

Outcome of the consultation on publishing the Early Years and Childcare Registers

Between November 2007 and February 2008, we ran a consultation on whether we should publish the registers of providers under the Childcare Act 2006. This document details the results of the consultation and our decision.

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Introduction

Under the Childcare Act 2006, Her Majesty's Chief Inspector (HMCI) is required to maintain two registers of providers: the Early Years Register and the Childcare Register. HMCI also has a duty under this Act to supply information to Her Majesty's Revenue and Customs and local authorities, and a power to make information available to parents and carers in any way she considers appropriate. The law does not set out what information the registers must contain.

Between November 2007 and February 2008, we consulted on whether we should publish the registers on our website and what information we should include. We made the consultation document available to complete on our website and also provided paper copies on request.

Annex A has a breakdown of the consultation participants. They came from across the childcare sector and included parents, representative groups and local authorities. We also met with organisations representing childcare providers and held interactive question and answer sessions. This included the National Childminding Association (NCMA), the National Day Nurseries Association (NDNA) and the Pre-school Learning Alliance (PSLA).

We received 1,345 responses in total. The largest number of responses (719) came from childminders or home childcarers. The responses received represent less than 1% of the childcare sector, although the responses from provider organisations include the views of a number of members.

Key findings

Annex C has a detailed breakdown of the consultation questions and the responses we received.

The majority of respondents were in favour of us publishing the registers on our website.

In the main, the responses agreed that parents need more information than we currently publish. This included agreement from parents and carers that they need to be able to access the names, addresses and telephone numbers of registered providers.

However, we also received strong objections from childminders and home childcarers to the suggestion that we could publish their names and addresses on our website.

For most of the questions the responses were positive, with a majority within all groups of respondents agreeing that we should publish the following information on our website:

- provider's Ofsted unique reference number (URN)
- business name
- business telephone number/fax/email
- date of registration
- type of provision – childminder or childcare
- numbers and ages of children for whom providers are registered
- times and duration of the childcare
- conditions of registration
- local authority in which the provision is registered
- information about the provider's compliance with requirements
- enforcement action that we have taken
- information on complaints about the provider that resulted in action being taken
- the date when registration ceased, if appropriate.

Respondents also agreed that we should not publish details of registered provisions that are not accessible to the general public, such as crèches provided by women's refuges.

There are several areas where the responses to the consultation questions had a clear divide between views. These are detailed in Annex B and include:

1. Should we publish the name and address of the registered person?

All groups except childminders think that this information is essential.

Eighty-two per cent of parents and carers who responded considered this type of information to be either helpful (23%) or essential (59%), whereas 60% of childminders who responded were against the publication of their names and addresses. Childminders' concerns related to the publication of personal information and a fear that having such information publicly available may place children at greater risk.

2. Do parents need more information than currently published, to help them in choosing childcare?

All groups except childminders and home childcarers spoke overwhelmingly in favour of giving more information to parents and carers. Parents in particular were clear that they want as much information as possible to help them make childcare choices.

However, 43% of childminders and home childcarers voted against this idea, with 35% in favour. We believe that this response is almost certainly linked to the provision of names and addresses.

3. Should we publish information about complaints against a provider that did not result in enforcement action?

All childcare providers thought that it is unnecessary to publish this information.

However, a majority of respondents who work in local authorities, and parents, thought that this information is essential. Parents and carers felt that they have a right to know about all complaints made about a childcare provider so that they can make more informed decisions.

Our decision

We have decided to publish the registers under the Childcare Act 2006 with the following information on all providers except for childminders, home childcarers, childcare on domestic premises and provisions that are not accessible to the public, such as childcare operated by refuges:

- provider's Ofsted unique reference number (URN)
- business name
- business telephone number/fax/email
- business address
- address of the setting where childcare takes place
- date of registration
- type of provision – childminder or childcare
- numbers and ages of children for whom providers are registered
- times and duration of the childcare
- conditions of registration
- local authority in which the provision is registered
- the date when registration ceased, if appropriate.

