

Deponent: Ellen Broome  
Filed on behalf of: Claimant  
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Exhibits: 0  
Date made:  
Filed:

**IN THE HIGH COURT OF JUSTICE  
ADMINISTRATIVE COURT**

**Claim No CO/379/2017**

**B E T W E E N:**

**THE QUEEN  
(ON THE APPLICATION OF  
DA AND OTHERS)**

Claimants

**-and-**

**THE SECRETARY OF STATE FOR WORK AND PENSIONS**

Defendant

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**WITNESS STATEMENT OF ELLEN BROOME**

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I, **ELLEN BROOME** of 81 Southwark Bridge Road, London, SE1 0NQ, will say as follows:

1. I am the Joint Chief Executive at the Family and Childcare Trust ('the Trust') where I have worked in various role since 2014. Previously, I was Director of Policy and Public Affairs at the Children's Society and I have also worked for the National Autistic Society (where I led the organisation's work on the Autism Bill), in the private sector, and in Parliament. The Trust is a leading national family charity in the field of policy, research and advocacy on childcare and family issues, and has worked in this field for over 40 years.
2. I make this statement to provide the Court with information about the availability and cost of childcare, using national research which we (by which I mean the Trust) carry out and publish every year about the pattern of childcare across the country. Our research and campaigns are also informed by our 'on-the-ground' work with

parents and providers of childcare. We therefore hold qualitative and quantitative data which enables us to provide a good and up-to-date picture of available childcare of various different kinds.

3. Our research tells us that parents of young children, and in particular low income parents, struggle to find childcare to enable them to work for two reasons: there is not enough available and it is too expensive. In terms of availability, our *Childcare Survey 2017* found that just half of local authorities had sufficient childcare theoretically available for those that need it with a child under two, and the other half did not. Even when a nursery place is available when needed, the cost is often prohibitive. The expense is particularly high when the child is aged under two, given the required ratios of staff to children (explained further below).
4. While the shortages of childcare places for children under two are comparable to shortages of places for older pre-school age children, the costs are much higher, which can render parents unable to access this provision even when theoretically available locally.
5. Costs are higher for younger children due to the additional care required: regulations require one qualified member of staff for every three children aged under two, rising to one qualified staff member per four children for two year olds (when free childcare hours become available for low income families), and up to 13 children for every qualified adult staff member for three and four year olds (dependent on setting type and staff qualifications) (this is the point at which free childcare hours become available for all, regardless of income). This means that the costs are at their very highest when a child is aged below two, yet this is the group who receive no free childcare hours from the Government. These free hours (currently 15 hours per week in term-time, and soon to rise to 30 hours per week) commence only at the age of two for low income parents and three for all other families.
6. The additional costs associated with childcare for the very youngest children, aged under two, mean that even if there is childcare available in the local area, low income parents may not be able to access it. I explain further below some of those

costs. It is also important to bear in mind that sufficiency assessments by local authorities (who have a statutory duty to collate information about the availability of childcare) only consider families who currently need childcare (normally because they are working) and will not consider families who are locked out of childcare because of prices, or not reporting that they are looking for childcare. Local authorities are not required to consider this when assessing childcare sufficiency.

7. Childcare providers typically ask for fees upfront and a deposit in order to protect themselves from bad debt. This payment can act as a significant barrier for low income parents, and obviously the higher the fees, the higher the upfront payment, so it can be a more significant barrier for parents with children under two. As a minimum, childcare providers are likely to charge the first month of childcare in advance, but many also charge a deposit and administration fees. These are the typical monthly costs for childcare in the different regions and nations of the UK for part time care which indicate the upfront payment parents might be expected to make (not including deposit and administration fees):

