The Committee will meet at 10.30 am in Committee Room 1

1. **Scottish Schools (Parental Involvement) Bill (in private):** The Committee will consider its final draft report

2. **Items in private:** The Committee will decide whether to take item 4 and all subsequent considerations of its early years inquiry report in private

3. **Early years inquiry:** The Committee will take evidence from—

   **Panel 1**
   - Jacquie Roberts, Chief Executive, Scottish Commission for the Regulation of Care
   - Ronnie Hill, Director of Children’s Services Regulation, Scottish Commission for the Regulation of Care

   Not before 11.30

   **Panel 2**
   - Peter Peacock MSP, Minister for Education and Young People
   - Val Cox, Head of Early Education and Childcare Division
   - Don McGillivray, Early Education and Childcare Division
   - Penny Curtis, Early Education and Childcare Division

4. **Early years inquiry:** The Committee will consider its draft report

Eugene Windsor
Clerk to the Committee
Room T3.40, Committee Office
Ext. 0131 348 5204

The following papers are enclosed for the meeting:
Agenda item 1
Draft report (private paper)       ED/S2/06/4/1(P)
Agenda item 3
Original submission from Scottish Commission for the Regulation of Care       ED/S2/06/4/2
Supplementary submission from Scottish Commission for the Regulation of Care       ED/S2/06/4/3
Call for evidence – Early Years

Thank you for your invitation to provide evidence to the Education Committee in connection with its inquiry into early years education and childcare. The Care Commission agrees with the views expressed by the Convener of the Education Committee at the launch of the inquiry. There can be no doubt that the early years of children’s lives are vitally important for their future development. The quality of education and care services experienced by children, and their parents and carers, is a major influence on children’s future development, as well as significantly influencing the quality of life of children and families.

Background to the Care Commission

The Care Commission was established by the Regulation of Care (Scotland) Act 2001 to regulate care services in Scotland and to work to improve the quality of these care services. Through regulation, the Care Commission registers services to ensure the service is of an acceptable quality before it can open for business. We inspect services to monitor the quality of care provided, to find out what works well, to provide public information about the quality of care services locally and nationally, and to protect people who use care services by identifying problems and asking for action to be taken by service providers. Where necessary we can, through legal enforcement action, insist that improvements are made.

The Care Commission has a system for dealing with complaints about regulated care services made by people using these services, their relatives, carers and staff. The system also deals with complaints about the Care Commission.

Regulation is based upon National Care Standards set by the government in Scotland. These standards focus on the quality of care that people can expect to experience when using care services. Care service providers are expected to meet these standards.

The Care Commission aims to raise standards of care by working with people who provide care services, people who use care services and with their relatives, carers and advocates. We are guided by the principles of keeping people safe, supporting independence and promoting dignity and choice. Our main role is to drive up quality without removing flexibility or choice.

Regulated early years services

At 31st March 2004 there were 10,638 regulated early years services in Scotland. There were 6,180 childminders and 4,458 daycare of children services. Daycare of children services include local authority nursery schools and classes, wrap around care services, playgroups, private and voluntary nurseries, crèches, children’s centres (often run by social services or voluntary agencies) and a number of mobile resources. Around 2,800 of the day care of children services are provided by the local authority or are in partnership with the local authority to provide education as well as care.
Registration of new services

In year 2003/04, 282 daycare of children services and 783 childminders were registered. During the same period 303 daycare of children services and 1,024 childminders stopped operating and cancelled their registration.

Large proportions of childminders enter and leave the market each year. The Care Commission believes that there are a number of reasons for this. A proportion of childminders have few or no children to care for, income from childminding might be lower than anticipated, childminders may find better paid employment and some childminders stop providing the service when their own children grow up.

To assist the development of more childminding services the Care Commission works closely with local partnership agencies and with the Scottish Childminding Association to ensure we are responsive to the needs of new childminding registration applicants. New applications for registration are often brought forward as a result of partnership recruitment and information drives. The Care Commission has also reduced the amount of paperwork involved in submitting an application for registration.

