.

4.2 It is not compulsory for children to start school until the term following their 5th birthday. Therefore, attendance between the age of 3 to the term following the child's 5th birthday is optional to parents (Section 8 of the Education Act 1996).

4.3 A child therefore becomes of compulsory school age at one of the three dates in the year following their 5th birthday (Start of Compulsory School Age Order 1998 S.I. 1998 No. 1607):

Child Date of Birth	Compulsory Date to Start School
1 April – 31 August	1 September
1 September – 31 December	1 January
1 January – 31 March	1 April

4.4 RCT currently has inconsistent school entry arrangements being adopted across its infant and primary schools depending on available capacity. These being:

- start school the day after their 3rd birthday
- start School the term after their 3rd birthday
- start School in the September following their 3rd birthday

Schools which fall into each of these categories can vary from year to year.

4.5 The latest Starting School Booklet (2015/16) outlining admissions policy was published in September 2014.

4.6 The Academic Year

Year	Age During Academic Year
Pre Nursery	3
Nursery	4
Reception	5
Yr1	6
Yr2	7
Yr3	8
Yr4	9
Yr5	10
Yr6	11

5. SERVICE REVIEW - INITIAL LONG LIST OF OPTIONS

5.1 A long list of options for change was considered in respect of the proposed changes to funding arrangements and to enable cost savings to be realised to assist in closing the budget gap faced by the Council. This initial list is detailed below:

1. Status Quo
2. Full time the term after the child's 3rd Birthday
3. Part time (half day) the term after the child's 3rd birthday and Full time Nursery
4. Part time (half-day) the term after the child's 3rd birthday and Part time (half-day) Nursery and Full time Reception
- 4a. Option 4 plus 50% play facility funded by the Council
- 4b. Option 4 plus 50% play facility chargeable to the parent
5. Part time (half-day) the term after the child's 3rd birthday and full time the term after the child's 4th birthday
6. Part time (half-day) the term after the child's 3rd birthday, part time (half-day) Nursery and Part-time Reception to term after 5th birthday
7. Single point admission in the September following the child's 3rd birthday (full time)
8. Single Point admission in the September following the child's 3rd birthday part time (half-day) nursery and full time Reception
9. Single point admission in the September following the child's 3rd birthday with part time (half-day) nursery and initial part time (half-day) Reception transferring to full time Reception the term following the child's 5th birthday

5.2 Appendix 1A illustrates the level of provision for each option.

5.3 Appendix 1B provides an analysis of the consideration of each option.

5.4 The proposed preferred option is option 5.

6. PREFERRED OPTION PROPOSAL

6.1 It is proposed that we seek to amend the way in which school entry arrangements (subject to school capacity) are funded across all of our schools.

6.2 The proposed funding arrangement should be based on:

- Part-time (half day) (15 hours per week) provision from the term after a child's 3rd birthday (pre-nursery and nursery);
- Full-time (30 hours per week) provision from the term after a child's 4th birthday (nursery and reception); and

- Funding up to 15 hours per week (subject to capacity) of nursery provision in private, voluntary or independent registered education providers from the term following the child's third birthday where there is no suitable availability within a school (n.b. in this context 'suitability' shall relate to the availability of a place at a school which, in the Council's opinion, is within a reasonable radius of the child's ordinary place of residence i.e. where those with parental responsibility for the child live).
- 6.3 Under the proposal children already in receipt of full-time nursery provision (during the 2014 - 2015 academic year) would continue to be funded for full-time provision.
- 6.4 Whilst actual arrangements for initial school entry are effectively a matter for individual headteachers under the Local Management of Schools Scheme, it is proposed that the way in which the Council funds schools would be in line with the above criteria.
- 6.5 Members will, of course, be aware as a result of the decision they took in January that some schools may decide to continue to offer and fund full-time nursery provision in any event, funding from within their allocated budget, and this is a matter for each governing body to determine.
- 6.6 At Appendix 2 to this report the Director, Education and Lifelong Learning has produced a detailed assessment of what he considers is a sufficient amount of nursery education provision for children from the term after their third birthday who reside in Rhondda Cynon Taf to be. Members will note from the assessment that in his opinion this proposal, should it be implemented, would ensure the Council continues to meet its statutory obligations as to the provision of sufficient nursery education for RCT.
- 6.7 Therefore whilst this proposal (in relation to funding provided for nursery education provided in a maintained setting) would result in a reduction to the Council's current arrangements it still represents a service provision of nursery education, judged in officers' opinion, to be sufficient for the Council's area and thus compliant with the Council's statutory duty. Clearly Cabinet would need to satisfy themselves that this proposal, should it be implemented, would comply with the Council's statutory duty in this regard also.
- 6.8 The proposal would see the removal of the provision of home to school transport and school meal provision for part-time pupils.
- 6.9 It is proposed that should Cabinet subsequently decide to proceed with the proposal that implementation take effect from 1st September 2015.

