



Care Inspectorate response to the Call for Evidence for the Independent Review of Early Learning and Childcare Workforce and Out of school Care Workforce

Background of Care Inspectorate role

The Care Inspectorate regulates a wide range of services that provide early learning and childcare, including local authority and private nurseries, playgroups, childminders, childcare agencies, out of school care and children/family centres. At December 2012, there were 10,099 childcare services registered with us – highlighting the scope of our impact as a regulator in this important area (Childcare Statistics 2012, published Oct 2013).

Our inspectors look at how childcare services are meeting the health and wellbeing of the children through regulation and supported improvement activities. These activities include registration, inspection, investigation of complaints and taking enforcement action where required in terms of the Public Services Reform (Scotland) Act 2010, Scottish Statutory Instruments and the National Care Standards for Early Education and Childcare up to the age of 16. The standards set out that children and young people should receive support and care from staff that are competent and confident and have gone through a careful selection procedure (Standard 12); be confident that the service will evaluate what it does and make improvements (Standard 13) and be confident that the service is well-managed and demonstrates effective leadership (Standard 14). These input standards are inspected against the outcomes for children and the difference that makes to their learning and care experience.

The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (reg 4) sets out that a provider must “make proper provision for the health, welfare and safety of service users”. The regulations also state that a provider “must ensure that at all times suitably qualified and competent persons are working in the care service and receive training appropriate to the work they are to perform” (SSI 210 reg 9).

As well as registering, inspecting and grading these services, we have a duty to investigate complaints and also take enforcement action when there is a serious risk to children’s health and wellbeing. Enforcement action can be a condition notice, improvement notice, or emergency cancellation.

We also have an important role to play in helping support improvement in services – giving advice, signposting good practice and highlighting services that we grade as ‘excellent’ during our inspections. All of our inspection reports can be found here.

We have recently launched an online resource, called The Hub, which provides 'one-stop-shop' access to a range of resources to support improvement through using and sharing intelligence and research-led practice.

As the regulator responsible for early years and out of school services we draw on the wealth of research and policies relating to early years in Scotland to inform decisions on the registration, expansion and inspection of early years and out of school provision as well as the legislative framework under which we work. This strengthens our regulatory basis and informs our findings about the outcomes for children in the services we regulate.

The Scottish Social Services Council (SSSC) has the responsibility, along with the other professional regulators such as the General Teaching Council and Nursing and Midwifery Council, for the registration of the workforce. We provide data to the SSSC and would signpost the reader to the Scottish Social Services Sector: Report on 2011 Workforce Data.

Documents we refer to in our response include "Building the Ambition (2014); Early Learning and Childcare (2014); Getting it Right for every Child" (2013) "Pre-Birth to Three -Positive outcomes for Scotland's children and families", "National Parenting Strategy" (2012); and "Joining the Dots – A better start for Scotland's children" (Susan Deacon 2011). Research cited within these key documents highlights the importance of strong one to one relationships for children's early development. The research in neuroscience states that these findings are not a matter of doubt or debate and raise an awareness of children's needs that demands the best quality workforce who have the critical skills, knowledge and experience ranging from pre-birth through infancy and early childhood. We welcome the opportunity to respond to this written evidence call and would be happy to provide any further available data from the Care Inspectorate's regulatory findings about the early years sector that would help this important consultation. We would identify the following publications as being particularly relevant to this consultation:

- The Growing up in Scotland report 2014 and in particular, the correlation between the care and support grading and the impact on the outcomes for children.
- SSSC's report on Scottish Social Services Sector: Report on 2011 Workforce Data.
- Care Inspectorate's submission to the Scottish Parliament Health Committee enquiry into health inequalities in early years.
- The National Care Standards for early education and childcare up to the age 16, our regulatory framework and other associated professional codes of conduct and practice for this sector.

Question 1: What are the key, critical skills, knowledge and experiences necessary to achieve high quality learning and care in early years and out of school care?

