



Ofsted Childcare Register

Consultation response from Daycare Trust

Daycare Trust is the national childcare charity, campaigning for quality affordable childcare for all and raising the voices of children, parents and carers.

We welcome the opportunity to respond to the consultation on the Ofsted Childcare Register.

The main aim of the Ofsted Childcare Register is to ensure that:

1 Provision is safe and suitable

However, Daycare Trust believes that there are secondary aims achieved through to OCR. Although these may not be Ofsted's role, these are essential to deliver the National Childcare Strategy:

- 2 Requirements are not disproportionate to providers**
- 3 Provision is affordable – parents are entitled to receive tax credits and childcare vouchers**
- 4 National Childcare Strategy is monitored effectively**

With reference to the above, Daycare Trust remains unconvinced that the current proposals meet these aims. We will explain our points of view more fully below.

1 Provision is safe and suitable

The main aim of any inspection regime is always to ensure that provision is safe and suitable. The recent Ofsted report 'Making a Difference' (September 2006) showed that 490 providers were deemed to be inadequate and although most had improved upon re-inspection, a small number have been removed from the Ofsted register because of inadequate quality of provision.

Currently, childcare and early years providers are inspected within seven months of registering, and then at least every three years. There may also be more regular inspection due to a number of prompts (such as newly registered provision, providers who received the judgment of 'inadequate' at

their last inspection, providers with a history of complaints, and provision with a new manager or high turnover of staff).

Daycare Trust is concerned that the proposed 10 per cent of providers to be inspected each year is not enough. Given that in 2005-2006, three per cent of childcare providers were re-inspected due to previous inadequate ratings, this only leaves seven per cent of providers to be inspected each year. It could therefore be over 10 years between inspections.

Although we understand that many of the inspections will take place because of complaints received, this may not pick up on all instances of bad practice. In particular, parents from disadvantaged backgrounds and those with English as a Second Language may be less likely to complain. It is precisely these families with the greatest need for high quality childcare and Daycare Trust is concerned that provision for these families may fall through the net.

Daycare Trust would welcome some analysis of which parents complain and where complainants are from to ensure that groups of parents will not be disadvantaged within the new inspection regime.

Daycare Trust recommends that a higher proportion of providers than is proposed be inspected each year and that Ofsted ensure that a certain proportion of those inspected are selected randomly.

However, we understand that this needs to be balanced between the impact on providers and the cost of the system (which will be eventually passed to parents) therefore we do not think that the costs can be raised any further.

We are concerned that if a provider is inspected one year, and there are still complaints the following year, Ofsted will be reluctant to re-inspect the provision because of the small number of providers it is able to inspect each year.

With regard to provision based within schools, and which therefore falls under the wider school inspection, **Daycare Trust would welcome clarity on how Ofsted will ensure that inspection teams have the appropriate expertise to be able to inspect childcare and out of school provision.** Childcare and play-based activities are very different to teaching and require different knowledge and skills in assessment.

We would also welcome clarity on how the outcome of childcare inspection within schools will be represented in inspection reports. Daycare Trust believes that it must be made very clear to parents the outcome of the childcare inspection within the whole school inspection. It may not be sufficient to have childcare as a section within the school report, as if a school is judged good as a whole, but childcare is only adequate (or indeed excellent) this information should be clearly available to parents. We would welcome further information on how this will be represented clearly.

Furthermore, there should be clarification on how often school-based childcare will be inspected, particularly with the current emphasis on proportional inspection. If this is inspected every three years, or more often for under performing schools, there will be a huge difference between inspections of school-based and non school-based provision.

2 Requirements are not disproportionate to providers

2.1 Impact and process of registration

We understand that the new requirements for the OCR are partly to ensure that the arrangements for all providers are made more simple. However, we do not feel that this has been adequately achieved.

For example, the distinction between the Early Years Register and the OCR is understandable for many providers, but must be made as consistent as possible for providers who operate across the two registers, such as out of school clubs who also cater for four year olds. In addition, many parents will not understand the distinction between provision for under and over eight year olds.

We have discussed the idea of voluntary and compulsory registration at more length in section 3, however we do not necessarily think that it would be disproportionate to providers for everyone to be registered with Ofsted. The proportionality will depend on what is required by the registration process.

Daycare Trust believes there should be more clarity on what is expected of providers at the point of registration. **We understand that the regulations will follow in due course and we would like to be involved further at this point.** It should be made clear if providers are expected to meet all the requirements before registering, especially now that there is no pre-registration inspection. There also needs to be consideration if this is proportionate to providers and how to encourage new providers to be established – whilst maintaining the quality of provision. For example, must providers have already identified their member of staff before applying for registration, and must they already have a full complement of policies and procedures written up? This will be especially important for small providers such as play groups and out of school clubs run by parents in that this could prevent settings opening up.

