

## **CEL CIS' response to the U.K. Government consultation on data sharing to support early learning and childcare in Scotland**

CEL CIS, the Centre for Excellence for Children's Care and Protection, is a leading improvement and innovation centre in Scotland. We improve children's lives by supporting people and organisations to drive long-lasting change in the services they need, and the practices used by people responsible for their care. We work in partnership to narrow the implementation gap between legislative, policy and practice aspirations and the experiences and outcomes of children, young people, and their families, and do this through the application of improvement and implementation science and practice.

We welcome the opportunity to respond to the consultation on data sharing to support early learning and childcare in Scotland by the U.K. Government's Digital Cabinet Office.

### **4. To what extent do you agree that the proposed new objective meets the first condition set out in s35 (9) of the Digital Economy Act 2017?**

**(9) The first condition has as its purpose -**

**(a) The improvement or targeting of a public service provided to individuals or households, or**

**(b) The facilitation of the provision of a benefit (whether or not financial) to individuals or households**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

We agree that the proposed new objectives could meet the first condition set out in s35(9) of the Digital Economy Act 2017. However, this will require further consideration and planning around how this data is shared, how families can be supported to understand the letters sent to them after data is shared, as proposed by this consultation, as well as attention to other evidence around barriers in accessing early learning and childcare (ELC) provisions, or gaps in ELC provisions. We offer the following to explain some specific considerations concerning a) data sharing and b) increasing uptake:

#### **Data sharing**

It is stated that HMRC and DWP will provide the *“customer name, address and National Insurance number (for unique identification), as well as a child(ren) indicator to confirm the existence of a child, or children, when writing to the family”*.

However, we would suggest that if HMRC and DWP know which families have a child(ren) in the eligible age group, more detailed information about the ages of children in the eligible

age group is shared. If HMRC and DWP do not have access to information about the ages of children, this will require that Scottish Government or local authorities to perform further analysis to identify the eligible families.

It is stated that the data sharing will *“help identify households that are eligible for funded ELC because they receive certain qualifying benefits”*. However, the document does not state what the “certain qualifying benefits” are. To ensure that the proposed new objective can target all eligible children and families equitably, we would suggest that the qualifying benefits are named.

- **Sharing between HMRC, DWP and Scottish Government**

It is stated that *“it is envisaged that the Scottish Government would merge the HMRC and DWP data together, de-duplicate, and then split the data by relevant Scottish local authority”*. We appreciate this intention but would suggest that further details be shared about how and when Scottish Government will do this to support planning processes. For example, which Scottish Government department, how frequently would this exercise be done, etc.

It is not clear how information provided by HMRC and DWP will be linked to data held by Scottish Government and local authorities. Specifically, HMRC and DWP will provide personal information relating to adults/parents with limited information concerning their child(ren), including the age of the child(ren). Information about adults will therefore need to be linked to data about a child(ren). We would highlight that currently, local authorities and early learning and childcare services do not hold information about all children in the relevant age group. In order to link data about every child entitled to funded ELC provision, it may be necessary to utilise data from NHS health records so that every eligible family can be identified.

A data linkage exercise involving the Scottish Government, local authorities and/or health boards may therefore be necessary to ascertain the necessary information about children and families. We note that while this data linkage exercise within local authorities is a key aspect of the proposed process, there is no information in the consultation paper about the capacity of local authorities to carry out this exercise. Local authorities currently have a range of duties around the data they collect and report on, and resources to carry out further duties are finite. For the proposed changes to be carried out successfully, it is important that there is attention during planning stages to ensuring that local authorities have the capacity and expertise to undertake the proposed data linkage, particularly if this exercise is to happen on a regular basis throughout the year.

- **Timing of information sharing**

It is not clear how frequently HMRC and DWP will run this data sharing exercise. It is stated that *“it is envisaged that HMRC and DWP will share data with the Scottish Government on a regular basis to meet business requirements”*, but we would suggest more precise information about this process is shared to support planning for this exercise. If HMRC and DWP share information infrequently (e.g. every 6 months or more), there is a risk this will exclude some eligible families and children from communication in time for their child to register for ELC provisions.