Provision that is not accessible to the public

We decided that we will not publish the setting address of any provision that is not accessible to the general public and where it would pose a risk to children or to the Government by doing so. This includes childcare in women's refuges and on some military bases.

Home childcarers

We decided that we will not publish the name and address of home childcare provision as this is usually the personal address of the child or children for whom care is provided.

Childminders

We considered three main possibilities in light of the results of the consultation and our legal advice about the publication of information on childminders:

- include names and addresses
- provide an option for childminders to opt-out of certain details being published on our website, such as names and addresses
- publish only limited information on childminders, including their URN, and provide a facility to search for childminders in an area by postcode without including a childminder's postcode in the search results. This is what we currently do with childminders' inspection reports.

In light of the clear difference of opinion between childminders and service users identified through the consultation, we have decided that, as an interim measure, we will adopt the third option.

This means that from 1 September 2008 we will only publish a childminder's URN on our website and will not, at this stage, publish their name and full address.

This allows parents and carers access to the URNs of registered childminders operating in their desired area by entering the postcode. The parent or carer can obtain further information on the childminder, including their vacancies, by contacting their local family information service. This is in line with and an extension of the current search facility that we have available for inspection reports of childminders on our website.

As an alternative to full publication of names and addresses, we considered whether we could establish and administer an opt-out choice for childminders in time for the commencement of the Childcare Act 2006 on 1 September 2008. We decided that it would not be practicably possible to do so at this stage.

We intend to make more information accessible about childminders in the future. We have yet to decide on how best to achieve this whilst balancing the opposing wishes of parents and childminders.

We will carefully consider all the concerns expressed by childminders during the consultation, and consider how we can address these in our future planning.

Childcare on domestic premises

Childcare on domestic premises is where four or more people provide care to children on the same domestic premises at any one time.

We are applying the decision we made for childminders to these providers.

We have made the interim decision to publish only their URN as their service operates from an individual's private home.

Compliance and enforcement

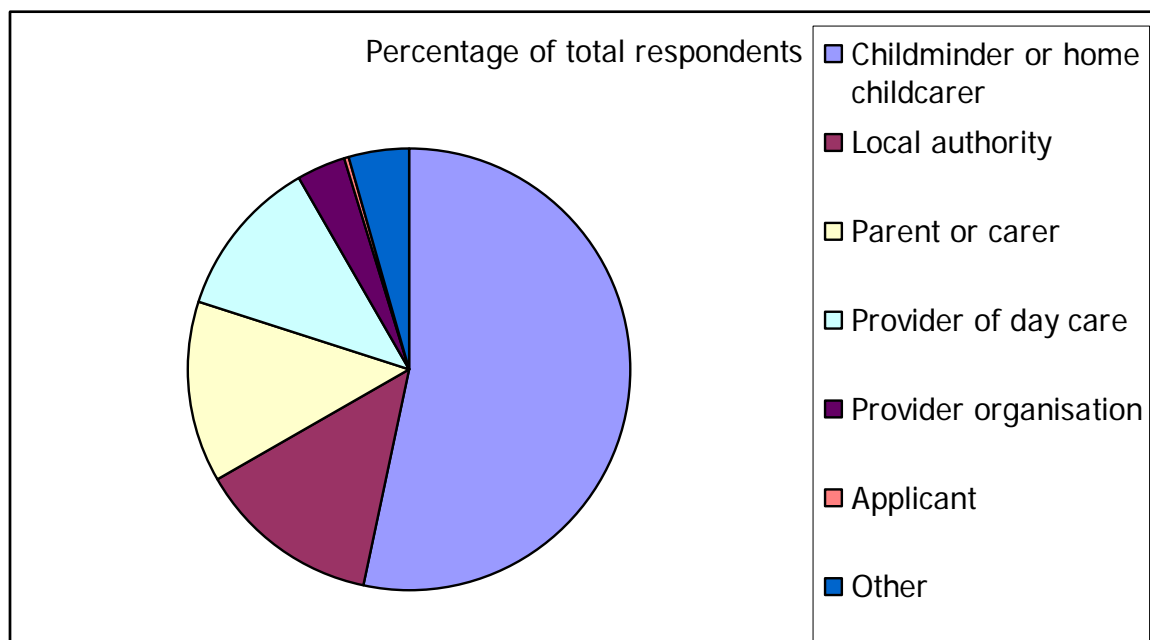
We have agreed in principle to publish more information about providers' compliance with requirements of registration, including any enforcement action we take to bring about compliance. We have decided that we need to consider further the implications of doing so, balancing the interests of providers against the wishes of parents to have as much information as possible about childcare providers.

