



## **Daycare Trust's response to the regulations and guidance on Childcare Sufficiency Assessments**

**November 2006**

### **1 Do the regulations set out a clear statutory framework for the duty to assess the sufficiency of childcare?**

*Partly*

Daycare Trust welcomes the inclusion of a sufficiency assessment within Children and Young People's Plans, particularly as childcare is sometimes missed out of current plans.

However we believe a number of items in the regulations need clarification. Under 2(1), the definition of "childcare" specifies that it must be registered under part 10A of the Children Act 1989. However in regulation 4 (c)(iii), and in the accompanying guidance, the childcare referred to is broadened out to include the number of places in respect of which the childcare element of working tax credit can be used. This does not fit with the original definition of childcare in the interpretation.

Furthermore, we believe it would be very burdensome for local authorities to have to find out what childcare was available and how many local families are eligible for the working tax credit and the interaction between these two. It may be more beneficial to provide more information on the range of costs for childcare.

Also, as sufficiency in the Childcare Act is based upon parents in work or training for work, it may be useful to include this in the sufficiency regulations (although we understand that this is separately in Section 6 of the Childcare Act).

### **2 Do the regulations cover all matters that it is appropriate for the assessment to cover (regulation 4)?**

*No*

We believe that the sufficiency assessment should have greater emphasis on the quality of childcare. This will ensure that local authorities pay regard to the quality of provision when making their assessment of sufficiency. Studies show that the quality of childcare greatly affects the outcomes for young children.

Daycare Trust believes that a number of additions could be made to the regulations to cover all aspects of sufficiency:

Under 4.1(c)

- *The appropriateness of childcare provision for black and minority ethnic communities*

This is because from research we know that the needs of families from black and minority ethnic communities are specific and therefore local authorities should pay specific regard to the needs of the families from these communities. Daycare Trust's Ensuring Equality project is currently looking at the childcare needs of BME groups and has found that families want childcare that reflects and understands their culture.

- *The qualification levels of staff*

We know from various research, not least the EPPE study, that the quality of childcare provision is improved by having highly qualified staff. Therefore we believe that the sufficiency assessment should include details of staff qualifications and/or staff working towards. This will help families make a decision about what childcare to choose and will also hopefully drive up quality further.

- *Any kitemark or equivalent that providers are working towards*

Again, with relation to quality, many local authorities run kite marks or other accreditation schemes for childcare providers. Membership of these schemes is another sign of commitment to quality provision and should be included in the sufficiency assessment.

- *The most recent Ofsted rating*

Under 4.2, the regulations should also make reference to the needs of black and minority ethnic communities.

### **3 Is the list of people and groups to be consulted in the preparation of the assessment appropriate (regulations 5 and 6)?**

*Partly*

Daycare Trust believes that Regulation 5(1) should state 'children, including young children'

This would reflect the Childcare Act 2006 which states that Section 3 (5) In discharging their duties under this section, an English local authority must have regard to such information about the views of young children as is available to the local authority and appears to them to be relevant to the discharge of their duties.

Regulation 5(1) should also include 'Jobcentre Plus' as they have a key role in facilitating childcare for people looking for work. Jobcentre Plus is mentioned in the guidance but not in the actual regulations.

**4 a) Do you agree with the procedures for consulting on a draft assessment (regulations 7 and 8)?**

Yes

The Pricewaterhousecoopers report 'DfES Children's Services: The Childcare Market', show that sharing and discussing information is as important as the information-gathering itself – so Daycare Trust is pleased that there are regulations determining the consultation on the sufficiency assessment.

**4 b) and for publication of the assessment (regulations 9 - 11)?**

*Partly*

This needs to be made accessible to all sections of the community.

Daycare Trust recommends that the regulations include an additional clause: 12. The summary of the assessment must be easy to understand and presented in a way(s) that is accessible to all sections of the community.

