

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

## Consultation Response Form

The closing date for this consultation is: 3  
February 2012

Your comments must reach us by that date.

**THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online response facility available on the Department for Education e-consultation website (<http://www.education.gov.uk/consultations>).**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

**Please tick if you want us to keep your response confidential.**

Reason for confidentiality:

Name

Organisation (if applicable) The Communication Trust

Address: 8 Wakley Street  
London EC1V 7QE

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

[EarlyEducationAndChildcare.CONSULTATION@education.gsi.gov.uk](mailto:EarlyEducationAndChildcare.CONSULTATION@education.gsi.gov.uk)

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

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

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

:

Please Specify:

The Communication Trust is a coalition of over 40 voluntary sector organisations. We bring together our expertise to ensure that the speech, language and communication needs of all children and young people are met so that they can live life to the full. We do this by raising awareness among parents and professionals, through providing advice and guidance and enabling access to specialist training and support. The Communication Trust was founded in 2007 by children's charities Afasic and ICAN, together with BT and the Council for Disabled Children.

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

<input checked="" type="checkbox"/> Clear	<input type="checkbox"/> Unclear	<input type="checkbox"/> Not Sure
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Comments:

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

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Sure
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Comments:

TCT believes that the criteria should be extended to include the award of Disability Living Allowance (DLA) or a statement of Special Educational Needs, to ensure that disabled children are explicitly entitled to access the free entitlement and ensure that local authorities prioritise the creation of accessible early years childcare.

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

Yes

No

Not Sure

Comments:

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

Yes

No

Not Sure

Comments:

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

<input checked="" type="checkbox"/>	Children with special educational needs and disabled children	<input checked="" type="checkbox"/>	Children in need	<input checked="" type="checkbox"/>	Children identified by health visitors/other health professionals/children's centres
<input type="checkbox"/>	Service children	<input type="checkbox"/>	Other groups of children		

Comments:

In view of the evidence from DCATCH (DfE (2011) *Disabled Children's Access to Childcare: a qualitative study*), which suggests that unless there is an overt obligation on providers and local authorities to provide childcare for disabled children backed up by financial support, they will not do so, TCT believes that local authorities should have a specific **duty** to include disabled children under the free entitlement.

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

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

Yes

No

Not Sure

Comments:

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

Comments:

'Supporting Families in the Foundation Years' consultation seeks views on how funding from the free entitlement should be given to local authorities and proposes that it is given through the Early Intervention Grant (EIG). If this is the case, we recommend that the DfE should indicate to LAs the proportion of the EIG they expect to be spent delivering the free entitlement to 2 year olds to ensure disabled children are genuinely included in the arrangements for the free entitlement. This is based on the evidence from the DCATCH programme which shows that unless LAs are held to account for the way they spend money allocated to fund certain resources, many LAs will fail to provide an adequate number of high quality childcare placements for higher costs groups such as disabled children. .

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

Comments:

The key challenge is to ensure there is sufficient high-quality, consistent, provision to enable local authorities to meet their duties to provide for all disadvantaged two-year olds, while at the same time maintaining a focus on quality for 3-4 year olds receiving their free entitlement. This challenge is highly significant for the successful delivery of the government's proposals, as evidenced in the Ofsted Early Years and Childcare annual report (2010/11), which shows a continuing disparity of access to 'good' and 'outstanding' early years experiences for children from the most disadvantaged areas. In view of the evidence from the 2 year pilot, which highlights the fact that 'satisfactory' settings do not improve outcomes for the most disadvantaged children, , sustained investment in both group and childminding settings is needed to raise quality appropriately.

To address these challenges, government should consider:

- Reviewing the criterion of membership of an approved childminding network which currently is the only route for childminders to access 3 and 4 year old funding (and consequently 2 year old funding). Access to funding should be based on providers demonstrating that they meet the new eligibility criteria that are being developed, irrespective of the nature of the setting.
- Promoting and strengthening partnerships between local authorities and the private, independent and voluntary sector, including a flexible approach to provision in more than one setting
- Monitoring the provision of and access to training and support by local authorities for a time-limited period, to ensure that they are fulfilling their statutory duties under the Children Act 2006.
- Ensuring that public funding for training for early years and childcare is prioritised and available on an equal footing with other disciplines. For example, The Children and young people's workforce Diploma typically attracts £800 in public funding for FE providers as against other National Diplomas that attract £3500
- .Make funding available to help early years settings meet additional costs that may be associated with some disabled children attending their setting.

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

Yes

No

Not Sure

Comments:

Although the consultation document states that even with a 12 hour access period, they would retain the **suggested limit of 10 hours a day**, there is no guarantee that some providers would stick to this limit and as a result a 3 year could be in the same setting for 12 hours, subject to at least one change of staff. This goes against the principle of key working for our youngest children and would not be in the best interests of the child..

