



Department  
for Education

# More great childcare

Raising quality and giving parents more  
choice

January 2013

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## Foreword by Elizabeth Truss MP



Every parent wants the best for their child. They expect childcare to be safe and of good quality, because high quality childcare promotes children's development in the early years. The availability of affordable, safe and stimulating care is crucial in supporting families by enabling parents to work. It is equally crucial to the development of babies and young children as the foundation for their future success at school and in life.

We have been fortunate to see important improvements in the quality and professionalism of childcare in recent years. Children have benefited from the hard work, skill and commitment of those who work in early years, as shown by the improving results of assessments at age five. But it is clear that we face an enormous challenge.

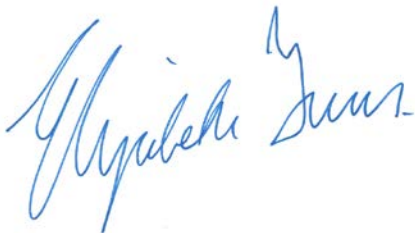
The affordability and availability of childcare are growing concerns to many working parents, and some childcare providers are struggling in these tough economic times. Too many parents are unable to work as they would choose and, as Professor Cathy Nutbrown told us in her report last summer, the quality of provision for children could be improved. That is why this Government is determined to ensure that the system delivers high quality at good value for children, parents and the tax-payer. I am clear that we can do better. We need consistently high quality nursery education and childcare that attracts the best possible staff. We need a system of regulation and inspection that has high expectations of quality, and which gives providers the incentives and the flexibility they need to deliver the best for children.

Making the changes we need will not be easy, nor instant. Tackling them demands a long-term plan and determined action.

We have a good tradition of early education in England, and some fine examples of excellent practice. But we should be prepared to encourage all providers to learn from the best, and learn from effective practice in other countries.

The plans in this document are the first step. They set out our proposals to build a stronger and more professional early years workforce, and to drive quality through everything it does. In particular, they explain how we will:

- build a stronger, more capable workforce, with more rigorous training and qualifications, led by a growing group of Early Years Teachers;
- drive up quality, with rigorous Ofsted inspection and incentives for providers to improve the skills and knowledge of their staff;
- attract more, high quality providers with new childminder agencies, which will recruit new people, train and guide them and lever up quality in an area of the sector that has lagged behind;
- free providers to offer more high quality places, with greater flexibility to invest in high-calibre staff and more choice for parents.



**ELIZABETH TRUSS MP**

Parliamentary Under Secretary of State (education and childcare)

## Executive summary

We want to make available more great childcare for parents and children.

If we want our children to succeed at school, go on to university or into an apprenticeship and thrive in later life, we must get it right in the early years. If we want to use the talents of parents, and particularly mothers, to the full, we must ensure there is enough high quality childcare available.

More great childcare is vital to ensuring we can compete in the global race, by helping parents back to work and readying children for school and, eventually, employment. And it can help build a stronger society, with more opportunities for women who want to work and raise children at the same time, and better life chances for children whatever their background.

We will deliver more great childcare by:

- raising the status and quality of the workforce;
- freeing high quality providers to offer more places;
- improving the regulatory regime; and
- giving more choice to parents.

### Raising the status and quality of the workforce

There is nothing more important in early education than the quality of the staff who are delivering it. As Professor Nutbrown pointed out in her review of qualifications for the early education and childcare workforce<sup>1</sup>, the quality of the workforce and the qualifications on offer at the moment are not good enough. Staff are on low pay and in too many cases lack basic skills.

The problems employers face in identifying high quality staff are exacerbated by the proliferation of early years qualifications which has occurred since the 1970s. Professor Nutbrown pointed out that there are over 400 early years qualifications for employers to consider, many of which lack rigour and depth.

We will improve early years qualifications so that parents and providers can have greater confidence in the calibre of people who are teaching our youngest children. We will raise the quality of those entering the workforce by imposing tougher entry requirements.

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<sup>1</sup> Foundations for Quality – the independent review of early education and childcare qualifications: Final Report (June 2012)

- **Early Years Teachers.** We want more high quality graduates to work in the early years. Early Years Professionals have helped improve the quality of early education but public recognition of their status remains low. We will introduce Early Years Teachers to build upon the strengths of the Early Years Professionals programme. Early Years Teachers will specialise in early childhood development and meet the same entry requirements and pass the same skills tests as trainee school teachers.
- **Early Years Educators.** We must also improve the quality of people below graduate level working in the early years. In future, people will train at Level 3 to become Early Years Educators. Only the best qualifications, which meet rigorous criteria set out by the Teaching Agency, will earn the 'Early Years Educator' title. All Early Years Educators will be required to have at least a C grade in GCSE English and maths. They will often act as assistants to Early Years Teachers.

It is our aspiration that over time, group childcare will increasingly be delivered by Early Years Teachers and Early Years Educators. We hope parents will come to recognise these titles as benchmarks of quality.

## Freeing high quality providers to offer more places

### Nurseries<sup>2</sup>

In England as in many other countries, central government limits the number of children each member of staff in a nursery can look after through mandatory staff: child ratios. However, ratios in England are tighter than in comparable European countries. For instance, English nurseries can look after up to four two-year-olds for every member of staff, compared to six two-year-olds per member of staff in the Netherlands and Ireland, and eight two-year-olds in France. Other countries – such as Denmark, Germany and Sweden – do not set national mandatory ratios for children of any age.

England's relatively tight staffing rules drive higher costs for parents and lower pay for staff. In turn, low pay undermines the attractiveness of the profession to potential applicants. In other countries, providers can use the extra income they get from taking on more children to reduce fees for parents and pay staff more, but this is not possible in England.

Crucially, other countries also ensure they employ more highly qualified professionals in the early years. In France, at least 40 per cent of staff in early years settings must hold a diploma, gained after a year-long, post-18 course. In the Netherlands, certified childcare workers must take three years of training post-18. In Denmark, childcare workers are

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<sup>2</sup> Note: there are two main types of childcare provider for young children in England: nurseries and childminders. Nurseries are organisations providing early education and childcare delivered by multiple members of staff. Childminders are self-employed individuals who provide childcare, usually in their own home. The term 'childminder' is often incorrectly used to describe people who work in a nursery.

required to have between three and five years vocational or tertiary education before they can work in the early years.

Where there are high quality staff, greater flexibility in staffing can work. We will, therefore, free high quality providers to offer more places by allowing greater flexibility. That flexibility for nurseries should go hand in hand with higher quality, so providers will only be able to operate with more children per adult if they employ high quality staff. This will give providers extra income to pay staff more, and it will give more parents the choice of a great childcare place for their child. We will consult on the qualification requirements which will support this additional freedom. It should be stressed that these ratios will be maximum legal limits – no settings will be obliged to use higher ratios, and parents will still be free to choose nurseries that operate on existing ratios if they prefer.

The following table shows our proposed new nursery ratios compared to the current rules in England and in other countries:

**Figure 1 Nursery ratios summary**

Provider	Nurseries			
	Under 1	1	2	3+
England (current ratios)	1:3	1:3	1:4	1:8 or 1:13
England (proposed ratios where there are high quality staff)	1:4	1:4	1:6	1:8 or 1:13
Netherlands	1:4	1:5	1:6	1:8
France	1:5	1:8	1:8 or 1:12	1:8 or 1:26
Ireland	1:3	1:5	1:6 or 1:11	1:8 or 1:11
Denmark	None	None	None	None
Germany	None	None	None	None
Sweden	None	None	None	None

Source: DfE obtained figures by a bespoke survey of 15 OECD countries (fieldwork carried out in 2012).

Notes:

England - Over-3s ratio is 1:13 if led by a teacher.

France - Ratios vary by provider type: crèches (1:5 children who cannot walk and 1:8 children who can walk); jardins d'éveil (1:12 children between two and three years old); kindergartens and pre-schools (1:26 children aged three to compulsory schooling, where led by a teacher)

Ireland - In sessional pre-school provision the staff:child ratio is 1:11 for children aged 2.5 years to six years. In full/part time daycare provision the ratio is 1:6 for two year olds and 1:8 for three to six year olds

Germany - although there are no national mandatory staff: child ratios, individual Länder (regions) are free to set their own regulations.



## **Childminders**

We also want to give more flexibility to home-based childminders. At the moment, childminders can look after six children, no more than three of which can be under the age of five and only one of which can be under the age of one.

This is too restrictive, particularly for children under the age of five. Childminders may only look after three under-5s at any one time. This contrasts with four children in France and five children in the Netherlands, Ireland, Denmark and Germany. There are no national limits at all in Sweden.

Current rules are also applied too rigidly. For example, if a parent is late picking up their child, the childminder risks breaking the rules by looking after an extra child even for a short period. The current rules also mean that if a parent wants to leave baby twins with a childminder, childminders must seek an exception as they would be exceeding the prescribed ratio of one under-1 per adult.

We will give childminders more flexibility. They will still only be able to look after six children in total. However, we will increase the number of under-5s they can look after from three to four, and the number of under-1s they can look after from one to two. We will also provide an explicit allowance for overlaps between children by making clear childminders can exceed these new ratios by one for reasonable periods of time. Once again, it is important to stress that these will be the maximum limits on the number of children childminders can look after – childminders will be free to carry on using existing ratios and parents will be able to choose childminders who care for fewer children if they wish.

