



Department
for Education

30 hour free childcare entitlement: delivery model

Government consultation response

November 2016

Contents

| | |
|--|-------|
| Introduction | 4 |
| Summary of responses received and the government's response | 5 |
| Main findings from the consultation | 6 |
| Next steps | 10 |
| Question 1: Does the use of terms or quarters to manage the 'grace period' achieve the government's objective to minimise the disruption to children, parents, local authorities and providers? | 133 |
| Question 2: Are there particular issues around 'summer-term' children that local authorities and childcare providers will need to manage more carefully? | 155 |
| Question 3: What type of flexible provision would be most valuable to parents? | 18 |
| Question 4: What are the barriers to flexible provision? | 19 |
| Question 5: Do you agree that the proposed requirement on local authorities (to secure that the extended entitlement is provided over no fewer than 38 weeks) and proposed changes to statutory guidance will remove barriers to flexible provision? (Proposals here are (i) to remove the 2.5 minimum session length outside the hours of 9am and 3.30 pm (ii) to increase the minimum session length to 3 hours between 9am and 3.30 pm and (iii) to extend the hours when funded sessions can be delivered to 6am to 8pm) | 19/20 |
| Question 6: Which of the options below will have the most impact in encouraging providers to offer the extended entitlement? | 222 |
| Question 7: Should we limit local authorities to fund a maximum of three providers for the existing and extended entitlements? | 233 |
| Question 8: Do you agree it would help if providers and local authorities were clearer in what SEND support was available in a setting or across the local authority? | 244 |
| Question 9: Do you agree that local authorities should continue to have a strategic role in ensuring children with SEND can access childcare? | 255 |
| Question 10: What types of support are you currently receiving from your local authority specifically around SEND / what support are you providing (if a local authority)? How are you currently funding this? | 255 |
| Question 11: is there any support you are not currently receiving / providing which you think would make a positive impact on children with SEND accessing childcare in your area? | 266 |
| Question 12: Should the government encourage a monthly payment system from local authorities to providers? | 300 |
| Question 13: Do you agree that a model agreement should include the principles set out in the consultation chapter? | 322 |

| | |
|--|-----|
| Question 14: Will a model agreement have a positive or negative impact on particular types of providers? If so which? | 333 |
| Question 15: How often should information about childcare be updated and published for parents? | 355 |
| Question 16: We believe that electronic means e.g. via a website is the most easily accessible format for parents? Do you agree? | 366 |
| Question 17: Is there other information directly related to childcare provision that could be helpful to parents that local authorities should consider collecting and publishing? | 377 |
| Question 18: Does the guidance clearly explain this new duty and how it will be fulfilled? | 388 |
| Question 19: Is there anything further which could usefully be included in the guidance to help local authorities ensure all parents who need it have access to information about childcare? E.g. guidance on a technical framework / technical schema which defines the format and structure of the data. | 39 |
| Question 20: We think the 'Local Offer' is the right place for information and advice for parents on SEND provision in the early years. Do you agree? | 400 |
| Question 21: Is there anything in these proposals which would prevent local authorities from meeting their duty to secure funded early education for two-, three- and four-year-olds? | 411 |
| Question 22: Are there any particular groups of children and/or parents for which the impact of these regulations will be significant? | 411 |
| Question 23: Are there any particular types of providers for which the impact of these regulations will be significant? | 455 |
| Question 24: is there any practical advice related to the regulations and their effect or implementation that you would like to see in the statutory guidance? | 477 |
| Question 25: Is the guidance clear on what local authorities must do to discharge their statutory duties? | 49 |
| Question 26: Any other comments? | 49 |
| Annex A: List of organisations that responded to the consultation | 511 |

Introduction

The government has committed to doubling the amount of free childcare from 15 to 30 hours a week for working parents of three and four year olds from September 2017. We want the 30 hours extended entitlement to have a real impact on the lives of families, supporting parents who wish to work, or to work more hours, to be able to do so.

All three and four year olds are already entitled to 15 hours a week of free early learning. Take-up is high, at 95%, and the quality of provision continues to improve, with 85% of children taking up their place in a 'good' or 'outstanding' setting. The government will deliver this new commitment through local authorities, as it does for the existing 15 hours. We will retain the same stringent quality standards to ensure the best possible experience for the child - providers delivering any part of the 30 hour entitlement will need to follow the requirements of the Early Years Foundation Stage and must be registered with Ofsted. The introduction of this new, extended entitlement is a real opportunity to improve the system to better meets the needs of children, parents, childcare providers and local authorities.

The government launched a consultation on 3rd April 2016 which closed on 6th June 2016. The consultation asked respondents for views on:

- increasing flexibility of the free entitlement to better meet the needs of working parents
- improving access to the free entitlement for disabled children and those with additional needs
- making the local delivery model more efficient, and
- improving parents' access to information about childcare.

This document summarises the responses to the consultation and outlines the government response to the issues raised.

This was an online consultation, supplemented by extensive informal consultation and direct engagement. Prior to the consultation, and during the consultation period, policy officials met key stakeholders and attended events across the country to discuss proposals in the consultation with local authorities and providers. Ministers are grateful to all those who took part for their invaluable contribution. Particular thanks go to those organisations who hosted events. This consultation also built on findings from our survey of parents last year, where over 19,000 people responded.

