

AGENDA MANAGEMENT SHEET

Name of Committee

Cabinet

Date of Committee

06 October 2005

Report Title

Childcare Bill

Summary

The closing date for responses to the Childcare Bill introduced in the Queen's Speech in May is 7 October 2005. Members of the Cabinet are asked to endorse the response to the Bill which was considered by the Sure Start Policy Panel on at their meeting on 20 September 2005.

For further information please contact:

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Would the recommended decision be contrary to the Budget and Policy Framework?

No.

Background papers

None

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

Other Committees

Sure Start Policy Panel

Local Member(s)

Other Elected Members

.....

Cabinet Member

Cllr John Burton, Cllr Peter Fowler, Cllr Izzi Secombe

Chief Executive

.....

Legal

Richard Freeth - agreed

Finance

.....

Other Chief Officers

.....

District Councils

.....

Health Authority

Police

Other Bodies/Individuals

FINAL DECISION NO

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by this Committee

To Council

To Cabinet 6 October 2005

To an O & S Committee

To an Area Committee

Further Consultation

Cabinet - 06 October 2005.

Childcare Bill

Report of the Chair of Sure Start Policy Panel

Recommendation

Cabinet is asked to endorse the response to the Childcare Bill.

1. Views of the Sure Start Policy Panel

The Sure Start Policy Panel considered the Consultation to the Children Bill, which is a 10-year strategy giving choice and flexibility for parents and the best start for children whilst reflecting the needs of children, parents and local communities. There was a need to sustain the work put in place over the last eight years and keeping it sustainable on a long-term footing.

During the ensuing discussion the following issues were highlighted:

1. Provision would be assessed through Joint Area Reviews (JAR), particularly in the areas of enough childcare places, parental choice and ensuring provision was sustainable, accessible and flexible.
2. The Local Authority (LA) would be assessed on the number of complaints received by parents.
3. The LA would need to find innovative ways of addressing the two gaps identified, which were low income families and families with disabled children.
4. Training and business support would have to be looked at strategically and were crucial to the success of the implementation of the Bill.
5. There were ongoing discussions with the DfES on measuring outcomes.
6. Good partnership working across the sector would assist the LA's role in terms of regulating the provision and ensuring quality provision.
7. The LA was required to be in a position, by 2010, to offer all parents of primary school children year round access to childcare from 08:00 to 18:00.

The Sure Start Policy Panel recommended that the Cabinet approve the Consultation Response Form.

2. Background to the Childcare Bill

The Childcare Bill was introduced in the Queen's Speech on 17th May. It is based on the Government's Ten Year Strategy for Childcare which aims to ensure that every child gets the best possible start in life by giving greater choice to families in balancing work and caring responsibilities and improving the provision and quality of childcare.

The Bill places new responsibility on local authorities to ensure there are sufficient childcare spaces in order to meet the needs of the area. In addition, local authorities will have to support the overall childcare market to ensure it meets the needs of children up to the age of fourteen and their parents.

The Bill will also introduce a new regulatory framework for childcare and early education. Changes to the inspection framework are already in place and, since April 2005, inspections have taken place with little or no notice. Childcare providers have been made aware of the changes through Information evenings, which have been held across the county.

The response to the Childcare Bill is attached as Appendix A.

CLLR HELEN McCARTHY
Chair of Sure Start Policy
Panel

Shire Hall
Warwick

12 September 2005

Consultation on Childcare Bill

Consultation Response Form

The closing date for this consultation is: **7th October 2005**
Your comments must reach us by that date.

department for

education and skills

creating opportunity, releasing potential, achieving excellence

The information you send to us may need to be passed to colleagues within the Department for Education and Skills and/or published in a summary of responses received in response to this consultation. We will assume that you are content for us to do this, and that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us.

The Department may, in accordance with the Code of Practice on Access to Government Information, make available on public request, individual consultation responses. This will extend to your comments unless you inform us that you wish them to remain confidential.

Please tick if you want us to keep your response confidential.

