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Dear Sir/Madam,

4Children welcomes the opportunity to respond to the Department for Education (DfE)'s consultation on the Regulation of Childcare.

4Children is the national charity all about children and families. We have spearheaded a joined-up, integrated approach to children's services and work with a wide range of partners around the country to ensure children and families have access to the services and support they need in their communities. We run Sure Start Children's Centres as well as family and youth services across Britain.

4Children develops, influences, and shapes national policy on all aspects of the lives of children, young people and families. Consequently, we take a particular interest in those aspects of policy with implications for parents and children. As the Government's strategic partner for early years and childcare through The Children's partnership we represent the sector's views and experiences, whilst putting the needs of children and families on the political and policy agenda.

Families' need for high quality childcare has been at the heart of 4Children's concerns since its inception in 1983. Indeed, the organisation was established in response to growing concerns around the lack of childcare for school age children whose mothers were increasingly returning to work in the late 70s and early 80s. The provision of school age childcare to support maternal employment was the focus of 4Children's early work with campaigns and national development programmes to increase the availability and quality of childcare places. The organisation worked closely with DfE, Training and Enterprise Councils and the National Lottery New Opportunities Fund to establish over 100,000 childcare places during this period. This combined with our extensive experience of delivering provision offering a valuable insight into the current challenges and strategies to overcome barriers and increase access.

4Children provides out-of-hours childcare on a nationwide basis, and has consequently developed a substantial store of best practice that we use to deliver high quality services. We would be pleased to provide you with further details of our work in this area. Recently (May 2013), 4Children was delighted to announce that we had been successful in securing funding – through the Department for Education's National Prospectus programme:

Voluntary Community Sector for innovation - to develop a series of Community Childcare Hubs and lead a nationwide programme to support Children's Centres. With our consortium partners, including the OPM, Contact a Family, and DEND consortium over the next two years the aim is to create a new, replicable model of high quality 'blended' childcare.

The Community Childcare Hubs aim to provide working families with the flexibility they need to balance their work and home commitments whilst helping to improve quality and sustainability. Parents will benefit from nursery and childminder support from one co-ordinated source in a seamless system of high quality blended childcare. The pilots aim to get away from the often fragmented system we currently have which often sees providers working in isolation and parents left high and dry when family life throws up unexpected challenges. We have also been selected to lead a nationwide programme to support Children's Centres in reaching out to the most disadvantaged families in their communities.

### **1. Do you agree that the childcare registration system should be simplified, while strengthening the requirements to protect children from harm?**

4 Children welcomes a simplified system for registration but raises a number of concerns we believe need to be considered if we are ensure the safety of children:

4Children recognises the cost in regulating childcare, but we also know that ensuring the safety and wellbeing of children is paramount. A national, consistent regulatory system is essential and regardless of the system, it will come at a cost. Any changes to the current regulatory system should look towards quality improvement, and 4Children has previously argued (for example, to the Childcare Commission in 2012), the case for implementing a compulsory national quality benchmark to help stimulate a continuous focus on quality improvement and for offering access to continuous professional development to staff. 4Children therefore, though agreeing with the general principle of simplifying the registration system where practical, has a number of concerns about some of the detail within the proposals that, based on our experience, could potentially reduce quality, and undermine rather than strengthen parents' confidence.

4Children would welcome a consistent 0-14 regulatory framework for childcare, and one concern over the proposals outlined within this consultation is the age-range covered by childcare providers who would register under the new Child Safety Register (CSR). We also believe there is a lack of clarity within the proposals over the types of provider who would be required to register, and the types of childcare service.

Parents using 4Children childcare tell us that it is vitally important to them that their childcare is in the best interest of their child, and a national system that gives parents the reassurance that the provision they have chosen is of sufficient quality would be welcome. A key barrier for many parents accessing childcare is the lack of understanding and

awareness of the childcare available, with many parents remaining dissatisfied with what they can find or afford in their locality. Better information is the key and 4Children believes that the idea of a national database of childcare places should be revisited. Parents welcome Ofsted reports on settings, but would like further detail on the quality of provision to be made available, particularly when there are long gaps between inspections. Parents too have had difficulty knowing how to assess different Ofsted certificates, given an absence of a consistent 0-14 framework. Such a system could be run by third sector organisations offering rigorous quality assurance. Such a system could take the form of a national quality mark for childcare, managed by the voluntary sector. Those voluntary sector organisations should also offer resources, continuing professional development for staff, and troubleshooting advice.