Summary of responses received and the government's response

In total we received 1314 responses to the consultation, the highest proportion of which were from private and voluntary childcare providers (47%) and local authorities (13%). Responses were also received from childminders, parents and providers from the independent and maintained schools sector. There were also 66 responses from national organisations, a number of whom represent large groups of providers. A full breakdown of responses is below. A list of respondents (excluding response from individuals and from respondents who requested confidentiality) can be found at Annex A.

| Options | Responses | |
|--|-------------|-------------|
| Local Authority | 168 | 13% |
| Private / Voluntary provider | 621 | 47% |
| Other | 88 | 7% |
| Parent / Carer: | 14 | 1% |
| National organisation: | 66 | 5% |
| Childminder | 177 | 13% |
| Maintained school/ Maintained nursery | 121 | 9% |
| Independent School | 13 | 1% |
| Children's Centre | 26 | 2% |
| College/ University | 7 | 1% |
| Individual (teacher, Early Years worker) | 13 | 1% |
| Total: | 1314 | 100% |

While all responses have been considered, we have not attempted to include every point raised in this document. We have reflected the most substantive points that were raised by a large number of respondents.

Unless otherwise stated, the percentages reported are based on the number of people responding to each question, rather than the number of people responding to the consultation as a whole. Percentages have been rounded to the nearest whole number.

The consultation adheres to the consultation principles issued by the Cabinet Office in July 2012 and updated in January 2016.

Main findings from the consultation

Funding

Many respondents raised issues about the level of funding for the extended entitlement and concerns about the impact on provider sustainability. We have already announced increased annual investment of £1bn for the early years entitlements within the ring-fenced Dedicated Schools Grant by 2019-20. This includes £300m per year from 2017-18 to uplift the average funding rate paid to providers. We are also committed to introducing an early years national funding formula so that funding is distributed more fairly across the country, and have made clear our intention to maximise the amount of funding which reaches frontline early years providers. The government has consulted on proposals to change the way we fund free early years education. The *Early years funding: changes to funding for 3 and 4 year olds* consultation closed on 22 September 2016 and the government will respond in due course.

Eligibility

Most respondents were positive about plans to offer parents a 'grace period' so they can retain their childcare place if they become ineligible for the extended entitlement. Most thought that the grace period as set out in the consultation met the government's objectives, although local authorities were more likely to disagree. Both local authorities and providers raised concerns around the burdens associated with administering a grace period and whether the proposition set out in the consultation would pose financial risks to providers.

There was little agreement on the length of the grace period. Around a quarter of respondents thought that the grace period should operate on a termly basis but did not agree on whether this should run until the end of the term the child becomes ineligible or until the end of the following term. Maintained nursery schools were more likely to express a preference for the grace period to run until the end of the year. There was little demand for a locally determined grace period.

Most respondents misunderstood the government's question about whether there were specific concerns around children falling out of eligibility between April and August. Where this was understood, concerns were raised about how term-time only settings could accommodate a grace period over the summer holidays.

Having considered these consultation responses, the government is satisfied that overall, the principle of a grace period has been welcomed. However, we recognise that there are a number of practical delivery concerns to address. We are committed to a grace period that strikes a balance between being affordable for the taxpayer and practical to administer whilst not diluting the work incentive objective of the entitlement.

The government will:

- Set a national grace period to ensure simplicity and clarity for parents and providers, and fair, consistent arrangements for children and families irrespective of where they live.
- Develop the existing national Eligibility Checking Service (which local authorities already use to check eligibility for Free School Meals, the Pupil Premium and free early learning for two-year-olds) to automatically calculate the grace period, minimising administrative burdens on local authorities and providers.
- Carry out further informal consultation on the length of the grace period, before setting out final decisions in statutory guidance in the new year.

Flexibility

The majority of respondents agreed that flexibility to stretch the 30 hours offer over more than the 38 weeks of the school year would be the most valuable type of flexibility for parents. The second most popular type of flexibility was early morning and later into the evening provision. Many written responses raised concerns about the potential impact on a child of being in childcare for a long period. However, it was not generally understood that there is no requirement for providers to offer particular patterns of provision, or that the government intends to retain the existing 10 hour maximum session length to protect children's wellbeing.

Respondents had mixed views on the proposal to set a minimum session length of 3 hours between 9.30am and 3pm, and no minimum session length outside these hours. A high proportion of written responses indicated that there should be no minimum session length at any time, since they felt that it should be for providers and parents to agree the appropriate length of time that a child should be in a setting. However, a significant number of respondents raised concerns that it would be difficult to deliver high-quality early education in a short period of time.

Having considered these responses, the government will:

- make clear in statutory guidance that, while the free early years entitlements must be provided over no *fewer* than 38 weeks, local authorities are expected to work with childcare providers to enable, as far as possible, parents to 'stretch' their free childcare over the full year where that is what they wish.
- extend the hours over which the funded hours can delivered, to between 6am and 8pm (increased from between 7am and 7pm)
- limit to two the number of sites on which children can take up their free entitlement in a single day, to avoid the potential negative impact on children of multiple transitions between sites.
- remove the minimum session length, in response to the view of the majority of consultees that providers and parents are best placed to agree the appropriate

length of time that a child should be in a setting. The maximum session length of 10 hours will remain unchanged.

Supporting children with Special Educational Needs and Disabilities in the early years

Some respondents felt that their 'Local Offer' was already clear but the overarching message was that more clarity and consistency was needed in the way that support for children with SEND was communicated to parents.

Many responses raised concerns about funding. The government has now consulted on changes to the way that the early years entitlement is funded, with specific proposals for funding provision for children with disabilities and additional needs.

Respondents supplied useful examples of good practice and suggested ways of improving the system. These included accessing support through local area hubs and networks and introducing methods for more providers to publish information about the SEND support on offer at their setting.

Having considered these responses, the government will:

- introduce, subject to the early years funding consultation, a targeted Disability Access Fund and an SEN Inclusion Fund model
- include proposals for improving SEND support in our forthcoming early years workforce strategy
- develop best practice guidance to improve the quality of early years sections of Local Offers, which we will include in planned departmental advice on delivery of 30 hours free childcare
- publish examples of good practice to support local authorities, with a particular focus on strategic, collaborative and effective systems of SEND support for children in their early years
- revise statutory guidance to make clear, and bring together, the responsibilities of local authorities under both the Children and Families Act 2014 Part 3 and Equalities Act 2010

Reformed local authority delivery model

Overall, respondents were positive about encouraging monthly payment to childcare providers, and about introducing a model agreement to standardise agreements between local authorities and providers.