The following table shows our proposed childminder ratios compared to the current rules in England and in other countries:

**Figure 2 Childminder ratios summary**

Age	Childminders						
	0	1	2	3	4	5	6
England (current)	1:1	1:3	1:3	1:3	1:3	1:3	1:6
England (proposed)	1:2	1:4	1:4	1:4	1:4	1:4	1:6
Denmark	1:5	1:5	1:5	1:5	1:5	1:5	1:5
France	1:4	1:4	1:4	1:4	1:4	1:4	1:4
Germany	1:5	1:5	1:5	1:5	1:5	1:5	1:5
The Netherlands	1:2	1:4	1:5	1:5	1:5	1:6	1:6
Ireland	1:2	1:2	1:5	1:5	1:5	1:5	1:5
Sweden	None						

Source: DfE obtained figures by a bespoke survey of 15 OECD countries (fieldwork carried out in 2012).

Notes:

*England (current)* - Childminders can have a maximum of six children under the age of 8, a maximum of three young children (until 1st September following their 5th birthday), and a maximum of one child under 1.

*England (proposed)* - Childminders can have a maximum of six children under the age of 8, a maximum of four young children (until 1st September following their 5th birthday), and a maximum of two children under 1. Ratios can be exceeded by one for reasonable periods of time to allow for overlaps between children.

*Denmark* - The number of children per adult is regulated by law.

*Ireland* - Childminders can care for five children (including their own) and no more than two under the aged of 15 months.

## Improving the regulatory regime

Key to delivering more great childcare is a rigorous regulatory and inspection regime which ensures providers are focused on quality rather than process, and provides parents with assessments in which they can have confidence. Current regulations can cause a preoccupation with relatively trivial issues, such as the amount of floorspace per child and whether the nursery has a room where staff can talk confidentially to parents. This gets in the way of allowing staff and inspectors to concentrate on the most important consideration: how well adults are interacting with children.

Ofsted offers a tried and tested means of holding providers to account which parents understand and respect. But at the moment some local authorities also inspect early years providers who are implementing the early education programme for three- and

four-year-olds as well as two-year-olds from low-income families. Local authorities currently retain £160 million a year of the funding intended to deliver early education to three- and four-year-olds, some of which is spent on duplicating work Ofsted is already doing. Furthermore, providers have to satisfy inspectors from both Ofsted and their local authority, who often issue different or even contradictory requirements. Overall we need to ensure that regulations focus on quality and safety. We will replace unnecessarily prescriptive regulations on floorspace and the like with a general welfare and safety requirement.

We believe Ofsted should become the sole arbiter of quality in the early years, focused on identifying under-performance. We propose:

- **Ending duplication in inspection.** We will make the Ofsted inspection rating the sole test of whether a provider can offer funded early education for two-, three- and four-year-olds. This will relieve local authorities of the burden of inspecting early years, enabling them to pass more of the funding they are given by central government for early education onto the front line. Providers will no longer have to accommodate separate inspections by Ofsted and local authorities.
- **Reforms to Ofsted's early years inspections.** Ofsted are developing improvements to their inspection of the early years. Ofsted will ensure there is more involvement in the early years by Her Majesty's Inspectors, who will focus on inspecting childminder agencies (see below) and ensuring a stronger focus on weaker providers. Weaker providers will be inspected more frequently, and providers will also be able to request a paid-for, early re-inspection if they believe they have improved since their previous inspection.

## Giving parents more choice

At the moment, too few parents have the choice of a good childcare provider, and this is particularly true in more deprived areas. Only around one in ten nurseries and childminders were rated outstanding by Ofsted<sup>3</sup> as of last year. 39 per cent of childminders working in the most disadvantaged areas fail to achieve a 'good' or 'outstanding' rating from Ofsted, compared to 23 per cent of childminders in the richest areas.

For many parents, home-based childminders offer the most practical and flexible form of childcare. At the moment, most childminders are self-employed individuals running their own business. Many childminders are happy to work in this way. But many others have found the requirements of setting up and running their own business burdensome. This may prevent childminders concentrating on delivering high quality early education and care, and in some cases may drive people out of the profession altogether. This is one

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<sup>3</sup> Ofsted Annual Report 2011/12

reason why the number of childminders has almost halved over the last twenty years. Parents have seen their options for home-based care steadily decrease.

Parents can also struggle to find traditional nursery classes led by teachers. The evidence<sup>4</sup> suggests groups led by better-qualified staff offer higher quality support for children age 30 months to five. It is already possible for providers to care for thirteen children per adult where a teacher is present, but private and voluntary nurseries often prefer to use non-graduates in groups with a lower ratio of 1:8. In too many early years settings, those with graduate qualifications are carrying out largely administrative functions rather than working with groups of children.

We will offer parents the choice of more great childcare through:

- **Childminder Agencies.** We will enable the creation of childminder agencies to relieve childminders of some of the burdens of setting up their own business, provide training and match childminders with parents. Instead of having to investigate prospective childminders to check they are happy to entrust their children to their care, parents could instead approach a childminder agency to match them with a nearby childminder. There could be many practical benefits too. For instance, agencies could arrange for cover when childminders fall ill, saving parents the hassle of finding someone else at short notice or missing work.
- **Encouraging schools to take younger children.** We want to see many more schools offering childcare and education to young children. Some schools already do this very well in their nursery classes. We will make it easier for schools to teach younger children by removing the requirement on schools to register separately with Ofsted if they wish to provide for children under three. We are also going to reform the current cumbersome statutory processes required of schools if they want to take children lower down the age range.
- **More traditional nursery classes.** By focusing regulation and inspection on quality and outcomes, we will encourage private and voluntary nurseries to use existing flexibilities which allow them to have graduates leading classes of 13 children per adult. Together with making it easier for schools to take younger children, this will give more parents the option of a traditional nursery class led by a teacher.

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<sup>4</sup> Mathers S. et al (2011) Evaluation of the graduate leader fund final report. Department for Education. Research Report DFE-RR144

# 1. A vision for early education and childcare

Over the next 10 years we want to make sure there is more great childcare available for parents and children.

As well as the influence of parents and families, high quality early education and childcare, delivered with love and care, can have a powerful impact on young children. The evidence is clear that a good start in these early years can have a positive effect on children's development, preparing them for school and later life.

This is important for individual children and families. It is also important for our wider society and economy. We are in a challenging global environment where we must use the best of everyone's talents. We need to support our children to be able to succeed in a world that is fast-changing, and where the skills and knowledge of a nation's population are the best guarantee of their economic security and prosperity.

Our reforms seek to benefit both society and the economy by delivering high quality education in the early years at the same time as helping parents back to work. This will complement the Government's wider commitments: reforming education, so that we produce bright graduates and skilled school leavers; and reforming welfare, so that it always pays to work.

We also want to give parents more choice of early education. Parents should be able to decide whether home-based care, nursery care, or a combination of the two is best for their child. We will achieve this by making it easier for new providers to enter the market and for existing providers to expand.

The proposals set out in this document will help providers to thrive, by delivering more for the investment currently made by the tax-payers and parents. This will be achieved through:

- raising the status and quality of the workforce;
- freeing high quality providers to offer more places;
- improving the regulatory regime; and
- giving more choice to parents.

This document includes the Government's response to Professor Cathy Nutbrown's review of qualifications for the early education and childcare workforce. It addresses the workforce issues considered by Professor Nutbrown in the wider context of the structure of childcare and its inspection framework, because we believe these issues are intrinsically linked. We have set out how we are responding to each of Professor Nutbrown's recommendations in an appendix to this document.

We know that parents are concerned about the cost as well as the quality of childcare. As highlighted in the Government's mid-term review, we will set out, in due course, how we intend to give parents more help with the costs of childcare. Further to the reforms in this document, the childcare commission is looking at support for parents with the costs of childcare, childcare regulation and care for school age children, and will report shortly.

## 2. The case for change

### What works

We know what works in early years education: high quality qualifications and well-trained staff. The evidence shows that:

- Attending a high- or medium-quality pre-school has a lasting effect on social and behavioural outcomes.<sup>5</sup>
- Pre-school quality is a significant predictor of later Key Stage 2 performance in both English and mathematics.<sup>6</sup>
- Better-qualified staff offer higher quality support for children age 30 months to five years in developing communication, language, literacy, reasoning, thinking and mathematical skills.<sup>7</sup>

The Effective Provision of Pre-School Education (EPPE) Project found:<sup>8</sup>

- The quality of early years provision is related to better intellectual/cognitive and social/behavioural development in children at entry to and throughout primary school.
- Children made more progress in pre-school centres where trained teachers were present.
- High quality pre-school is especially beneficial for the most disadvantaged children.

