



Department  
for Education

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## **Consultation on Early Education and Childcare Staff Deployment**

## **Consultation on Early Education & Childcare Staff Deployment:**

The Early Years Foundation Stage (EYFS) sets out the current arrangements for how staff should be deployed in early years settings. This consultation seeks your views on how these arrangements could work more effectively. The proposals in this consultation emanate from the report *More great childcare* which was published by the Department for Education on 29 January 2013. The full report is available here:

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00002-2013>.

**To** Parents/carers, Nurseries and Other Pre-School Settings, Local Authorities, Childminders, Health Professionals, Teachers/Practitioners, Academics

**Issued** 29 January 2013

**Enquiries To** If your enquiry is related to the policy content of the consultation, you can contact the Department's national enquiry line on 0370 000 2288 or email:  
[ChildcareDeployment.CONULTATIONS@education.gsi.gov.uk](mailto:ChildcareDeployment.CONULTATIONS@education.gsi.gov.uk)

If you have a query relating to the consultation process you can contact the CYPFD Team by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

## 1 Introduction - Government Proposals

- 1.1 We want to make available more great childcare for parents and children. If we want our children to succeed at school, go on to university or into an apprenticeship and thrive in later life, we must get it right in the early years. If we want to use the talents of parents, and particularly mothers, to the full, we must ensure there is enough high quality childcare available.
- 1.2 There is nothing more important in early education than the quality of the staff who are delivering it. As Professor Nutbrown pointed out in her review of the Early Years workforce, the quality of the workforce and the qualifications on offer at the moment are not good enough. Staff are on low pay and in too many cases lack basic skills. In *More great childcare* we announced proposals to improve early years qualifications, through the introduction of Early Years Teachers and Early Years Educators, and to raise the quality of those entering the workforce by imposing tougher entry requirements. It is our aspiration that over time, group childcare will increasingly be delivered by Early Years Teachers and Early Years Educators. We hope parents will come to recognise these titles as benchmarks of quality.
- 1.3 In England as in many other countries, central government limits the number of children each member of staff in a nursery can look after through mandatory staff: child ratios. However, ratios in England are tighter than in comparable European countries. For instance, English nurseries can look after up to four 2-year-olds for every member of staff, compared to six 2-year-olds per member of staff in the Netherlands and Ireland, and eight 2-year-olds in France. Other countries – such as Denmark, Germany and Sweden – do not set national mandatory ratios for children of any age.
- 1.4 England's relatively tight staffing rules drive higher costs for parents and

lower pay for staff. In turn, low pay undermines the attractiveness of the profession to potential applicants. In other countries, providers can use the extra income they get from taking on more children to reduce fees for parents and pay staff more, but this is not possible in England.

- 1.5 Crucially, other countries also ensure they employ more highly qualified professionals in the early years. In France, at least 40 per cent of staff in early years settings must hold a diploma, gained after a year-long, post-18 course. In the Netherlands, certified childcare workers must take two years of training post-18. In Denmark, childcare workers are required to have between 3 and 5 years vocational or tertiary education before they can work in the early years.
- 1.6 Where there are high quality staff, greater flexibility in staffing can work. We will, therefore, free high quality providers to offer more places by allowing greater flexibility (see table below). That flexibility for nurseries should go hand in hand with higher quality, so providers will only be able to operate with more children per adult if they employ high quality staff. This will give providers extra income to pay staff more, and it will give more parents the choice of a great childcare place for their child. There are different ways to link higher ratios to higher quality. For instance, we could require settings to meet one of the following criteria in order to be able to operate higher ratios:
  - 70 per cent of staff qualified to at least Level 3;
  - 100 per cent of staff qualified to at least Level 3;
  - 100 per cent of staff have at least a C in English and Maths;
  - At least one graduate in the setting plus 70 per cent of other staff qualified to at least Level 3; or
  - Ratios based on the individuals working with children - so that only a staff member with a Level 3 qualification and/or English and Maths GCSE can use the higher ratio
- 1.7 This consultation seeks your views on how best to link higher ratios to higher quality and what qualification requirements should support this additional freedom. It should be stressed that these ratios will be maximum legal limits – no settings will be obliged to use higher ratios, and parents will still be free to choose nurseries that operate on existing ratios if they prefer.
- 1.8 We also want to give more flexibility to home-based childminders. At the moment, childminders can look after six children, no more than three of which can be under the age of five and only one of which can be under the age of one. This is too restrictive, particularly for children under the age of five. Childminders may only look after three under-5s at any one time. This contrasts with four children in France and five children in the Netherlands,

Ireland, Denmark and Germany. There are no national limits at all in Sweden.

- 1.9 This consultation seeks your views on our proposals to increase the number of under-5s that childminders can look after from three to four, and the number of under-1s they can look after from one to two, while still only looking after six children at any one time. We also want to provide an explicit allowance for overlaps between children by making clear childminders can exceed these new ratios by one for reasonable periods of time.