While the majority of providers, and 96% of childminders, agreed that local authorities should pay providers monthly because it will give them certainty and address cash flow problems, some other providers wanted to retain their current arrangements, for example where local authorities pay providers with an 80% lump sum upfront followed by adjustments later in the term when the actual number of children taking up a place can be counted.

Most respondents (84%) agreed with the principles of the model agreement proposed in the consultation. The purpose of the model agreement is to standardise agreements between local authorities and providers. In addition to the themes set out in the consultation, a number of providers and provider organisations wanted the model agreement to set out what providers were able to charge for as part of the extended entitlement. While many of the respondents, and particularly large providers, felt that the greatest benefit of the model agreement would be standardisation of agreements across local authorities, a significant proportion of respondents said that there would need to be local discretion to reflect local circumstances.

Having considered these responses, the government will:

- amend statutory guidance to set a clear expectation that by September 2018 childminders should be paid monthly; and all other providers should also be paid monthly unless they request an alternative payment model. This will ensure that cash flow does not prevent smaller providers, including childminders, from offering the extended entitlement.
- proceed with plans to develop a model agreement template, working closely with providers, local authorities and representative organisations, to bring clarity and consistency to agreements between local authorities and providers.
- make it clear in statutory guidance that government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible early education and childcare. It is not intended to fund the cost of consumables (such as drinks, meals and nappies) or additional services. Providers are already free to charge parents for such discretionary items provided they are not compulsory. So, for example, paying for additional services must not be a condition of taking up a free publicly-funded place.

Childcare Information for Parents

There was clear support for the proposals to improve information for parents. Responses showed a strong preference for local authorities to update and publish their childcare information at least termly; and to do this via electronic means. Many responses pointed out that not all parents would necessarily have access to the internet so alternative formats would be desirable as well. The government had already recognised concerns from parents about the need for alternative formats, and so has put in place an expectation that local authorities should provide ways to obtain this information for those without access to the internet.

A clear majority of respondents felt that the specified range of childcare information to be published for parents was sufficient and also that the guidance explained the new duty for local authorities effectively.

There was strong agreement that local authorities should use the Local Offer as the most effective source of advice and guidance for parents seeking childcare for children with special educational needs and disabilities (SEND). Some concerns were expressed that parents may not be properly aware of the Local Offer or that it was hard to find on local authority websites and should be actively publicised via other outlets, such as schools.

Having considered these responses, the government will:

- strengthen the regulations and guidance to make clear that local authorities will be required to update and publish their childcare information on a termly basis.
- require local authorities to publish the information by electronic means via their websites, and also to continue to provide the information in other formats where it is needed (such as where parents have no internet access) and to signpost parents to other information or services that will benefit them.
- make clearer in guidance where local authorities could publish other helpful information for parents beyond the list set out in schedule 1 to the Childcare Act 2006, such as where childcare providers work in partnerships to offer more wraparound services for parents, and stating the outreach activity they undertake to publicise the childcare offer, especially to under-represented groups that are not accessing their entitlements.

Next steps

The consultation included draft, indicative regulations which set out the legal framework for the delivery of the extended entitlement. These regulations are subject to affirmative debate and will therefore be discussed in both the House of Lords and House of Commons in due course. Subject to Parliament's views, we will publish final regulations once those debates are concluded.

The consultation also sought views on draft statutory guidance for the free entitlement. This will be amended to reflect the responses to this consultation and will be published in early 2017 to inform the rollout of the extended entitlement. Any changes in the statutory guidance will come into force in September 2017. Details of specific changes to the guidance are outlined below in the responses to individual questions.

Changes to the regulations and the statutory guidance will apply to both the universal and extended entitlement.

In a small number of areas we plan further informal consultation with local authorities and providers before we publish statutory guidance in early 2017. This includes, for example, the length of the grace period and the content of the model agreement. To that end, we have established an expert working group, made up of local authorities, providers and representative organisations, who will work with us over the coming months.

We also have eight local authorities which began delivering the extended entitlement in September 2016. Around 5,000 children residing in York, Northumberland, Newham, Hertfordshire, Portsmouth, Swindon, Staffordshire, and Wigan will benefit from 30 hours of high quality free childcare a year early. We will gather and disseminate learning from this early implementation phase to support all local authorities and providers as they plan for delivery of the extended entitlement. This will include an independent evaluation which will assess the effectiveness of different approaches to delivering the extended entitlement and draw conclusions around good practice. We will ensure that lessons are captured and shared with all local authorities in time to inform national rollout in September 2017.

Many respondents to this consultation asked for more practical guidance, good practice examples and case studies to support delivery. We will publish further advice in early 2017, drawing on lessons learned in the early implementer local authorities. Ahead of that, and given the likely importance of partnerships to the delivery of the entitlement in many areas, we will publish a practical, hands-on toolkit on establishing and managing partnerships later this year. This will include examples of partnerships between all kinds of providers, including childminders, who have an important role to play in providing capacity and flexibility in the delivery of the extended entitlement for working parents.

The government has also awarded a national delivery contract to ensure that local authorities and childcare providers are ready for full roll-out in September 2017. Childcare Works will work with all areas, including the early implementers, and offer additional targeted work for those facing particular challenges. They will track local areas' 'readiness to deliver', offer expert consultancy advice on place creation and provider sustainability, and support local authorities to continue to drive take-up of the entitlement for disadvantaged two year olds.

