

Supporting Families in the Foundation Years: Proposed Changes to the Entitlement to Free Early Education and Childcare Sufficiency

Consultation Response Form

The closing date for this consultation is: 3
February 2012

Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. 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 Wendy Scott, President, TACTYC

Organisation (if applicable) TACTYC

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If your enquiry is related to the policy content of the consultation, you can telephone 0370 000 2288 or email

EarlyEducationAndChildcare.CONSULTATION@education.gsi.gov.uk

If you have a query relating to the consultation process you can contact the CYPFD Team by telephone: 0370 000 2288 or via the Department's '[Contact Us](#)' page.

Please tick ONE category which best describes you as a respondent.

<input type="checkbox"/> Parent / Carer	<input type="checkbox"/> Private / Voluntary provider - sessional	<input type="checkbox"/> Private / Voluntary provider - full day care
<input type="checkbox"/> Independent School	<input type="checkbox"/> Maintained nursery school	<input type="checkbox"/> Maintained nursery class
<input type="checkbox"/> Childminder	<input type="checkbox"/> Networked childminder	<input type="checkbox"/> Local Authority
<input type="checkbox"/> National organisation	<input type="checkbox"/> Other (please specify) x	

Please Specify:

TACTYC: the association for the professional development of early years educators

TACTYC is an internationally recognised association with over 450 members worldwide. TACTYC aims to promote the highest quality professional development for all early years educators in order to enhance the educational wellbeing of young children. TO do this, TACTYC engages in:

- Advocacy and lobbying – providing a voice for all those supporting the development of early years professional
- Informing – disseminating knowledge about research, practice and policy
- Supporting – facilitating reflection, informed discussion, evidence-based practice and research

1 Does the proposed statutory guidance make clear what local authorities should do to deliver the free early education entitlement and secure sufficient early education and childcare for two, three and four year olds?

Clear

Unclear

Not Sure

Comments:

The original Nursery Education Grant was not sufficient to cover the costs of high quality education and care, and the amount did not increase in line with inflation. Guidance stipulates that Local Authorities should not interfere in the way that private settings manage their businesses. However the EIF is set differently within each local authority and for most providers the amount per hour does not feasibly cover the cost of a child care place.

The guidance makes it clear that LAs should ensure parents know of the free entitlement and providers cannot charge at point of delivery nor add any extras as a condition of funding. This could have a negative effect on children and families if providers choose not to offer just 15 hours early education funding. This area of concern will increase as the offer is extended for two year olds.

The government should accept that the EIF is a contribution to the cost of a child care place unless they are prepared to raise funding to a realistic level, reflecting the true costs..

2 Should eligibility for the two year old entitlement, to be set out in regulations, be based upon the criteria (set out in paragraph 4.4) used to identify which school-age children are entitled to free school meals?

Yes

No

Not Sure

Comments:

The importance of working with families should be recognised as well as making provision for children could be lost if outreach work is not taken into consideration. This could mean a greater emphasis may be identified by professionals other than the child care provider, in which case a joint approach mentioned. This also highlights the need for appropriately training and supervision for early years

Free school meals alone are not an adequate guide to identifying vulnerable children. Families are an impact on young children. It should be clear that FSM is just one indicator of eligibility, along with other reasons.,

3 Should looked after children be given the legal entitlement to free early education at age two? (paragraph 4.8)

Yes

No

Not Sure

Comments:

4 Do you support the setting out in guidance of further groups of children, beyond those given a legal entitlement in regulations, who should be given priority consideration for free early education at age two? (paragraph 5.2)

Yes

No

Not Sure

Comments:

The groups listed in the question below could be set out as examples, with circumstances for referrals determined locally.

The importance of working with parents should be noted here too.

5 Should guidance propose that priority consideration for free early education at age two is given to any of the following groups (insofar as they do not meet eligibility criteria set out in regulations)? (paragraphs 5.3/5.4) Choose all which you consider appropriate.

