

# **Children and Young People's Overview and Scrutiny Committee**

**10 March 2023**



## **Early Years - Overview**

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### **Report of John Pearce, Corporate Director Children and Young People's Services**

#### **Electoral division(s) affected:**

Countywide

#### **Purpose of the Report**

- 1 The purpose of the report is to provide members of Children and Young People's Overview and Scrutiny Committee with an introduction to a presentation on Early Years Services in County Durham

#### **Executive summary**

- 2 Following Children and Young People's Overview and Scrutiny Committee agreeing its work programme, arrangements were made for members to receive an overview of the Early Years' Service.
- 3 The importance of a child's earliest years is widely recognised. Their brain develops connections faster in the first five years than at any other time in their lives and the experiences and relationships a child has, plus nutrition and health, can either support learning or have a negative impact. High quality early years provision has an essential role in improving the life chances of young children in County Durham. The Government requires local authorities to ensure that sufficient educational provision provides high quality support for children and families. Durham County Council's Early Years' service supports the authority in its duty to ensure that sufficient, accessible and high-quality childcare is available to support better outcomes for children.
- 4 All Early Years providers must follow the Early Years Foundation Stage (EYFS) which is a statutory framework that sets the standards of provision for early years providers. Both schools and Private, Voluntary and Independent (PVI) providers are inspected against the EYFS by Ofsted and awarded an early year's judgement.

- 5 All early years' providers must continually review the child's developmental progress, however when the child is aged two years, complete a written report, summing up progress: celebrating where the child is making good progress and identifying any areas of concern, or where progress is not as expected, so that appropriate support and interventions can be put in place swiftly. Another formal assessment is when the child is in the last term of reception class. The EYFS profile is completed and is a statutory data collection. Each child's records are combined at local authority and national level to produce a National Statistics publication. The DfE uses EYFS profile data to monitor changes in levels of children's learning and development both nationally and regionally and to compare the development outcomes of different groups of children.
- 6 The Early Years' Service recognise that the disruption to learning caused by the pandemic may have impacted on what children have learned. This could result in some children having a wider than usual range of starting points and gaps in their knowledge. Children who were born into lockdowns, or experienced several lockdowns in their first 24 months, didn't have anything close to an ordinary first 1,000 days. The service is working in partnership with other services across the council to ensure that the early years workforce is supported with professional development and equipped to deliver high quality teaching to address any impact of the pandemic on the youngest children, with a focus on the most disadvantaged areas.

## **Recommendations**

- 7 That Children and Young People's Overview and Scrutiny Committee note the contents of the report and presentation, and comment accordingly.

## **Background**

- 8 At its meeting on 7 July 2022, members of the Children and Young People's Overview and Scrutiny Committee agreed its work programme for the ensuing year.
- 9 Included in the committee's work programme was an item to give an overview of the Early Years' Service in County Durham, and, in accordance with that decision, arrangements were made for the Lead Early Years and Childcare Officer to attend the committee and provide members with that information.

- 10 A presentation accompanying this report will cover the following:
- LA - Sufficiency Duties
  - Map - Early Years Provision in the County
  - Covid Recovery
    - Some challenges we face
    - Support and Interventions
    - National Response – Enquiry

## **Early Years Context**

- 11 It is widely recognised that the quality of a child's early experiences, including the childcare they access, can not only improve physical, emotional, social and educational outcomes in their early years, but lays down solid foundations for success throughout childhood and into adulthood. High quality early years provision has a pivotal role in improving the life chances for the youngest children in Durham.
- 12 Central Government recognises the importance of early years, charging councils to deliver statutory duties to ensure that educational provision provides high quality support for children and families. The Early Years' Service supports the council in its duty to ensure that sufficient, accessible and high-quality childcare is available to support better outcomes for children and to enable parents/carers to work or train.
- 13 'Growing up in County Durham' cites the importance of making sure that all children are supported to be happy, healthy and safe to achieve their full potential; ensuring the availability of suitable high quality childcare places across our diverse county will enable parent/carers to access employment and is integral to the council's ambition to ensure that children have the best start in life and eliminate the effects of deprivation and poverty as determined in the County Durham Vision 2035.