We have also launched a capital grants fund to support the delivery of the 30 hours extended entitlement. Funding of around £40m is being made available to early years settings, including schools, through a local authority bidding process. We will target this substantial investment in areas with the greatest sufficiency challenge, supporting local authorities and providers across the country to deliver the government's commitment to extend free childcare for working families from 15 hours to 30 hours by September 2017. We are also in the process of considering other ways in which we can best support the childcare market to expand to deliver 30 hours through access to capital funding and we hope to announce further details about this later in the year.

To support employers to attract and retain good quality staff to deliver the offer we will revisit the GCSE requirement. We will consult on the numeracy and literacy skills needed in a level 3 role and consider which qualifications best support staff to develop these. We will publish a workforce strategy by March 2017 that sets out our response to the level 3 consultation and government's wider plans to support employers to attract, retain and promote staff.

We have also set out our proposals for reforming the way that early years funding is allocated – ensuring that the additional £1bn per year that government has committed to the free entitlements by 2019/20 are allocated on a fair and sustainable footing.

This is an ambitious programme to support families with their childcare needs - the government, local authorities and childcare providers are already working hard to ensure that 30 hours is a success for working parents and their children – we now need to build on that momentum to ensure the success of the programme from September 2017.

Summary of responses: Eligibility

The government believes it is right to put in place a ‘grace period’ for families whose circumstances change, so that they can retain their childcare place if the parents become ineligible for the extended entitlement. This will:

- provide continuity for the **child**;
- give **parents** the opportunity to regain employment; and;
- give **providers** certainty that if they offer a place under the extended entitlement, they will not risk having an empty place immediately following those changes in circumstances.

We consulted on the design of the ‘grace period’ policy ensure that this is deliverable and easily understandable for local authorities, childcare providers and parents. The consultation set out a proposition for a grace period lasting for either a quarter or to the next half of a term. We asked whether this achieves the government’s objective of minimising disruption to families, local authorities and providers, and, if not, whether there are any alternative options. We also asked whether there are any specific issues for children falling out of eligibility in the summer term.

Question 1: Does the use of terms or quarters to manage the ‘grace period’ achieve the government’s objective to minimise the disruption to children, parents, local authorities and providers?

1241 respondents answered this question

| | Number of respondents | Percent |
|--------------|-----------------------|---------|
| Yes | 822 | 63% |
| No | 399 | 30% |
| Not Answered | 93 | 7% |
| Total | 1314 | 100% |

62% of respondents agreed that the use of terms or quarters to manage the ‘grace period’ minimises disruption for children, parents, local authorities and providers. However, local authorities were split (almost 50/50) over whether the grace period met the government’s objectives. Amongst providers, there were some key differences with nearly 80% of childminders responding ‘yes’ but around a third of private providers responding ‘no’ to this question.

There were 443 answers to "If no, please set out any alternative approaches that you think would be more workable:"

The key themes emerging from the responses centred around the burdens of administering the grace period (for both providers and local authorities) and whether the length of the grace period would threaten the financial sustainability of providers.

Overall 25% of local authority responses expressed concerns that frequent eligibility checking (within terms or quarters) would increase administrative burdens. Just under 5% of local authority responses suggested that there should be local discretion over how the grace period should be administered.

There were stronger concerns raised around the financial risk the grace period posed for childcare providers. Around a third (33.5%) of responses from private and voluntary providers on this question raised this as a concern, as well as just over a fifth of responses from childminders. Just under a half of local authority responses to this question also expressed concerns around provider sustainability.

Specifically, the issues raised around sustainability centred on the extent to which providers would have sufficient certainty and advance notice to plan for childcare places. In our consultation, we proposed a half term/quarterly grace period. In circumstances where parents fall out of eligibility mid-way through a term, the grace period would last around 5-6 weeks. This grace period was deemed too short notice to reallocate or fill spaces and could introduce or exacerbate financial risks for providers who would not be able to make up the lost fee income they were expecting to receive.

There were two alternative approaches suggested.

(i) Around a quarter of respondents to this question thought that a termly grace period was more practicable. However, these respondents were split as to whether parents should retain their childcare place until the end of that term (15%) or to the end of the following term (19%). 45% of local authority responses expressed a preference for a termly-based approach of some kind, as well as around a fifth of private and voluntary providers and 10% of childminder responses. Nearly a fifth of maintained schools and nursery responses also expressed a preference for a termly approach.

(ii) 17% of respondents thought that the grace period should be applied up to the end of the year. Arguments in favour of this stressed that this approach provided more continuity and consistency for the child, as well as greater certainty for providers. Just over a quarter of maintained nursery schools indicated a preference for this approach, as well as 14% of private and voluntary providers and just over a fifth of local authorities.

Question 2: Are there particular issues around ‘summer-term’ children that local authorities and childcare providers will need to manage more carefully?

1212 respondents answered this question

| | Number of respondents | Percent |
|---------------------|-----------------------|---------|
| Yes | 630 | 48% |
| No | 582 | 44% |
| Not answered | 102 | 8% |
| Total | 1314 | 100% |

There were 614 answers to "If yes, please explain/ set out any alternative approaches that you think would be more workable."

19% of respondents raised concerns about the proposal to allow children who fall out of eligibility in the latter half of the summer term to retain their place until the beginning of September. Specifically, in circumstances where children are attending a term-time setting only, but fall out of eligibility in the latter half of the summer term. Here, the childcare provider would be unable to continue providing a childcare place until the following term. Of the respondents who raised this issue, 36% were from private and voluntary providers and a further 40% from local authorities. Some providers also mentioned increased staff costs should they be forced to accommodate holiday provision to fulfil this grace period. 6% of respondents felt that any grace period policy should be consistent across all three terms, and that creating a distinction for the summer terms would be confusing for parents. 6% argued that a grace period should be longer than outlined, with many highlighting the need for a grace period lasting until the end of the school year.

