

SLOUGH SCHOOLS FORUM
3 October 2012

Consultation on Extending Free Early Education to More Two Year Olds
(Director of Education & Children's Services)

1 PURPOSE OF REPORT

- 1.1 To inform Schools Forum of the consultation issued in July and provide an opportunity for members to respond with comments.

2 RECOMMENDATIONS

- 2.1 That Schools Forum notes the extension of free early education to more two year olds and endorses the attached consultation response.

3 REASONS FOR RECOMMENDATIONS

- 3.1 It is appropriate for Schools Forum to be aware of the proposed extension in provision which will impact on the overall level of the Dedicated Schools Grant (DSG) and budget requirement within the notional Early Years Block.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not applicable.

5 SUPPORTING INFORMATION

- 5.1 The Department for Education (DfE) issued consultation on extending the free early education entitlement to more two year olds on 5 July.
- 5.2 Currently, all three and four year olds are legally entitled to 15 hours a week free early education for 38 weeks. The Government plans to introduce a legal entitlement to free early education for two year olds. Following a previous consultation, decisions have been made on the children eligible for the first phase of the entitlement from September 2013 (around 20% of two year olds in England). This consultation seeks views on proposed eligibility criteria for the second phase of the new entitlement from September 2014 (for around 40% of two year olds).
- 5.3 The DfE are primarily consulting with local authorities and providers of free early education and childcare (nursery schools, primary schools and the Private, Voluntary and Independent sector (PVI)).
- 5.4 The first phase of the entitlement, from September 2013, will offer free early education to around 150,000 (20%) two year olds. Following a consultation from December to February 2011-12, two year olds will be eligible if:

- Their families meet the criteria also used to establish school-aged children's eligibility for free school meals (FSM); or
- They are looked after by the local authority.

It is anticipated that 500 Slough children will be eligible.

- 5.5 The consultation proposes eligibility criteria for the second phase of the entitlement, from September 2014. The number of free places will increase by 110,000 to a total of 260,000 (around 40% of two year olds).
- 5.6 In developing proposals for the eligibility criteria for phase 2, the following design principles were applied:
- Include all children who meet the criteria for phase 1, including looked after children;
 - Retain the primary focus on economic disadvantage;
 - Reach around 260,000 children (around 40% of two year olds), taken together with phase 1;
 - Simple to understand and verify; and
 - Work with both the current benefits system and the new Universal Credit system.

Proposal 1 - Economic Criteria

- 5.7 The Government proposes that from September 2014 two year olds will be eligible if:
- They meet the eligibility criteria also used for free school meals (annual household earnings of no more than £16,190 and receipt of various benefits); or
 - Their families receive Working Tax credits and have annual gross income of no more than £16,190; or
 - Their families receive Universal Credit and have annual gross earnings of no more than £16,190.

This would extend the free places to more low income working families, and would mean that almost all two year olds classed as being in poverty would be entitled to free early education.

Proposal 2 – Children with special educational needs or disabilities

- 5.8 The Government proposes to extend the free entitlement to two years olds with special educational needs or disabilities (SEND) in the second phase, regardless of their family's income. Two year olds will be eligible if:
- They have a current statement of special educational needs / an education, health and care plan; or
 - They attract Disability Living Allowance (DLA).

Proposal 3 – Children who have left care

- 5.9 From September 2013, two year olds who are looked after by the local authority will be eligible for the free entitlement. This will continue to be the case from September 2014. From September 2014, the Government proposes that two year olds who leave care through adoption orders, residence orders, or special guardianship should also be eligible for free entitlement.

- 5.10 Local authorities will have a statutory duty to secure 570 hours (15 hours a week for 38 weeks) of free early education for eligible children.
- 5.11 Funding will be allocated to local authorities through the Dedicated Schools Grant (DSG) from 2013-14. However, data on actual participation in each local authority cannot be available for the start of the entitlement. Instead, DfE will construct a funding formula which will use a proxy measure for the number of eligible children. The formula will target funding towards need, reflect differences between local authorities relevant population and levels of deprivation, and include an area cost adjustment to recognise variations in the costs of delivery. Local authorities will set rates taking account of local circumstances, in the same way as they do now for the free entitlement for three and four year olds.
- 5.12 A draft consultation response is attached at Appendix A. The closing date for consultation responses is 15 October 2012.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the main body of this report.

Section 151 Officer – Strategic Director of Resources

- 6.2 The financial implications of the proposed changes will be managed within the Dedicated Schools Grant funding envelope. The specific financial implications for the local authority, maintained schools, Academies and the PVI are being assessed and will be reported to Schools Forum on a timely basis.

