



Department  
for Education

**Consultation Response Form**

**Consultation closing date: 6 May 2013  
Your comments must reach us by that date**

**Consultation on proposed changes to the  
role of the local authority in early  
education and childcare:**

**Consultation Response Form**

**If you wish to respond electronically please use the online response facility available on the Department for Education e-consultation website (<http://www.education.gov.uk/consultations>).**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

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

Reason for confidentiality:

Name	Dr. Jane Payler
Organisation (if applicable)	TACTYC, the Association for the Professional Development of Early Years Educators
Address:	Faculty of Education, Health and Social Care, University of Winchester West Hill Winchester SO22 4NR

If you have an enquiry related to the DfE e-consultation website or the consultation process in general, you can telephone: 0370 000 2288 or send an email via the Department's ['Contact Us'](#) page.

Please select ONE box that best describes you as a respondent

<input type="checkbox"/> Childminder	<input type="checkbox"/> Private / Voluntary Provider - full day care	<input type="checkbox"/> Parent / Carer
<input type="checkbox"/> Networked Childminder	<input type="checkbox"/> Private / Voluntary provider - sessional	<input type="checkbox"/> Maintained Nursery School
<input type="checkbox"/> Maintained Nursery Class (primary school)	<input type="checkbox"/> Independent School	<input type="checkbox"/> Local Authority
<input type="checkbox"/> National Organisation	<input checked="" type="checkbox"/> Other X	

Please Specify:

TACTYC is a membership based organisation. Our activities include:

- '**advocacy and lobbying**' - providing a voice for all those engaged with the professional development of practitioners through responding to early years policy initiatives and contributing to the debate on the education and training of the UK early years workforce;
- '**informing**' – developing the knowledge-base of all those concerned with early years education and care by disseminating research findings through, for example, our international [Early Years Journal](#), annual conference, website and occasional publications;
- '**supporting**' – encouraging informed and constructive discussion and debate and supporting practitioner reflection, the use of evidence-based practice and practitioner-research through, for example, our [newsletter](#) and website ([www.tactyc.org.uk](http://www.tactyc.org.uk)).

## Guarantee funding for children taking up their early education place at all early education providers based solely on their Ofsted rating

1 What would the impact be of requiring local authorities to offer to fund all providers, except those judged 'inadequate', to deliver funded places for three and four-year-olds?

Positive impact       No impact/neutral impact       Not sure  
 Negative impact

Comments:

Ofsted judgements are not a sufficient guide to the quality of early years settings to ensure that children receive the early education to which they are entitled. Local authorities are much better placed to ensure accountability.

Ofsted judgements have not been proven to be reliable, as shown in the Daycare Trust report which indicated that they were not consistent with validated quality measures such as ECERS/ITERS, nor with LA knowledge of quality in settings. Although Ofsted offers a consistent framework for inspection, the quality – including knowledge and relevant experience – of inspectors means that in practice the outcome of an inspection can vary widely depending on who is assigned on the day.

There is also a divide between inspection systems for PVI and school settings. First, there are different outcomes for inspections in schools and children's centres where the previous 'satisfactory' judgement has been replaced by 'requires improvement', while daycare settings can still be judged to be 'satisfactory'. Secondly, there is no guarantee that school inspectors will be well versed and experienced in education and care provision for the youngest children, which is an even greater concern if schools are to be admitting younger children including vulnerable two-year-olds. The lack of a separate judgement for EYFS in school inspections means that the needs of the youngest children are unlikely to be clearly represented.

It is, then, entirely untrue that there will be a 'level playing field' with providers knowing 'the standard they need to reach' as asserted in the consultation document.

In addition, an Ofsted inspection involves a single visit and such a snapshot cannot take into account the many factors that play a part in quality provision over time. Local authority teams are in a position to know settings well, which is crucial in a volatile sector where the movement of a key member of staff can drastically affect the setting quality – a situation which an Ofsted inspection may not reflect until years later.

