

## Due Regard Statement

Person(s) responsible for completing this statement  Ruth Lewis	Date statement started: 5 <sup>th</sup> December 2012  Date statement completed:
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Name of the policy, service, strategy, procedure or function: (indicate whether new or revised)

Extending Free Early Education to More Two Year Olds
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### Briefly describe its aims and expected outcomes

Following a three year trial the Government intends to introduce a new legal entitlement to 20% of two year olds to access free early education from September 2013 increasing to 40% of all two year olds by September 2014. Free places will be targeted with a primary focus on economic disadvantage with local authorities having a statutory duty to secure 570 hours of free education for each eligible child. The Government have consulted with on the eligibility criteria which is nationally set

For the first phase of the entitlement, from September 2013 , 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 ;or
- They are looked after by the local authority.

The second phase of the entitlement , from September 2014 , eligibility will also include:-

- Low income working families – annual gross earnings of no more than £16,190 and are in receipt of working tax credits or Universal Credit.
- Two year olds with special education needs and disabilities.
- Children who have left care under adoption , social guardianship or residence order

There is a strong body of evidence that shows good quality childcare and pre-school provision, especially from age 2 upwards, has positive benefits on children's all round development and that these benefits last through primary school to age 10/11. The benefits of good quality pre-school education are especially important for disadvantaged children as it boosts their development at the start of school, helping them to achieve and flourish through primary school

This initiative allow a greater number of two year olds to access early education will impact on the following outcomes

**Improvement in cognitive development** such as language ability and parent child relationships from starting early education at two rather than three years

**Improvement in non – cognitive development** such as behaviour and social skills from starting early education at two rather than three years.

**Improved take up** of the three and four year olds universal early educational entitlement

**Parental employment** –widening access to free early education will reduce childcare costs to parents and support parents to balance working and family life.

**Job creation** – Additional early education will need to be created in order to deliver the additional places . This will lead to new employment opportunities.

Three options are being considered for the delivery of this statutory requirement:-

**Option 1:** An implementation plan to be developed which includes

An action to increase the number of places – this will be achieved by targeting key areas where the need to expand places is greatest..A dedicated GCC project team and commissioned early years business consultants will provide support with business planning and financial management for early years providers. Providers will also be able to apply for financial support through a small grants scheme to address potential barriers in creating new places for two year olds Funding could be used for building alterations , new resources or to recruit and train new staff.

Action to improve the quality of provision will be through the development and implementation of a targeted intervention model by the Early Years

Childhood team of consultants. The Early Years Intervention Programme is an intensive programme of support aimed at early years settings who have been judged as satisfactory by OFSTED for 1, 2 or 3 times. An initial intensive 12 month stage of intervention ensures sustainability of improvement with management and staff within the setting.

Consultation and information dissemination with parents/carers and relevant professionals and organisations.

The development of administrative processes and systems to run the new scheme

### **Option 2 Not to take up the capacity building and capital funding grants.**

The Council has a statutory duty to secure 570 hours of free education for each eligible child from September 2013. The forecast for September 2013 has identified 1100 - 1200 eligible two year olds. The majority of these children would not have attended on a fee paying basis and so there will be requirement to create 800 additional places within the market

In September 2014 when criteria is widened it is forecast 2400 will become eligible. A proportion of these will be from working households who would have been purchasing childcare, but the local provision will need to increase by a further 1200 places

Currently there are insufficient places to meet this demand and therefore reliance on the latent capacity with the sector without a programme of additional financial support would fail to address the shortfall

### **Option 3 Outsource the implementation**

The option has been evaluated through the optional appraisal and has been rejected. A specification would need to be written and a tender process undertaken to identify potential bidders. This would take a number of months to complete

Any trajectory building activity that uses DSG funding will need to be completed by March 2014 so this only gives a limited time to implement a small grants programme

**Option 1 is the preferred option** It is based on past experience of expanding early education entitlement for 3 and 4 year olds in previous years. It combines the best elements of the current model and acknowledges the need to work with providers to develop high quality placements for all eligible children within a short time frame which are sustainable and are not created at the detriment of three and four year old places

## Gathering the evidence base

List the main sources of data, research and other sources of evidence, including full references, used to determine the impact of your work on each of the protected groups. If there are gaps in evidence, state what you will do to close them in the Action plan at the end of this document.

