



Department
for Education

Consultation Response Form

Consultation closing date: 6 May 2013
Your comments must reach us by that date

**Consultation on proposed changes to the
role of the local authority in early
education and childcare:
Consultation Response Form**

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)

Address:

If you have an enquiry related to the DfE e-consultation website or the consultation process in general, you can telephone: 0370 000 2288 or send an email via the Department's ['Contact Us'](#) page.

Please select ONE box that best describes you as a respondent

<input type="checkbox"/> Childminder	<input type="checkbox"/> Private / Voluntary Provider - full day care	<input type="checkbox"/> Parent / Carer
<input type="checkbox"/> Networked Childminder	<input type="checkbox"/> Private / Voluntary provider - sessional	<input type="checkbox"/> Maintained Nursery School
<input type="checkbox"/> Maintained Nursery Class (primary school)	<input type="checkbox"/> Independent School	<input checked="" type="checkbox"/> Local Authority
<input type="checkbox"/> National Organisation	<input type="checkbox"/> Other	

Please Specify:

Head of Service, Birth to Five, Lincolnshire County Council

Officer Response

Guarantee funding for children taking up their early education place at all early education providers based solely on their Ofsted rating

1 What would the impact be of requiring local authorities to offer to fund all providers, except those judged 'inadequate', to deliver funded places for three and four-year-olds?

<input type="checkbox"/> Positive impact	<input type="checkbox"/> No impact/neutral impact	<input type="checkbox"/> Not sure
<input checked="" type="checkbox"/> Negative impact		

Comments:

NEGATIVE IMPACT

We do not agree that funding a satisfactory provider is fair to children and parents or equitable to other good/outstanding providers as a satisfactory provider is only meeting minimum requirements. This gives the message that satisfactory is good enough: In Lincolnshire we aspire for all children and families to have a good or better early years' experience, not just a satisfactory one.

We also believe that this proposal will lower the aspirations of providers to improve: not all providers have an incentive to provide high quality childcare and this proposal will increase complacency among a significant number of providers. We know within our own directory of providers, a minority but still significant number, who are happy to be judged satisfactory and do not recognise that satisfactory will, in the future, equate to 'requiring improvement'. We continue to question the inconsistency between school and early years inspection schedule. A 'Requires Improvement' judgement in schools means not good enough but in early years it remains as 'satisfactory'.

In Lincolnshire, we already fund providers prior to their first Ofsted inspection. However, the Early Years Entitlement (EYE) quality assurance process that we use ensures that by the time Ofsted inspect the provision, providers should already be good or outstanding. This is proven by the 82% of providers in Lincolnshire that have been judged by Ofsted as good or outstanding and both we and providers are aware that this is due to the robust process that is in place have prior to first inspection to award funding to providers.

We also question the lack of consistency in requiring provision to be judged as good or outstanding for providers to deliver 2 year old places but not for the free entitlement for 3 and 4 year olds.

2 When is the earliest point (after full implementation in September 2014) that we should require that funded places for two-year-olds can only be delivered by providers judged 'good' or 'outstanding' by Ofsted?

<input checked="" type="checkbox"/> At least 1 year	<input type="checkbox"/> At least 2 years	<input type="checkbox"/> At least 3 years
<input type="checkbox"/> Other	<input type="checkbox"/> Not sure	

Comments:

AT LEAST ONE YEAR

In Lincolnshire, we currently have sufficient places for 2 year olds in good and outstanding provision therefore the one year timescale would be acceptable.

There is a concern, however, that going forward with the proposed changes to limit local authority intervention this timescale would need to be pushed back. This would be due to the lack of challenge, support and advice which currently ensures that there is a sufficiency of high quality provision and a capacity within the childcare market. This change has the potential to jeopardise the number of 2 year old places available within the market that is in provision which is judged good and outstanding.

In Lincolnshire, this would be possible in 2014 if the local authority's support continued at the current level. Without local authority support, the percentage of providers maintaining good or outstanding outcomes will drop and therefore this will not be possible for many local authorities.

Guarantee funding for new early education providers who have been registered by Ofsted, prior to their first Ofsted inspection judgement

3 What will be the impact of offering to fund new providers to deliver early education places prior to their first Ofsted inspection judgement?