1.10 **Current and proposed new ratio requirements for group settings and childminders**

Provider	Group settings			
	Under 1	1	2	3+
England (current ratios)	1:3	1:3	1:4	1:8 or 1:13
England (proposed ratios where there are high quality staff)	1:4 <sup>1</sup>	1:4 <sup>1</sup>	1:6 <sup>1</sup>	1:8 or 1:13
Netherlands	1:4	1:5	1:6	1:8
France	1:5	1:8	1:8 or 1:12	1:8 or 1:26
Ireland	1:3	1:5	1:6 or 1:11	1:8 or 1:11
Denmark	None	None	None	None
Germany	None	None	None	None
Sweden	None	None	None	None

Age	Childminders						
	0	1	2	3	4	5	6
England (current)	1:1	1:3	1:3	1:3	1:3	1:3	1:6
<b>England (proposed)</b>	<b>1:2</b>	<b>1:4</b>	<b>1:4</b>	<b>1:4</b>	<b>1:4</b>	<b>1:4</b>	<b>1:6</b>
Denmark	1:5	1:5	1:5	1:5	1:5	1:5	1:5
France	1:4	1:4	1:4	1:4	1:4	1:4	1:4
Germany	1:5	1:5	1:5	1:5	1:5	1:5	1:5
The Netherlands	1:2	1:4	1:5	1:5	1:5	1:6	1:6
Ireland	1:2	1:2	1:5	1:5	1:5	1:5	1:5
Sweden	None						

Source: DfE obtained figures by a bespoke survey of 15 OECD countries (fieldwork carried out in 2012)

Notes for group settings table

1. Where staff are more qualified.

England - Over-3s ratio is 1:13 if led by a teacher.

France - Ratios vary by provider type: crèches (1:5 children who cannot walk and 1:8 children who can walk); jardins d'éveil (1:12 children between two and three years old); kindergartens and pre-schools (1:26 children aged three to compulsory schooling, where led by a teacher)

Ireland - In sessional pre-school provision the staff:child ratio is 1:11 for children aged 2.5 years to six years. In full/part time daycare provision the ratio is 1:6 for two year olds and 1:8 for three to six year olds

Germany - although there are no national mandatory staff: child ratios individual Länder (regions) are free to set their own regulations.

*Notes for childminders table*

*England (current)* - Childminders can have a maximum of six children under the age of 8, a maximum of 3 young children (until 1st September following their 5th birthday), and a maximum of one child under 1.

*England (proposed)* - Childminders can have a maximum of six children under the age of 8, a maximum of 4 young children (until 1st September following their 5th birthday), and a maximum of two children under 1. Ratios can be exceeded by one for reasonable periods of time to allow for overlaps between children.

*Denmark* - The number of children per adult is regulated by law.

*France* - No information is available on the variations in ratios that may exist by age of children.

*Ireland* - Childminders can care for 5 children (including their own) and no more than 2 under the aged of 15 months.

## 2 Next Steps

**2.1** Subject to the necessary legal processes, the revised requirements for the EYFS will be effective from September 2013.

## 3 Legislative Context

**3.1** The Childcare Act 2006 requires the Secretary of State to specify learning and development requirements and welfare requirements for the early years. Section 44 of the Childcare Act 2006 enables these to be contained in a Document but given legal effect by a Learning and Development Order and Welfare Requirements Regulations made under section 39 of that Act.

**3.2** The revised EYFS Framework will be set out in a Document and the requirements will be given legal effect through an Order and Regulations made under section 39. The requirements apply to all early years providers registered with Ofsted on the Early Years Register as well as independent, maintained and non-maintained special schools in circumstances where they are exempt from registration as early years providers.

**3.3** Section 43 of the Childcare Act 2006 requires the Secretary of State to consult Her Majesty's Chief Inspector of Education, Children's Services and

Skills (Ofsted) and such other persons as he considers appropriate. The Chief Inspector has been (and will be) consulted, meeting the requirement to consult with such other persons as the Secretary of State considers appropriate.

## 4 How to Respond

**4.1** This consultation is for anyone with an interest in the early years. The Government is keen to hear from parents and carers, managers and staff of nurseries and other pre-school settings, childminders, health professionals, teachers and other practitioners, academics, local authorities and other organisations. The consultation questions address the proposed changes to the EYFS framework.

**4.2** You can respond to the consultation by completing the response form and emailing it to

[ChildcareDeployment.CONULTATIONS@education.gsi.gov.uk](mailto:ChildcareDeployment.CONULTATIONS@education.gsi.gov.uk)

or sending it by post to:

CSDSD Team, Department for Education, Area 1C, Castle View House,  
East Lane, Runcorn, Cheshire, WA7 2GJ.

## 5 Additional Copies

**5.1** Additional copies are available electronically and can be downloaded from the Department for Education e-consultation website at:

<http://www.education.gov.uk/aboutdfe/departmentalinformation/consultations>

## 6 Plans for making results public

**6.1** The results of the consultation and the Department's response will be published on the Department for Education e-consultation website in the spring.