A large number of respondents misunderstood the question and thought reference was being made to ‘summer-born’ children rather than children whose circumstances change in the summer term and therefore made more general points about summer-born children. 16% of respondents were in favour of parents being able to defer their child’s entry to school. These responses were strongly in favour of a more flexible approach to school entry. Many argued that summer-born children were at a lower level of development when reaching reception age, and welcomed the opportunity to defer entry.

14% of respondents responded that there was a risk that there wouldn’t be places available for summer born children, as they would have been allocated earlier in the year. A further 8% felt that summer born children were missing out on early education in comparison to older children, with many respondents arguing for summer born three year

olds to access their places earlier than September. 10% of respondents also emphasised the need for appropriate provision for these younger ‘summer born’ children, who in some cases could potentially require one-to-one care arrangements.

Government response

The government is satisfied that overall, the principle of a grace period has been welcomed. However, we recognise that there are a number of practical delivery concerns that we will need to address. We are committed to a grace period that strikes a balance between being deliverable, affordable for the taxpayer, not too burdensome to administer but does not dilute the work incentive objective of the entitlement. Crucially, we must consider the wellbeing of the child when deciding the length of the grace period. It is important that whatever grace period policy is adopted, the best interests of the child are at the forefront; removing a child from a setting at short notice can be particularly disruptive.

It is the government’s view that having locally determined grace periods could lead to regional disparities and complexity for parents, particularly where the child accesses provision in more than one local authority. In addition, there was little demand for a locally set grace period from respondents (just under 5% overall proposed this). Therefore, it is the government’s intention to set a national grace period policy.

The government recognises concerns raised around the potential administrative burdens associated with a grace period. Therefore **the government intends to adapt the existing DfE Eligibility Checking Service (ECS)¹ so that any national grace period will be automatically calculated for local authorities.** The ECS is an existing well-established system for local authorities.

As set out in the consultation document, parents will be expected to reconfirm their eligibility every three months. If a parent is found to be no longer eligible, they will start their grace period. The expectation is that local authorities will check the adapted ECS at fixed points in the year. On the nationally set date on which local authorities check the ECS, they will know which parents are eligible and which are in their grace period.

Given the lack of agreement in the consultation responses over how long the grace period should be, and the concerns about how this will work for term-time only settings, **the government will undertake further informal consultation with the sector on the length of the national grace period.** We will use existing expert working groups

¹ The ECS is currently used by local authorities to check eligibility for the 15 hour early education entitlement for two year olds, pupil premium and free school meals.

composed of a wide variety of representatives from the childcare market and local authorities to consider the detail of the grace period policy further. We will publish details of how the grace period will operate in revised statutory guidance and departmental advice in early 2017.

The government is not consulting on the point at which summer-born three year olds access their early education entitlement. We have made clear in primary legislation that the early education entitlements can be accessed on the 1st September, January or April following a child's third birthday. Children remain eligible until they reach compulsory school age. This means that all three and four year olds receive five terms of early education regardless of whether they are born in the summer, autumn or spring terms, with some accessing all of it in an early years setting and others accessing some of it in a school reception class.

The government has recognised concerns around summer-born children and compulsory school age. We have already announced our intention to support summer born children in being admitted to the reception class at the age of five, and to ensure that they can remain with that cohort as they progress through school. Further information will be available in due course.

Summary of responses: Flexibility

The proposals set out in this chapter focused on supporting the delivery of flexible and high-quality provision of childcare, recognising that parents' working patterns vary significantly.

Our previous consultation with parents demonstrated the importance of being able to 'stretch' the entitlement over more than 38 weeks per year. We propose to mirror provisions in the existing statutory guidance so that both the first and second 15 hours can be taken over no less than 38 weeks and stretched over a full year, where there is parental demand.

We know that a large number of parents need access to childcare in the early morning or later into the evening to cover shift patterns. This is why we proposed to extend the hours over which funded provision can be taken from the current framework (7am-7pm) to 6am-8pm, to allow parents to drop off their children earlier in the day and collect them later in the evening. There would continue to be a maximum of 10 hours of funded provision in one day.

The current statutory guidance sets out a minimum session length of 2.5 hours that providers must deliver in order to be funded as part of the early learning entitlement. This is designed to ensure that a child attends for sufficient time to benefit from early learning. We proposed to extend the minimum session length for funded provision from 2.5 hours to 3 hours between 9am and 3.30pm to support children's learning outcomes as it would guarantee a period of continuous attendance for the child. In addition we proposed to remove the minimum session length outside 9am and 3.30pm, to enable 'wraparound providers' (such as breakfast and after-school clubs) to support the flexible delivery of 30 hours in a way that matches parental working patterns. We also set out that parents should be able to split their extended entitlement between a maximum of 3 providers in one day.

Question 3: What type of flexible provision would be most valuable to parents?

1314 respondents answered this question.

| | Number of respondents | Percent |
|---------------------------------------|-----------------------|---------|
| Early morning or later in the evening | 410 | 31% |
| Weekend | 12 | 0.9% |
| Overnight | 1 | 0.07% |
| Outside term time | 705 | 54% |

| | Number of respondents | Percent |
|--------------|-----------------------|---------|
| Other | 119 | 9% |
| Not answered | 67 | 5% |
| Total | 1314 | 100% |

The majority of respondents (54%) said that accessing childcare provision outside of term time would be the most valuable type of flexibility for parents. A high proportion of respondents (31%) also indicated that early morning or later in the evening provision would be highly valuable.

Question 4: What are the barriers to flexible provision?