We have decided that we need to take more time to consider the options available to us. In the interim we will continue to include information about complaints about a registered provider that required us or the provider to take action to comply with the requirements for registration in inspection reports.

Annex A: breakdown of respondents

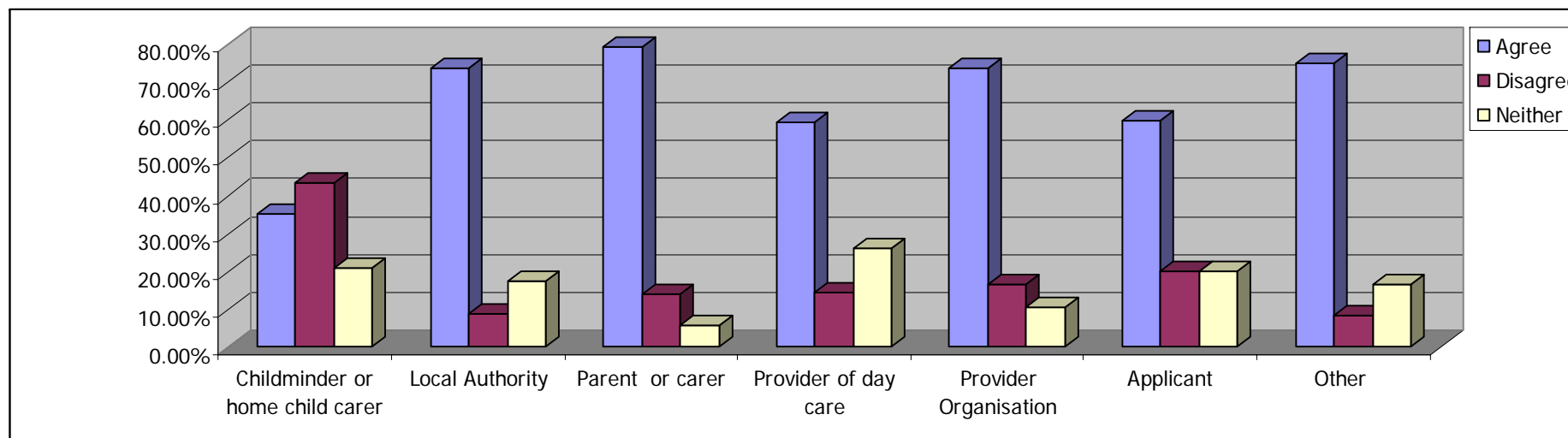
Type of respondent	Number of respondents	Percentage of total respondents
Childminder or home childcarer	719	53.46%
Local authority	176	13.09%
Parent or carer	181	13.46%
Provider of day care	158	11.74%
Provider organisation	48	3.57%
Applicant	5	0.37%
Other	58	4.31%