Justification – as the assessment affects all parents in the community, this should be made accessible, eg through having the facility to translate into community languages, accessible versions such as on tape and in large print. This needs to be enshrined in law

**5 Do you have any other comments and suggestions on the regulations?**

Yes

Daycare Trust believes that there needs to be mention of how Local Authorities will be monitored on the sufficiency assessments.

**6 Does the guidance provide a clear and helpful explanation of the requirements set out in the regulations?**

*Partly*

Daycare Trust would like to see a definition of sufficiency included in the guidance somewhere, as sufficiency is currently not even included in the Appendix 1 glossary. We understand that local authorities will decide sufficiency for themselves, depending on local circumstances, within the parameters of this guidance.

However, we believe that some further pointers on sufficiency would be beneficial, particularly in relation to the definition of working parents.

As mentioned in the Early Childhood Forum response to the consultation, during debates on the Bill the Minister, Lord Adonis, clarified that as 'work' is not defined in the Act it takes its ordinary meaning, and so could include voluntary work where there is a continued commitment, rather than one-off

activities. He also commented that 'work' is 'something over and above people's general life commitments or familial duties' (Lords Hansard, 26 April 2006, Col GC118). There is no indication whether it should include part time work and study, but Section 6 of the Act talks about the "needs" of working parents and those making the transition to work. However, "supply" and "demand" are both defined as being related to the "amount" of childcare needed in an area.

Daycare Trust would support the Early Childhood Forum in proposing that Lord Adonis' definition of work be added to the guidance.

Daycare Trust would also suggest that there be further consideration about what 'sufficiency' means to parents and children. Sufficiency depends on quality as well as quantity of provision, and this should be recognised in the guidance. For example, we recommend that paragraph 16 should not begin with a reminder that 'guidance is particularly concerned with quantity'.

For **parents**, we would suggest that sufficiency will additionally depend on: (please see above under question 2 for further discussion)

- Staff qualifications
- Actual ratios within settings
- Training received by staff (over and above health and safety and first aid training)
- Cultural aspects of provision (this is frequently mentioned by BME families)
- Emergency childcare needs

For **children**, a particularly important area is outdoor space. Children need outdoor space to explore and play, and childcare may not be sufficient for them if this is not available. According to a recent survey commissioned by the Children's Play Council (Playday 2006 survey), 80% of children prefer to play outdoors rather than indoors.

## **7 Is there anything in the guidance which you think is wrong or unhelpful?**

Yes

Daycare Trust would welcome clarification on whether DfES will provide data (currently through Ofsted) on schools. As mentioned in our response to the Ofsted Childcare Register, with the new regime inspecting school-based provision through schools, Daycare Trust is concerned that the data available will not be sufficient to monitor take up of places. DfES should ensure that Ofsted has the capacity to monitor the availability of childcare both within and outside of schools.

We believe that DfES and Ofsted must build a system for monitoring the number of childcare and early years places into the registration process, otherwise a huge opportunity for monitoring the National Childcare Strategy will be lost. This will impact on local authorities' ability to assess sufficiency.

The introduction of the Ofsted Childcare Register in 2008 may require a change in the regulations and we would welcome clarity on how this will be managed.

**8 Could anything be added to the guidance to make it more useful for local authorities?**

Yes

As above, we believe a definition of sufficiency and work would be useful.

**9 Do you have any other comments and suggestions on the guidance?**

Yes

We are very pleased that the guidance states that there will be data extracted from National Surveys to aid local authorities in this new duty. This will be extremely useful. Daycare Trust would be happy to comment on drafts for this if that would be helpful.

Daycare Trust suggests that DfES commission a research organisation to develop a methodology for assessing sufficiency, to help local authorities implement the regulations. There should also be a mechanism to allow any data to be shared nationally.

In paragraph 60, we recommend adding a reference to a recent Daycare Trust publication specifically concerned with listening to children – 'RAMPS – A framework for listening to children'.

Furthermore, Daycare Trust's consultancy service has substantial expertise in developing childcare services and would be able to provide support to local authorities in carrying out the sufficiency assessments. For more information contact Emma Kirk, Business Development Officer on 020 7840 3350.

**Daycare Trust  
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