

ANNEX B – Information to be released (redactions are subject to exemptions in Annex C)

Ref	Information to be released
A3	<p><b>From:</b> [Redacted]&gt; On Behalf Of Deputy First Minister and Cabinet Secretary for Education and Skills  <b>Sent:</b> 30 March 2020 14:26  <b>To:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; Deputy First Minister and Cabinet Secretary for Education and Skills &lt;<a href="mailto:DFMCSE@gov.scot">DFMCSE@gov.scot</a>&gt;; Minister for Children and Young People &lt;<a href="mailto:MinisterCYP@gov.scot">MinisterCYP@gov.scot</a>&gt;; Cabinet Secretariat inbox &lt;<a href="mailto:CabinetSecretariat3@gov.scot">CabinetSecretariat3@gov.scot</a>&gt;  <b>Cc:</b> DG Education, Communities &amp; Justice &lt;<a href="mailto:DGE CJ@gov.scot">DGE CJ@gov.scot</a>&gt;; Johnston P (Paul) &lt;<a href="mailto:Paul.Johnston@gov.scot">Paul.Johnston@gov.scot</a>&gt;; [Redacted]; Director of Learning &lt;<a href="mailto:DirectorofLearning@gov.scot">DirectorofLearning@gov.scot</a>&gt;; Colvin I (Iona) &lt;<a href="mailto:Iona.Colvin@gov.scot">Iona.Colvin@gov.scot</a>&gt;; Director for Children and Families &lt;<a href="mailto:DirectorforChildrenandFamilies@gov.scot">DirectorforChildrenandFamilies@gov.scot</a>&gt;;  <b>[Redacted]Subject:</b> RE: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation</p> <p>Alison</p> <p>The DFM has now cleared the attached SCANCE note.</p> <p>Kind Regards  <b>[Redacted]</b></p> <p><b>From:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;  <b>Sent:</b> 29 March 2020 20:02  <b>To:</b> Deputy First Minister and Cabinet Secretary for Education and Skills &lt;<a href="mailto:DFMCSE@gov.scot">DFMCSE@gov.scot</a>&gt;; Minister for Children and Young People &lt;<a href="mailto:MinisterCYP@gov.scot">MinisterCYP@gov.scot</a>&gt;  <b>Cc:</b> DG Education, Communities &amp; Justice &lt;<a href="mailto:DGE CJ@gov.scot">DGE CJ@gov.scot</a>&gt;; Johnston P (Paul) &lt;<a href="mailto:Paul.Johnston@gov.scot">Paul.Johnston@gov.scot</a>&gt;; [Redacted]; Director of Learning &lt;<a href="mailto:DirectorofLearning@gov.scot">DirectorofLearning@gov.scot</a>&gt;; Colvin I (Iona) &lt;<a href="mailto:Iona.Colvin@gov.scot">Iona.Colvin@gov.scot</a>&gt;; Director for Children and Families &lt;<a href="mailto:DirectorforChildrenandFamilies@gov.scot">DirectorforChildrenandFamilies@gov.scot</a>&gt;; [Redacted]  <b>Subject:</b> RE: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation</p> <p>Hi[Redacted]</p> <p>We are still waiting for confirmation from FM’s office that we have the go-ahead to lay the Order to revoke 1140 tomorrow, but in the meantime we have prepared a suggested SCANCE contribution for DFM’s consideration. I’ll liaise with FM’s office tomorrow morning before we take any further action to progress the laying of the Order.</p> <p>Thanks very much</p> <p>Alison</p> <p>Alison Cumming</p>

Interim Director, Early Learning and Childcare  
Scottish Government  
GD South, Victoria Quay, Edinburgh, EH6 6QQ

**[Redacted]**

Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

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**From:** Cumming A (Alison) <Alison.Cumming@gov.scot>

**Sent:** 27 March 2020 09:28

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Minister for Children and Young People <MinisterCYP@gov.scot>

Cc: DG Education, Communities & Justice <DGE CJ@gov.scot>; Johnston P (Paul) <Paul.Johnston@gov.scot>; [redacted] **[Redacted]**

>; Director of Learning <DirectorofLearning@gov.scot>; Colvin I (Iona) <Iona.Colvin@gov.scot>; Director for Children and Families <DirectorforChildrenandFamilies@gov.scot>; **[Redacted]**

>  
Subject: RE: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation

Thanks very much, **[Redacted]**

This is to confirm that we've picked up DFM's request for a SCANCE note and will have that to you as soon as we can.

Alison

Alison Cumming  
Interim Director, Early Learning and Childcare  
Scottish Government  
GD South, Victoria Quay, Edinburgh, EH6 6QQ

**[Redacted]**

Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

**From:** **[Redacted]** On Behalf Of Deputy First Minister and Cabinet Secretary for Education and Skills

**Sent:** 27 March 2020 08:37

**To:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People <[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>

Cc: DG Education, Communities & Justice <[DGE CJ@gov.scot](mailto:DGE CJ@gov.scot)>; Johnston P (Paul) <[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)>; **[Redacted]**>; Director of Learning

<[DirectorofLearning@gov.scot](mailto:DirectorofLearning@gov.scot)>; Colvin I (Iona) <[Iona.Colvin@gov.scot](mailto:Iona.Colvin@gov.scot)>; Director for Children and Families <[DirectorforChildrenandFamilies@gov.scot](mailto:DirectorforChildrenandFamilies@gov.scot)>; **[Redacted]**

**Subject:** RE: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation

Alison, **[Redacted]**

Thank you for your submission – DFM has approved the draft note and it has issued to FM this morning.

Please take the proposed actions once FM is content.

DFM would also like a SCANCE item on this for next week’s Cabinet – I’d be grateful if a draft could be with us by 9am on Monday morning.

Kind Regards

**[Redacted]**

**From:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Sent:** 26 March 2020 19:37

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills

<[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People

<[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>

**Cc:** DG Education, Communities & Justice <[DGE CJ@gov.scot](mailto:DGE CJ@gov.scot)>; Johnston P (Paul)

<[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)>; **[Redacted]**; Director of Learning

<[DirectorofLearning@gov.scot](mailto:DirectorofLearning@gov.scot)>; Colvin I (Iona) <[Iona.Colvin@gov.scot](mailto:Iona.Colvin@gov.scot)>; Director for

Children and Families <[DirectorforChildrenandFamilies@gov.scot](mailto:DirectorforChildrenandFamilies@gov.scot)>**[Redacted]**

**Subject:** IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation

**Importance:** High

**[Redacted]**

Please find attached an immediate submission which I’m sending on behalf of **[Redacted]** relating to emergency legislation to revoke authorities’ 1140 hours duty and associated handling plans.

Alison

Alison Cumming

Interim Director, Early Learning and Childcare

Scottish Government

GD South, Victoria Quay, Edinburgh, EH6 6QQ

**[Redacted]**

Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

A6

From: [Redacted]  
Sent: 30 March 2020 19:31  
To: Todd M (Maree), MSP <Maree.Todd.msp@parliament.scot>; Minister for Children and Young People <MinisterCYP@gov.scot>  
Cc: First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Cumming A (Alison) <Alison.Cumming@gov.scot>; [Redacted]  
Subject: RE: News release for clearance - joint statement on 1140 hours revocation

Thank you, I have issued.

From: Todd M (Maree), MSP <Maree.Todd.msp@parliament.scot>  
Sent: 30 March 2020 19:19  
To: [Redacted] Minister for Children and Young People <MinisterCYP@gov.scot>  
Cc: First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Cumming A (Alison) <Alison.Cumming@gov.scot>; [Redacted]  
Subject: Re: News release for clearance - joint statement on 1140 hours revocation

Yes that's fine, M

Get Outlook for iOS

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From: [Redacted]  
Sent: Monday, March 30, 2020 7:07:07 PM  
To: Minister for Children and Young People <MinisterCYP@gov.scot>; Todd M (Maree), MSP <Maree.Todd.msp@parliament.scot>  
Cc: First Minister <firstminister@gov.scot>; Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; Alison.Cumming@gov.scot <Alison.Cumming@gov.scot>; [Redacted]  
Subject: News release for clearance - joint statement on 1140 hours revocation

Minister

Following your agreement to the joint statement, I have agreed this short release with officials and COSLA for issue tonight. I'd be grateful for your comments/clearance please.

**Early Learning and Childcare xxpansion**

Local authorities' August 2020 deadline to deliver 1140 funded hours will be removed.

Local authorities will no longer be legally obliged to deliver 1140 hours of funded childcare from this August.

Ministers have laid an order in the Scottish Parliament to revoke the statutory duty, allowing local authorities to focus on the coronavirus pandemic response.

Minister for Children and Young People Maree Todd and COSLA spokesperson for Children and Young People Councillor Stephen McCabe have issued a joint statement.

“Before the extent of the Covid-19 pandemic became clear a couple of weeks ago, Audit Scotland confirmed we were on track to deliver 1140 hours of early learning and childcare from August 2020. Indeed, Councils had already built or refurbished hundreds of buildings and recruited thousands of additional staff, and in excess of 50,000 children were already receiving more than the current entitlement of 600 hours.

“That progress was driven by and a testament to the strong partnership working between central and local government throughout the expansion programme. Our commitment to delivering the expansion, and to making sure our children have access to the best support and opportunities for development in their early years, remains undimmed and our partnership working will continue with that aim.

“However, in these exceptional circumstances it is not realistic or reasonable to expect that local authorities can deliver their original expansion plans to secure high quality experience for all children in time for August this year. The COVID-19 pandemic has made it impossible to continue with the planned recruitment and infrastructure projects required to support expansion. As we focus on saving lives and looking after people most vulnerable to the virus the immediate priority is to ensure that we have the emergency childcare in place to support families during the Covid-19 pandemic.

“To support local government with this critical response work, the Scottish Government has now moved to suspend the statutory duty on local authorities to provide 1140 hours of early learning and childcare from this August.

“Tens of thousands of children have already benefited from expanded hours, and we expect this will continue when normal provision resumes. Once there is a clearer picture of the impact and duration of the pandemic response measures, we will work together to agree the right time to reinstate the statutory requirement and ensure that all eligible children can access 1140 hours of high quality early learning and childcare.”

END

Thanks  
[Redacted]

A10

**From:** [Redacted]  
**Sent:** 30 March 2020 14:44  
**To:** Minister for Children and Young People <MinisterCYP@gov.scot>  
**Cc:** Deputy First Minister and Cabinet Secretary for Education and Skills <DFMCSE@gov.scot>; DG Education, Communities & Justice <DGECJ@gov.scot>; Cumming A (Alison) <Alison.Cumming@gov.scot> [Redacted]  
**Subject:** RE: 1140 hours - COVID-19 - letters to local authorities and Representative Bodies - for clearance

Great thanks [Redacted],

	<p>ELC programme office will issue the letters, just waiting on Cllr signature and timings for the order being laid.</p> <p>cheers</p> <p><b>[Redacted]</b></p> <p><b>From:</b> <b>[Redacted]</b>  <b>Sent:</b> 30 March 2020 14:37  <b>To:</b> <b>[Redacted]</b>; Minister for Children and Young People &lt;<a href="mailto:MinisterCYP@gov.scot">MinisterCYP@gov.scot</a>&gt;  <b>Cc:</b> Deputy First Minister and Cabinet Secretary for Education and Skills &lt;<a href="mailto:DFMCSE@gov.scot">DFMCSE@gov.scot</a>&gt;; DG Education, Communities &amp; Justice &lt;<a href="mailto:DGECJ@gov.scot">DGECJ@gov.scot</a>&gt;; Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; <b>[Redacted]</b>  <b>Subject:</b> RE: 1140 hours - COVID-19 - letters to local authorities and Representative Bodies - for clearance</p> <p><b>[Redacted]</b></p> <p>Ms Todd is content with each letter. I've attached copies with her signature. Could you confirm who is issuing them?  <b>[Redacted]</b></p> <p><b>From:</b> <b>[Redacted]</b></p> <p><b>Sent:</b> 30 March 2020 11:57  <b>To:</b> Minister for Children and Young People &lt;<a href="mailto:MinisterCYP@gov.scot">MinisterCYP@gov.scot</a>&gt;  <b>Cc:</b> Deputy First Minister and Cabinet Secretary for Education and Skills &lt;<a href="mailto:DFMCSE@gov.scot">DFMCSE@gov.scot</a>&gt;; DG Education, Communities &amp; Justice &lt;<a href="mailto:DGECJ@gov.scot">DGECJ@gov.scot</a>&gt;; Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; <b>[Redacted]</b>  <b>Subject:</b> 1140 hours - COVID-19 - letters to local authorities and Representative Bodies - for clearance</p> <p>PS/Minister for Children and Young People</p> <p>Cc as above</p> <p>We are still awaiting agreement from the FM on the Order being laid on 1140 hours. In anticipation of receiving this please find attached, for clearance, letters to Local Authorities and Representative Bodies on 1140 hours.</p> <p>Regards  <b>[Redacted]</b></p>
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A14	<p><b>From:</b> <b>[Redacted]</b>  <b>Sent:</b> 27 March 2020 14:43  <b>To:</b> <b>[Redacted]</b>  <b>Subject:</b> RE: SCANCE Note for DFM</p>
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	<p>Sorry scots playing up this is the updated one (sigh ha!)</p> <p><b>From:</b> [Redacted] <b>Sent:</b> 27 March 2020 14:41 <b>To:</b> [Redacted] <b>Subject:</b> RE: SCANCE Note for DFM</p> <p>Attached has tense changed J</p> <p><b>From:</b> [Redacted] <b>Sent:</b> 27 March 2020 14:16 <b>To:</b> [Redacted] <b>Subject:</b> RE: SCANCE Note for DFM</p> <p>You're a star – I will look properly as soon as I get a chance.</p> <p>One quick comment – I think that cabinet is Tuesday – can we look at tense in the speaking note – e.g. the order will be laid on Monday 30?</p> <p>Thanks</p> <p>[Redacted]</p> <p><b>From:</b> [Redacted] <b>Sent:</b> 27 March 2020 14:04 <b>To:</b> [Redacted] <b>Subject:</b> SCANCE Note for DFM</p> <p>Hi [Redacted]</p> <p>Pulled together the attached SCANCE, let me know what you think.</p> <p>Cheers, [Redacted]</p>
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A16	<p><b>From:</b> [Redacted] <b>Sent:</b> 27 March 2020 10:22 <b>To:</b> [Redacted] <b>Cc:</b> [Redacted] <b>Subject:</b> FW: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation <b>Importance:</b> High</p> <p>Hi [Redacted]</p> <p>Following our Skype chat, thank you very much for supporting preparations for Monday's introduction of the Order to revoke 1140. The two key tasks we'd be grateful if you could pick up are the first two at para 11 in [Redacted] submission:</p>
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	<ul style="list-style-type: none"> <li>- letter to local authorities from Ministers, which we will propose to COSLA is a joint letter co-signed by Cllr McCabe;</li> <li>- letter from Ministers to key sector stakeholders including Early Years Scotland, the National Day Nurseries Association and the Scottish Childminding Association;</li> </ul> <p>There is a joint call with CoSLA and ADES at 14:30 this afternoon which will inform the content of the first letter – it would be great if you can join that (I'll forward the invite). In advance of the call it would be really helpful if you can make a start on drafts please and save them in the COVID-19 folder. <b>[Redacted]</b> submission gives an overview of the public messaging, but he is around this morning to talk about the approach – please Skype him and arrange a time to speak, particularly about the operational issues to be covered in the local authority letter. For the stakeholder letter, it's worth looking at the letters <b>[Redacted]</b> issued last week about closures which should be in the COVID folder too (otherwise <b>[Redacted]</b> will be able to share –<b>[Redacted]</b> not very well today).</p> <p><b>[Redacted]</b> will pick up the letters from you this afternoon so please just let him know your planned hours today.</p> <p>Thanks very much, and please shout if anything is unclear,</p> <p><b>[Redacted]</b></p>
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<b>A18</b>	<p><b>From:</b> <b>[Redacted]</b></p> <p><b>Sent:</b> 27 March 2020 08:27</p> <p><b>To:</b> <b>[Redacted]</b> Cumming A (Alison) &lt;Alison.Cumming@gov.scot&gt;; <b>[Redacted]</b></p> <p><b>Cc:</b> DG Education, Communities &amp; Justice &lt;DGE CJ@gov.scot&gt;; Johnston P (Paul) &lt;Paul.Johnston@gov.scot&gt;; <b>[Redacted]</b> Director of Learning &lt;DirectorofLearning@gov.scot&gt;; Colvin I (Iona) &lt;Iona.Colvin@gov.scot&gt;; Director for Children and Families &lt;DirectorforChildrenandFamilies@gov.scot&gt;; <b>[Redacted]</b> Minister for Parliamentary Business and Veterans &lt;MinisterPBV@gov.scot&gt;; <b>[Redacted]</b></p> <p><b>Subject:</b> RE: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation</p> <p><b>[Redacted]</b></p> <p>The DPLRC will meet on Wednesday 1 April prior to plenary – note, this is still to be confirmed by Bureau. Please see the attached from the clerks.</p> <p>Thanks, <b>[Redacted]</b></p> <p><b>From:</b> <b>[Redacted]</b></p> <p><b>Sent:</b> 27 March 2020 06:37</p> <p><b>To:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; <b>[Redacted]</b></p>
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**Cc:** DG Education, Communities & Justice <[DGECJ@gov.scot](mailto:DGECJ@gov.scot)>; Johnston P (Paul) <[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)>; **[Redacted]**<[DirectorofLearning@gov.scot](mailto:DirectorofLearning@gov.scot)>; Colvin I (Iona) <[Iona.Colvin@gov.scot](mailto:Iona.Colvin@gov.scot)>; Director for Children and Families <[DirectorforChildrenandFamilies@gov.scot](mailto:DirectorforChildrenandFamilies@gov.scot)>; **[Redacted]** Minister for Parliamentary Business and Veterans <[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>