The ability to decide on funding has supported a number of local authorities to hold settings accountable for quality development, who have eventually withdrawn funding from settings who consistently remained barely adequate and resisted improvements. Children are entitled to education that is of a quality to support them well, and in cases where the local authority has withdrawn funding after strenuous but fruitless efforts to engage and improve practice, a window has opened for a new high quality setting to fill the gap. Without this proviso there will be low quality settings who continue to receive

funding without providing a sound foundation for children.

The 'basket' of quality criteria which local authorities can adopt, which was previously consulted on and adopted, acknowledges the strength of quality assurance programmes which strongly correlate with other measures, and which support continued development of leadership for quality improvement within settings.

There is a negative impact on the children and families when funding is withdrawn, as they need to seek a new provider and continuity of care for the children is broken. These proposals suggest the moment a setting is judged inadequate the funding should be automatically withdrawn. In some cases the Ofsted judgement has been based on a policy not in place or a document missing. Currently, local authority knowledge can make appropriate discretionary decisions not to withdraw the funding while the provider makes the necessary amendments especially in cases where the provider has maintained good quality provision.

In funding for childminders, current local criteria usually require childminders to work towards or to hold a level 3 qualification in order to draw down the funding, including for childminders providing funded places for two-year-olds. There has been a welcome increase in the qualifications of childminders, but the current proposals may reverse this and establish childminding as a second-class form of childcare.

Unlike schools who have qualified and experienced professional leaders, some early years settings have relatively under qualified and inexperienced staff in leadership positions, and require clear expectations and support to drive quality improvement. Dame Clare Tickell, in her review of the EYFS, commented on the relative immaturity of the sector. Graduate leadership is an aspiration for all early years settings, but this is currently far from being in place – and a new graduate who would be the equivalent of a strongly supported Newly Qualified Teacher (NQT) in a school may instead be expected to perform at the standard of an established headteacher. This gap in leadership capacity affects the ability of providers to analyse outcomes, identify training needs, and commission the most effective support.

The development of graduates in early years settings, whether Early Years Professionals or Early Years Teachers, needs to acknowledge the challenge of keeping these graduates working in the sector when they do not receive the same status, pay and conditions of QTS, resulting in more highly qualified staff leaving the sector. This is costly, demoralising and a long term challenge to ensure continuity of quality appropriate experiences and environments for the youngest of children. The impact of this on providers can affect the quality very quickly, and without the local authority requirement to ensure quality this will have a detrimental effect on the children if left to be identified by an Ofsted inspection visit which could be four years from the last inspection date.

Leaving early years providers between Ofsted inspections, which are themselves of questionable reliability, to fend for themselves in developing and maintaining quality is a high risk approach.

2 When is the earliest point (after full implementation in September 2014) that we should require that funded places for two-year-olds can only be delivered by providers judged 'good' or 'outstanding' by Ofsted?

At least 1 year

At least 2 years

At least 3 years

Other

Not sure

Comments:

The requirement that two-year-olds receive their entitlement only in good or outstanding settings should currently be in place, and not wait until after implementation.

The results of the pilots showed no evidence that children benefited from satisfactory provision, and there is no justification for funding places for children where their best interests may not be supported. Rather than establish this vast number of places quickly and then hope to improve quality – especially with diminishing LA support – it would be more effective to fund places only where settings are able to offer the experiences and interactions that will benefit children and families.

When this requirement is made, local authorities would be left in an impossible situation if they have a duty to provide sufficient high quality places, but have no remit to improve quality.

### **Guarantee funding for new early education providers who have been registered by Ofsted, prior to their first Ofsted inspection judgement**

3 What will be the impact of offering to fund new providers to deliver early education places prior to their first Ofsted inspection judgement?