Strong links between the regulator and partnership agencies need to be maintained to ensure the registration of new services is managed flexibly and efficiently and the Care Commission is committed to delivering that.

Inspection of early years services

Daycare of children services and childminders are inspected at least once per year. The National Care Standards booklet which applies to these services is called “Early Education and Childcare up to the age of 16”. Where the daycare of children service provides education as well as care, the Care Commission collaborates with HMIE colleagues to inspect the service. Under current arrangements each service providing education and care will have one inspection conducted jointly by the Care Commission and HMIE in one of 3 years. During this inspection certain education quality indicators from the document “The Child at the Centre” are used in addition to the National Care Standards. In other years, the Care Commission inspects on its own.

Reports on the outcome of the inspection are publicly accessible. At present, joint inspection reports are on the Care Commission and HMIE websites. From 1st April 2005 all Care Commission reports on inspections conducted from that date will also be published on the Care Commission website. Reports on inspections conducted before 1st April 2005 can be accessed directly from Care Commission offices.

Public Information

The publication of inspection reports is an important contribution to supporting parents and to the provision of choice. Parents can look at reports on the inspection of a number of services before choosing which to visit or use. The Care Commission also collaborates with local Childcare Information Services, (CHIS), by providing information on which services have newly registered and which services have cancelled their registration. In this way the information which CHIS provides to the public can be kept up to date. The
Care Commission intends to further our links with local CHIS as our electronic database develops. We have also developed a web based register of services.

In financial year 2005/06, the Care Commission intends to report nationally on issues relating to the quality of childminding services across Scotland. This analysis will cover various quantitative and qualitative data giving a range of perspectives on the quality of care being experienced by children and families using childminding services. The information we will look at will include reports from inspection visits, legal enforcement actions by the Care Commission, the outcome of complaints investigations we have undertaken and the views of parents whose children use childminding services. The Education Committee may find this proposed national report of interest when it is published.

Listening to users’ views

The quality of service users’ experience is central to Care Commission inspections. We gather information about users’ experience through direct observation, by listening to children and their parents or carers and through the use of questionnaires. Many parents feel strongly about the importance of the quality of the service their children use and they contribute to the inspection by expressing their views.

Complaints and enforcement

Parents also voice concerns through raising complaints about the service they use. In year 2003/004, there were 239 complaints made about daycare of children services and 98 complaints made about childminders. Of these complaints, 152 (64%) complaints about daycare of children services and 52 (53%) complaints about childminding services were upheld or partially upheld. In these cases the Care Commission required that providers make improvements to their services.

As is noted earlier, the Care Commission can take a range of formal legal steps to ensure services improve or to ensure service users are protected. In year 2003/04, the following legal enforcement actions were taken:

- Imposition of Conditions of Registration – 3 daycare of children services
- Improvement notices issued – 53 childminders and 5 daycare of children services
- Compulsory cancellation of registration – 27 childminders and 2 daycare of children services.

The importance of a well staffed, well qualified workforce

Information from inspections has shown that the quality of a service is highly dependent on the quality of the manager and staff. The Care Commission is, therefore, pleased that the Scottish Social Services Council is to regulate the early years workforce (other than childminders) as that should help improve the quality of the training and performance of staff.

The Care Commission agrees that it is unnecessary to require childminders to register with the Scottish Social Services Council as well as with the Care Commission. However, we
believe that it is important that partnership agencies continue to provide training opportunities for childminders, in conjunction with the Scottish Childminding Association.

**Working together to improve quality**

The Care Commission works in collaboration with a number of external bodies to help drive up the quality of services. An important example of good partnership working was our involvement with the Scottish Childminding Association, the Scottish Pre-School Play Association and other bodies in the “Rolling out the Standards” project. This project provided information on line, in publications and through conferences and seminars on how providers of services could ensure they meet the new National Care Standards. The Care Commission was pleased to be fully involved in this project and we continue to collaborate with these organisations at local and national levels to help improve services offered to children and families.