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<sup>5</sup> Siraj-Blatchford, I. et al. (2011), Performing against the odds: developmental trajectories of children in the EPPSE 3-16 study, Department for Education, Research Report DFE-RR128

<sup>6</sup> Ibid & Sylva, K et al (2008) Final Report from the Primary Phase: Pre-school, School and Family Influences on Children's Development during Key Stage 2 (Age 7-11) EPPE. Research Report DCSF-RR061

<sup>7</sup> Mathers S. et al (2011) Evaluation of the graduate leader fund final report. Department for Education. Research Report DFE-RR144

<sup>8</sup> Sylva, K. et al. (2004) Effective Provision of Pre-School Education (EPPE) Project: Findings from the pre-school period. Department for Education and Skills. Research Brief RBX15-03. Sylva, K et al (2008) Final Report from the Primary Phase: Pre-school, School and Family Influences on Children's Development during Key Stage 2 (Age 7-11). Research Report DCSF-RR061

## There has been progress in recent years

Ofsted rates 74 per cent of settings as good or outstanding compared with 65 per cent three years ago.<sup>9</sup>

Between 2007 and 2011, the proportion of full daycare staff with at least a Level 3 qualification grew from 72 per cent to 84 per cent. The proportion of those with a degree or higher increased from four per cent to 11 per cent.<sup>10</sup>

The Early Years Professional Status (EYPS) was launched in 2007 as a route for career progression within the sector and for talented, well-trained graduates to enter the profession. There are now 11,000 Early Years Professionals<sup>11</sup> across the country and, in 2011, almost a third of non-LA run full daycare providers had one or more EYPs<sup>12</sup>. These new graduate leaders are already having a positive impact on the quality of early education and care for pre-school children.<sup>13</sup>

## But huge challenges remain

The Government spends almost £5 billion a year on early education and childcare:

- **Funded early education.** Cost = around £2 billion a year, rising to around £3 billion a year by the end of the Parliament. All three and four year olds can receive 15 hours of early education and care for 38 weeks of the year. Around 260,000 two-year-olds from low-income families will also be eligible from September 2014.
- **Tax credits and benefits disregards.** Cost = £1.5 billion a year through tax credits and benefits disregards; plus an additional £200m a year under Universal Credit. Depending on their income, some working parents can claim up to 70 per cent of the costs of childcare up to a maximum of £175 a week for one child and £300 a week for two or more children.
- **Employer Supported Childcare.** Cost = around £800 million a year. Parents can claim tax and National Insurance Contributions relief on the cost of childcare, using childcare vouchers or workplace nurseries provided through their employers. Depending on their individual circumstances, they can benefit from up to £900 a year through this scheme.

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<sup>9</sup> The report of Her Majesty's Chief Inspector of Education, Children's Services and Skills: Early years 2011/12

<sup>10</sup> Brind, et al (2012) Childcare and Early Years Providers Survey 2011. DfE OSR18/2012

<sup>11</sup> Teaching Agency data – EYPS awards 2007 to January 2013

<sup>12</sup> Brind, et al (2012) Childcare and Early Years Providers Survey 2011. DfE OSR18/2012

<sup>13</sup> The Evaluation of the Graduate Leader Fund, July 2011 (Oxford University/National Centre for Social Research DFE RB-144) The Longitudinal Study of EYPS, Sept 2012, (CeDARE, University of Wolverhampton DFE RR-239a-c)



As a share of GDP, the Government spends around 40 per cent more than the OECD average on childcare. Our spending is lower than the Nordic nations, comparable with France and higher than Germany<sup>14</sup>.

Despite this, there are still major problems with the current system:

- low pay relative to other professions and other countries and perceived low status of what is a very important role;
- lack of rigour and depth in a confusing range of qualifications;
- a confusing regulatory regime, with Ofsted's role duplicated by local authorities;
- parental choice is limited; and
- quality and availability vary too much across the country.

## **Low pay relative to other professions and perceived low status of what is a very important role**

Despite some recent improvements, the early years profession has not broken out of the cycle of low pay and perceived low status relative to other professions. Although the evidence suggests that the best outcomes are achieved by high quality staff, current regulations limit the number of children each member of staff can look after, constraining salary levels. Moreover, many providers often fail to use the flexibility already available in the current system to allow well-qualified staff to look after more children and therefore offer them better pay.

## **Pay rates are lower than other comparable countries**

Low wages for staff working in the early years limit the scope for further professionalisation, with many staff paid little more than the minimum wage. In 2011, the national minimum wage for those over 21 was £6.08 an hour. Those working below supervisor level in full daycare settings earn on average only slightly more than this, at £6.60 an hour.<sup>15</sup>

Early years staff in other comparable European countries are often significantly better paid. This contrasts with the situation for primary school teachers, who are often better paid in England than abroad, as the table below shows:

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<sup>14</sup> These figures are from 2009 and the sources are: Social Expenditure database 2012; OECD Education database; and Eurostat for non-OECD countries

<sup>15</sup> Brind, R et al (2012) Childcare and Early Years Provider Survey 2011. DfE. OSR18/2012

**Figure 3 Average annual salaries (GBP £)**

European country	Childminders (family daycare)	Childcare workers in more formal settings (e.g. crèche or accredited play groups)	Supervisors / managers of formal settings	Primary school teacher
Denmark	£21,500	£20,350	£32,800	£38,050
Finland	£14,800	£18,800	£22,300	£28,100
France	£13,250	£16,300	£23,950	£25,400
Germany	£14,600	£19,150	£28,250	-
Netherlands	£22,500	£22,100	£34,400	£34,000
Sweden	£20,150	£22,450	£29,250	£23,250
England	£11,400	£13,300	£16,850	£33,250

Source: Figures obtained via a DfE survey of UK Embassies (November 2012), in the case of England via the Childcare and Early Years Providers Survey 2011 and for France: INSEE / déclarations obligatoires des entreprises aux organismes sociaux (màj. extrapolée 2012). Primary school teacher salaries are from Eurydice (2012) Teachers' and School Heads' Salaries and Allowances in Europe, 2011/12, and OECD (2012) Education at a glance.

Notes:

1. Figures are converted using Purchasing Power Parity (PPP). All figures have been rounded to the nearest 50.
2. For England, France and Finland, the salaries for childcare workers and supervisors are averages. For the remaining countries, salaries are based on mid-point estimates.
3. The salaries for childcare workers, supervisors/managers and primary school teachers are for staff in the private and public sectors, apart from the figure for primary teachers in England which is for the public sector only.
4. The salaries for childcare workers and supervisors/managers are on a full-time basis. The typical working patterns and definitions of full-time will differ by country. For England the definition of full-time used is 39 hours per week for 52 weeks per year.
5. The salary figures for supervisors in England are for staff defined as those who are qualified to supervise a group of children on their own. They do not necessarily supervise other members of staff. This is different from a senior manager who is the person with overall responsibility for managing the provision in a setting. For the other countries the salaries are for staff in either a supervisory or a managerial role.
6. The childcare worker and supervisor salary figures for England are based on staff in private, voluntary and maintained full daycare settings only.
7. For the Netherlands, the childminder salary is based on approximately £4 per child per hour for a maximum of five children for an average of 21.6 hours per week for 52 weeks per year.

Notes on Primary school teacher salaries:

8. Denmark – includes part-time workers.
9. France – based on the mid-point of the salary scale for a primary teacher with the minimum required qualifications.
10. Sweden – covers teachers in primary and lower secondary, includes part-time workers
11. Salary data for primary school teachers in Germany not available.

## Rigid staff: child ratios lead providers down the low skills, low pay route

Part of the reason for England's low pay problem is that regulations rigidly prescribe the number of staff nurseries have to employ. This prescription, particularly in connection with two-year-olds, means providers employ staff in numbers which force a choice between paying low wages and charging parents excessively high fees.

These staffing regulations have existed largely unchanged since the 1970s. Even four decades ago they only reflected common practice of the time, rather than firm evidence that they were best at protecting children's safety and promoting learning and development.

The staffing rules in the countries listed below allow providers to operate more flexibly, with better qualified staff on higher salaries:

**Figure 4 National mandatory minimum staff: child ratios**

Provider	Nurseries				Childminders	
	Age	Under 1	1	2		3+
England		1:3	1:3	1:4	1:8 or 1:13	1:3
Netherlands		1:4	1:5	1:6	1:8	1:5
France		1:5	1:8	1:8 or 1:12	1:8 or 1:26	1:4
Ireland		1:3	1:5	1:6 or 1:11	1:8 or 1:11	1:5
Denmark		None	None	None	None	1:5
Germany		None	None	None	None	1:5
Sweden		None	None	None	None	None

Source: DfE figures obtained by a bespoke survey of 15 OECD countries (fieldwork carried out in 2012).

Notes:

England - Ratio for children aged three and over is 1:13 if led by a teacher.

France - Ratios vary by provider type: crèches (1:5 children who cannot walk and 1:8 children who can walk); jardins d'éveil (1:12 children between two and three years old); kindergartens and pre-schools (1:26 children aged three to compulsory schooling, where led by a teacher).

Ireland - In sessional pre-school provision the staff:child ratio is 1:11 for children aged 2.5 years to six years. In full/part-time daycare provision the ratio is 1:6 for two-year-olds and 1:8 for three- to six-year-olds

Germany - although there are no national mandatory staff: child ratios individual Länder (regions) are free to set their own regulations.

We know that the key to success is employing staff with the skills and knowledge that make a difference for young children. Yet rigid staffing requirements mean those providers often pay wages at or close to the minimum wage. This puts a cap on quality. Talented graduates are put off working in the early years, feeding the false perception that working with young children is low status and unimportant.