Access Implications

- 6.3 There are no access implications.

7 CONSULTATION

Principal Groups Consulted

- 7.1 None.

Method of Consultation

- 7.2 Not applicable.

Representations Received

- 7.3 Not applicable.

Background Papers

DfE Extending Free Early Education to More Two Year Olds (July 2012)

Contact for further information

Wendy Sagar, Interim Strategic Education Finance Partner (Education & Children's Services)
(01753 875627) wendy.sagar@slough.gov.uk

Extending Free Early Education to More Two Year Olds

Consultation Response Form

The closing date for this consultation is: 15 October
2012

Your comments must reach us by that date.



Department
for Education

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name Wendy Sagar
Organisation (if applicable) Slough Borough Council & Slough Schools Forum
Address: St Martin's Place
51 Bath Road
Slough SL1 3UF

If your enquiry is related to the policy content of the consultation you can contact Simon Hampson by telephone: 0370 000 2288 or email:

TwoYearOldEarlyEducation.CONULTATION@education.gsi.gov.uk

If you have a query relating to the consultation process you can contact the CYPFD Team by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

Please mark the category which best describes you as a respondent

<input checked="" type="checkbox"/> Local Authority	<input type="checkbox"/> Private/Voluntary provider - full day care	<input type="checkbox"/> Private/Voluntary provider - sessional
<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> National organisation	<input type="checkbox"/> Childminder
<input type="checkbox"/> Maintained nursery school	<input type="checkbox"/> Networked childminder	<input type="checkbox"/> Maintained nursery class
<input type="checkbox"/> Independent school	<input checked="" type="checkbox"/> Other (please specify)	

Please Specify:

This is a joint response on behalf of Slough Borough Council and Slough Schools Forum.

1 Do you agree that two year olds whose families meet the earnings and benefits criteria proposed in paragraph 4.1 should be eligible for free early education from September 2014?

Yes

No

Not Sure

Comments:

As a pathfinder for free early education for two year olds, Slough supports the extension of free early education from September 2014.

2 Do you agree that, from September 2014, the legal entitlement to early education should be extended to two year olds with statements of SEN (or an education, health and care plan) or in receipt of DLA?

Yes

No

Not sure

Comments:

Yes.

3 Do you have any comments on the feasibility and appropriateness of extending the free entitlement to more children with SEND?

Yes

x

No

Not sure

Comments:

4 Do you agree that, from September 2014, two year olds who have left care through an adoption order, special guardianship or residence order, should be eligible for the free early education entitlement?

Comments:

Slough agrees with the extension of eligibility of two years olds. The carers of the eligible children currently lose additional support at a time when they are taking on responsibility for children whose needs are often challenging. Eligibility for free early education will support the policy objective of maximising the numbers of children leaving care.

Any decision regarding the delivery of free early education to eligible two year olds should take into account the past experience and needs of the child, as well as the sensitivities of carers.

5 Please use this space to give us your views on how funding for early education for two year olds should be distributed to local authorities.

Comments:

Slough supports the inclusion of the funding for free early education for two year olds in the Dedicated Schools Grant.

In order to distribute the funding, Slough suggests that the DfE distribute the funding on the basis of the numbers of children identified by the DfE as eligible. Slough does not believe that a national unit of funding would be appropriate. The unit of funding should reflect the higher cost of staffing ratios, the needs of the children and include an area cost adjustment and deprivation weighting.

6 Please use this space for any other comments you would like to make.

Comments:

Slough is concerned that sufficient funding is available to deliver on extending eligibility. As a pathfinder, Slough has been delivering free early education to 100 two year olds from funding allocated out of the Early Intervention Grant. A rate of £5.10 per hour was established following discussion with the DfE. There are concerns that this will be insufficient to ensure sufficient capacity for c500 two year olds in September 2013 and c1,200 pupils in September 2014. Under the current Slough EYSFF and taking into account the two year old staffing ratio, rates of £7.28 per hour in primary schools and Academies and up to £7.95 per hour in the PVI would be more appropriate. Although the quantum of funding will increase substantially, experience in Slough suggest that this may be insufficient. Schools Forum have made clear that the two year entitlement will need to be funded from the transfer into the DSG as a result of the considerable pressures on the notional schools and high needs blocks in particular.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education we carry out research and consultations on many different topics. Your views are valuable to us; would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, telephone: 0370 000 2288 or email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 15 October 2012

Send by post to: Two Year Old Entitlement - Framework Team, Foundation Years: Free Early Education and Funding Division, Department for Education, Level 1, Sanctuary Buildings, Great Smith Street, London SW1P 3BT