We highlight the importance of providers, managers and staff having an awareness and understanding of theory regarding early learning and childcare, particularly for the following:

- children's development and play
- the role of staff in bonding and attachment
- observation, assessment and planning
- partnership working with parents and other professionals
- health and wellbeing
- neurological development.

The knowledge of theory, as well as an understanding of how that can be applied to practice, is important for all childcare settings. At the same time we would identify that there is a relative need for improvement in particular settings. The Care Inspectorate regulates the full range of formal early learning and childcare settings. In general the levels of staff knowledge, training and support tend to be better for the 3-5 age range and the statutory sector than for the 0-3 age range and the private sector. In order to create more integrated and holistic provision for children and families, the relative inequalities between different settings needs to be recognised and addressed. The whole early learning and childcare workforce needs to be considered in order to impact on the outcomes for all children. The Care Inspectorate therefore identifies that the needs of staff working with babies and toddlers in the private sector merit particular attention.

The implementation of the expansion in childcare hours to vulnerable 2s means an in-depth knowledge and understanding of the variability of development in children for the first three years of their life is critical in ensuring improved outcomes and a reducing inequality. Early child development in social, emotional, language and cognitive areas is significant. Research informs us that the most rapid brain growth is in the first three years of life and is affected by the quality of a child's experiences. Early developmental recognition, appropriate interventions and achievable strategies to ensure each child reaches their own individual goals will require knowledge and understanding at a highly skilled practitioner level. Children's experiences in their early years have a long-lasting effect on outcomes. Positive outcomes depend on the quality of relationships and interactions between young children and the adults caring for them, both within families and in settings outwith their home.

While some local authorities do provide full day, full year care and provide care for 0-3s, generally statutory provision is part day and part year for children aged 3-5 years. Full day and full year care and care for 0-3 years is more usually provided by nurseries, childminders and nannies within the private sector. The impact on individual children is consequently exponentially greater for those children receiving more hours of care. Our inspection findings show that the statutory sector generally achieves higher grades than the private sector across all themes: quality of care and support, quality of environment, quality of staffing and quality of management and leadership. We would identify particular issues regarding the lower average age of the private sector workforce, the relative inexperience and higher rates of turnover.

Our inspection findings also show that daycare services operating in more deprived areas are less likely to achieve high grades for quality of staffing compared to equivalent services in less deprived areas.

In addition to the current gaps identified above, we also confirm that the following skills and experience are needed:

Good communication and literacy and numeracy skills enable effective, sensitive, skilled and appropriate interactions with children; recording of development and progress; sharing learning; grasping new concepts; and building relationships with parents, the wider community and other professionals.

Practical experience in working with children is necessary, while a nurturing attitude towards children is fundamental along with the recognition of risk and the skill to balance this co-existence of risk in learning through play.

A sound knowledge of the importance of both the learning and physical environment the child experiences shapes the quality of learning. We see better outcomes for children where there is a balance of indoor and outdoor experiences. Many of our findings indicate the need for more understanding of the importance and benefit of outdoor learning through play, while encouragingly more services in Scotland are registering outdoor only provision as the main setting.

A knowledge and understanding of relevant frameworks for early learning and childcare practice and the skill to implement these to ensure good outcomes as demonstrated by the GIRFEC wellbeing indicators, namely safe, healthy, achieving, nurtured, active, respected, responsible and included (SHANARRI). This includes the knowledge and understanding of children's rights through equality and diversity and the skill to implement this in practice cannot be overstated. The confidence in practice to empower children, promote their curiosity and creativity are fundamental skills to give children a voice and is integral for their safety and wellbeing.

Knowledge in health, nutrition, infection control and medicine management are fundamental. In particular we would identify knowledge of nutrition, namely in understanding child's physical and mental development and the role of food, fluid and nutrition play in that development. The knowledge of the value in learning through food by enhancing the curiosity of children is a needed skill for this purpose.

