

# Early Learning and Childcare Admissions Policy

Approved by Education Operational Delivery Committee  
on 12 November 2019



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## **1. Purpose Statement**

- 1.1 The aim of the Early Learning and Childcare Admissions Policy is to give clear guidance to staff and parents/carers on the admissions process and procedures for local authority Early Learning and Childcare (ELC) settings. This is with a view to mitigating the risk of not delivering on our statutory duties as outlined in the Children and Young People (Scotland) Act 2014.
- 1.2 Aberdeen City Council is committed to expanding the provision of funded ELC for eligible 2 year olds and all 3 to 5 years olds, in line with Scottish Government Blueprint for 2020: Expansion of Early Learning and Childcare. The expansion has increased the entitlement from 600 hours per year to 1140 hours and includes the provision of meals since August 2021, in line with the reinstated statutory duty. This policy will help ensure the Council is able to meet the new statutory duty.
- 1.3 The expansion prioritises a high quality experience for each child, recognising the significant contribution that universally accessible ELC can make to a child's development.
- 1.4 Aberdeen City Council will offer choice and flexibility to families so that they can choose the options which best suits their family. A number of flexible models will be available within each Associated School Group (ASG).

## **2. Application and Scope Statement**

- 2.1 This Policy applies to all Early Learning and Childcare Admissions for Aberdeen City Council.
- 2.2 The Children and Young People (Scotland) Act 2014 places a duty on local authorities to secure Early Learning and Childcare for all eligible children. In addition, they also have a duty to provide an additional year of funded Early Learning and Childcare for children who have not yet turned five at the start of the new academic year. Aberdeen City Council has a duty to secure Early Learning and Childcare (ELC) for all parents who would like to access a place for their child. However, ELC is an entitlement and there is no obligation for parents to take up the full 1140 hours.

### **3. Responsibilities**

- 3.1 Overall responsibility for managing this policy is held by the Chief Officer – Education and Lifelong Learning.
- 3.2 Any instances of non-compliance with the policy should be reported to the Chief Officer – Education and Lifelong Learning.
- 3.3 Feedback on the policy should be communicated to the Chief Officer – Education and Lifelong Learning.

### **4. Policy Statements**

#### **4.1 Criteria for Early Learning and Childcare Admission**

The Criteria for Early Learning and Childcare Admission changed from Primary School Zone to Associated School Group (ASG) Zone, approved by Education Operational Delivery Committee on 12 November 2019, to reflect the range of flexible models which will be offered in each locality / Associated School Group (ASG).

All children continuing in an ELC setting, where the model offered there meets their needs, will be guaranteed a place. For all new local authority applications, ELC places will be allocated according to the following list of criteria:

1. All children looked after or assessed as 'in need' defined in the Children (Scotland) Act 1995. Professional Support for Application to ELC form must be completed to determine whether a child meets the criteria. A Professional Support for Application to ELC can be completed by an Educational Psychologist, GP, Health Professional, Social Worker, Family Learning / Homestart Worker, for example. In line with ELC criteria below, places will be ranked as follows:
  - a) All applications for children in the Associated School Group (ASG) zone, oldest first. In the event of there being more applications than places at a setting, priority will be given to children living in the Primary School Zone in which the setting is based;
  - b) All applications for children who have a sibling in the school parents are applying for, including those not resident in the city, in accordance with section 23(3A) of the Education (Scotland) Act 1980. The sibling criteria will only come

into effect when children have a sibling in ELC or Primary 1-6 at the time of the application. Siblings from the same family, although not living together at the same address, can apply under this criterion; and

