

Scottish Out of School Care Network

Policy Newsletter, June/July 2007



"Supporting play, care and learning"

Policy News

Scottish Executive's 10-Year Strategy for Early Years

Fiona Hyslop, Cabinet Secretary for Education and Lifelong Learning announced on 20th June the government's commitment to creating a 10-year strategy for the early-years which, for the first time, will include children up to age eight; this radical development will have a potential knock-on effect for out of school care. In a conversation with Adam Ingram, Minister for Children and Early Years, SOSCN was reassured to hear that any policies relating to school-aged childcare should not detract, but build on, already existing services.

The government has also indicated that they are looking to Europe for education and childcare models, in particular the Scandinavian model, to inspire and influence policy within Scotland. Although there are various models of education and childcare within the Scandinavian countries, in general terms, children do not start formal education until 7 years old and there is a particular emphasis on learning through play and experience. Informal education within childcare services is seen as being of near-equal importance as formal learning within schools: out of school care is not seen to be just for children of working or studying parents, but a right for all children. SOSCN has always promoted the Scandinavian model as the definitive example of good practice.

During the conversation with Adam Ingram, SOSCN also highlighted the need for continued financial support to out of school care services through the childcare strategy fund (or similar), better access to school premises as well as concerns regarding the professional status of out of school care workers.

Although these are early days for the new administration (which we should not forget is a minority government and therefore any legislation could be easily blocked), initial indications make SOSCN cautiously optimistic for the future of out of school care in Scotland. Over the coming months SOSCN will be working to further strengthen communication links with the government.

Scottish Parliament- Education, Lifelong Learning and Culture Committee

Committees are central to the work of the Parliament – they take evidence from witnesses, scrutinise legislation and conduct inquiries. Committees are cross-party groups comprised of members MSPs and lead by a Convenor and Deputy Convenor. With respect to out of school care, the Education, Lifelong Learning and Culture Committee has responsibility for looking at issues relating to our sector.

Overall, "the remit of the committee is to consider and report on (a) further and higher education, lifelong learning, schools, pre-school care, skills and other matters falling within the responsibility of the Cabinet Secretary for Education and Lifelong Learning; and (b) matters relating to culture and the arts falling within the responsibility of the Minister for Europe, External Affairs and Culture." (Ref. below)

MSP	Party	Constituency/Area
Karen Whitefield (Convenor)	Labour	Airdrie & Shotts
Rob Gibson (Deputy Convenor)	SNP	Highlands & Islands
Aileen Campbell	SNP	Central Scotland
Ken Macintosh	Labour	Eastwood
Christine McKelvie	SNP	Central Scotland
Pauline McNeill	Labour	Glasgow Kelvin
Jeremy Purvis	Liberal Democrat	Tweeddale, Ettrick & Lauderdale
Elizabeth Smith	Conservative	Mid Scotland & Fife

At the most recent committee meeting on 27th June, the Minister was invited to attend and give evidence. In her opening statement she said,

"my aspiration is for a system and culture in which children are nurtured through their early years by integrated, high-quality child care development and education. I have taken early steps towards meeting our commitment on nursery education."

www.scottish.parliament.uk/s3/committees/ellc/or-07/ed07-0202.htm#Col12

We shall work with government to ensure that out of school care will also be a priority in the coming months.

For further information on the committee: www.scottish.parliament.uk/s3/committees/ellc/index.htm

UK Government

Gordon Brown became Prime Minister on Wednesday 27th June and the following day announced a new cabinet, most significantly for our sector was the creation of the Department for Children, Schools and Families (DCSF).

"The new Department for Children, Schools and Families (DCSF) means we can really concentrate on achieving these objectives.

The Department will build on the successes in education and children's services that we have seen over the last decade. It will now focus on the significant challenges that remain – raising standards so that more children and young people reach expected levels, lifting more children out of poverty and re-engaging disaffected young people. The new structure will also allow us to respond to new challenges that will affect children and families: demographic and socio-economic change; developing technology; and increasing global competition.

In addition to its direct responsibilities, DCSF will lead work across Government to improve outcomes for children, including work on children's health and child poverty." www.dfes.gov.uk/aboutus

This development is significant in that this government is recognising the importance and benefit to children of many diverse services, and not just focusing on education services in the traditional sense. Whilst this is not the same as a department for childcare per se, it does acknowledge the benefits of childcare services, and must go some way to elevating the status and professionalism of the sector, at least within government. Whilst there is much work yet to be done, and whether there will be an increase in resources remains to be seen, this development appears to be a step in the right direction for the time being at least.

FEEDBACK

What **do you think** of the recent developments and announcements in Holyrood and Westminster? Do they give hope, or cause concern? Will they make a difference?