Name Norma Smeaton
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Education Department
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Warwick
CV34 4SP

If your enquiry is related to the policy content of the consultation you can contact:

e-mail: childcarebill.consultation@dfes.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on: Telephone: 01928 794888; or Fax: 01928 794 311

e-mail: consultation.unit@dfes.gsi.gov.uk

Please tick one of the boxes that best describes you as a respondent

<input type="checkbox"/> Local Authority	<input type="checkbox"/> Private provider	<input type="checkbox"/> Secondary School
<input type="checkbox"/> PCT/Health sector	<input type="checkbox"/> Voluntary/Community Provider	<input type="checkbox"/> Independent school
<input type="checkbox"/> National organisation (please specify)	<input type="checkbox"/> Maintained Nursery school	<input type="checkbox"/> Parent
<input type="checkbox"/> Home-based carer (childminder/nanny)	<input type="checkbox"/> Primary School	x Other

Please specify:

This response has been compiled by representatives from Warwickshire Early Years and Childcare Partnership. All members of the Partnership and its sub groups were invited to attend a meeting to discuss the response or return comments for inclusion in the response. The response is, therefore, representative of the whole Partnership. Individuals and agencies have also been encouraged to submit their own separate responses.

Many questions were raised in the compilation of this response. Some of these were answered at a briefing session held by Ofsted and DfES on September 7. They have been included here (identifiable by a different font and in italics) against the relevant points.

Section I – Early Years and Childcare Secured for the Long Term

1 Does the primary aim of ensuring the availability of childcare to enable parents to work, along with a particular focus on lower-income families and those with disabled children, form an appropriate basis for defining scope and judging sufficiency? (*Paragraphs 15 – 29 in the consultation document*);

Strongly agree Agree Neither agree nor disagree Disagree

Comments:

- Appropriate funding is needed to ensure that there is enough childcare available and that it is sustainable, especially for disabled children.
- LAs have no information on which families are eligible for Working Tax Credit so they will not be able to identify needs on this basis.
- How will the specific wants (as opposed to needs) of parents be taken into consideration when assessing local availability?

Local Authorities must record requests and compile evidence of need for specific types of childcare or childcare in specific locations. It must then explore the possibility of developing provision and be able to justify its actions if that is not feasible.

- How can we accommodate the needs of parents in areas where childcare is not sustainable because of either the numbers of children or the type of care requested?

- Will realistic affordability be considered if parents complain that there is no choice in the area because of the high costs of available childcare?

The focus of the duty on Local Authorities is essentially sustainability and availability. Affordability is covered (from government point of view) within the Working Tax Credit arrangements. However, the issue of how sustainability can be supported is up to each LA. Issues such as accommodating shift patterns and providing sufficient care in rural areas will have to be managed locally.

- Tax credits should be paid to providers to ensure that they are used for childcare.

2 Apart from the issues set out in paragraphs 20 -26 of the consultation document, are there other significant issues that should be included in the guidance for local authorities?

Comments:

- There needs to be a mechanism for support funding that is not necessarily linked to long term self sufficiency especially for care of disabled children and those children from poorer families, whether or not they live in areas of disadvantage.
- The process for dealing with complaints about lack of childcare and how this contributes to the LA planning process should be included in the guidance.

3 What are the issues that need to be addressed to provide parents with an accessible complaints mechanism? (*Paragraph 28 in the consultation document*)

Comments:

Because it is the responsibility of the Local Authority to receive and act upon complaints regarding the unavailability of childcare, the general complaints procedure held by the LA as a whole should be used. There may, however, be some modification required to provide a simple and straightforward route for parents who wish to make a complaint. The procedure needs to be well publicised and written information/forms must be in a format that parents from different backgrounds can easily understand, e.g. different languages, large print etc.

4 Is this an effective way of placing children's centres on a secure long-term footing, while retaining the flexibility necessary for effective implementation and avoiding creating new burdens? (*Paragraphs 30 - 41 in the consultation document*)

Strongly agree

X Agree

Neither agree nor disagree

Disagree

Comments:

We agree that a statutory underpinning will provide longer term security for children's centres and will strengthen the links between agencies. However, concern was expressed about the public's perception of the children's centres as a statutory agency that would have the power to intervene in family life or to take remedial measures if a family is seen to be not coping.

Although the duty for provision is placed with the LA, there needs to be some statutory responsibility placed with Primary Care Trusts to ensure that they contribute sufficiently to the core offer.