- c) All other applications from children resident in the city. Places will be allocated in the first instance to children who have childcare in the ASG zone and then to children who live out of ASG zone, oldest first.
2. All applications for children who are currently attending an Eligible 2's place. A capped number of places may be reserved for Eligible children who will turn 2 or 3 during the school session.
3. All applications for children in the Associated School Group (ASG) zone, oldest first. In the event of there being more applications than places at a setting, priority will be given to children living in the Primary School Zone in which the setting is based.
4. All applications for children who have a sibling in the school parents are applying for, including those not resident in the city, in accordance with section 23(3A) of the Education (Scotland) Act 1980. The sibling criteria will only come into effect when children have a sibling in ELC or Primary 1-6 at the time of the application. Siblings from the same family, although not living together at the same address, can apply under this criterion.
5. All other applications from children resident in the city. Places will be allocated in the first instance to children who have childcare in the ASG zone and then to children who live out of ASG zone, oldest first.
6. Children who are resident outwith the city. For children resident outside the city boundary, not including children with a sibling (as they will come under band 4), the address of a childminder or carer within the city does not entitle the child to an ELC place. Places will be allocated oldest first.
7. Applications in respect of children of UK Armed Forces families will be processed with due regard to the Armed Forces Covenant.
8. Parents and carers should indicate at the time of application if there is a sibling already in the same ELC setting. In this case, the sibling should be placed in the same session if this is the wishes of the parent or carer and can be

accommodated. Twins should also be placed together if this is the wishes of the parent or carer.

PLEASE BE AWARE: Even though an ELC place may be offered based on a sibling being at the same school, this WILL NOT guarantee a place for Primary 1. A school placing request for out of zone children will still be required and no priority will be given to out of zone children who have attended ELC.

## **4.2 Priority ELC Places (PELCP)**

4.2.1 Family support is a key element of the ELC Expansion programme; adopting a whole family approach to support child and family wellbeing at a universal level. To this end, ELC capital projects have been designed to support family learning to create welcoming and inviting spaces for families and children, with the inclusion of family rooms, where possible. To support children and families who would benefit from early intervention and wrap around support by multi agencies, a portion of places will be reserved at the recently refurbished Links Nursery and Hub to support families. The Links Nursery is a 90-place nursery, which will cater for eligible 2-year olds and 3 to 5-year olds. 20% of the available places will be reserved to support families in need, referred to as Priority ELC places. Applications will be linked to the single request for assistance application and reviewed throughout the year.

4.2.2 Requests can be made from the undernoted professionals:

- Education psychology services;
- Social work; and
- Health professionals.

4.2.3 Priority will be given as follows:

- Children on child protection register or identified through child protection procedures;
- Referrals from the social work department where a child is considered to be in need and would benefit from a Priority ELC place;
- Help the children remain within the family environment; and
- Support the child's return to the family.

Where the aforementioned professionals for children are concerned about the circumstance of the child, parents or family such as:

- Speech and Language Therapy (SALT);
  - Children who have had significant time out of settings for health reasons;
- and
- Children who are affected by the wellbeing of any person in the family.

4.2.4 This approach will strengthen our preventative work to support family wellbeing and contribute towards the Closing the Gap agenda and meet the aspirations of the LOIP to ensure every child has the best start to life. The remaining 80% of places will be allocated according to the criteria listed in 4.1 above.

### **4.3 Outdoor Early Learning and Childcare / Nurseries**

4.3.1 Outdoor play and learning are an integral part of the Early Learning and Childcare expansion programme and its commitment to ensuring children's physical and mental wellbeing, as well as their holistic development. Aberdeen City Council actively supports the drive to increase children's access to outdoor spaces and advocates quality outdoor play provision across all our Early Learning and Childcare settings. Two new outdoor nurseries accommodate children from all areas of the city. Duthie Park Outdoor Nursery is a 20 place setting, which caters for 3-5 year olds, offering them morning or afternoon sessions over 46 weeks of the year (8am – 6pm). Duthie Park Outdoor Nursery also offers Eligible 2 year old places. Hazlehead Outdoor Nursery has a 40 place capacity for 3-5 year olds, attending 9am – 3pm during term-time.

4.3.2 Both Hazlehead and Duthie Park Outdoor Nurseries provide high quality, challenging learning experiences, in a safe and nurturing environment, facilitated and scaffolded by highly trained practitioners. These provisions will have an outdoor focus, offering unique and varied experiences for children, families, staff and wider communities. Hazlehead Outdoor Nursery will provide a woodland habitat for children to reap the benefits from, as well as local connections with the horticulture work of the Environmental Services team on site, whilst Duthie Park Outdoor Nursery has a range of natural and man-made green spaces for children to explore and learn from throughout the park. Each setting will have an indoor space available, which will act as the emergency



shelter in adverse weather conditions. However, the outdoors are at the core of each setting's ethos with learning and routines taking place daily outside, in almost all weathers.