Even where our centrally prescribed regulations allow flexibility, it is often not fully used. It is already possible to operate with up to 13 three- and four-year-olds to each adult where there is a teacher or other suitable graduate, but many nurseries choose not to use this flexibility. Often, this is because graduate-level staff are in managerial roles rather than working directly with children. It is not simply a question of financial constraint – the additional income generated by taking on more children would in many cases support the higher pay needed to attract a qualified graduate. This would have real educational benefits, as the evidence strongly suggests that group care with graduate leadership supports better outcomes for children.

It is clear that other countries choose to strike a different balance, with higher staff: child ratios combined with more highly qualified professionals. For example<sup>16</sup>:

- **The Netherlands:** the initial training requirement for a certified childcare worker is three years of post-18 training. For pre-school teaching staff the initial teacher training is a three year vocational higher education course.
- **France:** at least 40 per cent of staff must be qualified up to diploma level, achieved after a year-long, post-18 course. Under the age of three, crèches have a ratio of 1:5 for children who cannot walk and 1:8 for children who can walk and who are toilet trained. Classes in écoles maternelles are led by qualified teachers, supported by assistants.
- **Ireland:** there is wide variation; but a year-long vocational training course is common. Any pre-school leader contracted to deliver a free universal pre-school scheme must hold a minimum of a Level 5 NFQ qualification (corresponds to UK Level 3) and their daycare settings have a ratio of 1:5 for one-year-olds and 1:6 for two-year-olds.
- **Denmark:** there are no national mandatory limits on the number of children nursery staff can look after. There is a maximum ratio for childminders of five children. Both pre-school teachers and childcare workers are required to undergo three to five years vocational or tertiary education, depending on prior experience.
- **Sweden:** there are no national mandatory limits on the number of children staff can look after. Childcare workers have to undertake a three year initial teacher training course, and pre-primary teachers have to undertake a 3.5 year university

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<sup>16</sup> Examples are taken from a variety of sources including the OECD Starting Strong III: A Quality Toolbox for ECEC; [OECD Family Database PF 4.2 A](#); the British Embassy in France; and bespoke survey of OECD member states carried out by the Department in 2012.

teacher training course. Two years ago, the Government proposed that existing degrees in education should be replaced by four new professional degrees: pre-school education, primary school education, subject education and vocational education.

- **Germany:** there are no national mandatory limits on the number of children staff can look after. However, individual Länder (regions) can set their own regulations. More bachelor degree-level Early Childhood Education and Care (ECEC) programmes are emerging at university level. In 2011, the Ministers of Youth from German Länder agreed on a resolution about a common title ('approved pedagogue for early childhood') and common contents for these degree programmes.

## Lack of rigour and depth in a confusing range of qualifications

In October 2011, the Government asked Professor Cathy Nutbrown to conduct an independent review of early education and childcare qualifications. Her final report, *'Foundations for Quality'*<sup>17</sup>, published in June last year, was a timely reminder of the case for a more professional and more highly qualified workforce.

Professor Nutbrown rightly celebrated many examples of excellent practice, but also highlighted a number of concerns over the quality of early years qualifications. She expressed 'significant doubts over whether the content of courses covers the skills and knowledge that people need to work in the sector'<sup>18</sup>.

## Proliferation of qualifications

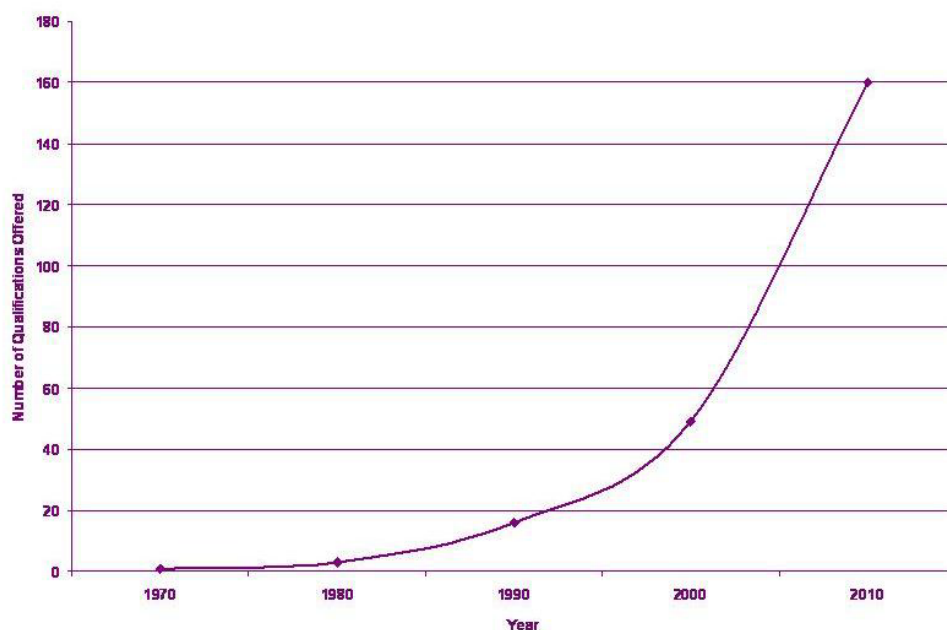
As Professor Nutbrown said, there is currently 'a complex and at times confusing qualifications picture'. Since the 1970s, the number of early years qualifications has grown exponentially, as the following graph from the Nutbrown Review shows:

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<sup>17</sup> *Foundations For Quality – the independent review of early education and childcare qualifications: Final Report* ( June 2012)

<sup>18</sup> *Review of Early Education and Childcare Qualifications: Interim Report* (March 2012)

**Figure 5 Growth of Early Years Qualifications**



If anything, this graph underestimates the scope for confusion. A list provided to the Nutbrown review by the Children’s Workforce Development Council showed that there were over 400 different early years qualifications for employers to consider. About half of these are regarded as “full and relevant” to the Early Years Foundation Stage.

### **Employer concerns over quality**

Given the large number of qualifications held by people working in the early years, it is not surprising to learn of significant concerns over variation in quality.

Professor Nutbrown concluded that the proliferation of qualifications had left employers in a difficult position: ‘When employers come to recruit staff, they face a bewildering array of qualifications, some of which they do not trust (either because they are unsure that the content is suitable, or because they lack confidence that it has been taught to the right standard)’.

Indeed employers have found that, because early years qualifications are often substandard, they are forced to spend time training new staff for basic tasks.

### **Low expectations of literacy and numeracy**

Professor Nutbrown wrote that ‘at present, there is no requirement for those studying at any level to demonstrate competence in English and mathematics in order to complete an early years qualification’.

Parents trust nurseries to help their children learn to speak and add up in the crucial early stages of their development. Yet early years qualifications do not presently require learners to have mastered basic literacy and numeracy. This is damaging both to children's development and to parents' confidence in the system as a whole.

## **A confusing regulatory regime, with Ofsted's role duplicated by Local Authorities**

### **In the past, regulations have focused too much on process not practice**

Providers are responsible for the quality of their provision. They should always act in the best interests of the children in their care, responding to the wishes of parents and the available evidence. But in the past, they have too often been bound by overly prescriptive paperwork and bureaucracy. The new, slimmed-down Early Years Foundation Stage has improved the situation considerably.

But there is more to do. For instance, regulations currently prescribe: the amount of floorspace per child (3.5 m<sup>2</sup> for children under two, 2.5 m<sup>2</sup> per two-year-old, and 2.3 m<sup>2</sup> per three- to five-year-old); an area for children to sleep; an area for staff to talk to parents confidentially; and an area where staff can spend time away from children. These features may be desirable in a nursery, but we do not believe regulations should prescribe the layout of a nursery with such specificity. We must trust professionals to make these decisions.

### **Strengthening inspection in the early years**

Ofsted's inspection regime is one of our system's great strengths. An Ofsted inspection provides a recognised benchmark of quality and plays a crucial role in monitoring and improving the quality of provision and the outcomes for young children. Both parents and providers rightly value the rigour that the Ofsted process brings to early education and care.

In response to the reform of the Early Years Foundation Stage, Ofsted has strengthened the focus on the quality of care and learning and the outcomes for children through their revised inspection framework. Early feedback on this is encouraging, but we need to go further to ensure that regulations are reasonable and inspection judgements are as rigorous as possible.

We want to improve the Ofsted regime further. For instance, we want to see more involvement by HM Inspectors in the inspection of early years. Those HMIs that do work in the early years focus on the more complex areas of inspection such as children's

centres, with the inspection of early years settings carried out by contracted inspectors instead.

The current system of inspection for childminders could also be improved. Each individual childminder is inspected every three or four years, usually for only around three to four hours. There is no question of the desirability of a thorough inspection regime for childminders, but it is less clear how far the current system drives quality.

### **Ofsted role duplicated by local authorities**

At the moment, Ofsted are not the only arbiters of quality in the early years. Local authorities also have a role in determining which providers should qualify for funding for early education. They also approve training in connection with the Early Years Foundation Stage.

As Dame Clare Tickell reported in her review of the Early Years Foundation Stage, there have been mixed views on the experience of inspection and monitoring by local authorities.<sup>19</sup> Some practitioners asserted that they were asked to gather disproportionate amounts of information to show how they met the EYFS requirements. Dame Clare drew attention to the need to tackle perceived inconsistencies around EYFS requirements from local authorities on the one hand and Ofsted on the other.