The Case Study states that councils *“can access the list 3 times a year”* We would suggest that further details about the rationale for this frequency be shared, as well as details about when and how long local authorities will be able to access the list.

The proposed objective is to boost Early Learning and Childcare for 2 year olds. However, sharing the family information with local authorities when the child is already 2 years old will be too late to support families access these provisions. Families need time to consider and plan their application to ELC provisions, therefore it would be preferable to engage families before the child(ren) reaches 2 years old. We would suggest that information shared with local authorities is targeted at families with a child(ren) aged 12-18 months, instead of 2 years.

We note that in the case study within the consultation paper, it is suggested that after information is shared with local authorities, a letter will be sent to families to let them know that they are eligible for funded ELC provision:

“The council has access to a list of parents with a 2 year old, who receive one of the benefits that qualifies their child for funded hours of ELC for 2 year olds...The council sends letters to all the households on the list when they access it.”

The timing of contact with key practitioners who support children and families should be considered in the planning around information sharing and when the proposed letters are sent to families. These contacts (such as Health Visitors) can discuss these letters with families and answer their questions about accessing ELC provisions. We welcome the content included in the Case Study, referring to the role played by Health Visitors in discussing ELC with families. However, under the Health Visiting Universal Pathway in Scotland, families may have limited contact with Health Visitors when children are of the target age. For example, standard Health Visitor Assessments are carried out at 13-15 months and 27-20 months, neither of which are optimum for discussing ELC provision for when the child is aged 2. Families may also not know who their current Health Visitor is. We would therefore reiterate the importance of sharing information with local authorities so that families can be contacted when their child(ren) are aged 12-18 months.

- **Communication with families**

The consultation paper outlines how local authorities will use the information shared by HMRC and DWP to contact eligible families about ELC provision via a letter. We would advise that to better support families to understand the content of these letters (including changes in how data has been shared as well as of funded ELC provision, the following information should be included in these letters:

- For some families, including those who have had negative experiences of agencies such as the DWP, or stigmatisation of their experiences of poverty, receiving a letter that mentions ‘data sharing’ and ‘DWP/HMRC’ may cause them to worry. It is very important to reassure families in clear language about how their home address and information about the families’ composition has been shared with the local authority – i.e. from data shared by HMRC and DWP, with clear information that the data was only shared for this purpose and has not been shared with any other local authority services.
- An indication of the types of ELC available to families in their local area – such as the hours of care offered by different provisions, and the different types of provision available, such as childminders, nurseries. Information about what specialised provisions are available should also be included, such as which provisions meet the needs of children with disabilities and additional support.
- Advice on who the family can speak to about local ELC provisions, for example, a local authority ELC team, third sector ELC organisations, and/or the family’s health visitor, and the details of these online and contact telephone numbers.
- Websites or sources of further information for families on accessing funded ELC provision.

- **Communication with practitioners**

When letters are sent out by local authorities to families, it is important that practitioners who support children and families are notified that the letters have been sent out, as these services may either experience an increase in enquiries or practitioners may want to contact families to discuss these letters to talk to them about their ELC options. This includes practitioners in health such as Health Visitors, but also in education, social work, or other third sector or community-based family supports. It includes practitioners at all relevant levels of organisations, as well as specialists such as speech and language therapists, or education psychologists. Further information about the importance of relationship based support to increasing uptake of ELC provision is outlined below.

### **Increasing uptake of ELC provisions**

In addition to these considerations around the sharing of information, other factors should be considered which are necessary to improve access to funded ELC provisions for eligible families.