Daycare Trust recommends that there is a two-stage process and that Ofsted work more closely with kitemark and equivalent quality assurance schemes:

- Initial registration with a fee and certain requirements met (CRB, staff qualifications, space requirements and registered person requirements)
- Full accreditation after kitemark award or equivalent is met. These awards can take 1-2 years to achieve, and providers could be required to

register with their local kitemark scheme within six months, and to have achieved the full award by two years, or be inspected by Ofsted.

2.2 Cost

With regard to the cost of regulation, the proposed costs (£125 for sole-providers and £225 for group care per year) are as substantial increase on the current fees. While we understand Ofsted's wish for the OCR to be self-financing, therefore enabling more money to be spent on regulation of the Early Years Register, we believe that these costs may be a burden to some providers.

Furthermore, if providers are only inspected once every ten years (or even less), then providers may not see the benefit of registration and may drop out of the scheme. We believe that there is a need for further information about what a provider will get for this money.

Daycare Trust recommends that Ofsted allows providers to pay the fee over a year, rather than in a lump sum, to make the cost more affordable. This will be particularly important for sole-providers and those starting out in business.

Furthermore, Daycare Trust recommends that cost should not be solely linked to inspections. Ofsted should ensure safe (and we also believe high quality) provision, but at the same time should not force providers out of the system due to high registration costs.

2.3 Ratios

We believe that 1:13 for the setting as a whole is a sensible ratio for six and seven year olds, as long as every setting has a minimum of two workers. There should be a higher (non-statutory) ratio for high-risk activities, linked to a risk assessment. There may also be times when a worker may be with a larger group of children, eg for a football game, but this should also be possible within the ratios. We would also like clarification on how ratios work when there is a mixture of under 8's and over 8's in a group together.

2.4 Reliability

With regard to the reliability requirements, while we would welcome any improvements to providers' reliability, as this will be better for parents, we are unsure of whether this will work in practice.

With regard to reliability to do with premises, For example, if an out of school club is unable to use the school grounds one day (eg because of a power cut), this would not simply be rectified by moving the club to a local community centre or equivalent, as the latter may not be available at short notice.

In practice, Daycare Trust believes that the only possible back-up plan may be to cancel provision for that day, and contacting parents and carers to inform them.

However, Daycare Trust does believe that having alternative arrangements if a staff member is sick or unavailable on a particular day would be very beneficial. If staff are not available, some providers may be able to use alternative arrangements, such as a network of local childminders. Alternatively there could be a small bank of staff in a region to cover if a staff member is not able to work on a given day. The Local Authority could have a strategic role in making this work, as part of the roles in the Childcare Act.

3 Provision is affordable

Daycare Trust supports the notion that only registered childcare should be eligible for financial support through tax credits and childcare vouchers. This ensures that high quality is maintained and improved upon. However, Daycare Trust believes that ALL provision should be of high quality and affordable, therefore ALL provision should be registered so that parents can be sure of quality and access financial support. We accept that this requires a clear definition of childcare, and for example would not include short-term activity based provision such as a football squad.

Daycare Trust recommends that ALL childcare provision be required to register so that if provision is universally affordable to all parents. Quality should also be assured across all providers.

Without provision being registered and therefore eligible for financial support, this will discriminate against low income families. DfES PSA target 2 states '*increase the take-up of formal childcare by low income working families by 50%*' This will not be achieved if the provision is not eligible for tax credit support.

Ofsted must also ensure that all school-based provision is eligible for tax credits and childcare vouchers. Currently some school-based provision does not have the appropriate Ofsted number to facilitate financial support to parents.

Daycare Trust recommends that all school-based provision be eligible for financial support. The current difficulties need to be ironed out.

Ofsted must bear in mind that while fees may need to be increased in order for the register to be self-financing, it is very likely that these costs will be directly passed onto parents. Ofsted should monitor, together with DfES, the impact of increased fees on the cost of provision to parents. Furthermore, Daycare Trust believes that these costs should be built into the base-line for benefit levels and tax credits, so that parents are not disadvantaged.

4 Monitoring of National Childcare Strategy

Although monitoring of the National Childcare Strategy is primarily the role of DfES rather than Ofsted specifically, figures from Ofsted have been extremely helpful in evaluating the number of parents using different types of provision and how effective the implementation of the National Childcare Strategy is being. The figures gained from Ofsted registrations are extremely helpful to parents, providers and government. In the absence of other sources, Ofsted figures are often used as a proxy for childcare places. This means that without compulsory registration, government will be underestimating the number of childcare places.

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.** Daycare Trust would like further clarification on what data will be available once the new OCR is in place.

Daycare Trust will be interested in working with Ofsted and DfES to develop our recommendations further.

Daycare Trust
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