

# Childcare Bill [HL]

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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**Before Clause 1**

BARONESS JONES OF WHITCHURCH  
LORD TOUHIG

Insert the following new Clause –

**“Consultation and reviews**

In order to ensure that the duty in section 1(1) can be implemented effectively, the Secretary of State shall, before the end of 2017 –

- (a) arrange for the following to be conducted and completed –
  - (i) a review of the cost of providing childcare;
  - (ii) an impact assessment for the provisions of section 1;
  - (iii) a consultation with parents and childcare providers;
  - (iv) a review of the 2016 pilot scheme;
  - (v) the taskforce on childcare led by the Minister of Employment in the Department for Work and Pensions;
- (b) arrange for a report on each of the pieces of work under paragraph (a) to be laid before Parliament; and
- (c) publish and make available for consultation a draft of any regulations which the Secretary of State intends to make under section 1.”

**Clause 1**

LORD TOUHIG  
BARONESS JONES OF WHITCHURCH

Page 1, line 18, at end insert—

- “(3A) In order to support the effective implementation of the duty under subsection (1), the Secretary of State shall arrange for a review to be conducted that shall include, but shall not be limited to—
- (a) an assessment of how the new entitlements in this Act will support the inclusion of disabled children and those with special educational needs;
  - (b) an assessment of how the existing structures and framework for childcare meet the needs of disabled children and those with special educational needs;
  - (c) an assessment of existing barriers that limit access to childcare by disabled children;
  - (d) an estimate of the access to the current entitlement of free early education;
  - (e) an assessment of how many local authorities have sufficient childcare for disabled children;
  - (f) a calculation of the additional costs, funding and support required to meet the needs of providing childcare to disabled children;
  - (g) an analysis of the workforce available and their ability to provide quality childcare for disabled children.
- (3B) The report of the review under subsection (3A) shall be laid before both Houses of Parliament.
- (3C) Once the review has concluded, the Secretary of State shall establish a strategy for improving the skills of the early years workforce to meet the needs of disabled children and those with special educational needs.
- (3D) Where the Secretary of State does not adopt a recommendation from the review the Secretary of State must set out the reasoning for doing so.”

BARONESS JONES OF WHITCHURCH  
LORD TOUHIG

Page 1, line 18, at end insert—

- “(3A) The Secretary of State shall arrange for a review to be conducted to assess whether the qualifications and pay levels of staff are sufficient to meet the level of childcare provision necessary to fulfil the duty under subsection (1).
- (3B) The review shall include, but shall not be limited to—
- (a) an assessment of progress in delivering level 3 as the new qualification standard whilst supporting trainees to gain practical experience;
  - (b) an assessment of progress in introducing early years career paths which lead to Early Years Teacher status, and include ongoing continuous professional development;

**Clause 1 – continued**

- (c) research on the number of black and ethnic minority staff at different qualification levels, including proposals to engage with the sector to address any issues identified;
- (d) an assessment of recruitment and retention statistics including reasons given for leaving the profession;
- (e) a comparison with pay levels in other equivalent professions and an assessment of the case for a national pay structure.”

Page 1, line 18, at end insert –

“(3A) In order to ensure the effective implementation of the duty under subsection (1), the Secretary of State shall establish an independent review of the free childcare entitlement funding system, including a large-scale analysis of the cost of delivering funded places.

(3B) The review established under subsection (3A) shall consult local authorities, childcare providers, employers, parents and others with an interest.”

Page 2, line 22, leave out paragraph (k)

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.

(7B) Regulations under subsection (3A) 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;

**Clause 1 – continued**

- (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 1 September following his or her fifth birthday;
  - (ii) an “older child” after the 1 September following his or her fifth birthday.”

BARONESS MASSEY OF DARWEN

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

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;
- (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 carers allowance; or
- (g) is undertaking voluntary work or work experience for a minimum of 8 hours a week.”

**Clause 5**

BARONESS JONES OF WHITCHURCH  
LORD TOUHIG

Page 4, line 2, at beginning insert “Section (*Consultation and reviews*),”

Page 4, line 4, at beginning insert “Subject to subsection (3A),”

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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*25th June 2015*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS  
LONDON - THE STATIONERY OFFICE LIMITED

HL Bill 9(*d*)

(50292)

56/1



ISBN 978-0-10-800214-4



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