We are concerned that though the General Childcare Register (GCR) has been voluntary for 8-14 years providers, as well as other non-traditional childcare, it has been the main way of ensuring these have been held to some standards. 4Children would therefore recommend that the new CSR, given its focus on child safety, extend to all providers of childcare services, at all ages, in order to give parents confidence that it is a comprehensive resource, and strengthen the safeguarding and welfare requirements.

Though the proposals won't remove the circumstances outlined within the document of some providers needing to register twice, we welcome the retention of the Early Years Register (EYR) as a way of promoting the specific provisions needed to equip children at this stage with the specific foundations they need for good future progress through school and life. However, 'out of hours' childcare can, and should, continue to play an important role in the development of a child beyond seven years old and there is a danger that the focus on 'minimum standards to keep children safe and secure' of the new CSR will not do anything to promote and improve standards of a holistic approach to learning and the development of a child at across all ages. Ofsted has an important role to play here through their inspections, but need to be clear – and have clear guidance for providers – on how 'quality' is being measured and how this should vary according to age. For example, we have been made aware of Ofsted reporting on quality of 'play' for older children in way that is inappropriate to their age.

4Children does not agree that schools providing childcare facilities – such as breakfast and afterschool clubs – will, under the proposals, no longer need to register in cases where these include 2 year olds. The reason why schools have previously had to register was based on an assumption that most school, and their staff, would not be specialists about the development and care needs of younger children. We do not see any reason why this should change and, in fact, evidence we've received actually makes a case for widening registration for schools for 3 and 4 year olds. There is some evidence that monitoring quality of provision within schools for children of these ages has proved difficult and that appropriate childcare and play standards that other (registered) providers would have to reach are not always reached.

4Children is also concerned about the removal of prescribed levels of staffing and qualifications in relation to childcare for school age children (up to 7) outside school hours, to 'align with requirements that govern the safety of children during the day'. This proposed change does not recognise the difference between the requirements of formal classroom learning with that having a teacher/teaching assistant in the classroom and running a lively after school facility with 30 children in multi locations doing a range of activities. For example, even in a breakfast club you need someone to receive the children, someone to supervise and serve food, and someone to engage and lead play activities. . The impact of such changes will be an unacceptable risk to child welfare and real reduction in ability to support children's learning and development. A child could spend more time in their out of school provision than school And has the potential to benefit from valuable extension and enrichment activities. This therefore goes far beyond a place to do homework or waiting to be collected.

We agree that professionals should be trusted, and given more freedom to decide the detail of how to meet requirements including staff training, risk assessment, behaviour management, and staff deployment. However, we are concerned that the removal of any guidance on what 'quality' childcare looks like in these areas, including support from local authorities in terms of appropriate training and development support, will mean those with less experienced staff may struggle. We recommend a need for a national quality framework complemented by a support structure / network for childcare providers to be able to turn to for advice and guidance.

The proposals aims at simplification are also undermined by the continued mismatch between maintained and non-maintained sectors, with different requirements for staff qualifications and ratios between independent, academies, and free schools registered with DfE and those of the Early Years Foundation Stage (EYFS) applied by Ofsted for other settings.

The EYFS includes a ratio of 1:13 for children over 3 years old, which can only be applied 8am-4pm at present. We welcome its extension to any time a teacher or graduate is working with 3-4 year olds as this will align ratios between times being taught and childcare. However, what this must not do is lead to higher ratios on occasions (for childcare) when teachers are not present.

## **2. Do you agree that, for children attending school reception classes, providers of wraparound and holiday care should not have to meet the learning and development requirements?**

Yes, this was always an anomaly that needed to be addressed, as clearly the activities being undertaken under the umbrella of childcare are very different to those within the formal classroom and learning setting. Yet, to remove these in their entirety does present a risk, as the learning and development requirements have often lead to out of schools classes having a sharper focus on children's development as a whole. However, this has

often been dependent on training provided (by the local authority) or 4Children to demonstrate how principles around 'play' and early year development support each other in a holistic way.

