

Raising Standards, Improving Outcomes: Draft Statutory Guidance on the Early Years Outcomes Duty

Consultation Response Form

**The closing date for this consultation is: 3 September
2007**

Your comments must reach us by that date.

department for

education and skills

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

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

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

Name

Organisation (if applicable)

Address:

If your enquiry is related to the policy content of the consultation you can contact Jonathan Bacon on:

Telephone: 020 7273 5744

e-mail: earlyyears.outcomes@dfes.gsi.gov.uk

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 113

e-mail: consultation.unit@dfes.gsi.gov.uk

Which respondent type best describes you (please use the box below to provide additional detail):

Local Authority

Strategic Health Authority

Primary Care Trust

Jobcentres Plus

National organisation

Voluntary, community or independent sector organisation/providers

Parent or carer

Early Years Provider/Childminder

Other

Please Specify: Voluntary/Community Sector. Responding on behalf of Education Otherwise.

1 Does the statutory guidance make clear the roles and responsibilities of the local authority and its partners in meeting the requirements set out in sections 1-4 of the Childcare Act 2006?

- Strongly agree Agree Neither agree nor disagree
 Disagree Strongly disagree

Comments: We disagree that the draft guidance marks the parameters of local authority responsibility. We should be equally clear where the local authority is NOT responsible and where the local authority does NOT have a role. It is not apparent how much guidance the Secretary of State is giving to local authorities about listening to parents. The guidance must make it clear that parents are equally entitled to refuse childcare provision if, for example, the parents believe that home-based education is a better option for meeting the 5 ECM outcomes for their children in the early years. This is particularly important if the child is disabled and in need of other services from the authority or if the child has SEN or the parent or parents have been targeted by JobcentrePlus.

2 Is the guidance clear about what constitutes effective partnerships between local authorities, Strategic Health Authorities or Primary Care Trusts and Jobcentres Plus, and how these fit within wider local strategic partnerships?

- Strongly agree Agree Neither agree nor disagree
 Disagree Strongly disagree

We are not clear whether there will be targets set for JobCentrePlus at local or national level. We do not understand from the present draft guidance how parents in receipt of JSA or Income Support will be permitted to refuse an Early Years childcare place, since it appears that these families will be particularly targeted. How will JCP staff receive awareness training in home-based education? Our members already encounter problems in Lone Parent interviews with JCP staff who do not appear to believe that parents are allowed to home educate.

Comments:

3 Is the guidance sufficiently clear on how analysis of data and research can enable service delivery to be effective in targeting those most in need of services, and the best ways of delivering services to overcome obstacles?

- Strongly agree Agree Neither agree nor disagree
 Disagree Strongly disagree

Comments: It is not clear how data will be anonymised. Nor is it clear how data collected for one purpose will then be used for another purpose and how this meets Data Protection criteria. It is also hard to understand the Department's precise meaning of the phrase "those most in need of services". For example a child with physical disabilities or SEN may receive medical or other services from the local authority while his family still opt for home as the most favourable setting for early years. In those cases early years childcare provision would not be required and the family's choice and the family's values must be respected.

4 Does the guidance clearly set out the role of the local authority and the steps it should take to improve quality in the early years?

- Strongly agree Agree Neither agree nor disagree
 Disagree Strongly disagree

Comments:

No, it is not clear what is meant by "quality". It seems that high quality is only envisaged as occurring within Early Years settings yet many families feel that the best place for the child is at home with the family. The child in the family home is not to be automatically classified as experiencing a lower quality of social or learning opportunities. Choosing not to send a child to daycare may be a positive choice and should not be stereotyped as a deficit model of failing to engage with Early Years provision.

5 Is the guidance clear on how to meet the needs of those most at risk of poor outcomes for example from low income families, disabled children, BME groups, SEN etc?

- Strongly agree Agree Neither agree nor disagree
 Disagree Strongly disagree

Comments:

These families may be in need of SOME services while at the same time preferring to raise their children at home and not send them to daycare. What assurances do we have that this will be allowed if the LA has statutory targets to meet? Low income families; families with disabled children; black minority and ethnic families and families with a child with SEN are all entitled not to choose daycare if they feel this is not the best option for their children and the parents' decision must be respected. We are not clear what is meant by "removing the obstacles caused by economic disadvantage" [p.5 draft statutory guidance] Does this mean that JPC will set targets for getting parents off benefit?

6 Does the guidance explain what local authorities should be doing to involve parents, and listen to children in the planning, commissioning and delivery of service for young children?

- Strongly agree Agree Neither agree nor disagree
 Disagree Strongly disagree

Comments: It is not completely clear how parents can be involved if they do not wish to take up childcare services. Parents may wish to be involved in planning but will reserve the right to refuse to take up an offered place. We are not clear what is meant by "pro-active outreach work" [page 7 draft statutory guidance]. What assurances do we have that the child who is at home with the family will not be regarded as a case of the family simply failing to take up the offered childcare place, rather than making a positive home-based choice ?

7 Is the guidance clear about how to include Private Voluntary and Independent providers in partnership working?

- | | | |
|---|--|---|
| <input type="checkbox"/> Strongly agree | <input type="checkbox"/> Agree | <input type="checkbox"/> Neither agree nor disagree |
| <input type="checkbox"/> Disagree | <input type="checkbox"/> Strongly disagree | |

Comments:

8 Does the guidance demonstrate how statutory targets support the outcomes duty, and how local authorities will meet these targets?

- | | | |
|---|--|---|
| <input type="checkbox"/> Strongly agree | <input type="checkbox"/> Agree | <input type="checkbox"/> Neither agree nor disagree |
| <input type="checkbox"/> Disagree | <input type="checkbox"/> Strongly disagree | |

Comments:

It is not clear how the authority will set its own targets and whether the targets will have to be exceeded year on year. It is also not clear from the draft statutory guidance whether the targets are concerned with % take-up of childcare places (with particular focus on certain groups of families) or whether the targets are more concerned with Ofsted rating of individual Early Years settings. If targets relate to % take up, we fear that there will be undue pressure put on families who are more vulnerable since they are in receipt of local authority services and therefore may be deemed "in need". For example, we are concerned about the "active outreach work" which will be focussed on lone parents and parents with SEN or disabled children.

9 Do you believe that local authorities and their partners require any further information than currently exists to support them in meeting the requirements set out in the guidance?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Comments: Yes we believe that the local authorities and their partners require much more information about home-based education, which we will be happy to supply.

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

Here at the Department for Education and Skills 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 UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the Code of Practice can be accessed through the Cabinet Office Website: <http://www.cabinetoffice.gov.uk/regulation/consultation-guidance/content/introduction/index.asp>

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 September 2007

Send by post to: Jonathan Bacon, Department for Education and Skills, 2B Caxton House, Tothill Street, London, SW1H 9NA.

Send by e-mail to: earlyyears.outcomes@dfes.gsi.gov.uk