

By email: childcare.CONULTATION@education.gov.uk

Thursday 16 September

ADCS response to Department for Education consultation on Childcare: Regulatory changes

1. The Association of Directors of Children's Services Ltd. (ADCS) is the national leadership organisation in England for directors of children's services (DCSs) under the provisions of the *Children Act (2004)*. The DCS acts as a single point of leadership and accountability for services for children and young people in a local area, including children's social care and education. ADCS welcomes the opportunity to respond to the Department for Education's (DfE) consultation on childcare regulatory changes.

Context

2. Early years providers have been impacted significantly by the pandemic. The financial impacts have led to closures, staffing issues and reduced income as enrolments dropped. Alongside this, they have been adapting to the needs of children whose development has been impacted by pandemic restrictions, including effects on confidence in social settings, gross motor skills, communication and language development, whilst there are still delays for accessing support for additional needs ([Ofsted, 2022](#)).
3. Early years providers are dealing with rapidly growing costs including an increase in the national minimum wage, the uplift to teacher salaries and rising costs of living. They are also experiencing severe workforce challenges and are struggling to recruit and retain high quality early years workers, often losing staff to roles in retail, for example, which pay better (DfE, 2022). A recent survey found that 90% of providers reported that their 2022 funding rates are not sufficient to cover the cost of delivering funded childcare places, and a third reported that they were currently operating at a loss (Early Years alliance, 2022).
4. ADCS is concerned that the government's focus in this area does not target those children and families with the most need; only by targeting funding towards the most socially and economically disadvantaged can we effect generational change. The government's flagship 30-hours 'free' childcare policy for working parents of three and four-year old children adversely affects those children with parents who are not working full-time or who are on a zero-hour contract, however, parents who earn up to £199,000 per annum can benefit from this policy. We already know that the funding attached to the 'free' childcare offer is insufficient to meet actual costs, with many settings levying additional charges and costs to make up the shortfall.

Proposal A: Group based settings

5. ADCS does not agree with the proposal to reduce the staff:child ratio for two-year-olds in a group based setting from 1:4 to 1:5. This will not benefit children, nor the staff supporting them in these settings. A Study of Early Education and Development (SEED) ([DfE, 2017](#)) found that having a higher staff to child ratio for two-year-olds was the strongest predictor for higher scores of process quality. Indeed, the study noted that focussing on improving quality for two-year-old settings may be of

The Association of Directors of Children's Services Ltd

Bloc, 17 Marble Street, Manchester, M2 3AW

Email: president@adcs.org.uk Website: www.adcs.org.uk

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particular importance in the sector. It therefore appears counterproductive to introduce measures that reduce the number of staff that children will interact with.

6. Children learn more effectively when adults are involved in their learning; this is one of the key messages delivered through the revised [EYFS](#). Fewer adults will directly impact on the number of adult/child interactions at a time when data shows that children need more support to recover from the impact of COVID-19. Providers are largely reporting to ADCS members that children have been considerably impacted in terms of their development in communication and language (C&L) and personal, social and emotional development (PSED), meaning they are having to focus increased resources into helping these children to catch up.
7. We know that the youngest children are likely to have experienced the greatest impacts, at least in the short term, from the pandemic, having been born and brought up during an unprecedented period of disruption to public services and people's lives. We also know that teachers are reporting that reception aged children are arriving unprepared for the school environment due to disruption and delays in their early education. ADCS is therefore concerned that the proposed changes will only hinder education recovery in the early years and have a knock on effect for children starting school.
8. The consultation does not appear to have considered the impact of these reforms on early years staff. Recruitment and retention within the sector has long been a challenge but this has been significantly exacerbated during the pandemic. This has a direct impact on quality. Increasing staff:child ratios could cause further staff to leave, compounding difficulties faced by the sector. Early years practitioners have long been undervalued as reflected in salaries which are not competitive with other local employers, such as retailers. Higher pay is needed to reflect the high quality staff in the sector but funding rates for the early years is too low.

Proposal B and C: childminder settings

9. The proposed changing of EYFS wording will allow for greater flexibility for childminder settings regrading siblings and childminders' own children. Although the EYFS has always allowed for some limited flexibility, there has always been some confusion over the current wording. However, whilst the current wording requires updating, the proposed changes still lack enough clarity.
10. If these changes were to be implemented, this cannot be at the expense of meeting individual children's needs. Again, it is not clear how this proposal will improve children's outcomes or reduce costs at a time when cost of living, household bills and overheads are rising. In the context of central government funding for providers not meeting actual costs and rising costs of food, heating amongst other expenses, it is unlikely that any savings will be released from these proposals.

Adequate supervision while eating

11. ADCS agrees with the proposal to make paragraph 3.29 of the EYFS explicit that adequate supervision whilst eating means that children must be within sight *and* hearing of a member of staff. This will provide more robust health and safety

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measures within a childcare setting and reduce the risk of accidental choking or other food related accidents. Further, ensuring that an adult is within sight of a child while eating will increase the opportunity for adult interactions and opportunities for learning, such as about healthy eating and so will lead to better outcomes for children including their educational outcomes.

12. To follow up on any specific points or comments within this response, please contact the relevant ADCS policy officer in the first instance via matt.cunningham@adcs.org.uk.