

## 4Children Response to Department for Education consultation on “Childminder agencies and changes to the local authority role”

### Part A: Childminder agency key requirements

*The government is proposing in the draft regulations that childminder agencies secure 16 hours of CPD per year for early years childminders (those delivering the EYFS) or 8 hours per year for later years childminders (those working with older children or outside the EYFS) registered with them.*

#### Question 1: Do you agree with the suggested hours of CPD?

**Response:** Agree, the level is about right

**Comments:** Quality childcare is needed in all settings, and it is important that childminders are continually supported in their professional development and knowledge to help raise outcomes for children, keep abreast with changes in policy which they need to be aware of, including changes to the Early Years Foundation Stage.

A formal process of CPD for those childminders choosing to register with agencies will ensure that a means for improving quality is in place. We feel that the hours proposed, given that this is more than that childminders are likely to access on average at present, will therefore help support their development, particularly where they are new entrants to the sector. The department should however conduct research in the first two to three years of operation to review agencies and their operation to assess the success, or otherwise, of CPD at this level, and whether any changes, in terms of total hours or flexibility, are needed.

*In relation to early years childminders, we are proposing that:*

- *agencies be required to secure 20 hours support time per year;*
- *that the support time may include CPD activity delivered by the CMA; and*
- *that the support time should include at least two visits for early years childminders in their first year of operation but that agencies be free to scale these down to a minimum of one visit per year once they are satisfied as to the childminder’s quality.*

#### Question 2: Do you agree with the number of hours of support time and the number of visits by childminder agencies to their registered childminders?

**Response:** Agree, the level is about right

**Comments:** We agree with the proposed level of support time and believe this will be adequate to ensure childminders who have registered with an agency are able to access the advice and support as they need. Within this it is important that this requirement includes the proposed CPD requirements, as this will help ensure new agencies (including smaller ones) embed these specific requirements within their business plans.

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Again, as with the CPD requirements, the department should conduct – as part of a wider assessment - research in the first two to three years of operation to review the success, or otherwise, of support time and whether any changes are needed, taking into account assessments of quality.

**Question 3: Do you agree that childminder agencies should only have to undertake a minimum of one visit per year after the first year based on their assessment of the quality of the childminder?**

**Response:** Not Sure

**Comments:** The number of visits carried out by agencies should be based on their assessment of the quality of the childminder, and as necessary to ensure that their own Ofsted rating would not fall below the level of outstanding or good.

Agencies should base their assessment on the same basis of Ofsted's own inspection of childminders at present, and on that basis if childminders fall below what would be classified as good or outstanding, then this may require many more than one support visit a year to secure improvement. The guidance to agencies should therefore stress the importance of securing improved quality outcomes, rather than focusing on the minimum requirements needed only in some circumstances. This is likely to be important given many of those registering with agencies are likely to be new entrants to the sector.

***The Government proposes that childminder agencies will have to meet a number of requirements in order to register with Ofsted and operate as an agency. These are set out in the draft regulations which form part of this consultation. The matters here will be of particular interest to anyone interested in establishing a childminder agency, but we are grateful for all comments.***

**Question 4: Do you have any comments on the legal requirements set out in the draft regulations for how childminder agencies will register with Ofsted and subsequently operate?**

**Response:** Yes

**Comments:** Clear guidance should be developed by the department and made available to any organisations interested in setting up a childminder agency, providing step by step detail of how to set up an agency, what requirements will be expected in terms of their activities and quality outcomes, and the basis on which Ofsted inspections will take place.

The department should conduct research in the first 2 to 3 years of operation to review agencies and their operation to review and update this guidance.

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**Part B: Changes to the way local authorities secure early education for two-, three- and four year-olds**

**Question 5: Is there anything in the regulations which would prevent local authorities from meeting their duty to secure funded early education for two-, three- and four-year-olds? If yes or not sure please explain your answer below.**

**Response:** Yes

**Comments:** We welcome the removal of duplication between local authorities and Ofsted in terms of a separate assessment of a provider's quality, and removal of the expectation that local authorities will undertake an assessment before funding local authority places, and will ensure nationally consistent quality.

However, the proposed expanded Ofsted role is not of the scale or depth to provide strong local advisory support which early years providers tell us they need good local authority "on the ground" support linked to local knowledge provides an important and very valuable role in improving and maintaining quality. This is particularly the case in areas of provision where regulation has been removed such as out of school childcare. Ensuring that local authorities are able provide the local support needed is therefore an essential aspect of the quality framework for childcare.