## **The Early Years Sector**

- 14 The structure of the early years sector is multifaceted, with different contexts, infrastructures and professional routes. Provision in the authority reflects this scope; the 481 Early Years providers are made up of:- 138 nursery units in Infant and Primary Schools (Academy and Maintained), 11 stand-alone Local Authority Maintained Nursery Schools and 4 Local Authority Childcare nurseries, 115 Ofsted registered childcare nurseries and out of school provision, and 213 Childminders working in their own homes.

- 15 Schools sit within the governance of DfE, but any other provider caring for children under eight years old, for more than two hours per day, must be registered and regulated with Ofsted as a Private, Voluntary and Independent childcare provider (referred to as the PVI sector).
- 16 Although the composition of the sector is heterogenous, all early years' providers must follow the statutory framework, The Early Years Foundation Stage (EYFS) for the development, learning and care of children from birth to age 5. The EYFS framework sets the standards that all early years' providers, including schools with early years provision, must meet to ensure that children learn and develop well and are kept healthy and safe. It promotes teaching and learning to ensure children's 'school readiness' and gives children the broad range of knowledge and skills that provide the right foundation for good future progress through school and life.
- 17 Early Years provision, including reception classes in schools, is inspected as part of the whole school inspection framework; there is a separate judgement for the EYFS provision. PVI providers are inspected under the Early Years Inspection for Ofsted Registered Provision framework.
- 18 Both PVI and Schools are awarded an early years' judgement and have four possible outcomes: 'Outstanding', 'Good', 'Requires Improvement' and 'Inadequate'. They sit within an inspection cycle of approximately every 4 years unless the awarded grade is less than Good across the whole provision.

### **Government Funded Early Education Places**

- 19 Local authorities have a statutory duty to ensure there are sufficient early learning places for eligible 2-, 3- and 4-year-olds. The government funded early education entitlements for eligible 2-year-olds and the 15-hour universal offer at 3 and 4 is seen as a key tool in reducing the attainment gap between disadvantaged children and their more affluent peers. So the service partnership, with colleagues from Health and Children's Services, encourage take up of places by disadvantaged children who stand to benefit the most.
- 20 As at spring term 2023, 1530 eligible children are currently accessing the 2-year offer. The LA take up of places is 89% against an English average of 75%.

- 21 As at spring term 2023, 6745 children are currently accessing the 15-hour Universal offer. The LA take up of places is 94% against an England average of 92%.
- 22 The 30-hour offer for working parents of 3- and 4-year-olds, otherwise known as the Extended Entitlement, was introduced in 2017 and is seen as a key vehicle to support employment and the economy. As at spring term 2023, 3950 children are currently accessing this entitlement.
- 23 There is no national measure for the 30-hour entitlement.

## **Early Years National Funding Formulae – challenges**

- 24 All Schools and PVI providers are permitted to offer the government's funded early years education entitlement providing they follow the EYFS. However, schools (particularly Maintained Nursery Schools) and PVI nurseries report that the complex national funding system is both inefficient and unsustainable at a time of unprecedented financial pressures. A national funding campaign from established sector representatives and unions has been made to government that the level of funding received is not enough to cover the cost of delivering places and has called for reforms.
- 25 The council has 149 schools and 215 PVI providers offering funded places across the county. Durham receives one of the lowest funding rates within the Early Years National Funding Formulae (along with a quarter of other local authorities in England). There is only one rate lower than our base rate of £4.88 for 3–4-year-olds and we receive the lowest rate, £5.63, for two-year-olds.
- 26 Many of our providers are situated in disadvantaged areas and rely solely on the government funding, unlike the larger providers in the more affluent areas, which can help to offset costs through childcare charges for working parents – although they report that the introduction of the funded 30-hour offer and a change in parents' working patterns is negatively affecting their viability.
- 27 As a council, we do everything that we can to ameliorate the funding challenges and passport 95% of the monies we receive directly to providers, along with free training and development, and a grant towards supporting children with special educational needs. A recent funding consultation (January 2023) with early year's providers in the county, reached a majority agreement that our approach was the correct one.