	<p style="text-align: center;"><b>Service user data</b> (if applicable) If service user data is not available, use the action plan below to identify how service user data will be collated in the future.</p>	<p style="text-align: center;"><b>Other</b> (for example, local demographic data, research , ONS, partner data, officer knowledge)</p>
<p><b>All</b></p>	<p>Early Years Foundation Stage profile data is an indicator of levels of progress when a child is 5 years of age. Data is available for years 2007 -2012</p> <p>In 2012 81% of all children in Gloucestershire gained 78 points + which included 6 points for personal and social development and communication and language development is an indicator of good progress</p> <p>In 2012 this benchmark was achieved by :-            41.8% Children eligible for free school meals            9.8% on the SEN Code of Practice            22% of LAC            53% of boys            73% of girls            ( Action Plan : Currently no data available on tracking children who have received early education at two through to the end of Early Years Foundation Stage )</p> <p>During 2012 429 children have accessed free</p>	<p>Over the last year a series of key reports<sup>1</sup> have reinforced the significance of early intervention and the provision of more targeted support to young children and their families</p> <p><sup>1</sup>Early Intervention: The Next Steps Graham Allan MP . HM Government (Jan 2011) ; The Foundation Years : preventing poor children from becoming poor adults , Frank Field , HM government ( December 2010); The Munro Review of Child Protection , Professor Eileen Munro , Department for Education ( 2010) ; Claire Tickell The Early Years Foundation Stage Review ( May 2011) Fair Society , Healthy Lives , The Marmot Review Dept of Health ( Feb 2010) Supporting Families in the Foundation Years Dept for Education and Dept of Health( 2011); Families in the Foundation Years – Evidence Pack Dept for Ed and Dept of Health ( 2011)</p>

	<p>entitlement for two year olds          15 were looked after children          62 on a child protection plan          61 were from BME families          240 were boys          189 were girls</p>																																									
<b>Age</b>	<p>400 two year olds are currently accessing under the current criteria. The proposed changes to the criteria will mean that 1600 two year olds will be eligible by Sept 2013 and 2400 by Sept 2014 HMRC statistics April 2012</p>	<p><b>Eligible two year old numbers for 2013 and 2014 by children centre reach area</b> GCC performance and data December 2012</p>																																								
<b>Disability</b>	<p>Data available of EYFSP percentage gap between children with no identified SEN and those on the SEN code of Practice i achieving good progress . Gloucester and statistical neighbours</p> <table border="1" data-bbox="369 901 1142 1364"> <thead> <tr> <th></th> <th>Non SEN</th> <th>SEN</th> <th>Rank</th> </tr> </thead> <tbody> <tr> <td>Banes</td> <td>66%</td> <td>15%</td> <td>10</td> </tr> <tr> <td>Cambridge</td> <td>68%</td> <td>25%</td> <td>5=</td> </tr> <tr> <td>Devon</td> <td>73%</td> <td>27%</td> <td>8</td> </tr> <tr> <td>Dorset</td> <td>79%</td> <td>38%</td> <td>2=</td> </tr> <tr> <td>Gloucester shire</td> <td>68%</td> <td>20%</td> <td>9</td> </tr> <tr> <td>Shropshire</td> <td>73%</td> <td>29%</td> <td>6</td> </tr> <tr> <td>Somerset</td> <td>67%</td> <td>25%</td> <td>3</td> </tr> <tr> <td>Suffolk</td> <td>66%</td> <td>21%</td> <td>7</td> </tr> <tr> <td>West Sussex</td> <td>66%</td> <td>27%</td> <td>1</td> </tr> </tbody> </table>		Non SEN	SEN	Rank	Banes	66%	15%	10	Cambridge	68%	25%	5=	Devon	73%	27%	8	Dorset	79%	38%	2=	Gloucester shire	68%	20%	9	Shropshire	73%	29%	6	Somerset	67%	25%	3	Suffolk	66%	21%	7	West Sussex	66%	27%	1	<p><b>Assessment for Childcare Sufficiency – Gloucestershire County Council April 2011</b>          Parent perception and use of childcare in Gloucestershire</p> <p><b>Disabled Children Access to Childcare ( DCATCH</b>          Parents of disabled children often face higher cost of early education.</p> <p><b>How fair is Britain? First Triennial Review Equality and Human Rights Commission 2010</b>          Higher proportion of low income households where parents or child have a disability</p> <p>The evaluation of the Disabled Children Access to Childcare ( DCATCH) found that the parents of disabled children often face higher cost of early education . The evaluation cites the lack of affordable childcare for children with disabilities and special educational needs as being a prevalent barrier to</p>
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Wiltshire	69%	29%	5=
Worcester shire	70%	26%	2=

work. It also highlights the additional costs of early education for SEND children due to more intensive support and practitioner – child ratios

**Sex**

**Data collected on gender of children who receive funding**

240 number of boys and 189 number of girls access early education entitlement at present

EYFSP data available by gender

10,301 fathers and 15,020 mothers are currently registered as attending children's centres.