4Children has concerns over Ofsted's level of knowledge and judgement as demonstrated by its current early years inspection process. We are therefore proposing that Ofsted should create a new group of expert early years advisers to support measuring and developing early years quality in all provision, including nurseries, childminders and schools, and provide the knowledge and technical skills to make it happen.

**Question 6: Are there any particular types of providers for which the impact of these regulations will be significant? If answered yes (positive or negative) please give details below.**

**Response:** Yes, significant impact (positive)

**Comments:** Local authorities will be able to provide funding to new providers for places under both the (expanded) two year old and three and four year old offers, without the requirement for any assessment in advance, meaning that all new providers will be able to benefit from changes to the regulations. However, without local authority support during the time in advance of any first inspection by Ofsted, particularly in relation to training or quality improvement, may mean that these new entrants do not have the support needed to reach the level of quality that parents and Ofsted will go on to demand.

However, as Regulation 3 also states that "local authorities do not have to fund an early years provider or early years provision delivered by a childminder registered with a childminder agency... if the local authority has reasonable grounds to believe that the person... will not be able to meet the requirements of the local authority", local authorities retain a flexibility which means that providers have no guarantee of being able to offer funded places for parents, and further clarity is needed of the circumstances under which this may arise.

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We have further concern over how the department will ensure that the full funding allocated for these offers to local authorities is passed on to a provider or provision, as well as whether all local authorities have the financial resources needed to provide information to parents (Part C in the Guidance) and encourage take-up and undertake outreach where they are not taking up their full hours of support (Section A1.12 in the Guidance). Further guidance on types of activity, including making full use of Children's Centres to identify and communicate with parents in a coordinated way, potentially along the lines of the Childcare Hubs currently being trialled by 4Children across the country, is needed.

Due to the reduction in regulation and Ofsted inspections, Out of school providers will rely on their local authorities for quality support. They will therefore suffer disproportionately from the reduction in local authority support.

**Question 7: Are there any particular groups of children and/or parents for which the impact of these regulations will be significant? If answered yes (positive or negative) please give details below.**

**Response:** Yes, some impact (positive)

**Comments:** By expanding the regulations to allow local authorities to deliver funded early education through childminder agencies there is likely to be a positive impact for all parents where these are able to help meet their needs - including more responsiveness and flexibility in their care, holiday care, and formal provisions to cover when a regular childminder is ill or on holiday. Furthermore, we believe that as agencies are established, there are likely to be more 'specialised' agencies providing specific support and services for particular groups, for example, those children with special educational needs (SEN). Allowing for safeguards around improving quality, children will also benefit as high quality childminders who undertake regular CPD also has the potential to help improve outcomes.

**Question 8: Is there any practical advice related to the regulations and their effect or implementation that you would like to see in the statutory guidance?**

**Comments:** We think that case studies of specific scenarios could be useful in order to clearly demonstrate to local authorities the effect and/or implementation of the regulations. Also, as we outlined in answer to Question 6, there should be further guidance on types of activity local authorities should use to communicate with parents in a coordinated way, including making full use of Children's Centres, potentially along the lines of the Childcare Hubs currently being trialled by 4Children across the country.

**Question 9: Is the guidance clear on what local authorities must do to discharge their statutory duties? If no or unsure please explain why below.**

**Response:** Not Sure

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**Comments:** A key area where additional certainty and guidance is needed is the local authority responsibilities to “out of school” childcare. We would like to see specific further guidance on “out of school” childcare, which would include acknowledgement of the important role played at present, and can continue to be played, by the private and voluntary sector. We believe that children as young as five could be placed in significant harm if out of school providers reduce their quality as a result of relaxed regulation. We would therefore urge the department to provide guidance to local authorities to strengthen their quality assurance role in regards to access and sustainability.

In addition where the Statutory Guidance sets out “a strong expectation that local authorities will actively encourage schools in their area to offer childcare from 8.00am and 6.00pm” (as set on in section B.2), we know that there are wide variations between different areas of the country in the percentage of “out of school” childcare provided by schools versus other providers, and this would have very big implications (such as in the North East) where this is very low at present.

More broadly, the guidance is generally clear on what local authorities need to do, other than providing specific examples, as outlined in answer to question 8, and further details as outlined in answer to question 6, related to Regulation 3 which states that “local authorities do not have to fund an early years provider or early years provision delivered by a childminder registered with a childminder agency... if the local authority has reasonable grounds to believe that the person... will not be able to meet the requirements of the local authority”. Further clarity and guidance is needed of the circumstances under which this may arise.