For example, there was a perception that local authorities sometimes asked providers to gather information not required by the EYFS or by Ofsted. This proliferation of requirements with which providers think they have to comply can be confusing, expensive and time consuming. It can also divert resources from where local authorities can add most value – ensuring that the most disadvantaged children receive early education and childcare that meets their needs.

Local authorities also act as gatekeepers to funding and as a statutory training provider, removing flexibility from the system and creating another layer in the process. Some providers operating in several areas have said that differing local practice adds to administrative burdens, making it more difficult for established national operations, with strong professional standards, to expand in response to parental demand. These local practices mean local authorities retain the money intended for educating three- and four-year-olds. In 2012-13, local authorities retained £160 million of funding and we want to see more of this pass to the front line.

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<sup>19</sup> The Tickell Review – The Early Years: Foundations for life, health and learning (March 2011)



## Early years inspections not fully integrated with schools inspections

Schools are routinely inspected by Ofsted, but they currently have to have an additional early years inspection if they register as an early years provider to take two-year-olds. Early years provision in schools for children aged under three – even if it is run by the school governing body – needs to be separately registered with, and inspected by, Ofsted.

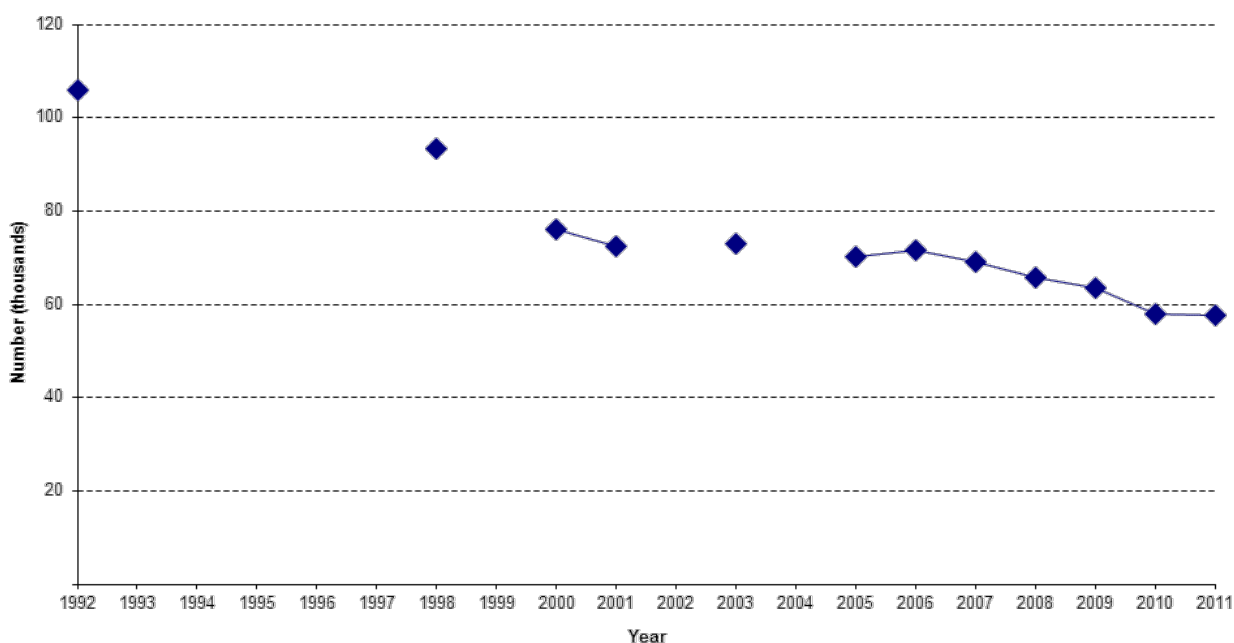
## Parental choice is limited

The supply of places has risen in recent years, notably in full daycare. But there is an increasing challenge to ensure that sufficient numbers of good quality places are available to meet the increased demand created by demographic changes, the extension of free places to 40 per cent of two year olds, and parents who want to keep working while raising children.

Parents want a choice between quality home-based and nursery care. Many parents particularly value home-based childminders because of the distinct, flexible care that they can provide, especially for the youngest children.

However, the number of registered childminders has almost halved, from over 100,000 twenty years ago to around 57,000 now, as the chart below shows:

**Figure 6 Number of registered childminders, England 1992-2011**



Sources: Childminding in the 1990s; 2001 Childcare Workforce Survey; 2002/03 Childcare Workforce Survey; Childcare and Early Years Providers Survey 2011

Parents may also be reluctant to use home-based care due to concerns over quality. Ofsted has found that the quality of childminding has persistently lagged behind the quality of other types of childcare, and that childminders have not been able to close the gap between them and other providers.

## **Quality varies too much across the country**

Parents value being able to choose which provider most suits their needs, but parents in disadvantaged areas are far less likely to have a choice of high quality provision than those in more affluent areas. Inspection evidence shows that early education provision in disadvantaged areas is generally of lower quality.

The difference in quality of provision between the best- and worst-performing parts of the country is stark. For instance, in the best-performing local authority in the country, just 8 per cent of providers are rated less than good by Ofsted. Yet in one London authority, 45 per cent of providers are rated less than good.

Deprived areas are hit most by this variability in quality. Only around one in ten nurseries and childminders were rated outstanding by Ofsted as of last year.<sup>20</sup> 39 per cent of childminders working in the most disadvantaged areas fail to achieve a 'good' or 'outstanding' rating from Ofsted, compared to 23 per cent of childminders in the richest areas.

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<sup>20</sup> Ofsted Annual Report 2011/12

### **3. A plan of action**

This document sets out our plan of action to tackle these issues and to achieve this new vision for the early education and childcare sector. We will take action on four key priorities:

- raising the status and quality of the workforce;
- freeing high quality providers to offer more places;
- improving the regulatory regime; and
- giving more choice to parents.

#### **A. Raising the status and quality of the workforce**

We know from the evidence at home and abroad that the quality of staff is crucial in delivering high quality early education.

This Government agrees with Professor Cathy Nutbrown's view that the workforce supporting our babies, young children and their parents should be well-qualified, well-respected and well-led.

##### **Early Years Teachers**

We need to move decisively away from the idea that teaching young children is somehow less important or inferior to teaching school-age children. The evidence shows that gaps in educational attainment between the weakest and strongest performers, and the well-off and less well-off, are already well-established before children reach school. The evidence also shows that graduate leadership is the best way to improve outcomes for young children.

We want to raise the status of the profession so that more high quality graduates consider a career in early education. There are already courses for graduates leading to Early Years Professional Status, but we want to go further. We will introduce Early Years Teachers to build upon the strengths of the Early Years Professional Status programme. Existing Early Years Professionals will be recognised as the equivalent of Early Years Teachers. Early Years Teachers will be specialists in early childhood development, trained to work with babies and young children.

We will start training the first Early Years Teachers from September 2013. We will improve the existing standards for Early Years Professionals so that they more closely match the Teaching Standards for classroom teachers. Early Years Teachers will have to meet the same entry requirements as primary classroom trainee teachers – at least a C grade in English, maths and science at GCSE. From September 2014, they will be

required to pass the same skills tests as classroom teacher trainees before they start their courses.

Learning from the example of the French *école maternelle* infant schools, we also want to see more school teachers teaching younger children. We will change the rules so that it is easier for schools to offer provision to the under-threes. These changes are set out in further detail below.

We will also examine how we can attract top graduates into the early years.

## **Early Years Educators**

We will ensure new and better qualifications at Level 3, to qualify people to become 'Early Years Educators'. Early Years Educator qualifications will be the modern equivalent of the highly respected Nursery Nurse Diploma, which used to be provided by the National Nursery Examination Board (NNEB) but was discontinued in the mid-1990s.

Building on the richer content and standards recommended by Professor Nutbrown, the Teaching Agency will publish new, tougher criteria for the new qualifications early in Summer 2013. They will consult widely this Spring to ensure that these criteria meet the needs of employers and prevent the proliferation of qualifications that has been a problem in the past. Awarding bodies will need to develop higher quality qualifications in time for introduction from September 2014 in order to comply with the new tougher criteria.

Training providers will be expected to include a high proportion of practical work experience in their courses. Entrants will be expected to have secured at least a C grade in GCSE English and mathematics.

Apprenticeships will offer a high quality route to becoming an Early Years Educator. We will also put in place a transitional measure to support delivery of the early education programme for two-year-olds from low-income families. From September 2013, we will offer a limited number of bursaries to better qualified apprentices taking early years qualifications. They must have at least C grades in GCSE English and mathematics. Those who receive bursaries will become the first Early Years Educators.

We agree with Professor Nutbrown that it would not be practical to apply the new criteria retrospectively. This would be disruptive to the workforce. The most sensible approach is that qualifications are assessed against the criteria in place when they were awarded. This will ensure that nobody is unfairly disadvantaged by changes to the system.

## **Better quality training**

Practitioners within the early education and childcare sector need to keep their skills and knowledge up-to-date, whether this is through continuing with formal qualifications or through regular continuing professional development. This should include the sharing and dissemination of best practice and awareness of what works.

We will work with partners in further education and training to improve the quality of training available to childcare trainees, including through ensuring that the quality of placements they experience are normally only in good or outstanding settings and are of high quality themselves.