**Achievement of Children in the Early Years Foundation Stage DfE 2010**

Research shows that by the age of five, girls development is more advanced in 11 of the 13 assessment scales on the early years educational profile

**Race  
(including  
Gypsy &  
Traveller)**

Data collected on present referral form for parent and child 61 children were from BME families

EYFSP data available by BME but not by specific ethnic groups

E Start data provides data on BME and travellers

**Achievement of Children in the Early Years Foundation Stage DfE 2010**

At aged five pupils from some BME groups achieve poorer results

**How fair is Britain ? First Triennial Review Equality and Human Rights Commission 2010**

Higher proportion of low income households are ethnic minority households

**Gender  
reassignm  
ent**

No data collected on families eligible for funding

**Marriage &  
civil  
partnership**

No data collected on families eligible for funding.

	1,887 lone parents 2,229 unemployed carers and 1,364 workless households are recorded on the E Start database which is system used by Children's Centres to recorded families accessing Children Centre services	
<b>Pregnancy &amp; maternity</b>	No data currently collected on families eligible for funding.  Data available on current referrers for two year old funding include midwives and Health visitors	
<b>Religion or Belief</b>	No data collected on families eligible for funding	
<b>Sexual Orientation</b>	No data collected on families eligible for funding	

**Workforce data**

**If employees are affected by your 'project' please outline the profile of the workforce affected below.**

<b>All</b>	<p>Children are currently able to access the free entitlement in children's centres, voluntary and private nurseries , pre schools , playgroups and childminders</p> <p>There are currently 414 Early Years settings and 573 childminders in Gloucestershire of these 186 setting delivering 400 funded places for two year olds Additional early education provision will be needed to be created in order to deliver the additional places. This will lead to new employment opportunities.</p> <p>The majority of families will be low income working families. Widening access to free early education will reduce childcare costs for parents and support parents to balance working and family life</p>
<b>Age</b>	<p>Of the 1266 employees working in Early Years provision 33% of staff are aged between 16-24 years. 52.7% of the Early Year workforce is between 25-49 years Expansion of provision will create further opportunities for full and part time employment</p>
<b>Disability</b>	<p>Of the 1266 employees whose statistics were returned during the most recent workforce audit (March 2010 ). No respondents stating having a disability</p>
<b>Sex</b>	<p>The 99% of the early years workforce is female. Improved opportunities for parents especially mothers from disadvantaged communities to enter employment</p>
<b>Race (including Gypsy &amp; Traveller)</b>	<p>Improving the capacity and quality of early education and childcare provision and creating employment opportunities for minority communities</p>
<b>Gender reassignment</b>	<p>No data collected</p>



<b>Marriage &amp; civil partnership</b>	No data collected
<b>Pregnancy &amp; maternity</b>	No data collected
<b>Religion or Belief</b>	No data collected
<b>Sexual Orientation</b>	No data collected

## Consultation and engagement

List all types of consultation that has taken place during the development of this activity. Include on-line consultations, events, meetings with stakeholders, community events, employee consultation exercises etc

There have been 4 provider events during November – December 2012 in Gloucester, Cheltenham, Stroud and the Forest of Dean which have been attended by 150 providers. Two more events are planned for January 2013 for Cotswolds and Tewkesbury. Additional events will be organised as required.

Schools Forum have been briefed on the expansion of the free entitlement for Two Year olds as from 2013 the programme will be funded by Direct Schools Grant

A number of events have taken place professional and organisation who work directly with families these include children's centres, Health Visitors and Social care team.

Marketing to eligible parents will take place during 2013 and will include raising awareness of an eligibility checker

## Equality analysis: What the evidence shows

Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. In the next section you will be required to document how you will mitigate any negative impacts.

Useful questions to consider:

Do policy outcomes and service take-up differ between people with different protected characteristics?

What are the key findings of your engagement?

If there is a greater impact on one group, is that consistent with the policy aims?

If the policy has negative impacts on people with particular characteristics, what steps can be taken to mitigate these effects?

Does any part of the policy discriminate unlawfully?

Will the policy deliver practical benefits for certain groups?

Does the policy miss opportunities to advance equality of opportunity and foster good relations?

Do other policies need to change to enable this policy to be effective?

What are the impacts to the workforce?