7. PREFERRED OPTION - DETAILS

7.1 Part time the term after the child's 3rd birthday, full time the term after the child's 4th birthday full time Reception

Option	3rd Birthday By:	Pre Nursery			Nursery			Reception		
		Age 3 In Year			Age 4 In Year			Age 5 In Year		
		Sept	Jan	Apr	Sept	Jan	Apr	Sept	Jan	Apr
Current Arrangements (where capacity allows)	Dec	FT	FT	FT	FT	FT	FT	FT	FT	FT
	Mar	NO	FT	FT	FT	FT	FT	FT	FT	FT
	Aug	NO	NO	FT	FT	FT	FT	FT	FT	FT
Recommended:- PT term after 3 FT term after 4 FT Rec Sept	Dec	NO	PT	PT	PT	FT	FT	FT	FT	FT
	Mar	NO	NO	PT	PT	PT	FT	FT	FT	FT
	Aug	NO	NO	NO	PT	PT	PT	FT	FT	FT

NO = No admission
PT = Part Time
FT = Full Time

- 7.2 Pupils would therefore start school the term following their 3rd birthday on a part time basis and would become full-time during the Nursery year, the term following their 4th birthday and continue into Reception on a full time basis. Where schools are unable to offer pre-nursery admission due to capacity issues (and therefore would not be able to offer the new minimum admissions arrangements) then alternative provision would be offered at another school or through a private provider.
- 7.3 This approach would still be as generous as the level of provision provided in the majority of Councils across Wales.
- 7.4 School budgets are mainly funded based on pupil numbers therefore it would reduce the funding requirements at a school level with a budget reduction across all schools amounting to £2.061M.
- 7.5 Pupil number reductions at individual schools would be dependent upon actual pupil numbers and dates of birth as at the determined date of implementation.
- 7.6 Whilst the proposal relates to the basis on which the Council will provide funding to schools, it is ultimately the responsibility of individual school governing bodies to determine their own budgets and spending plans and as previously noted they may decide to continue with full-time provision subject to their individual budgetary positions.

- 7.7 Schools may wish to consider (if capacity allows) implementing a playgroup or Meithrin session in the School. This would however be dependent on a Governing Body decision. Assistance can be provided by the Council, if required, in respect of setting up such a provision.

FINANCIAL APPRAISAL

- 7.8 Individual School Budgets (ISB) are prepared on a Financial Year basis therefore all options have been modelled on the financial year 2014/15. Using the data averaged over the admissions count of January 2014, June 2014, September 2014 and January 2015 to implement the new options would result in the following savings as compared to the 2014/15 ISB.
- 7.9 Only compulsory age school children's Free School Meals are components of the Revenue Support Grant (RSG), with Pre Nursery and Nursery Children's Free School Meals being an unfunded cost to the Council. Therefore if Nursery children become part time and do not have a school meal the Council would save approximately £105k.

Saving Analysis

Option		Saving
		£'000
	Part time the term after the child's 3 rd birthday, full time the term after the child's 4 th birthday	£2,061
	Saving on Free School Meals	£105
	Total Saving	£2,166

- 7.10 As the proposal results in a reduction in full time equivalent pupil numbers the saving is not compromised by the continuation of previous school protection requirements.

Transition Savings

- 7.11 In order to implement the new admissions procedure there are two approaches that can be considered. i.e.
- a. **Fully implement** - i.e. if the new procedure was implemented in September 2015 then the pre-nursery and nursery children who have already accessed a full time place the previous term, would revert to

part time. Therefore, all nursery children would be part-time from the Autumn term (September) 2015.

- b. **Phased (Preferred option)** - i.e. those children already in pre-nursery or nursery would continue their 100% place and only those new starters from September 2015 would commence on a part-time basis. Therefore, schools would have a mixed pre-nursery and nursery provision of full and part-time children for the first two years of transition.

7.12 Both these options can be implemented at the start of the 3 term dates during the Academic Year.

The following table shows the phased savings over the Financial Years 2015/16 and 2016/17:-

Option		Implementation Date	2015/16	2016/17	Total
			Gross Annual Saving £'000	Gross Annual Saving £'000	Gross Annual Saving £'000
a	Fully Implement	September 2015	1,477	689	2,166
b	Phase-in	September 2015	1,330	836	2,166