1314 respondents answered this question

| | Number of respondents | Percent |
|--|-----------------------|---------|
| Restrictions on when the entitlement can be offered in regulations or statutory guidance | 371 | 28% |
| Lack of clarity on when funded hours can be provided | 279 | 21% |
| Planning restrictions | 137 | 10% |
| Lack of willingness of providers to develop partnerships | 183 | 15% |
| Perceived lack of parental demand | 192 | 9% |
| Not answered | 152 | 5% |
| Total | 1314 | 100% |

Overall there was a mixed response to this question. The most commonly identified barrier to provision was 'restrictions on when the entitlement can be offered in regulations or statutory guidance', which was raised by (28%) of all respondents. The second highest response (21%) said that the lack of clarity on when funded hours can be provided was a barrier to flexible provision. 15% indicated that a lack of willingness of providers to develop partnerships was a barrier to flexible provision.

Question 5: Do you agree that the proposed requirement on local authorities (to secure that the extended entitlement is provided over no fewer than 38 weeks) and proposed changes to statutory guidance will remove barriers to flexible

provision? (Proposals here are (i) to remove the 2.5 minimum session length outside the hours of 9am and 3.30 pm (ii) to increase the minimum session length to 3 hours between 9am and 3.30 pm and (iii) to extend the hours when funded sessions can be delivered to 6am to 8pm)

1314 respondents answered this question, with 708 written answers.

| | Number of respondents | Percent |
|--------------|-----------------------|---------|
| Yes | 719 | 55% |
| No | 533 | 40% |
| Not answered | 62 | 5% |
| Total | 1314 | 100% |

The majority of respondents were positive with 55% agreeing that the proposals outlined above will remove barriers to flexible provision.

Stretched offer (to secure that the extended entitlement is provided over no fewer than 38 weeks)

Respondents responded positively to the proposal to make even clearer in statutory guidance that, as set out in the draft regulations, the extended entitlement must be provided over no fewer than 38 weeks. This would enable parents to stretch their 30 hours a week over more than the 38 weeks of the school year, enabling them to access childcare during the school holidays. A small number of independent schools, which are open for fewer than 38 weeks a year, raised concern that this proposal would prohibit the delivery of funded provision in their school.

Government response

The government will therefore clarify in statutory guidance that, while the free early years entitlements must be provided over no *fewer* than 38 weeks, local authorities should work with childcare providers to enable, as far as possible, parents to ‘stretch’ their free childcare over the full year where that is what they wish.

Minimum session length

Respondents had mixed views on the proposal of a minimum session length of 3 hours between 9.30 and 3pm and no minimum session length outside these hours. A high proportion of written responses indicated that there should be no minimum session length

and that it should be for providers and parents to agree the appropriate length of time that a child should be in a setting. However, a significant number of respondents raised concerns that it would be difficult to deliver high quality early education in a short period of time (e.g. less than one hour).

Government response

The government recognises that there is a balance to strike between enabling sufficient flexibility to match a parents childcare needs, whilst supporting high quality early education and promoting the wellbeing of the child.

Given the strong response that providers and parents are best placed to agree the appropriate length of time that a child should be in a setting, the government intends to **remove the minimum session length for delivery of the existing entitlement and the extended entitlement**. Having no minimum session length will allow parents the flexibility to use wraparound provision, such as breakfast and after-school clubs, for short periods to meet their working needs. We expect local authorities to ensure that the minimum session length is reasonable and does not compromise the quality of provision for the child.

We believe that changing statutory guidance to restrict parents to taking up the entitlement across a maximum of 2 sites in one day will support the wellbeing of a child by minimising the number of ‘transitions’ between different places they experience in a day. This allows for different types of provision on one site, eg a breakfast club, nursery class, and an afterschool club – but means that a child isn’t moving between lots of different sites in a day. By setting the limit over one day, this approach allows parents to use a different combination of providers at different points in the year, for example to use a holiday club during the school holidays.

Extending the period during which the free entitlement can be delivered

Question 6 showed that a high proportion of respondents (31%) found that early morning and later into the evening provision would be highly valuable to parents. This was the second most popular type of flexibility after a stretched offer. Many respondents commented that extending the hours over which provision can be offered would support parental working patterns, but highlighted that it could also be detrimental for a child to be in childcare for a long period.

Government response

Given the high proportion of respondents who indicated that early morning and later into the evening provision would be highly valuable to parents, **the government intends to extend the hours in which the free entitlement can currently be funded (from 7am-7pm at present) to between 6am and 8pm**. This will provide further flexibility to parents who work shift patterns. We expect parents to determine what is in the best interest of their child. The government will make clear in guidance that **children will not be able to**

access more than ten hours of funded provision in one day, to protect children’s wellbeing.

Question 6: Which of the options below will have the most impact in encouraging providers to offer the extended entitlement?

| | Number of respondents | Percent |
|--|-----------------------|-------------|
| Encouraging monthly payment for providers | 364 | 23% |
| Make it easier for providers to expand premises e.g. by reducing planning restrictions | 148 | 11% |
| Opportunity to work in partnership (e.g. with schools or PVIs) | 176 | 13% |
| Other | 559 | 42% |
| Not answered | 67 | 5% |
| Total | 1314 | 100% |

The majority of respondents (42%) selected ‘other’ for this question. Whilst a high proportion of respondents (23%) indicated that encouraging monthly payment for providers would have the most impact in encouraging providers to offer the extended entitlement, the majority of local authorities raised concerns about the burden to administer payments.

Many written responses were positive about partnership working between different types of providers; however some did raise concerns about how the facilitation of partnerships would work. Some responses indicated that they had experienced reluctance from some providers to form partnerships. Other comments also suggested that more information/guidance would be needed on partnership working.

Government response

The response to this question shows that there is clear support for partnership working between different types of providers. It is a way for those who cannot expand their own services to offer extended and more flexible childcare. The government wants to encourage providers to establish partnerships, and has been running a project to draw out good practice and lessons learned from those already working in this way, including how to overcome barriers etc. The main product of this project, a hands-on, practical toolkit to help those considering partnership working, will be published and disseminated later this year.

