

# Securing Sufficient Childcare

## Consultation Response Form

The closing date for this consultation is: 2 May  
2007

Your comments must reach us by that date.

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

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Please select from the following options the one which best describes you and your organisation.

Government Office

Local Authority

School Governor

HE/FE College

School

Sure Start Children's Centre

Private Day Nursery

Playgroup/Preschool or other sessional provider

Voluntary Childcare Provider

Childminder

National Representative Organisation

Parent/Carer

Employer

Young Person/Child

Other (Please Specify)

Please Specify:

The first three questions cover Chapters 1-6 of the Securing Sufficient Childcare guidance.

1 Does the guidance set out a clear statutory framework for the duty to secure sufficient childcare?

Yes

No

X Partly

Comments:

Daycare Trust welcomes the duty to secure sufficient childcare. The guidance provides a strong lead on helping parents on low incomes or who have children with disabilities but requires clarification on how the duty will help *all* parents. Local authorities should also consider what 'sufficiency' means to both parents and children. Paragraphs 22 and 23 provide some guidance for consulting with families and children although it could include more detail, particularly in reaching out to those from low-income families and ethnic minorities. Suggested forums to include are faith groups and voluntary and community organisations.

Daycare Trust welcomes the wider definition of work that includes voluntary work, as well as paid work.

The guidance assists local authorities in determining how to define 'sufficiency' for their locality by outlining a 'benchmark' of sufficiency. The benchmark includes a range of factors with which Daycare Trust broadly agree. The reference to high quality childcare as judged by Ofsted is particularly important. Studies show that the quality of childcare greatly affects the outcomes for young children. However, changes to the system of Ofsted registration should be monitored to ensure this does not weaken the regime. It is especially important that local authorities include in their sufficiency assessment the qualifications of staff and those working towards them. A wider definition of quality would be useful. Research commissioned by Daycare Trust shows that many parents indicate that quality childcare provision should also provide a warm and caring atmosphere (Mori, 2004).

There are a number of additional areas in the benchmark that cause concern: the low level of inspections; the separate scheme for school managed provision; the change in staff/child ratios for 3-4 year olds; and the lack of requirements on the availability of outdoor space and natural light. According to a survey commissioned by the Children's Play Council (Playday 2006 survey) 80% of children prefer to play outdoors rather than indoors.

The benchmark of sufficiency also refers to the accessibility of places in terms

of parents not travelling too far to access childcare. Accessibility should also be defined in terms of physical access for disabled children.

The guidance states that local authorities should not only secure childcare to meet current demand for childcare but also support the development of provision to meet parents' potential demand for childcare in the future. It is not clear, however, how this will be assessed or delivered.

Local authorities are required to secure sufficient childcare "so far as is reasonably practicable." The definition in the guidance encompasses a range of factors which local authorities may take into account such as "the local authority's resources and capabilities" and "the state of the local childcare market". Daycare Trust are concerned that this allows local authorities too much flexibility. We believe that the market should respond to parental need, with government stepping in where necessary, rather than parents having to 'fit in' with the existing market. We do, however, warmly welcome the statement that local authorities should not assume that it is not reasonably practicable to secure childcare that meets particular needs, such as for disabled children, simply because it is difficult to do so. Research from Daycare Trust, *Listening to Parents of Disabled Children* shows that parents of disabled children report a distinct lack of appropriate childcare places and this presents a distinct barrier to employment.

The guidance states that local authorities should ensure that sufficient 'stand-alone' places are available for parents wishing to take up only the early years free entitlement. Daycare Trust has found cases where parents have attempted to use their free early years place but childcare providers are reluctant to provide a stand alone place. It is imperative that local authorities support providers in PVI settings to enable them to offer stand-alone places.

Paragraph 56 comments that early years provision should be provided in a range of settings. It is important that local authorities ensure that the free entitlement is not primarily provided through reception classes to the detriment of other providers.

2 Is the guidance clear in relation to the different roles expected of the local authority, schools, childcare providers and other players in the childcare market?

Yes

No

X Partly

Comments:

The guidance could clarify the roles of schools and others in the childcare market. Schools could have a key role to play in securing sufficient childcare but it is not entirely clear how they should work with local authorities in developing childcare services in a way that does not duplicate existing services.