**3. Do you agree that we should support parents by increasing the amount of time that a child can be looked after informally from two to three hours a day before providers need to register?**

**We have some concerns about this and cannot support it at this stage.** There needs to be greater clarity within the proposals over which registered providers will be covered by this proposal: this should not mean that providers will be able to open for up to three hours each day without the need for registration. Though two hours is often not long enough for many parents, there may be some circumstances when three hours is too long: would dedicated breakfast clubs need to be open for three hours each day (from 7am, or earlier?). There is a significant risk that by extending informal childcare from 2 to 3 hours gives opportunity to exploit poor quality and maverick practices outside the Ofsted framework. We believe children's welfare would be at risk.

**4. Do you agree with the proposal: a) to simplify the system by allowing providers to register multiple premises in a single registration process? b) for childminders to operate on suitable non-domestic premises for part of the working week?**

4Children welcomes these proposals: the requirement for multiple registrations has long been a concern for 4Children as a provider of services in this area. This proposal will reduce bureaucracy and costs. The proposal for childminders to be able to operate in a non-domestic setting will also help widen the pool of available staff.

**5. Safeguarding and welfare requirements Currently, there are two sets of requirements which providers must meet to promote children's welfare and to protect them from harm: for children under five, the Early Years Foundation Stage safeguarding and welfare requirements, and for older children, the requirements of the General Childcare Register. Do you agree that there should instead be a single set of essential safeguarding and welfare requirements for all registered providers, covering children from birth to age seven, with some specific additional duties for the care of under- fives?**

4Children believes there should be a single set of essential requirements, but that this should be extended to children of all ages (0-14) and (as outlined in response to question 1), believes that the idea of a national database of childcare places, run by third sector organisations offering rigorous quality assurance and in the form of a national quality mark for childcare, should be revisited. Of course there are different duties and requirements for care at different ages that need to be incorporated, as they are partially through these proposals (with the retention for the EYR).

What our proposed approach would also mean is these same voluntary sector organisations could offer resources, continuing professional development for staff, and troubleshooting advice, rather than simply removing this provision (as provided for by local authorities at present) altogether.

**6. The government remains committed to maintaining and improving the quality of childminding. When applying for registration, childminders need to demonstrate their suitability, and to meet the specific requirements of registration. As part of the registration process, currently, childminders are required to complete a local authority-approved training course before they register. The government proposes to remove the requirement for this training to be approved by a local authority. Do you agree with this proposal?**

4Children does not believe that the requirement for childminders to have attended a local authority training course should be removed altogether: the need to attend training in some form should be explicitly included to make clear that improving standards of staff and childcare provision is at the core of this guidance. However, the third sector is well-positioned to take the lead in providing this training

Many after-school clubs and breakfast clubs are small, isolated businesses, and can lack training and specialist expertise. By working with the third sector to support a national peer support network the Departments for Education and Work and Pensions could help enable a significant expansion in the sharing of best-practice, leading to increased capacity, more effective use of volunteers, greater availability of free resources, and improved sustainability for providers as well as quality assurance. There is an enormous potential to establish a national network of wrap around childcare providers, supported and enabled by the third sector with a clear focus on supporting community based provision, led and involving parents, and ensuring quality of provision.

The network could also play a key role in supporting parents to form management committees, and increase their involvement in the delivery of out-of-hours childcare. By providing technical support, 'how to' resources, a forum for discussion, parental involvement in childcare provision could be substantially increased. With some limited upfront investment, a nationwide peer network would offer an effective and responsive support to local childcare.

Over the past two decades, 4Children have developed a number of resources to support parents or community groups who are interested in setting up wrap-around childcare provision. "Getting Started" and its companion book "Next Steps", published in 2006, provide a comprehensive guide to establishing sustainable and high quality care for those aged 5 and above. Best practice resources, like those outlined above, can help guide provision throughout their operation, and drive up quality and availability across the board. These resources should, once updated, be made available more widely to help address the current shortages in out-of-hours care. 4Children also has a well-regarded quality

assurance scheme which could be extended to provide a national quality improvement tool.