Total	1,345	100%
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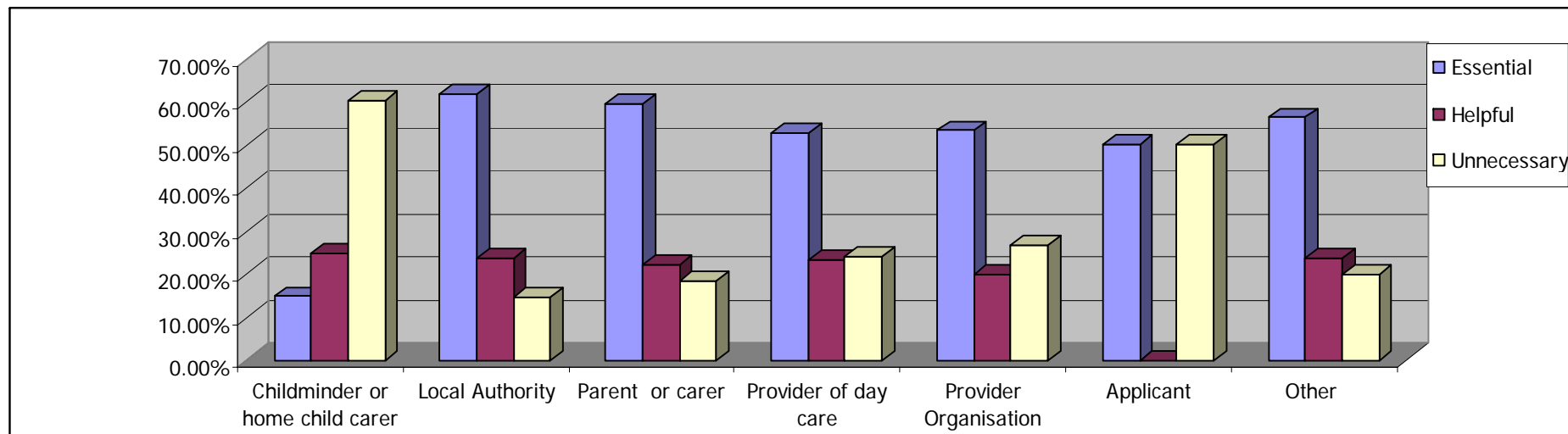


Annex B: key findings

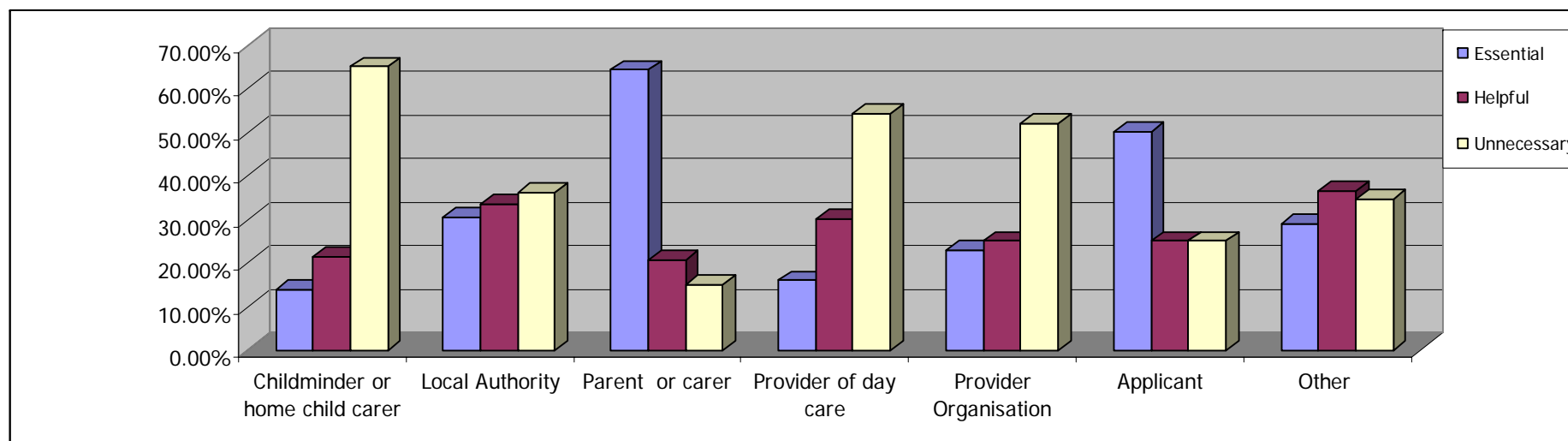
Do parents need more information than currently published, to help them in choosing childcare?



