



**Notice of a public  
Decision Session - Executive Member for Children, Young People  
and Education**

**To:** Councillor Waller

**Date:** Tuesday, 11 October 2022

**Time:** 10.00 am

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

**AGENDA**

**Notice to Members – Post Decision Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democratic Services by **4:00pm on Thursday 13 October 2022.**

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by at **5.00pm on Friday 7 October 2022.**

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

**2. Minutes**

(Pages 1 - 2)

To approve and sign the minutes of the Decision Session held on 15 March 2022.

### **3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. The deadline for registering at this meeting is at **5:00pm on Friday 7 October 2022.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The public meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

### **4. Childcare Sufficiency Review** (Pages 3 - 20)

This paper provides an update on a review of childcare sufficiency across the city to understand the impact of low funding and recruitment and retention challenges on the early years and childcare sector. Whilst the challenges for the early years and childcare sector are significant there is still some optimism about the local childcare market. For example, the local authority still receives approaches from prospective providers wishing to set up in York and settings can also change ownership. Where settings have low occupancy or staffing shortages they can sometimes benefit from the closures of other settings as they can offer places to parents seeking alternative provision and recruit staff who had been made redundant.

### **5. Urgent Business**

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:  
Name: Angela Bielby  
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Email – [a.bielby@york.gov.uk](mailto:a.bielby@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Children, Young People and Education
Date	15 March 2022
Present	Councillor Cuthbertson

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**13. Declarations of Interest**

The Executive Member was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that he may have in respect of business on the agenda. He confirmed he had none

**14. Minutes**

Resolved: That the minutes of the Decision Session held on 11 January 2022 be approved and signed by the Executive Member as a correct record.

**15. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**16. Term Dates for School Year 2023-2024**

This report seeks approval of the attached school term dates for schools for whom the City of York Council (CYC) is the employer, for the school year beginning in September 2023. The Admissions Manager explained that the terms dates were set annually in consideration of the term dates set by other local authorities. She noted that as well as the schools for whom City of York Council was the employer, the Multi Academy Trusts (MATs) had also tended to follow the dates. She added that across the North East and Humber regions, Leeds and Sheffield had set their fixed Easter holidays as the first two weeks of April and the dates before

the Executive Member aligned with the East Riding and North Yorkshire authorities.

In response to questions from Executive Members, the Licensing Manager explained that:

- The term dates set assisted families whose parents worked over local authority borders.
- There had been fixed Easter holidays for a number of years by Leeds City Council and she was not aware of any issues with this.
- The closure dates for Strensall Barracks were not known.

The Executive Member then;

Resolved: That the term dates for school year 2023-2024 (as set out in Annex A of the report be approved.

Reason: To meet the statutory requirements of legislation including the Education Act 2002, (Section 32), and other related legislation.

Cllr I Cuthbertson, Executive Member  
[The meeting started at 10.00 am and finished at 10.07 am].



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**Decision Session – Executive Member for  
Children, Young People and Education****11 October 2022**

Report of the Assistant Director, Education and Skills

**Childcare Sufficiency Review****Summary**

1. This paper provides an update on a review of childcare sufficiency across the city to understand the impact of low funding and recruitment and retention challenges on the early years and childcare sector. Whilst the challenges for the early years and childcare sector are significant there is still some optimism about the local childcare market. For example, the local authority still receives approaches from prospective providers wishing to set up in York and settings can also change ownership. Where settings have low occupancy or staffing shortages they can sometimes benefit from the closures of other settings as they can offer places to parents seeking alternative provision and recruit staff who had been made redundant.

**Background**

2. The Local Authority works in close partnership with a mixed economy of registered settings to deliver approximately 3,700 places for children aged 0-14 (and up to 18 for disabled children). The Local Authority commissions approximately £11 million grant funding per annum to registered settings who deliver early education places for eligible two year olds and three and four year olds. The private and voluntary sector is made up of 40 private day nurseries, 26 Pre-School groups, 131 childminders and 15 out of school clubs.
3. Section 6 of the Childcare Act 2006 places a duty on local authorities to secure, as far as is reasonably practicable, sufficient childcare to meet the requirements of parents in their area who need childcare in order to work or to undertake training or education to prepare to work. The Local Authority continues to meet its statutory duty to secure sufficient early years and childcare provision for children aged 0-14 (and up to 18 for disabled children) including the impact of covid on the childcare market.