We would propose that the Scandinavian model of childcare and qualification level is considered as part of this review. The outcomes for children in Scandinavian countries, from early years through to after school services, are consistently classed as the best in the world for quality and accessibility. Integrated models of childcare and education, along with after school and leisure based activities, are often cited as evidence to improved outcomes of child poverty and educational attainment in Scandinavian countries. The highly subsidised services have meant that participation of lone parents in the labour market is high in comparison to other countries and this contributes to improved outcomes for children within their family setting. The report 'Early Childhood Education and Care Provision: International Review of Policy, Delivery and Funding' (2013), produced for the Scottish Government by the Centre for Research on Families and Relationships, provides a

useful comparison of provision, including workforce qualifications, in Scotland alongside other nations such as Sweden, Denmark and Norway.

Finally, the importance of knowledge and skills in effective leadership, management and quality assurance is required to achieve high quality learning and care in early years underpins the outcome to all that has preceded this section in our response.

Question 2: How best to support staff who are undertaking different levels of qualifications including the higher level qualifications such as teacher training, early years specialism and the BA Childhood Practice?

Scottish Statutory Instrument 2011 No. 210 states a provider “must ensure that at all times suitably qualified and competent persons are working in the care service and receive training appropriate to the work they are to perform”.

We would support mentoring and coaching schemes being set up within the workplace or further education establishments for formal qualification routes and to enhance the workplace experience of that learning, which can vary with regard to quality. There is also a potential role for ‘ambassadors’ or ‘champions’ undertaking qualifications who can act as role models across different childcare settings and sectors.

The Care Inspectorate is finding that the knowledge and practice of staff gaining Scottish Vocational Qualifications (SVQs) varies considerably and we have particular concerns about the consistency and quality of some SVQs gained in-house. Some in-house SVQs are provided from services failing to achieve high grades and do not provide the adult learner with sufficient opportunity to experience other settings and see what high quality learning and excellent care outcomes for children look like.

We are aware that in poorer performing services there is evidence to suggest the need to allow staff time and opportunities to study; put theory into practice; reflect; visit other establishments to observe good practice; and share learning with other staff. This is in contrast to our regulatory framework which states that providers should “ensure that persons employed in the provision of the care service receive training appropriate to the work they are to perform; and suitable assistance, including time off work, for the purpose of obtaining further qualifications appropriate to such work”.

There needs to be a revised strategy for the workforce that supports all sectors in achieving this in a level playing field. Currently there is real and perceived competition between the statutory and private sectors, as illustrated by the negative reaction of some private providers to the recent recruitment exercise by some local authorities to support the expansion of statutory childcare provision to meet the 600 hours entitlement under the Children and Young People (Scotland) Act 2014. There is a potential role for local authorities and childcare partnerships to plan and manage the early years workforce in a more integrated way across the statutory, private and voluntary sectors. This could consist of joint commissioning of training, placements, secondments and other exchanges across the different settings and sectors.

With the implementation of the Children and Young People (Scotland) Act 2014 the shift of the workforce from the lower paid private sector to the better conditions of service provided by local authorities could bring significant challenges to employers in maintaining a quality workforce for the under 2s and those staff with a level of skill in baby and toddler care may choose to move sectors.

Question 3: How to provide opportunities for training and up-skilling the teaching workforce in specific early years pedagogy to help improve the delivery of quality experiences for children?

We have approached question 3 by considering it along with question 4 in order to address all practitioners within the diverse early learning and childcare workforce. With the Children and Young People (Scotland) Act 2014, the Care Inspectorate was involved in producing statutory guidance and the 'Building the Ambition' practice guidance. These called for all previous terminology related to pre-school provision and early education to be known as early learning and childcare. This means that all settings such as childminders, nurseries and playgroups are referred to as early learning and childcare settings (Scottish Government, 2014).

A single qualifications framework for early learning and childcare could result in pathway options transferable into health and social care, social work, and teacher training as well as specific training on early years management to complement their placement experience and enhance learning about early child development and learning.

Question 4: How to up-skill the whole workforce in early childhood pedagogy through relevant continuing professional development (CPD) to help in the delivery of quality experiences for children?