**Subject:** RE: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation

Alison / **[Redacted]**

I note that the meeting on the delegated powers committee on Tuesday 31<sup>st</sup> is still tbc. Have the clerks to the committee indicated that they expect the committee to meet that day?

Regards

**[Redacted]**

**From:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Sent:** 26 March 2020 19:37

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People <[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>

**Cc:** DG Education, Communities & Justice <[DGECJ@gov.scot](mailto:DGECJ@gov.scot)>; Johnston P (Paul) <[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)>**[Redacted]**Director of Learning <[DirectorofLearning@gov.scot](mailto:DirectorofLearning@gov.scot)>; Colvin I (Iona) <[Iona.Colvin@gov.scot](mailto:Iona.Colvin@gov.scot)>; Director for Children and Families <[DirectorforChildrenandFamilies@gov.scot](mailto:DirectorforChildrenandFamilies@gov.scot)>; **[Redacted]**

**Subject:** IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation

**Importance:** High

**[Redacted]**

Please find attached an immediate submission which I'm sending on behalf of **[Redacted]** relating to emergency legislation to revoke authorities' 1140 hours duty and associated handling plans.

Alison

Alison Cumming  
Interim Director, Early Learning and Childcare  
Scottish Government  
GD South, Victoria Quay, Edinburgh, EH6 6QQ

**[Redacted]**

Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

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A1  
8

**From:** [Redacted]  
**Sent:** 26 March 2020 17:58  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: AFFIRMATIVE SSIs - Scottish Government List

Hi [Redacted]

Thanks so much for this update which is incredibly helpful. We appreciate you're spinning a lot of plates at the moment.

In terms of the process for these five instruments, I've just spoken to the Business Team and a paper will be going to the Business Bureau. While the approach has still to be discussed and agreed by the Bureau, in general terms we would anticipate that:

- there will be a Bureau motion on Wednesday to agree that the four instruments which have not been considered by the lead committee be considered by the Parliament;

[Redacted – out of scope]

[Redacted]

From: [Redacted]  
Sent: 26 March 2020 16:57  
To: [Redacted]  
Cc: [Redacted]  
Subject: RE: AFFIRMATIVE SSIs - Scottish Government List

[Redacted]

Many thanks.

I have listed below the absolutely essential high priority SSIs that we would like to get through Parliament next week along with a note explaining why they are assessed by us as high priority. I have split these into Emergency COVID-19 related SSIs and high priority SSIs. It would be extremely helpful if you could tell us how these SSIs, particularly those that have not yet been considered by the lead committee, will be dealt with and what you envisage the process in the Chamber will be.

### Emergency COVID-19 related SSIs

Title of Instrument	Type	Priority	Committee	Current Stage	Next Stage	Reason for Expediting
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
The Children and Young	Affirmative	High	Education and Skills	Being finalised to be	Plenary on 1 April	It is essential that the

People (Scotland) Act 2014 (Modification No.2) Amendment Order 2020				laid 30 March.	date of the statutory duty placed on Local Authorities with regard to the expansion of early years provision is amended.
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**[Redacted – out of scope]**

**From:** [Redacted]

**Sent:** 26 March 2020 07:54

**To:** [Redacted]

**Cc:** [Redacted]

**Subject:** RE: AFFIRMATIVE SSIs - Scottish Government List

Good morning [Redacted]

**[Redacted]**

Secondly, since you sent this list you've given us a note of two further affirmatives you'd like to have passed on Wednesday 1 April:

**[Redacted]**

- Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020 [affirmative to be laid on Monday]

[Redacted]

**From:** [Redacted]

**Sent:** 24 March 2020 17:16

**To:** [Redacted]>

**Cc:**[Redacted]

**Subject:** AFFIRMATIVE SSIs - Scottish Government List

**Importance:** High

	<p><b>[Redacted – out of scope]</b></p> <p>Kind regards <b>[Redacted]</b></p>
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A21	<p><b>From: [Redacted]</b> &gt; <b>On Behalf Of</b> Deputy First Minister and Cabinet Secretary for Education and Skills <b>Sent:</b> 25 March 2020 11:01 <b>To: [Redacted]</b> &gt;; Deputy First Minister and Cabinet Secretary for Education and Skills &lt;DFMCSE@gov.scot&gt;; Minister for Children and Young People &lt;MinisterCYP@gov.scot&gt; <b>Cc:</b> Minister for Parliamentary Business and Veterans &lt;MinisterPBV@gov.scot&gt;; DG Education, Communities &amp; Justice &lt;DGECJ@gov.scot&gt;; Cumming A (Alison) &lt;Alison.Cumming@gov.scot&gt;; <b>[Redacted]</b>; Director of Learning &lt;DirectorofLearning@gov.scot&gt;; Colvin I (Iona) &lt;Iona.Colvin@gov.scot&gt;; <b>[Redacted]</b></p> <p><b>Subject:</b> RE: IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement</p> <p><b>[Redacted]</b></p> <p>Thanks for this.</p> <p>The DFM is prepared to agree the route proposed providing we are confident we will be able to access the alternative parliamentary process to revoke the commencement date.</p> <p>Kind regards</p> <p><b>[Redacted]</b></p> <p><b>From: [Redacted]</b> &gt; <b>On Behalf Of</b> Minister for Children and Young People <b>Sent:</b> 25 March 2020 09:47 <b>To: [Redacted]</b>&gt;; Deputy First Minister and Cabinet Secretary for Education and Skills &lt;DFMCSE@gov.scot&gt;; Minister for Children and Young People &lt;MinisterCYP@gov.scot&gt; <b>Cc:</b> Minister for Parliamentary Business and Veterans &lt;MinisterPBV@gov.scot&gt;; DG Education, Communities &amp; Justice &lt;DGECJ@gov.scot&gt;; Cumming A (Alison) &lt;Alison.Cumming@gov.scot&gt;; <b>[Redacted]</b>; Director of Learning &lt;DirectorofLearning@gov.scot&gt;; Colvin I (Iona) &lt;Iona.Colvin@gov.scot&gt;; <b>[Redacted]</b> <b>Subject:</b> RE: IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement</p> <p><b>[Redacted]</b></p>
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Ms Todd has noted your submission and is content, subject to any views from the DFM, to agree to revoke the Order via secondary legislation and to agree a new date for implementation through the JDB.

Thanks  
[Redacted]

**From:** [Redacted]

**Sent:** 24 March 2020 19:56

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People <[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>

**Cc:** Minister for Parliamentary Business and Veterans <[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>; DG Education, Communities & Justice <[DGECJ@gov.scot](mailto:DGECJ@gov.scot)>; Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; [Redacted]; Director of Learning

<[DirectorofLearning@gov.scot](mailto:DirectorofLearning@gov.scot)>; Colvin I (Iona) <[Iona.Colvin@gov.scot](mailto:Iona.Colvin@gov.scot)>; [Redacted]

**Subject:** IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement

[Redacted]

Please find attached an **immediate submission** for Ministers regarding the legislative requirement to pause the coming in to force of the duty to provide 1140 hours of funded ELC on 1 August 2020.

While we are advising this is progressed through secondary legislation, if Ministers wish to use the Emergency Scottish Coronavirus Bill, colleagues responsible for the contents of that Bill require confirmation first thing Wednesday (25 March) morning.

Many thanks for your help with this.

[Redacted]

**From:** [Redacted] > **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

**Sent:** 24 March 2020 10:25

**To:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People <[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>

**Cc:** [Redacted]; DG Education, Communities & Justice <[DGECJ@gov.scot](mailto:DGECJ@gov.scot)>; Johnston P (Paul) <[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)> [Redacted]

**Subject:** RE: Early learning and childcare and out of school care - Reprioritisation to support COVID response

Hi Alison,

The DFM welcomes this update. He has said that we will need to confirm an alternative timescale in due course and is keen we continue to work with the PVI sector to remain sustainable.

Thanks

**[Redacted]**

**From:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Sent:** 23 March 2020 16:05

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People <[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>

**Cc:** McAllister C (Colin) <[Colin.McAllister@gov.scot](mailto:Colin.McAllister@gov.scot)>; DG Education, Communities & Justice <[DGE CJ@gov.scot](mailto:DGE CJ@gov.scot)>; Johnston P (Paul) <[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)>; **[Redacted]**

**Subject:** Early learning and childcare and out of school care - Reprioritisation to support COVID response

DFM, Ms Todd

This is a short note setting out the impacts of the COVID response on priorities for the Early Learning and Childcare Directorate, including out of school care. I will provide you with a more detailed note over the course of the week, but I wanted to share headlines with you ahead of Cabinet and bring together into one place the discussions that we have had over recent days.

#### Impact on our 1140 hours commitment

As DFM acknowledged in your statement to Parliament on Thursday, the COVID response will clearly impact on the delivery of the 1140 hours expansion from August 2020. In light of the public health measures implemented across the UK, it will clearly not be possible to secure the necessary workforce or to complete critical capital projects to deliver expanded entitlement to all eligible children from August. Given the extent of these measures and the uncertainty of their duration, we would strongly advise against confirming an alternative implementation date at this time.

In light of this we are:

- working with SGLD to provide you with urgent advice this week on the action we need to take to effectively remove local authorities' duties to deliver 1140 hours from August 2020 and the potential legislative vehicles that could be used to secure this (including emergency legislation). We are seeking to do so in a manner that does not require Ministers to set an indicative or confirmed alternative implementation date at this time.
- developing initial advice for you on how we handle the impacts of the COVID response on the 1140 hours expansion, including communications with Parliament and the sector and how we secure the progress made by authorities to date.

**[Redacted – out of scope]**

Alison

Alison Cumming

	<p>Interim Director, Early Learning and Childcare          Scottish Government          GD South, Victoria Quay, Edinburgh, EH6 6QQ</p> <p><b>[Redacted]</b>          Email: <a href="mailto:alison.cumming@gov.scot">alison.cumming@gov.scot</a></p>
A29	<p><b>From:</b> [Redacted]  <b>Sent:</b> 26 March 2020 11:13  <b>To:</b> [Redacted]  <b>Cc:</b> [Redacted]  <b>Subject:</b> RE: 1140 hours - Immediate handling plan / advice for emergency legislation</p> <p>Hi,</p> <p>Yes, I agree that it is not as simple as pause and restart – not meaning to suggest it is. We need to reassess, and we need to work with LAs to understand what the impact is, at an appropriate time. That time will not be for weeks.</p> <p>But, before the summer, LAs need to tell parents something about what they expect to provide after the summer – they’ve made the commitments, they will need to say, at some point, what to expect or at least what the aspiration might be?</p> <p>Also, we need to tell them if they can use the money for other things – e.g. propping up partner provision. If for no other reason, we’ve got to agree what an aspiration will be.</p> <p><b>[Redacted]</b></p> <p><b>From:</b> [Redacted]  <b>Sent:</b> 26 March 2020 10:29  <b>To:</b> [Redacted]  <b>Cc:</b> [Redacted]  <b>Subject:</b> RE: 1140 hours - Immediate handling plan / advice for emergency legislation</p> <p>Hi <b>[Redacted]</b></p> <p>Just to flag my concern re an assumption that we are pausing the programme at point we were in when pandemic hit and can pick up at that capacity come August.</p> <p>We cannot know at this point what the impact already is/has been on human and financial resource in LAs and what they will be needing to pull htier attention to once this slows down/ends. We don’t know hoe disrupted families will be and how much their circs may have changed over this period.</p> <p><b>[Redacted]</b> has flagged in our brief look at the impact assessments for e.g. we could have a much bigger eligible population for the 2 year old for example – more on benefits as a result of job losses, more looked after children. Tht’s just one tiny slover of the bigger picture.</p>

	<p>I think we need to accept the pause has to be to allow a total reconsideration once we know where we were at later. And we don't know when 'later' is yet.</p> <p>[Redacted]</p>
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A30	<p><b>From:</b> [Redacted] <b>Sent:</b> 26 March 2020 13:47 <b>To:</b> [Redacted] <b>Cc:</b> Cumming A (Alison) &lt;Alison.Cumming@gov.scot&gt;; [Redacted] <b>Subject:</b> RE: 1140 hours - Immediate handling plan / advice for emergency legislation</p> <p>Hi,</p> <p>Note is going to DFM today is possible. Level of detail looks ok to me.</p> <p>[Redacted]</p> <p><b>From:</b> [Redacted] <b>Sent:</b> 26 March 2020 12:41 <b>To:</b> [Redacted] <b>Cc:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; [Redacted] <b>Subject:</b> RE: 1140 hours - Immediate handling plan / advice for emergency legislation</p> <ul style="list-style-type: none"><li>• <i>I'll also draft info on laying plans, timescales and Min input to Parly process for note to DFM/FM</i></li></ul> <p>Hi all</p> <p>I have drafted the info attached based on what I know and am checking with [Redacted] in PLU. She is managing the whole legislative timetable for next week so is stacked. Can you give me an idea please if this has the right level of detail for DFM/FM. And when note is going to DFM?</p> <p>I'm logging off for a bit to wrangle children but should be back on around 1pm. [Redacted]</p> <p><b>From:</b> [Redacted] <b>Sent:</b> 26 March 2020 11:29 <b>To:</b> [Redacted] Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; [Redacted] <b>Cc:</b> [Redacted] <b>Subject:</b> RE: 1140 hours - Immediate handling plan / advice for emergency legislation</p> <p>I've emailed [Redacted] and asked for a quick turnaround. Will update the copy list when I've heard back.</p>
-----	---



Thanks,

**From:** [Redacted]

**Sent:** 26 March 2020 11:13

**To:** [Redacted] >; Cumming A (Alison) <Alison.Cumming@gov.scot>; [Redacted]

**Cc:** [Redacted] >

**Subject:** RE: 1140 hours - Immediate handling plan / advice for emergency legislation

Sorry, yes, we need to remove the statutory duty, but many people already have capacity in place, and will be able to continue to provide some/many 1140 places (assuming we are open again in august, and barring sickness absence if the pandemic continues). We are maintaining a non-statutory commitment to get to 1140, and will at an appropriate time reintroduce the duty with a new start point. Some councils will be able to continue works, and it should be up to them how far they go. As a minimum (again, assuming the world is more back to normal come august) I would think they would be in a position to provide what they had intended to provide in April.

For the time being the biggest issue will be what to tell people come allocation time - usually immediately after the easter holiday for many, but some are earlier - and what to tell parents who have had places allocated but whose places will not be fulfilled. Also, money.

I don't think any of that clashes with the policy note for legislation, but if I've got the wrong end of the stick let me know?

[Redacted]

**From:** [Redacted] >

**Sent:** 26 March 2020 10:15

**To:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)> [Redacted]

**Cc:** [Redacted]

**Subject:** RE: 1140 hours - Immediate handling plan / advice for emergency legislation

Hola - I'll need confirmation of the 'big message' to cross refer to the policy note for regs. My assumption so far has been a total pause of 1140 and have drafted along those lines.

If that's not the case then that will need to be reflected in policy note I think.

For awareness here and now in case it's been missed in the mix: **we are laying on Monday, for plenary 'debate'/approval on Wednesday.**

[Redacted] - would be super helpful if you can have that in mind when you're looking at policy note (after your interviews!)

Thanks all. Need to crack on but happy to chat by phone for anything needing clarified.

Also attached [Redacted] email for info/ref.

[Redacted]

[Redacted]

**From:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Sent:** 26 March 2020 10:11

**To:** [Redacted]

**Cc:** [Redacted]

**Subject:** RE: 1140 hours - Immediate handling plan / advice for emergency legislation

Thanks very much, [Redacted]

I'm on the daily LA call with Carrie and colleagues so don't worry about anything for then, but I think we'll need to get a bespoke call with Carrie, [Redacted] and maybe others tomorrow.

Alison

Alison Cumming  
Interim Director, Early Learning and Childcare  
Scottish Government  
GD South, Victoria Quay, Edinburgh, EH6 6QQ

[Redacted]

Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

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**From:** [Redacted]

**Sent:** 26 March 2020 10:09

**To:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; [Redacted]

**Cc:** [Redacted]

**Subject:** RE: 1140 hours - Immediate handling plan / advice for emergency legislation

Hi all,

I think the big message has to be that we don't expect that all 1140 work will stop, or that no-one gets expanded provision. We should be in a position to provide much of the expansion in august, as many staff are employed and many buildings are built/in construction. The question is how many planned things can't be done.

I'll start off a paper laying out core principles, and I assume we'll look to agree that with LAs.

Alison, what time are you speaking to Carrie? Can we get something to you for that?

[Redacted]

**From:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Sent:** 26 March 2020 10:04

**To:** [Redacted]

**Cc:** [Redacted]  
**Subject:** RE: 1140 hours - Immediate handling plan / advice for emergency legislation  
**Importance:** High

Thanks, [Redacted]

I'm adding [Redacted] into this chain as it would be really helpful if she could liaise direct with [Redacted] and colleagues on SG comms.

That takes our list of priorities to:

- Plan for further advice on handling to DFM, including suggested note from him to FM
- Plan for engagement with local authorities to ensure we have considered and covered all practical elements, with letter to issue to authorities (also cleared by DFM) to coincide with legislative intro – see helpful email from Carrie below
- Liaise with [Redacted] on parental messaging via Parent Club
- Liaise with [Redacted] on media comms [Redacted] to liaise in turn with SG Comms)

Alison

Alison Cumming  
Interim Director, Early Learning and Childcare  
Scottish Government  
GD South, Victoria Quay, Edinburgh, EH6 6QQ

[Redacted] Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

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**From:** [Redacted]  
**Sent:** 26 March 2020 10:02  
**To:** [Redacted] Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: 1140 hours - Immediate handling plan / advice for emergency legislation

Hi [Redacted]

I'm doing interviews this morning but will get back to you on your paper before 2pm

[Redacted]

**From:** [Redacted]  
**Sent:** 26 March 2020 10:01  
**To:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: 1140 hours - Immediate handling plan / advice for emergency legislation

Thanks Alison

I'm still finalising docs and aiming to get package to you about 3pm for clearing before Monday (luxury)

**[Redacted]**

- **[Redacted]** in Comms was asking about comms too on back of Sub to DFM. Will check inbox for who he said on that.
- I'll also draft info on laying plans, timescales and Min input to Parly process for note to DFM/FM

Anything else, let me know.

Thanks

**[Redacted]**

**From:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Sent:** 26 March 2020 09:55

**To:** **[Redacted]**

**Cc:** **[Redacted]**

**Subject:** 1140 hours - Immediate handling plan / advice for emergency legislation

**Importance:** High

**[Redacted]**

Can I ask you both to please turn your focus today to what we need to do to support the introduction of emergency legislation to revoke 1140?

**[Redacted]** will lead on the legislative process and associated docs, but in addition to that we need:

- Plan for further advice on handling to DFM, including suggested note from him to FM
- Plan for engagement with local authorities to ensure we have considered and covered all practical elements, with letter to issue to authorities (also cleared by DFM) to coincide with legislative intro – see helpful email from Carrie below
- Liaise with **[Redacted]** on parental messaging via Parent Club

Can you please start working up outline thoughts on that which **[Redacted]** and I can discuss at 12? **[Redacted]** – if you're not feeling up to full health today, perhaps Hannah could also join the 12 o'clock?

Thanks very much

Alison

Alison Cumming  
Interim Director, Early Learning and Childcare  
Scottish Government  
GD South, Victoria Quay, Edinburgh, EH6 6QQ

**[Redacted]** Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

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**From:** Carrie Lindsay <[Carrie.Lindsay@fife.gov.uk](mailto:Carrie.Lindsay@fife.gov.uk)>

**Sent:** 25 March 2020 21:34

**To:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Subject:** Re: Update call on C19 and schools - Childminding services

Alison

Thanks for update.

Will still be tricky to do admissions as parents have applied for new models and hard to revert to old models because they would need to reapply.

Need to give implications some thought. Maybe agree tomorrow to have Lesley, you and I and maybe some others have a call to think about advice?

Interesting times.

Carrie

Get [Outlook for iOS](#)

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**From:** [Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Sent:** Wednesday, March 25, 2020 8:17:15 PM

**To:** Carrie Lindsay <[Carrie.Lindsay@fife.gov.uk](mailto:Carrie.Lindsay@fife.gov.uk)>

**Subject:** RE: Update call on C19 and schools - Childminding services

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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Hi Carrie

Thanks very much for the heads up. We don't have an agreed position on the specific admissions point yet, but we do have Ministerial agreement now to lay an emergency Order in the Scottish Parliament to revoke the legislation that increased the statutory entitlement from 600 hours to 1140 with effect from August 2020. We're not going to set an alternative date at this point, as we recognise it's not just a case of picking up where everyone left off a couple of weeks ago and we don't know how long the virus measures will be in place. We will also likely need to use the emergency UK legislation to disapply authorities' 600 hours duties in the meantime.

We need to put follow up advice to Ministers on practical issues by the end of the week, which will include suspending admissions processes, and hopefully we can work towards a joint SG / COSLA letter to authorities to coincide with the emergency Order being laid in Parliament.

Alison

Alison Cumming

	<p>Interim Director, Early Learning and Childcare  Scottish Government  GD South, Victoria Quay, Edinburgh, EH6 6QQ</p> <p><b>[Redacted]</b> Email: <a href="mailto:alison.cumming@gov.scot">alison.cumming@gov.scot</a></p> <p>Follow us @ELCScotGov and @OSCScotGov</p> <p><b>From:</b> Carrie Lindsay &lt;<a href="mailto:Carrie.Lindsay@fife.gov.uk">Carrie.Lindsay@fife.gov.uk</a>&gt;  <b>Sent:</b> 25 March 2020 18:02  <b>To:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;  <b>Subject:</b> Re: Update call on C19 and schools - Childminding services</p> <p>Alison</p> <p>I'm going to raise in SG discussion tomorrow about advice on admission letters, placements etc for ELC.</p> <p>In Fife and many LAs letters are due to go out to parents at the en of this month regarding placements.</p> <p>Two reasons why that will be problematic.</p> <ol style="list-style-type: none"> <li>1. Responding to parental complaints will take up a huge resource that is difficult to currently co-ordinated and sustain as more staff go off sick.</li> <li>2. The models may not be able to be delivered now that construction work has ceased and LAs are unable to interview or match staff into posts in the way that we were planning.</li> </ol> <p>You may already have some answers but wanted to give you the heads up before I raise it tomorrow.</p> <p>Thanks</p> <p>Carrie  Get <a href="#">Outlook for iOS</a></p> <hr/> <p><b>[Redacted]</b></p>
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A32	<p><b>From:</b> <b>[Redacted]</b>  <b>Sent:</b> 26 March 2020 15:00  <b>To:</b> <b>[Redacted]</b>; Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; <b>[Redacted]</b>  <b>Subject:</b> RE: 1140 hours - Immediate handling plan / advice for emergency legislation</p> <p>Hi all</p> <p>Please find attached cleared lines on regs process and timing for inclusion in DFM note. Only thing I'm not sure of is which Minister is heading this up. Ms Todd did original regs but not sure if DFM wants to be seen as heading this up.</p> <p>Hope this is clear, but let me know if this raises any questions for anyone.</p>
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	<p>I'll be passing on regs package for Alison's clearance shortly and will keep you all copied in for info. <b>[Redacted]</b></p> <p><b>From:</b> [Redacted] <b>Sent:</b> 26 March 2020 13:47 <b>To:</b> [Redacted] <b>Cc:</b> [Redacted] <b>Subject:</b> RE: 1140 hours - Immediate handling plan / advice for emergency legislation</p> <p>Hi,</p> <p>Note is going to DFM today is possible. Level of detail looks ok to me.</p> <p><b>[Redacted]</b></p> <p><b>From:</b> [Redacted] <b>Sent:</b> 26 March 2020 12:41 <b>To:</b> [Redacted] <b>Cc:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; [Redacted]</p> <p><b>Subject:</b> RE: 1140 hours - Immediate handling plan / advice for emergency legislation</p> <ul style="list-style-type: none"><li>• <i>I'll also draft info on laying plans, timescales and Min input to Parly process for note to DFM/FM</i></li></ul> <p>Hi all</p> <p>I have drafted the info attached based on what I know and am checking with <b>[Redacted]</b> in PLU. She is managing the whole legislative timetable for next week so is stacked. Can you give me an idea please if this has the right level of detail for DFM/FM. And when note is going to DFM?</p> <p>I'm logging off for a bit to wrangle children but should be back on around 1pm.</p> <p>Thanks v much</p> <p><b>[Redacted]</b></p>
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<b>A35</b>	<p><b>From:</b> [Redacted] <b>Sent:</b> 30 March 2020 08:51 <b>To:</b> [Redacted] <b>Cc:</b> [Redacted] <b>Subject:</b> Re: Revocation of 1140 hours - to be laid Monday 30 March</p> <p>Morning - thanks for this <b>[Redacted]</b></p> <p>I hope you're doing ok and please do get in touch if you're not sure about anything.</p>
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	<p>Would you mind going back on this to flag we are waiting for FM clearance.</p> <p>I'm not sure who was on Alision copy list for that side of things and I didn't clock we had to wait for that before proceeding until quite late on friday.</p> <p>If you're not sure about anything then please do get in touch.</p> <p>I've sent this to <b>[Redacted]</b>and copying to <b>[Redacted]</b> too for info.</p> <p>Tha.ks all</p> <p>Sent from my BlackBerry 10 smartphone.</p> <p><b>From:</b> <b>[Redacted]</b></p> <p><b>Sent:</b> Monday, 30 March 2020 08:45</p> <p><b>To:</b> <b>[Redacted]</b></p> <p><b>Cc:</b> <b>[Redacted]</b></p> <p><b>Subject:</b> Revocation of 1140 hours - to be laid Monday 30 March</p> <p>Morning SGLD/SSI Colleagues</p> <p><b>[Redacted]</b> has asked me to get in touch this morning (being her non-working day) to ask what your deadline is for getting the final instrument over today?</p> <p>Please let me know if there is anything required at our end to meet this deadline.</p> <p>Kind regards</p> <p><b>[Redacted]</b></p>
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<b>A36</b>	<p><b>From:</b> <b>[Redacted]</b></p> <p><b>Sent:</b> 30 March 2020 09:00</p> <p><b>To:</b> <b>[Redacted]</b></p> <p><b>Subject:</b> Re: Revocation of 1140 hours - to be laid Monday 30 March</p> <p>Perfect! Thank you! All feels a bit chaotic- again! Do you want me to give you a call?</p> <p>Sent from my BlackBerry 10 smartphone.</p> <p><b>From:</b> <b>[Redacted]</b></p> <p><b>Sent:</b> Monday, 30 March 2020 08:58</p> <p><b>To:</b> <b>[Redacted]</b></p> <p><b>Cc:</b> <b>[Redacted]</b></p> <p><b>Subject:</b> RE: Revocation of 1140 hours - to be laid Monday 30 March</p> <p>Thanks <b>[Redacted]</b></p> <p>Just to confirm that we are waiting on FM clearance to allow us to proceed.</p>
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	<p>Kind regards <b>[Redacted]</b></p> <p><b>From:</b> <b>[Redacted]</b> <b>Sent:</b> 30 March 2020 08:53 <b>To:</b> <b>[Redacted]</b> <b>Cc:</b> <b>[Redacted]</b> <b>Subject:</b> RE: Revocation of 1140 hours - to be laid Monday 30 March</p> <p>As well as SSI Unit mailbox I have copied in <b>[Redacted]</b>personal mailboxes.</p> <p><b>[Redacted]</b></p> <p><b>From:</b> <b>[Redacted]</b> <b>Sent:</b> 30 March 2020 08:46 <b>To:</b> <b>[Redacted]</b> <b>Cc:</b> <b>[Redacted]</b> <b>Subject:</b> Revocation of 1140 hours - to be laid Monday 30 March</p> <p><b>[Redacted]</b></p> <p><b>[Redacted]</b> has asked me to get in touch this morning (being her non-working day) to ask what your deadline is for getting the final instrument over today?</p> <p>Please let me know if there is anything required at our end to meet this deadline.</p> <p>Kind regards</p> <p><b>[Redacted]</b></p>
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<b>A39</b>	<p><b>From:</b> <b>[Redacted]</b> <b>Sent:</b> 30 March 2020 09:36 <b>To:</b> <b>[Redacted]</b> <b>Cc:</b> <b>[Redacted]</b> <b>Subject:</b> RE: Revocation of 1140 hours - to be laid Monday 30 March</p> <p>Hello <b>[Redacted]</b></p> <p>4.30 is the usual deadline for laying SSIs.</p> <p>Regards</p> <p><b>[Redacted]</b>SSI Unit</p>
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A40

**From:** [Redacted]  
**Sent:** 30 March 2020 14:41  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

You'll be copied in on the email laying it before Parliament.

[Redacted]

**From:** [Redacted]  
**Sent:** 30 March 2020 14:40  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

That's superb – thank [Redacted]

I'll let Alison Cumming know that this is the likely timescale for laying – but could you keep me updated if anything changes and also please could you confirm when the Order has been laid.

