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20 December 2012

HOME AFFAIRS CORRESPONDENCE: IMPROVING THE QUALITY OF EARLY EDUCATION AND CHILDCARE

You wrote to me on 11 December seeking Home Affairs, Reducing Regulation and Parliamentary Business and Legislation Committee clearance for the Government’s response to the Nuthbrown Review on early education and childcare qualifications.

A response was received from the Chief Secretary to the Treasury (18 December). All other Committee members were content.

You therefore have clearance to proceed on the condition that:

i. DfE and HMT officials work together to ensure that these proposals are fully affordable from within DfE’s baselines on a sustainable basis.

I am copying this letter to the Prime Minister, members of the Home Affairs Committee, members of the Economic Affairs Committee, members of the Reducing Regulation Sub-Committee, members of the Parliamentary Business and Legislation Committee, and Sir Jeremy Heywood.

NICK CLEGG
Rt Hon Nick Clegg MP
Chair, Home Affairs Committee

Rt Hon Vince Cable MP
Chair, Reducing Regulation Committee

Rt Hon Andrew Lansley CBE MP
Chair, Parliamentary Business and Legislation Committee

| December 2012

Dear Nick, Vince, and Andrew

IMPROVING THE QUALITY OF EARLY EDUCATION AND CHILDCARE

I am writing to seek clearance from Home Affairs Committee to enable me to publish my document that sets out the Government’s aspirations for improving the quality of early education and childcare. Through this letter I am also seeking agreement to introduce draft clauses to our Children and Families Bill in January 2013 that will affect how schools may organise wraparound care for pupils.

I would like to ask for responses from colleagues by 19 December, with a view to securing Committee clearance by 21 December.


My vision is to increase the supply of high quality, affordable childcare and early education. I want to see providers striving to raise the quality of provision of early education and childcare for babies and young children, an inspection regime that responds with support and constructive challenge, and a clearer, simpler regulatory structure where more money reaches the frontline. The evidence tells us very clearly how important it is for successful outcomes for children that staff are well-qualified. As Professor Nutbrown acknowledged, there has been recent progress in developing a more professional workforce, and raising quality for children. But we need to go further, with reform needed to enable early years providers to break out of the low skills, low pay, low status cycle in which the
sector has been stuck for too long.

The document sets out the ways in which we can: strengthen the early years workforce; improve inspection; and simplify the systems and allow for greater flexibility. It specifically proposes:

1. Building the profession
   - Early Years Teachers trained to teach children from birth to five years.
   - Examining how to attract bright graduates into early years teaching.
   - A programme of Early Years Educators qualified to level 3, with good GCSEs in English and Maths, trained in child development and with strong practical experience.
   - Incentives for the first Early Years Educators to work with providers offering early education for two year olds from low-income families.
   - Changes to rigid rules on staffing to give greater freedom for professionals to tailor group care to children’s needs, with more choice for parents.

2. Putting quality first
   - Reinforcing the emphasis on provider responsibility for quality, with skills and knowledge of staff at the forefront.
   - Increasing the number of HM Inspectors to improve the quality of early years inspections.
   - Targeting inspections on providers most in need of improvement.
   - Encouraging rapid improvement by allowing providers to ask Ofsted for early paid-for re-inspection.
   - Ensuring Ofsted is the sole arbiter of quality in the early years.

3. Giving flexibility to the frontline
   - Increasing choice and diversity for parents, and encouraging new providers into the market.
   - Developing new childminder agencies offering training, support and quality improvement.
   - Reducing obstacles to schools providing care for younger children, down the age range and able to open nurseries on site.
   - Supporting good providers to expand and respond to parental demand with clearer national standards and expectations and greater funding
Two of these specific proposals require a change to primary legislation: allowing paid-for re-inspection and introducing childminder agencies. We are awaiting clearance on these two matters, in line with our letter of 13 November.

I am, of course, mindful of the impact of my proposals. They are de-regulatory in nature and will not create increased burdens upon existing businesses. The provisions around childminder agencies that will be introduced in the Children and Families Bill in January have now received Regulatory Triage Confirmation from the RPC. We have agreed with the Better Regulation Executive that the provisions on paid-for re-inspection do not require such assessment. Other measures are deregulatory or impose no new burdens upon existing businesses. The development of early years teachers, for example, will offer a new and high quality route to leadership in early years settings. I expect many providers to consider employing these better qualified staff, assisted by the greater flexibility in staffing we propose below. But it will be their choice.

