

Local Authorities' Role as Guarantor of Quality in Early Learning and Childcare

This document is intended to summarise the role of local authorities as overarching “Guarantors of Quality” as defined in national policy. It complements the [Funding Follows the Child and the National Standard for Early Learning and Childcare Providers: Operating Guidance](#).

What are local authorities responsible for?

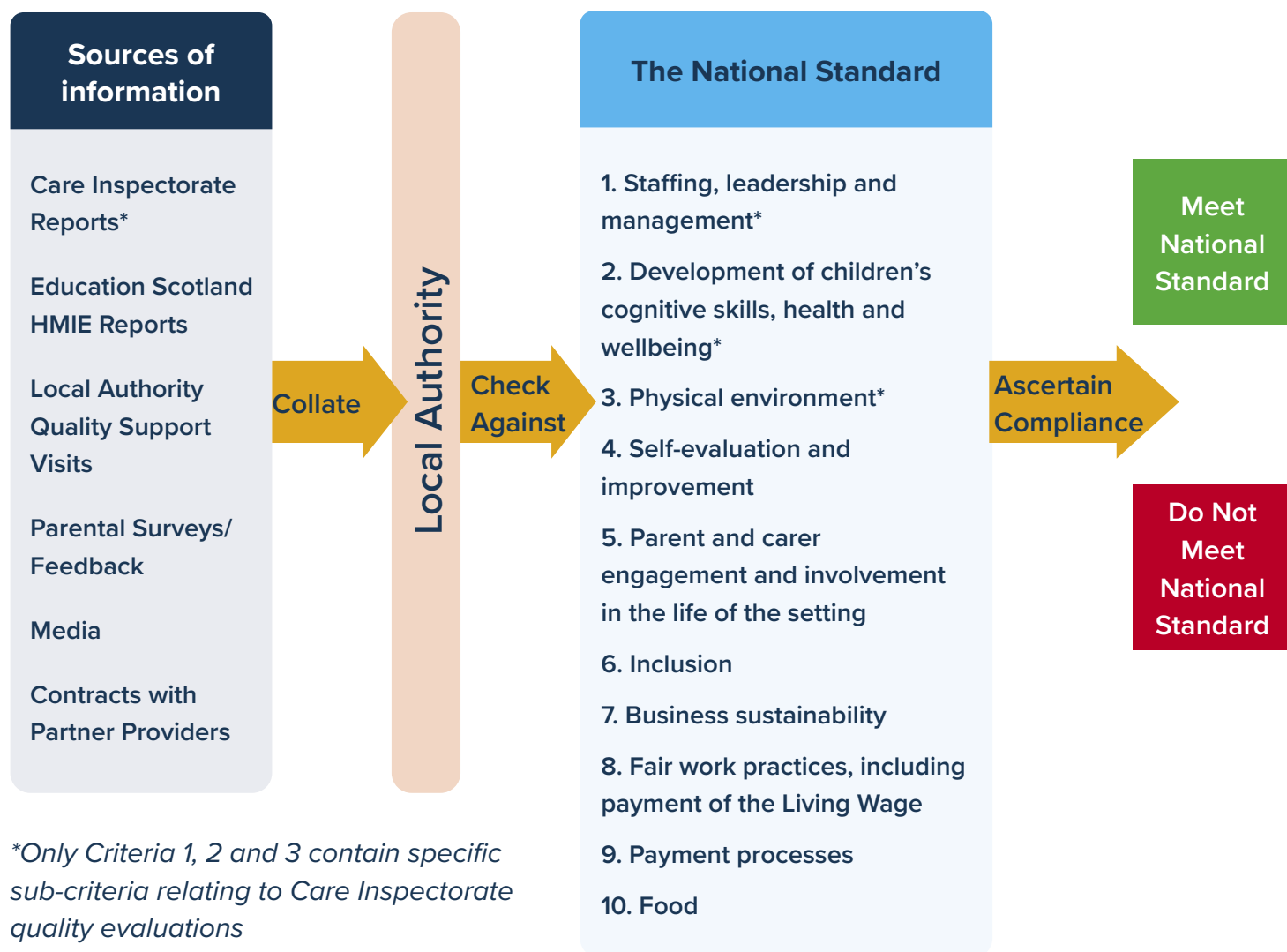
Local authorities are responsible for:

- Assessing and monitoring compliance of all funded providers against the National Standard. This includes all funded settings - local authority, private or third sector, and childminders. This is referred to as the local authority being the Guarantor of Quality.
- Making decisions objectively, based on all relevant information, about settings' ability to meet all aspects of the National Standard.

Given that arrangements for quality assurance differ across local authorities, it is for each to determine how to carry out their responsibility as Guarantor of Quality.

What do they do to fulfil this responsibility?

In order to be satisfied that the National Standard is being met by all funded providers (local authority, PVI and childminders), local authorities use Care Inspectorate quality evaluations to assess compliance with criteria 1-3. In addition, local authorities may seek to gather other information about settings to enable a decision to be reached.



Whilst it is for local authorities to decide how to fulfil this responsibility it is important that the process is transparent and proportionate, and that local authorities share practice in order to encourage consistency of approach as part of the commitment to simplify the process for, and reduce the burden on, providers to deliver the funded entitlement.

How do inspectorate bodies fit into compliance with the National Standard?

While the Care Inspectorate quality evaluations give an insight into compliance with specific criteria in the National Standard, other aspects are not directly linked to those evaluations. Similarly (for providers other than childminders), Education Scotland inspections are also a valuable source of evidence, but it is the responsibility of local authorities to explore the findings from any inspection to ascertain compliance against the National Standard.

What happens if a setting doesn't meet the National Standard?

The local authority will need to be clear about its expectations, including the criteria within the National Standard that are not being met.

Where a setting is deemed not to meet the National Standard, they may be given a service improvement period. The length of the service improvement period will be determined by the local authority, recognising their role as primary guarantors of quality or, if the criteria not met are related to Care Inspectorate quality evaluations, the 'service improvement period' will end upon publication of the next inspection report.

Service improvement periods should be provided where the local authority, taking account of any information available from the Care Inspectorate and evidence from the provider, is comfortable that the service:

- is fit to continue,
- is engaging or willing to engage in work that leads to improvement,
- with support, has the ability to improve and sustain improvement by the next Care Inspectorate quality evaluation, and
- meets all other aspects of the National Standard.

The full description of a Service Improvement Period is included at page 11 of the [guidance](#).

In a service improvement period, the setting may need enhanced improvement support from the local authority, Care Inspectorate and the setting's management and ownership. Service improvement periods apply to local authority, private and third sector providers.

Following a service improvement period, if the setting still fails to meet the National Standard, the local authority may extend the service improvement period or begin the process of removing the providers' funded status.

What other duties apply in local authority settings?

Where a local authority setting is not meeting the National Standard, it is not possible to remove partnership funding in the same way as it would be for private or third sector settings, as this would equate to closing the setting and the process for doing so would need to follow the process and timeline as laid out in the [School Consultation Act](#).