- **Relationship based support in accessing ELC provisions**

Scottish Government research has highlighted that, in addition to a lack of awareness of ELC, there is a lack of confidence in accessing service which can also hinder uptake of ELC provisions (Scottish Government Social Research 2017). Many parents of 2-year-olds who would be eligible for childcare were found to experience a lack of confidence in accessing provisions, meaning that support from practitioners with whom they had ‘established trusting relationships’ was especially important. All practitioners who interact with children or families should be aware of the proposed changes so that they can offer support when a family receives a letter about this from their local authority. These practitioners must also be confident discussing suitable ELC provisions, and/or understand where to access more information about ELC provisions.

- **Availability of appropriate ELC provisions**

Scotland’s Poverty and Inequality Commission’s Advice to the Scottish Government’s Child Poverty Delivery Plan 2018 and 2022-2026, advised that while there have been some improvements to parents’ awareness of funded ELC provision, there was a need to increase the availability of suitable provisions (including specialist provision), and to increase flexibility in when these provisions are available so that these can be accessed at the hours that parents work, including parents who work non-standard hours (Poverty and Inequality Commission 2018 and 2022).

Parents told the Commission that even when they were entitled to funded early learning and childcare services, they could not access childcare at the hours or locations that they required to be able to work (Poverty and Inequality Commission 2021). An audit by the Scottish Childminding Association also found that despite the policy ambition of Scottish Government to increase flexibility of when current ELC provision is available under a ‘Fundings Follows a Child’ Approach (Scottish Government 2016, 2017), there is much local variation in access to childcare provision that meet the needs of children and is accessible to their families, reporting that in some areas parents were ‘receiving single, fixed, and inflexible offers of their funded ELC entitlement (including 10-hour sessions on fixed days of the week) and that these were required to be taken with local authority nurseries.’ (Scottish Childminding Association 2021).

We would also draw attention to the recommendations of the Poverty and Inequality Commission’s recommendation to introduce similar measures to Northern Ireland to support low income families with upfront costs of ELC provision through non-repayable grant of up

paid in advance to a registered childcare provider, which would also support increased uptake of funded ELC provisions for some families.

We have included further information about access to specialist services required by some disabled children in question 11.

## References

- The Poverty and Inequality Commission (2022) Advice on the Scottish Government’s Child Poverty Delivery Plan 2022-2026 <<https://povertyinequality.scot/wp-content/uploads/2022/01/Advice-on-the-SGs-Child-Poverty-Delivery-Plan-2022-26-FULL-REPORT-Jan2022.pdf>>
- The Poverty and Equality Commission (2021) Child Poverty Scrutiny Annex: Experts by experience workshops <<https://povertyinequality.scot/wp-content/uploads/2021/06/Child-Poverty-Scrutiny-2021-Annex-Experts-by-experience-workshops.pdf>>
- Poverty and Inequality Commission (2018) [Advice to the Scottish Government’s Child Poverty Delivery Plan 2018](#) <<https://povertyinequality.scot/wp-content/uploads/2022/01/Advice-on-the-SGs-Child-Poverty-Delivery-Plan-2022-26-FULL-REPORT-Jan2022.pdf>>
- Scottish Childminding Association (2021) Early Learning & Childcare Audit 2021 <<https://www.childminding.org/Media/Docs/Common/ELC%20Audit%202021%20FULL%20REPORT.pdf>>
- Scottish Government Social Research (2017) *The Drivers and barriers to uptake of early learning and childcare among two year olds* <<https://www.gov.scot/publications/drivers-barriers-uptake-early-learning-childcare-amongst-2-year-olds/provision-in-scotland/>>
- Scottish Government (2016) A Blueprint for 2020: Expansion of Early Learning & Childcare in Scotland, Scottish Government <<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2017/03/blueprint-2020-expansion-early-learning-childcare-scotland-2017-18-action/documents/00515637-pdf/00515637-pdf/govscot%3Adocument/00515637.pdf?>>
- Scottish Government (2016) Funding follows the child and the national standard for early learning and childcare providers: guidance for local authorities <<https://www.gov.scot/publications/funding-follows-child-national-standard-early-learning-childcare-providers-frequently-asked-questions-local-authorities-providers/pages/2/>>