Thanks again  
[Redacted]

**From:** [Redacted]  
**Sent:** 30 March 2020 14:37  
**To:** [Redacted]  
**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

Hi [Redacted]

I'm getting the documents ready. I think it should be ready to lay at 3 p.m.

Regards

[Redacted]

**From:** [Redacted]  
**Sent:** 30 March 2020 14:29  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

Hi [Redacted]

Here is the Policy Note (we have just been tweaking this ever so slightly with [Redacted]).

	<p>Erdm link below and word version attached.</p> <p><b>[Redacted]</b></p> <p>Thanks <b>[Redacted]</b></p> <p><b>From: [Redacted]</b> <b>Sent:</b> 30 March 2020 14:26 <b>To: [Redacted]</b> <b>Cc: [Redacted]</b> <b>Subject:</b> RE: Revocation of 1140 hours - to be laid Monday 30 March</p> <p>Hi <b>[Redacted]</b></p> <p>I don't think we received the Policy Note for this yet.</p> <p>Regards</p> <p><b>[Redacted]</b> SSI Unit</p>
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A41 - 45	<p><b>From: [Redacted]</b> <b>Sent:</b> 02 April 2020 11:27 <b>To: [Redacted]</b> <b>Subject:</b> RE: Revocation of 1140 hours - to be laid Monday 30 March</p> <p>Hi <b>[Redacted]</b></p> <p>Just to advise, once the electronic version of the Order is ready to be signed by DFM – please can send on to me.</p> <p>DFM is not due back in the office until 21 April and unfortunately does not have a printer at home. If you can send over the Order to me, I will make sure this is passed on to DFMs Private Office where they will arrange signing once he is back in the office.</p> <p>Many thanks <b>[Redacted]</b> Scottish Government   Area GD South   Victoria Quay, Edinburgh, EH6 6QQ   Telephone: <b>[Redacted]</b></p> <p>Making Scotland the best place to grow up <a href="https://www.gov.scot/education/">https://www.gov.scot/education/</a>   <a href="#">@ELCScotGov</a>   <a href="#">#ELCExpansion</a></p> <p><b>From:</b> [redacted] <b>Sent:</b> 31 March 2020 14:30 <b>To:</b> [redacted] <b>Cc:</b> [redacted] <b>Subject:</b> RE: Revocation of 1140 hours - to be laid Monday 30 March</p>
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Many thanks all

We'll assume we'll be able to get it signed before it needs to come in to effect (remotely or otherwise) and no need to line up anyone for Parly tomorrow.

Thanks again.

[redacted] @ELCScotGov  
[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

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Hi [redacted],

We've no issue with the DFM printing off and signing the SSI at home. We've stopped using blue paper for the time being.

Regards

**From:** [redacted]  
**Sent:** 31 March 2020 14:30  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

[redacted],

I am afraid that PLU does not know who is around after Easter. Both Mr Dey and Mr Russell will be in Parliament tomorrow and I think Mr Yousaf, Mr Macpherson. I am unclear beyond that. We have been emailing and Ministers have been printing off and signing and [redacted], will be able to provide advice on that.

Kind regards

[redacted]

**From:** [redacted]  
**Sent:** 31 March 2020 14:30  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

Hi [redacted]

We have been told by Private Office that both DFM and Ms Todd have been slipped from Parly tomorrow and are working electronically for at least next 4 weeks. Can I

check if DFM can print off and 'sign' from home? And then follow up with hard copy another time?! Or does he need the blue paper?!

Or if we should be looking for another Cab Sec to sign at Parly tomorrow – can PLU advise who they know is around tomorrow (or after Easter - I'm assuming it doesn't need to be signed straight away - SGLD?)

Many thanks

[redacted]

**From:** [redacted] >

**Sent:** 31 March 2020 12:03

**To:** [redacted]

**Cc** [redacted]

**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

Hi [redacted]

That's lovely, I'll get in touch with DFM's office to find out when we can get a signing slot and I'll update [redacted] so that he can pass this onto [redacted] or I to send up to Private Office.

Many thanks again

[redacted]

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**From:** [redacted]

**Sent:** 31 March 2020 12:01

**To:** [redacted]

**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

[redacted]

Instruments are being emailed to the policy official to forward on to Private Office and have them print off the SSI and get it signed.

My colleague [redacted] will be preparing the signing copy. If you contact him to let him know what time you have a signing slot he'll can send it to you by then.

thanks

[redacted]

**From:** [redacted]

**Sent:** 31 March 2020 11:55

**To:** [redacted]  
**Subject:** FW: Revocation of 1140 hours - to be laid Monday 30 March

Hi [redacted]

In regards to social distancing measures, I just wondered if you have any advice on how we manage this in relation to getting the Order signed/made (all going well tomorrow)?

We will need to organise a slot with DFM to sign but wondered if you were aware of any protocol we should be considering at this time.

Many thanks

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**From:** [redacted]  
**Sent:** 31 March 2020 08:49  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

Thanks [redacted] will be glad to draw breath at the end of this week! We then give ourselves a couple of days grace and then focus on what happens post Easter.

Kind regards  
[redacted]

**From:** [redacted]  
**Sent:** 31 March 2020 08:33  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

Thank you so very much everyone! Epic team work.

Best of luck to legal and legislation colleagues with the rest of the work that needs done across SG

Deep breaths and hoping for cake tomorrow evening!

[redacted] [www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted]  
**Sent:** 30 March 2020 14:21  
**To:** [redacted]  
**Cc:** [redacted] **Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

Great news and my wonderful colleagues in SGLD will advise on that. Over to [redacted]

Well done everyone a roller coaster but we all hung on.

[redacted]

**From:** [redacted]

**Sent:** 30 March 2020 14:16

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

**Importance:** High

Hi [redacted]

Please find attached approval from FM – allowing us to proceed with laying the order.

[redacted] – Would you or one of your colleagues be able to advise **as soon as possible** what time the Order will be laid in in Parliament today - this is required so we can begin to line up our stakeholder communications.

Kind regards and if you need anything else prior to laying, do let me know.

[redacted]

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**From:** [redacted]

**Sent:** 30 March 2020 13:54

**To:** [redacted]

**Subject:** RE: Revocation of 1140 hours - to be laid Monday 30 March

[redacted]

Do you have FM clearance yet? Your SSI is being considered by Parliament's Business Bureau tomorrow. If Bureau agrees the process will be:

- Delegated Powers and Legislative Reform Committee will consider at its meeting on Wednesday lunchtime;
- DPLRC will issue report to Parliament;
- Plenary considers motion to approve at Decision time on Wednesday.

You might want to give FM's office a call if there is no news although I appreciate that they will have a lot to consider for clearance.

Kind regards

[redacted]

**From:** [redacted]

**Sent:** 30 March 2020 08:58

**To:** [redacted]

	<p><b>Cc:</b> [redacted]  <b>Subject:</b> RE: Revocation of 1140 hours - to be laid Monday 30 March</p> <p>Thanks [redacted]  Just to confirm that we are waiting on FM clearance to allow us to proceed.</p> <p>Kind regards  [redacted] Making Scotland the best place to grow up  <a href="https://www.gov.scot/education/">https://www.gov.scot/education/</a>   <a href="#">@ELCScotGov</a>   <a href="#">#ELCExpansion</a></p> <p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 08:53  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: Revocation of 1140 hours - to be laid Monday 30 March</p> <p>As well as SSI Unit mailbox I have copied in [redacted]personal mailboxes.</p> <p>[redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 08:46  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> Revocation of 1140 hours - to be laid Monday 30 March</p> <p>Morning [redacted]</p> <p>[redacted] has asked me to get in touch this morning (being her non-working day) to ask what your deadline is for getting the final instrument over today?</p> <p>Please let me know if there is anything required at our end to meet this deadline.</p> <p>Kind regards</p> <p>[redacted] Making Scotland the best place to grow up  <a href="https://www.gov.scot/education/">https://www.gov.scot/education/</a>   <a href="#">@ELCScotGov</a>   <a href="#">#ELCExpansion</a></p>
A53	<p><b>From:</b> Cumming A (Alison)  <b>Sent:</b> 30 March 2020 09:30  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: outline handling approach for 1140 legislation</p> <p>Hi [redacted]</p> <p>Thanks very much for keeping on top of all of this. [redacted] has been in contact with FM's office this morning to confirm that we can proceed with laying the</p>



instrument, and is awaiting a phone call back so she'll let you know when we have the formal go ahead.

Alison

Alison Cumming  
Interim Director, Early Learning and Childcare  
Scottish Government  
GD South, Victoria Quay, Edinburgh, EH6 6QQ

Telephone: [Redacted]  
Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

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**From:** [redacted]  
**Sent:** 30 March 2020 09:30  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: outline handling approach for 1140 legislation

Hi [redacted]

I just wanted to let you know that I am liaising with SGLD/SSI Unit to find out when their deadline is for getting the final instrument over today. I have confirmed with them that we are waiting on FM clearance before we finally proceed.

In [redacted] absence today (as I'm not sure I am included in some of the relevant email chains) would you be able to advise when you have had confirmation from FM. I appreciate that SGLD/SSI may have sight to FM's clearance – but just for peace of mind (for [redacted]!) I am happy to also confirm this with them directly.

I'll also keep you posted on timings as and when I receive a response from SGLD/SSI Unit.

Many thanks

[redacted]

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**From:** [redacted]  
**Sent:** 30 March 2020 08:45  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: outline handling approach for 1140 legislation

Thank you [redacted]

Just copying [redacted] back into chain for awareness and in case any further support is required today.

[redacted]

**From:** [redacted]

**Sent:** 30 March 2020 08:39

**To:** [redacted]

**Cc:** [redacted]

**Subject:** Re: outline handling approach for 1140 legislation

Morning all - I'm planning to dial in to Directorate huddle later but otherwise won't be online unless needed.

[redacted] could you check in with SGLD and/or SSI Unit on their deadline for getting final instrument over pls?

I'm not sure how sighted they are on need for FM clearance before laying.

Message or call home mobi if you need me to jump online.

Thanks all

[redacted]

Sent from my BlackBerry 10 smartphone.

**From:** Cumming A (Alison)

**Sent:** Monday, 30 March 2020 07:14

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: outline handling approach for 1140 legislation

Thanks very much for all the work that's gone into preparing these docs.

I've sent the SCANCE note to DFM for clearance.

I received comments back on the draft letters from LG colleagues last night and I'll incorporate these into final versions of the letters this morning. Cllr McCabe will be a co signatory to both letters.

Draft comms lines also back with comms for comment.

I'll also chase FM's office shortly so that we know we can proceed with laying the order today.

Thanks

Alison

	<p>Alison Cumming Interim Director, Early learning and childcare Scottish Government</p> <p>Sent from my mobile –[Redacted]</p>
<p>A54- A55</p>	<p>Thanks [redacted]</p> <p>We have drafted up an EQIA record that refs children’s rights (so will act as combined) This recognises impact of pandemic and says we will consider impact of delay in the accompanying docs for the order we will lay when we have a new date. This will effectively update the original assessments from the 2019 Order as the revocation has the effect that the original order never happened.</p> <p><a href="https://erdm.scotland.gov.uk:8443/documents/A27667718/details">https://erdm.scotland.gov.uk:8443/documents/A27667718/details</a></p> <p>Will be running this approach by my Director once SGLD have viewed.</p> <p>[redacted] @ELCScotGov <a href="http://www.gov.scot/coronavirus">www.gov.scot/coronavirus</a></p> <p><b>From:</b> [redacted] <b>Sent:</b> 25 March 2020 16:00 <b>To:</b> [redacted] <b>Cc:</b> [redacted] <b>Subject:</b> RE: URGENT: CRWIA Guidance required</p> <p>Hi all - I think what the CRWIA will need to consider is – the increase in hours had a +ve impact on children – however those impacts cannot be delivered due to Covid 19 – so the impact – delay of delivery of the benefits - but in these unprecedented circumstances that is the best we can do....</p> <p><b>From</b>[redacted] <b>Sent:</b> 25 March 2020 15:52 <b>To:</b> [redacted] <b>Cc:</b> [redacted] <b>Subject:</b> RE: URGENT: CRWIA Guidance required</p> <p>Hi [redacted] I am happy to answer any questions you might have and help clear up any confusion. This CRWIA would be looking at what the impact revoking this provision would have on the rights and wellbeing of children.</p> <p>I am out of the office from 4pm but will be back online at about 7am tomorrow.</p> <p>Kind regards</p> <p>[redacted]</p> <p><b>From:</b> [redacted]&gt; <b>Sent:</b> 25 March 2020 15:37</p>

**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: URGENT: CRWIA Guidance required

Thanks for that [redacted]  
I'm still unclear on what this means for revocation but I am leaning towards stating in policy note that we will amend impact assessments when we lay the new order. I'll pick up these questions with Carolyn (SGLD) though.

Many thanks for your help today and good luck over this strange time!

Kind regards

[redacted]@ELCScotGov  
[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted]  
**Sent:** 25 March 2020 15:31  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: URGENT: CRWIA Guidance required

Hi [redacted]

- Under Part 1 of the [Children and Young People \(Scotland\) Act 2014](#), Scottish Ministers have a duty to keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the United Nations Convention of the Rights of the Child (UNCRC) requirements. Undertaking a CRWIA supports Scottish Ministers to meet their duties.
- The Child Rights and Wellbeing Impact Assessment (CRWIA), introduced in June 2015, aims to ensure that all areas of the Scottish Government consider the possible direct and indirect impacts of proposed policies and legislation on the rights and wellbeing of children and young people.
- The CRWIA can be undertaken as part of a joint impact assessment (alongside an Equality Impact Assessment, for example) provided that:
  - there is cross-referencing of issues relevant to each impact assessment
  - outputs are published separately

CRWIAs are seen as a developmental impact assessment and are designed so that they can be updated if amendments are made to policy or legislation. Therefore, if there is already an existing CRWIA, you should be able to amend it to acknowledge the changes.

**Kind regards**

[redacted]

**From:** [redacted]  
**Sent:** 25 March 2020 14:29  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: URGENT: CRWIA Guidance required

Hi [redacted]

Many thanks for providing this advice so promptly.

We are really pushed and need to get everything finalised and cleared today and tomorrow. If it is a legal requirement for us to complete a CRWIA (I think it is?) then we will need to see an example that we can work from as we just don't have time to develop from scratch.

One thing I was wondering – is it different for a revocation? As it is essentially not a new policy?

For info – I have put the following in the policy note for now (draft at mo). Would this do for now?:

1. There are significant impacts to society as a result of the COVID-19 pandemic. There will be an impact as a result of the pausing in the ELC expansion of hours on: children; individuals that share protected characteristics under the Equality Act 2010; and individuals, organisations and businesses who deliver childcare services.
2. These impacts are however unavoidable at this time. We will explore the impact further in impact assessments when we lay a new Order for the increase in hours to 1140.

Many thanks for your help

I hope you are all keeping safe and well

[redacted]@ELCScotGov  
[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted]  
**Sent:** 25 March 2020 14:18  
**To:** [redacted]  
**Subject:** FW: URGENT: CRWIA Guidance required

Hi

For info, response from CRWIA Team regarding completion of impact assessments.

I have also been in touch with EQIA and BRIA generic email boxes asking the same question.

Thanks

[redacted]

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**From**[redacted]

**Sent:** 25 March 2020 14:12

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: URGENT: CRWIA Guidance required

Hi [redacted]

Yes, we have had other requests. For those that have been in touch we have asked that they complete Stage 1 (Screening) of the CRWIA to help determine the need for a full CRWIA. We are able to offer support to your team to enable any required CRWIAs to be completed as quickly as possible.

Kind regards

[redacted]

**From:** [redacted]

**Sent:** 25 March 2020 14:20

**To:** [redacted]

**CC:** [redacted]

**Subject:** RE: URGENT: CRWIA Guidance required

Thanks for checking [redacted]

And [redacted] is right; we'll do as much as we can to help you consider the issues and point to existing sources that can help you complete the CRWIA effectively.