Positive impact

No impact/neutral impact

Not sure

Negative impact

Comments:

While this measure could encourage new providers into the market, those entering the field as a business venture may not be able to offer the standard that is required. If they are knowledgeable and involve well qualified and experienced staff, they will easily pass LA standards to receive funding. On the other hand, if they are not able to meet basic quality standards but begin anyway there could be serious disruption for children and families if funding is subsequently withdrawn.

This proposal has significant positive implications for childminders who would now qualify to draw the funding automatically once registered. This removes a lot of hoops that childminders currently have to jump through in order to become accredited at a local level. There is, however, no qualification level specified to become a childminder beyond a six-week introductory course, so there could be implications for the quality of formative assessments and planning for the children.

**Limit the conditions that local authorities can set on private, voluntary and independent early education providers to qualify for funding to deliver places**

4 What would be the impact of limiting the conditions local authorities can set on providers solely to those set out in paragraph 4.4 the consultation document?

<input type="checkbox"/> Positive impact	<input type="checkbox"/> No impact/neutral impact	<input type="checkbox"/> Not sure
<input checked="" type="checkbox"/> Negative impact		

Comments:

Removing the local authority role in ensuring quality of provision is a dangerous approach (see response to Question 1).

There is a mismatch in what the government require local authorities to do, which is ensure family needs are met while providing high quality, flexible early years places without any conditions placed on early years providers.

Bearing in mind that the government is clear that local authorities should not be managing provision, then it is difficult to see how this flexibility can be achieved as long as the funding of a free place does not cover the true cost to a provider. This situation is already causing providers to offer funded sessions at their convenience and not in response to family needs.

5 What other conditions, if any, should local authorities be able to place on early education providers to deliver funded places?

Comments:

A commitment, acknowledgement and understanding of the Equality Act to ensure children and families are not discriminated against especially in cases of SEN, disability and socio-economic circumstance.

**Remove the existing duty on local authorities to secure information, advice and training for childcare providers, but give local authorities power to offer it**

6 Do you agree with the proposed list of reduced training requirements set out in Appendix 1 of the consultation document?

Yes No Not Sure

Comments:

It is recognised the vast information available from external organisations such as Ofsted, the DfE and national organisations such as NDNA, PACEY and NCB. However, as this government acknowledges within its localism agenda, there is still a need to understand the local context. To secure the early intervention agenda of improving the life chances of all children and especially those from disadvantaged areas providers will benefit from building trusting relationships that begin from accessing advice and support from their local authority early years service.

The rationale given that '*reducing the existing requirements on local authorities will allow them to pass more funding to the front line...*' is not a guarantee that providers will use this money to up-skill their workforce, nor to improve their provision – especially if all conditions on receiving funding are being removed. In some cases it will just increase the profit margins of an organisation at the detriment of the children.

With central Government funding decreasing and erratic from one year to the next, decisions on how limited funding is used will depend on local authority statutory Duties. As the Duties are removed, advice, support and training will also be stopped regardless whether local authorities have the **power** to offer it. This would be a significant loss because LAs offer an important role of ensuring the training offered is of a sufficient quality and is delivering the type of support, knowledge and skills needed. It is a cost-effective way of helping smaller settings access quality training that meets local need. It can also help target support where it is needed to both sustain settings and raise quality where it is needed.

7 What would be the impact of reducing the prescribed training requirements on providers/local authorities as set out in Appendix 1 of the consultation document?

 Positive impact No impact/neutral impact Not sure Negative impact



Comments:

Local authority teams are a valuable resource which has been instrumental in the improving quality of early years settings over recent years. They have a wealth of knowledge and experience of supporting professional knowledge and practice in the workforce, and this should not be sacrificed leaving merely a business support role.

It is not enough to rely on the Early Years Foundation Stage framework to ensure that children access high quality learning opportunities in settings. The biggest barrier to providers engaging with training is the cost of a place and the lack of surplus staff in the setting to cover staff (on training). Local authorities have offered funded or subsidised training to address this and often offer evening and weekends courses to meet the needs of the workforce, especially for childminders who would lose income while engaged in training.

