

Childcare Bill [HL]

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

BARONESS TYLER OF ENFIELD
BARONESS PINNOCK

- 20 Page 2, line 23, at end insert—
“() make provision about the quality of childcare which is to be made available”

BARONESS PINNOCK
BARONESS TYLER OF ENFIELD

- 21 Page 2, line 23, at end insert—
“() Regulations as described in subsection (5)(c) must ensure that the times available provide sufficient flexibility—
(a) to parents who work outside the hours of 9 am to 5 pm, Monday to Friday; and
(b) to ensure that childcare is available during school holidays within the local authority area of the relevant childcare provider.”

BARONESS JONES OF WHITCHURCH
LORD TOUHIG

- 22 Page 2, line 27, leave out subsection (7)

- 23 Page 2, line 30, at end insert—
“(7A) In order to ensure the safe and effective implementation of the duty under subsection (1), the Secretary of State shall make regulations for the purposes of prescribing staff-to-child ratios in Ofsted-registered childminder settings.

Amendment
No.

Clause 1 – continued

- (7B) Regulations under subsection (7A) may provide that—
- (a) the ratio of staff to children under the age of eight must be no less than one to six, of whom—
 - (i) a maximum of three may be young children, and
 - (ii) a maximum of one may be under the age of one;
 - (b) any care provided by childminders for older children must not adversely affect the care of children receiving early years provision;
 - (c) if a childminder can demonstrate to parents, carers and inspectors that the individual needs of all the children are being met, then in addition to the ratio set out in paragraph (a), they may also care for—
 - (i) babies who are siblings of the children referred to in paragraph (a), or
 - (ii) their own baby;
 - (d) if children aged between four and five years only attend the childminding setting outside of normal school hours or the normal school term time, they may be cared for at the same time as three other young children, provided that the ratio of staff to children under the age of eight does not exceed one to six at any time;
 - (e) if a childminder employs an assistant or works with another childminder, each childminder or assistant may care for the number of children permitted by the ratios specified in paragraphs (a), (c) and (d);
 - (f) children may only be left in the sole care of a childminder’s assistant for two hours in a single day;
 - (g) childminders must obtain the permission of a child’s parents or carers before that child can be left in the sole care of a childminder’s assistant;
 - (h) the ratios in paragraphs (a), (c) and (d) apply to childminders providing overnight care, provided that the children are continuously monitored, which may be through the use of electronic equipment.
- (7C) For the purposes of this section a child is—
- (i) a “young child” up until the 1 September following his or her fifth birthday;
 - (ii) an “older child” after the 1 September following his or her fifth birthday.”

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Page 2, line 30, at end insert—

- “(7D) In order to ensure the safe and effective implementation of the duty under subsection (1), the Secretary of State shall make regulations for the purposes of prescribing staff-to-child ratios in Ofsted-registered non-domestic childminder settings.
- (7E) Regulations under subsection (7D) may provide that, for children between the ages of two and three—
- (a) the ratio of staff to children must be no less than one to four;
 - (b) at least one member of staff must hold a full and relevant level 3 qualification; and
 - (c) at least half of all other members of staff must hold a full and relevant level 2 qualification.

Amendment
No.

Clause 1 – continued

- (7F) Where there is a registered early years provision for children aged 3 and over, which operates between 8 am and 4 pm, and a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is working directly with the children –
- (a) the ratio of staff to children must be no less than one to 13; and
 - (b) at least one other member of staff must hold a full and relevant level 3 qualification.
- (7G) Where there is a registered early years provision for children aged 3 and over, which operates outside the hours of 8 am to 4 pm as well as between the hours of 8 am and 4 pm, where a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is not working directly with the children –
- (a) the ratio of staff to children must be no less than one to eight;
 - (b) at least one member of staff must hold a full and relevant level 3 qualification; and
 - (c) at least half of all the other staff must hold a full and relevant level 2 qualification.
- (7H) In maintained nursery schools and nursery classes in maintained schools (except reception classes) in which childcare is being provided which fulfils the duty in subsection (1) –
- (a) the ratio of staff to children must be no less than one to 13;
 - (b) at least one member of staff must be a school teacher as defined by section 122(3) (power to prescribe pay and conditions) of the Education Act 2002 and Schedule 2 to the Education (School Teachers’ Qualifications) (England) Regulations 2003; and
 - (c) at least one other member of staff must hold a full and relevant level 3 qualification.
- (7I) The Secretary of State may –
- (a) define qualifications as “full and relevant”; and
 - (b) define “suitable experience” for those working with children under two.
- (7J) The Secretary of State may amend subsections (7D) to (7H) by imposing different ratios where HM Chief Inspector of Education is concerned about the quality of childcare provision or the safety and wellbeing of children in a childcare setting.”