**5. To what extent do you agree that the proposed new objective meets the second condition set out in s35 (10) of the Digital Economy Act 2017?**

**Question 5 - To what extent do you consider that the proposed new objective supports the delivery of the described benefits to the specified individuals and/or households?**

**(10) The second condition is that the objective has as its purpose the improvement of the well-being of individuals or households**

Strongly agree

Agree

- Neither agree nor disagree
- Disagree
- Strongly disagree

We agree that the proposed new objectives could meet the second condition set out in s35(10) of the Digital Economy Act 2017, but achieving this objective - improving the wellbeing of individuals or households - will require further consideration and planning around the communication and support of children and their families and of the provision of suitable ELC, as outlined in questions 4 and 11.

**6. To what extent do you agree that the proposed new objective meets the third condition set out in s35 (12) of the Digital Economy Act 2017?**

**(12) The third condition is that the objective has as its purpose the supporting of -**

**(a) The delivery of a specified person's functions, or**

**(b) The administration, monitoring or enforcement of a specified person's functions**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

We neither agree nor disagree that the proposed objective meets the third condition set out in s35(10) of the Digital Economy Act 2017. The proposed objective may support some aspects of delivery of local authority's functions, but it will not inform the monitoring or enforcement of local authority's functions, nor whether the ELC provisions are suitable and accessible to all families.

**7. To what extent do you agree that the data to be shared as outlined under this proposed objective is consistent with the delivery of the objective?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

We neither agree nor disagree that the data to be shared as outlined under this proposed objective is consistent with the delivery of the objective. The proposed quality and lack of depth of the information to be shared means that we cannot be sure whether Scottish Government or local authorities will have sufficient insight into which families will need to be targeted for communication and support about their entitlement to ELC provision. Further information would be required to effectively deliver this objective is outlined in question 4.

**8. To what extent do you consider that the proposed new objective supports the delivery of the described benefits to the specified individuals and/or households?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

We agree that the proposed new objective could support the delivery of the described benefits to the specified individuals and/or households, as it is likely to result in an increase in awareness of the described benefit (ELC provision). However, the sharing of the proposed information alone will be unlikely to have a significantly impact on the number of households able to access ELC provisions, further considerations around information sharing, support and provision of ELC outlined in question 4 and 11 will need to be considered.

**9. To what extent do you consider the delivery of the proposed new objective will lead to any individual and/or household incurring a loss of benefit/s?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

We disagree that the proposed new objective would lead to any individual and/or household incurring a loss of benefits. However, we would emphasise the importance of accurate and clear communication with parents in the letters they receive about how and why they have received this correspondence, so that they understand how and what data is being shared. This will also require that practitioners receive accurate and clear guidance on the proposed changes so that they are equipped to have trusting open conversations with families too.

**10. To what extent do you consider the delivery of the proposed new objective will lead to any individual and/or household incurring a loss of access to services?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

We disagree that the proposed new objective would lead to any individual and/or household incurring a loss access to services. On the contrary, as per its intentions, this should boost

awareness of services that could be accessed. This will rely on effective approaches as to how to communicate and support *all* eligible households to be confident accessing services, as outlined in question 4 and 11.

### 11. Do you think the objective proposal raises any equality questions?

- Yes
- No
- Don't know

There are some equality issues raised by the objectives proposed. These are some key issues to be considered to ensure that the proposals will support all eligible children:

#### **Children cared for by kinship carers**

Kinship care offers children who cannot be cared for by their birth parents for a period of time, the opportunity to be cared for by people that they are already familiar with, such as their grandparents or older siblings. The legal status of children in Scotland in these families often differs, many children in private family arrangements are not classified as 'looked after' in statute, and therefore do not receive support from social work services. As these children in private family arrangements ('informal kinship care') are not classified as 'looked after' in statute, they will not be eligible for funded ELC provisions on the same basis as care experienced children, but may be eligible for funded ELC provision if their parent/carer is in receipt of qualifying benefits. As research has shown that children in kinship care families are disproportionately living in the poorest households across Scotland (Nandy et al. 2011) some children in informal kinship care will likely be eligible for funded ELC provisions and will need to be made aware of this.