Jobcentre Plus is an important partner but it is not always clear how local authorities can benefit from working closely with them. For example, paragraphs 86 and 87 refer to local authorities ensuring that their information services and all early years and childcare partners provide advice on financial support available through tax credits and on other support such as employer supported childcare voucher schemes, the New Deal for Lone Parents and other Jobcentre Plus programmes. It is important that local authorities work closely with Jobcentre Plus, particularly Childcare Partnership Managers, to provide appropriate advice on financial support to parents to enable them to work. Following the recent DWP report *Working for Children* Jobcentre Plus are now committed to collecting information on the childcare needs of parents and are beginning to play an important role in the childcare strategy. Local authorities need to proactively work with Jobcentre Plus in providing brokerage for parents experiencing difficulties in finding childcare.

3 Does the guidance clearly set out the levers available to local authorities to fulfil the duty to secure sufficient childcare?

Yes

No

X Partly

Comments:

The duty to secure sufficiency focuses strongly on local authorities managing the childcare market, playing a strategic role and acting as a co-ordinating body rather than delivering provision themselves. This may not always be appropriate, especially as research evidence shows that publicly-funded provision is often the best quality. Having referred in the benchmark of sufficiency to securing quality childcare local authorities should be required to provide childcare where the provision is poor quality. We recommend that paragraph 30 should state: "Securing sufficiency does not *necessarily* mean local authorities providing childcare themselves," Also that paragraph 65 should include securing quality childcare as a key aim for local authorities.

The guidance on local authorities providing one-off and long-term financial support to providers could be more flexible. For example, paragraph 79 does mention the possibility of offering start-up grants to providers but more detail is required. In addition, short-term support is cited as possible for providers

wanting to meet the needs of disabled children. However, we would recommend that such support should be available long-term in some instances, for example, a childminder could care for a disabled child but would be able to care for fewer children and so receive less income. Daycare Trust would also recommend the development of longer-term funding by extending the principle of the LDA Childcare Affordability Programme to support places for disabled children, in rural areas and in other high cost areas.

The six market levers identified in the guidance provide a useful tool for local authorities in shaping the childcare market. Specific comments on the levers are, under 'Information' it would be useful to specify Childcare Partnership Managers within Jobcentre Plus as having a key role to play in building partnership networks and disseminating information. 'Informing Parents' is a crucial part of the 'Information' lever with four in ten parents saying they would like more information on childcare in their local area and very low awareness of CIS and ChildcareLink (DfES, Childcare and Early Years Provision survey 2006). Local authorities should be encouraged to establish outreach work to ensure that hard to reach parents are not missed. Again, building links with Jobcentre Plus is crucial particularly in light of their 'front end marker' on the labour market system which identifies parents' childcare needs.

Within the 'Support' lever we welcome the comment that local authorities could support families with disabled children by providing assistance with transport. Such support was found to be invaluable to many parents taking part in research by the Daycare Trust (*Listening to Parents of Disabled Children, 2007*). It should be made clear that take-up of the financial support through tax credits is low – only around a quarter of working tax credit recipients receive the childcare element. In addition, parents only receive up to 80% of childcare costs up to a weekly limit. Low-income families and those living in high cost areas may still require financial assistance. An omission in the 'Support' lever is the role of employers as a partner in the childcare market. Local authorities should be encouraged to work with employers in raising income to support childcare places as employers are a key beneficiary in improved childcare provision. This is particularly important given the current government funding for the Workplace Nurseries Capital Initiative.

The 'Regulation' lever should mention any quality assurance or other accreditation schemes for childcare providers run by local authorities or other bodies such as the Pre-School Learning Alliance. Membership of these schemes is another sign of commitment to quality provision and should be actively encouraged.

The next two questions relate to Chapter 7 of the Securing Sufficient Childcare guidance and to the section 13 regulations.

4 Do the guidance and regulations set out a clear statutory framework for the duty to provide information, advice and training to childcare providers?

Yes

No

X Partly

Comments:

Daycare Trust welcomes the clear regulations and guidance on local authorities duties with regard to provision of information, advice and guidance to childcare providers. We currently get many calls from people wishing to set up childcare provision, and it will be very useful for Daycare Trust to be able to signpost providers and prospective providers to local authorities and/or Children's Information Services.

Daycare Trust recently carried out work for the DfES on the use and development of the Transformation Fund. Although these regulations and guidance do not relate specifically to the Transformation Fund, there are a number of cross-cutting themes which are useful. Business planning emerged as a key need for childcare providers, so we are pleased that this has prominence in the regulations and guidance. We believe that there needs to be further publicity about the availability of training from local authorities so that settings take up training opportunities.