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

Yes

No

Not Sure

Comments:

This would mean that a child would be in a setting for a max of 7.5 hours on any one day, which seems reasonable

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

Yes

No

Not Sure

Comments:

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

Yes

No

Not sure

Comments:

We do not agree with the proposed changes in bullet point 1 of paragraph 8.3 for either 2, 3 or 4 year olds.

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

Yes

No

Not Sure

Comments:

The Ofsted Early Years and Childcare Annual report 2010/11 highlights that . among those providers judged to be satisfactory at their first inspection, some common areas for development emerge. For example, most of these providers were not supporting all aspects of children's learning and development consistently well and many were still developing or embedding systems designed to evaluate their practice effectively. This supports our view that eligibility for 3 and 4 year olds should be restricted to 'good/outstanding' (with no additional criteria required)

Satisfactory settings should be required to demonstrate at **least two** of the proposed basket (not one), one of which should focus on speech, language and communication (see below). If these settings are still rated satisfactory at their next Ofsted inspection, then should be withdrawn from the list of eligible providers.

These recommendations should be national. Local determination could focus on which one additional criterion they decide to prioritise and support.

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

Yes

No

Not Sure

Comments:

There is no requirement to evidence that the provider can support children's speech, language and communication development.

In view of the research evidence (Roulstone, S. et al (2011) *The role of Language in Children's Early Educational Outcomes*, Department of Education, Research Report DFE-RR134) about the importance of children's communication environment, particularly at age 2, in terms of predicting children's performance on entering primary school and future well-being, and given the evidence which shows the high level of language delay amongst children from areas of disadvantage, the Trust recommends that eligibility criteria should be extended to include one which provides evidence that the provider:

- is appropriately trained in Speech, Language and Communication (e.g. Module 5 of the Children and Young People's Workforce Level 3 Diploma.)
- has access to a Communication Champion/Early Language Lead

practitioner with a recognised Speech, Language and Communication qualification

- has staff who/or demonstrates that they effectively understand and support all children's speech, language and communication development and who are able to identify, access and provide support for children's speech, language and communication needs.
- Demonstrates a commitment to work in partnership with parents to support their children's communication development in the home.

This will be achieved through:

- appropriate initial training, for example the Early Years Mandatory Pathway unit 5 (EYMP5) '*Support Children's Speech, Language and communication*' in the Children and Young People's Workforce level 3 Diploma
- access to a Communication Champion/Early Language Lead practitioner with a recognised qualification for example the City and Guilds level 3 Award in '*Supporting Children and Young People's Speech, Language and Communication*' or other accredited training (e.g. ICAN/Elklan)

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

Yes

No

Not Sure

Comments:

The proposed balance may offer too great a variation of approaches. Please see TCT's recommendations above (Q 16)

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

Yes

No

Not Sure

Comments:

See response to Q 17. We do not consider that 'satisfactory settings' are good enough for two year olds in disadvantaged areas, for the reasons outlined above.

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

Yes

No

Not Sure

Comments:

TCT considers that LAs should publish their annual reports on childcare sufficiency and make them available on their websites. They should also work with their local Parent Carer Forums to distribute their reports to families with disabled children and work with them on any actions arising.

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

Yes

No

Not Sure

Comments:

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

Comments:

TCT considers that the DfE should collect and evaluate LA annual reports on childcare sufficiency and provide an annual review which supports the dissemination of good practice and allows government to target help at LAs struggling to meet their sufficiency duty, particularly in relation to the provision of early years childcare for disabled children.

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

Yes

No

Not Sure

Comments:

The use of social media could be considered to ensure that all families understand their eligibility to the free entitlement.

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

Comments:

Initial early years and teaching qualifications have historically failed to include mandatory modules on Speech, Language and Communication. This omission was addressed in the development of the Level 3 Children and Young People's Workforce Diploma, with a mandatory unit on SLC included in the Early Years Pathway (and 6 further units in the optional bank). In any review of qualifications in the future (arising from Professor Nutbrown's work), it is vitally important that the content of this unit is retained..

In terms of continuous professional development, although the ECaT programme has been highly successful in raising awareness of /and developing skills in SLC/N, there is a pressing need for ongoing investment in CPD training, e.g. the new Award in Supporting Children and Young People's SLC, and the training provided by the Communication Consortium's members.

This approach would facilitate the Communication Champion's recent recommendation for a trained Communication Champion/Lead Language in every early years setting.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

**Please acknowledge this reply x**

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

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

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

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

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

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

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

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

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

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 01928 738060 / email: [carole.edge@education.gsi.gov.uk](mailto:carole.edge@education.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

Completed questionnaires and other responses should be sent to the address shown below by 3 February 2012

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

Send by e-mail to:

[EarlyEducationAndChildcare.CONULTATION@education.gsi.gov.uk](mailto:EarlyEducationAndChildcare.CONULTATION@education.gsi.gov.uk)