Let us know: policy@soscn.org

Duty to Provide After School Care for Children in Need

A recent research report by Dr Kay Tisdall and Vicky Plows (University of Edinburgh) entitled: *Children in Need: Examining its use in practice and reflecting on its currency for proposed policy change*, "sought to examine the use of 'children in need' in Scottish local authority policy and practice, and its currency for proposed policy changes in children's services." In other words, examine how each local authority

recognises "children in need" and provides services with respect to the Children (Scotland) Act 1995. The Act states that:

"Each local authority must provide a range and level of services to safeguard and promote the welfare of children in its area who are 'in need' and to promote the upbringing of children 'in need' by their families. (Section 22)

Such services can be provided to the child in need, to the child's family or a member of the family. Assistance can be in kind or, in exceptional circumstances, in cash (Section 22(3)(b)). The assistance can be free or families can be asked to repay, depending on their financial means (Section 22(4)).

Section 22 also requires local authorities to have regard 'so far as is practicable to each child's religious persuasion, racial origin and cultural and linguistic background' in providing services for children in need.

Local authorities must also provide day care for children in need aged 5 or less, and after school care and holiday care for children in need (Section 27)."

The Act defines Children in Need as:

"A child is under the age of 18 and 'in need' because:

- (v) the child is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health and development unless services are provided;*
- (vi) the child's health or development is likely significantly to be impaired, or further impaired, unless services are provided;*
- (vii) the child is disabled; or*
- (viii) the child is affected adversely by the disability of another family member."* (Section 93)

Some of the main findings from the report were:

"Children in need did not seem to be 'leading' planning nor practice.

- *Only 5 out of 32 local authorities Integrated Children's Services Plans made explicit use of children in need and used it as an organising concept.*
- *According to managers, children in need was sometimes used to justify service provision, but 'children at risk' was far more commonly used.*
- *Children in need was rarely used explicitly by fieldwork teams.*

Children in need -- as a status and a legal category -- could be used successfully to claim resources within social work or from other agencies, according to managers and fieldwork teams." (page 1)

So whilst the Act states that local authorities have an explicit duty to provide after school and holiday care for children in need, most local authorities are in fact not doing so. Where is this money being directed if not towards supporting out of school and holiday care; ought our services not be able to tap into this funding source? It is all too common for out of school care services to provide care for children in need without sufficient additional funding from the local authority.

Resources:

Children in Need: Examining its use in practice and reflecting on its currency for proposed policy change
www.childhoodstudies.ed.ac.uk/research/Tisdall%20and%20Plows%20Full%20Final%20Report%20April%202007.doc

Children (Scotland) Act 1995
www.opsi.gov.uk/acts/acts1995/Ukpga_19950036_en_1.htm

Information

Trustee Indemnity Insurance (TII)

Concerns relating to Trustee Indemnity Insurance (TII) have recently been raised with SOSCN as increasing numbers of charitable organisations are now taking out this form of insurance as added protection for Trustees and committee members. Contrary to certain reports, TII is not a legal requirement, and in fact may breach the *Charities and Trustee Investment (Scotland) Act 2005*, despite the increasing popularity of this form of insurance.

The Office of the Scottish Charity Regulator (OSCR) considers ITT to be a form of remuneration and as such, falls foul of legislation:

"Trustee indemnity insurance will fall within the definition of remuneration in section 68 of the Act and accordingly be subject to the same conditions and restrictions as any other type of remuneration. Because most policies benefit all trustees they will fall foul of the rule that only a minority of trustees can benefit."

That being the case,

"OSCR recognised that this may have unfortunate consequences in discouraging or deterring some potential or existing charity trustees. We have therefore been working with the Scottish Executive to find a solution to the problem. In the meantime no applicants for charitable status have been turned down because of this issue."

A full position statement from OSCR on Trustee Indemnity Insurance can be found at:

www.oscr.org.uk/trusteeindemnityinsurance.stm

CONCLUSION

If Trustee Indemnity Insurance is paid on behalf of the Trustees/Committee members by the charitable organisation, this is technically a breach of the *Charities and Trustee Investment (Scotland) Act 2005*; however, OSCR *"will not intervene and take enforcement action simply because a charity has trustee indemnity insurance"*. Prior to the new administration taking power, OSCR had been consulting with the Scottish Executive to look at this technicality and for ways of resolving this technicality.

As it currently breaches legislation, there is a concern that insurance companies may use this technicality not to pay out. Should a charitable organisation take out TII it is advisable to ask the insurance company about whether they would invoke this technicality or not.

If Trustee Indemnity Insurance is paid by the Trustees/Committee members themselves, then this will not contravene legislation as it will not be seen to be a form of remuneration as the charity will not have paid for it.

DATE FOR THE DIARY - FRIDAY 7th DECEMBER 2007 –DATE FOR THE DIARY

The Scottish Out of School Care Network 2007 Conference provides a continental European perspective on out of school care featuring a number of top international speakers from mainland Europe.

This is a rare opportunity to share ideas, perspectives and good practice with foreign colleagues, be sure to book your place- details to follow in the next few weeks.

SOSCN Conference 2007, Friday 7th December, Glasgow Radisson Hotel