EXECUTIVE NOTE TO

THE PROVISION OF SCHOOL EDUCATION FOR CHILDREN UNDER SCHOOL AGE (PRESCRIBED CHILDREN) (SCOTLAND) AMENDMENT ORDER 2007 SSI 2007 No. 396

1. The above instrument is made in exercise of the power conferred by section 1(1B) of the Education (Scotland) Act 1980. The instrument is subject to negative resolution procedure.

Policy Objectives

2. The purpose of the instrument is to amend the Provision of School Education for Children under School Age (Prescribed Children) (Scotland) Order 2002 (S.S.I 2002/90) to increase the entitlement to pre-school education from 412.5 hours per year to 475 hours per year. This is the first step towards fulfilling a manifesto commitment to increase the hours of pre-school education by 50%.

Background

3. Since April 2002 all 3 and 4 year old children in Scotland have been entitled to 412.5 hours of free pre-school education per year. The amount of pre-school education they are entitled to is set down in the Order of 2002. The majority of children attend pre-school education in daily 2½ hour sessions – the entitlement of 412.5 hours therefore equated to 33 weeks of provision. Increasing the entitlement to 475 hours means that children attending in 2½ hour sessions will now be entitled to 38 weeks of education, bringing pre-school provision broadly into line with the school year. The entitlement is expressed in hours per annum as some pre-school providers deliver the service in more flexible patterns across the full calendar year.

4. Local authorities have a statutory power to provide more pre-school education than the legal duty requires. In practice many local authorities have provided 38 weeks of provision in their own centres but have only funded the minimum of 33 weeks of provision in partner provider settings. Increasing the entitlement to pre-school education will result in a more level playing field between the different sectors.

Consultation

5. The Association of Directors of Education (ADES) and COSLA were both consulted in advance about the increase in hours and the additional resources being provided to fund the increase.

Financial Effects

6. Increasing the statutory entitlement to 475 hours will require local authorities to pay partner providers for the additional hours. Local authorities will now also be required to provide 475 hours of pre-school education in their own settings. In practice, most already did

so, but this increase will mean that the full 475 hours is a statutory entitlement rather than part of this being provided under discretionary powers.

7. To take account of the increased costs to local authorities the Scottish Executive is providing additional funding through the core local government finance settlement. An extra £14.5m is being provided for 2007/08, for the period from August to the end of the financial year. An allocation of £21.75m has been made for 2008/09, although it should be noted that local government budgets for 2008/09 are subject to review as part of the spending review process. Local authorities have been informed of the increase in funding. The funding provided is sufficient to cover both the increased costs of funding partner providers and the element of local authority provision which had previously been funded on a discretionary basis.

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Scottish Executive
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