Children with special educational needs and disabled children

Children in need

Children identified by health visitors/other health professionals/children's centres

Service children

Other groups of children

Comments:

Other groups of children could include those identified by health or social services as at risk, and children from families experiencing an unforeseen emergency.

Funding to secure 1:1 support for children with additional needs should also be ring fenced within the two year old funding

6 Do you agree that eligible children should start to receive an entitlement to free early education from the term following their second birthday (1 September, 1 January or 1 April)? (paragraph 6.1)

Yes

No

Not Sure

Comments:

In normal circumstances, but there should be scope for discretion

7 Do you agree that, where a child first meets eligibility criteria part way through the year, the entitlement should commence from the start of the month in which the next school term begins? (paragraph 6.2)

Yes

No

Not Sure

Comments:

It is possible to imagine circumstances in which an available place should be offered as quickly as possible to a child from a family experiencing an emergency; the possibility of local discretion is desirable.

8 For a part-year entitlement, do you agree that regulations should allow flexibility, requiring the local authority to secure an appropriate number of hours, rather than setting out a precise number of hours? (paragraph 6.3)

Yes

No

Not Sure

Comments:

A responsive, flexible approach is more likely to be successful. In many cases, successful placements will depend on gradually building up the time that very young children spend in daycare.

The definition of which year needs to be clarified. Is it the calendar, academic or financial year, or the year following each child's eligible age i.e. aged 2 or 3?

There also need to be more clarification regarding the 'stretched offer'.

9 Do you agree that, once they take up a free place, a child should remain entitled to a place until they become eligible for the free entitlement for three year olds, regardless of whether their family's circumstances change? (paragraph 6.4)

Yes

No

Not Sure

Comments:

As acknowledged in the guidance, young children can be unsettled by change, and the threat of losing a place could be a perverse incentive to families making progress in addressing any problems.

It is important that the child continues to have a place (funded or not) if there are positive outcomes for the child. However, should circumstances change to which the child/family do not want to continue with a place until the child is three then consideration should be given to the position of the child/family and provider. (Remembering that it is not a statutory requirement to attend pre-school provision).

If the LA funds that place (while not taken) for less than the amount the provider could charge for a child who is not eligible for a free place, there is a risk that providers may choose not to offer funded places to eligible younger children in the long run. Very often it is income from two year olds that offsets the loss of income from the funding of 3 and 4 year olds, especially in non-profit making settings such as committee-led pre-schools.

Although the guidance does not want LAs to interfere with the operation of

private businesses, the points above demonstrate the need for child care places to be offered in the maintained sector, rather than increasing the risk of non-sustainable settings in the PVI sector, which is a particular danger in areas of deprivation..

10 How should funding for the free entitlement for disadvantaged two year olds be passed to local authorities from 2013-14? (paragraph 7.1)

Comments:

It should be ring fenced for the two year old funding.

It should be made clear that this funding should not be stopped should the child need social care involvement.

Funding to support the development of robust parent partnership working should also be included.

11 What are the key challenges for local authorities and early education providers in securing sufficient places of good quality early education for disadvantaged two year olds, and how might Government help to meet them? (paragraph 7.2)

Comments:

Shortage of suitably qualified staff, especially in areas of greatest need, continues to be a difficult challenge. There is a risk that a difficult situation will be exacerbated unless proper ratios of well qualified staff are maintained.

Meeting the challenge of raising staff qualifications is increasingly difficult for Local Authorities, and additional funding for early years would help to ensure that effective support, monitoring and guidance can be provided to managers of pre-schools on the relationship between play and learning, (and effective learning curricula) to enable them to provide effective support for their practitioners, and enhance children's experiences.

Training focusing on appropriate provision for two-year-olds is urgently needed. In many cases young children are in programmes established for older children, with inadequate practices reflecting a lack of understanding of their needs. Supervision and support for staff is key, to help them cope with the challenges that working with young children presents.