BARONESS MASSEY OF DARWEN

25 Page 2, line 46, at end insert –

“() is a grandparent with the main caring responsibility for the child or children,”

BARONESS PINNOCK
BARONESS TYLER OF ENFIELD

26 Page 3, line 2, at end insert –

““working parent” includes any individual who –

- (a) is in contracted employment for at least 8 hours’ work a week;

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No.

Clause 1 – continued

- (b) is self-employed at a level equivalent to working 8 hours a week;
- (c) is on a zero hours contract;
- (d) is an apprentice;
- (e) is engaged in education or training for a minimum of 8 hours a week;
- (f) is a carer who qualifies for carer’s allowance; or
- (g) is undertaking voluntary work or work experience for a minimum of 8 hours a week.”

Clause 2

BARONESS JONES OF WHITCHURCH
LORD TOUHIG

27 Page 3, line 17, leave out subsections (4) and (5) and insert –

- “() A statutory instrument containing regulations under subsections (1) and (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

LORD TRUE

28 Page 3, line 21, at end insert –

- “() Nothing in any regulations under this Act may impose any obligation on any private or voluntary childcare setting or school that does not wish, or is unable, to –
- (a) participate in a scheme, or any part of a scheme;
 - (b) provide such information to the Secretary of State, a public body or local authority as may be required under this Act of participants in a scheme,
- under this Act to provide 30 hours of free childcare.”

After Clause 2

THE EARL OF LISTOWEL

29 Insert the following new Clause –

“Commission

- (1) Within two years of the coming into force of section 1, the Secretary of State shall appoint a Commission to review the implementation of this Act, with particular regard to value for money.
- (2) The Commission appointed under subsection (1) must include –
 - (a) the Children’s Commissioner for England,
 - (b) a representative of the Institute for Fiscal Studies, and
 - (c) a representative of the Nuffield Foundation.”

Amendment
No.

After Clause 2 – continued

BARONESS PINNOCK
BARONESS TYLER OF ENFIELD

30 Insert the following new Clause –

“Funding of childcare

For the purpose of discharging the duty imposed by section 1, the Secretary of State must ensure that the level of payment made to any childcare provider by the Secretary of State for the provision of childcare is paid at a rate which ensures that the provider –

- (a) is able to cover the cost of providing a childcare place,
- (b) is able to cover the cost of ensuring sufficient training and support for staff engaged in delivering childcare, and
- (c) does not have to subsidise the cost of providing free of charge childcare by placing additional charges on other childcare which they provide.”

BARONESS PINNOCK

31 Insert the following new Clause –

“Powers of local authority in relation to duty under Childcare Act 2015

After section 8(3) of the Childcare Act 2006 (power of local authority in relation to the provision of childcare) insert –

- “(3A) If an English local authority consider it necessary in order to support the Secretary of State in the discharge of the duty under section 1(1) of the Childcare Act 2015, the local authority may provide childcare for a particular child or group of children if the local authority are satisfied –
- (a) that no other person is willing to provide the childcare (whether in pursuance of arrangements made with the authority or otherwise), or
 - (b) if another person is willing to do so, that in the circumstances it is appropriate for the local authority to provide the childcare.””

LORD TRUE

32 Insert the following new Clause –

“Impact on childcare settings and premises providers which are unable to participate

Before the coming into force of this Act the Secretary of State must lay before each House of Parliament a report assessing –

- (a) the proportion of nursery and childcare providers that do not currently offer 30 hours a week of childcare;
- (b) the incidence of additional payments above the 15 hours free care currently requested by settings participating in the current 15 hour scheme;
- (c) the number of nursery and childcare providers operating in rented premises; and

Amendment
No.