Figures are based on 2014/15 actual and estimated pupil count data

APPENDIX 1A – ADMISSIONS MATRIX INITIAL LONG LIST

Option	3rd Birthday By:	Pre Nursery			Nursery			Reception		
		Age 3 In Year			Age 4 In Year			Age 5 In Year		
		Sept	Jan	Apr	Sept	Jan	Apr	Sept	Jan	Apr
1 Status Quo (Current) FT day after 3	Dec	FT	FT	FT	FT	FT	FT	FT	FT	FT
	Mar	NO	FT	FT	FT	FT	FT	FT	FT	FT
	Aug	NO	NO	FT	FT	FT	FT	FT	FT	FT
2 FT term after 3	Dec	NO	FT	FT	FT	FT	FT	FT	FT	FT
	Mar	NO	NO	FT	FT	FT	FT	FT	FT	FT
	Aug	NO	NO	NO	FT	FT	FT	FT	FT	FT
3 PT term after 3 FT Nurs Sept	Dec	NO	PT	PT	FT	FT	FT	FT	FT	FT
	Mar	NO	NO	PT	FT	FT	FT	FT	FT	FT
	Aug	NO	NO	NO	FT	FT	FT	FT	FT	FT
4 PT term after 3 PT Nurs Sept FT Rec Sept	Dec	NO	PT	PT	PT	PT	PT	FT	FT	FT
	Mar	NO	NO	PT	PT	PT	PT	FT	FT	FT
	Aug	NO	NO	NO	PT	PT	PT	FT	FT	FT
5 PT term after 3 FT term after 4 FT Rec Sept	Dec	NO	PT	PT	PT	FT	FT	FT	FT	FT
	Mar	NO	NO	PT	PT	PT	FT	FT	FT	FT
	Aug	NO	NO	NO	PT	PT	PT	FT	FT	FT
6 PT term after 3 PT Nurs FT term after 5	Dec	NO	PT	PT	PT	PT	PT	PT	FT	FT
	Mar	NO	NO	PT	PT	PT	PT	PT	PT	FT
	Aug	NO	NO	NO	PT	PT	PT	PT	PT	PT
7 FT Sept after 3	Dec	NO	NO	NO	FT	FT	FT	FT	FT	FT
	Mar	NO	NO	NO	FT	FT	FT	FT	FT	FT
	Aug	NO	NO	NO	FT	FT	FT	FT	FT	FT
8 PT Sept after 3 FT Rec Sept	Dec	NO	NO	NO	PT	PT	PT	FT	FT	FT
	Mar	NO	NO	NO	PT	PT	PT	FT	FT	FT
	Aug	NO	NO	NO	PT	PT	PT	FT	FT	FT
9 PT Sept after 3 FT Year 1	Dec	NO	NO	NO	PT	PT	PT	PT	FT	FT
	Mar	NO	NO	NO	PT	PT	PT	PT	PT	FT
	Aug	NO	NO	NO	PT	PT	PT	PT	PT	PT

NO = No admission
PT = Part Time
FT = Full Time

APPENDIX 1B

INITIAL LONG LIST OF OPTIONS

Option		Advantages	Disadvantages	Recommended Option Yes/No
1	Status Quo	<ul style="list-style-type: none"> ○ Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement ○ Parents are able to return to work full-time in the term during their child's third birthday ○ Early identification of children with additional learning needs ○ Early access to free school meals for vulnerable children would have a positive impact on well-being ○ Access to home to school transport would encourage regular attendance at school 	<ul style="list-style-type: none"> ○ Some disruption to the Class due to continuous entry of three year olds throughout the year ○ Staffing levels may not remain constant as there may be a need to appoint additional support staff during the academic year 	No

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2	Full time the term after the Child's 3 rd Birthday	<ul style="list-style-type: none"> ○ Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement ○ Parents are able to return to work full-time the term following their child's third birthday ○ Early identification of children with additional learning needs ○ Early access to free school meals for vulnerable children would have a positive impact on well-being ○ Access to home to school transport would encourage regular attendance at school 	<ul style="list-style-type: none"> ○ Some disruption to the Class due to termly entry of three year olds throughout the year ○ Staffing levels may not remain constant as there may be a need to appoint additional support staff during the academic year 	No
3	Part time (half day) the term after the Child's 3 rd birthday and Full time Nursery from September	<ul style="list-style-type: none"> ○ Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement ○ Some parents may be able to return to work part-time the term following their child's third birthday. All parents can return to work from September. Early identification of children with additional learning needs ○ Early access to free school meals for vulnerable children would have a positive impact on well-being ○ Access to home to school transport would encourage regular attendance at school 	<ul style="list-style-type: none"> ○ Some disruption to the Class due to termly entry of three year olds throughout the year ○ Pre-nursery children who are entitled to free school meals and home to school transport would not be able to access them until they commence Nursery in the September Term 	No

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4	Part time (half day) the term after the Child's 3 rd birthday and Part time (half day) Nursery from September and Full time Reception	<ul style="list-style-type: none"> o Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement o Some parents may be able to return to work part-time the term following their child's third birthday. Early identification of children with additional learning needs 	<ul style="list-style-type: none"> o Nursery children who are entitled to free school meals would not be able to receive them o Nursery children who are entitled to home to school transport would not be able to access it o Children "at risk" may face greater risk at home due to not being in school full-time until Reception Year. o Parents may not be able to return to work prior to the reception year unless they can access childcare (or additional childcare). 	No
4a	Part time (half day) the term after the Child's 3 rd birthday and Part time (half day) Nursery from September and Full time Reception Plus half day Play funded by Council	<ul style="list-style-type: none"> o Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement o Parents can return to work full-time basis the term following their child's third birthday o Early identification of children with additional learning needs o Early access to free school meals for vulnerable children would have a positive impact on well-being o Access to home to school transport would encourage regular attendance at school o Opportunity for children to remain in same environment for whole day 	<ul style="list-style-type: none"> o Disruption of teaching staff from morning to afternoon o Some schools may decide not to offer the Play facility and would cause an inequitable spread across the Authority o Place an administrative burden on the School/Authority to run the play facility o Place additional responsibility on School/Authority for registering the play setting to CSSIW and regular inspections etc 	No