## **Statutory Requirements Assessing Children's Progress**

- 28 There are two statutory assessment requirements within the EYFS, the first is when the child is between 24 months and 36 months. All early years' providers must review the child's development and complete a written report, celebrating where the child is making good progress and identifying any areas of concern, or where progress is not as expected, so that appropriate support and interventions can be put in place swiftly and parents can understand their child's needs and enhance their development at home.
- 29 At the end of the reception year, it is a Statutory requirement for teachers to assess children's learning against 17 Early Learning Goals (ELGs) set within the EYFS. The Department for Education outlines that 'Children are defined as having reached a Good Level of Development (GLD) at the end of the EYFS if they have achieved the expected level for the ELGs in Communication, Personal, Social and Emotional and Physical Development, Mathematics and Literacy.
- 30 The EYFS profile is a statutory data collection. Each child's records are combined at local authority and national level to produce a National Statistics publication. The DfE uses EYFS profile data to monitor changes in levels of children's learning and development both nationally and regionally and to compare the development outcomes of different groups of children such as gender and eligibility for free school meals.  
*\*The EYFS profile is not an accountability measure for schools and the DfE does not publish school level results for the EYFS profile.*

## **Covid Recovery**

### **Early Years' Service and Partnerships**

- 31 It is important to note that we cannot directly compare the published statistics for the GLD in the summer of 2022 against past data, because the DfE modified the EYFS in 2021 and the profile assessment was revised. It is also the first publication since the 2018/19 statistics, as the data collections were cancelled due to the Coronavirus.
- 32 So, we must acknowledge, but treat with caution, the headline figures as we emerge from the pandemic. The statistics released, say that nationally, 65.2% of children achieved a GLD in the summer of 2022. However, when drilling down to the outcomes for disadvantaged children, we see a difference. Only 49.1 % of children eligible for free school meals achieved the GLD, compared to 68.8% of those not known to be eligible for free school meals. That is a 19.6 percentage point gap. In Durham, using the same lens for the data, we see a 22.8 percentage gap.

- 33 The Early Years' Service recognise that the disruption to learning caused by the pandemic may have impacted on what children have learned. This could result in some children having a wider than usual range of starting points and gaps in their knowledge. We are analysing this new data measure, in conjunction with reports from early years leaders and agencies, to guide our work with key partners through the Best Start in Life Steering Group, and are responding with initiatives, support programmes and training in a whole system approach.
- 34 Throughout the COVID-19 pandemic, many of the early year's providers continued to provide a crucial service for key workers and a vital support for vulnerable children. The Pandemic brought a visibility to the importance of early years education - from narrowing educational gaps and providing a social space for children to play and learn, to enabling keyworkers to work - and yet despite this visibility, persistent challenges remain for a sector that often feels undervalued by central government. That said, the team are proud of the positive relationship and partnership working arrangement it holds with our early years' workforce and their representatives, who appreciate the inclusion, recognition and proactive support from the local authority. They are enthusiastic supporters of council initiatives with Public Health, Children's Services, and Cost of Living Crisis responses (including the Household Support Grant) in their resolve to support the most disadvantaged children and families accessing their provision.
- 35 The Early Years' Service' are active partners on key council steering groups - Family Hubs, Healthy Weight Alliance, Education Safeguarding group The Poverty Action, Immunisation Steering groups.
- 36 The team work closely with the Department for Education and the Early Years and Childcare Lead sits on two Policy working parties (Covid Recovery and Early Years Funding). The current DfE Early Years Covid recovery programme is expansive, and this is promoted to the sector, and team members are delivering components of the programme on behalf of DfE.

### **Early Years' Service and the Sufficiency Duty**

- 37 The last year has been very difficult for the sector; struggling with recruitment and retention challenges; reports of difficulties include finding staff with the required qualifications and experience, increased cost pressures from the cost-of-living crisis and some children requiring more development support due to lack of experiences during the pandemic.

- 38 Some childcare providers are experiencing sustainability pressures which is also as a result of the changes in working patterns and demand for paid childcare in some areas. At present Durham does not appear to be as adversely affected as other regions in the country who are reporting challenges in meeting their sufficiency duties and a decline in the 2-year take up.

### **Sustainability Support**

- 39 The Early Years' Service provides a universal offer of business advice and support to childcare providers with sustainability risks in conjunction with Business Durham, which has become more important in recent months. A graduated approach is taken to manage the childcare market and the sufficiency duty. The local authority intervenes with short term sustainability funding and remedial business support only when required to ensure there are sufficient places in a local area. Despite closures of 49 Childminders and 3 nurseries, there have been no unsolved brokerage cases, so evidence suggests that, at present, there is sufficient early learning provision with some spare capacity in some areas in the county, but this can be a quickly shifting landscape which has priority focus and is being monitored through data collection and proactive conversations with the sector.