Not enough of the workforce in Scotland use or have knowledge of the terminology 'pedagogy'. However it is something that most early learning and childcare workers will do on a daily basis. The Building the Ambition document gives simple explanations of how pedagogy and practice are related:

'In the book Children's Rights and Early Education, Nutbrown talks about the curriculum in this way: "What makes working with young children so exciting is the way the anticipated possibilities planned and provided for by the educator are used by individual and groups of children in spontaneous and dynamic ways. The people, children, parents and educators, who share the experiences, construct the curriculum". This explanation helps us appreciate that pedagogy is about the interactions and experiences which support the curriculum and the process of how children learn. This is inseparable from what young children should learn – the content of the curriculum.' (Scottish Government, 2014).

A single qualifications framework could include pedagogue terminology which would become familiar and contextual in Scotland. However, we would suggest that there is

a need to move away from the term 'pedagogy', which could potentially be replaced in future with 'child development and learning', or something similar.

In the analysis of the previous early years workforce review in 2006 a single qualifications framework was proposed, in particular the notion of core units with additional, more specialist modules to plug gaps in knowledge (Scottish Government, 2007). A single qualifications framework would ensure consistency. The more holistic vision of the early learning and childcare workforce under the Children and Young People (Scotland) Act 2014 would bring with it a shared understanding of the types of services in the workforce. A national qualifications framework would be current, relevant and include contemporary views on early learning and childcare. As a result we could have a skilled workforce with a more consistent underpinning knowledge base.

A barrier to training identified in the research findings was not having time to undertake studies (2007). SVQs, HNCs and PDAs and online open learning have all been devised to allow flexibility in undertaking further qualifications. If a single qualifications framework were to be created then options, flexibility and various routes to access this would be required.

We support the need for the early learning and childcare workforce to be up-skilled in conjunction with new findings, research and contemporary views of childhood. We would support specific up-skilling in the following practice areas (as above):

- children's development and play
- the role of staff in bonding and attachment
- observation, assessment and planning
- partnership working with parents and other professionals
- health and well-being
- neurological development.

Core components and elective models should be offered (see Appendix 1).

Modules must focus on the developing child from a social, physical, emotional and educational perspective.

Understanding the role of the family in relation to parenting is fundamental. For these reasons, a positive parenting module should be included.

Children learn and develop differently, staff must be able to recognise this and tailor their care to suit the capabilities of the child.

Supporting children who have additional support needs requires staff to work as a team and have a good understanding of the various professionals that can be contacted for support and guidance. The staff must be able to communicate with the child and others appropriately, which may be non-verbal, verbal or in writing. A key element of the training must be communication.

Protecting children from harm is imperative. Learning from child protection cases and how to identify and act on concerns is key to protecting children. The staff must be fully aware of their role and responsibilities and other professionals and the named person linked to the child and how to contact them. We find that some staff, particularly in the private and voluntary sectors, are unaware of what a chronology is and the importance of recording significant events in a child's life and how these details can be used to act on any concerns early. Additionally, many staff lack confidence in and knowledge of how to act or where to raise concerns when they arise.

We would propose that practice placements are of high quality and achieving grades of four or above for two three or more quality themes.

Question 5: Is there scope for any further activity or support for the workforce to increase skills of those working with young children at all levels?

The continued development of a fully trained, skilled workforce is critical to matching the scale of the ambition for Scotland's children. The registration of managers, supervisors and practitioners with the SSSC has significantly enhanced the status, knowledge and skills of early years practitioners. The formal requirement to be registered and qualified with ongoing CPD has enabled early years practitioners to access formal training. The introduction of a BA in childhood practice has given us degree level professionals and future leaders in the sector.

Currently there are approximately 80 childcare training agencies throughout Scotland which are accredited to provide, assess and validate SQA approved qualifications. Consideration should be given to the development of a national register for training agencies, with a robust registration process and a training framework that is progressive and adapts to a changing early years landscape. A different but related issue is the use of agencies to supply relief staff to a significant proportion of services. These are currently unregulated and are not necessarily included within the existing early learning and childcare networks. We would support these staffing agencies being formally considered for inclusion in the early learning and childcare workforce.