Government should continue to fund a graduate led early years workforce (including improving levels of training) and the youngest children must be level 3 as a minimum.

12 Do you support the proposal that free entitlement hours could be taken between 7am and 7pm (rather than between 8am and 6pm as currently)? (paragraph 8.3)

Yes

No

Not Sure

Comments:

Not if the wording is to be 'suggested limit of 10 hours per day'. This is a significant step away from the previous requirement that it could not be funded for longer than 10 hours. 10 hours should remain as a required limit.

Allowing longer hours of day care to facilitate employment can be very important to parents already struggling financially, but ten hours is a very long time for young children to be in day care. However, greater flexibility could help parents relying on cleaning jobs, for example, which may not require long hours of childcare, but are often very early morning or after office hours in the evening.

Longer hours carry implications for the staffing of provision, which many settings will not be able to meet in practice, yet potentially long journeys to the minority of settings able to offer longer hours are not practical for parents. Careful planning informed by local knowledge will be needed – another role for the Local Authority.

13 Do you support the proposal to allow the free entitlement to be taken over two days per week rather than three days? (paragraph 8.3)

Yes

No

Not Sure

Comments:

This proposal is in contradiction to the government's stated position that the priority is child development and education, not childcare: the priority should be the welfare of the children rather than the needs of parents for daycare. Even eight hours daycare puts a heavy demand on most young children unless the provision is of very high quality. For children living in difficult circumstances, a few hours daily respite may be more effective than long sessions twice a week.

It may well be helpful to some families to take the entitlement over two days instead of three, but there are no arguments at all to suggest it is helpful for the child: 10-hour days are exhausting and stressful, and long gaps between each attendance period undermine opportunities to develop supportive peer cultures and relationships. It also takes children longer to settle in if they only attend twice a week, and the opportunity for frequent monitoring of children's welfare is lost. Where there is a tension between the benefits for adults and children, we should come down in favour of the children.

If the government proposes to allow the entitlement to be taken over two days then appropriate training and understanding of the needs of the child must be in place. Unfortunately with the emphasis of 'school readiness' infiltrating the EYFS, adequate time and space to allow children to rest and play to their own rhythm of the day is at risk of being lost.

14 Would you like to see any other changes in the statutory guidance in order to improve take up and/or flexibility? (paragraph 8.3)

Yes

No

Not Sure

Comments:

There should be a greater emphasis on the need for the LA to ensure parents understand what their entitlement is and to ensure settings provide transparency and clear policies with regards to accepting the funding – there is no requirement at present to enforce this.

It should be made clear that receipts should be given even if only the funded sessions are used.

Local Authorities should be empowered to make the administration of the parent declaration forms less bureaucratic and easier to process.

LAs should not be allowed to reclaim funded hours if a parent chooses not to

attend the setting due to holidays, days out with family or extended stay abroad. Without this in place, children could be at risk of losing a place due to sustainability issues from the provider.

15 Should the same flexibility requirements apply to the two year old entitlement? (paragraph 8.3)

Yes

No

Not sure

Comments:

The two year old funding should be taken over a minimum of three days.

Childminders qualified at or above Level 3 who have been judged good or outstanding and who belong to a training network could have a significant contribution to make.

16 Is the proposed model of a basket of eligibility criteria a workable way to ensure there is a transparent and consistent approach to determining eligibility to deliver free early education? (paragraph 9.7)

Yes

No

Not Sure

Comments:

LAs have diverged widely in how protected the early years services have been in the face of current financial pressures. Ring fencing of funding to ensure the LA can offer practitioners a route to the basket of eligibility is essential, or it will not be possible to maintain access to qualifications, higher education pathways, networks and quality assurance, and will not be consistent across the country.

17 Are the eligibility criteria, set out in paragraph 9.4, the right ones for providers offering the three and four (and from 2013 two) year old entitlement?

Yes

No

Not Sure

Comments:

Monitoring and moderation are needed to ensure that quality assurance schemes are interpreted effectively in practice.