Briefly outline your main findings that relate to the Council's commitment to: **Eliminate discrimination (consider potential for indirect discrimination) Advance equality of opportunity Promote good relations. This can include challenges and opportunities.**

*Note: If you are assessing a number of options, you should consider the opportunities and challenges of EACH option.*

Protected group	Challenge or opportunity
All	<p><b>Opportunity Option 1</b></p> <p>There is currently a well established referral route through children's centres, Heath visitors and social care so that all eligible families who meet national and local criteria are able to access the entitlement. A dedicated marketing programme will raise awareness with all professionals who work with families these will include schools, health and social care professionals GPs and Early Years providers. The move from a purely referral model to one of entitlement will allow 40 % of</p>

two year old to benefit from a funded place. This will have positive impact upon the sustainability of urban and rural provision. Particularly in disadvantaged areas and where incomes are low.

**Challenge**

**Option 2 and 3 will not deliver sufficient placements.**

There is a business need to secure sufficient childcare places of high quality in the area identified through sufficiency profiling conducted in November 2012 .Early Year staff who work with the children and their families will need to have the qualifications and knowledge to meet the needs of vulnerable two year olds .

**Age(A)**

**Opportunity**

**Option 1**

For the new entitlement local authorities will have a statutory duty to secure 570 hours of free early education for eligible children. To prevent disruption to children's learning, two year olds who take this up will not lose their free place if their family circumstances change and they no longer meet the eligibility criteria.

All children are eligible for a free early education place from the term after their third birthday until they start school.

**Disability (D)**

**Options 2and 3 Challenge**

More affordable childcare for children with disabilities and special educational needs however Options 1and 2 Will fail to support the creation of sufficient places to meet the needs of SEND children as provider will not be able to access additional funding to change t premise to meet the children's requirements nor train staff in meeting individual child needs

**Opportunity Option 1**

Early Start programme ensures children with disabilities are identified early in partnership with health and specialist targeted service providers. Children's centres and SEND services work jointly to meet children's needs locally.

**Option 1** Would provide additional funding for providers to adapt provision to meet the needs of

	<p>SEND children and to train staff in meeting the children's additional and complex needs</p> <p>Positive impact on narrowing the gap of achievement between non SEN and SEND children</p>
<b>Sex (S)</b>	<p><b>Opportunity Option 1</b></p> <p>Fathers, mothers and male and female carers will be equally able to apply for funding if they meet the eligibility criteria.</p> <p>Children of either gender will be eligible to be funded There will be a positive impact upon narrowing the gap of achievement between boys and girls at an earlier stage of intervention.</p>
<b>Race (including Gypsy &amp; Traveller)(R)</b>	<p><b>Opportunity Option 1</b></p> <p>A high proportion of ethnic minority households have a low household income. This policy is therefore likely to remove barriers and provide better access to early education whilst having positive impact on the child development and education attainment.</p> <p>Increased cognitive and social abilities amongst children with EAL leading to raised achievement. Narrow the gap in attainment between most and least disadvantaged.</p> <p><b>Challenge</b></p> <p>Children's centres actively collaborate with local partners across the reach area to develop local data and knowledge of the families within the area. Where access may be more difficult for parents from a minority ethnic group because language and or custom may present a barrier, steps are taken to recruit staff specifically to support these groups.</p>
<b>Gender reassignment(GR)</b>	<p><b>Neutral Options 1,2 and 3</b></p> <p>Addressed through Equalities &amp; Diversity Policy of each early year provider. Those families applying for funding are not asked about their sexual preference</p>

<b>Marriage &amp; civil partnership (MCP)</b>	<p><b>Neutral Options 1,2 and 3</b></p> <p>Those registering for funding are not asked about their marital status</p>
<b>Pregnancy &amp; maternity (PM)</b>	<p><b>Opportunity Options 1, 2 an 3</b></p> <p>Childrens Centres have strong links with Midwifery and Health Visiting services to gain information after health and development reviews on parent and/or child vulnerability, development delay or disability. Where appropriate families would be made aware of the initiative and how to apply for funding</p>
<b>Religion and/or Belief (RAOB)</b>	<p><b>Neutral Options 1, 2 an 3</b></p> <p>Families applying for funding are not asked about their faith beliefs and so the profile of eligible users is unknown. Some Early Years settings and childminders are affiliated to faith groups. However this does not impact on the day to day running of the provision or acces for eligible families.</p>
<b>Sexual Orientation(SO)</b>	<p><b>Neutral Options 1,2 and 3</b></p> <p>Addressed through Equalities &amp; Diversity Policy of each early year provider.</p> <p>Families registering for funding are not asked about their sexual preference The revised eligibility criteria would have no impact on families or individuals on the basis of gender reassignment</p> <p>There are no current identified issues</p>
<b>Carers</b>	<p><b>Opportunity Option 1,</b></p> <p>Vulnerable groups of children including looked after children, children on child protection plans and children in need will continue to be able to access 15 hours of free early education through local criteria, These children face multiple challenges to progressing well in early years and at school Nationally it is a requirement that two year olds that are looked after and those who go on</p>

to be adopted are automatically given the funded entitlement.