Currently a partnership model is used to by local authorities to expand childcare provision, provide a mixed economy of care and flexibility and choice of providers. Local authorities have a partnership contract with private and third sector early years services to meet the demand for childcare in their authorities, provide training and support to staff, linking with national policy. With the expansion of childcare under the new Act, some local authorities are reviewing their partnership provision and withdrawing some contracts. There is a challenge to ensure that all early years services, including those not in partnership, receive the support needed to ensure children are given the best start.

The current disparity between public and private sector conditions of service has also to be considered and how we can close the current divide between the public and private sectors. To enable all staff to fully link practice, theory and policy guidelines, access peer support and underpin CPD the introduction of government coordinated learning hubs should be considered. This could be accessible to every

early years practitioner, with study linked to the practitioner's CPD recorded via the already established SSSC framework. The development of the workforce should match the scale of the ambition.

With the SSSC Codes of Practice we already have a framework in place to support staff. There is a requirement for employers to "provide training and development opportunities... to strengthen and develop their skills and knowledge". Employees also have a responsibility to "be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills". The importance of appropriate training is steeped in legislation SSI 210, 9 – states that a person is unfit if they do "not have the qualifications, skills and experience necessary for the work that that the person is to perform." We have this framework in place, so we should build on the current arrangements. Employers should be reminded of their responsibilities to provide robust CPD framework for staff. Employers need to support staff to focus on outcomes by moving away from a service led approach to outcome focus approach.

Question 6: How to increase the status of the early years workforce as a profession?

A national shift in culture needs to be promoted to accurately reflect the value of the early years workforce alongside parents and carers who provide the care for our children.

A barrier to enhancing the status is how 'childcare' is perceived culturally as a low paid and low status occupation, which can be in contrast to the relatively higher status 'education'. This is reflected by our findings that the early years workforce as a whole does not reflect Scottish society and is the least representative of registered care settings. For example, the early years workforce is the least representative with regard to gender and race according to data provided by the Care Inspectorate to inform the SSSC's report on Scottish Social Services Sector: Report on 2011 Workforce Data. The term 'childcare' can represent a negative cultural view. In the past, childcare has been thought of as purely dealing with physical needs such as feeding, washing etc. This gives the wrong impression of being of less value than 'education'. These two separate terms and related issues has traditionally resulted in a division of terminology, thought and practice which is not in line with current thinking nor is helpful in moving the sector forward in the future.

The professional status of the early years workforce requires relevant academic and skills based training opportunities. These should provide the framework for a nationally recognised career pathway. Childcare has historically been poorly paid. There is an opportunity to develop a nationally agreed pay structure dependent on qualifications and experience linked to an agreed knowledge and skills framework.

Research has demonstrated that inconsistent care and high staff turnover are barriers to quality child care. Improving the status of the early years workforce may attract and retain staff.

Appendix 1

Examples of core modules, which will support additional modules considered by the Scottish Qualification Authority:

- Child Development birth to eighteen (Specific focus on 0-3, 3-5 and 5-12)
- Theory of brain child development
- Attachment and Nurturing
- Parenting
- First Aid
- Nutrition, weaning food preparation/hygiene
- Infection Control including toileting, nappy changing and skin care
- Communication, verbal, non-verbal, written and electronic methods
- Meaningful assessments, observations and evaluations of child development, progress and personal achievements
- Additional support needs, physical mental and social impacts on the child and family
- Child protection and multi-agency involvement
- Learning and play programs
- Risk assessments, policy development and procedural guidance
- Quality Assurance processes, including auditing methods and effective feedback
- Team working, leadership and professional development
- Management of medication
- NHS Health Scotland published an A- Z of Children's Health in 2009 in folder form. This requires being available on-line to staff to help identify healthcare issues, meet them and provide a standard of practice.