However, I attach great importance to the proper assessment of the impact of these proposals either by utilising the fast-track assessment route that is available by completing a Regulatory Triage Assessment, or, where necessary, through full Impact Assessments. I will make sure that my officials begin work on these assessments of impact well before any further requests for clearance on the individual proposals, taking account of consultations we will be running on several of our proposals. I will ensure that the Regulatory Policy Committee has ample time to provide Regulatory Triage Confirmations (in the case of proposals that can be fast-tracked) or Opinions where full Consultation stage Impact Assessments are required.

The most high profile of my proposals will be my plans to give greater freedom to providers to manage their staffing skills and levels, including amending the existing staff:child ratios set out in the Early Years Foundation Stage Statutory Framework (EYFS).

The existing staff:child ratio requirements have been largely untouched since the 1970s, and even then they were based on custom and practice rather than evidence of what was best for children. Since that time, we have seen substantial improvements in the professionalism and quality of those working with babies and young children. I want to acknowledge this increased professionalism, and place more power in the hands of those leading the care and early education of young children. This means creating some modest additional headroom in the age-related ratios for children under 3, where our existing ratios are tighter than other comparable countries such as France and Ireland. I propose increasing the maximum number of children per member of staff from three to four for babies and from four to six for two year olds, where staff are experienced and well-qualified. I will also encourage greater use of the flexibilities that already exist but are under-used for 3 and 4 year olds.

It is important that this flexibility goes hand in hand with better levels of staff qualifications and I propose to consult in the New Year on the qualification levels
that should be expected in order for providers to operate with the new ratios.

In addition, although not covered in this report, I am through this letter also seeking agreement to introduce draft clauses to our Children and Families Bill in January 2013 that will affect how schools may organise wraparound care for pupils.

The 2002 Education Act states that, if schools wish to provide community facilities, such as wraparound childcare, they have a duty to consult local authorities, parents and staff. The Act also places a duty on school governing bodies to have regard to advice and guidance given by the local authority and the Secretary of State for Education when delivering community facilities. I would like to remove these duties in line with the Government’s agenda to increase school autonomy and remove unnecessary burdens on schools.

Repealing these duties will streamline the process for schools who want to provide wraparound care for their pupils – it will enable them to respond quickly to the demands of working parents who rely on the availability of wraparound care before and after the school day, and during school holidays. I anticipate that the childcare commission report – which will be published in the spring - will highlight the important role that schools play in supporting working parents by offering wraparound childcare and will seek to encourage more schools to offer this provision. It is right, however, that decisions about how schools deliver wraparound care are made by schools themselves. For that reason, I consider the current duties, those which I propose to amend or repeal, are unnecessary and unhelpful. Hence my plan to introduce draft clauses to our Children and Families Bill in January 2013.

In due course, we propose to remove current requirements on schools to register separately with Ofsted any childcare provision for under 3 year olds. This will require a change to the Childcare Act 2006, which we are looking to achieve through the forthcoming third session Bill. We will consult with HA colleagues at the appropriate time on these matters.

The costs of these proposals can be accommodated within our current baselines. However, Michael Gove and I are looking at them again in the light of the Autumn Statement and as we make Departmental allocations. There are no new burdens on authorities and indeed removing the obligation to consult LAs on things like childminder training and what wraparound services schools can provide should relieve them of some bureaucratic responsibilities. Because the vision it sets out will transform the landscape there will be implied commitments beyond the current SR period, and we will need to build these into Departmental spending considerations for the next SR period.

Finally, as I noted above, this document focuses on the quality of childcare and the structure of the childcare market, and I am keen to make the ‘quality’ argument distinct from those around funding and affordability. Hence the plan to publish the report in week commencing 7 January. As far as the childcare commission is concerned, I am looking to agree a report in January, setting out the commission’s proposals on: wrap around and holiday care for school age
children; further streamlining the regulatory framework for childcare; and
reforming support for parents with the costs of childcare.

I am copying this letter to the Prime Minister, Home Affairs, Reducing Regulation
Committee, Parliamentary Business and Legislation colleagues, and Sir Jeremy
Heywood.

With best wishes,

[Signature]

Elizabeth Truss MP
Parliamentary Under Secretary of State for Education and Childcare