Positive impact

No impact/neutral impact

Not sure

Negative impact

Comments:

NEGATIVE IMPACT

We believe that there are a number of concerns if this proposal was agreed but essentially it is difficult to understand why the government would wish to fund providers that have not yet proven that they are providing good quality provision. This proposal seems to be at odds with the aspiration of More Great Childcare.

In Lincolnshire, we already award funding to early years providers prior to their first Ofsted inspection if the quality of provision is deemed high enough. We use a robust quality assurance process prior to awarding the funding which ensures only good quality provision is delivered through the entitlement. If all providers are guaranteed funding without going through a quality assurance process by the local authority, we risk poor quality EYFS delivery being offered to children through government agreed funding. This will encourage parents to believe the local authority or government endorses this provision as good quality when it may not be in reality.

We are concerned that this proposal provides no incentive/motivation for new providers to strive for good or better quality provision if they are given the funding for merely being compliant.

We also question what the impact on parents and children would be if funding was removed following an inspection judgement of satisfactory or even inadequate. Having to find alternative provision, regardless of whether or not this is the local authority's responsibility, is an additional upheaval to families and will have the potential to cause distress to young children. We have firsthand experience of this scenario where providers have closed down and we have been required to support children and families to access alternative provision.

Furthermore, if new providers were to be funded prior to their first inspection we are concerned that there is a greater risk of fraud. The local authority is still responsible for dealing with misappropriation of funds but this gives the feeling of poor financial management on the government's behalf. This will result in the funding being allocated before having to recover it when the provision falls below the required standard; this has clear cost implications via credit control and loss of returns.

Limit the conditions that local authorities can set on private, voluntary and independent early education providers to qualify for funding to deliver places

4 What would be the impact of limiting the conditions local authorities can set on providers solely to those set out in paragraph 4.4 the consultation document?

Positive impact

No impact/neutral impact

Not sure

Negative impact

Comments:

NEGATIVE IMPACT

We are concerned that this proposal will have a negative impact on outcomes for children and in a reduction in the quality of provision being delivered through the early years entitlement. Specifically, this may result in providers not accessing mandatory training in a timely way and legislative briefings which currently keep them up to date with all relevant statutory guidance.

We strongly believe that an agreed level of local authority intervention allows for assurances to support our most vulnerable families and children. Key areas such as inclusion, safeguarding and welfare can become issues if not closely and regularly monitored within provision. Similarly, key to sufficiency is the affordability of childcare. We need to work within a local context to support families and tackle child poverty, without local agreement this would be difficult to access. An awareness of the sustainability of providers is a key factor in monitoring settings. A lack of knowledge could lead to misappropriation of grant funding, discontinuous services for families etc.

The local authority consultants working with these settings should be ensuring that settings are responsive to the needs of most vulnerable children but also within the principle of early intervention, be continually working to identify needs and prevent further disadvantage. This will not be addressed through a long term cycle of inspections however; it is through a continual responsive cycle of support and advice.

5 What other conditions, if any, should local authorities be able to place on early education providers to deliver funded places?

Comments:

We believe that the following conditions should be placed:

- A requirement to access safeguarding, welfare and inclusion support and advice for our most vulnerable children including TAC support
- Approved local authority trainers only to be accessed to deliver key statutory training – within Lincolnshire we have had examples of providers taking safeguarding training outside of the authority resulting in a number of safeguarding failures as they did not have the right knowledge of local procedures.
- If the local authority are to continue to fund quality and inclusion grants, it needs to be able to monitor appropriate spending and ensure that funding awarded is linked clearly to the delivery of high quality provision
- Should a provider is deemed a Setting Causing Concern then the local authority should be able to place conditions such as agreement to partnership working to improve the quality of provision.
- Sustainability - supported through business and financial advice. It is owed to the public purse to ensure continuity of service and appropriate use of grant support.

Remove the existing duty on local authorities to secure information, advice and training for childcare providers, but give local authorities power to offer it

6 Do you agree with the proposed list of reduced training requirements set out in Appendix 1 of the consultation document?

Yes

No

Not Sure

Comments:

NO

Lincolnshire providers have informed us through consultation that they value the existing duty on the local authority and would wish this duty to remain. This is reflective of a recent poll carried out by the National Children's Bureau (22 March 2013) that found that 'training and support from early years development teams play a vital role in supporting nursery settings and childminders to continuously improve'.