Children in informal kinship care may live with their kinship carers all or part of the time. In both cases it is possible that a child's birth parents may be the only carer who receives correspondence about specific social security payments to support a child, such as Child Benefit. If the letters to be sent to families as part of the proposed changes are sent to birth parents but not their kinship carers, the carer may be excluded from being aware of or accessing the funded ELC provision for the child or children they are caring for. This could be mitigated with support from practitioners who have ongoing relationships with kinship carers. However, there is research which shows that there are disparities in the support offered to kinship carers in comparison to other types of care (Cushworth et al., 2019). For example, kinship carers may not have had contact with midwives, health visitors or early years' practitioners so may not have knowledge about the eligibility for ELC provisions. This underscores the need for targeted communication and support to kinship carers so that eligible children in kinship families can receive equitable access to funded ELC provision.

#### **Alternative forms of ELC provision for children in need of care and protection**

Children in need of care and protection who are not classified as 'looked after' in statute, such as children in informal kinship care, or some children on the child protection register, whilst not eligible for funded ELC provision as care experienced children, may be eligible for funded ELC provision if their parents or carers receive certain social security payments. These children may have experienced adversity or trauma in their lives, and they might require support from ELC provision that is trauma-informed and attachment-informed, including forms of specialist provision that incorporates family-based work between practitioners, wider family, foster carers and birth parents, for example. The proposed changes will increase awareness of their eligibility for provisions, but the impact of this



change on uptake of provisions will be limited if there is not sufficient provision of suitable services, including specialist services, available consistently across Scotland.

### **Specialist provisions to meet the needs disabled children**

Similarly, for all disabled children to benefit from the proposed changes, they must be able to access specialised provision that meets their needs. The Poverty and Inequality Commission (2022) have highlighted gaps in the availability of provisions that meet the needs of disabled children in Scotland, who may require care in their home by childminders, or specialist adaptations within nurseries, for example. Local variation in access to specialist provisions will continue to be a barrier to equitable access to ELC provisions for disabled children, and must be addressed in addition to any measures to increase awareness of provisions.

### **Support for parents with additional support needs**

The proposed changes must meet the needs of *all* parents, including those with any additional support needs, such as with their health, literacy or other English language skills. The content of the proposed letters sent by local authorities about families' entitlement to funded ELC provision, the support that families should receive to understand these letters, as well as the support they should receive to understand what type of ELC provision would support their children's needs, must meet the individual needs of parents. This may include sending letters in alternative formats where appropriate, for example in formats that meet the needs of parents with visual impairments, in easy-read formats or in different languages.

### **References**

- Cushworth, L., Biehal, N, Whincup, H., Grant, M. & Hennessy, A. (2019) Permanently Progressing? building secure futures for children: Children looked after away from home aged five and under in Scotland: experiences, pathways & outcomes, Stirling: University of Stirling.
- Nandy S, Selwyn J, Farmer E and Vaisey P (2011) [Spotlight on kinship care: Using Census microdata to examine the extent and nature of kinship care in the UK at the turn of the Twentieth century](#). Bristol: University of Bristol.
- The Poverty and Inequality Commission (2022) Advice on the Scottish Government's Child Poverty Delivery Plan 2022-2026 < [https://povertyinequality.scot/wp-content/uploads/2022/01/Advice-on-the-SGs-Child-Poverty-Delivery-Plan-2022-26\\_FULL-REPORT\\_Jan2022.pdf](https://povertyinequality.scot/wp-content/uploads/2022/01/Advice-on-the-SGs-Child-Poverty-Delivery-Plan-2022-26_FULL-REPORT_Jan2022.pdf)>

## **12. Do you have further comments on the suitability of this proposed objective?**

n/a