In addition, between 2013 and 2016 the Department for Education funded 4Children to deliver the 'Early Learning and Community Childcare Hubs' programme, which aimed to create partnerships between high quality daycare providers, schools, children's centres and childminders into 'community hubs') to improve the quality, flexibility and responsiveness of childcare and early learning.

Question 11 was specifically about prompt payment for providers and our next steps on this are set out there.

Question 7: Should we limit local authorities to fund a maximum of three providers for the existing and extended entitlements?

1314 respondents answered this question, with 655 giving written answers.

The proposal outlined in the consultation document was to allow parents to split their funded hours across a maximum of 3 providers. The majority of respondents misunderstood this question. 20% thought this meant restricting the number of providers who could deliver the extended entitlement, either within a local authority area or nationally, to only 3 in total, while 28% of other responses were unclear.

This question was understood by 52% of respondents. The majority were concerned about the wellbeing of the child, with most feeling that if a child attended 3 settings in one day, this would result in too many transitions. 20% stated specifically that it should be restricted to two. In contrast, flexibility for parents was mentioned by 10% respondents.

Government response

We will set out in statutory guidance that **there will be no minimum session length for funded provision, although Ofsted registration requirements will still apply where relevant**. The government is happy for as many providers as possible to deliver the programme. Indeed we want to encourage a mixed market so there is maximum choice for parents about where to take up the extended entitlement. However, we intend to **restrict parents to splitting their entitlement across a maximum of 2 sites in one day**, which will prevent the number of transitions for children in one day and protect the wellbeing of the child. This approach will allow parents to use a different combination of providers at different points in the year, reflecting the fact that childcare needs may change between term-time and the school holidays. It will also address concerns from respondents about the number of transitions for children.

We will test this policy with our Early Implementers from September 2016 to determine how well it works in practice and statutory guidance will be amended to reflect this.

Summary of responses: Supporting children with Special Educational Needs and Disabilities in the early years

We want the extended free entitlement to have a real impact on the lives of all working families. Parents of children with special educational needs and/or disabilities (SEND) should have the same opportunities as other parents.

High quality childcare in the early years has a significant impact on outcomes for children. These experiences are even more important for children with SEND in their earliest years, where early identification and early intervention can have a positive impact on life chances and outcomes. However too often parents of disabled children face barriers and challenges to accessing early years provision and children with SEND in early years settings are not always supported to develop as they should be.

This is a complex issue, which we are committed to addressing. That is why we dedicated a chapter in this consultation to hear views.

Question 8: Do you agree it would help if providers and local authorities were clearer in what SEND support was available in a setting or across the local authority?

1252 respondents answered this question

| | Number of respondents | Percent |
|--------------|-----------------------|------------|
| Yes | 1069 | 81% |
| No | 183 | 14% |
| Total | 1252 | 95% |

Overall, the majority of the 1252 respondents (81%) said that it would be helpful if providers and local authorities were clearer in what SEND support was available in an early years setting, or across the local authority. Respondents also said specifically that there needs to be more clarity for parents (14%).

511 of the 1252 respondents provided additional information, with many confirming there needs to be more clarity in the system. 18% of these respondents said that their Local Offer is already clear, or that they get good support and information.

30% of responses referenced funding. 9% of responses referenced the overall amount of funding or the funding rate. 21% of respondents said they were not able to access additional funding for SEND, or there were problems with the process of accessing

funding when this was available. This concern was echoed more generally where 14% of responses referenced the lengthy process and bureaucracy involved in accessing additional support.

Alongside comments about the clarity on what SEND support is available in the early years, respondents raised the consistency of SEND support. 27% of respondents said that support is either inconsistent or that there is a need for more support or information, (either across local authorities or from providers).

Although some respondents reported concerns with the Education, Health and Care (EHC) plan process, the majority of the responses were referring to issues with accessing SEN Support.

Question 9: Do you agree that local authorities should continue to have a strategic role in ensuring children with SEND can access childcare?

1261 respondents answered this question

| | Number of respondents | Percent |
|--------------|------------------------------|----------------|
| Yes | 1195 | 91% |
| No | 66 | 5% |
| Total | 1261 | 96 |

Respondents were very positive with 91% agreeing local authorities should continue to have a strategic role in ensuring children with SEND can access childcare.

Question 10: What types of support are you currently receiving from your local authority specifically around SEND / what support are you providing (if a local authority)? How are you currently funding this?

1054 respondents answered this question.

28% of respondents said they either receive some support from their local authorities, or offer support as local authorities (either through local authorities officers or networks). 16% said they either had access to a Senco, or, for local authority respondents, that there are Sencos in their area who they support with training and/or networks.

A number of respondents said they had access to training (14%) and to specialist services (15%) such as speech and language specialists and educational psychologists.

18% of respondents said that the support they get is either insufficient or takes too long to access. 6% said they received no support at all in their area.

38% of respondents said they received some form of additional funding, either as a top-up grant to pay towards funding extra hours, or as a percentage of the funding rate. Some of those respondents said that the funding they received was insufficient or did not cover their costs.

Respondents reported that support was funded mostly through the Dedicated Schools Grant, with variation between when this came specifically from the 'High Needs Block' or the 'Early Years Block'.

Question 11: is there any support you are not currently receiving / providing which you think would make a positive impact on children with SEND accessing childcare in your area?

820 respondents answered this question

A significant number of respondents (44%) mentioned funding would make a positive impact on children with SEND accessing childcare, with 17% of respondents saying they wanted an increased funding rate or amount and 27% saying they wanted better access to funding.

12% of respondents said they wanted better access to specialist services such as speech and language specialists, educational psychologists and Portage Services. A further 10% said they wanted better access and improved referrals to specialist services and advice.

12% of respondents said that they wanted better support, advice and/or communication from their local authority or local authority officers and 10% said they wanted more training, or training that is accessible to them, with childminders particularly reporting problems accessing training during 'core hours'.

