

DfE Consultation on Regulation of Childcare, July 2022

Draft response text from Early Education

10. Do you agree or disagree with the proposed change to the current statutory minimum staff:child ratios in England for 2-year-olds from 1:4 to 1:5? Please explain your rationale for these views.

Disagree.

The government has just introduced reforms to the EYFS which centre around increasing the time that practitioners spend interacting with young children. This was done with particular reference to accelerating the development of communication and language skills. The proposed change in ratios for 2-year-olds would push in the opposite direction, reducing the time adults were able to spend providing individualised care and attention to each child. This makes it harder for children to form the attachments they need in order to feel safe and secure and able to learn. If providers felt impelled to decrease the number of adults per child on the funded 2-year-old offer (which is generally agreed to be underfunded), it would negatively impact the quality of education offered and children's outcomes. This would represent poor value for money for the government.

Post-pandemic, young children have had many missed experiences, and to support their development will need far more individualised attention, particularly with numbers of children who have missed out on early support and parents who have missed out on parenting support, health visitor contacts and other services. Any changes to the ratios at this point in time should be providing for more adults, not fewer, to support children's development.

The rationale given of creating parity with Scotland is flawed. In Scotland, the 1:5 ratio is not statutory, it is guidance from the Care Inspectorate, and should they consider this to be impacting on the quality of care when inspected, this would be picked up with the setting. Moreover, in Scotland, all staff are required to be studying towards an appropriate qualification, whereas in England, this is not the case. Ratios and qualifications are proxy means of guaranteeing quality, and changing one but not the other will tend towards a lowering of quality.

11. Do you agree or disagree with Proposal B to change the EYFS wording on childminders' ratio flexibility for siblings? Please explain your rationale for these views.

Disagree. Whilst home-based provision offers a different form of provision and can be more flexible, allowing more children in the setting in the care of one person runs counter to the development of quality provision and puts more stress on childminders, especially those working alone.

12. Do you agree or disagree with Proposal C to change the EYFS wording on ratio flexibility for childminders' own children? Please explain your rationale for these views.

Disagree. The number of children a childminder can effectively and safely care for is not affected by whose children they are. The best way to increase the flexibility which childminders have to care for other children as well as their own is to ensure that they are paid for caring for their own children, in the same way as they would be if their children attended a nursery at which they worked.

13. What are your views on having the following flexibility for 3-4 year olds in your provision?

Where children aged 3-4 are attending a setting for less than 4 hours per day, the ratio of 1:8 can be increased to 1:10 (as in Scotland), although where staff are qualified to Level 6, the ratio of 1:13 would continue to apply.

Recommended response = not more than 300 words

Disagree. This would mean that children receiving their universal entitlements of 15 hours per week in sessions of 3 hours per day could be supported by fewer adults than those attending for full days. When the 30 hours offer was introduced, it was agreed that both the universal and additional hours should be funded equally and expected to be of equivalent quality. This proposal undermines that principle of consistent quality, by allowing sessional provision to be subject to lower standards. This makes no sense, given that for many children, especially from disadvantaged groups, this is the type of provision they are most likely to access. There is already a growing disadvantage gap between children entitled to the universal 15 hours and those from better-off families entitled to the 30 hours, based on the amount of early education they receive. Increasing ratios for the former would increase the gap still further by also impacting on quality. It would also make it harder for the needs of children with SEND to be met without additional funding.

In considering any changes to the ratios, the support available is a significant issue. For 3-4 year olds in Maintained Nursery Schools and classes with teachers with QTS the 1:13 ratio is only viable as long as additional support is available in the form of strong leadership and additional staffing where children's needs require it. This is already a significant source of pressure within the system. Increasing ratios from 1:8 to 1:10 in other cases without considering the pedagogical leadership available and how additional support will be provided as needed would not be viable.

The fundamental rationale for the universal entitlement is to support child development, which means investing in high quality provision. Ratios and qualifications are proxy means of guaranteeing quality. Changing one but not the other will tend towards a lowering of quality. In Scotland, all staff are required to be studying towards an appropriate qualification, whereas in England, this is not the case. As above, in relation to the 2-year-olds, this would negatively impact on the investment which government currently makes in the universal entitlement by reducing quality and impacting on children's outcomes.

14. What further flexibilities would you consider adopting to deliver your provision?

Multiple choice (select all that apply)

I. Create greater flexibilities within the ratios for group-based provision, for example when looking after mixed age groups.

II. Revise the existing qualification requirements needed to be included within the ratio. Examples could include (and are not limited to):

a) Allowing staff working *towards* a qualification to be included within the ratio at the qualification level they are working towards (e.g., a member of staff working towards a Level 3 qualification can be included in ratio as a Level 3, not a Level 2).

b) Revising the number of Level 2 and/or Level 3 staff required per ratio under the current rules.

III. Other, - please include any other options that you would like us to consider, or provide further thoughts on these proposed flexibilities. Recommended response = not more than 300 words

While there may be short-term pressures on the sector, with huge difficulties in recruiting and retaining both qualified and unqualified staff, we do not recommend any changes that reduce the qualification requirements. We should aim to be increasing the qualification requirements to increase the numbers of qualified teachers in the sector, and to move towards a Level 3 qualification as an entry-level qualification. However, this will need further investment in pay, conditions and upskilling the sector.

While we would wish to see all practitioners engaged in CPD, “working towards a qualification” is quite different to having a qualification and should not replace current standards as it would represent a significant dilution of quality. Any move towards building in capacity for staff to be working towards higher qualifications should build in study time for the practitioner and from an existing qualified colleague who must support the person 'working towards' their qualification.

15. Do you agree 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?

- YES
- NO
- DON'T KNOW

16. Please explain briefly your views about this, including if you foresee any unintended consequences for early years providers as a result of this change.

Recommended response = not more than 300 words

Meal times are an important time for social interaction and conversation. Being within hearing distance and able to see children is wholly insufficient. Staff should be seated - and interacting - with children whilst they are eating and not merely 'supervised' from a distance. Meal times are times for learning and enjoyment.

17. What are your concerns (if any) about how the proposals may affect you or individuals in your organisation with protected characteristics?

Recommended response = not more than 300 words

Many young children born during lockdown restrictions need more, not less time with professional adults and greater support as they transition from one setting to another. Parents, young children, and staff with protected characteristics could experience unintended discrimination if these proposals are enacted, due to lack of time for staff to meet with parents, less time to notice needs, lack of time for professional development to learn more about the needs of and working with those with protected characteristics.

18. How would you mitigate against these concerns in your organisation?

Recommended response = not more than 300 words

These concerns would be less likely to arise if staffing were appropriate to the needs of children and their families and threats to weaken ratio requirements were withdrawn.