### **Early Years' Service and Quality Improvement**

- 40 Section 13 of the Childcare Act 2006 places a duty on local authorities to provide information, advice and training to childcare providers. A dedicated team of Early Years Officers who have extensive knowledge and experience in improving the quality of practice in Early Years settings, work in partnership to raise outcomes for children. The team offer a menu of training and support to the early years workforce within the PVI sector and in schools. The team currently visit/meet all PVI providers on a termly basis but offer increased targeted support to those with a less than good Ofsted outcome or safeguarding concerns/LADO referrals - where there is a local authority Statutory Duty to support quality improvement.
- 41 The types of support reflect the statutory requirements in the EYFS and include safeguarding, curriculum and pedagogy, leadership, supporting children with additional needs, and preparation before or development after an Ofsted inspection. The current focus is centred around supporting the workforce to equip them with knowledge and skills for interventions arising from the impact of Covid – there is currently a strong emphasis on early language and communication, self-regulation and social communication, number sense (in conjunction with the



Multiply Programme) and interventions for children presenting with additional needs.

- 42 Due to the differing working patterns of this sector, this is offered as a hybrid approach of face to face or online training (day/evening/weekends), a CPD interactive magazine, key messages posted on social media, regular email updates and several support briefings for setting leaders with key partners across the council.

## **Conclusion**

- 43 The Early Years' Service provides support to families at a crucial time of their child's development. Perhaps the picture we are seeing as we emerge from Covid reminds us, powerfully, of how important those first 1,000 days are to children's development. Children who were born into lockdowns, or experienced several lockdowns in their first 24 months, didn't have anything close to an ordinary first 1,000 days. We will work quickly and in partnership with other services to support the early years workforce with the intervention tools and knowledge that they need now, and the moral support they need to navigate through circumstances never before experienced. We owe our early years sector, who are working so tirelessly to mitigate any effects of Covid - and every child in our county - the best possible chance to thrive, learn well, and be healthy and happy throughout their childhood and beyond.

## **Background papers**

[Early education and childcare Statutory guidance for local authorities](#)

[Early years foundation stage \(EYFS\) statutory framework](#)

[Early Years inspection handbook for Ofsted Registered Provision](#)

[School Inspection Handbook](#)

[Early Years Foundation Stage Profile Handbook](#)

[Early Years Recovery programme](#)

[The Community](#)

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## **Appendix 1: Implications**

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### **Legal Implications**

Councils have a duty, to secure, so far as is reasonably practicable, sufficient childcare (including early years provision) for working parents in their area and parents making the transition to work. Other duties deal with a range of matters relating to the assessment and the early years funded entitlements and the provision of information. These duties sit alongside responsibilities for children's social care and safeguarding.

### **Finance**

The funding for early years provision continues to be a challenging environment for schools and settings. As mentioned in the report, the fact that Durham receives one of the lowest funding rates nationally and that many of our providers are situated in disadvantaged areas and rely solely on the government funding, unlike the larger providers in the more affluent areas, which can help to offset costs through childcare charges for working parents. DCC need to provide additional support to ensure these settings can access professional training and support, making efficiencies within their running costs, whilst not compromising safety or standards.

### **Consultation**

Schools Forum are kept up to date with Early Years Reserves and these are redistributed when possible to support running costs. A redistribution was consulted on, and agreed for 2022/23.

### **Equality and Diversity / Public Sector Equality Duty**

Not applicable

### **Human Rights**

Not applicable

### **Climate Change**

Provision outcomes with Ofsted have a direct correlation with demand for places. The financial vulnerability of some settings may have considerations which would adversely affect the ability of parents to use their local providers and make longer journeys to accommodate children.

### **Crime and Disorder**

Not applicable

### **Staffing**

Uncertainty and comparatively low pay rates within the sector are making alternative careers options more attractive.

### **Accommodation**

The provision of safe and educationally stimulating environments, require additional capital considerations which add further budgetary pressures. Settings have to use a range of additional funding options to address some of these funding issues. Examples can be found in AAP applications for funding.

### **Risk**

Insufficient support for EYS would have an adverse effect on our children, their learning and development. Ensuring high quality provision across the county is necessary to reduce the gaps in learning of our most disadvantaged children and communities. Provision for parents and carers, is a key ingredient of the council's future Inclusive Economic Strategy and growth.

### **Procurement**

Not applicable