[redacted]

**From:** [redacted]

**Sent:** 25 March 2020 14:14

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: URGENT: CRWIA Guidance required

Hi [redacted]

That's great – thank you for the quick response.

I have completed a Stage 1 last year, so hopefully will be able to recall this but will be in touch if I require any further assistance.

Kind regards

[redacted]

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**From:** [redacted]  
**Sent:** 25 March 2020 14:12  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: URGENT: CRWIA Guidance required

Hi [redacted]  
Yes, we have had other requests. For those that have been in touch we have asked that they complete Stage 1 (Screening) of the CRWIA to help determine the need for a full CRWIA. We are able to offer support to your team to enable any required CRWIAs to be completed as quickly as possible.

Kind regards

[redacted]

**From:** [redacted]  
**Sent:** 25 March 2020 14:06  
**To:** [redacted]  
**Subject:** URGENT: CRWIA Guidance required  
**Importance:** High

Hi [redacted]

I am part of the early learning directorate and we have just been advised (after DFM agreed our approach) that we are to lay legislation on **Monday 30 March** to revoke an Order – as a response effort to Covid-19. Our order was laid last year and is due to come into force from August 1st (a suite of impact assessments were prepared for this at that time).

Please would you be able to confirm if there are any relaxations for CRWIAs at this time – in light of policy areas responding directly to Covid – 19? Are you also aware of any other areas who have asked the same question and if so, have they already developed an CRWIA for these purpose – to which we could possibly have sight of?

Given the urgency, I would very much welcome a quick response if this is at all possible at your end.

Kind regards  
[redacted]

A56

**From:** [redacted]  
**Sent:** 26 March 2020 09:09  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: URGENT: BRIA Advice

That is super [redacted]. Thanks so much for this really helpful advice and practical approach.

I hope you and colleagues are keeping well.

Kind regards

[redacted]@ELCScotGov  
[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted]  
**Sent:** 26 March 2020 08:06  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: URGENT: BRIA Advice

Hi [redacted]

No problem at all. I spoke to my manager later last night and we've agreed if Ministerial agreement on not completing a BRIA is holding things up then we're happy to be flexible on this too.

[redacted]  
**From:** [redacted]  
**Sent:** 26 March 2020 08:02  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: URGENT: BRIA Advice

Hi [redacted]

Thanks so much for your response in relation to the BRIA, this is really useful – and the approach my manager [redacted] is looking to take – as it is not practical to complete a BRIA in such a short timescale. As we are revoking an Order, we are hoping to revise the original BRIA and other impact assessments when we come to lay a new order.

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**From:** [redacted]  
**Sent:** 25 March 2020 16:13  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: URGENT: BRIA Advice



	<p>Hi [redacted]</p> <p>A minister can always sign off on the fact that a BRIA is not required. Usually this would be if a policy are feel there's no need for one, but I would assume it is also sufficient in an instance like this where time is too tight.</p> <p>We've not had any other requests like this, and I had assumed most legislation would halt at the moment so wasn't expecting any queries. Clearly I never thought about anything being revoked! I'll have a chat with my senior colleagues but as a Minister can normally agree a BRIA isn't needed then as I said, I'd imagine that would suffice for this instance too.</p> <p>[redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 25 March 2020 14:07  <b>To:</b> [redacted]  <b>Subject:</b> URGENT: BRIA Advice</p> <p>Hi</p> <p>I am part of the early learning directorate and we have just been advised (after DFM agreed our approach) that we are to lay legislation on <b>Monday 30 March</b> to revoke an Order – as a response effort to Covid-19. Our order was laid last year and is due to come into force from August 1st (a suite of impact assessments were prepared for this at that time).</p> <p>Please would you be able to confirm if there are any relaxations for BRIAs at this time – in light of policy areas responding directly to Covid – 19? Are you also aware of any other areas who have asked the same question and if so, have they already developed an BRIA for these purpose – to which we could possibly have sight of?</p> <p>Given the urgency, I would very much welcome a quick response if this is at all possible at your end.</p> <p>Kind regards  [redacted]  Making Scotland the best place to grow up  <a href="https://www.gov.scot/education/">https://www.gov.scot/education/</a>   <a href="#">@ELCScotGov</a>   <a href="#">#ELCExpansion</a></p>
A57	<p><b>From:</b> [redacted]  <b>Sent:</b> 26 March 2020 10:35  <b>To:</b> [redacted]  <b>Subject:</b> RE: URGENT; Guidance relating to EQIAs</p> <p>That is super helpful thanks [redacted]</p> <p>Kind regards</p> <p>[redacted]  <a href="#">@ELCScotGov</a>  <a href="http://www.gov.scot/coronavirus">www.gov.scot/coronavirus</a></p>

**From:** [redacted]  
**Sent:** 26 March 2020 10:33  
**To:** [redacted]  
**Subject:** RE: URGENT; Guidance relating to EQIAs

Hi [redacted]

The regulation (regulation 5 of the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012) in relation to Equality Impact Assessments has not been relaxed. However in saying that, in relation to new, revised and existing policies a proportionate approach is taken and effort is focused upon on assessing the impact of policies and practices that are most relevant to equality.

The approach you have detailed in your e-mail seems to me to be proportionate in the prevailing circumstances. As you say, you already have completed an EQIA and have a stated position to revise what you already have when you are in a position to lay the new order. I think that this is key here. You have recognised that an EQIA is a living document, which can be revisited to take into account changing circumstances and new evidence.

I think that the lighter touch approach taken at this time i.e. your screened EQIA to support revocation followed by an update at a later date seems to me a proportionate approach to achieving your aim.

Hope this is helpful, happy to discuss by skype call or by phone [redacted]

Best regards

[redacted]  
Mainstreaming Equality  
Area 3H (North)  
Victoria Quay  
☎ 47097 **Please Note due to Covid 19 I am working from home and I will be unable to answer calls at the number shown, therefore please contact me by E-Mail** [redacted]

follow us on Twitter @ScotGovEquality

**From:** [redacted]  
**Sent:** 26 March 2020 09:36  
**To:** [redacted]  
**Cc:** [redacted]

**Subject:** RE: URGENT; Guidance relating to EQIAs

Thanks [redacted]

As [redacted]  
says, I propose to submit the attached to my Director for sign off:  
<https://erdm.scotland.gov.uk:8443/documents/A27673675/details>

This, and the policy note, recognise there will be an impact but we are not in a position to assess at this time.

Happy to chat for any questions.

Hope everyone keeping well

[redacted]  
@ELCScotGov  
[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted]  
**Sent:** 26 March 2020 09:33  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: URGENT; Guidance relating to EQIAs

Hi [redacted]

Any guidance you have would be appreciated, however we are looking not to do a full EQIA at this time given the fact that we are revoking our Order. We intend to revise the original EQIA (and CRWIA) when we are in a position to lay the new Order.  
We have completed a screened EQIA (including CRWIA) for now to support our revocation.

I have copied in my manager [redacted] as she may have some further questions at this point.

Kind regards and thanks once again for your assistance,

[redacted]

Scottish Government | Area GD South | Victoria Quay, Edinburgh, EH6 6QQ |  
Telephone: [Redacted]

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**From:** [redacted]

	<p><b>Sent:</b> 26 March 2020 09:11  <b>To:</b> [redacted]  <b>Subject:</b> URGENT; Guidance relating to EQIAs  <b>Importance:</b> High</p> <p>[redacted]</p> <p>FW from the mainstreaming mailbox. Grateful if you could get back to [redacted] as soon as possible.</p> <p>Thanks  [redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 25 March 2020 14:04  <b>To:</b> [redacted]  <b>Subject:</b> URGENT; Guidance relating to EQIAs  <b>Importance:</b> High</p> <p>Hi</p> <p>I am part of the early learning directorate and we have just been advised (after DFM agreed our approach) that we are to lay legislation on <b>Monday 30 March</b> to revoke an Order – as a response effort to Covid-19. Our order was laid last year and is due to come into force from August 1<sup>st</sup> (a suite of impact assessments were prepared for this at that time).</p> <p>Please would you be able to confirm if there are any relaxations for EQIAs at this time – in light of policy areas responding directly to Covid – 19? Are you also aware of any other areas who have asked the same question and if so, have they already developed an EQIA for these purpose – to which we could possibly have sight of?</p> <p>Given the urgency, I would very much welcome a quick response if this is at all possible at your end.</p> <p>Kind regards  [redacted]  Making Scotland the best place to grow up  <a href="https://www.gov.scot/education/">https://www.gov.scot/education/</a>   <a href="https://twitter.com/ELCScotGov">@ELCScotGov</a>   <a href="https://twitter.com/ELCExpansion">#ELCExpansion</a></p>
A59	<p><b>From:</b> [redacted]  <b>Sent:</b> 02 April 2020 09:12  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> SSIs Approved</p>

	<p>Colleagues,</p> <p>A very quick note to confirm that Parliament approved all of your SSIs last night. Many thanks to everyone for pulling this out of the bag and particularly SGLD colleagues who have moved heaven and earth in the last couple of weeks to keep this show moving.</p> <p>Kind regards</p> <p>[redacted] Parliament and Legislation Unit Scottish Government 4N.01 St Andrew's House Regent Road Edinburgh EH1 3DG Tel – 0131 244 8876 Mobile – [Redacted]</p> <p>Please note my working pattern is Monday – Thursday incl.</p>
A60	<p><b>From:</b> [redacted] <b>Sent:</b> 30 March 2020 15:02 <b>To:</b> [redacted] <b>Cc:</b> [redacted] <b>Subject:</b> Draft SSI: The Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020</p> <p><b>Draft SSI: The Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020</b></p> <p>I attach the paperwork for laying this affirmative procedure SSI before the Scottish Parliament.</p> <p>&lt;&lt; File: Draft Affirmative.doc &gt;&gt; &lt;&lt; File: The Children and Young People (Scotland) Act 2014 (Modification) (No.2) Revocation Order 2020.doc &gt;&gt; &lt;&lt; File: Early Learning and Childcare - Covid-19 - Policy Note - 1140 2019 Order - Revocation - 2020MAR25 - Merge and check 19-12.docx &gt;&gt;</p> <p>Thanks</p> <p>[redacted] SSI Unit Area 1G North Victoria Quay</p>
A61	<p><b>From:</b> [redacted] <b>Sent:</b> 27 March 2020 17:30 <b>To:</b> [redacted]</p>

	<p><b>Cc:</b> [redacted]  <b>Subject:</b> RE: Urgent: Coronavirus (Scotland) Bill - request for briefing</p> <p>Thanks [redacted], much appreciated.</p> <p>[redacted]</p> <p>[redacted]    Scottish Government   2 West, St. Andrew's House, Edinburgh, EH1 3DG   Tel: [Redacted]   Mobile: [Redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 27 March 2020 17:28  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: Urgent: Coronavirus (Scotland) Bill - request for briefing</p> <p>Hello</p> <p>Please find attached briefing on delay in implementation of ELC expansion, which is now being dealt with via secondary legislation rather than the Bill:  <a href="https://erdm.scotland.gov.uk:8443/documents/A27712004/details">https://erdm.scotland.gov.uk:8443/documents/A27712004/details</a></p> <p>Thanks</p> <p>[redacted]  @ELCScotGov  <a href="http://www.gov.scot/coronavirus">www.gov.scot/coronavirus</a></p>
A62	<p><b>From:</b> [redacted]  <b>Sent:</b> 24 March 2020 16:31  <b>To:</b> Cumming A (Alison) &lt;Alison.Cumming@gov.scot&gt;  <b>Cc:</b> [redacted]  <b>Subject:</b> Alison - FOR FINAL CLEARANCE - submission on 1140 legislative impacts to DFM/Ms Todd today</p> <p>Hi Alison</p> <p>With HUGE thanks for all contributions and comments and sense checking. Please find attached sub for Ministers today.</p> <p><a href="https://erdm.scotland.gov.uk:8443/documents/A27640659/details">https://erdm.scotland.gov.uk:8443/documents/A27640659/details</a></p> <p>All comments (including on copy list) are directed at you – largely as I am not sure how this is placed with other advice going or gone to SpAds and Mins.</p> <p>Let me know if you want me to send on to you as word doc and who is to send up when cleared.</p>

Many thanks

[redacted]

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[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted]  
**Sent:** 24 March 2020 11:58  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** FOR IMMEDIATE CLEARANCE - submission on 1140 legislative impacts to DFM/Ms Todd today

Hi all

Looking for eyes on this submission to go up to DFM and Ms Todd today: <https://erdm.scotland.gov.uk:8443/documents/A27640659/details>

[redacted]

– we spoke earlier. Grateful for your clearance on relevant content – I should have flagged where appropriate

[redacted]

– are you able to manage PLU clearance please?

[redacted]

– I mention the UK Covid Bill – can you check refs please?

[redacted]

– I have suggested a discussion with JDB at appropriate time to put in new date – does that sound ok to you? And general check over for DELC interests please!

Just checking in with Alison when she wants to see to clear.

Thanks all

[redacted]  
@ELCScotGov  
[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted]  
**Sent:** 23 March 2020 19:01  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** Tuesday priority - submission on 1140 legislative impacts

	<p>Hi [redacted]</p> <p>You'll see from other chains that the public health guidance you were prioritising on Friday has now broadened from childminders to all emergency childcare, and so is therefore now sitting with [redacted] . I'd be very grateful if you can focus back on the 1140 legislation on Tuesday as first priority.</p> <p>Alison has asked that we put a submission to DFM and Ms Todd tomorrow about the legislative implications and approach. The aim is to get agreement to the approach you discussed with [redacted] and [redacted]last week – taking action through the forthcoming Scottish legislation to remove the August 2020 pressure on local authorities, without setting an alternative date at this stage (on grounds that a) we don't know how long the covid-19 situation will continue and b) we can't reasonably ask local government to advise us on an alternative timetable at the moment).</p> <p>Alison mentioned that she's spoken to Colin about this approach and he is supportive. She doesn't anticipate DFM having concerns about the lack of alternative timetable.</p> <p>Copying [redacted] and [redacted] for awareness of this commission and that you'll be in touch tomorrow for clearance as required (I know there's been lots of discussion of this already). Please go to [redacted] in first instance for anything on operational imperative for making this change as [redacted]is in and out at the moment. Please also let me know if you need anything from me during the course of the day. Alison will clear.</p> <p>Thanks very much,</p> <p>[redacted]  Early Learning and Childcare Programme  GD South Victoria Quay, Edinburgh EH6 6QQ  Tel: 0131 244 0988 [redacted]</p> <p><a href="http://www.parentclub.scot/elc">@ELCScotGov #TeamELC</a></p>
A63	<p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 16:48  <b>To:</b> [redacted]  <b>Subject:</b> Covid-19 -1140 hours - Letter to Representative Bodies and Letter to local authorities  For info,</p> <p>Links to letters sent to representative bodies and to local authorities today.</p>



	<p>Thanks</p> <p>[redacted]</p> <p>Scottish Government   Area G-D South   Victoria Quay   Edinburgh EH6 6QQ</p>
A66	<p><b>From:</b> [redacted]  <b>Sent:</b> 27 March 2020 17:14  <b>To:</b> Cumming A (Alison) &lt;Alison.Cumming@gov.scot&gt;  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: CLEARANCE OF ACCOMPANYING DOCS AND INFO ON APPROACH - Response by close Friday - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement - accompanying docs</p> <p>Many thanks Alison for clearing so promptly.</p> <p>I have sent out a wider thank you to contributors separately but would like to give a special shout out to SGLD and PLU colleagues for their incredible support to [redacted] and I with this.</p> <p>I have accepted changes and finalised the policy note. Subject to FM clearance, this is ready our side.</p> <p><b>*takes a bow*</b></p> <p>Have a great weekend all and take care</p> <p>[redacted]  @ELCScotGov  <a href="http://www.gov.scot/coronavirus">www.gov.scot/coronavirus</a></p> <p><b>From:</b> [redacted]  <b>Sent:</b> 27 March 2020 16:58  <b>To:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: CLEARANCE OF ACCOMPANYING DOCS AND INFO ON APPROACH - Response by close Friday - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement - accompanying docs</p> <p>Great Alison thanks</p> <p><b>From:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;  <b>Sent:</b> 27 March 2020 16:56  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: CLEARANCE OF ACCOMPANYING DOCS AND INFO ON APPROACH - Response by close Friday - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement - accompanying docs</p> <p>Hi [redacted]</p>

Thanks very much to you and [redacted] for pulling all of this material together. You've done a great job, particularly given how little time you've had to do it.

