

Raising Standards, Improving Outcomes: Draft Statutory Guidance on the Early Years Outcomes Duty

Consultation Response Form

The closing date for this consultation is: 3
September 2007

Your comments must reach us by that date.

department for

education and skills

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THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Education and Skills e-consultation website (<http://www.dfes.gov.uk/consultations>).

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

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

Name

Organisation (if applicable)

Address:

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

Telephone: 020 7273 5744

e-mail: earlyyears.outcomes@dfes.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 113

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

Which respondent type best describes you (please use the box below to provide additional detail):

<input type="checkbox"/> Local Authority	<input type="checkbox"/> Strategic Health Authority	<input type="checkbox"/> Primary Care Trust
<input type="checkbox"/> Jobcentres Plus	<input type="checkbox"/> National organisation	<input type="checkbox"/> Voluntary, community or independent sector organisation/providers
<input type="checkbox"/> Parent or carer	<input type="checkbox"/> Early Years Provider/Childminder	<input type="checkbox"/> Other

Please Specify:

1 Does the statutory guidance make clear the roles and responsibilities of the local authority and its partners in meeting the requirements set out in sections 1-4 of the Childcare Act 2006?

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

Comments:

The Alliance believes the guidance clearly defines the responsibility on the local authority and its partners to deliver improved outcomes for all children under its jurisdiction. However, although the Alliance believes the guidance to be highly aspirational – and wholeheartedly agrees with the aspirations – we would question whether there is enough information provided to ensure local authorities know how they should approach achieving the stated outcomes.

The Alliance is also concerned that there does not appear to be any information in the guidance about what sanctions will be placed on authorities that either a) fail to achieve the desired improvement in outcomes for children, b) approach the task in an inappropriate manner, or c) ignore the duty altogether. Although the guidance provides a blueprint for delivering highly desirable accomplishments in early years services, it is important that there are clear consequences for authorities who do not follow it. However, we trust that central government will be rigorous in enforcing Sections 1-4 of the Childcare Act.

2 Is the guidance clear about what constitutes effective partnerships between local authorities, Strategic Health Authorities or Primary Care Trusts and Jobcentres Plus, and how these fit within wider local strategic partnerships?

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

Comments:

The Alliance believes that there will be two types of partner that local authorities will have to work with under the terms laid out in the guidance. The first we would identify as the *strategic* partners - those responsible for developing the local strategy to improve outcomes. These comprise SHAs, PCTs, JCPs as outlined in the guidance and there is a clarity about how these partnerships should be established and operate.

However, where the guidance is less clear is how this strategic group will interact with what the Alliance would define as *community* partners – those identified in para 5 as “parents, PVI providers, schools, early years settings and other key partners”. These partnerships provide the interface with actual service delivery – either as providers or, in the case of parents and children, customers. It is crucial that the strategic partners are able to communicate their aims to the community partners in order to effect change, and also that the community partners can feed information back to the strategic partners to inform future decision making.

It is not entirely clear from the guidance what mechanisms will be practically used to ensure that information flows freely up and down the chain between these strategic and community levels? Paras 29 identifies EYDCPs as vehicles which have helped to foster partnership of this nature. In the Alliance’s experience, where EYDCPs are still active they can indeed help to provide representation from a key cross-section of partners. In those authorities where EYDCPs are now defunct, it may be useful for a similar multi-agency body to be set up to facilitate the involvement of community partners, but the guidance needs to be clearer to local authorities as to how this should be achieved. We know that many who no longer have no EYDCPs show little inclination towards setting up new fora in their place and this is to the detriment, we feel, of local providers and the local communities they serve.

The role of schools is particularly crucial. Whilst (as service providers) it is clear they are community partners, their increasing size and influence in relation to early years services means that they are vital to achieving real change in outcomes for children. If schools are not ‘on board’ with both strategic plans and local community partners, and do not consult or work with local partners, then their actions could severely affect the local strategy. Therefore it may be worthwhile for the guidance to consider more closely how schools should interface with other partners.

3 Is the guidance sufficiently clear on how analysis of data and research can enable service delivery to be effective in targeting those most in need of services, and the best ways of delivering services to overcome obstacles?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Comments:

The Alliance feels the guidance is clear about the importance of research, data monitoring and evaluation in order to develop services. However, the Alliance believes that such information needs to be looked at in conjunction with the views of the community and service delivery partners, as gleaned through

consultation. Whilst research is important for developing a strategic overview (a 'broad brush' approach), it is likely that such consultation will shed greater light on the needs of individual children, families and communities. The empirical evidence may be given greater depth through being considered with anecdotal experiences – this is likely to lead to more nuanced analysis when identifying gaps in services.

4 Does the guidance clearly set out the role of the local authority and the steps it should take to improve quality in the early years?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Comments:

The Alliance is pleased that para 98 indicates that local authorities should work *with* private and voluntary settings to establish the best means of improving quality.

The Alliance feels it is unfair to imply in para 99 that there has been a lack of will to improve quality in the early years. There have been several initiatives promoting quality assurance in recent years which were making progress until funding and targets were removed. The Alliance and its membership wholeheartedly supports any move to increase the quality in early years services, and is working with the Quality Improvement Network (QIN) to that end. However, we would caution that such moves need to be properly resourced – not only reflecting the costs of training and development for staff, but also through providing commensurate remuneration. Unfortunately there continue to be significant challenges in resourcing such quality improvement which, until overcome, will continue to obstruct progress in this area. Our experience leads us to believe that issues of quality improvement cannot be divorced from sustainability issues – poor resourcing for delivery of high quality childcare undermines the level of quality that can be achieved.

The Alliance is concerned that para 99 suggests that local authorities develop their own view of what high quality looks like – this ought to be related to the principles of the EYFS, which is comprehensive in this regard. Similarly we do not believe that it is the best use of a local authority's resources to be developing individualised quality improvement packages when there is already a diverse range of programmes available to be used for this purpose. Providers should have a degree of choice over what quality improvement package to adopt and not be railroaded into picking the Local Authority's own package just because that's the only one they will fund.

The Alliance strongly supports the direction to the National Quality Improvement Network as indicated in para. 101.

5 Is the guidance clear on how to meet the needs of those most at risk of poor outcomes for example from low income families, disabled children, BME groups, SEN etc?

Strongly agree Agree Neither agree nor disagree
 Disagree Strongly disagree

Comments:

It is clear that data will support identifying those who may be most at risk of poor outcomes and therefore where some services need to be targeted.

Providing the kinds of services that will readily engage with, and be engaged by, such families depends on local authorities and strategic partners working with community partners who are closer to the ground and have already expertise in delivering specific services to their particular client group, and advising more generic services on how to engage and deliver to excluded sections of the community.

It cannot be assumed that one size fits all; one of the unintended outcomes of the development of children's centres in some communities is that the provision that has long served these communities has been forced to close, this depriving those communities of vital lifelines. In relation to Black and other disadvantaged ethnic minority groups, 'race impact assessments' need to be seen, and used, as a tool for gathering data that is pertinent to specific needs of such communities and supports, shapes and develops services accordingly.

6 Does the guidance explain what local authorities should be doing to involve parents, and listen to children in the planning, commissioning and delivery of service for young children?

Strongly agree Agree Neither agree nor disagree
 Disagree Strongly disagree

Comments:

The Pre-school Learning Alliance is delighted that the guidance strongly advises local authorities to consult with parents and children to involve them in the process of planning, commissioning and delivering services. However, we would

be keen to know what means will be employed to ensure that these views are practically taken into account in decision making so that this does not become a tokenistic exercise. It may not be enough to rely on existing research which might not be correctly tailored to the issues in hand. Instead it may be useful to access existing networks to contact parents, at least. For instance, the Alliance runs Parent Forums in many of its directly managed settings which encourage parents to express and share their views so that services can be improved with this input. Local authorities may find it useful to tap into such networks, or establish similar ongoing forums themselves.

We would welcome case studies or best practice examples of local authorities who have developed effective means of involving parents in local partnerships. It is a challenging task and needs far more consideration than in the current guidance.

The Alliance would be keen to see, and be involved in, innovative projects to seek the views of very young children. However, we would also want this to be meaningful for children and those who care for them. It should not be simply an exercise that makes good press! Understanding how very young children perceive and experience their childcare can only be undertaken by those closest to them, who have an intimate understanding of how very young children – such as babies and toddlers – express themselves. Techniques to achieve this have been developed (Listening to Children, Mosaic etc) and these approaches should be considered as part of this exercise.

7 Is the guidance clear about how to include Private Voluntary and Independent providers in partnership working?

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

Comments:

The guidance could possibly emphasise more strongly the importance of working in partnership with Private, Voluntary and Independent (PVI) providers. However, we would also caution that these sectors provide different things in different ways and while there are commonalities, lumping them all together as PVI misses the specific strengths and agendas that each brings.