<p>4b</p>	<p>Part time (half day) the term after the Child's 3rd birthday and Part time half day) Nursery from September and Full time Reception. Plus half day play charged to the parent.</p>	<ul style="list-style-type: none"> ○ Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement ○ Parents who can afford childcare can return to work full time. Parents who cannot afford childcare may be able to return to work part-time the term after their child's third birthday. ○ Early identification of children with additional learning needs ○ Early access to free school meals for vulnerable children would have a positive impact on well-being ○ Access to home to school transport would encourage regular attendance at school ○ Opportunity for children to remain in same environment for whole day ○ Revenue / income opportunity for School/Authority 	<ul style="list-style-type: none"> ○ Disruption of teaching staff from morning to afternoon ○ Some schools may decide not to offer the Play facility and would cause an inequitable spread across the Authority ○ Place an administrative burden on the School/Authority to run the play facility ○ Place additional responsibility on School/Authority for registering the play setting to CSSIW and regular inspections etc ○ Placing an additional financial burden on the parent for the half day play facility which may result in many children not using the facility due to parents affordability ○ Parents may not be able to return to work prior to the reception year unless they can access childcare (or additional childcare). 	<p>No</p>
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5	Part time (half-day) the term after the Child's 3rd birthday and full time the term after the child's 4th birthday	<ul style="list-style-type: none"> ○ Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement ○ Some parents may be able to return to work part-time the term following their child's third birthday. ○ Early identification of children with additional learning needs 	<ul style="list-style-type: none"> ○ Some disruption to the Class due to termly entry of three year olds throughout the year and the existing pupils becoming full time during the year ○ Nursery children who are entitled to free school meals would not be able to receive them until the term after their 4th birthday ○ Nursery children who are entitled to home to school transport would not be able to access it until the term after their 4th birthday ○ Children "at risk" may face greater risk at home due to not being in school full-time until the term after their 4th birthday ○ Parents may not be able to return to work prior to the term following their child's fourth birthday unless they can access childcare (or additional childcare). 	Yes
6	Part time (half day) the term after the Child's 3 rd birthday, part time (half day) Nursery and part time (half day) Reception until the term after the child's 5 th birthday	<ul style="list-style-type: none"> ○ Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement ○ Some parents may be able to return to work part-time the term following their child's third birthday. ○ Early identification of children with additional learning needs 	<ul style="list-style-type: none"> ○ Delayed access to free school meals for vulnerable children would have a negative impact on well-being ○ Delayed access to home to school transport would not assist and/or encourage regular attendance at school ○ Reduction in the hours of schooling may have a negative impact on the pace of learning, progress and achievement 	No

			<p>especially in respect of the new Statutory Literacy and Numeracy Framework which starts at Reception</p> <ul style="list-style-type: none"> ○ Standards in Welsh medium schools may be compromised if the opportunity for education provision is limited, the expected level of Welsh Literacy by the end of Foundation Phase may not be achieved. ○ Parents may not be able to return to work prior to the term following their child's fifth birthday unless they can access childcare (or additional childcare). 	
7	Single point admission in September - Full time Nursery	<ul style="list-style-type: none"> ○ Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement ○ Parents are able to return to work full-time the September following their child's third birthday ○ Early identification of children with additional learning needs ○ Early access to free school meals for vulnerable children would have a positive impact on well-being ○ Access to home to school transport would encourage regular attendance at school 	<ul style="list-style-type: none"> ○ Not offering a pre Nursery would delay children commencing school and may have a negative impact on progress. ○ Children "at risk" may face greater risk at home due to a delayed start in school 	No

8	Single point admission in September - Part time nursery	<ul style="list-style-type: none"> ○ Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement ○ Some parents may be able to return to work part-time the term following their child's third birthday. ○ Early identification of children with additional learning needs 	<ul style="list-style-type: none"> ○ Delayed access to free school meals for vulnerable children would have a negative impact on well-being ○ Delayed access to home to school transport would not assist and encourage regular attendance at school ○ Parents may not be able to return to work unless they can access childcare (or additional childcare). 	No
9	Single point admission in September - Part time (half day) nursery and reception with phased full-time reception the term after children turn 5.	<ul style="list-style-type: none"> ○ Early establishment of relationships between parents and the school impacts on pupils well-being, progress and achievement ○ Some parents may be able to return to work part-time the term following their child's third birthday. ○ Early identification of children with additional learning needs 	<ul style="list-style-type: none"> ○ Delayed access to free school meals for vulnerable children would have a negative impact on well-being ○ Delayed access to home to school transport would not assist and encourage regular attendance at school ○ Reduction in the hours of schooling may have a negative impact on the pace of learning, progress and achievement, especially the new Statutory Literacy and Numeracy Framework which starts at Reception. ○ Standards in Welsh medium schools may be compromised if the opportunity for education provision is limited, the expected level of Welsh Literacy by the end of Foundation Phase may not be achieved. ○ Parents may not be able to return to work unless they can access childcare 	No