4. Under the Childcare Act 2008 Local Authorities are required to report annually to elected council members on how they are meeting their duty to secure sufficient childcare and make this report available and accessible to parents. The Childcare Sufficiency Assessment Annual Report 2021/22 is available at [Childcare Sufficiency \(yor-ok.org.uk\)](http://Childcare Sufficiency (yor-ok.org.uk)). Annex 2 of the Annual Report sets out anonymised information collated earlier this year from providers specifically about recruitment and retention challenges.
5. A separate provider survey is carried out on an annual basis and responses last year suggested that the majority of day nurseries, out of school clubs and childminders felt that despite a difficult operating environment they could remain financially sustainable for another year. About half of playgroups felt they could stay open for a year or longer and several said not for more than a few months. However, at the time of the survey it was unknown about the cost of living rises, how demand may change, and the recruitment and retention issues were not fully impacting.
6. Historical underfunding of the early years and childcare sector and lack of financial support to address the impact of covid costs means the early years and childcare market, locally and nationally, remains very fragile as the longer-term impacts of Covid-19 on jobs and changes to working patterns remain a challenge for the sector.
7. Throughout the year intelligence is gathered about the sector from sources such as the previously mentioned provider survey, evidence from quality improvement visits, information received by the early education entitlements team and feedback from the regular opportunities to engage with the sector during informal briefings and termly Leaders and Managers sessions. Monitoring, support and signposting is put in place as appropriate, and risks are highlighted and mitigated wherever possible. Regular sufficiency updates and challenges are shared with the DfE.
8. The National Day Nurseries Association (NDNA) has highlighted a worrying increase in settings being judged by Ofsted as requiring improvement or being inadequate which may be as a result of inconsistency in inspections or because day nurseries are struggling with staffing requirements following covid. The NDNA are urgently raising this issue with the DfE to ensure all settings are treated fairly and with compassion. The NDNA recently reported that during the Summer Term 2022, 65% more nurseries have closed compared with the same months in 2021. This is a sharp rise that could be a



continuing trend for the Autumn Term with rising utility costs and inflation.

9. Family Information Service (FIS) supports families to find alternative childcare places and opens brokerages where cases are more complex.

### **Current Position**

10. Early analysis of a new survey of York parents shows there is some unmet need across the city albeit in relatively small numbers, including some families with children with SEND and this does vary regarding provision type, age etc for different wards. The main area of unmet need appears to be for full day care or sessional care for the under 5s in several ward areas, before and after school provision in Acomb, Bishopthorpe and Dringhouses and Woodthorpe and holiday provision in Acomb and Haxby & Wigginton. Some of this is likely to be due to the current recruitment and retention issues causing some providers to limit the number of places on offer. Many families commented that the cost of childcare is an issue and whilst most indicated that they were aware of Tax-Free Childcare, nationally there is low take up so further promotion may support increased take up.
11. A provider survey will be undertaken during the Autumn Term to gather an up to date picture of the sector. The findings will inform the next Childcare Sufficiency Assessment 22/23.
12. The President of the West and North Yorkshire Chamber of Commerce has provided a view on the importance of the early years and childcare sector for York;

*“Good access to childcare support services is very important for the future growth and prosperity of York’s business community, and therefore the wider economy. Many hard-working families are struggling to find the right work-life balance and that includes the need for reliable, good quality childcare. A shortfall in that care, then, will inevitably have an impact on the performance and output of many businesses, so there’s potentially a real problem on the horizon here in York. We therefore urge the Government to commit additional resource into this area and look at other ways to plug the emerging staffing gap.”*