I trust that this evidence is of assistance to the Education Committee. Please be in contact with Ronnie Hill, Director of Children’s Services Regulation (Tel: 0131 653 4131) if you require any further information on this submission or if we can offer any further assistance.

Yours sincerely

Jacquie C Roberts
Chief Executive
Direct: 01382 207102
SUPPLEMENTARY SUBMISSION FROM THE CARE COMMISSION

CALL FOR EVIDENCE – EARLY YEARS

Introduction

The Care Commission submitted written evidence to the Education Committee in March 2005. This supplementary submission is made to provide an update on the activities of the Care Commission and to present new evidence deriving from our regulatory activities.

Number of services in Scotland

As at 31 March 2005 there were;

- 5,890 registered childminders
- 4,450 day care of children services

During the year 31 March 2004 – 31 March 2005 the Care Commission registered;

- 885 new childminders
- 250 new day care of children services

During this year the following services cancelled their registration

- 1,117 childminders
- 280 day care of children services

There continues to be a significant turn-over of childminders. While the number of day care of children’s services reduced, the number of places for children provided by these services increased by almost 500.

Complaints and Enforcement

In year 2004/05, 99 complaints about childminders and 320 complaints about day care of children were investigated. Of these complaints 52 (53%) of complaints against childminders and 201 (63%) of complaints against day care providers were upheld. The number of complaints we have dealt with has risen this year by some 25%. Parents are increasingly resorting to the Care Commission to help improve the quality of service their children receive.

Two examples of complaints upheld are as follows. In one case a parent complained that his child needed hospital treatment after being bitten by another child in a nursery. He was concerned that there was a lack of supervision, particularly as the nursery had known about the behaviour patterns of the other child. After we investigated the nursery improved the way staff managed challenging behaviour and the way that staff supervised outdoor play.
In the second example, the parents of a child thought the food offered to their child at a nursery was processed and not nutritious. We investigated and found that much of the food served was processed, with high sugar content, and that the menu was not well balanced. We required the nursery to ensure to meet the dietary guidelines for the under 5s and to ensure were appropriately trained in menu planning.

In year 2004/05 the following legal enforcement actions were taken. Improvement Notices were issued to 19 childminders and 16 day care of children services. On a compulsory basis, we cancelled the registration of 4 childminders and 6 day care of children services. We imposed Conditions on the registration of 6 childminders.

**Inspection Outcomes**

Together with HMIE we are finalising a review of our 3 year joint inspection programme. When this review is completed we will have strong evidence of the quality of care and education in all early education and day care of children services. Early indications are that while standards of service provision are generally good, there are significant weaknesses in important areas of care and education. There are also differences in aspects of quality between the local authority, private and voluntary sectors. Weaknesses in care provision include:

- poor risk assessment processes and inadequate child protection policies and procedures
- poor security and safety of premises, including fire safety
- lack of appropriate infection control policies and in some cases poor hygiene practice
- inadequate staffing arrangements

Feedback from nursery managers and parents indicate that inspections are effectively managed, helpful and important. A substantial proportion of parents want more unannounced inspections. Education authority managers have commented that joint inspections have, for the first time, considered the “whole child” and that they have raised the importance of ensuring improvement in the quality of care services to children. A number of education authority managers have questioned the frequency of inspection. Currently HMIE and the Care Commission are considering how to introduce a more proportionate approach to inspections given that, currently, the Care Commission is required to inspect each service every year.

**National Care Standards**

Increasingly, the National Care Standards are being recognised as providing a major contribution to delivering child centred improvements in the quality of care. The Standards, in the main, describe the outcomes which children and their parents should expect when using care services. Parents are becoming more aware of the National Care Standards and are increasingly referring to them to good effect, for example, when raising complaints or concerns about
the care received. In making recommendations for improvements following inspections or compliant investigations, Care Commission staff take these Standards into account. In making recommendations or in taking more formal action to ensure improvement, the Care Commission's aim is to make a positive difference for children using the service.

I trust that this supplementary evidence is helpful.

Jacquie C Roberts
Chief Executive