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			(or additional childcare).	
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Appendix 2

A Paper to enable the Council's Cabinet to consider whether the proposal as outlined below and in the report would comply with the Council's legal duty in respect of section 118 of the School Standards and Framework Act 1998

Introduction

The legislative framework in respect of this proposal is set out at paragraph 3 of Appendix 1 to the report. Of particular relevance to this paper is the Council's duty to comply with section 118 of the School Standards and Framework Act 1998 (the 'Act'). The duty set out in the Act is detailed at paragraphs 3.3 – 3.4 of Appendix 1 to the report and repeated below.

Section 117 of the Act defines 'nursery education' as full-time or part-time education suitable for children who have not attained compulsory school age (whether provided at schools or elsewhere).

In accordance with section 118 of the Act (and regulations made thereunder) the Council must secure that the provision (whether or not by it) of nursery education for children from the term after their third birthday, is **sufficient for its area**.

In determining whether the provision of such education is sufficient for its area the Council:-

- (a) may have regard to any facilities which they expect to be available outside their area for providing such education; and
- (b) shall have regard to any guidance given from time to time by the National Assembly for Wales.

Current position

In Rhondda Cynon Taf Nursery provision for the majority of 3 year olds is provided in schools either part time or full time depending on local school arrangements. Where there is no suitable availability within a school in the local area the Council funds 10 hours of provision in private, voluntary or independent registered providers from the term following their third birthday.

The proposal

The Council is proposing to change the way in which it funds nursery provision (English and Welsh medium) as follows:

- Three year olds – fund 15 hours per week of nursery provision from the term following their third birthday, in school based nursery provision;
- Four year olds – fund 30 hours per week of nursery provision from the term following their fourth birthday, in school based nursery provision, where there is capacity in a school to do so; and
- Fund up to 15 hours per week (subject to capacity) of nursery provision in private, voluntary or independent registered education providers from the term following their third birthday where there is no suitable availability within a school (n.b. in this context ‘suitability’ shall relate to the availability of a place at a school which, in the Council’s opinion, is within a reasonable radius of the child’s ordinary residence i.e. where those with parental responsibility for the child live).

The key **issue** this paper seeks to address is whether the **above** nursery provision is sufficient for Rhondda Cynon Taf.

For the purposes of fulfilling the Council’s duty under section 118 of the Act, as Director of Education and Lifelong Learning, I consider the Council should adequately address the following questions:

- i. Are there “sufficient” nursery education places across the County Borough to meet the demand for nursery places?;
- ii. Is the entitlement of 15 hours of nursery provision per week, and 30 hours per week from the term following a fourth birthday, over no fewer than 38 weeks of the year, up to the date a child reaches compulsory school age, “sufficient” to meet the educational needs of nursery aged children in Rhondda Cynon Taf?; and
- iii. Is the nursery provision available “sufficient” in terms of quality?

There is no definition of “sufficient” set out in the Act.

(i) Are there “sufficient” nursery education places across the County Borough to meet the demand for nursery places?

It is important for Members to note that nursery education is not compulsory for children and they do not have to start school until the term following their 5th birthday. Therefore, attendance between the age of 3 to the term following the child’s 5th birthday is at the discretion of the parents (Section 8 of the Education Act 1996).

A child becomes of compulsory school age at one of the three dates in the year following their 5th birthday (Start of Compulsory School Age Order 1998 S.I. 1998 No. 1607). Figure 1 depicts when a child would start school depending on the month of their birthday:

Figure 1

Child's Date of Birth	Compulsory Date to Start School
1 April – 31 August	1 September
1 September – 31 December	1 January
1 January – 31 March	1 April

Within Rhondda Cynon Taf there are currently mixed full time/part time admissions arrangements being adopted across infant and primary schools depending upon available capacity in the school maintained sector. The common admission arrangements for English and Welsh medium provision are as follows:

- start school the day after their 3rd birthday.
- start School the Term after their 3rd birthday.
- start School in the September following their 3rd birthday.

Based on current pupil rolls, there are approximately 2,800 children per year group in our primary schools and the Council currently provides a total of 3315 full-time nursery places in our schools. According to the January 2014 Pupil Level Annual School Census, there were 3,454 nursery aged pupils on roll, utilising 139 surplus places in the statutory education provision of the school; this figure is higher than the capacity quoted above as many schools use surplus capacity available in their buildings to cater for additional nursery aged children.

There were almost 5,000 surplus places at Primary schools across the County Borough in January 2014. Although the majority of our schools are able to meet all demand for nursery places in their local area, there are some parts of the County Borough, in particular the southern area and the 'M4 corridor' where school capacity in general is limited.