We will remove constraints on childcare training; for example, the obligation to use only local authority-approved first aid training. This will ensure that there is competition in the market for high quality training and professional development.

## **B. Freeing high quality providers to offer more places**

We know that children are safest and develop best when they are looked after by high quality staff. Our reforms, in particular the introduction of Early Years Teachers and Early Years Educators, will place much greater emphasis on the skills and knowledge of those caring for and educating young children.

To support these developments, we need to take a fresh look at the rules that limit the numbers of children who can be cared for by each adult. In England these have remained largely unchanged since the 1970s.

We want to shift the focus away from the quantity of staff in a nursery towards the quality of education and care children are receiving. We should rely on professional, knowledgeable and qualified staff to consider the developmental needs of each child, thinking about how and when they would best benefit from larger, group-based activity. Quality and safety are paramount, so we will only allow providers to operate higher staff: child ratios if they employ high quality staff.

This move to put the needs of the child at the heart of decisions over staffing is critical if we are to give providers the flexibility to operate effectively, recruit more highly skilled staff and demonstrate their ability to offer outstanding education and care.

## **Learning from international examples**

There is much to admire in the French approach, which aligns a more highly qualified workforce, paid a wage that reflects higher levels of skill and knowledge, with an approach to levels of staffing that gives providers the freedom to operate effectively. There is no doubt that the coverage and nature of French childcare is a key factor in the high level of female participation in the labour market.

**Figure 7 A summary of the French system (estimated salaries)**

<b>Provision</b>	<b>Pedagogical structure</b>	<b>Qualification level</b>	<b>Average annual salaries (GBP £ converted with PPP)</b>
<b>Daycare</b> ( <i>Crèches</i> )	Groups of children in structured activity	40 per cent of childcare staff must be comprised of people qualified to diploma level	£16,300
<b>Childminders</b> ( <i>Assistantes maternelles</i> )	Home-based – can be part of childminding agency where groups operate	120 hours of training – 60 hours before the childminder can care for children, the remaining 60 hours in the two following years.	£13,250
<b>Pre-school</b> ( <i>Écoles maternelles</i> )	Nursery class teaching	Led by qualified teachers	£25,400

Source: INSEE / déclarations obligatoires des entreprises aux organismes sociaux (màj. extrapolée 2012). Salary figures for pre-school staff as of 2010 obtained via a DfE survey of UK Embassies (November 2012)

Note: Salary figures for daycare staff and childminders,

There are, of course, differences between France and England. In particular, England has far more private and voluntary provision, as well as the universal framework of the Early Years Foundation Stage. But this should not stop us examining what works in France.

Running through French provision is a sense of respect for professional judgement and a belief in the importance of skilful and knowledgeable staff. We need to give providers in England the flexibility to build this sense of professional skill and knowledge within their own practice.

## **A new approach to staffing in nurseries**

We need to change the way we think about staffing in the early years, placing the emphasis on the individual development needs of each child, rather than relying on tight central prescription. Professional judgement should be backed with, and decisions based on, up-to-date evidence on child development, with Ofsted continuing to hold providers to account for the quality of education and care.

We will amend the Early Years Foundation Stage so that, from September 2013, high quality providers, employing highly qualified staff, will be able to offer more high quality places. Early years settings will only be able to use these higher staff: child ratios if they employ enough highly qualified staff. We will consult on exactly what qualification requirements will enable providers to operate our proposed higher ratios. For instance,

subject to consultation, we might require settings to meet one of the following criteria in order to be able to operate higher ratios:

- 70 per cent of staff qualified to at least Level 3;
- 100 per cent of staff qualified to at least Level 3;
- 100 per cent of staff have at least a C in English and Maths;
- At least one graduate in the setting plus 70 per cent of other staff qualified to at least Level 3; or

Ratios based on the individuals working with children – so that only a staff member with a Level 3 qualification and/or English and Maths GCSE can use the higher ratio

## **Under-2s**

We recognise that the youngest children need more attention from adults, both in terms of their development and for practical reasons, such as the need to change nappies. In most cases, we will expect staff to look after no more than three children under two, as is currently the case.

However, we think that experienced and well-qualified staff are capable of looking after another child and so, for providers employing these staff, we will increase the upper limit to four babies. This is most likely to be for shorter periods of time, rather than for full day sessions.

## **Group settings**

Structured group learning can be highly beneficial for toddlers and young children, playing a crucial role in emotional, intellectual and social development. We want to see these groups increasingly led by the new Early Years Educators.

Where staff are sufficiently qualified, we will increase the number of two-year-olds each adult can look after from four to six. This would bring England into line with practice in most European countries that have mandatory ratios, while not going as far as France where adults can look after eight two-year-olds each. For three-year-olds, there will be no change to the upper limit of eight children per member of staff in group settings without a graduate leader.

## **Nursery classes**

In nursery classes for three- and four-year-olds, where a qualified graduate is working with the children, it is already possible to run groups on the basis of one adult to thirteen children. Yet too few providers, especially in the private and voluntary sector, take advantage of this flexibility, despite the evidence about the benefits that graduate leadership can have.

We will maintain the existing ratio of one adult to 13 children, but we want to see more teacher-led nursery classes using the flexibility already available. This will be supported by the introduction of Early Years Teachers and Early Years Educators.

**Figure 8 Nursery ratios summary**

Age	Under 1	1	2	3+
England (current ratios)	1:3	1:3	1:4	1:8 or 1:13
England (proposed ratios where there are high quality staff)	1:4	1:4	1:6	1:8 or 1:13
Netherlands	1:4	1:5	1:6	1:8
France	1:5	1:8	1:8 or 1:12	1:8 or 1:26
Ireland	1:3	1:5	1:6 or 1:11	1:8 or 1:11
Denmark	None	None	None	None
Germany	None	None	None	None
Sweden	None	None	None	None

Source: DfE obtained figures by a bespoke survey of 15 OECD countries (fieldwork carried out in 2012).

Notes:

England - Over-3s ratio is 1:13 if led by a teacher.

France - Ratios vary by provider type: crèches (1:5 children who cannot walk and 1:8 children who can walk); jardins d'éveil (1:12 children between two- and three-years-old); kindergartens and pre-schools (1:26 children aged three to compulsory schooling, where led by a teacher)

Ireland - In sessional pre-school provision the staff:child ratio is 1:11 for children aged 2.5 years to six years. In full/part time daycare provision the ratio is 1:6 for two-year-olds and 1:8 for three- to six-year-olds

Germany - although there are no national mandatory staff: child ratios individual Länder (regions) are free to set their own regulations.

## Childminders

With greater professionalisation, childminders also deserve greater flexibility.

At any one time, childminders can currently care for a maximum of six children under the age of eight. Of these six children, a maximum of three may be young children, and there should only be one child under the age of one. This is more restrictive than many comparable countries. Such a tight restriction arguably makes sense in the case of the youngest children, but it does not reflect the significant development that children undergo between the ages of two and five.



In future, childminders will be able to look after up to four children under the age of five, with no more than two under 12 months. This will bring England in line with practice in France, while not going as far as Ireland, Denmark, Germany, Sweden or the Netherlands.

In addition, we will make clearer in the Early Years Foundation Stage the flexibility to look after an extra child for a reasonable period of time. This will give childminders the scope to respond better to parents' needs – for example, to allow an overlap between the children they are looking after, perhaps because a parent is late picking up their child. At present, childminders can feel that the rules are too rigid for them to be able to make sensible arrangements of this sort.

**Figure 9 Childminder ratios summary**

Age	0	1	2	3	4	5	6
England (current)	1:1	1:3	1:3	1:3	1:3	1:3	1:6
England (proposed)	1:2	1:4	1:4	1:4	1:4	1:4	1:6
Denmark	1:5	1:5	1:5	1:5	1:5	1:5	1:5
France	1:4	1:4	1:4	1:4	1:4	1:4	1:4
Germany	1:5	1:5	1:5	1:5	1:5	1:5	1:5
The Netherlands	1:2	1:4	1:5	1:5	1:5	1:6	1:6
Ireland	1:2	1:2	1:5	1:5	1:5	1:5	1:5
Sweden	None						

Source: DfE obtained figures by a bespoke survey of 15 OECD countries (fieldwork carried out in 2012).

Notes:

*England (current)* - Childminders can have a maximum of six children under the age of 8, a maximum of three young children (until 1st September following their 5th birthday), and a maximum of one child under 1.

*England (proposed)* - Childminders can have a maximum of six children under the age of 8, a maximum of 4 young children (until 1st September following their 5th birthday), and a maximum of two children under 1. Ratios can be exceeded by one for reasonable periods of time to allow for overlaps between children.

*Denmark* - The number of children per adult is regulated by law.

*France* - No information is available on the variations in ratios that may exist by age of children.

*Ireland* - Childminders can care for five children (including their own) and no more than two under the age of 15 months.

## Consultation

We are consulting on the detail of these new, more flexible rules for nurseries and childminders. We will respond to this consultation in the Spring, with a view to the changes coming into force from September 2013.

## Inspection

All Ofsted inspected providers – childminders and those in group settings – are subject to the Early Years Foundation Stage and will be inspected by Ofsted accordingly. Ofsted will expect providers to justify the staffing structure they use and the way they use the flexibility they have, explaining how it is best for the children in their care and how it helps to deliver better outcomes for those children.