13. If the challenges are not addressed nationally a two- tier market could emerge as provision in more prosperous areas where parents may be more able to afford fees for additional hours and services, is more sustainable than those in disadvantaged areas. Provision in areas of disadvantage could be at greater financial risk and closure meaning parents would not be able to go out to work and the positive achievements made in closing the gap for young children in York could be reversed. Sessional (term time only) playgroups often meet the needs of families only wanting to access the funded entitlement and not wanting additional hours or all year round care. However, many sessional groups are struggling financially as they are not able to offset losses from the funded hours by additional fee paying places. Closure of these sessional groups will therefore reduce the flexible offer available to families and affect those only wanting to access the funded hours, usually across term time only.
14. The cost of living announcement in September 2022 means that early years and childcare providers will benefit for six months to receive equivalent support as is being provided for households. Thereafter the government will consider whether this support for businesses should be targeted for vulnerable sectors and they have not yet made clear whether or not they view the early years and childcare sector as such.
15. In York the early years and childcare sector is responding to the current retention and recruitment challenges in the following ways:
  - Offering more flexible hours to potential employees.
  - Increasing the number of apprenticeships.
  - Using more staff qualified to Level 2.
  - Some sharing of staff across sites where appropriate
  - Increasing benefits for staff without paying additional costs.
  - Increased use of Job Centre Plus to attract potential employees.
  - More proactive engagement with job fairs.
  - More regular contact with universities and colleges.
  - Combining age groups for better efficiencies.
16. Further suggestions for national solutions have recently been made by the council to the DfE;
  - **Part qualified Level 3 in Early Years to be counted in the 50% qualification ratio.** This would need national approval for

colleges and training organisations to issue students with a certificate to this effect.

- **Flexibility on the 50% qualification ratio.** Settings are meeting the 1:8, 1:4, 1:3 ratio but could there be some flexibility in regard to 50% requirement so for example, providers could risk assess and judge staff on their competence, confidence and experience and then maybe record when and why they may not meet 50% of all staff to be qualified to Level 2.
- **Require entry level maths rather than GCSE.** Providers have raised GCSE as a barrier to accessing a Level 2 and 3 qualification. Although maths is important in the early years the level of maths knowledge needed for this stage is fairly low. Entry level maths rather than GCSE may encourage more mature people to come into the sector.

## Recommendation

17. The Executive Member is asked to:

- Note the content of this report and to raise the issue of low funding, recruitment and retention and status of the sector as vulnerable with the Secretary of State for Education.

Reason: To acknowledge the challenges faced by the early years and childcare sector in York, regionally and nationally and to escalate to the Secretary of State for Education to implement national solutions and provide continued support with the cost of living.

## Council Plan

18. The Council Plan focuses on 8 key outcomes, 3 of which are relevant:

- A better start for children and young people
- Well paid jobs and an inclusive economy
- Good health and wellbeing.

## Implications

19. The following implications have been considered:

- **Financial** – there are no direct financial implications arising from this report.
- **Human Resources (HR)** – no implications;
- **One Planet Council / Equalities** – Completed
- **Legal** – no implications;
- **Crime and Disorder** – no implications;
- **Information Technology (IT)** – no implications;
- **Property** – no implications.

## Risk Management

20. None specifically associated with the recommendation within this paper. However, the Education Support Service and Quality Improvement Teams continue to categorise each setting in terms of priority support and to identify risk and appropriate mitigations.

### Contact Details

#### Author:

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Head of Education Support  
Service  
Education and Skills  
Tel: 07923235220

#### Chief Officer Responsible for the report:

**Maxine Squire**  
Assistant Director Education and Skills

Report  Date 30 September 2022  
Approved

#### Co-Authors

Nicola Sawyer  
**Early Years Entitlement and  
Sufficiency Manager**  
Tel: 01904 554609

**Wards Affected:** [List wards or tick box to indicate all]

**All**

**For further information please contact the author of the report**

#### Background Papers:

None

#### Annexes

Annex 1 – Equalities Impact Assessment

**City of York Council**  
**Annex 1 Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	People		
<b>Service Area:</b>	Education Support Services		
<b>Name of the proposal :</b>	Childcare Sufficiency Review		
<b>Lead officer:</b>	Maxine Squire, Assistant Director, Education and Skills		
<b>Date assessment completed:</b>	05/08/2022		
<b>Names of those who contributed to the assessment :</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Barbara Mands	Head of Education Support Service	CYC	Education support services
Nicola Sawyer	Early Years Entitlement and Sufficiency Manager	CYC	Education Support Services

## Step 1 – Aims and intended outcomes

<b>1.1</b>	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	To update on a review of childcare sufficiency across the city to understand the impact of low funding and recruitment and retention challenges on the early years and childcare sector.

<b>1.2</b>	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	The council is provide sufficient childcare as far as is reasonably practicable to meet the requirements of parents in their area who require childcare or parents who need childcare to be able to work or to undertake training or education to prepare for work. The council has a statutory duty to provide sufficient childcare for children aged 0-14 (and up to 18 for disabled children) and for early education places for eligible two year olds and three and four year olds.

<b>1.3</b>	<b>Who are the stakeholders and what are their interests?</b>
	<p>The key stake holders are:</p> <ul style="list-style-type: none"> <li>• The Council to carry out their statutory duty to deliver sufficient childcare and early education places</li> <li>• Providers who deliver and early years and childcare places.</li> </ul>

	<ul style="list-style-type: none"> <li>• The Parents and their families who need early education places and childcare to be able to go out to work.</li> <li>• The children and young people who are attending early years and childcare provision.</li> <li>• Employers who need to recruit and retain staff to support their businesses.</li> </ul>
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<b>1.4</b>	<b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.
	The request is for the Executive Member to raise the issues of low funding, recruitment and retention and vulnerable status with the Secretary of State for Education so that national solutions can be implemented to protect the long term future of the sector. If there are no national solutions for further support for the cost of living this impacts on our sufficiency duties as well as local priorities for a best start in life.

## Step 2 – Gathering the information and feedback

<b>2.1</b>	<b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.
<b>Source of data/supporting evidence</b>	<b>Reason for using</b> Use of local intelligence from the Childcare sufficiency assessment, provider and parental surveys, research reports, evidence from quality improvement visits to settings, information received by the early

	education entitlements team and feedback from the regular opportunities to engage with the sector during informal briefings and termly Leaders and Managers sessions.

### Step 3 – Gaps in data and knowledge

<b>3.1</b>	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>	
	<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>
	Changing parental demand is difficult to predict including the additional financial impact of rising cost of living pressures on the settings.	Ongoing monitoring via surveys with parents and providers.

### Step 4 – Analysing the impacts or effects.



4.1	<b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?</b> Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
Equality Groups and Human Rights.	Key Findings/Impacts	Positive (+) Negative (-) Neutral (0)	Medium (M) Low (L)
Age	The provision of places ensures that eligible children are able to access early education.	+	Low
Disability	The provision of places must be accessible and reasonable adjustments should be made for SEND.	+	Low
Gender			
Gender Reassignment			
Marriage and civil partnership			
Pregnancy and maternity			
Race			
Religion and belief			
Sexual orientation			
Other Socio-economic groups including :	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		

<b>Carer</b>			
<b>Low income groups</b>	<b>Eligible two year olds are provided with early education places up to 15 hours per week (targeted). Three and four year olds on low income are provided with up to 15 hours per week early education (universal).</b>	<b>+</b>	<b>Low</b>
<b>Veterans, Armed Forces Community</b>			
<b>Other</b>			
<b>Impact on human rights:</b>			
List any human rights impacted.	<b>The right to education</b>	<b>+</b>	

**Use the following guidance to inform your responses:**

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p><b>Medium impact</b> (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p><b>Low impact</b> (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

## Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b>
<p>The proposal will ensure that the issues have been raised at the right level as only the government can agree national solutions to address low funding and recruitment and retention challenges as well as further financial support for the cost of living. The Local Authority has local priorities to work with other agencies and partners, to continue to obtain further information about the sector and explore local solutions such as social media campaigns, promoting apprenticeships and routes into early years management. The sector needs to be sustained in the longer terms so that it can continue to offer high quality, affordable and accessible early years and childcare places for children and young people.</p>	

## Step 6 – Recommendations and conclusions of the assessment

6.1	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b>
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- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

<b>Option selected</b>	<b>Conclusions/justification</b>
Continue with the proposal	The impact has been reviewed and the proposal to raise the issues with the Secretary of State acknowledges the vulnerable status of the sector, their challenges and clearly sets out solutions that government could put in place to mitigate the effects.

**Step 7 – Summary of agreed actions resulting from the assessment**

<b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b>			
<b>Impact/issue</b>	<b>Action to be taken</b>	<b>Person responsible</b>	<b>Timescale</b>
N/a			

**Step 8 - Monitor, review and improve**

<b>8. 1</b>	<b>How will the impact of your proposal be monitored and improved upon going forward?</b> Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?

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