There was also concern that the services for under fives should not be automatically and completely cut off after that age and that the Extended Schools agenda should include responsibility for continuing support when children's centre support ends.

5 Will the proposals for these new duties on local authorities enable the existing wealth and diversity of providers to flourish and develop? (*Paragraphs 9 - 47 in the consultation document*)

<input type="checkbox"/> Strongly agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree nor disagree	<input checked="" type="checkbox"/> Disagree
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Comments:

We are unclear about the meaning of the word 'wealth' in this context. It could mean either the numbers of providers or their financial status. In either case we feel that the private and voluntary sector providers will continue to struggle to remain sustainable and would not be able to flourish or develop.

In some areas and with some groups of children, the only means of survival is to receive continuous subsidy. It is also noted that many providers only achieve viability because they pay their staff minimum wages. Thus they cannot compete with statutory agencies for quality staff and this can create a two tier system of care.

Section 2 – Reforming the Regulation and Inspection Framework

6 Does the approach to registration outlined in paragraphs 64 and 65 of the consultation document strike the right balance and capitalise appropriately on other inspection regimes?

<input type="checkbox"/> Strongly agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree nor disagree	<input checked="" type="checkbox"/> Disagree
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Comments:

- There are implications for pre-schools running on school sites where there are not already strong relationships between the two parties. If the pre-school is inspected at the same time as the school, the outcome will presumably be published along with the report for the school. Some head teachers and governors may be reluctant to allow private and voluntary sector providers to operate from their site because they would have no control over performance yet could be affected negatively by the outcome of the inspection by their presence.

Although the reports would be issued separately to the school and the pre-school provider, there are still implications for the Foundation Stage if the one of them is performing badly. The inspections will also change to measure standards against the Early Learning Development Framework (ELDF) which means that all nursery provision, whether maintained, private, independent or voluntary, will have the same inspection regime and be measured against the same standards. This could have implications for ratios and qualification levels.

- What support would be available to LAs to enable them to “help providers meet the requirements of the new framework”?
- If all childminders are expected to deliver the EDLF and be inspected against it, will they then be required to be part of an Accredited Childminder Network?

All childminders will have to be able to deliver the prescribed curriculum but only those claiming NEG will have to be part of the accredited network.

7 Do the proposed criteria for entry to the Ofsted Childcare Register do enough to deliver quality provision and cover the minimum standards needed to ensure safe and reliable childcare provision? (Paragraph 77 in the consultation document)

Strongly agree
 Agree
 Neither agree nor disagree
 Disagree

Comments:

The general consensus was that the current arrangements for registration, inspection and enforcement of childcare for 6 and 7 year olds should continue. Concern was expressed that the proposed changes would result in falling standards.

From experience within the Partnership, it was felt that some providers would not abide by rules of their registration unless 'policed'. Furthermore, it was suggested that this is merely a saving of administration time rather than a promotion of high quality childcare.

It was not clear how the new register would be accessed and how it might be promoted by CIS.

CIS will have information about the register and will be able to promote it.

8 Will the benefits of the proposed Ofsted Childcare Register encourage providers to apply? (Paragraphs 75 - 81 in the consultation document)

Strongly agree
 Agree
 Neither agree nor disagree
 Disagree

Comments:

It was not clear from the consultation what the benefits are. Concern was expressed that it would enable less committed childcare providers to apply and that they might see this as a loophole to providing an inferior facility.

The benefits are listed as:

- *Eligibility to claim tax credits*
- *Statutory guidance to require schools to extend using only providers on the register*
- *LA duty to provide information will distinguish between approved and unapproved care*
- *Ofsted inspect in response to concern*
- *Cancel approval of inadequate providers*
- *Would replace Childcare Approval Scheme and home carers scheme*
- *Would give some basis for approval for over 8s*

9 Should the required ratios be flexible depending on age and setting, and what ratios would be appropriate? (*Paragraph 77 in the consultation document*)

<input type="checkbox"/> Strongly support	<input type="checkbox"/> Support	<input type="checkbox"/> Neither support nor not support	<input checked="" type="checkbox"/> Not support
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Comments:

It was felt very strongly that all current ratios should remain in place and to alter them would introduce opportunity for misinterpretation and possible abuse of the system.

