

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE2195](#): Establish a kindergarten stage in Scottish education, lodged by Willie French and Tam Baillie on behalf of Upstart Scotland

Brief overview of issues raised by the petition

The petition is calling for a change to the structure of Early Learning and Childcare and Primary education. It is seeking the Scottish Government to establish a “play-based kindergarten stage for children between the ages of 3-7 years old”. The petition argues that this would support “play-based activity which will maximise development and nurturing”.

Upstart Scotland

The petition has been lodged on behalf of [Upstart Scotland](#) and reflects the aims of that organisation. One of its aims is—

“to establish a statutory play-based ‘kindergarten stage’ for Scottish children – based on well-established developmental principles and similar to the systems in Nordic countries – with a recognisably different ethos from primary schooling.”

Upstart Scotland also aims to highlight “the extremely early school starting age in UK countries”. However, it states that it does not want to reduce the entitlement to state-funded education; it says:

“The change we propose is to the ethos of education – and the nature of children’s daily experience – until they reach the age of seven. We are campaigning for a developmentally-appropriate, play-based to learning approach during these years, as is already being done in Europe’s most successful education systems.”

Early Learning and Childcare, School starting age, and the structure of Curriculum for Excellence

Early Learning and Childcare (ELC)

Funded ELC is available to all three- and four-year-olds and some two- and five-year-olds. Eligibility for children under three is not currently universal, but is based on parents/carers [being in receipt of certain benefits or the child or parent/carers having experience of care](#). Funded ELC is available for all children up to the start of school and includes some five-year-olds.

National practice guidance for early years in Scotland, [Realising the ambition: Being Me](#), promotes play pedagogy in ELC settings.

Early level in Curriculum for Excellence (CfE)

CfE is intended to be a 3-18 curriculum encompassing ELC as well as all of school education. Progression is illustrated through the CfE Levels. In Broad General Education, there are five curriculum levels - Early, First, Second, Third and Fourth.

The Early Level nominally encompasses both ELC and Primary 1, although the intention is that learning will suit the learner regardless of the school year the learner is in. That is, a pupil in Primary 1 may be working at Level 1 in some aspects of the curriculum, or a pupil in Primary 2 may be working at the Early Level in some areas.

[Realising the ambition: Being Me](#) suggests that there should be greater coherence between the pedagogy between ELC and early primary schools. It says:

“In defining the term, pedagogy, there remains the challenge of the different styles of practice. As we know children moving from an ELC setting to school may have fewer opportunities to play, to choose what they want to play with and when. Children may spend more time sitting listening and following instruction. Achieving a consistent pedagogical approach across the ELC sector and the early primary stages should be a key aspiration. Regular planning discussions between practitioners across both sectors and with children themselves would help to improve continuity of experience and learning.”

School starting age

The petitioners argue that “we need to delay the school starting age and establish a single setting for play-based activity which will maximise development and nurturing.”

A child is of school age at five years. However, the practicalities of when pupils start school is complicated and often children may start school before their fifth birthday. The legislation around school start dates is set out in section [32 of the Education \(Scotland\) Act 1980](#). Parents can choose not to send their child to school if they are not five years old at the start of the school year – this is called deferring entry and has become more common in recent years.

Regulatory structures and the cost of delivering education in different settings

ELC and other childcare providers must be registered with the Care Inspectorate. The provision of ELC is regulated by both the Care Inspectorate and His Majesty’s Inspectorate of Education (HMIE). Education Scotland and the Care Inspectorate recently agreed to a [joint Quality improvement framework for the early learning and childcare sectors](#).

The [Care Inspectorate sets out expectations](#) of the adult/child ratios in daycare settings (e.g. nurseries). For children aged three to eight, the expectation is one adult to eight children, when the session is a full day, or 1:10 when children attend settings for fewer than four hours in any one day.

Staff in ELC settings are registered with the Scottish Social Services Council (SSSC). [Scottish Government guidance notes that](#) “Staff registered at practitioner level will be expected to have or be working towards a relevant SCQF level 7 [e.g. a HNC] and those registered as manager or lead practitioner will be expected to have or be working towards a relevant SCQF level 9 qualification (degree-level).”

The duty to secure the delivery of both ELC and school education sits with local authorities. Local authorities have a role in supporting quality improvement in both types of setting. In schools, HMIE provides external oversight. All teachers in schools are required to be registered with the General Teaching Council for Scotland.

In [answer to a parliamentary question in April this year](#), the Scottish Government said that, in 2023-24, the average cost per place in pre-school education was £12,000 and in primary education it was £7,487.

Scottish Government Play Strategy, Vision Statement and Action Plan

Supporting children’s opportunities to play has been a longstanding policy aim of the Scottish Government.

In 2013, the Scottish Government published a play strategy. This aimed “to ensure all children and young people can access play opportunities in a range of settings which offer variety, adventure and challenge”.

In March 2025, the Scottish Government published [a vision statement and action plan 2025 to 2030](#). This said—

“Our vision for Scotland is that play is welcomed, celebrated and nurtured. That every child is able to play across all stages and aspects of their life to support their social development, resilience, language and communication development, health, physical and mental wellbeing.”

The Action Plan is set out in three parts, or “Primary Drivers” which relate to parents, places and practitioners. In relation to practitioners, the Government’s aim is that practitioners “have the knowledge and the confidence to support and promote children’s play opportunities”. One of the actions is:

“Support the use of play pedagogy in ELC settings and schools, with a continued focus on consistent alignment of practice with the Realising the Ambition: Being Me guidance. This should support teachers and

schools to use play pedagogy as children transition to early primary and throughout their time in school.”

The Government set out some of the funding it is making available to support play in answer to a recent parliamentary question ([S6W-41225](#)).

Petition at UK Parliament

There is [currently a petition on a similar topic at the UK Parliament](#). This seeks to “Make Play and Continuous Provision statutory in England's Key Stage 1 Curriculum”.

Ned Sharratt

Senior Researcher

11/11/2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP