



Document: **Response to the Childcare Bill Consultation**  
Date: **October 2005**

## **About the Pre-school Learning Alliance**

The Pre-school Learning Alliance is a national educational charity, specialising in early years and childcare. We provide practical support to over 15,000 community-based early years settings and positively impact on the care and education of over 500,000 young children and their families each year.

In addition, the charity is the largest voluntary sector provider of childcare in England and is involved in more Sure Start projects than any other single organisation. To date, we have opened 29 Neighbourhood Nurseries, 23 of which have been designated as children's centres. The charity's objective is to be involved in 100 children's centres by 2008.

The Alliance welcomes the introduction of the Childcare Bill, to build on the broad strategy outlined in the ten-year plan. It is encouraging that the government recognises that a centrally driven approach to early years services, while effective in kick-starting development of provision, must be allied to greater local definition, involving local authorities working with all sectors to increase and develop provision.

## **Section 1 – Early Years and Childcare Secured for the Long-Term**

### **Q1**

**Does the primary aim of ensuring the availability of childcare of 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?**

The provision of accessible, quality childcare has many benefits for parents and families, as well as children. For many years, early years settings have provided parents with a range of services and opportunities to return to employment, access training or learn with their children. Parent and toddler groups, registered childminders and settings offering sessional, extended and full daycare give parents the flexibility to choose the childcare that best suits their needs and the needs of their children.

It is certainly the case that the extension of childcare has enabled women, in particular, to return to the labour market, which has in turn delivered a number of wider economic and social benefits. It is also the case that families on lower incomes are often most in need of affordable childcare and the broader learning and training opportunities that settings often provide. Similarly, parents of children with a disability or impairment often find it difficult to access local childcare that sufficiently meets their complex needs.

We would, however, sound a note of caution in developing childcare solely to enable parents to return to work or to focus on those families on low incomes or with disabled children at the exclusion of others. Early years care and education is about much more than simply enabling parents to work. It is about the social and cognitive development of children in their earliest years. Settings rooted in the communities they serve provide safe and stimulating environments for children, while supporting parents in their own learning and development. It is crucial therefore, that the government does not develop the view that childcare is simply about women returning to work. Parents should be supported in whatever choices they make and be afforded choice in the childcare services that best suits their needs.

Similarly, the aim should be to secure sufficient childcare for all families, regardless of their income or personal circumstances. Clearly, in meeting this aim, particular consideration will need to be given to those who traditionally have difficulty in accessing childcare, including black and minority ethnic groups and lone parents. However, the ten-year plan's overarching objective to secure quality, affordable childcare for all families must remain the long-term focus.

## **Q2**

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

The Alliance welcomes the new duty on local authorities to ensure sufficient early years provision for local families. In addition, we welcome the commitment, outlined in paragraph 20 that the guidance for authorities will be developed in consultation with key partners and stakeholders.

When developing new services, it is crucial that local authorities conduct a thorough, detailed audit of existing provision. In many areas, voluntary groups have been in existence for many years and, as a consequence, have become an integral part of the local community. It is vital, therefore, that authorities put existing early years settings at the heart of any service offering. Extensive auditing to avoid duplication of services in the developmental phase will save time and money in the long-term. In addition, authorities should be made to demonstrate the extent of this auditing and consultation as part of their assessment.

We are particularly concerned that the statutory guidance for local authorities is enforceable by central government. We appreciate that the guidance needs to be sufficiently flexible to enable local authorities to develop services appropriate to local need. However, it is important that this flexibility is balanced with the need to engage with voluntary and private providers locally. Early years and childcare is a mixed market, with different providers offering different services. This diversity of provision means that parents can exercise genuine choice when choosing the childcare they want and need.

For this flexibility to flourish, local authorities must engage with the voluntary and private sectors and view existing providers as strategic partners in the development and delivery of local services. In our experience, this partnership working is patchy. While some local commissioners are fully engaged with the voluntary and private sectors, others are less enthusiastic about partnership working. Unless there is a constructive approach by all

partners married to stringent monitoring and a tough enforcement regime, the objective of securing sufficient local childcare will be undermined.

We propose that the government establishes an independent monitoring function to oversee the local development of services, including children's centres, extended schools and other wraparound care. This would not only ensure that all local authorities work in partnership with providers, it would also help to support commissioners in implementing the statutory duty. The Alliance urges the government to include this monitoring function on the face of the Bill.

It is crucial that this monitoring function is not simply an ombudsman, evaluating the efficacy of partnership once services have been developed. By then, it will be too late. Funding will have been allocated and, in a worse case scenario, voluntary and private sector provision may have closed. Central government must monitor partnership from the outset and invoke appropriate measures where commissioners disregard partnership working.

### **Q3**

#### **What are the issues that need to be addressed to provide parents with an accessible complaints mechanism?**

The Alliance believes that parents are the first and primary educators of their children. The charity's member settings are underpinned by an ethos of strong parental involvement, the majority managed by parents alongside trained staff. As a consequence, we believe that parents are an integral part of the development and delivery of services. We welcome the commitment, outlined in paragraphs 42-45, to broaden the existing duty on local authorities to provide information to parents with children aged 0-19.