Having said that, the different sectors will be a key partners in delivering the outcomes envisioned in the document. As the Alliance stated in its response to the

earlier consultation on setting targets for early years outcomes, it is important that delivery partners in the PVI sector are consulted when strategy is being developed and particularly that they are involved in advising authorities what are “realistic but ambitious” targets to aim for.

This can help identify potential issues over practically delivering the outcomes, as well as helping to ensure providers are clear on what their responsibilities are in the process. The Alliance would advocate strong duties for local authorities to consult with providers, as well as some model of ‘knowledge forum’ that would allow key representatives of the PVI sector to feed in to this important work.

Unfortunately, though, the guidance seems to advocate using a stick rather than a carrot to encourage PVI settings to deliver targets. Para 60 suggests that local authorities might consider making improving quality part of the wider agreements PVI providers must sign to provide the free entitlement. This may be fraught with potential difficulties. We would caution that

- The expectations for quality must consistent, and based on the universally set framework that the EYFS provides, rather that different interpretations according to each LAs agenda.
- Some providers in the independent schools sector whose parents can afford to pay may opt out of these agreements and deliver the EYFS as they see fit.
- Ofsted must provide the base line and funding must be based on successful inspection outcomes, and for those settings not moving beyond satisfactory there needs to be better incentive and support to improve, not just threats of removing funding. If there is to be an expectation about quality improvement then funding to support mentoring and other costs of schemes has to be made available Lack of funding is the biggest disincentive we are aware of for providers to get on board with QA/QI schemes.
- There must be clear guidance about what additional requirements local authorities can set, as well as the amount of funding they are

- permitted to withhold for training and support.
- o Given the current issues around Nursery Education Funding, the resourcing of the entitlement may not currently be at levels which can facilitate the delivery of the quality expectations – we refer back to earlier comments about sustainability and the link with quality.

The Alliance feels that to engage effectively with the PVI sector it may instead be better to improve incentives for providers. Improving quality provision is the best way to securing better outcomes for children and this not a goal solely for local authorities as most PVI settings will be just as keen to achieve this.

8 Does the guidance demonstrate how statutory targets support the outcomes duty, and how local authorities will meet these targets?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Comments:

The Pre-school Learning Alliance would caution whether the Early Years Foundation Stage Profile (EYFSP) will be an appropriate measuring tool to set targets by. The current Foundation Stage Profile was not originally designed for this purpose and this is still stressed in government literature. It's purpose was to provide Year 1 teachers with a summary of an individual child's achievements and progress so that appropriate learning can be planned for that child.

We trust that the new updated Early Years Foundation Stage Profile will be designed with this objective in mind, and that it will not evolve into a more rigorous form of testing for the under five age group. We are aware that some LAs have developed 'stepping stone' based profiles for other providers in the PVI to complete for 3 year olds. This is done with disregard to the more child oriented profiles developed in those settings that are about supporting the development of individual children, NOT gathering data, and that are in line with methods of assessment promoted by the new EYFS. We are concerned that this trend will move down the age groups until we are using similar profiles for younger children.

Means of gathering universal data on child outcomes below 5 years has traditionally been the remit of the health authority. We see improved means for this as a more appropriate means of data gathering.

The Alliance also believes there is a risk that the targets may create perverse incentives. As the free entitlement for three and four year-olds is not compulsory, not every child is receiving the foundation stage in the first place. Furthermore, it is anticipated that a higher than average proportion of these children come from the most deprived and 'hard to reach' families. Underachievement in such families is well documented and it would be logical to assume that were these children to access services, they would be likely to achieve lower scores on the EYFSP, thus bringing down the overall average for settings in the area. The targets could, therefore, potentially create a disincentive for providers to encourage these families not already accessing the free entitlement to engage with services, despite this being completely contrary to other laudable government initiatives and the intent stated in para 22. This problem would be most acute if the targets were set measuring an age group year on year.

9 Do you believe that local authorities and their partners require any further information than currently exists to support them in meeting the requirements set out in the guidance?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Comments:

As stated in the answers to previous questions the Alliance believes that the guidance is very aspirational, but not very prescriptive about how to achieve the desired outcomes in practice. We are aware that the department may be planning further guidance to support local authorities in this way, and we would urge that case studies and practical advice on approaches to take to improve outcomes are included.

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?

Yes

No

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 3 September 2007

Send by post to: Jonathan Bacon, Department for Education and Skills, 2B Caxton House, Tothill Street, London, SW1H 9NA.

Send by e-mail to: earlyyears.outcomes@dfes.gsi.gov.uk