



Department  
for Education

**Consultation Response Form**

**Consultation closing date: 30 September 2013**  
**Your comments must reach us by that date**

## **The Regulation of Childcare**

If you would prefer to respond online to this consultation please use the following link: <https://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.

<b>Please tick if you want us to keep your response confidential.</b>	<input type="checkbox"/>
Name: <b>Jane Payler</b>	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of Organisation (if applicable): <b>TACTYC, the Association for the Professional Development of Early Years Educators</b>	
Address: <b>Faculty of Education, Health and Social Care, University of Winchester West Hill Winchester SO22 4NR</b>	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk) or by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

Please mark ONE category that best describes you as a respondent

<input type="checkbox"/> Nursery	<input type="checkbox"/> Childminder	<input type="checkbox"/> Playgroup
<input type="checkbox"/> Breakfast/After-school club	<input type="checkbox"/> Holiday activity provider	<input type="checkbox"/> Local authority
<input type="checkbox"/> Parent/Carer	<input checked="" type="checkbox"/> Childcare or early years organisation	<input type="checkbox"/> Maintained school
<input type="checkbox"/> Independent school	<input type="checkbox"/> Other	

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)).

TACTYC currently has around 500+ members and this response has been prepared in consultation between TACTYC Executive and the wider membership via the TACTYC website.

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

Yes

No

Not Sure

Comments:

The suggestion to simplify the registration system is welcome; however, we do not support specifics of these proposals.

The proposals to strengthen the requirements to protect children from harm are weak. The relaxation of qualification requirements for children aged 5 – 7 combined with the removal of required ratios are ill-conceived and could be harmful. The removal of the requirement of appraisals for staff and encouragement to achieve higher qualifications is misguided and will not support for the best outcomes for children.

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

No

Not Sure

Comments:

The Early Years Foundation Stage (EYFS) is designed as an integrated framework covering care and education for children from birth to 5 years old. While we agree that there is no need to duplicate children's experiences in their reception class, it should be borne in mind that at this age of rapid development young children are learning through all their experiences, and care and education cannot be separated. All providers have a responsibility to offer rich opportunities for children to learn and develop, and to interact in supportive ways. This does not mean replicating the coverage and approach used in reception classes – which is already made clear in the statutory framework – but rather ensuring an overall provision and interactions which allow children to learn across all areas by applying their growing skills and knowledge in new contexts.

Providers of wraparound and holiday care should have regard to the learning and development requirements to ensure they provide an appropriate environment; however they should not have the burden of unnecessary documentation to evidence this on an on-going basis nor to assess children's learning and development.

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?

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

Although the proposal to increase the amount of care a child can be looked after informally may be of benefit to parents, this could have an enormous impact on the future of sessional preschools who would not have to register as they operate for only three hours a day.

There is also a concern regarding safeguarding issues which could occur as a result of 'informal day care' provided by 'friends' with no limit to the number of children that could be looked after. This could result in accidents and abuse being undetected, posing risk of considerable harm to young children.

There is already provision for parents to use informal care such as friends in a reciprocal approach without need of registration: *'This does not apply to arrangements made between friends to provide reciprocal childcare, or for childcare between friends provided in return for any other goods or services, so long as no money changes hands.* (Guide to Registration Ofsted May 2011).

This proposal could also lead to the practice of income not being declared (cash in hand payment) and a loss of income tax to HMRC.

Do you agree with the proposal:

4 a) to simplify the system by allowing providers to register multiple premises in a single registration process?

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

4 b) for childminders to operate on suitable non-domestic premises for part of the working week?

Yes       No       Not Sure

Comments:

This would be a welcome proposal for some childminders who may want to operate a 'forest school' or similar activity. However, safeguarding checks or requirements must ensure that the well-being of all children is paramount.

### 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?

Yes       No       Not Sure

Comments:

We welcome one set of requirements for all providers to meet to promote children's welfare and to protect them from harm; however, these must not impact negatively on the health and well-being of babies and young children (up to age 7).

Appropriate adult to child ratios should still be a requirement for providers of school age children to ensure the safety of the children is paramount.

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?

Yes       No       Not Sure

Comments:

The current requirement enables the local authority to monitor the quality and effectiveness of this training to ensure a safe, enabling environment which promotes the child's development and learning is in place before a childminder starts work. Without this monitoring, training providers of this training should be required to have an accreditation awarded to ensure high standards of content and delivery.

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?

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

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?

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

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?

Comments:

Children deserve to have the very best people caring for them and so a minimum level of qualification is the very least an indicator of this acknowledgment.

All research demonstrates that qualified staff are more able to meet the needs of all children and that they are aware of their impact on children's self-esteem, confidence, well-being and achievements through their interactions, the environment (both emotional and physical) provided. In schools where this requirement is not in place for 5-7 year olds, this should be rectified immediately. Furthermore, not only managers but all practitioners working within the EYFS should have a minimum level 3 qualification.

The needs of the youngest children in out-of-school provision are quite different to those of older children, and there should be a staff member who is appropriately qualified in order to support the young children appropriately.

10 Questions 5-9 above were included in the list of proposed changes to requirements at Annex 1. Do you have any further comments on the proposals listed at Annex 1?

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

To remove the requirement for regular appraisals of staff and to encourage higher qualification levels will not improve the quality and performance of practitioners in early years settings. The requirement to carry out appraisals and encourage staff qualifications gave providers an indicator of the expectation of early years settings and to raise the profile that it is a very important service that they were providing!

These proposals and changes seem to want to make it easy for 'anyone' to provide a service aimed at meeting the parents' needs, with less regard to the needs of very young children. Early years is a crucial time of development and learning and babies and children deserve the very best experiences which come from highly qualified, committed practitioners who feel valued for the work they do. These proposals are systematically reducing the profile of the early years sector in order to create a false economy of 'cheap childcare'.

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

Comments:

12 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.

<b>Please acknowledge this reply.</b>	X
E-mail address for acknowledgement:	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, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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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 responses should be sent to the address shown below by 30 September 2013.

Send by post to: Early Years Curriculum and Teaching Portfolio, Department for Education, First Floor, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

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