All docs are now reviewed and signed off as required. I've filled in your super-helpful table below which made this so easy for me to work through, thank you. (Also added [redacted] in case he wants to flag to others as example of what makes me happy!)

Hopefully we'll get confirmation through in good time that FM is content for us to proceed, but we can pick that up first thing Monday if we need to.

Alison

Alison Cumming  
Interim Director, Early Learning and Childcare  
Scottish Government  
GD South, Victoria Quay, Edinburgh, EH6 6QQ

Telephone: [Redeacted]  
Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

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**From:** [redacted]

**Sent:** 26 March 2020 16:13

**To:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Cc:** [redacted]

**Subject:** CLEARANCE OF ACCOMPANYING DOCS AND INFO ON APPROACH - Response by close Friday - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement - accompanying docs

**Importance:** High

Hi Alison

**Accompanying documents (particularly the policy note) need to be with SGLD Schools by 7am Monday morning at the latest for laying on Monday. A response by close Friday would be great. I have put a column in the table below for you to confirm your agreement.**

**You may also wish to consider whether some of this info should be seen/cleared by Ministers, perhaps via [redacted]'s note to DFM today.**

### **For info**

[redacted] and I have been working with colleagues across SG to agree an approach to accompanying docs for the regs. This has not been clear cut as we are in a novel situation and the legislative requirements for certain impact assessments have not been relaxed. We have

however agreed the following pragmatic approach for the accompanying docs:

- We have drafted a **policy note** to accompany the regs that is relatively detailed as there will be no lead committee stage where MSPs can ask questions of Ministers.
- We have drafted a joint EQIA/CRWIA record for you to sign off stating we will not be conducting a full assessment at this time (although we accept there is an impact). We have said we will provide new impact assessments when we re-lay an order for implementation of the expansion of ELC. **The EQIA/CRWIA is for our records only and we will not publish the 'results'** (as there are none!).
- Usually we would need to get Ministerial sign off to say a **BRIA is not required** but the BRIA team have agreed this can be relaxed if it will hold things up. I propose you (rather than Mins) sign off agreement that we do not require a BRIA as, again, although there will be an impact on businesses, this is impossible to quantify at this time and is better presented as an impact of the new implementation Order when that is laid.

#### **For agreement**

- Draft Regulations - **Word doc attached**
- Policy note -  
<https://erdm.scotland.gov.uk:8443/documents/A27673675/details>
- EQIA/CRWIA Record - For our records only but requires your signature  
<https://erdm.scotland.gov.uk:8443/documents/A27667718/details>
- BRIA - Advice published on gov.scot [website](#). This outlines info that a BRIA should cover. We are not in a position to set this out at this time

Any questions, let me know

Thanks

[redacted]  
@ELCScotGov  
[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted]  
**Sent:** 26 March 2020 11:53  
**To:** [redacted]  
**Cc:** [redacted]

	<p><b>Subject:</b> FOR INFO - IMPACT ASSESSMENTS - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement - accompanying docs</p> <p>Hi [redacted]</p> <p>For info and to tie up our findings on requirements for impact assessments at this time –</p> <p>Thanks all for your advice over last 24 hours!</p> <p>We have agreed an approach across our team (including advice from SGLD, PLU and your teams – attached here for ref):</p> <ul style="list-style-type: none"> <li>• We have drafted a policy note and EQIA/CRWIA record for my Director to sign off stating we will not be conducting a full assessment at this time (although we accept there is an impact). We have said we will provide new impact assessments when we re-lay an order for implementation of the expansion of ELC.</li> <li>• The EQIA/CRWIA is for our records only and I have updated the policy note to that effect but we will not publish the ‘results’ (as there are none!).</li> <li>• I intend to ask my <b>Director</b> (rather than Mins) to sign off agreement that we do not require a BRIA as, again, although there will be an impact on businesses, this is impossible to quantify at this time and is better presented as an impact of the new implementation Order when that is laid.</li> </ul> <p>PLU will turn to wider guidance across organisation when/if they have capacity. I hope this is helpful for you and any other colleagues laying regs in the meantime.</p> <p>Thanks again and take care all</p> <p>[redacted]  @ELCScotGov  <a href="http://www.gov.scot/coronavirus">www.gov.scot/coronavirus</a></p>
A68	<p><b>From:</b> [redacted]  <b>Sent:</b> 31 March 2020 09:06  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> Joint SG COSLA statement on 1140</p> <p>Hi All,</p>

	<p>I am just sharing the link to the joint statement issued by Ms Todd and Cllr McCabe on the 1140 hours revocation:</p> <p><a href="https://news.gov.scot/news/early-learning-and-childcare-expansion-1">https://news.gov.scot/news/early-learning-and-childcare-expansion-1</a></p> <p>([redacted]– grateful if this could be added to the core brief annex please)</p> <p>Thanks, [redacted] <a href="http://www.parentclub.scot">www.parentclub.scot</a> <i>I am working from home today</i></p>
A70	<p><b>From:</b> [redacted] <b>Sent:</b> 17 March 2020 15:49 <b>To:</b> [redacted] <b>Subject:</b> FW: 1140 legislation</p> <p>For info – laying by 1 May (may need to be earlier)</p> <p>[redacted]</p> <p><b>From:</b> [redacted] <b>To:</b> [redacted] <b>Cc:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt; <b>Subject:</b> RE: 1140 legislation</p> <p>Hi</p> <p>We'll send on the advice so far from [redacted].</p> <p>Headline points are that we think that the date for laying before parliament would be 01 May, and there would be some time in advance required to draft. We've agreed today at JDB to have scenario papers for political discussion next week, so that would fit in with a decision being made 1<sup>st</sup> week of April. We'll certainly share those as early as we can.</p> <p>[redacted]</p> <p><b>From:</b> [redacted] <b>Sent:</b> 17 March 2020 14:31 <b>To:</b> [redacted] <b>Cc:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt; <b>Subject:</b> 1140 legislation</p> <p>Hi [redacted] and [redacted],</p> <p>[redacted]is going to pick up the next stage of work on the legislation required to change the 1140 statutory duty. She led the original legislative package so is best-placed to amend it! [redacted]will follow up with SGLD in the first instance ([redacted]– grateful if you can share</p>

	<p>anything relevant from your earlier conversation on the wording that went into the submission) and start thinking through an appropriate approach to the necessary impact assessments. Please can you keep [redacted]looped into emerging thinking on alternative timescales, as this will clearly be a key aspect of the policy instructions?</p> <p>I'm assuming that there is no need to also amend the session length changes which come into effect in August 2020 (and were taken through at the same time as the 1140 Order) – to my mind, maximum flexibility is more important than ever, and the legislation is permissive rather than prescriptive. Please shout if anyone thinks differently or there's a nuance I've missed though!</p> <p>Thanks very much,</p> <p>[redacted]</p> <p><a href="http://www.parentclub.scot/elc">@ELCScotGov #TeamELC</a></p>
A73	<p><b>From:</b> [redacted]  <b>Sent:</b> 25 March 2020 10:00  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement</p> <p>[redacted]it is SGLD SSI Unit [redacted]needs to speak to regards supporting docs. [redacted]is your contact.</p> <p>[redacted]  St Andrew's House  Regent Road  Edinburgh EH1 3DG  [redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 25 March 2020 09:58  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement</p> <p>My colleague [redacted]will be in touch with PLU re supporting docs</p> <p>[redacted]</p> <p><b>From:</b> [redacted]</p>

**Sent:** 25 March 2020 09:57

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement

Super – hasn't come through to me yet but will crack on with instructions

**From:** [redacted]

**Sent:** 25 March 2020 09:55

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement

DFM has just issued a note approving approach.

[redacted]

**From:** [redacted]

**Sent:** 25 March 2020 08:42

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement

And for completeness [redacted] and colleagues contact PLU yesterday morning for comment and at that time we were unaware of the restricted sitting pattern.

[redacted]

St Andrew's House

Regent Road

Edinburgh EH1 3DG

[redacted]

**From:** [redacted]

**Sent:** 25 March 2020 08:39

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement

Hi [redacted],

Many thanks for copying us in to this. Can I just double check the proposed timing of the SSI you mention in the submission? Colleagues in PLU have flagged that parliament is due be on recess for a fortnight after the end of next week, and will be on a restricted sitting pattern next week. If the SSI described in the submission needs to be laid soon, there may be scheduling issues.

Happy to discuss.

Best wishes,

[redacted]

**From:** [redacted]

**Sent:** 24 March 2020 19:56

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills

<[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People

<[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>

**Cc:** Minister for Parliamentary Business and Veterans <[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>; DG Education, Communities & Justice <[DGECJ@gov.scot](mailto:DGECJ@gov.scot)>; Cumming A (Alison)

<[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; [redacted]; Director of Learning

<[DirectorofLearning@gov.scot](mailto:DirectorofLearning@gov.scot)>; Colvin I (Iona) <[Iona.Colvin@gov.scot](mailto:Iona.Colvin@gov.scot)>; [redacted];

McAllister C (Colin) <[Colin.McAllister@gov.scot](mailto:Colin.McAllister@gov.scot)>; [redacted]

**Subject:** IMMEDIATE SUBMISSION - FOR RESPONSE WEDNESDAY MORNING - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement

[redacted]

Please find attached an **immediate submission** for Ministers regarding the legislative requirement to pause the coming in to force of the duty to provide 1140 hours of funded ELC on 1 August 2020.

While we are advising this is progressed through secondary legislation, if Ministers wish to use the Emergency Scottish Coronavirus Bill, colleagues responsible for the contents of that Bill require confirmation first thing Wednesday (25 March) morning.

Many thanks for your help with this.

[redacted]

@ELCScotGov

[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Education and Skills

**Sent:** 24 March 2020 10:25

**To:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; Deputy First Minister and

Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People <[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>



**Cc:** McAllister C (Colin) <[Colin.McAllister@gov.scot](mailto:Colin.McAllister@gov.scot)>; DG Education, Communities & Justice <[DGECJ@gov.scot](mailto:DGECJ@gov.scot)>; Johnston P (Paul) <[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)>; [redacted]  
**Subject:** RE: Early learning and childcare and out of school care - Reprioritisation to support COVID response

Hi Alison,

The DFM welcomes this update. He has said that we will need to confirm an alternative timescale in due course and is keen we continue to work with the PVI sector to remain sustainable.

Thanks

[redacted] Interim Private Secretary to John Swinney MSP, Deputy First Minister and Cabinet Secretary for Education and Skills | The Scottish Government | Web: [www.gov.scot](http://www.gov.scot) | [Redacted] | Mob:[Redacted] | Email: [DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)

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**From:** [redacted]

**Sent:** 23 March 2020 16:05

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People <[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>

**Cc:** McAllister C (Colin) <[Colin.McAllister@gov.scot](mailto:Colin.McAllister@gov.scot)>; DG Education, Communities & Justice <[DGECJ@gov.scot](mailto:DGECJ@gov.scot)>; Johnston P (Paul) <[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)>; [redacted]

**Subject:** Early learning and childcare and out of school care - Reprioritisation to support COVID response

DFM, Ms Todd

This is a short note setting out the impacts of the COVID response on priorities for the Early Learning and Childcare Directorate, including out of school care. I will provide you with a more detailed note over the course of the week, but I wanted to share headlines with you ahead of Cabinet and bring together into one place the discussions that we have had over recent days.

#### Impact on our 1140 hours commitment

As DFM acknowledged in your statement to Parliament on Thursday, the COVID response will clearly impact on the delivery of the 1140 hours expansion from August 2020. In light of the public health measures implemented across the UK, it will clearly not be possible to secure the necessary workforce or to complete critical capital projects to

deliver expanded entitlement to all eligible children from August. Given the extent of these measures and the uncertainty of their duration, we would strongly advise against confirming an alternative implementation date at this time.

In light of this we are:

- working with SGLD to provide you with urgent advice this week on the action we need to take to effectively remove local authorities' duties to deliver 1140 hours from August 2020 and the potential legislative vehicles that could be used to secure this (including emergency legislation). We are seeking to do so in a manner that does not require Ministers to set an indicative or confirmed alternative implementation date at this time.
- developing initial advice for you on how we handle the impacts of the COVID response on the 1140 hours expansion, including communications with Parliament and the sector and how we secure the progress made by authorities to date.

[redacted – out of scope]

Alison

Alison Cumming  
Interim Director, Early Learning and Childcare  
Scottish Government  
GD South, Victoria Quay, Edinburgh, EH6 6QQ

Telephone: [Redacted]  
Email: [alison.cumming@gov.scot](mailto:alison.cumming@gov.scot)

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A74

**From:** [redacted]  
**Sent:** 20 March 2020 18:28  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Urgent Action Required - COVID19 - Legislative Snapshot - 18 March 2020

Hi [redacted]

My turn to apologise! Been on other urgent stuff (aren't we all!)

It would be an affirmative instrument. Otherwise entry looks fine for now.

If you have any info on any new processes being put in place for expediting regs or similar that would be really helpful for us in planning what we advise Ministers on what legislative action we take for making necessary changes.

Will pick up next week.

Many thanks and happy weekend when(if?) it comes.

Stay safe

[redacted]  
@ELCScotGov  
[www.gov.scot/coronavirus](http://www.gov.scot/coronavirus)

**From:** [redacted]  
**Sent:** 20 March 2020 15:17  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Urgent Action Required - COVID19 - Legislative Snapshot - 18 March 2020

Hi [redacted],

Many thanks for this. [redacted], apologies for the delayed response, as you will hopefully understand I have had so many returns today. I attach out current Covid-19 legislative snapshot. We are updating this for the Minister for Parliamentary business and veterans so he has an overall picture of up-coming legislation. We are preparing this in the event the parliament would shut down/only prioritise certain legislation. Grateful if you could please confirm the information is correct for your SSI (Annex C – line 69) for ease.

Many thanks,  
[redacted]

[redacted]Scottish Government | (Ext 44177) | 4N.01/02, St Andrews House, Regent Road, Edinburgh EH1 3DG

**From:** [redacted]  
**Sent:** 20 March 2020 15:08  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** FW: Urgent Action Required - COVID19 - Legislative Snapshot - 18 March 2020  
**Importance:** High

Hi [redacted]

[redacted]has asked me to get in touch with you regarding potential timings and timescales for an 'affirmative order to revoke' based on the current environment and our below legislation ([Children and Young People \(Scotland\) Act 2014 \(Modification\) \(No. 2\) Amendment Order 2020](#)).

I'm due to log off for the evening but I really wanted to make contact with you about this, and didn't want to hold off until Monday morning.

Please let me know if you need anything else.

Kind regards

[redacted].