#### 4.3.3 Places at Outdoor Early Learning and Childcare settings will be allocated as follows, in line with the overall criteria for Aberdeen City Council Early Learning and Childcare Admissions:

All children continuing in an ELC setting, where the model offered there meets their needs, will be guaranteed a place. For all new local authority applications, ELC places will be allocated according to the following list of criteria:

1. All children looked after or assessed as 'in need' defined in the Children (Scotland) Act 1995. A Professional Support for Application to ELC form must be completed to determine whether a child meets the criteria. A Professional Support for Application to ELC can be completed by Educational Psychologist, GP, Health Professional, Social Worker, Family Learning / Homestart Worker, for example.
2. All applications for children who are currently attending an Eligible 2's place. A capped number of places may be reserved for Eligible children who will turn 3 during the year.
3. All applications for children who have a sibling in the Outdoor Early Learning and Childcare setting the parents are applying for, including those not resident in the City, in accordance with section 23(3A) of the Education (Scotland) Act 1980. The sibling criteria will only come into effect when children have a sibling in ELC at the time of the application. Siblings from the same family, although not living together at the same address, can apply under this criteria.
4. All other applications from children resident in the City, oldest first.
5. Children who are resident out with the City, oldest first.
6. Applications in respect of children of UK Armed Forces families will be processed with due regard to the Armed Forces Covenant.

## 5. Supporting Procedures

### 5.1 Age of Children for Enrolling

5.1.1 The Provision of Early Learning and Childcare (Specified Children) (Scotland) Order 2014, refers to three school terms namely, autumn, spring and summer.

5.1.2 Children who are age 4 are entitled to a full year of Early Learning and Childcare (ELC). Children who are turning 3 are entitled to an ELC place for the following number of terms if their birthday falls within the following dates. (*Pro rata*)

Child's Date of Birth	ELC Entitlement	Duration
1 Mar 2022 to 31 Aug 2022	Three terms	From Term 1 August to December
1 Sep 2022 to 31 Dec 2022	Two terms	From Term 2 January to March
1 Jan 2023 to 28 Feb 2023	One term	From Term 3 April to July

### Early Learning and Childcare for Eligible 2-year old children

5.1.3 All Local Authorities in Scotland also offer ELC provision for eligible 2-year old children who are Looked After, subject to a Kinship Care Order or Parent Appointed Guardianship or whose families are in receipt of certain benefits.

5.1.4 Eligible 2-year old children are also entitled to up to 1140 hours of funded ELC. This is from the term after their 2<sup>nd</sup> birthday until the term after their 3<sup>rd</sup> birthday when they are entitled to universal Early Learning and Childcare.

5.1.5 Provision includes: Local Authority ELC settings; Registered Childminders; and

Funded Provider settings. This enables us to offer choice and flexibility to families in respect of location, type and hours of provision.

5.1.6 Children will be entitled to an Eligible 2's place if their family is in receipt of the following benefits:

- Income Support
- Job Seekers Allowance (income based)
- Income related Employment and Support Allowance
- Incapacity or Severe Disablement Allowance
- State Pension Credit
- Child Tax Credit (CTC), but not Working Tax Credit and your income is less than £19,995
- Child Tax Credit and Working Tax Credit and your income is under £9,552 per year
- Support under Part V1 of the Immigration and Asylum Act 1999.
- Universal Credit and your household take-home pay, is £796 per month or less.

Or if the child is age 2 or over and is or, since they turned 2 has been (in terms of legal status):

- Looked After by a local council;
- The subject of a Kinship Care Order; or
- The subject of a Guardianship Order; or
- Has a care experienced parent.

## **5.2 Early Learning and Childcare for children with additional support needs**

5.2.1 Aberdeen City Council has a policy of inclusion and where possible children will be supported to attend their local ELC setting. Parents may choose to have their child attend his/her local school ELC setting or Funded Provider. The Local Authority or Funded Provider will advise the parents as to their ability to meet the child's needs.

5.2.2 Orchard Brae School, based in Howes Road and Ashgrove Children's Centre, is an Aberdeen City Council setting for children with severe and complex

additional support needs. The school has 50 places for developmental Early Learning and Childcare provision.