In local authorities who do this well, providers are encouraged to release their staff to ensure continuation of professional development, offer opportunities to reflect on practice, network with peers and create a learning community to secure the best outcomes for children in their locality.

We agree that providers should not be made to attend training courses led by the local authority; instead local authorities should ensure they are providing high quality training opportunities by using sector led organisations, universities or similar to inspire, challenge and create a confident early years workforce.

8 Would these changes have a greater impact on some areas of information, advice and training provision over others? If so, which?

Yes

No

Not Sure

Comments:

EYFS training, including critical areas such as supporting early attachments, communication and language development, and working with families, would suffer under these proposals. The most effective professional development does not arise from single training events which might be bought in by a provider, but from longer term focussed programmes of training, action planning and development. Often stronger settings can work alongside developing settings, to the benefit of both. This requires strategic planning and targeted implementation and support which is effectively managed at the local authority level, as with the successful Every Child a Talker programme.

**Simplify the early years funding system, by encouraging local authorities to simplify and reduce their funding formulae and to limit the amount of centrally retained spend**

9 Do you support the proposal for a single flat rate within a local authority for two-year-old early education?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

It was encouraging to hear the Government set an average funding rate of £5.09 for every two-year-old place with the intention that providers would receive a higher rate than before. However, this was not the case in reality because the funding was not ring-fenced and was based on an 'average' which was not aligned to most local authority demographics.

Increased representation from the early years sector should be in place at 'Designated Schools Forums' to contribute to the decision making of setting funding amounts.

10 Do you support the proposal to limit the number of base rates and bands for three and four-year-old early education?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

11 What are your views on the limits proposed for three and four-year-old early education (a maximum of three base rates and no more than two bands)?

Comments:

It was apparent that some local authorities used quite complex methods to calculate EYSFF. A more transparent, less bureaucratic method is welcomed. However, it is the basic rate of a cost of a place that needs to be addressed.

While the central funding of a 'free education place' is less than the true cost to a provider, the base rates and all the extra funding bands will be used to cover these costs, thus not providing any extra support as intended.

12 What are your views on removing, for three and four-year-olds, all supplements (and factors) other than for deprivation?

Comments:

We believe this would be welcomed by providers due to the true cost of a place not being covered (as noted above); however, with the decreased role of the local authority we are concerned how continuous quality improvement will be maintained.

We also believe that careful consideration must be given to effects on provision for children with special educational needs.

13 a) Do you support the changes proposed for early years centrally retained Dedicated Schools Grant spending?

Yes

X No

Not Sure

Comments:

Clearer guidance as to what the DSG funding can and cannot be used for is welcomed. To completely prohibit the use of this funding on quality processes and provider training, however, ignores the positive outcomes for children that this can bring.

13 b) Can the definition proposed be improved?

Yes

No

Not Sure

Comments:

14 Do you think that a 10% limit on early years Dedicated Schools Grant central spend is appropriate? If not, please explain why and include any comments on the impact that this would have in comparison to a 15% or 20% limit.

Yes

No

X Not Sure

Comments:

15 Please use this space to add any other comments you would like to make

Comments:

16 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, 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**

**E-mail address for acknowledgement:** [nancystewart.stewart@gmail.com](mailto:nancystewart.stewart@gmail.com)

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X  
Yes

  
No

All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and consult with those who are affected
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Responses should be completed on-line or emailed to the relevant consultation email box. However, if you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Coordinator, tel: 0370 000 2288 / email: [carole.edge@education.gsi.gov.uk](mailto:carole.edge@education.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

Completed questionnaires and other responses should be sent to the address shown below by 6 May 2013

Send by post to: Sufficiency and Funding Team, Department for Education, Level 1, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

Send by e-mail to: [FundedEarlyEducation.CONULTATION@education.gsi.gov.uk](mailto:FundedEarlyEducation.CONULTATION@education.gsi.gov.uk)