After Clause 2—continued

- (d) the impact on village, parish, community and church halls, sports clubs, and other similar premises of the potential loss of income from nursery and other childcare providers unable to offer 30 hours free childcare.”

33 Insert the following new Clause—

“Duty to provide equivalent compensation for 30 hours free childcare to parents remaining at home

- (1) The Secretary of State must, within six months of the day on which this Act is passed, lay before both Houses of Parliament a report on proposals to ensure that a parent who—
- (a) is not in paid employment;
 - (b) is married to the other parent who is in paid employment; or
 - (c) has a qualifying child;
- shall receive compensation equivalent to the childcare provided to a “qualifying child of working parents” as defined in section 1.
- (2) In this section—
- “childcare”, “parent” and “young child” have the meaning given in section 1; and
 - “qualifying child” means a young child who—
 - (a) is under compulsory school age,
 - (b) is in England, and
 - (c) is of a description specified in regulations made by the Secretary of State under section 1(11).”

Before Clause 3

BARONESS PINNOCK
BARONESS TYLER OF ENFIELD

34 Insert the following new Clause—

“Duty to report: child poverty target

- (1) The Secretary of State must, in each financial year, starting with the date 12 months after the commencement of this Act, report on the impact of the free entitlement to childcare on meeting child poverty targets.
- (2) For the purposes of this section, “child poverty targets” means the targets set out in sections 3 to 6 of the Child Poverty Act 2010.”

Clause 3

LORD TRUE

35 Page 3, leave out lines 26 to 28

Amendment
No.

Clause 3 – *continued*

THE EARL OF LISTOWEL

36 Page 3, line 28, at end insert –

“() Regulations under subsection (6A) must in particular require each English local authority to publish statistical information on turnover rates of early years staff in each early years setting in the local authority’s area.”

BARONESS MASSEY OF DARWEN

37 Page 3, line 28, at end insert –

“() Regulations may require each English local authority to share information directly with partner agencies in the area including children’s centres.”

LORD TRUE

38 Page 3, line 35, at end insert –

“(6D) In publishing reports on and assessing the quality and effectiveness of a nursery school or setting or other provider of childcare, neither Ofsted nor any other specified inspection or assessment body may, in reaching its judgement and in publishing such an assessment, take into account whether or not the provider is a participant in the scheme established under the Childcare Act 2015.”

LORD SUTHERLAND OF HOUNDWOOD

38A Page 3, line 35, at end insert –

“(6D) The Secretary of State, after consultation with the appropriate research council, shall commission and provide resources for a longitudinal study of the impact of early childcare as provided for in the Childcare Act 2015 on child development and educational opportunity.”

After Clause 3

BARONESS PINNOCK

LORD GERMAN

BARONESS JONES OF WHITCHURCH

39 Insert the following new Clause –

“Impact of childcare entitlement on low income working parents

- (1) Within 24 months of the commencement of section 1 of this Act, the Secretary of State must publish a report on the benefits of free childcare provided under section 1 for low income working parents.
- (2) A report under subsection (1) must include an assessment of –
 - (a) the monetary value of the free childcare entitlement to low income working parents;

Amendment
No.

After Clause 3 – continued

- (b) the educational value of the free childcare entitlement for children of low income working parents;
 - (c) the number of low income working parents taking up provision of the free childcare entitlement.
- (3) An assessment under subsection (2)(a) must include an assessment of the extent to which any monetary benefit to low income working parents from the free childcare entitlement is offset by any changes to –
- (a) working tax credits;
 - (b) child tax credits;
 - (c) universal credit;
 - (d) child benefit,
- that have occurred since the coming into force of this Act.
- (4) An assessment under subsection (2)(c) must include an assessment of the impact on the number of working parents of any changes to working tax credits that have occurred since the coming into force of this Act.
- (5) For the purpose of this section “free childcare entitlement” means any childcare provided free of charge under the duty set out in section 1 of this Act.”

Clause 5

BARONESS JONES OF WHITCHURCH
LORD TOUHIG

- 40 Page 4, line 2, at beginning insert “Section (*Consultation and reviews*),”
- 41 Page 4, line 4, at beginning insert “Subject to subsection (3A),”
- 42 Page 4, line 7, at end insert –
- “(3A) Sections 1 and 2 may not come into force until after the requirements in section (*Consultation and reviews*) have been met.”

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