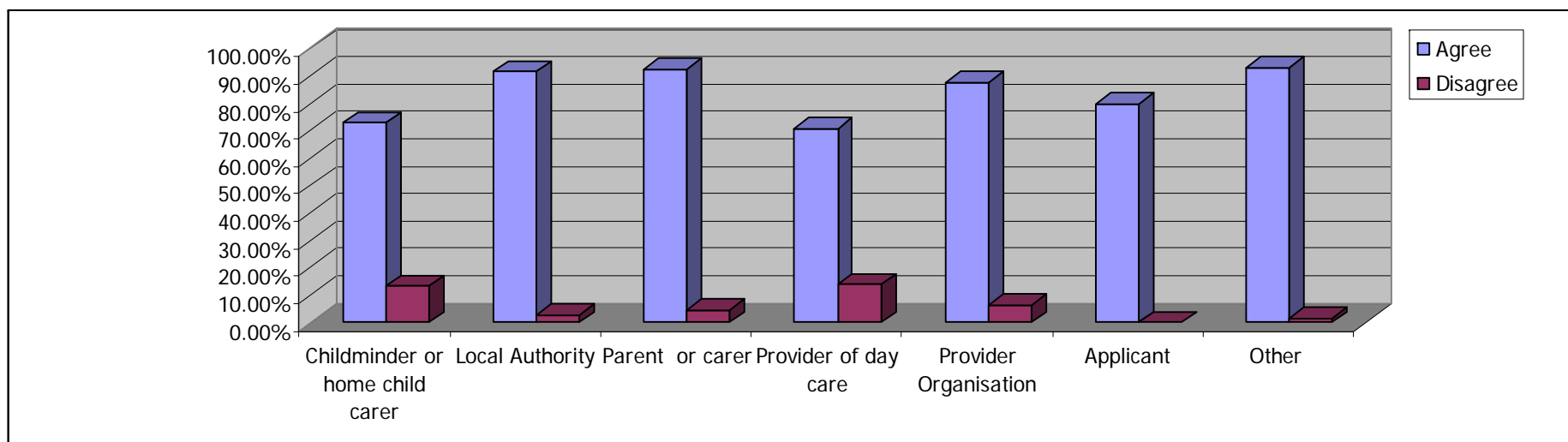
Should Ofsted publish the name and address of the registered person?



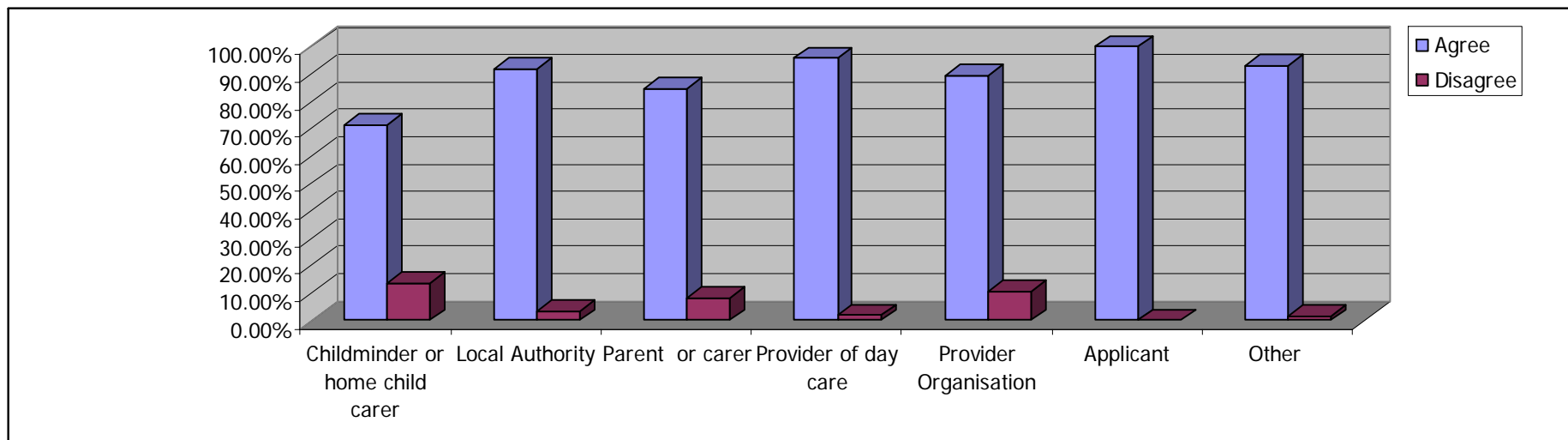
Should Ofsted publish information on complaints about providers where it did not result in enforcement action?