## C. Improving the regulatory regime

The skills, knowledge and capability of the people who work with young children are paramount. The evidence is clear on the importance of staff quality to the successful outcomes for children in early education. Accordingly, we will ensure there is a strong focus on quality, including staff quality, in the Ofsted inspection arrangements.

Reform of the Early Years Foundation Stage, with its greater focus on learning and development, has given Ofsted the scope to sharpen the focus on the quality and standards of children's care, learning and development, and the progress children make towards the early learning goals set out in the slimmed-down EYFS. Since September 2012, inspectors now make three key judgements: how well the setting meets the needs of the range of children who attend; the contribution of the early years provision to children's well-being; and the leadership and management of the early years provision.

Early feedback on the new framework suggests it is encouraging providers and staff to focus more strongly on the quality of care and children's learning, and less on issues of process.

Our reforms mean we need to strengthen further the quality of early years inspection and reduce duplication in the system. Increasing the freedom for professionals to exercise their judgment also means increasing the accountability of providers. It is right to place more power in the hands of professionals to do what is best for young children. It is also right that those professionals should be held accountable for their judgements in a rigorous and transparent way. Parents expect care that ensures their children's safety and wellbeing, with learning and development that will equip them to thrive in school and later life. Taxpayers rightly expect that public money spent on free early education, or on tax credits to support the costs of childcare, pays for high quality care and learning.

The best providers understand that the quality of staff, and their engagement with children, are key to the best outcomes for those children. This must remain at the heart of Ofsted's inspection regime.

## **HMIs working to improve early years**

Ofsted will substantially increase the input of HMIs in the early years from September 2013.

This increase in more experienced and well-qualified HMIs devoted to early years improvement will enable Ofsted to:

- enhance the quality assurance of Ofsted inspections;
- identify the most successful practice, through detailed analysis of inspection data trends and examples;
- broker links between weaker providers and outstanding schools, children's centres and nurseries;
- challenge nursery chains and other private and voluntary providers to identify where improvements are needed; and
- develop and deliver robust arrangements for the regulation and inspection of new childminder agencies.

## **Inspections targeted on weaker providers**

Ministers will give Ofsted greater freedom to target inspections on those providers who will most benefit, in particular weaker providers most in need of improvement. The current inspection arrangements give Ofsted some flexibility in terms of when inspections are scheduled, so that good and outstanding providers have longer periods of time between inspections. But this flexibility operates within the limits of an individual inspection cycle of four years. The effect is that Ofsted is obliged to inspect some providers more regularly than necessary, while others who would benefit more from Ofsted engagement have to wait longer than they usefully might between inspections.

We will work with Ofsted to develop new arrangements that place more emphasis on Ofsted's judgement about which providers would most benefit from inspection. This could mean, for example, closer and more frequent engagement with those who are at the lower end of the 'satisfactory' category.

All providers will still be firmly within the Ofsted inspection regime, and Ofsted will retain the right to undertake a no-notice inspection on any registered provider.

The development of childminder agencies (outlined below) will also allow Ofsted to target inspections more effectively. There is no doubt that a thorough inspection regime is

desirable, but it is less clear how far the current system drives quality. Each childminder is inspected every three or four years, usually for only around three to four hours. Agencies will deliver intensive support to childminders, with regular monitoring visits and training. Ofsted will carry out thorough inspections of agency support and monitoring systems. Where childminders are registered with agencies, we do not envisage Ofsted needing to inspect each of them individually. Instead, Ofsted will inspect a sample of individual childminders to ensure that agencies are appropriately assessing the quality of childminders on their books. Childminders who do not join childminder agencies will continue to be inspected individually. The regulation and inspection of childminder agencies will be overseen by Ofsted's HMIs.

## **Early re-inspection for improving providers**

There is currently no means for nurseries, schools and childminders with an 'inadequate' or 'satisfactory' rating to request an early re-inspection if they believe their service has improved. Providers should not have to suffer the reputational damage of an 'inadequate' or 'satisfactory' Ofsted rating for several months, or even years, if they believe they have taken rapid action to improve quality.

We intend to make it possible for providers to request and pay for an early re-inspection. We are considering with Ofsted how best to deliver this re-inspection route. This will encourage providers to improve their practice and give those who are serious about improving the quality of their provision an opportunity to be recognised. We will look for an early opportunity to bring forward legislation, which will – subject to the will of Parliament – enable such inspections to take place.

Her Majesty's Chief Inspector will also set out in more detail, in the Spring of 2013, his plans for further improvement of early years inspection, in the light of the proposals in this document.

## **Moving further from process to outcomes**

Improvements to the learning and development requirements of the EYFS have been widely welcomed. However, the sections of the EYFS framework dealing with welfare and safeguarding remain overly complicated and duplicate requirements of other legislation. We will publish proposals shortly to improve these rules, making clearer the overriding responsibility of providers to ensure that children are safe and well cared for.

## **Ofsted as the sole arbiter of quality**

We will also clarify for providers the roles of Ofsted and the local authority in judging the quality of provision. An Ofsted inspection rating should be the sole test of whether a provider is fit to offer the early education programme for two-, three- and four-year-olds funded by the taxpayer. We will propose changes to statutory guidance covering the

early education programme to emphasise the primacy of Ofsted inspection results in determining providers' eligibility for funding.

This is good news for providers and for local authorities. It will provide clarity for providers, who have sometimes struggled to reconcile conflicting advice from Ofsted and their local authority. It will also mean that local authorities can pass on more of the £160 million of early education funding which they currently retain. For local authorities, it will free them from their existing quality improvement role and enable them to focus resources on ensuring that the most disadvantaged children are able to access early education that meets their needs.

## **D. Giving more choice to parents**

The best way to ensure favourable outcomes for children is to give frontline staff the flexibility to respond to the needs of the children in their care. The changes to the staffing requirements we are proposing will help, and the shift that the changes that we and Ofsted have agreed – to focus ever more on practice rather than process – will reinforce the importance of children's outcomes over paperwork.

There are also some structural changes that will help increase frontline flexibility. We will shortly publish proposals to make the registration regime more straightforward, more transparent and, ultimately, more effective. We will also tackle inefficiencies such as multiple registrations for the same provider operating on different sites.

Diversity of provision is a source of real strength in early education and care. It means we can draw on the expertise, passion and enthusiasm of the widest possible range of organisations in working with young children. It also helps ensure real choice for parents. We need to make it easier for new, high quality childcare providers to enter the system, whilst making it easier for existing providers to improve and progress. We also want to make it easier for providers to link up group- and home-based care, so that where parents wish, children can experience the best of both.

Many parents may want their children to benefit from group care, but not necessarily for the whole day. Flexible partnership arrangements between high quality nurseries, schools and childminders can offer children variety. We want to ensure that unnecessary obstacles to working in this way are minimised.

### **Childminder agencies**

We want to make it simpler for talented people to become childminders and for quality childminders to operate and grow their business. Therefore, in addition to making it easier for existing childminders to care for more young children, we will also create new routes for people to enter childminding.

At the moment, most childminders are self-employed individuals running their own business. Many childminders are happy with these arrangements. But many other current and former childminders have found the requirements of setting up and running their own business far too burdensome. In some cases, it has prevented childminders from concentrating on delivering high quality early education and care, and in others it has driven people out of the profession altogether. This is one reason why the number of childminders has almost halved over the last twenty years.

We will therefore enable the creation of childminder agencies to provide childminders with a new framework of training, support and quality improvement. Childminders who join agencies will find they can concentrate on childminding rather than administrative tasks such as arranging training and finding clients.

Parents will also benefit. Instead of having to investigate every prospective childminder to check they are happy to entrust their children to their care, they could instead approach a childminder agency to match them with a nearby childminder. The agency would be quality assured and inspected by Ofsted, offering parents reassurance. There could be many practical benefits too. For instance, agencies could arrange for cover when childminders fall ill, saving parents the hassle of finding someone else at short notice – or even having to take a day off work to look after the children themselves.

We will legislate so that, subject to the will of Parliament, childminder agencies will be able to:

- **provide regular training and quality assurance;**
- **match supply and demand**, helping to fill places and act as a point of contact with parents. They will also be able to resolve complaints and other issues;
- **take on administrative tasks**, for example, around registration and insurance. This will allow childminders to focus on caring for children; and
- **be registered with, and inspected, by Ofsted**, who will inspect and report on agencies' quality. Agencies will have their performance assessed so that parents and childminders know exactly how well agencies are fulfilling their duties and supporting childminders. Ofsted will also inspect a sample of childminders under an agency, with a reduction in the overall bureaucracy of inspection without compromising quality.

The agency approach may be particularly attractive to people who have previously thought about entering the profession but been put off. This might include, for example, a new parent looking for a career change that lets them spend time with their child, but daunted by the prospect of unsupported self-employment. Equally, it might be attractive to a nursery worker, interested in working for themselves, but nervous about leaving the supporting structure of group provision.

It will not be compulsory for childminders to join agencies. Many existing childminders have already overcome barriers to enter the market – the registration process, the costs of training – and have built up successful small businesses. It is absolutely right that these childminders continue to be free to operate independently. However, for new or existing childminders, such as those working in rural areas where support is lacking, for example, agencies can offer a formalised support network and a more secure way of working.