Where nursery places are not available at a school because its capacity has been reached, parents can access places with registered, non-maintained (private) nursery providers. Within Rhondda Cynon Taf there are 19 such registered nursery education providers in the private, voluntary and independent sector (PVI) who can also offer 400 part-time places, with the Council currently funding a maximum of 10 hours per week.

Currently the Council can provide nursery education provision, primarily in the school, across the County Borough that is "sufficient" to meet the required supply of nursery provision for both English and Welsh medium provision.

If the Council were to consider changing the current provision from funding full time provision (approximately 30 hours per week) to funding part-time, 15 hours per week, this would have no adverse impact on the availability of nursery education places in the County Borough. This was evident from the effect of the January decision of the Council's Cabinet to reduce the funding of full-time nursery places to part-time, 15 hours per week only, where schools, which are the majority provider, continued to maintain the number of nursery places available.

If the Council was **to fund nursery provision for a maximum of 15 hours per week**, the Council could ensure that it can provide nursery education provision across the County Borough that is "sufficient" to meet the required supply of nursery places.

(ii) Is the entitlement of 15 hours of nursery provision per week, and 30 hours per week from the term following a child's fourth birthday, over no fewer than 38 weeks of the year, up to the date a child reaches compulsory school age, "sufficient" to meet the educational needs of nursery aged children in Rhondda Cynon Taf?

Current UK policy

Research across the world indicates that pre-school (pre-compulsory) education improves all children's development. Children with no pre-school experience had poorer cognitive attainment, sociability and concentration when they started primary school. Furthermore, research tells us that high quality early years provision can help to narrow the attainment gap between disadvantaged children and their more affluent peers.

Since devolution in 1999, Welsh Government's early years focus has been on:

- childcare provision for 2 year olds in areas of high deprivation (Flying Start); and
- the introduction of the Foundation Phase Curriculum for 3 to 7 year olds.

There has been little policy development on nursery education in Wales. In 1999/2000 the former Welsh Office published guidance which set out guiding principles and targets for early years education. Although the guidance was for the year 1999/2000, it has not since been superseded. The guidance at that time made it clear that the target was to provide "free, at least half-time, good quality" education. "Half-time" meant a minimum of 10 hours a week for around the same number of weeks as the normal school year.

However, the UK Government has been considerably more proactive in developing the entitlement to nursery education provision in England. English local authorities are required by legislation to:

"secure early years education places offering 570 hours a year over no fewer than 38 weeks of the year (15 hours per week) for every child in their area,

from the term following their third birthday, until the child reaches compulsory school age (the beginning of the term following their fifth birthday)."

This entitlement is prescribed and local authorities must provide it. In England the "sufficiency" element of section 118 of the Act has been repealed. In prescribing the 15 hours per week, the UK Government has taken away the LEA's judgement as to what is "sufficient" and has determined on their behalf what it considers is "sufficient" for children resident in England.

Since the introduction of Section 7 of the Childcare Act 2006 (and the regulations made thereunder), which places a duty on English local authorities to secure the 15 hours of nursery education provision, the UK Government has not sought to increase the prescribed hours of provision but to increase the number of children that receive free nursery provision.

In December 2013 it determined that all English local authorities are required by legislation to:

"secure early education places offering 570 hours a year over no fewer than 38 weeks of the year (15 hours per week) for every eligible child in their area, from the term following their second birthday, where a child is eligible if they are looked after by the local authority or they come within the criteria used to determine eligibility for Free School Meals.

This new development (which came into force on 1st September 2014) coupled with the prescribed 15 hours for three and four year olds forms a strong evidence base that the 15 hours of nursery education provision is "sufficient" to meet the specific education nursery needs of children in England including vulnerable groups.

Research conclusions

A key piece of independent research carried out in 2004, which UK national governments have used in developing their early years policies, is "The Effective Provision of Pre-School Education (EPPE) Project" undertaken by the Universities of Oxford, London and Nottingham. The key findings of this report are as follows:

- pre-school (nursery) experience, compared to none, enhances all round development in children;
- duration of attendance (in months) is important; an earlier start (under 3 years) is related to better intellectual development;
- full time attendance led to no better gains for children than part-time provision;
- disadvantaged children benefit significantly from good quality pre-school experiences, especially when they are with a mixture of children from different social backgrounds.

The EPPE project was the first major longitudinal study of a sample of young children's development (intellectual and social/behavioural) between the ages of 3 and 7 years. The project has become well known for its contribution to

“evidence based policy” in early years education and care. Its findings are robust and widely used because they are based on sound and innovative research methods.

A different study in the US¹ has concluded that full-time nursery attendance leads to some gains in reading and maths for children from lower-income families, and few detrimental effects in social development. However: (i) this is a study of outcomes in the US, rather than the UK; and (ii) the same study also concluded that full-time attendance led to no cognitive gains and negative behavioural impact for children from higher-income families.