7 What would be the impact of reducing the prescribed training requirements on providers/local authorities as set out in Appendix 1 of the consultation document?

<input type="checkbox"/> Positive impact	<input type="checkbox"/> No impact/neutral impact	<input type="checkbox"/> Not sure
<input checked="" type="checkbox"/> Negative impact		

Comments:

NEGATIVE IMPACT

The local authority currently provides extensive training and support to new childcare providers to establish sustainable provision. Were the government to remove the requirement for LAs to provide registration requirements, providers will not be sufficiently prepared to develop new high quality places successfully.

The local authority does not prescribe training opportunities. These are led by the statutory requirements of the EYFS and the requirements of employment law responsibilities. Courses are also organised that are requested by the sector and booked as required. It is the provider that would identify the training requirements of their own setting through the self evaluation provided by the LA consultants.

If we cease to offer training at a reduced rate there will be a decrease in attendance as Lincolnshire providers have told us they will not be able to afford to access training. This has a resultant negative impact on the quality of the workforce and provision for children and families.

The local authority ensures impartiality and gives equity across all deliverers, whether PVI, maintained or childminders etc. Opportunities for excellence clusters, shared learning and consistent and relevant good practice would not be developed and cascaded (participation, parental and child involvement etc). Approximately 98 % of Lincolnshire practitioners attend our termly Manager’s Briefings and local network meetings to ensure they remain up to date.

8 Would these changes have a greater impact on some areas of information, advice and training provision over others? If so, which?

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

YES

We believe that the proposed changes will have an impact on all areas as information held will be national. There will be a lack of local knowledge about need and context as a result.

- **Impartiality**
The current sourcing of information allows for an impartial and holistic approach to supporting parents needs. There is a potential for families to have to source from a range of agencies to access the information they require; this could lead to gaps in information and only partially answered needs. Additionally there may be a lack of impartiality of signposting.
- **Sustainability**
If the local authority is not providing a business support and a provider does not actively

seek this themselves, there is a clear risk of impact on sufficiency within the childcare market.

- **Affordability**
Providers will focus on meeting statutory training requirements to meet the EYFS and employment law, but may not be able to fund staff development to attend courses which enhance the quality of provision.

Simplify the early years funding system, by encouraging local authorities to simplify and reduce their funding formulae and to limit the amount of centrally retained spend

9 Do you support the proposal for a single flat rate within a local authority for two-year-old early education?

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

YES
The answer depends upon the Government's medium term aspirations.

Lincolnshire County Council currently operates a flat rate of £4.85 p.h. when funding two year old early education. As the Council does not use supplements, it is effectively using a single flat rate now and so new regulations that require this would not cause a problem locally. The 2 year old entitlement is already targeted for the most vulnerable children, therefore an element of deprivation is already included within the base rate. There is no requirement for additional supplements to be added to this flat rate.

However, if the Government intends to extend the offer to two years olds from less deprived backgrounds, then it will be important be able to fund those children differentially, or to allow a deprivation supplement to be provided, so that children from more deprived areas receive extra funding.

We have already implemented a flat base rate for 2013-14 and would encourage the option to fund on a place led basis whilst provision is increasing to meet the new statutory entitlement for 40% of 2 year olds.

10 Do you support the proposal to limit the number of base rates and bands for three and four-year-old early education?

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

NO
Lincolnshire County Council currently operates 5 base rates (those being for nursery schools; primary schools with nursery classes; infant schools with nursery classes; private, voluntary and independent providers, and; child minders) and operates 4 bands within the primary schools with nursery classes and 2 bands within infant schools with nursery classes. The reason for this is to recognise the fixed and semi variable costs within the different organisations. Whilst the Council recognises the Government's wish to simplify the funding mechanism, this proposal would come at the expense of providing fair and equitable funding.

11 What are your views on the limits proposed for three and four-year-old early education (a maximum of three base rates and no more than two bands)?

Comments:

Based on the answer to Question 10, if private, voluntary and independent providers could be grouped together with child minders under a heading entitled, say, 'independent providers', we could operate with 4 base rates (i.e. one for the aforementioned group, plus one for nursery schools, one for primary schools with nursery classes and one for infant schools with nursery classes) and 2 bands within each. This would require the Council to amalgamate the rates for Group 1 and Group 2 size primary schools, and group 3 and Group 4 primary schools, but this should not cause major turbulence in their funding as the current differential in rates per hour are only a few pence. There is a definite need to fund nursery schools at a higher rate due to unavoidable costs relating to staffing. This would provide the simplification the DfE is seeking, whilst still retaining a degree of stability in funding and also recognising the various costs of operating across different organisations.