- 5.2.3 Parents who wish their child to attend mainstream provision should follow the general Early Learning and Childcare Admission process. With parental permission, Early Learning and Childcare staff can consult with the Educational Psychologist regarding meeting a child's additional support needs in the mainstream setting.
- 5.2.4 Access to specialist Early Learning and Childcare provision is made by application through a Child's Plan to a multi-disciplinary assessment panel that includes the NHS Child Development Team, a Health Visitor, an Educational Psychologist, and a Service Manager (Education). The panel meets three times per year.
- 5.2.5 An Early Learning and Childcare place will be offered that is considered the most appropriate available, to meet the needs of the child. **If the parent does not wish to accept the offer, it is open to the parent of a child with additional support needs to make a placing request to attend ELC provision including Funded Provider provision and specialist provision.**

### **5.3 Targeted Support**

- 5.3.1 Aberdeen City Council has a range of services and expertise to support children in need of additional support. Given the wide range of additional support needs, the individual circumstances of the child have to be considered when determining how best to support. ELC teams are well placed to design interventions to support children in the first instance. In addition, advice and guidance can be sought from the Early Years Team who will help identify partners across the service or partnership best placed to support.

### **5.4 Deferred entry to Primary One**

- 5.4.1 Early Learning and Childcare (ELC) provision in Aberdeen City is designed to offer children a continuum of early learning experiences from ELC into Primary 1. However, for a few children it may be beneficial to have an additional year in ELC.

- 5.4.2 The Scottish Government approved legislation so all children who defer their Primary 1 start can benefit from an extra year of funded Early Learning and Childcare, from August 2023. This means automatic deferral for those children who turn 5 after the first day of term without having to apply to defer, if their parents and carers so wish.
- 5.4.3 For the 2025-2026 session, children who are resident in Aberdeen City and whose fifth birthday is between 18 August 2025 (the first day of the new school session) and the end of February 2026, are automatically entitled to an additional year of publicly funded ELC, if their parents or carers request that their entry to primary school is deferred. No deferred entry request form is required, parents or carers simply need to apply in the usual way for an ELC place as a continuer to secure their place in ELC for a further year.
- 5.4.4 Parents or carers of children with a birth date on or between 1 March 2020 and 18 August 2020 are not entitled to defer their child's start at primary school. These children will have reached the age of five before school starts. Parents or carers considering deferred entry will be given a copy of the Deferred Entry Frequently Asked Questions (FAQ) leaflet. This is intended to help if you are considering whether your child should start Primary 1 or defer entry to school. You should also discuss this with staff in your Early Learning and Childcare setting at the earliest opportunity who can advise you further.

## **5.5 Early entry to Primary One**

- 5.5.1 Children start Primary 1 aged between 4 and a half and 5 and a half depending on when the child's birthday falls. This is a matter of law. Some parents/carers whose child has a birthday after this date can request if their child can be admitted early. e.g. starting school the previous August. For those wishing to apply for Early Entry enrolment, application should be made in writing to the Head Teacher of the school you wish your child to attend, no later than 28th February of the year you wish your child to start school.
- 5.5.2 This is known as an Early Entry Request. It is not the same as a Placing Request as you cannot request in law that your child start early in a school other than your local catchment school.

## **5.6 Right of Appeal**

- 5.6.1 There is no right of appeal against a decision of Aberdeen City Council not to offer an Early Learning and Childcare place at a specified mainstream Early Learning and Childcare (ELC) provision. Section 28A of the Education (Scotland) Act 1980 sets out the Local Authority duty to comply with placing requests to schools but specifically states 'not nursery schools or nursery classes in a primary school'.
- 5.6.2 As parents cannot make a placing request for a mainstream ELC place they have no right of appeal. The School Placings and Exclusions Appeals Committee therefore has no power to hear any appeals for mainstream ELC provision.
- 5.6.3 The Education (Additional Support for Learning) (Scotland) Act 2004 as amended does allow the parents of children with additional support needs to make placing requests for ELC. Where that ELC provision falls within the definition of a special school, any appeal against the refusal of a placing request is to the First Tier Tribunal for Scotland (Health and Education Chamber).