We do not intend to be restrictive about the business model for childminder agencies and we see considerable scope for innovation. Beyond setting out the core functions of an agency – supporting and training staff, registering with Ofsted, quality assurance – we will not prescribe a single approach. Agencies will be free to respond to the needs of parents and childminders directly, as well as to local need. We anticipate a variety of business models, including:

- agencies led by high-quality nurseries, primary schools or children’s centres who want to increase the choice of provision available to parents in the local area;
- organisations offering both group-based and home-based provision, perhaps with flexibility for parents to move their children between the two; and
- childminder-led agencies, with experienced childminders moving to a training and development role, supporting other childminders in the agency.

We are working with providers to develop the agency proposition and business model in the coming months. We plan to look at existing childminder networks and groups, using good practice to inform the best approach for agencies. We will also look to other countries with childminder agencies, such as France and the Netherlands, to see what works and what could helpfully be brought to bear on the English model. We will pilot agency arrangements in 2013, with the aim of agencies operating (and being registered and inspected) by 2014, subject to Parliamentary approval. We will publish more guidance on setting up agencies and the implications for childminders of joining them in due course.

## **Encouraging schools to offer more early years provision**

We hope that some schools will choose to run childminder agencies, offering an opportunity to combine support for childminders with broader services to offer both group-based and home-based care, as well as using their teaching expertise. Involving schools could lead to an increased focus on early education through the childminders within school-led agencies, and create the opportunity for the children with those childminders to engage with school early.

We also want to make it easier for schools to be able to offer provision for under-5s. Countries like France, where children can start at *école maternelle* infant schools

from the age of two, offer a model that is well-established and respected. Many primary schools already have nurseries attached and so provide early years education directly, and around 50% of children's centres are on school sites. We want to build on this, and remove barriers to schools improving their offer to younger children.

Subject to legislation, we will remove the current requirement for schools to register separately with Ofsted in order to provide for children under three. We will reform the current cumbersome statutory processes for schools to change their age range, to make it easier for them to offer early years provision for two-year-olds.

The development of Early Years Teachers working with our youngest children will make it easier for schools to offer early years education, as the teaching workforce will cover all ages.

## **Supporting providers to develop their own national standards**

As frontline professionals have more flexibility to respond to the needs of children in their care, so the onus for developing and maintaining professional standards in settings will increasingly shift to providers themselves. The providers that can demonstrate a strong commitment to quality will be the ones that flourish, as parents become ever more demanding consumers of their services.

We want to make it easier for the entrepreneurs running good and outstanding nurseries to move into new areas, where there is not sufficient high quality provision. In the past, providers who sought to expand too often reported that variations in funding levels and local quality requirements held them back.

The reforms that we are making will:

- make it easier for high quality providers to expand;
- lead to greater transparency in funding which will mean providers can begin to plan with greater certainty;
- ensure that consistent national quality standards overseen by Ofsted will make it easier for providers to develop their own quality assurance mechanisms; and
- lead to better and more consistently understood qualifications which will make it easier for providers to recruit the right staff.



## Appendix: Government response to recommendations of Professor Cathy Nutbrown

Nutbrown recommendation	Recommended action
<p>1) The Teaching Agency should develop a more robust set of ‘full and relevant’ criteria to ensure qualifications promote the right content and pedagogical processes.</p>	<p><b>Accepted.</b> Teaching Agency will consult on revised set of ‘full and relevant’ criteria and proposals for the Early Years Educator.</p>
<p>2) All qualifications commenced from 1 September 2013 must demonstrate that they meet the new ‘full and relevant’ criteria when being considered against the requirements of the EYFS.</p>	<p><b>Accepted in principle</b>, but timescale changed to September 2014. The Teaching Agency’s ‘full and relevant’ consultation will state that we will ensure that new Early Years Educator Level 3 qualifications will be in place from 2014.</p>
<p>3) The previously articulated plan to move to a single early years qualification should be abandoned.</p>	<p><b>Accepted.</b> The Teaching Agency’s ‘full and relevant’ consultation will state this plan will not happen.</p>
<p>4) The Government should consider the best way to badge qualifications that meet the new ‘full and relevant’ criteria so that people can recognise under what set of ‘full and relevant’ criteria a qualification has been gained.</p>	<p><b>Accepted.</b> The ‘Early Years Educator’ title will offer a recognised badge of quality for qualifications which meet the new ‘full and relevant’ criteria.</p>
<p>5) The EYFS requirements should be revised so that, by September 2022, all staff counting in the staff:child ratios must be qualified at</p>	<p>Still under consideration and subject to consultation.</p>

Nutbrown recommendation	Recommended action
Level 3.	
6) The EYFS requirements should be revised so that, from September 2013, a minimum of 50 per cent of staff in group settings need to possess at least a ‘full and relevant’ Level 3 to count in the staff:child ratios.	Still under consideration and subject to consultation.
7) The EYFS requirements should be revised so that, from September 2015, a minimum of 70 per cent of staff in group settings need to possess at least a ‘full and relevant’ Level 3 to count in the staff:child ratios.	Still under consideration and subject to consultation.
8) Level 2 English and mathematics should be entry requirements to Level 3 early education and childcare courses.	<b>Accepted in principle.</b> The Teaching Agency’s ‘full and relevant’ consultation will set out that entrants to Level 3 Early Years Educator courses will be expected to have secured at least a C grade in GCSE English and mathematics. We will consult on proposals on how this might be made a requirement, including by inserting a requirement for English and maths GCSEs into the Early Years Foundation Stage Statutory Framework, in due course.
9) Tutors should be qualified to a higher level than the course they are teaching.	<b>Accepted in principle.</b> DfE will work across Government (i.e. with BIS) to help Further Education and other post-16 providers to promote good practice in this area.
10) All tutors should have regular continuing professional development and contact with early years settings. Colleges and training providers should allow sufficient time for this.	<b>Accepted in principle.</b> DfE will work across Government (i.e. with BIS) to help Further Education and other post-16 providers to promote good practice in this area.
11) Only settings that are rated ‘Good’ or ‘Outstanding’ by Ofsted should be able to host students on placement.	<b>Accepted in principle.</b> DfE will work across Government (i.e. with BIS) to help Further Education and other post-16 providers

Nutbrown recommendation	Recommended action
	to ensure that placements are normally only in settings that are rated 'Good' or 'Outstanding' by Ofsted.
<p><b>12)</b> Colleges and training providers should look specifically at the setting's ability to offer students high quality placements.</p>	<p><b>Accepted.</b> DfE will work across Government (i.e. with BIS) to help Further Education and other post-16 providers to promote good practice in this area.</p>
<p><b>13)</b> The Department for Education should conduct research on the number of BME staff at different qualification levels, and engage with the sector to address any issues identified.</p>	<p><b>Keep under review.</b> The Teaching Agency's 'full and relevant' consultation will seek views on whether or not the proposals for the content and standard of new qualifications have equality implications, and we will consider including questions in future Childcare and Early Years Provider surveys.</p>
<p><b>14)</b> Newly qualified practitioners starting in their first employment should have mentoring for at least the first six months. If the setting is rated below 'Good', this mentoring should come from outside.</p>	<p><b>Accepted in principle.</b> Settings should consider how they can put mentoring arrangements in place for new front line staff.</p>
<p><b>15)</b> A suite of online induction and training modules should be brought together by the Government, that can be accessed by everyone working in early education and childcare.</p>	<p><b>Accepted in principle but no action by Government.</b> Rather the sector/settings should seek to draw this together.</p>
<p><b>16)</b> A new early years specialist route to QTS, specialising in the years from birth to seven, should be introduced, starting from September 2013.</p>	<p><b>Not accepted.</b> We agree with Professor Nutbrown that there is a need to transform the status of the profession and we want more high quality graduates to consider a career in early</p>

Nutbrown recommendation	Recommended action
	<p>education. We do not, however, consider a route to the award of QTS is necessary to do this. We will introduce Early Years Teachers who will be specialists in early childhood development trained to work with babies and young children from birth to five. The training route and the new Teachers' Standards (Early Years) will build on the strengths of the EYPS programme. Early Years Teacher Status will be seen as the equivalent to QTS, therefore entry requirements to Early Years Teacher training courses will be the same as entry to primary teacher training. This change will give one title of 'teacher' across the early years and schools sectors which will increase status and public recognition.</p>
<p><b>17)</b> Any individual holding Early Years Professional Status (EYPS) should be able to access routes to obtain QTS as a priority.</p>	<p><b>Not accepted.</b> Those with EYPS are graduates already trained specifically to work with babies and children from birth to five years. Existing Early Years Professionals will in future be seen as the equivalent of Early Years Teachers. Early Years Professionals will therefore not need to obtain QTS to increase their status, although routes are already available to QTS if they wish to take them.</p>
<p><b>18)</b> I recommend that Government considers the best way to maintain and increase graduate pedagogical leadership in all early years settings.</p>	<p><b>Accepted.</b> We will introduce Early Years Teachers to lead the further improvements in quality we want to see. We will set out funding arrangements for Early Years Teachers in due course.</p>

<b>Nutbrown recommendation</b>	<b>Recommended action</b>
19) I am not recommending that the Government impose a licensing system on the early years sector.	No action for Government.



Department  
for Education

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