	Nursery for under 2 for 25 hours per week <sup>1</sup>	Monthly cost
Inner London	£154.08	£667.68
Outer London	£142.24	£616.37
South East	£136.35	£590.85
South West	£113.29	£490.92
East Midlands	£108.74	£471.21
East of England	£105.58	£457.51
North East	£104.98	£454.91
Yorkshire and Humber	£101.50	£439.83
North West	£101.00	£437.67
West Midlands	£100.95	£437.45
<b>Scotland</b>	<b>£111.37</b>	<b>£482.60</b>
<b>Wales</b>	<b>£101.42</b>	<b>£439.49</b>
<b>England</b>	<b>£117.43</b>	<b>£508.86</b>
<b>Britain</b>	<b>£116.25</b>	<b>£503.75</b>

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<sup>1</sup> As explained below, a lone parent who can find 16 hours of work a week is likely to need to pay for far more than 16 hours a week childcare because of the need to have care to cover travel time and because providers usually only offer childcare in half day blocks.

8. I am aware that the Secretary of State in this case has referred to the Job Centre Plus Flexible Support Fund. Parents can theoretically receive help to pay for upfront childcare costs through the Flexible Support Fund. However, this support is awarded at the discretion of a parent's personal advisor and so cannot be relied upon.
  
9. Finding childcare to support part time working raises additional challenges. There are particular shortages for childcare for atypical hours – just 13 per cent of local authorities reported that they had enough childcare for parents working atypical hours (outside of typical office hours i.e. 9-5 Monday to Friday). Atypical and varying hours are challenging for childcare providers. In order to make their business viable and to keep fees as low as possible, they will need to run their setting as close as possible to full capacity. The majority of childcare providers will only offer full or half day places and will want children to attend for the same sessions each week as this allows them to manage the capacity of their setting. To offer flexibility in the hours they provide, a nursery would need to operate below capacity which would then mean that they would need to charge higher fees in order to break even or make a profit. This also means that a parent working sixteen hours might need to pay for significantly more than sixteen hours a week childcare. For example, a parent who had an hour's travel time to work would need and additional two hours per session, meaning four additional hours if the sessions were spread over two days but six, eight or ten extra hours if spread over three four or five days. As most providers will only offer blocks of hours (a morning or afternoon session, for example) a parent wanting to work 16 hours over three days might have to pay for three full days which would mean an upfront deposit of more than £600, sometimes significantly more. Parents need to make sure that they have enough paid hours of childcare to allow for being delayed leaving work late or traffic delays as many nurseries fine parents who are late collecting their children.
  
10. The extension of free childcare for working parents of three and four year olds, and for low income working parents of two year olds, is welcome and will ease financial pressures for this group. However, the Trust is concerned about the impact that it will have on the rest of the market and, in particular, at the possible knock-on costs

for parents of younger children, aged under two. Government funded places are remunerated at a lower rate than many providers would charge privately. Some childcare providers have reported that they will struggle to provide these childcare places within the government funding levels and that they will lose income when the 30 hours of free childcare becomes available to parents of three and four year olds (and some two-year olds), as they will be paid less for the same number of places. This results in financial losses, and therefore in order to break even, childcare providers are likely to adjust their charges for children whose parents are paying (rather than receiving a government funded place). This could mean price rises for children under two, and possibly also for under threes (although free childcare hours will be available for two year olds where the parent(s) have low incomes). There is already evidence that this will happen. For example a survey by the Pre-School Learning Alliance found that half of providers who expect the 30-hours to have a negative financial effect on their businesses plan to increase fees for additional paid for hours, and a National Day Nurseries Association survey found that more nurseries plan fee increases this year than last year, and the fee rises are likely to be higher. They attribute this to 30 hour roll out and increases to the minimum wage. If prices do rise for children under two, not only will ongoing weekly costs rise, but upfront costs will also increase.

11. It is apparent to me that the shortage of provision, in particular of atypical provision, together with high fees and the widespread practices of asking for upfront fees, administration charges and deposits and the practice of fining parents who are late to collect their children all mean that lone parents of babies and toddlers will find it particularly difficult to access the childcare they would need to facilitate work.

I BELIEVE THAT THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE.

Signed:.....

Date: .....26.04.17.....

Ellen Broome