**7. The government intends to retain the requirement that childminders and any assistants who might be left in sole charge of children (and at least one person in every group setting) must hold a current paediatric first aid certificate. However, the government considers it unnecessary to require that first aid training is approved by local authorities, and instead proposes to specify the key details which the training must cover based on existing good practice guidance. Do you agree with the proposal?**

4Children welcomes and supports this proposal, which has the potential to reduce costs, though a mechanism for providing guidance on what this training should incorporate – and/or a list of ‘approved’ trainers should be developed. Again, this could be supported and enabled by the third sector.

**8. The government is clear that childcare providers are responsible for taking all reasonable steps to manage and control risks. To clarify this responsibility, the government proposes to simplify the requirement and focus on practicalities rather than bureaucratic process. The proposed requirement will also achieve greater consistency with the equivalent requirements for schools. Do you agree with the proposal to simplify the requirement on risk assessments?**

We believe that there are risks in changing the requirements in this area and any proposals will need great scrutiny. We could not support it otherwise.

**9. Providers on the General Childcare Register (GCR) must meet minimum staff qualification requirements. For providers other than childminders, in particular out-of-hours providers, the government considers it is unnecessary to prescribe staff qualifications in relation to children aged five to seven which do not exist in schools, and proposes to remove these requirements. Most providers on the GCR are also on the Early Years Register (EYR), and will continue to be expected to meet the relevant qualifications requirements set out in the Early Years Foundation Stage. What are your views on this proposal?**

This would appear to remove unnecessary bureaucratic duplication, and would welcome this change. However, qualifications to lead school based educational activities may not be suitable for supporting children’s play and leisure needs. So care must be taken lest this change leads to older children being restricted to a diet of homework clubs and booster classes.

**10. Questions 5-8 above were included in the list of proposed changes to requirements at [Annex A](#). Do you have any further comments on the proposals listed at Annex A**

4Children has a number of comments on the specific list of proposed changes outlined in Annex A, as follows:

- We agree with the proposal to equalise the age staff can be for looking after children aged 5-7 with those aged <5. We also welcome to extend the requirement for “staff to be able to understand English to keep records; summon help; and understand safety instructions” to those aged 5-7 as well as for those aged <5 as at present.
- We believe that the requirement for a system of staff appraisals should be extended, not removed, if we are looking to increase standards.
- We do not believe that the requirement on a manager having at least a level 3 qualification for <5 (i.e. reception classes) should be removed for wraparound and holiday providers.
- We do not believe that the requirement for childminders to have attended a local authority training course should be removed altogether: the need to attend training in some form should be explicitly included to make clear that improving standards of staff and childcare provision is at the core of this guidance (see question 6 for further details)
- We welcome the extension of the provision of water and food for children aged 5-7, but believe this should be extended further (to children of all ages 0-14).
- We do not agree in the removal of the requirement for ‘behaviour management’, as this could have simply been extended.
- In terms of the requirements on the physical premises, we are unsure why the proposals cannot be used –, to align – but also to reinforce (without duplicating in reporting or activities) important Health and Safety and disability requirements.
- 4Children is also concern that the proposals as they stand may also water down physical standards, including the removal of provision (space or partitioned area) for children to relax and sleep and the recommended number of toilet facilities needed.
- Of particular concern related to physical standards would be the removal of the requirement for “the premises must be suitable for children with disabilities’. We should be looking to raise standards in this area, not potentially weaken In 4Children’s survey of childcare (2011) on provision for disabled children, evidence showed that there is a shortage of accessible childcare for disabled children for two reasons: the cost of provision; and the ability of providers to meet the needs of disabled children. Indeed, 60% of parents do not believe that local provision can cater for their children’s specific disability needs.
- We also believe the proposals should continue to cross-reference, highlighting the importance of, relevant ‘human rights and equality legislation’.

**11. Please use this space for any other comments you wish to make.**

We would be very happy to discuss the matters covered above further.

Yours sincerely,

Anne Longfield  
Chief Executive, 4Children