The Children's Information Service (CIS), run and managed by the local authority, will play a crucial role in ensuring parents are made aware of the services on offer to them in their community. In addition, the local CIS can play a part in providing an effective complaints procedure. However, it is important that the government is clear about the purpose of the complaints mechanism and what action it can take against those local authorities that do not secure sufficient childcare. It is also important that the complaints mechanism is accessible and clear and distinct from the Ofsted regulatory framework.

We propose that the CIS is the first point of contact for parents wishing to make a complaint, but that the CIS directs sustained complaints relating to a lack of provision in a particular area to the independent monitoring body, as proposed in comments to Question 2. In addition, providers should also be provided with access to a transparent complaints mechanism in circumstances where they feel there is a lack of partnership working or inadequate auditing of existing provision.

### **Q4**

#### **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?**

The Alliance is reassured that the legislation will give consideration to the long-term sustainability of children's centres and that proposed outcomes focus on the needs of children. The expansion of Sure Start provision has been extensive and the ten-year plan's target of 3500 children's centres by 2010 is one of the government's most ambitious objectives. Such expansion will only be possible with the statutory underpinning outlined in the Childcare Bill proposals. The Alliance believes that local authorities will only meet their children's centre requirements through pro-active engagement with all voluntary sector partners and urges the government to consider this when drafting the legislative duties.

We are concerned that consultation does not address the issue of capital funding for new provision, particularly for building or renovation. While the extended schools initiative frees up existing under used space to develop childcare, particularly out of school care, it does not address the needs of those wanting to develop new daycare provision, especially in inner-city areas where land and premises costs are prohibitive. As a priority, the government should address the issue of capital costs in the form of grants and subsidies more effectively if it wants to develop a pattern of provision, which are assets to local communities.

Ensuring that existing and new provision is sustainable for the long-term is one of the greatest challenges facing the government and the childcare sector. The Alliance, like other voluntary organisations has been an active partner in developing Neighbourhood Nurseries and children's centres across the country. However, we have very real concerns as to the long-term sustainability of this provision. Unless additional funding is earmarked in the next spending review and ring-fenced for children's centre development, it is difficult to see how these services can be placed on a sure footing for the long-term.

## **Q5**

### **Will the proposals for these new duties on local authorities enable the existing wealth and diversity of providers to flourish and develop?**

To ensure parents have appropriate flexibility to choose the childcare that is right for them, the existing range of providers must be able to flourish and develop. Voluntary and private provision will only flourish if local authorities fully engage with providers in strategic partnerships.

While the new duty will go some way to achieving this, the duty alone will not ensure that different types of provision flourish. Due consideration must be given to how the development of local services will be monitored and, if necessary, what action can be taken by central government. While local authorities must be afforded flexibility to meet local need, this must be balanced by suitable monitoring and complaints mechanisms for parents and providers.

Similarly, the move to measure performance through the Annual Performance Assessment, the Comprehensive Performance Assessment and Joint Area Review is welcome. However, we remain concerned that these assessment mechanisms are retrospective and will, in effect, mean that progress will be reviewed once services have been developed and established. In many circumstances, this will be too late, as infrastructure investment will already have been made. The Alliance advocates the establishment of a monitoring body to support authorities in to secure sufficient childcare by working in partnership with existing providers (see Question 2).

Guidance for the development of extended services and wraparound care should also be strengthened to give a clearer steer to authorities and providers.

## **Section 2 – Reforming the Regulation and Inspection Framework**

### **Q6**

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

The Alliance is fully committed to an integrated and rigorous inspection regime for all early years and childcare settings. Inspection and regulation helps to safeguard children, support the professional development of staff and improve the quality of services offered by settings. In principle, we support the proposal to develop the Early Development and Learning Framework (EDLF) to bring together the care and education elements of the existing regime. In particular, we are encouraged by the commitment to consult with strategic partners to develop the new framework.

However, translating the EDLF into practice will require the compromise and agreement between the proponents of very different philosophies underpinning Birth to Three Matters (child centred and process orientated), the Foundation Stage (goal/outcomes for the child) and the National Standards (provision orientated outcomes). A resulting framework needs to be able to provide for the development and progression of high quality services for young children but, at the same time, provides for a regulatory system that is proportionate only to risk and one that is not developmental or quality driven. It remains to be seen whether these two directions can be incorporated and how.

It is important that the EDLF is applied consistently across early years settings and that standards are not relaxed for school settings. With increasing numbers of young children attending school before statutory school starting age, it is important that those schools offering early years services are inspected using the same criteria as pre-schools, nurseries and childminders. Any perception of a different regime would risk undermining parental confidence and eroding quality.

In implementing the proposed EDLF, it is crucial that the government and Ofsted adopt a phased approach to ensure that providers plan and prepare effectively for the new regime. The early years and childcare sector is subject to change and providers would welcome the opportunity to contribute to the development of the new regime and access sufficient information and support to prepare them for the new framework.

### **Q7**

**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?**

No. The Alliance has a number of concerns around the proposed arrangements for the Ofsted Childcare Register. In particular, we are concerned that the proposals will undermine improved outcomes for children and generate confusion for parents, practitioners and providers.