[redacted] Scottish Government | Area GD South | Victoria Quay, Edinburgh, EH6 6QQ |  
Telephone: [Redacted]

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<https://www.gov.scot/education/> | [@ELCScotGov](#) | [#ELCExpansion](#)

**From:** [redacted]

**Sent:** 20 March 2020 14:45

**To:** [redacted]

**Subject:** FW: Urgent Action Required - COVID19 - Legislative Snapshot - 18 March 2020

**Importance:** High

For info/ref to email I'm about to send

[redacted]

**From:** [redacted]

**Sent:** 20 March 2020 11:57

**To:** [redacted]

**Cc:** [redacted] Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; [redacted]

**Subject:** RE: Urgent Action Required - COVID19 - Legislative Snapshot - 18 March 2020

To add – we are also exploring options to progress through Scottish COVID Bill rather than separate regs.

[redacted]

**From:** [redacted]

**Sent:** 20 March 2020 11:52

**To:** [redacted]

**Cc:** [redacted]

**Subject:** RE: Urgent Action Required - COVID19 - Legislative Snapshot - 18 March 2020

Hi [redacted]

I'll need advice on what constitutes high and medium. It is essential we amend the date the statutory duty will come in to force but the impact on

	<p>wider society is not critical. It would put local authorities in breach of statutory duties but will not affect lives/running of critical services.</p> <p>Copying in our SGLD contact and senior team for any further thoughts/for awareness.</p> <p>[redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 20 March 2020 11:48  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> FW: Urgent Action Required - COVID19 - Legislative Snapshot - 18 March 2020</p> <p>Hi [redacted],</p> <p>In regards to the SSI below (highlighted below), grateful if you could please give me a priority category (high/medium/low) and if parliament was to close immediately due to Covid-19 would this be a Candidate for immediate expediting?</p> <p>Thanks,  [redacted]    Scottish Government   (Ext 44177)   4N.01/02, St Andrews House, Regent Road, Edinburgh EH1 3DG</p> <p><b>Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Amendment Order 2020 Added. Laying 1st May.</b></p>
A76	<p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 10:30  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> Good morning and updates/actions for today</p> <p>Hello everyone,</p> <p>[redacted – out of scope]</p> <p>I've just come off an update call with Alison and wanted to make sure everyone knows what's happening today. I am still waiting to get my Trello access sorted so can't currently update the board.</p> <p><b>The Directorate's collective top priority today is laying the 1140 regulations (once FM signs off) and communications around that. Key tasks are:</b></p> <ul style="list-style-type: none"> <li>- [redacted] is liaising with PLU and SGLD to give go-ahead to lay once we hear back from FM (I am on private office chasing duty)</li> </ul>

	<ul style="list-style-type: none"> <li>- Alison has revised the letters to local authorities following feedback from local government over the weekend. Once re-circulated, [redacted] will clear with Ministers and get ready for circulation.</li> <li>- [redacted] working with SG comms and CoSLA to finalise lines.</li> <li>- [redacted] – when you’re back online, please can you look urgently at updating Parent Club content and consider what further parental resources would be useful? E.g. a resource that we can share with all local authorities so there is a single story (will need to link up with [redacted] for consistency in comms and agree with local government)</li> <li>- [redacted]– could the Service Models team start working on a Q&amp;A for providers please? Not extensive – an initial one that we can get online later today if possible, and then amend further, Many of the answers will be in the comms lines/letters but there will likely be more questions. Let me know if any issues with team cover today.</li> </ul> <p>Please give me a ring/Skype if helpful to talk through any of these actions.</p> <p>[redacted – out of scope]</p>
A81	<p><b>From:</b> [redacted]  <b>Sent:</b> 26 March 2020 09:33  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: IMMEDIATE - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement - accompanying docs</p> <p>Hi [redacted]</p> <p>That is grand. I will (more or less) progress as set out. To add at this point (for wider awareness and to note), BRIA colleagues are taking a very pragmatic approach to this and are happy to be flexible on what we provide (i.e. don’t necessarily need Min sign off on not needing BRIA so I will probs just ask Alison for sign off on that).</p> <p>I have attached both chains for info. Ignore if not helpful.</p> <p>Very much understand the difficulty here and really appreciate the ongoing support from you and colleagues in navigating this.</p> <p>Kind regards and thanks all!</p> <p>[redacted]  @ELCScotGov  <a href="http://www.gov.scot/coronavirus">www.gov.scot/coronavirus</a></p>

**From:** [redacted]  
**Sent:** 26 March 2020 09:05  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: IMMEDIATE - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement - accompanying docs

Hi [redacted]

I appreciate that colleagues require some certainty however we are also in new territory here. This, given the situation we are in, looks fine to me.

As to guidance I am afraid I still need to work out what that is, there are a number of novel issues across the SG due to the current situation. We need to find the time to think and put together guidance and that might not be until sometime next week.

Kind regards

[redacted]

[redacted]  
Scottish Government  
4N.01  
St Andrew's House  
Regent Road  
Edinburgh EH1 3DG  
[redacted]

**From:** [redacted]  
**Sent:** 25 March 2020 17:46  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** FW: IMMEDIATE - Early learning and childcare - Impact on the ELC expansion of Covid-19 – Legislative Requirement - accompanying docs

Hi [redacted]

My college [redacted] has been trying to get some clarity today on what is required for our accompanying docs for the revocation order we will be laying on Monday.

As our drafting sols have set out in email below, we think this is a novel situation and it is not clear what we should be doing/providing Parliament with. So far:

	<ul style="list-style-type: none"> <li>• We have drafted a policy note and EQIA/CRWIA record for my Director to sign off stating we will not be conducting an assessment at this time (although we accept there is an impact). We have said we will provide new impact assessments when we re-lay the order with a new date.</li> <li>• The EQIA/CRWIA is for our records only and I intend to update the policy note to that effect but not publish the ‘results’ (as there are none!).</li> <li>• I intend to contact Ministers to request agreement that we do not require a BRIA as, again, although there will be an impact on businesses, this is impossible to quantify at this time and is better presented as an impact of the new implementation date with the new Order when laid.</li> </ul> <p>Can you please confirm you are content with this approach and perhaps consider issuing guidance for other policy colleagues/drafting sols who may be grappling with the same issues.</p> <p>It may be we are unique in the approach we are taking (revoking with no replacement) but we may not be and an SG-wide approach would be preferable.</p> <p>For now – I will proceed with getting Director sign off of the docs and we can pick up on agreement to the approach tomorrow.</p> <p>Many thanks all</p> <p>[redacted]  @ELCScotGov  <a href="http://www.gov.scot/coronavirus">www.gov.scot/coronavirus</a></p>
A90	<p><b>From:</b> [redacted]  <b>Sent:</b> 26 March 2020 10:45  <b>To:</b> [redacted]  <b>Subject:</b> Update on happenings today</p> <p>Hi everyone,</p> <p>A quick note to share what I know so far is happening across the wider team today:</p> <ul style="list-style-type: none"> <li>• Urgent work to introduce an Order to revoke the 1140 duty to Parliament on Monday which will be considered on Wednesday (normal processes suspended so no E&amp;S Committee session). The Order will not set an alternative timetable – just remove the 1 August deadline, with timetable to be revisited at later point.</li> </ul>



	<p>[redacted]  is leading the legislative process. Alison, [redacted] and [redacted] all involved in thinking through operational practicalities (eg cancelling admissions processes) and working with ADES/CoSLA to prepare.</p> <p>[redacted – out of scope]</p> <p>Take care everyone,</p> <p>[redacted]  Early Learning and Childcare Programme  GD South Victoria Quay, Edinburgh EH6 6QQ  [redacted]</p> <p><a href="http://www.parentclub.scot/elc">@ELCScotGov #TeamELC</a></p>
A86	<p><b>From:</b> [redacted]  <b>Sent:</b> 27 March 2020 09:44  <b>To:</b> [redacted]  <b>Cc:</b> [redacted] Cumming A (Alison) &lt;Alison.Cumming@gov.scot&gt;  <b>Subject:</b> RE: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation</p> <p>Update DPLRC will consider on Wednesday at lunchtime.</p> <p>Kind regards</p> <p>[redacted]</p> <p>[redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 27 March 2020 09:44  <b>To:</b> [redacted]  <b>Cc:</b> [redacted] Cumming A (Alison) &lt;Alison.Cumming@gov.scot&gt;  <b>Subject:</b> RE: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation</p> <p>Morning [redacted]/colleagues</p> <p>To note – a qu back from SpAds on advice that went up to DFM last night on wider handling of the 1140 revocation Order.</p> <p>Do we have any firm timings on when DPLRC will consider the Order? I can call clerk if helpful but don't want to confuse lines of communication if not helpful!</p> <p>Thanks</p>

[redacted]

**From:** McAllister C (Colin) <[Colin.McAllister@gov.scot](mailto:Colin.McAllister@gov.scot)>

**Sent:** 27 March 2020 06:37

**To:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>; [redacted]

**Cc:** DG Education, Communities & Justice <[DGECJ@gov.scot](mailto:DGECJ@gov.scot)>; Johnston P (Paul) <[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)>; [redacted]; Director of Learning <[DirectorofLearning@gov.scot](mailto:DirectorofLearning@gov.scot)>; Colvin I (Iona) <[Iona.Colvin@gov.scot](mailto:Iona.Colvin@gov.scot)>; Director for Children and Families <[DirectorforChildrenandFamilies@gov.scot](mailto:DirectorforChildrenandFamilies@gov.scot)>; [redacted]; Minister for Parliamentary Business and Veterans <[MinisterPBV@gov.scot](mailto:MinisterPBV@gov.scot)>

**Subject:** RE: IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation

Alison / [redacted]

I note that the meeting on the delegated powers committee on Tuesday 31<sup>st</sup> is still tbc. Have the clerks to the committee indicated that they expect the committee to meet that day?

Regards

**Colin McAllister**

0131 244 3248

[Redacted]

**From:** Cumming A (Alison) <[Alison.Cumming@gov.scot](mailto:Alison.Cumming@gov.scot)>

**Sent:** 26 March 2020 19:37

**To:** Deputy First Minister and Cabinet Secretary for Education and Skills <[DFMCSE@gov.scot](mailto:DFMCSE@gov.scot)>; Minister for Children and Young People <[MinisterCYP@gov.scot](mailto:MinisterCYP@gov.scot)>

**Cc:** DG Education, Communities & Justice <[DGECJ@gov.scot](mailto:DGECJ@gov.scot)>; Johnston P (Paul) <[Paul.Johnston@gov.scot](mailto:Paul.Johnston@gov.scot)>; [redacted]; Director of Learning <[DirectorofLearning@gov.scot](mailto:DirectorofLearning@gov.scot)>; Colvin I (Iona) <[Iona.Colvin@gov.scot](mailto:Iona.Colvin@gov.scot)>; Director for Children and Families <[DirectorforChildrenandFamilies@gov.scot](mailto:DirectorforChildrenandFamilies@gov.scot)>; McAllister C (Colin) <[Colin.McAllister@gov.scot](mailto:Colin.McAllister@gov.scot)>

**Subject:** IMMEDIATE - 1140 hours expansion - Draft note to FM and update on emergency legislation

**Importance:** High

[redacted]

Please find attached an immediate submission which I'm sending on behalf of [redacted] relating to emergency legislation to revoke authorities' 1140 hours duty and associated handling plans.

Alison

	<p>Alison Cumming Interim Director, Early Learning and Childcare Scottish Government GD South, Victoria Quay, Edinburgh, EH6 6QQ</p> <p>[redacted] Email: <a href="mailto:alison.cumming@gov.scot">alison.cumming@gov.scot</a></p> <p>Follow us @ELCScotGov and @OSCSotGov</p>
A91	<p><b>From:</b> [redacted] <b>Sent:</b> 30 March 2020 11:45 <b>To:</b> [redacted] <b>Subject:</b> RE: key worker lines</p> <p>Brill, ta.</p> <p>Sorry to add to the workload. But we are preparing legislation so that we will no longer be introducing 1140 in August... I'll look through Parent Club and see what pages need to be updated. Who should I speak to about that?</p> <p>[redacted] Scottish Government   GD South, Victoria Quay, Edinburgh, EH6 6QQ   Mobile:[Redacted] <i>I am currently home based</i></p> <p><a href="http://www.parentclub.scot/coronavirus">www.parentclub.scot/coronavirus</a> @ELCScotgov #TeamELC</p> <p>[redacted – out of scope]</p>
A96	<p><b>From:</b> [redacted] <b>Sent:</b> 30 March 2020 12:27 <b>To:</b> [redacted] <b>Cc:</b> [redacted] <b>Subject:</b> RE: Briefing - Ministers discussions with Representative Bodies and key stakeholders - 31 March - 2 April - Action required - Today</p> <p>Hi [redacted]</p> <p>Thanks for getting us organised for these calls. I think the most efficient way of reflecting the 1140 situation will be to attach the letter which will issue from Ms Todd and Cllr McCabe to the representative bodies once the legislation is laid later today (pending FM sign-off). Latest draft is attached for awareness, and once these go out I'm sure the final versions will be saved into the covid-19 ERDM folder.</p> <p>[redacted]</p> <p><b>From:</b> [redacted]</p>

	<p><b>Sent:</b> 30 March 2020 11:57  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> Briefing - Ministers discussions with Representative Bodies and key stakeholders - 31 March - 2 April - Action required - Today  <b>Importance:</b> High</p> <p>Folks,</p> <p>[redacted – out of scope]</p> <p>I think it will need to reflect the current situation on 1140 as far as possible.</p>
No ref	<p>Internal ‘Huddle’ notes – 02 April 2020:</p> <p>1140 Hours</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Legal guarantee for entitlement to 1140 hours has been revoked. Not outcome that any of us would have wanted. We are proud of all of the work we have done and we will come back and deliver for children across Scotland.</li> <li><input type="checkbox"/> Ms. Todd wanted to pass on her thanks for all of the work that we have been doing. She shares in our disappointment that the expansion has been delayed. Thanks for our phenomenal work that we have been doing to support the sector in difficult circumstances. See [redacted] email earlier if you wanted to see the video on twitter.</li> </ul>
A 106	<p><b>From:</b> [redacted]  <b>Sent:</b> 26 March 2020 11:59  <b>To:</b> [redacted]; Cumming A (Alison) &lt;Alison.Cumming@gov.scot&gt;  <b>Subject:</b> Note on 1140</p> <p>Hi all</p> <p>A quick note on key points for the 1140 expansion handling for discussion just now</p> <p>[redacted]</p>
[marked draft]	
<p>Legislation to remove statutory duty for 1140 from 01 August.</p>	

On Monday 30 April, ministers will introduce legislation to remove the statutory duty to secure 1140 hours of early learning and childcare for all eligible children from August 2020. This is in recognition of the ongoing and disruptive impact of the Covid-19 pandemic, which will mean that much of the work expansion work planned for summer will not go ahead, as construction projects cease, recruitment is put on hold, and most importantly, local authorities concentrate on the urgent task of providing critical childcare for those who need it most.

However, the 1140 programme has already significantly expanded the childcare offer in almost all authorities, and 50-60000 children were already receiving expanded hours. Much of the planned construction work was expected to complete this summer, and assuming resumption somewhat normal working patterns, will be completed, albeit with a significant delay. The majority of staff have been recruited.

There is also a strong political commitment at SG and LA level to delivery of the expansion, and high degree of investment in the principles and aims of the expansion.

While 1140 is not deliverable universally in August, and it is right the duty is removed, it is important for SG, LAs and parents that there is a clear position on the future aspirations for 1140. This is needed to:

- 1) allow LAs to understand what they are expected to do.
- 2) allow strong financial planning, including planning of how much of the 1140 funding can be diverted to the Covid 19 response.
- 3) give parents an understanding of what they can expect.

