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educational  
consortium**

**every disabled  
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## **Childcare Bill: Committee Stage in the House of Lords – 1 July 2015**

### **Amendments to clause 1 with briefing notes: securing high quality childcare**

#### **Contact:**

Heather Ransom, Senior Policy and Public Affairs Officer, National Children's Bureau  
[hransom@ncb.org.uk](mailto:hransom@ncb.org.uk) 020 7843 6013

Zoe Renton, Head of Policy, Public Affairs, and Information, National Children's Bureau  
[zrenton@ncb.org.uk](mailto:zrenton@ncb.org.uk) 020 7843 6005

#### **Baroness Pinnock**

#### **Baroness Tyler of Enfield**

Clause 1, Page 2, line 23, at end insert -

“( ) make provision about the quality of childcare which is to be made available”

#### **The Earl of Listowel**

Clause 1, Page 1, line 5, at end insert -

“(1A)

For the purposes of securing “high-quality childcare” under subsection (1), the Secretary of State must, within 6 months of this section coming into force, lay a report before both Houses of Parliament setting out her strategy for developing the early years workforce.

(1B)

The strategy mentioned in subsection (1A) must include in particular—  
(a) a target for the number of graduates in the early years workforce,  
(b) a target for the proportion of managers of early years settings who are graduates, and  
(c) a plan for increasing the number of nursery schools to a specified level.”

### **Purpose of these amendments:**

Taken together, these amendments seek to secure:

- clarification from the Minister on the level of quality that will be required of persons providing the additional free childcare, including in relation to Ofsted inspection judgements, workforce qualifications, and the Early Years Foundation Stage;
- a commitment from the Minister that the government will publish a strategy to increase the quality and capacity of the early years workforce.

The first amendment would require regulations to set out the quality standards that childcare providers must adhere to in order to deliver 30 hours of free childcare. The second amendment would require the Secretary of State to lay a report before Parliament setting out the government's strategy for developing the early years workforce within 6 months of this section of the Act coming into effect.

### **Background briefing:**

National Children's Bureau, Special Educational Consortium, Every Disabled Child Matters, 4Children, Family and Childcare Trust, Child Poverty Action Group and Working Families, are seeking clarity from government regarding its plans for ensuring *all* children receiving 30 hours of free childcare can access high quality early education and childcare that promotes their learning and development, delivered by well-trained and qualified practitioners. We are also calling for the expansion of free childcare to be supported by an early years workforce improvement strategy setting out how the government intends to recruit and train new practitioners, and retain existing practitioners through qualifications and career development support.

Studies have shown that the quality of early education and childcare has a long-term impact on children's future development, influencing how well they do at school, the quality of their health and well-being, and their achievements later in life.<sup>1</sup> The pilot of the free entitlement for two-year-olds found that only good quality provision makes a difference to children's outcomes and can help narrow the attainment gap for the most disadvantaged.<sup>2</sup>

A well-qualified, confident and experienced workforce is central to improving the quality of early years services and outcomes for young children. Nuffield Foundation has recently reported on a strong relationship between the level of staff qualifications, the quality of provision as judged by Ofsted, and outcomes for young children.<sup>3</sup>

Whilst the quality of childcare is gradually improving<sup>4</sup>, there are still insufficient numbers of high quality free entitlement places for three-and-four-year-olds and disadvantaged two-

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<sup>1</sup> HM Government (2011) [Early Intervention: The Next Steps](#).

<sup>2</sup> Department for Education (2009) [Early Education Pilot for Two Year Old Children Evaluation](#)

<sup>3</sup> Nuffield Foundation (2015) [Early Education and Childcare](#): lessons from evidence and future priorities

<sup>4</sup> Figures released by the Department of Education in June 2015 show an improvement in the quality of free entitlement places. It will be important to ensure that the expansion of free childcare to 30 hours does not undermine recent progress in improving the quality of the free entitlement.

<https://www.gov.uk/government/news/record-numbers-benefiting-from-thriving-childcare-market>

year-olds, resulting in many children attending poor quality settings or being unable to access provision that meets their individual needs. 15% are attending settings that have not been judged good or outstanding by Ofsted.<sup>5</sup> This situation is particularly stark for:

- *children with Special Educational Needs and Disabilities (SEND)* – 60% of parents of disabled children do not believe that childcare providers can cater for their child’s disability;<sup>6</sup>
- *disadvantaged children* - childcare provision in deprived areas is less likely to be good or outstanding than in more affluent areas.<sup>7</sup>

A lack of investment in the early years workforce, along with an increase in staff vacancies<sup>8</sup>, is limiting the capacity of the early years sector to provide high quality free entitlement places, with the greatest impact being felt by providers in poorer areas, who are required to deliver a greater proportion of free places for disadvantaged two-year-olds.<sup>9</sup> Only 14% of Private Voluntary and Independent settings employ a graduate and a significant minority of practitioners continue to work in the sector despite not holding a Level 3 qualification.<sup>11,12</sup>

Policy issues restricting the development of the early years workforce include:

- *limited action following the Nutbrown Review* - Professor Nutbrown in her Review of Early Education and Childcare Qualifications set out a framework for improving qualifications and career pathways. Only a small proportion of her recommendations were implemented in full by government.<sup>13</sup>
- *no national funding for workforce development* - since the end of the Graduate Leader Fund in 2011, there has been no dedicated national funding available for local authorities to support the training and qualifications of early years practitioners. In addition, reductions in local government budgets mean that many local authorities can no longer subsidise training for new and existing practitioners.

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<sup>5</sup> Ibid.

<sup>6</sup> Family and Childcare Trust/Every Disabled Child Matters/Contact A Family (2014) [Parliamentary Inquiry into childcare for disabled children](#)

<sup>7</sup> Ofsted (2014) [The report of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills Early years](#)

<sup>8</sup> Between 2011 and 2013 there was a 42% increase in staff vacancies in full daycare settings. During the same period the number of active childminders fell by 6% (from 48,800 to 46,100).

<sup>9</sup> Nuffield Foundation (2015) [Quality and Inequality](#): Do three- and four-year-olds in deprived areas experience lower quality early years provision?

<sup>10</sup> NatCen Social Research (2012) [Childcare Sufficiency and Sustainability in Disadvantaged Areas](#).

<sup>11</sup> Department for Education (2014) [Childcare and Early Years Providers Survey 2013](#)

<sup>12</sup> A third of childminders do not hold a Level 3 qualification; nor do 13-16% of staff in group settings. 14% of childminders and 4% of staff in group settings are unqualified.

<sup>13</sup> Professor Cathy Nutbrown from the University of Sheffield was appointed by Department for Education to lead an inquiry to improve the quality of and access to early years and childcare qualifications. Nutbrown, C (2012) [Foundations for Quality](#): The independent review of early education and childcare qualifications. Final report.

**Questions for the Minister:**

Will the Minister confirm whether regulations will be used to place quality requirements on providers of the additional 15 hours of free childcare?

Will the Minister provide assurances that all childcare settings providing the additional 15 hours will be required to:

- be judged good or outstanding in their most recent Ofsted inspection (or have been approved by Ofsted following a pre-registration visit);
- deliver the Early Years Foundation Stage;
- have all staff holding or working towards a Level 3 qualification.

Will the government use the introduction of an additional 15 hours of childcare to take action to raise the quality of the current free entitlement?

Will the Minister provide assurances that the government will develop a strategy for expanding and improving the quality of the early years workforce?