Local Context - understanding the needs of the child population of Rhondda Cynon Taf, education performance and comparisons with other neighbouring councils with similar child needs

To better understand the key factors affecting children in Rhondda Cynon Taf this paper makes use of the Welsh Index of Multiple Deprivation – Child Index (the ‘Child Index’). The Child Index is the official measure of relative deprivation for small areas in Wales for children. The indicators included in the Child Index are focused on the child population and the types of deprivation which might be expected to affect them.

The Child Index refers to the different types of deprivation, and seven types of deprivation are included: income; education; health; community safety; geographical access to services, housing and physical environment.

The Child Index defines the most deprived local authority as the authority with the greatest fraction of its lower super output areas (LSOAs) in the most deprived 10% of all LSOAs in Wales. The local authorities with the highest percentage of LSOAs in the most deprived 10% in Wales, as determined by the Child Index (2011), are:

- Cardiff – 22.2%
- Newport – 18.1%
- Merthyr Tydfil – 16.7%
- Rhondda Cynon Taf – 15.8%

Of the local authorities that have the greatest proportion of the area considered to be deprived, measured as those local authorities having the highest percentage of their LSOAs in the most deprived 50% in Wales, the results are as follows:

- Merthyr Tydfil – 77.8%
- Blaenau Gwent – 72.3%
- Rhondda Cynon Taf- 67.8%
- Neath Port Talbot – 61.5%
- Caerphilly – 60.9%

¹ “How much is too much? The influence of preschool centers on children’s social and cognitive development”, Loeb and ors, 2005.

If we consider the Education domain of the Child Index, which considers five indicators associated with education performance across Key Stages 2 - 4 and attendance, the most deprived local authorities in the education domain are:

- Merthyr Tydfil – 22.2%
- Cardiff 19.7%
- Rhondda Cynon Taf 19.1%
- Newport 17.0%

However, when you consider the extent of the deprivation in an area, measured as those local authorities having the highest percentage of their LSOAs in the most deprived half in Wales for the Education domain, the results are as follows:

- Caerphilly – 83.0%
- Merthyr Tydfil – 80.6%
- Rhondda Cynon Taf – 73.7%
- Blaenau Gwent – 66.4%
- Torfaen – 63.3%
- Neath Port Talbot – 61.5%

The Child Index highlights a consistent number of local authorities that have significant areas of deprivation equivalent to the levels of deprivation in Rhondda Cynon Taf. The local authorities, who have similar factors of deprivation, are:

- Blaenau Gwent;
- Caerphilly;
- Cardiff;
- Merthyr Tydfil;
- Neath Port Talbot;
- Newport.

This analysis shows that Rhondda Cynon Taf is not unique in terms of the Child Index and it would not be unreasonable to assume that the impact of an educational policy change on the population of one local authority would have the same impact on another based on the list above.

The educational performance of these local authorities based on the most recent Foundation Phase educational outcomes for 2013 and the Key Stage 4 indicator for the Level 2 threshold (5 A*-C or equivalent) including English/Welsh and mathematics for 2013 are as follows:

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Local authority	Foundation Phase Indicator %	Rank in Wales for the Foundation Phase Indicator	Level 2 threshold (5 A*-C or equivalent) including English/Welsh and mathematics %	Rank in Wales for the Level 2 threshold (5 A*-C or equivalent) including English/Welsh and mathematics	Current Nursery Provision provided to 3 and 4 year olds
Blaenau Gwent	81.2	16	38.7	=21	Part-time (12.5 hrs), term following third birthday, with some full-time provision where a school has space.
Caerphilly	85.0	7	46.3	=19	Part-time (12.5 hrs) term following the third birthday
Cardiff	80.9	18	49.9	17	Part-time (12.5 hrs) term following the third birthday
Merthyr Tydfil	77.8	22	38.7	=21	Part or full time term following the third birthday depending on school limitations
Neath Port Talbot	81.7	=15	56.0	6	Part-time (12.5 hrs) term following the third birthday
Newport	87.3	=15	51.3	15	Part-time (12.5 hrs) term following the third birthday
Rhondda Cynon Taf	80.6	19	46.3	=19	Full time places in the term of third birthday or term following third birthday depending on school
Wales average	83.0	n/a	52.7	n/a	n/a

The table shows that Rhondda Cynon Taf and Merthyr Tydfil offer the greatest number of hours of nursery provision across their administrative boundaries but have some of the worst educational outcomes. The extensive nursery provision offered by Rhondda Cynon Taf appears to have not had an educational benefit over and above that of part-time provision provided by other local authorities. Indeed, for local authorities with higher proportion of their area in the top 50% of LSOA's in Wales, such as Caerphilly and for a local authority with over 60% of its LSOA's in the top 50% most deprived LSOA's in Wales, Neath Port Talbot, part-time provision has not been an obstacle to high performance, irrespective of the levels of deprivation in a community.

This local data provides more evidence to substantiate the EPPE research, which concluded that “full time attendance led to no better gains for children than part-time provision”.

What is a “sufficient” number of funded hours of nursery provision for the children of Rhondda Cynon Taf?