2,229 unemployed carers are currently registered with children centres and will be supported to apply for a funded place. A community family worker from the nearest children centre will be assigned to work with families identified as being in greatest need and will link with the early years provider to give additional support

**Strengthening actions: Outline what actions have been identified to mitigate the key findings identified above by protected group.**

Potential/ actual impact	Protected group (s) affected	Proposed mitigating action(s)	Accountability	Timeframe
Lack of suitable placements for children with SEND	Disability	Funding would be used to support increased business costs attached to meeting additional or complex needs of children with special educational needs or disabilities and to address training and development requirements of new and existing staff	Project Lead- Ruth Lewis in conjunction with Gill Newell Early Years SEN lead	By September 2014
Low take up by some BME communities e.g Czech Roma	BME communities e.g Czech Roma	Children's centres have been located in the areas of highest deprivation and so should be accessible to many of the neediest of families in areas of high socio-	Project Lead – Ruth Lewis – as part of performance monitoring arrangements with Children's Centre	Ongoing from November 2012

		<p>economic disadvantage. Community Family Workers have experience and local knowledge of the BME communities within the reach area and will raise awareness of the initiative and support families to access funding</p> <p>E Start database used by staff working in children's centres provides data on BME and travellers and the services they are accessing</p>	providers	
Looked After Children who are eligible do not take up funding	Vulnerable Children	<p>Children in Care service team will provide data on eligible looked after children.</p> <p>Through Health Visitors and Social Care teams</p>	Project Lead Ruth Lewis and Project Manager Lin Sergeant	Ongoing from November 2012
Children on Child Protection Plans / Children on the edge of care do not take up funding	Vulnerable children	Alignment with the 'Turn Around for Children.' the Early Years specialist service will ensure all eligible children referred are able to access a placement.	Project Lead Ruth Lewis and Project Manager Lin Sergeant	Ongoing from November 2012
No clear evidence of impact on progress of two year olds accessing funding	All	<p>Part of Payment by Results in Children's Centre local pilot project –evaluation tool Outcome Star</p> <p>Longitudinal study of two year olds accessing free entitlement and the their outcomes at the end of Reception year- possible</p>	Project Lead Ruth Lewis and Project Manager Lin Sergeant	<p>PbR pilot from Sept 2011</p> <p>To begin in September 2013</p>

commissioned project		
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## Monitoring and Review

Please indicate what processes/actions will be put in place to keep this 'activity' under review.

Action	Accountability	Timeframe
Monthly update of eligible children taking up entitlement including those children from protected groups	Project Lead Ruth Lewis and Project Manager Lin Sergeant	Ongoing from November 2012- monthly
Children's Centres will assigned a community family worker to work with eligible two year olds who are deemed to be in greatest need.	Project Lead Ruth Lewis and Project Manager Lin Sergeant	Ongoing from November 2012-quarterly
Monitored through contract monitoring arrangements		
PbR project monitored by current governance arrangements	Project Lead Ruth Lewis and Project Manager Lin Sergeant	PbR pilot from Sept 2011

## Sign off and Scrutiny

Signed off as complete by: <i>Ruth Lewis</i>	Date: <i>22/1/13</i>
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<p>Senior level sign off:</p> <p>..... <i>Mike Wen</i> .....</p> <p>Director/Head of Service</p>	<p>Date: <i>25/1/13</i></p>
<p>Name of relevant Portfolio Holder/Cabinet Member:</p> <p>I confirm that I have examined sufficient information and understood the potential impact of the proposal. I am in agreement with the proposed mitigating actions and confirm that I have had due regard to the needs set out in section 149 of the Equality Act 2010.</p>	
<p>Signed by Portfolio Holder/Cabinet Member:</p> <p>..... <i>[Signature]</i> .....</p>	<p>Date: <i>28/1/13</i></p>
<p>Assessment published alongside cabinet report</p>	<p>Date: <i>29/1/2013</i></p>