All early years providers, maintained, private, independent and voluntary sectors, will be inspected to the same standards and there are implications for ratios here. It was generally felt by the Partnership that the 1:8 ratio should be maintained rather than moving to 1:13 (as now in maintained sector classes) or 1:10 (as now in some maintained sector nursery schools where the Head is part of the teaching complement).

10 Is it appropriate to continue to require registration of childminders for children up to age eight? (*Paragraphs 83 - 84 in the consultation document*)

<input checked="" type="checkbox"/> Strongly agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree nor disagree	<input type="checkbox"/> Disagree
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Comments:

Continuing the requirement to register childminders who take children up to the time of their 8th birthday will ensure that standards are met, including the prescribed ratios. This is helpful for parents in ensuring that their children have suitable care that is monitored sufficiently by the regulatory body.

11 Does continued financial support for the Investors in Children scheme represent the most effective means of driving up quality? (*Paragraphs 85 - 90 in the consultation document*)

<input type="checkbox"/> Strongly agree	<input type="checkbox"/> Agree	<input type="checkbox"/> Neither agree nor disagree	<input checked="" type="checkbox"/> Disagree
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Comments:

The IiC scheme has not proved to be effective in increasing and maintaining quality. Many providers struggle with the additional administrative burden that being part of a quality assurance scheme brings. Once accredited, they then have to start working towards re-accreditation within a short time. Furthermore, the whole process of accreditation has suffered from a lack of consistency since the concept was promoted as an EYCP target and this has caused despondency amongst providers, some of whom have found that they cannot re-accredit with the same QA scheme but must start all over again with an alternative scheme. Even with funding from EYCP, they are reluctant to undertake the process again.

12 What would be of most help to parents in choosing good quality settings? (*Paragraph 89 in the full consultation document*)

Comments:

- Information from CIS on availability, standards, parents' rights etc. and advice on how to select the right childcare for the individual child/family.
- More publicity about what makes 'good' and 'bad' childcare.
- Maintaining Ofsted registration and inspection structure as it is now.

Section 3 – Resources

- 13 What factors should determine the balance between costs and subsidies? (*Paragraph 95 -98 in the consultation document*)

Comments:

Local Authorities should be able to determine their own areas of need and allocate subsidy accordingly. The principle of self sufficiency should still apply but there needs to be recognition that some kinds of childcare or provision in some areas will never be sustainable without subsidy. Where childcare is set up as a commercial practice with no contribution to the needs of the local community, as identified in community plans, there should be no subsidy available.

- 14 Where childcare providers need help with fees, how should a subsidy be administered? (*Paragraphs 96 - 98 in the consultation document*)

Comments:

It is not clear from this document whether Ofsted would continue to administer the subsidy or if it would become the responsibility of the LA. This could present LAs with a huge administrative burden and the Partnership felt that it would be better if Ofsted retained this function. A lot of work and information gathering would be duplicated if this role fell to the LA and this could result in delays in registration.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education and Skills we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes No

How to respond and further information

The consultation response form is available at www.dfes.gov.uk/consultations/. We need to receive your response by 7th October. You can complete this on-line, or download it and post it to us. Copies of the form are also enclosed with printed copies of this consultation document and the separate summary document.

If you are responding on-line, select the “Respond on-line” option at the beginning of the consultation webpage: www.dfes.gov.uk/consultations/.

If you prefer you can send completed response form to Department for Education and Skills, Consultation Unit, Area 2A, Castle View House, East Lane, Runcorn, Cheshire, WA7 2GJ.

Or fax it to 01928 794248

Or send it by e-mail to: childcarebill.consultation@dfes.gsi.gov.uk

If you have any questions about the proposals or would like to know more

If you would like to ask us about any aspect of the proposals, please e-mail the Childcare Bill Team at childcare.bill@dfes.gsi.gov.uk.

Additional Copies

Electronic copies of the consultation document are available at www.dfes.gov.uk/consultations/.

Hard copies of the document can be requested from: Childcare Bill Team, Childcare Standards and Legislation Division, Sure Start Unit, 6-12 Tothill Street, London, SW1H 9NA

e-mail: childcare.bill@dfes.gsi.gov.uk