

**STATEMENT TO BE MADE BY THE CHAIRMAN OF THE EDUCATION AND
HOME AFFAIRS SCRUTINY PANEL
ON TUESDAY 14TH JUNE 2016**

At the end of March this year the Minister for Education published a proposal:

Means testing will be introduced for families to qualify for the 20 hours of free nursery education for 4 year old children with a threshold of £75,000 and where the child is in a private pre-school provider.

Regardless of context – why we did the report

On 23rd March 2016, the Department held a meeting with owners and managers of private nurseries and pre-schools.

On the same evening as this meeting took place, the proposal was sent to the media. This was the first that anyone in the nursery business had heard of the proposal. The school holidays started on 25th March 2016 and both the Minister and the Chief Education Officer were out of the Island.

Nursery owners and Managers who attended that meeting were informed that this was a proposal that would be introduced in September 2017. The matter was reported on 24th March 2016 in the Jersey Evening Post which stated the policy would be introduced in September 2016.

It was made clear by the Minister that this was being introduced in order to save the Department £250,000 per year and was expected to impact on between 75 and 100 families.

What we did, what we found

As a Panel we approach our work with the aim of establishing whether policies are in the best interests of children in the island. We assume the Minister also has this intention. The Panel has maintained a good working relationship with the Minister and therefore was surprised that it had not been informed earlier of his intentions. As the Minister and Chief Education Officer were out of the Island at the point of going public, members of the public who were concerned about the proposal contacted Members of the Panel. On 24th March 2016, I held an urgent meeting with stakeholders.

The Panel launched a review due to concerns that these new proposals were not in the best interests of children. There was also an extremely high level of public interest almost immediately as soon as the press release was sent out. We were bombarded with calls, emails and messages. Submissions came into the Panel from the public, private sector and other stakeholders. At the time of drafting this report, 80 submissions had been received. Two members of the public also started petitions, both of which stated:

“Scrap the plans to means test nursery places from 2017”

The petitions were presented to me on 31st March and as of 1st June 2016, had received 2,680 signatures in total and 357 separate comments supporting the statement.

The Panel held urgent meetings and hearings with the Minister and other stakeholders.

Public interest in the initial hearing with the Minister was high, with the Scrutiny room packed full and with people standing. In addition, there were another 50 or so people outside the States Buildings in the Royal Square who were opposed to the imposition of the proposal. The Panel responded to the public interest by holding an additional public meeting at the Pomme D’Or Hotel on 13th April. This meeting was attended by approximately 200 members of the public.

All other Panel work has been re-prioritised so that we could focus on this and produce a quality, evidenced report that would be useful to the Minister and all members in assessing these proposals. The Panel bases the comments within its report upon those submissions and the evidence provided to the Panel.

The conclusions we have reached include:

1. Stakeholders, professional people in the pre-school business and the Minister for Education himself have agreed that this is not in the best interests of children.
2. This proposal is not in line with the strategic plan approved by the States Assembly. States members have agreed to significantly invest in Education and it appears that only a very slight investment is being made, along with significant cuts such as the one in question today.
3. The proposed Nursery Education funding policy of the Minister is in direct conflict with the 1001 Critical Days Manifesto, which has been endorsed and supported by this Council of Ministers. The reduction of investment in the early years of children is also contrary to the findings of research related to value for money matters concerning investment in education.
4. Potential impacts on families
This review has highlighted a number of potential negative consequences of the proposed funding change that the Minister has been unable to satisfactorily address, not least due to the absence of any impact assessments or appropriate consultation. Potential consequences include:
 - Negative financial impacts on household budgets
 - Parents choosing/being effectively forced to leave the workplace or to work fewer hours

- Reduced numbers of women in the workplace
- Potential parents being denied the opportunity to start or add to a family due to the additional financial burden
- Some young children being denied the opportunity for essential early years development

5. The £75,000 family income threshold over which free nursery provision would be denied to a child has not been adequately researched, or subjected to impact assessment. How can a decision be made about the means testing if the consequences of the decision is not known?

Members will be aware that yesterday, before the publication of the Panel's report, the Minister published a new criteria for the threshold of his proposal. I will attempt to address this as best I can later in this statement.

Approach

The Panel is disappointed to conclude that the Minister for Education:

- has produced a policy that is directly in conflict with the Strategic Plan;
- is in danger of moving early years policy in a different direction to the United Kingdom;
- made inadequate communication and consultation with stakeholders, parents or other interested parties is effectively prepared to disadvantage some children (70-100 using his own figures) to save money
- is apparently prepared to negatively impact a number of families for a relatively small saving;
- is proposing policy that is at odds with previous decisions of the States
- failed to illustrate in the 2016 MTFP that the additional funding of £1.2m for pupil premium and £0.7m for SEN children was insufficient to complete the plans and that he would be taking funding from other areas to complete those plans.

I will remind members that the Panel's main concern, and one that the Minister has publicly agreed, was that this policy negatively impacts on some children. It seems he still wishes to pursue it.

The Panel is unable to support the Minister's proposal.

It has not been developed with appropriate levels of research, impact assessments or consultation with stakeholders and as such raises too many significant issues that the Minister has been unable to adequately answer. We strongly recommend that it is withdrawn, at the very least until such as time as that work has been carried out and the information gathered taken fully into account.

As I mentioned, yesterday the Minister sent out a press release changing the threshold of the means testing. He was aware that Scrutiny was intending to publish a report on the NEF for today.

It is difficult for me to stand here and describe the impact this has had.

- The scrutiny process is an integral part of our system and in order to have good government we need effective scrutiny. Publishing new proposals without properly considering an imminent scrutiny report is demonstrative of a complete lack of respect for the Scrutiny process.
- A fair and balanced approach is key, I believe, to making this process work and I have endeavoured to take this approach at all times with the Minister. It is extremely disappointing when the same respect is not afforded to the Panel. We feel we have been let down by this Minister.
- It is unfortunate that a piece of work which has been the dedicated focus of the Panel for the best part of two months, which we have given our best attention to and aimed to produce within a reduced timescale at the request of the Minister so it can inform his considerations, seems to have been completely ignored. It is highly unusual for a minister to disregard the process of government in this manner.

Everything in this Scrutiny report stands- it is only the thresholds that are different in this new proposal.

The Panel is unsure as to whether the proposals could change again – a previous statement from the Minister informed us that he would be looking into this over 6 months. There is still a huge amount of uncertainty surrounding this policy, how it has been formed and evidenced, what impacts it will have, and whether this is the final form it will take.

Every point of the report's conclusion is still valid and applies to these new proposals.