



Exemption from Ofsted Childcare Register

Consultation response from Daycare Trust

In paragraphs 3.3 to 3.5 of the consultation paper we have referred to certain types of provision currently exempt from Ofsted registration and propose to carry forward these exemptions, with minor refinements, in the new registration schemes to be introduced in September 2008 under the Childcare Act 2006.

1 Do you agree that these current exemptions provide a sound basis for exemptions under the new system of Ofsted registration?

No

Daycare Trust recommends that as much provision as possible be included in the Ofsted inspection process, in order to promote high quality provision, positive outcomes for children and parental access to financial support.

We understand that the inspection regime must be proportionate, however we believe that the current system seems to work effectively, with little complaint from providers as far as we have heard. At our consultation meeting with DfES colleagues on this subject, it was suggested that the changes were being introduced for proportionality rather than because many complaints had been received.

In considering exemptions policy, and particularly how crèches should be treated, we have looked at the age of children attending childcare provision and the length of time an individual child will be cared for, in the context of the expectation that every registered provider looking after 0-5 year olds should deliver the Early Years Foundation Stage.

2 Do you agree that our approach in considering the age of children and the length of time they may attend the provision is sensible?

Not sure

We believe that *all* children should have access to high quality and affordable provision, regardless of their age or the length of time that they spend in that provision. However, we recognise that more regulation will be required to ensure quality for the youngest children.

Furthermore, under these provisions, children could still be in un-registered provision for a substantial period of time, particularly if parents attend a leisure centre regularly, for example. We would recommend that the requirement that exempts 'all provision where individual children are routinely looked after for two hours or less' (paragraph 3.7 of the consultation document) be further clarified – does this mean two hours or less a day/week? We suggest that if a child is in a setting for two hours a day, this is actually a relatively high level of childcare and not far from the current limit of the nursery education entitlement.

We also understand that settings where parents are in the same building will be exempted – because parents will be within close range. However this does not necessarily mean that children will not be at risk. We are concerned that parents may not be easily contactable, eg within a shopping centre/mall or if parents leave the shopping centre/mall to go to shops in the near vicinity.

There needs to be further work done with parents to make them aware of the new arrangements and what they should check for when choosing a crèche for their child(ren). Daycare Trust is concerned that parents will assume all provision is covered by Ofsted and will not make appropriate checks. This may particularly be the case for parents from disadvantaged groups.

Daycare Trust believes it would be more appropriate to exempt these providers from the Learning and Development requirements of the Early Years Foundation Stage – it would not be appropriate or them to meet these requirements if children only attend their setting for a short amount of time, but the welfare requirements are key to all settings. Equally, for Open Access playschemes, the welfare requirements set out in the EYFS are key.

We would like further clarification on how complaints made against non-Ofsted providers will be looked into: we believe it is essential that all parents have access to an independent complaints procedure if they are not happy with the provision they receive.

Our approach in excluding specific childcare provision from compulsory registration has been to carry forward what is working well under the current arrangements and to ensure that the new registers operate in a way that is proportionate. Basic safeguards in place for all children's services will be strengthened and for some types of childcare parents are best placed to carry out their own checks. Furthermore, voluntary registration on the Ofsted Childcare Register will be available to many providers who are currently unable to benefit from any kind of Ofsted registration.

3 Do you agree that our proposals achieve the right level of state involvement in regulating the childcare sector?

No

Daycare Trust welcomes the safeguarding proposals under the Vulnerable Groups Act. We would welcome further information on who will check

individual's status. For example, for a crèche located in a shopping centre or leisure centre, who would check the CRB status of an employee – and an employer?

Daycare Trust believes that too many providers have been excluded in the proposed regulations. Particularly for those settings that are open all day, we believe that it is more appropriate to exempt them from the Learning and Development Requirements of the EYFS rather than exempting them from Ofsted entirely.

The Regulatory Impact Assessment sets out three options, including the costs and benefits of each:

1. Maintain the existing arrangements

2. Include new definitions of the current exemptions in the new registration arrangements and in addition modify the existing definitions to exempt more short term and occasional crèche facilities and open access schemes, reflecting a more targeted approach to regulation.

3. Require all childcare provision to join the Early Years Register or compulsory element of the Ofsted Childcare Register as appropriate, with no exemptions.

4 Do you agree that the costs and benefits are appropriately assessed and that option 2 represents the best way forward

No

Paragraph 4 of the RIA states that the current arrangements are confusing for parents, and that is one of the reasons for changing the current position. However, we are concerned that the proposed arrangements will be just as confusing for parents. While the inclusion of the Childcare Approval Scheme within the main Voluntary Childcare Register is welcome, the exemption proposals are still complicated and confusing.

Furthermore, Daycare Trust believes that the key standards of safety, security and suitable persons are essential for all settings.

We understand that some changes may need to be made to exempt crèches for religious services other than Christian services, which may be longer than the current four hours, this could potentially be achieved without the proposed level of extension to Ofsted exemptions in other areas.

We have concerns particularly where children could be in these settings for substantial periods of time, potentially up to two hours a day, or for longer hours in Open Access Playschemes, and where parents may not be easily located if they are needed, such as in big shopping centres.

We believe that wherever possible, childcare providers should be encouraged to register with Ofsted, so that parents can be assured of the quality of provision and can access financial support available through tax credits and childcare vouchers.

Daycare Trust
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