All staff should be entitled to a minimum expectation of continuous professional development (CPD), regardless of status, pro rata.

18 Does the proposed model strike the right balance between a consistent national quality standard for free early education provision and local authority discretion to address local circumstances? (paragraph 9.7)

Yes

No

Not Sure

Comments:

19 Should local authorities be encouraged to set a higher quality threshold for providers delivering the two year old entitlement? (paragraph 9.9)

Yes

No

Not Sure

Comments:

Yes, these are very young children at a more vulnerable stage of development and already at a disadvantage. As an example, a pre-school with a satisfactory rating, employing staff with little or no experience of working with the youngest two year olds and no specific provision tailored to the needs of two year olds is unlikely to be able to enhance a child's experiences and outcomes.

Settings providing for two year olds should have staff who will be in direct regular contact with the two year olds (i.e. as child's key person):

- to be qualified to minimum of level 3 and be experienced in working with two year olds
- to take part in further training/CPD in relation to the care, learning and development of two year olds
- to access regular supervision from a manager who is well trained in supervision practices
- to be trained to work in partnership with parents
- to be trained specifically to support early communication and language.

Local Authorities should offer financial and training incentives to extend the number of places for two year olds only in settings rated as good or outstanding, which have proven effective leadership: evaluation of the pilot programme for two-year-old places (Research Report DCSF-RR134) reported that only relatively high quality settings improved outcomes for children or had positive effects on parent-child relationships – though there was a dearth of very high quality settings in the pilots. The fact that home learning environments, which are central to long-term impact for children, were not improved in any of the settings indicates that this early intervention can only be of benefit with the highest quality provision.

20 Do you support the proposal that local authorities should prepare and publish an annual report on the sufficiency of childcare? (paragraph 10.3)

Yes

No

Not Sure

Comments:

As birth rates rise and more children with additional needs are identified, it is imperative that LAs are aware of sufficiency issues, and secure enough child care places

21 Do you support the repeal, in principle, of Section 11 of the Childcare Act 2006 (the Duty to Assess Childcare Provision) and of the regulations which prescribe the assessment criteria to be used in the preparation and publication of Childcare Sufficiency Assessments? (paragraph 10.4)

Yes

No

Not Sure

Comments:

Without prescribed assessment criteria or a Duty specifying how to publish results, the outcomes of the assessment could be ignored.

22 Do you have any comments on the draft guidance for local authorities on the contents of the annual report? (paragraph 10.3)

Comments:

LAs should identify any trends in the take up of 3 and 4 year old funding, whether it is increasing or declining, and whether the full entitlement is being claimed. This would need to include the take up of the two year old funding in the future. Without this analysis, appropriate planning of services, including child care and education, cannot take place.

23 Are there further steps you believe the Government should take to ensure that parents have good information on their entitlements and choices? (paragraph 11.3)

Yes

No

Not Sure

Comments:

It should be made clear that although parents may like to access a place at a provider of their choice there is no guarantee that a place will be available; the Duty of the local authority is to ensure a place is available, which may be at an alternative setting.

Further clarification is needed as to what constitutes a 'top up' and whether this is negotiable between parent and provider.

24 Please use this space for any other comments you would like to make on the free early education entitlement or on childcare sufficiency.

Comments:

Offering very long hours of barely adequate 'education' from staff with possibly quite low levels of training to already disadvantaged two year olds is highly undesirable and is likely to be counter-productive. There are, regrettably, difficulties with offering a sufficient number of high quality places; this has implications for training, which is currently compromised because of cuts in Local Authority services. Levels of remuneration in the sector continue to present a further block to progress.

Clarification and ring fencing of funding to support children with additional needs at a younger age needs to be set. Without this, the EIG is at risk of being used disproportionately or inappropriately.

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

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?

xYes No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 01928 738060 / email: 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 3 February 2012

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

Send by e-mail to:

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