## **5.7 Cross Boundary Agreement with Aberdeenshire Council**

- 5.7.1 The Children and Young People (Scotland) Act 2014 places a statutory duty on Local Authorities to deliver ELC with sufficient flexibility to allow parents and carers an appropriate degree of choice when accessing the services.
- 5.7.2 A Cross Boundary Agreement has been developed with Aberdeenshire Council.
- 5.7.3 Children resident in Aberdeenshire are already entitled to attend an Aberdeen City Local Authority ELC setting under band 4 and 6 of the ELC Admissions criteria. However, a Cross Boundary Agreement with Aberdeenshire Council will ensure we have an agreed protocol in place to enable children from neighbouring authorities to take up their ELC entitlement at Funded Provider ELC settings in line with Funding Follows the Child and the Guiding Principles of ELC Expansion

- 5.7.4 Both Aberdeen City Council and Aberdeenshire Council acknowledge and agree that the delivery of Cross Boundary placements assists them both in discharging their duties under the Act, to provide ELC in a flexible manner.
- 5.7.5 Aberdeen City Council and Aberdeenshire Council have agreed to work together to facilitate the provision of Early Learning and Childcare for eligible children outside their own authority areas within the other Party's authority area. Both Authorities have agreed to enter this agreement to outline the principles and funding arrangements that are agreed between them in respect of ELC delivered in the other's authority area.

## 6. Definitions

**ACC :** Aberdeen City Council

**ELC :** Early Learning and Childcare

**Customer :** All 3-5 year old children and eligible 2 year old children who access an Early Learning and Childcare Place, and their parents, carers and families.

**Funded Provider:** Any Registered Early Learning and Childcare setting which delivers ELC in partnership with ACC. For example, Private Nursery, Playgroup, Childminder.

**ASG :** Associated School Group (Secondary School Zone)

## 7. Risk

- 7.1 This policy aims to ensure that all families in Aberdeen have access to ELC provision, in line with statutory duties, set out in the Children and Young People (Scotland) Act 2014, and that allocations are made in a lawful and consistent way.
- 7.2 This will be achieved through the consistent implementation of this policy. Implementation of this policy will be monitored by the Early Years Team with any emerging risks escalated to the Chief Education Officer for action.

- 7.3 Any delay in commencing the ELC Admissions process could cause risks to customer, employee and reputation. For example, applications not being processed, and places not being allocated in time.

## 8. Policy Performance

- 8.1 Early Learning and Childcare Admissions can be measured by the total number of places allocated per setting and by the percentage of places allocated by choice.
- 8.2 Performance will also be measured by reduction of risk, for example the reduction in complaints that Aberdeen City Council receives about not complying with its statutory duties.

## 9. Design and Delivery

- 9.1 The policy is aligned to supporting the delivery of the Target Operating Model:

**Customer Service:** The Policy will help ensure a customer centered approach offering a range of flexible models which will be offered in each locality / Associated School Group (ASG).

**Organisational Design:** Admissions will be managed by a central team, with a streamlined digital solution introduced in 2022 to allow a more efficient Admissions process.

**Governance:** The policy on all Early Learning and Childcare Admissions will ensure a fair and consistent approach and ensure choice and flexibility for our customers. Day to day responsibility for the policy will be held by the Chief Education Officer

**Processes :** The Policy is designed to reflect the range of flexible models which will be offered in each locality / Associated School Group (ASG) to provide choice for families.

## 10. Housekeeping and Maintenance

- 10.1 This Policy replaces all other policies relating to Early Learning and Childcare Admissions. The Policy will be reviewed annually with relevant dates updated. The guidance documents which support this Policy will also be reviewed and updated on an annual basis to reflect any changes to dates, settings, national best practice and learning from implementation of this policy.



## 11. Communication and Distribution

- 11.1 The policy will be shared and communicated to parents and key stakeholders via Local Authority Early Learning and Childcare Settings, Funded Providers, Aberdeen City Council website and The Intranet.

## 12. Information Management

- 12.1 Data relating to Early Learning and Childcare Admissions will be collected via the Early Learning and Childcare Admissions system, and is processed, stored and managed in accordance with the Council's Corporate Information Policy. A separate Data Protection Impact Assessment is available.

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General enquiries about the Early Learning and Childcare Admissions Policy should be directed to the Aberdeen City Council Early Years Team.

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