Like the rest of the sector, we are committed to a robust inspection and regulation regime that supports settings to continually improve and provide reassurance to parents that their children are being cared for. While we understand the motivation for proportionality in the inspection regime to balance risk and regulation, we are opposed to the deregulation of care for 5-8 year olds and the introduction of what would in effect be a voluntary scheme. Increasingly school age children are receiving additional wraparound care. To effectively deregulate care for children attending extended care undermines the objective of appropriately safeguarding children.

There appears to be a lack of information within the proposals as to how the new regime will work in practice. It is unclear how a provider's suitability to be on the register will be assessed, whether staff working with children will require minimum qualification levels and what action Ofsted can take to support inadequate providers to improve practice. While standards in settings are improving, the proposed register will do little to improve practice and meet the long-term objective of high-quality childcare in all settings.

We are also concerned about the 'softer' issues relating to the proposed changes. In particular, they raise the possibility of generating confusion among parents as to how their chosen childcare setting is inspected, when and by whom. Moreover, settings consider inspection to be an important part of the service they offer, as a means of ensuring continual professional development and demonstrating good practice to parents. The introduction of the voluntary register risks eroding confidence in inspection among parents and practitioners.

## **Q8**

### **Will the benefits of the proposed Ofsted Childcare Register encourage providers to apply?**

It is difficult to definitively say whether the proposed benefits will provide sufficient incentive for providers to apply to join the register. However, the fact that it is voluntary may encourage some providers to stay outside registration, which would undermine the government's objective to encourage take-up of the Foundation Stage and raise the spectre of 'childcare on the cheap'.

Within the current proposals, there is no indication of costs involved for providers wishing to join the scheme. For childminders, who will be compelled to register, this will be an important factor. Similarly, other settings may be dissuaded from joining the scheme if the costs involved are too great.

The combination of tax credit incentives and employer-supported schemes is a sensible mix. However, we are concerned that take up of the tax credit among parents is patchy. We would urge the government to consider investment in the supply side, through grants to providers linked to outcomes, to supplement the tax credit system.

## **Q9**

### **Should the required ratios be flexible depending on age and setting, and what ratios would be appropriate?**

The Alliance believes that ratios should be designed to safeguard children. There are serious concerns about the voluntary register and a lack of detail as to how it would work in practice. Until additional detail is established, we would suggest that ratios remain as they are.

In addition, ratios should not vary across different settings.

## **Q10**

### **Is it appropriate to continue to require registration of childminders for children up to the age of eight?**

Childminders should be required to register for children up to eight. However, this should be in the context of an inspection regime where all providers caring for children up to eight are inspected rigorously. As outlined in Q7, the Alliance does not believe that the proposed register is sufficiently rigorous to safeguard children and improve quality.

## **Q11**

### **Does continued financial support for the liC scheme represent the most effective means of driving up quality?**

The Alliance believes that quality assurance (QA) schemes play a crucial role in enabling settings to improve practice beyond the minimum standards. Investors in Children was an important step in ensuring that all QA schemes are robust and of the highest quality. That there are many schemes in operation demonstrates the level of interest in them among settings. Similarly, that the number of QA schemes has not been consolidated is not the fault of those that provide and administer QA schemes.

The Alliance is concerned that, having encouraged providers of QA schemes to attain liC status, the government appears to be slowly withdrawing liC. We believe this would be an error. With Ofsted moving to a three-year inspection cycle, QA schemes can continue to be key drivers in improving standards of provision. Having established liC, the government should aspire to establishing it as a widely recognised brand synonymous with high-quality childcare.

## **Q12**

### **What would be of most help to parents in choosing good quality settings?**

As outlined in Q11, the Alliance believes that liC should act as a badge of quality assurance for parents. As a consequence, greater investment in marketing the brand, married to a

consolidation of schemes would help to give a clear steer to parents choosing a childcare setting. Marketing efforts should be co-ordinated with local CIS to ensure a wide dissemination of information.

The new Ofsted grading system and a commitment to share results and recommendations of inspection with parents can also support this objective.

### **Section 3 – Resources**

#### **Q13**

##### **What factors should determine the balance between costs and subsidies?**

To make childcare genuinely affordable, the delicate balance between costs and subsidies needs to be struck, particularly in areas of deprivation and in rural areas. The Alliance would like to see government assess the benefits of greater investment in the supply of childcare, to supplement the take up of the tax credit. Subsidy could be linked to the number of childcare places offered by settings or quality outcomes, such as Ofsted assessments and attainment of liC endorsed QA accreditations.

If the government pursues the Ofsted Childcare Register, the costs of the scheme will need to be monitored from the outset to ensure that they do not act as a disincentive to settings. This assessment should be considered in relation to other mandatory costs for settings, such as CRB checks and disclosures.

#### **Q14**

##### **Where childcare providers need help with fees, how should the subsidy be administered?**

Providers welcome support that is transparent and administered in a straightforward way. As a consequence, government should consider providing subsidy direct to providers, channelled through local authorities if necessary. If local authorities are involved in the distribution of subsidy, government will need to ensure transparency and provide sufficient information to providers.