Key dates:

30 March 2020 – legislation laid in parliament

02 April 2020 – Debate on legislation

Mid april to mid may 2020 – usual allocation period for local authorities, and confirmation of places to parents

End June 2020 – End of normal school term

Mid august 2020 – start of normal school term

Option 1 – commitment to 1140 in the longer term

It is proposed that ministers introduce the legislation, and make clear that the aspiration for the children of Scotland is to bring back the statutory duty when is reasonable to do so. No-one could have foreseen the pandemic, and no-one could reasonably expect hard presses authorities to commit now to a specific date. However, a huge amount of work and money has gone into the expansion, and it will deliver good outcomes. All authorities will have to decide what they can provide in August, and it will be variable, but parents will recognise that these are exceptional circumstances.

It is proposed that SG agree with LAs that:

- the expansion duty is removed
- following a settling period, SG and LAs work together to identify what can reasonably be delivered in August, with a starting assumption that it is likely that Easter 2020 models can continue into 20/20.
- This is a planning assumption only, based on the assumption of resumption of somewhat normal operations by summer, and describes the overall model.
- It is recognised that circumstances may be changed by the pandemic, particularly families financial circumstance, and the circumstances of PVI providers, and that is why a detailed exercise should be carried out to review.
- On the back of this, a detailed exercise should be carried out to agree a reasonable delivery date for implementation of the duty, with a starting assumption that this will not be in FY 20/21
- an indicative aim would be to bring back legislation after the summer to put the duty in place.
- Therefore, any non-committed expansion funding should be considered available to use to support emergency response to the pandemic, providing childcare in LA settings, or supporting the viability of critical PVI settings.
- If 1140 funding is spent now on critical, and there is ability for LAs to deliver expansion later that requires that funding, could consideration be given to additional funding if such is available?
- It is proposed that SG/LAs agree that allocations made to parents may need to be reconsidered, and that careful thought will need to be given to allocations not yet made. The capacity to do that is currently otherwise engaged, and there should not be pressure on LAs to complete allocations to normal time scales. It should be recognised that parents do need to know what to expect in August, and that an agreement should be made that allocations should be provided by the end of the normal school term, in late July.

#### Option 2 – Less formal commitment to 1140

Option 1 is predicated on the assumption that somewhat normal ways of working are in place by summer 2020. It is also predicated on the assumption that key components of delivery are not fundamentally changed by the expansion, for example:

- 1) that SG/LA funding agreements will continue to support 1140 against a potentially very challenging economic backdrop
- 2) that the construction industry has the ability to recommence work, i.e. had not seen significant failure of businesses
- 3) that the PVI sector is, in the main, able to restart operations
- 4) that family financial circumstances have not been so affected that there is significantly different profile of needs to service.

It is possible that Ministers may not want to make firm commitments to the future of 1140, given current uncertainties, however this would likely have a very detrimental impact on the moral and confidence of the sector as a whole. A different handling approach would be required, but the points for agreement with LAs would not change.

A  
108

**From:** [redacted]  
**Sent:** 26 March 2020 12:43  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** RE: Sit Rep Commission

Hi [redacted]

Thanks – a daily treat!

I'm mindful of the steer to keep this high-level and brief given the breadth of issues that are to be covered for SGORR. With that in mind, I'd suggest slimming back to:

- Urgent work underway to prepare for introduction of secondary legislation on Monday to revoke the duty on local authorities to provide 1140 hours of early learning and childcare offer from 1 August. Further advice going to Ministers Thursday 26<sup>th</sup> March.

[redacted – out of scope]

[redacted]

**From:** [redacted]  
**Sent:** 26 March 2020 12:28  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** FW: Sit Rep Commission  
**Importance:** High

Hello,

Daily sit rep commission – I know you love it as much as I do 😊

Alison has asked for the updates to be with her by 2pm to give her time to clear. Sorry I know this has changed from 2:50pm but don't worry let me know if 2pm is going to be an issue for you and we can try adapt timings.

- The Deputy First Minister and Ms Todd have both agreed to revoke the current legislation to the Children and Young People 2014 (Modification) (No. 2) Order 2019 (the legislation for the expansion of early learning and childcare to 1140 hours) via secondary legislation. This regulations will be laid on Monday 30<sup>th</sup> March and will be debated on Wednesday 1<sup>st</sup> April. We are working with Comms colleagues to develop a handling plan for this. The Daily Record asked yesterday if the ELC expansion was still due to be delivered from August 2020.

[redacted – out of scope]

	<p>Can you check that this information is all ok and up to date (don't worry about the word doc I will sort that) and add or change anything for your respective areas.</p> <p>Thanks and happy to chat.</p> <p>[redacted]</p> <p><b>From:</b> [redacted]  <b>On Behalf Of</b> ELC Programme Office  <b>Sent:</b> 26 March 2020 10:54  <b>To:</b> [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> FW: Sit Rep Commission</p> <p>Hi [redacted]</p> <p>Sitrep request below.</p> <p>Thanks</p> <p>[redacted]</p> <p>[redacted – out of scope]</p>
<p>A 111</p>	<p><b>From:</b> [redacted]  <b>Sent:</b> 26 March 2020 16:12  <b>To:</b> [redacted]  Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; [redacted]  <b>Cc:</b> [redacted]  <b>Subject:</b> RE: 1140 hours - Immediate handling plan / advice for emergency legislation</p> <p>Hi all,</p> <p>See attached a draft submission to DFM – <b>Alison</b> for comment/clearance, <b>others</b> for comment/noting.</p> <p>Appendix note to FM to follow shortly</p> <p>[redacted]</p> <p>[redacted]</p>
<p>DRAFT SUBMISSION</p>	
<p style="text-align: right;">[redacted] ELC Programme Directorate</p>	



Deputy First Minister and Cabinet Secretary for Education and Skills  
Minister for Children and Young People

Impact on the ELC expansion of Covid-19 – Legislative Requirement

Purpose

1. To:

- Provide advice on the process of and handing approach to the order to revoke The Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Order 2019
- Provide advice on updating the First Minister and Cabinet on the decision,

Priority

2. Immediate – the legislation will be laid before parliament on Monday, and it would be helpful to ensure you are content with the approach by the end of this week.

Background

3. Ministers received a submission on 24 March seeking agreement to The Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Order 2019 via secondary legislation. The Deputy First Minister agreed the approach on 25 March.

Legislative process

4. We will be laying 'The Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020' in the Scottish Parliament on Monday 30 March. This is an affirmative Order and, if made, will mean the statutory duty on education (local) authorities to make available 1140 hours of funded ELC to each eligible child will not come in to force on 1 August 2020. Their duty to make available 600 hours a year remains in place unless that statutory duty is disapplied by way of a direction issued under the powers contained in the Coronavirus Act 2020.
5. The Scottish Parliament has put in place a reduced sitting pattern in response to COVID-19 and an alternative process for affirmative orders has been agreed to remove the lead committee stage. This means the process now is:
- Lay the 'The Children and Young People (Scotland) Act 2014 (Modification) (No. 2) Revocation Order 2020' on Monday 30 March

- Parliament Business Bulletin will flag instrument has been laid on Monday or Tuesday.
  - Consideration of Order by Scottish Parliament lawyers
  - Consideration and approval by Delegated Powers and Law Reform Committee (usually Tuesday)
  - Plenary debate (if a member puts in a motion) and vote on Wednesday 1 April.
  - If the Order is approved, it can be signed (by DFM or Minister?) and is made.
  - The Order will come in to force the day after the day it is made.
6. The Deputy First Minister (and/or Minister for Children and Young People?) will be in the Chamber to vote on Wednesday 1 April. We do not anticipate any motions to speak and that the Minister for Parliamentary Business will be able to move the motion to approve without a debate.
7. A number of other instruments and primary legislation in response to COVID-19 will also be considered on Wednesday 1 April as this will be the final sitting day before Easter recess.

#### Handling approach

8. The decision to revoke the order recognises that it will not be possible to deliver a the statutory duty in August. This is due to the ongoing and disruptive impact of the Covid-19 pandemic, which will mean that much of the work expansion work planned for summer will not go ahead, as construction projects cease, recruitment is put on hold, and most importantly, local authorities concentrate on the urgent task of providing critical childcare for those who need it most.
9. However, there is a strong political commitment at SG and LA level to delivery of the expansion, and high degree of investment in the principles and aims of the expansion. It is important for government, Local Authorities and parents that there is a clear position on the future aspirations for 1140. This is needed to:
- allow LAs to understand what they are expected to do.
  - allow strong financial planning, including planning of how much of the 1140 funding can be diverted to the Covid 19 response.
  - give parents an understanding of what they can expect.
10. It is proposed that the core messages are that:
- There is a commitment to deliver the expansion, as it is the right thing for children in Scotland
  - In these exceptional circumstances it is clear that this cannot be done for all children for August. The first priority is ensuring we have the critical childcare we need during the pandemic.
  - Once there is clearer picture of what the impact of Covid-19 on ELC is, and once critical childcare is in place, Government will work with Local Authorities to agree the right time to bring in the duty.

11. It is proposed that alongside the laying of the order on Monday, a set of communications are issued:

- a letter to all authorities from Ministers, if possible jointly with Cllr McCabe
- a letter from Ministers to key PVI sector stakeholders
- Proactive communication through social media and stakeholder channels emphasising the ongoing commitment to the expansion, and why this is right approach
- Proactive communication through Parent Club and other channels to parents focussing on key messages
- Development of reactive lines about what future provision will be, and agreement with COSLA

Immediate issues for resolution on delivery

11. The 1140 programme has already significantly expanded the childcare offer in almost all authorities, and 50-60000 children were already receiving expanded hours. Much of the planned construction work was expected to complete this summer, and assuming resumption somewhat normal working patterns, will be completed, albeit with a significant delay. The many staff have been recruited. Once there is a return to more normal provision, there will be expanded provision available to parents. As was the case before the recent changes, this will be variable in different authorities. This will depend on the position before the pandemic, and will also depend on how much expansion work will be progressed in the coming period.

12. However, it will be important that as the current critical childcare provision is resolved, and the work of authorities becomes more settled, parents are informed of what is likely to be provided.

13. Discussions will be held with Local Authorities from tomorrow to seek to resolve practical issues. It is proposed that officials seek to agree that:

[comment: Too detailed?] -

- Government and LAs will work together to identify what can reasonably be delivered in once provision re-commences. Initially this will be based on the assumption of resumption of somewhat normal operations by summer, and provision will be resumed in August.
- A starting assumption will be that, wherever possible, provision should be maintained at least at current levels. It is recognised that circumstances may be changed by the pandemic, particularly families financial circumstance, and the circumstances of PVI providers, and that is why a detailed exercise should be carried out to review.
- Allocations of places made to parents may need to be reconsidered, and that careful thought will need to be given to allocations not yet made. The capacity to do that is currently otherwise engaged, and there should not be pressure on authorities to complete allocations to normal time scales. It should be recognised that parents do need to know what to expect in August, and that an agreement should be made that allocations should be provided by the end of the normal school term, in late July.

- Following this, a detailed exercise should be carried out to agree a reasonable delivery date for implementation of the duty, with a starting assumption that this will not be in the financial year 20/21.
- Therefore, any non-committed expansion funding should be considered available to use to support emergency response to the pandemic, providing childcare in LA settings, or supporting the viability of critical PVI settings.

Informing the First Minister and Cabinet

14. A proposed note to the First Minister on the decision to revoke the order is attached as Appendix A

Recommendations

15. It is recommended that you:

- Note the legislative process described above;
- Note the proposed handling approach;
- Note the key issues to be resolved;
- Consider issuing the proposed note the First Minister attached at Appendix A

[redacted]

Directorate for Early Learning and Childcare

[redacted]

26 March 2020

<p>A 117</p>	<p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 11:58  <b>To:</b> [redacted]  <b>Subject:</b> RE: In confidence - 1140 hours letters and reactive lines for comment by 09:00 Monday</p> <p>Of course</p> <p>[redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 11:57  <b>To:</b> [redacted]  <b>Subject:</b> RE: In confidence - 1140 hours letters and reactive lines for comment by 09:00 Monday</p> <p>Grand, could you drop me an email when you have it?</p> <p>Cheers,</p>
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	<p>[redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 11:56  <b>To:</b> [redacted]  <b>Subject:</b> RE: In confidence - 1140 hours letters and reactive lines for comment by 09:00 Monday</p> <p>Not a silly question, still awaiting this. But hope to have shortly</p> <p>[redacted]</p> <p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 11:54  <b>To:</b> [redacted]  <b>Subject:</b> RE: In confidence - 1140 hours letters and reactive lines for comment by 09:00 Monday</p> <p>Hi [redacted]</p> <p>Probs a silly questions, but I know on Friday that you were still waiting on FM approval, we had flagged this to Cllr McCabe and just wanted to be able to confirm just now that you have it.</p> <p>Cheers,</p> <p>[redacted]</p> <p>[redacted – out of scope]</p>
<p>A 118</p>	<p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 13:00  <b>To:</b> [redacted]  <b>Subject:</b> Directorate huddle - 30/03/20</p> <p>Hi all,</p> <p>Quick readout from today's huddle for those who couldn't make the call.</p> <p>1140</p> <ul style="list-style-type: none"> <li>• LA can't progress plans as envisaged, can't have legal duty imposed on them that can't be delivered.</li> <li>• Revocation order drafted, will remove the 1140 duty from the statute.</li> <li>• Doesn't mean a U turn, ministers and LA committed to deliver 1140 when possible.</li> <li>• Date can't be set with the current uncertainty.</li> <li>• Need to support LAs once closures are lifted.</li> <li>• Impact for parents and important this is communicated properly.</li> </ul>

	<ul style="list-style-type: none"> <li>• Worked with CoSLA on letter to LA and representative bodies, once issued these will be shared.</li> <li>• Require FM approval for Order being laid</li> </ul> <p>[redacted – out of scope]</p> <p>[redacted]</p>
<p>A 119</p>	<p><b>From:</b> [redacted]  <b>Sent:</b> 30 March 2020 14:29  <b>To:</b> Minister for Children and Young People &lt;<a href="mailto:MinisterCYP@gov.scot">MinisterCYP@gov.scot</a>&gt;  <b>Cc:</b> Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;  <b>Subject:</b> URGENT - 1140 hours - COVID-19 - letters to local authorities and Representative Bodies - for clearance</p> <p>Hi [redacted]</p> <p>Please see attached FM agreement to the order, will Ms Todd be in a position to clear the letters.</p> <p>cheers</p> <p>[redacted]</p> <p><b>From:</b> [redacted]</p> <p><b>Sent:</b> 30 March 2020 11:57  <b>To:</b> Minister for Children and Young People &lt;<a href="mailto:MinisterCYP@gov.scot">MinisterCYP@gov.scot</a>&gt;  <b>Cc:</b> Deputy First Minister and Cabinet Secretary for Education and Skills &lt;<a href="mailto:DFMCSE@gov.scot">DFMCSE@gov.scot</a>&gt;; DG Education, Communities &amp; Justice &lt;<a href="mailto:DGECJ@gov.scot">DGECJ@gov.scot</a>&gt;; Cumming A (Alison) &lt;<a href="mailto:Alison.Cumming@gov.scot">Alison.Cumming@gov.scot</a>&gt;; [redacted]; McAllister C (Colin) &lt;<a href="mailto:Colin.McAllister@gov.scot">Colin.McAllister@gov.scot</a>&gt;; [redacted]  <b>Subject:</b> 1140 hours - COVID-19 - letters to local authorities and Representative Bodies - for clearance</p> <p>PS/Minister for Children and Young People</p> <p>Cc as above</p> <p>We are still awaiting agreement from the FM on the Order being laid on 1140 hours. In anticipation of receiving this please find attached, for clearance, letters to Local Authorities and Representative Bodies on 1140 hours.</p> <p>Regards  [redacted]</p> <p>Early Learning and Childcare Expansion</p>

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