12 What are your views on removing, for three and four-year-olds, all supplements (and factors) other than for deprivation?

Comments:

It is essential that the 'Rates factor' is retained. This is operating within the new school funding formula in Lincolnshire and it is equally important to recognise this significant and variable cost within each early years organisation. Lincolnshire doesn't operate any other factors other than deprivation, and so the removal of all other supplements would not cause a problem locally. Lincolnshire has historically funded English as an Additional Language and free school meals but plans to allocate those funds via the deprivation supplement next year.

13 a) Do you support the changes proposed for early years centrally retained Dedicated Schools Grant spending?

Yes

No

Not Sure

Comments:

NO

It is our belief that by limiting the percentage use centrally retained, local authorities would not be able to then use this responsively to support locally required and defined high quality provision and training needs, as well as increase access to places for vulnerable families. This would not maintain high standards of EYFS delivery across the county and nationally. We do support the need to use central DSG spend on activities to support access for disadvantaged children and those with additional and Special Educational Needs. Changes in the centrally retained element may not allow local authorities to support 'narrowing the gap' policies, especially now that the criteria for the use of the Early Intervention Grant has been changed.

13 b) Can the definition proposed be improved?

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

YES
Guidance to provide more detail and increased clarity would be useful, including examples of DSG appropriate spend. If local authorities were limited by the percentage of DSG funding which they could retain centrally, this may provide clearer accountability. As local authorities are required to publish their strategy and policy regarding the distribution of funds to support funded places, from various grants clearer methodology would be useful.

14 Do you think that a 10% limit on early years Dedicated Schools Grant central spend is appropriate? If not, please explain why and include any comments on the impact that this would have in comparison to a 15% or 20% limit.

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

NOT SURE
Lincolnshire is currently retaining approximately 5% of the Early Years budget for central spend and so an upper limit of 10% would be acceptable. This will help ensure that whilst the DfE is prescribing the functions for which funds can be retained centrally, there are no major variations in the amounts that Local Authorities are retaining for those purposes. It is important to register the point that should the Government press ahead with its plans for reductions in the centrally held budgets, there may be staffing implications and redundancy costs which could be significant and will require additional Government funding.

This question is difficult to respond to without absolute clarity relating to the use of additional funding to support early years and without an improved definition of the funding streams which will be reduced.

15 Please use this space to add any other comments you would like to make

Comments:

We question the timing of this consultation as it has been published during the Easter holiday period when many respondents are on leave. This limits the response from the sector and the time they do have to fully consider the proposals.

The current cycle of inspection is far less frequent than local authority intervention – we visit regularly to monitor quality of provision as well as having contact with providers through telephone and email support. We would wish to raise the point that within Lincolnshire, the local authority does not ‘inspect’ providers. We provide early intervention strategies for early years providers to improve so that good quality provision is maintained at all times.

We also believe that it is not equitable for a voluntary charitable organisation to have to pay for a re-inspection. We question if it is the government’s intention to encourage only private enterprise and to unintentionally squeeze out voluntary providers and reduce options for parents and limit the versatility of the market.

Throughout the report the Government makes comparisons with other European countries. The local authority is concerned with the validity of the rationale and evidence base behind the comparisons with other countries. There is a lack of information regarding the comparisons with the French system. The Ecole Maternelle is subsidised by the state and the German system supports the retention of district (Lander) control regarding quality this is not reflected in the comparative data. The childcare market is a complex market and one aspect from a comparison should not be looked at in isolation as the funding and organisation has an impact on the whole picture.

16 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

- I found this consultation lacked clarity and was repetitive, making it difficult to complete.
- I also found it difficult to find on the DfE website which made it difficult to return

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**

E-mail address for acknowledgement: steph.douglas@cfbt.com

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?

X Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and consult with those who are affected
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

Responses should be completed on-line or emailed to the relevant consultation email box. However, if you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Coordinator, tel: 0370 000 2288 / email: 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 6 May 2013

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

Send by e-mail to: FundedEarlyEducation.CONULTATION@education.gsi.gov.uk