We believe that there should also be mention in the guidance of the quality of training providers. Through our work on the Transformation Fund, some concern was noted about the quality of some training provision and the inexperience of some providers and local authorities in selecting high quality training provision. This is equally important for training outside of the Transformation Fund. Daycare Trust recommends that there be further guidance for local authorities on how to commission high quality training.

With regard to obtaining appropriate qualifications (paragraph 133), Daycare Trust recommends that local authorities also promote Continuing Professional Development (CPD) among childcare staff. In order to drive up the status and professionalism of the childcare workforce, CPD is essential.

We welcome the specific recognition of the training needs on working with disabled children. Under paragraph 137 we also recommend that the specific needs of children from black and minority ethnic communities be mentioned. 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 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.

We also welcome paragraph 138 as our work with families of disabled children and from BME communities has emphasised the need to work with local groups. Working with local groups will also help to improve access to services for 'hard to reach' groups. For example, our Listening to Families project got in touch with a group of families with children with complex needs through a voluntary group. Those families had not received any support from Early Support or other areas and were very keen to hear more about their entitlements.

The section on First Aid (paragraphs 148 and 149) is also very important. Our work with families of disabled children showed that children's medical requirements could be a barrier to using childcare. Some nurseries would not administer medication, even if it was straightforward to do so. Daycare Trust recommends that the guidance be made stronger in this regard, to require local authorities to ensure providers have robust health and safety risk assessments policies in place. This should help ensure that children with health needs are not unnecessarily excluded from childcare provision.

5 Do the guidance and regulations cover all the matters that it is appropriate for the section 13 duty to cover?

Yes

X No

Partly

Comments:

As mentioned in the response to question 4, there are a number of areas that Daycare Trust believes the regulations and guidance could usefully cover.

In particular, further issues that should be addressed include:

- Quality of training providers;
- Encouraging Continual Professional Development;
- Specific needs of BME children;
- Further guidance on promoting good practice in risk assessments and administering medication.

A further issue for training that emerged through Daycare Trust's work on the Transformation Fund is the need for backfilling of staff who participate in training. A bank of staff for backfilling should be established by local authorities, although funding would need to be made available to facilitate this. Potential bank staff could have references and CRB checks completed and would be able to cover staff sickness or training days across the local authority area. Local authorities may be concerned about the time and money involved in

facilitating this, but it is important that a solution is found.

The next 4 questions relate to all Chapters of the Securing Sufficient Childcare guidance and to the section 13 regulations

6. Do the guidance and regulations satisfactorily cover the issue of securing sufficient childcare -

6 a) for disabled children and children with disabled parents?

Yes

No

X Partly

Comments:

The guidance makes several references to how local authorities can help secure childcare for disabled children. This is very welcome. Paragraph 95 confirms the importance of disabled children having access to the same kinds of childcare as their peers and the importance of the required Disability Equality Scheme. Lack of appropriate services for disabled children was reported in research by the Daycare Trust with some parents wanting specialised care for their disabled child and others wanting inclusive care with non-disabled children. Childcare tailored to the individual needs of the child is crucial for disabled children and this should be clarified in the guidance. We recommend that local authorities should ensure that all childcare staff receive Disability Equality training and specialist training is provided to all staff when a disabled child is accepted in a childcare setting.

6 b) for Black and Minority Ethnic children?

Yes

No

X Partly

Comments:

The guidance in paragraphs 97-98 sets out some of the issues that local authorities should consider in securing sufficient childcare for BME children, however, we think the sentence “Some communities may originate from cultures where informal childcare within the family is the norm and may consider formal childcare provision as inappropriate” should be omitted as it is unhelpful. Daycare Trust’s *Ensuring Equality* research shows that use of informal care is more widespread among White families than BME groups. The research has also found that BME families do want childcare that reflects their needs and culture, also patterns of usage differ within different ethnic groups. Black families are more likely to use childcare because of economic reasons and require childcare at evenings and weekends due to their work patterns. Asian families are more likely to use childcare for educational reasons, consequently free early-years provision is important for them.

6 c) for children from low income families?