Rhondda Cynon Taf currently funds approximately 30 hours of nursery education per week for 38 weeks for three year olds and four year olds. This compares favourably with:

- The vast majority of other local authorities in Wales;
- The majority of local authorities with similar levels of deprivation in Wales, measured by the Child Index;
- The nursery provision offered in England, which currently comprises 15 hours per week for every child in their area, from the term following their third birthday, until the child reaches compulsory school age (the beginning of the term following their fifth birthday).

Furthermore:

- Recognised and respected EPPE research evidences that “full time (nursery) attendance led to no better gains for children than part-time provision”; and
- An analysis of the educational outcomes of Rhondda Cynon Taf pupils evidences that there has been no noticeable benefit of providing full-time nursery provision over part-time.

Based on the evidence and analysis within this report, it is reasonable to conclude that the proposed revised nursery funding of 15 hours per week is a “sufficient” number of hours of nursery provision for the children of Rhondda Cynon Taf.

(iii) Is the nursery provision available “sufficient” in terms of quality?

Evidence shows that high quality education nursery provision has greater development benefits for children, particularly the most disadvantaged.

The recently published Nuffield Foundation report “Quality and Inequality – Do three and four year olds in deprived areas experience lower quality early years provision?” that undertook its research in England identified that:

- LEA maintained schools located in disadvantaged areas and serving disadvantaged children offered quality education for three and four year olds that was comparable with schools serving the more advantaged;

- Within the private, voluntary and independent (PVI) sector quality for three and four year olds was lower in settings located in deprived areas;
- Within the PVI sector, settings with a graduate member of staff scored more highly on all quality measures;
- However, only graduate leadership was associated with a narrower quality gap between PVI settings located in deprived and more advantaged areas.

The research found that LEA maintained schools are doing a good job in meeting the needs of the most vulnerable children. Children from deprived backgrounds tended to be clustered in the maintained sector with schools providing early years education for larger proportions of disadvantaged children than PVI settings. This is the case in Rhondda Cynon Taf, with all but 400 places (10% of the places available) for 3 and 4 year olds being provided by the local primary school.

Furthermore, the Council has nearly 5,000 surplus places in the primary sector and it has the capacity to provide school based nursery education to every child that could be entitled to free school meals. Free school meals eligibility is higher in the parts of the County Borough that are officially classed as 'deprived'; these areas also correlate quite closely to those areas where we have surplus capacity in our schools. The large majority of children resident in these areas and who are entitled to school meals therefore should have no problem in accessing a nursery place at a local school.

All the primary schools in Rhondda Cynon Taf are inspected by Estyn, at least once every six years. Of those schools inspected up until September 2014, close to 50% are considered to be at least good in terms of educational standards, and with all but two of the rest being adequate ("strengths outweigh weaknesses"). Both of the schools considered to be unsatisfactory are subject to statutory consultations to close.

The 19 PVI registered nursery providers are also inspected by Estyn under the same inspection cycle and 95% are considered to be at least good for the current provision, with 95% judged to have promising prospects for improvement and no provider has been judged as being less than adequate.

Therefore, if the current nursery admission arrangements remain or whether they are changed to fund the 15 hours part-time provision for three year olds, the quality of the provision is "sufficient" and is supported by a robust regulatory system.

Conclusion

This paper has considered whether the following nursery provision is “sufficient” for the nursery aged children of Rhondda Cynon Taf:

- Three year olds – fund 15 hours per week of nursery provision from the term following their third birthday, in school based nursery provision, where there is capacity in a school to do so;
- Four year olds – fund 30 hours per week of nursery provision from the term following their fourth birthday, in school based nursery provision, where there is capacity in a school to do so; and
- Fund up to 15 hours per week (subject to capacity) of nursery provision in private, voluntary, and independent registered education providers from the term following their third birthday where there is no suitable availability within a school (n.b. in this context ‘suitability’ shall relate to the availability of a place at a school which, in the Council’s opinion, is within a reasonable radius of the child’s ordinary residence i.e. where those with parental responsibility for the child live).

There is no clear definition of “sufficient”. For the purposes of fulfilling the Council’s duty under S118 of the Act as Director of Education and Lifelong Learning I consider that the Council should adequately address the following questions:

- i. Are there “sufficient” nursery education places across the County Borough to meet the demand for nursery places?;
- ii. Is the entitlement of 15 hours of nursery provision per week, and 30 hours from the term after a child’s fourth birthday, over no fewer than 38 weeks of the year, up to the date a child reaches compulsory school age, “sufficient” to meet the educational needs of nursery aged children in Rhondda Cynon Taf?; and
- iii. Is the nursery provision available “sufficient” in terms of quality?

Based on the research and data analysis contained within this paper, as Director for Education & Lifelong Learning, I consider that the proposed nursery provision is “sufficient” to meet the needs of the nursery aged children in Rhondda Cynon Taf.

It is however Cabinet’s responsibility to consider this paper, and any other information available to them, to form their own collective opinion on whether the proposal for funding nursery provision is “sufficient” to meet the needs of Rhondda Cynon Taf.