Should Ofsted publish information on complaints about providers where it has resulted in action being taken?



Should the register include all providers that are accessible to the general public?



Annex C: table of data from the consultation

	Childminder or home childcarer	Local authority	Parent or carer	Provider of day care	Provider organisation	Applicant	Other
Number of responses	719	176	181	158	48	5	58
Do parents need more information than currently published, to help them in choosing childcare							
Agree	35.16%	73.65%	79.25%	59.50%	73.92%	60%	75.00%
Disagree	43.43%	8.98%	13.95%	14.55%	16.66%	20%	8.33%
Neither	21%	17.37%	6%	25.95%	10.42%	20%	16.67%
Name and address of the registered person							
Essential	14.78%	61.73%	59.43%	52.60%	53.33%	50.00%	56.36%
Helpful	24.78%	23.53%	22.29%	23.38%	20.00%	0.00%	23.64%
Unnecessary	60.43%	14.71%	18.29%	24.03%	26.67%	50.00%	20.00%
Business name provided							
Essential	20.35%	67.46%	54.65%	82.35%	68.09%	20.00%	64.81%
Helpful	55.34%	28.99%	36.63%	15.03%	23.40%	40.00%	33.33%
Unnecessary	24.30%	3.55%	8.72%	2.61%	8.51%	40.00%	1.85%
Unique Reference Number							
Essential	43.70%	61.76%	61.85%	49.68%	59.57%	75.00%	56.60%
Helpful	27.64%	24.12%	21.97%	35.48%	19.15%	25.00%	30.19%
Unnecessary	28.65%	14.12%	16.18%	14.84%	21.28%	0.00%	13.21%
Date of registration							
Essential	35.41%	57.80%	61.71%	53.21%	64.58%	50.00%	53.57%
Helpful	52.69%	38.73%	33.71%	41.03%	33.33%	50.00%	44.64%
Unnecessary	11.90%	3.47%	4.57%	5.77%	2.08%	0.00%	1.79%
Type of provision (childminder/other childcare provision)							
Essential	85.41%	95.40%	86.52%	88.54%	95.83%	75.00%	96.30%
Helpful	13.88%	4.60%	12.92%	9.55%	4.17%	25.00%	1.85%
Unnecessary	0.71%	0.00%	0.56%	1.91%	0.00%	0.00%	1.85%