Yes

No

X Partly

Comments:

Most of the references in the guidance to childcare and low-income families are with regard to the free early years entitlement. While this is welcome, the guidance should provide more information on how local authorities can work with Jobcentre Plus in increasing the use of childcare by low-income families, particularly in light of the joint DWP PSA target to increase the take-up of formal childcare by this group. It would also be helpful to include further advice on how local authorities could work with partner organisations to ensure that low-income families receive appropriate information on financial support for childcare.

The statement in paragraph 92 that local authorities should discourage providers from adopting pricing strategies that deny access to those with lower incomes is particularly welcome. Those on low incomes are priced out of the market when providers ask for large deposits or a minimum quantity of childcare.

6 d) for other groups at risk of social exclusion?

Yes

No

X Maybe

Comments:

There is very little mention in the guidance of how local authorities should meet their duties for children from other socially excluded groups. It is important that more clarity is provided in the guidance for groups such as the children of teenage parents and looked after children to ensure that they benefit from high quality childcare.

7 Is there anything in the guidance or regulations that you think is wrong or unhelpful?

X Yes

No

Comments:

Daycare Trust believes that there is too much of a focus on local authorities not setting up, and running, provision where there are others willing to do so. While we agree that local authorities should not set up provision in direct competition with others, we believe that local authorities should have the option to set up their own provision where there is an identified need. Various research reports, including the recent Neighbourhood Nurseries Initiative evaluation, showed that local authority provision and voluntary sector provision had better outcomes for children. Therefore we believe that local authorities should not be unduly discouraged from establishing provision, eg within children's centres, where provision does not already exist. For example, paragraph 30 should say 'Securing sufficiency does not *necessarily* mean local authorities providing childcare themselves'.

In paragraph 56, we believe that '*when required*' should be removed from the second sentence. All provision is required to meet the needs of disabled children under the DDA 1995.

We are concerned that paragraph 97 may reinforce traditional stereotypes about BME groups. For example, our work with Asian families for our Ensuring Equality project found that Asian families are keen to use childcare, but for educational reasons rather than economic reasons. Therefore the cultural difference is more about why families use childcare and attitudes to maternal employment rather than use of formal childcare.

8 Could anything be added to the guidance or regulations to make them more useful?

X Yes

No

Comments:

We believe that paragraph 92 is really important to emphasise further. We hear from many parents who are required to purchase more childcare than they actually need or want, and also parents who just want to use their free entitlement but who are required to take up additional hours. For example, we arranged for a mother to speak at the All Party Parliamentary Group on Childcare. She wanted to take up her free entitlement at her local (private) nursery, but they said she would have to pay to top up the amount to £30 a session for 51 weeks of the year, which would cost in the region of £6000 per year. If parents are to have real choice and flexibility in their childcare arrangements, pricing strategies will need to facilitate this.

It is important that local authorities are given clearer information on the timetable for the implementation of their duties under the Childcare Act. Paragraphs 6 and 7 do set out the dates at which the duties come into force but without further reminders throughout the document there is a danger that not all local authorities will prepare in time.

It would be helpful for the guidance to include more information for local authorities on the importance of childcare for lone parents. In spite of the overall increase in use of childcare in recent years, the increase for lone parents is half as much as that for couple families (DfES, Childcare and Early Years Provision Survey).

Paragraphs 16 and 17 discusses the links between the childcare sufficiency assessments and the Children and Young People's Plans. We believe that this should be highlighted further throughout the guidance to ensure that local authorities fully integrate childcare services for children and young people.

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

X Yes

No

Comments:

The section on 'Quality and Standards' is useful and we particularly welcome the statement "For childcare to be 'sufficient' it must also be high quality." It would be useful to state why quality is so important. Notably that the quality of childcare greatly affects the outcomes for children. The guidance rightly points to the importance of qualified staff in delivering quality childcare. Paragraph 110 outlines the Transformation Fund which gives providers financial support to improve their services by increasing the qualifications of their staff. The Fund is currently only available until August 2008 and Daycare Trust recommend that it is further extended.

10 Please let us have your views on responding to this consultation (e.g. the number and type of questions, was it easy to find, understand and complete? etc.)

Comments:

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 X**

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 all right if we were to contact you again from time to time either for research or to send through consultation documents?

XYes

 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 2 May 2007

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Send by e-mail to: [securingsufficient.childcare@dfes.gsi.gov.uk](mailto:securingsufficient.childcare@dfes.gsi.gov.uk)