



## **Childcare Registration Requirements**

### **Consultation response from Daycare Trust**

*The approach the Government is recommending means that many of the regulations for the new scheme of registration from 2008 will be based broadly on the existing requirements which are working well at present. There would be no significant changes to the regulations covering information to be supplied with applications for registration, the checks that Ofsted can carry out to corroborate the information, the details that would be included on registration certificates and the arrangements for suspension of registration.*

#### **1 Do you agree that these regulations form a sound basis for the new arrangements for registration by Ofsted?**

##### **Not sure**

Daycare Trust is aware of confusion among providers, and indeed Ofsted staff, about who is the 'registered person' and what is appropriate to require from them. In particular, where the registered person is not responsible for the day-to-day management of the childcare provision, Ofsted registration requirements must enable the manager to fulfil this management role. This must be made clear in the registration requirements and made clear to childcare providers as well.

There are many different structures for early years and out-of-school club settings and the prescribed roles do not always apply in a relevant fashion. We are aware of one setting where registration is being delayed just as the registration certificate is about to be issued because the Chair of the School Governors is being asked to apply for an Enhanced CRB certificate even though she has no contact with the children in the club. This has been a change in requirements at a very late stage and could feasibly prevent the club from opening in September despite all the workers and facilities meeting the requirements.

*The Government proposes that the initial requirements for registration mean that Ofsted has to make an assessment of the applicant's suitability to provide childcare, the suitability of the manager and the suitability of the premises. In the case of early years provision, Ofsted will also need to be satisfied that the applicant will be able to meet the requirements of the Early Years Foundation Stage.*

**2 Do you agree that the requirements to be met before an applicant is registered by Ofsted and starts to operate as a childcare provider cover the right areas?**

**Disagree**

Daycare Trust agrees that good managers should have discretion/responsibility they need to be able to monitor their own staff and provision – ie Ofsted can check that they have a training policy and records in place, but would not have to insist on having details of every staff member's training records. This will need very experienced Ofsted inspectors in order for them to make such judgements.

Daycare Trust also agrees that use of EYFS is sensible rather than having separate regulations. Daycare Trust believes that the EYFS welfare requirements are full and robust enough to meet the registration requirements for early years providers. They are also well set out and easy to read. In fact, we recommend that the model applied in the EYFS Welfare Requirements be repeated for older years provision, with specific legal requirements and statutory guidance to which providers should have regard. We recommend that a new document, superseding the National Standards, be produced, as the regulations are fairly dense and will be difficult for providers to decipher.

However, we believe that Ofsted should be satisfied that the applicant *'does/can meet the standards of the EYFS at the point of registration'* rather than *'will be able to'*. New providers should already be geared up to meet the EYFS requirements and should only be allowed to register if they are able to deliver the EYFS. Therefore there should be no reason why providers would lack the capacity to meet the full requirements upon registration. It may just be a wording change needed here, but we recommend that clarification be given.

The main area we disagree with the regulations on is more a matter of minimum standards that providers are required to meet, rather than the way in which Ofsted will judge the registration requirements. Particularly with regard to training and qualifications, Daycare Trust strongly recommends that the National Standards be improved. We commend the moves being made to introduce a more graduate-led workforce, but believe that training and qualifications should have stronger emphasis in the National Standards, for example with all staff being qualified (rather than the current 50% target) and preferably to Level 3. We also strongly believe that there should be standards on natural light and outdoor space.

Furthermore, there are still a significant minority of daycare childcare managers/supervisors (10% of managers and 16% of supervisors according to the 2005 DfES Childcare and Early Years Providers' survey) who do not meet the existing national standards. This is even more worrying in out of school clubs, where 18% of managers and 32% of supervisors lack a relevant Level 3 qualification. Where this is found by Ofsted, there needs to be detail of the steps to take. We recommend that a strict timeframe is set for them to

achieve the appropriate Level 3 and re-inspected accordingly. We do not think that 'working toward' the Level 3 qualification is suitable for people leading a childcare setting, particularly given the strong evidence from academic research that the qualifications of staff and managers is essential for high quality settings.

*The Partial Regulatory Impact Assessment which forms part of this consultation sets out an initial view of the costs and benefits of the Government's preferred approach to these regulations. Wherever possible the Government is seeking to minimise the cost to the private and voluntary sector of administration imposed by regulations. For childcare businesses this has to be balanced with the maintenance of necessary safeguards to children's safety and welfare.*

**3 Are there any aspects of the registration arrangements which could be changed to reduce the administration costs in respect of applicants for registration and registered providers?**

**Not sure**

The safety of children must always be the primary concern of any regulatory system. Daycare Trust would not want to see any reduction in cost of the regulatory system that would mean the safety of children was compromised. We are pleased that DfES/Ofsted will be monitoring the impact of reduced inspections and would welcome feedback in the future as to how this is progressing.

We understand that Ofsted is moving to a completely electronic system. We assume that this should help reduce administration costs in the medium-term.

**Daycare Trust  
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