	Childminder or home childcarer	Local authority	Parent or carer	Provider of day care	Provider organisation	Applicant	Other
Number of responses	719	176	181	158	48	5	58
Number and ages of children registered to care for							
Essential	66.81%	84.39%	83.15%	83.44%	95.74%	75.00%	87.50%
Helpful	28.13%	15.61%	12.92%	16.56%	2.13%	25.00%	12.50%
Unnecessary	5.06%	0.00%	3.93%	0.00%	2.13%	0.00%	0.00%
Times and duration of the provider							
Essential	46.76%	78.24%	77.97%	82.80%	72.34%	75.00%	71.43%
Helpful	42.25%	18.82%	18.64%	16.56%	25.53%	0.00%	21.43%
Unnecessary	10.99%	2.94%	3.39%	0.64%	2.13%	25.00%	7.14%
Conditions attached to registration							
Essential	49.15%	73.26%	76.40%	54.78%	75.00%	75.00%	65.45%
Helpful	39.09%	23.84%	19.10%	38.85%	18.75%	25.00%	30.91%
Unnecessary	11.76%	2.91%	4.49%	6.37%	6.25%	0.00%	3.64%
Telephone number/fax/email							
Essential	49.51%	74.85%	67.80%	87.90%	74.47%	33.33%	75.00%
Helpful	32.16%	19.88%	24.29%	11.46%	23.40%	66.67%	21.43%
Unnecessary	18.34%	5.26%	7.91%	0.64%	2.13%	0.00%	3.57%
Name of the local authority where the provision is registered							
Essential	50.85%	67.05%	60.00%	51.92%	60.42%	50.00%	61.82%
Helpful	42.76%	32.37%	35.43%	44.87%	35.42%	50.00%	38.18%
Unnecessary	6.39%	0.58%	4.57%	3.21%	4.17%	0.00%	0.00%
Enforcement action Ofsted has taken against the provision (for example, suspension/cancellation of registration)							
Essential	67.28%	78.95%	88.76%	76.13%	77.08%	75.00%	74.55%
Helpful	24.79%	17.54%	9.55%	18.06%	18.75%	25.00%	21.82%
Unnecessary	7.93%	3.51%	1.69%	5.81%	4.17%	0.00%	3.64%

	Childminder or home carer	Local authority	Parent or carer	Provider of day care	Provider organisation	Applicant	Other
Number of responses	719	176	181	158	48	5	58
Information connected with enforcement action (for example, when Ofsted has cancelled/suspended registration)							
Essential	59.80%	72.09%	87.08%	66.03%	79.17%	75.00%	65.45%
Helpful	28.84%	22.67%	10.11%	27.56%	16.67%	25.00%	27.27%
Unnecessary	11.36%	5.23%	2.81%	6.41%	4.17%	0.00%	7.27%
Information connected with the provider's compliance with requirements							
Essential	42.21%	66.28%	75.84%	45.51%	70.83%	50.00%	70.91%
Helpful	46.03%	30.23%	21.91%	45.51%	29.17%	50.00%	29.09%
Unnecessary	11.76%	3.49%	2.25%	8.97%	0.00%	0.00%	0.00%
If appropriate, the date that the provider stopped being registered							
Essential	54.25%	69.77%	79.66%	71.15%	80.85%	100.00%	65.45%
Helpful	31.87%	23.84%	18.08%	20.51%	17.02%	0.00%	29.09%
Unnecessary	13.88%	6.40%	2.26%	8.33%	2.13%	0.00%	5.45%
Information about complaints against the provider that did not result in enforcement action							
Essential	13.74%	30.41%	64.25%	15.92%	22.92%	50.00%	29.09%
Helpful	21.25%	33.33%	20.67%	29.94%	25.00%	25.00%	36.36%
Unnecessary	65.01%	36.26%	15.08%	54.14%	52.08%	25.00%	34.55%
Should Ofsted publish information on complaints about providers where it has resulted in action being taken?							
Agree	524 (72.87%)	161 (91.48%)	167 (92.26%)	112 (70.89%)	42 (87.5%)	4 (80%)	54 (93.1%)
Disagree	95 (13.22%)	5 (2.84%)	8 (4.41%)	22 (13.92%)	3 (6.25%)	0	1 (1.72%)
Should the register include all providers that are accessible to the general public							
Agree	513 (71.35%)	162 (92.04%)	153 (84.53%)	151 (95.8%)	43 (89.58%)	5 (100%)	54 (93.11%)
Disagree	99 (13.77%)	6 (3.41%)	15 (8.29%)	3 (1.90%)	5 (10.41%)	0	1 (1.72%)