Government response

Funding

Funding was a key theme in response to this chapter, with respondents saying either increased funding or better access to funding would make a positive impact on children with SEND.

The government recognises there are issues with the way the funding system currently works to support children with SEND, which is why we have explored further, in our *'Early Years Funding Reform'* consultation, which closed on 22 September 2016, the funding barriers that exist and the different models for allocating funding. Proposals include a targeted Disability Access Fund to recognise the additional cost pressures on providers when making reasonable adjustments and a 'SEN Inclusion Fund' structure in local funding systems to support local authorities to work with providers, parents and services, including health and social care, to carry out the effective strategic role needed in their local area.

Transparency about the support that is available for SEND

The government is clear that support must be strategically planned to meet the needs of the local area. There also needs to be clarity and transparency about what support is available for parents and providers. This includes both local authorities and providers being very clear about what support is on offer.

Local authorities: The most effective systems are led by local authorities who are clear about their role, on the support available locally to meet the needs of children with SEND, and on their expectations of providers. This is what the government expects all local authorities to do.

The SEND Code of Practice clearly sets out the details of the legal requirements under the Children and Families Act 2014 for local authorities to publish a Local Offer, setting out in one place information about provision they expect to be available in their area across education, health and social care for children and young people in their area who have SEN or are disabled, including those who do not have EHC plans.

The quality of the early years sections of Local Offers is not consistent. Therefore the government wishes to work with local authorities and Parent Carer Forums to develop examples of good practice, which we will include in future departmental advice on delivery of 30 hours free childcare. We hope that this will support local authorities with the development and improvement of the early years section of their Local Offer.

Providers: Currently there is no requirement or expectation on private, voluntary or independent (PVI) providers to publish information about their SEND provision on their websites. Maintained nursery schools, and schools are required to publish SEN Information Reports (Children and Families Act 2014), while all providers are required to co-operate with local authorities and other agencies in the development and review of the Local Offer. However, a number of respondents said the Local Offer does not provide enough detail about the specific provision on offer at a setting.

This variation has created inconsistencies and a gap in provider information for parents who are looking to access childcare for children with SEND.

The government would like to see more PVI's making information available about their SEND offer to support parents to choose the right setting for their child with SEND.

It is not reasonable to expect PVI's to publish a full SEN Information Report. However, the government **will undertake further informal consultation with both PVI's and the SEND sector to establish the type of information that PVI's can reasonably be expected to publish or make available.** The government will include examples of good practice in the departmental advice that will be published in early 2017 and will consider whether this expectation should be set out in the SEND Code of Practice.

The strategic role of the local authority

Local authorities considering the needs of their population and thinking strategically and collaboratively about how to support children with SEND is at the heart of the SEND reforms brought in by the Children and Families Act in 2014. This requires close co-operation between educational, health and social care provision to research, plan, commission and review services.

Furthermore, the Equality Act 2010 sets out the legal obligations for early years providers, local authorities and others to plan in advance what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.

The government therefore intends to strengthen the statutory guidance for the free entitlement to make clear, and bring together, the responsibilities of local authorities under both the Children and Families Act 2014 Part 3 and Equalities Act 2010.

The government also intends to include examples of best practice in departmental advice to demonstrate how local authorities can implement the legal frameworks and develop an effective, strategic and collaborative SEND support system in order to bring some consistency in the quality of local authorities' strategic plans.

The government intends to include in the scope for VCS funding for 2017-18, projects that build collaborative strategic commissioning teams in each local area between local authorities, early years providers, health and social care services and parents so that each local area has a strategic plan and offer in place to support children with SEND, which is clearly set out in the Local Offer. This is to ensure the support system is clear and easy to access for parents and early years providers so needs are identified early and support is put in place quickly.

Local Area Hubs

A number of respondents said they wanted better access to specialist services and advice, with some suggesting that local area hubs or networks would benefit access to SEND support services in their area.

A local area hub model could be led by the area SENCO and be formed by a team of local authority officers, professionals from speech and language and educational psychology services, along with health and social care professionals.

The SEND Code of Practice sets out that local authorities, NHS England and their partner Clinical Commissioning Groups must make arrangements for agreeing the education, health and social care provision reasonably required by local children with SEN or disabilities. Joint commissioning arrangements must cover the services for 0-25 year old children and young people with SEN or disabilities, both with and without EHC plans. Joint commissioning of support and services could be managed through the local area hub.

The local area hub could also provide advice and guidance to early years providers on the development of inclusive early learning environments, whilst being a platform for sharing best practice amongst providers. Sharing of best practice could also be shared further with the potential for meetings between hubs to share best practice on a regional or national basis.

Parents must be engaged in commissioning decisions to give useful insights into how to improve services and outcomes. The local area hub could be a platform for supporting this engagement. It could also be the point of contact for parents who need support, including services such as outreach and signposting for parents.

The government thinks hubs and networks can provide an effective model for ensuring strategic and collaborative support. We will not, however, be mandating this practice, as it is for local authorities along with health and social care services to determine how to best work strategically and collaboratively to meet the needs of children in their area with SEND, both with and without EHC plans. The government **does intend to develop best practice case studies for the departmental advice**, with particular consideration for how this model can support childminders and early years settings in rural areas.

The government also intends to include in the scope for VCS funding for 2016-18 projects to help support parents to better engage with and understand the system, such as through local area hubs, networks or champions, to help them to understand and identify the support on offer, and to access that support, to reduce delays for children accessing support and build parental confidence in the system.

Training

The government is developing an early years workforce strategy to remove barriers to attracting, retaining and promoting staff to support the delivery of good quality early education and care for children aged 0-5. This includes looking at how informal Continuous Professional Development can support the workforce in providing improved quality, and supporting partnerships to share good practice in settings.

Summary of responses: Reformed local authority delivery model

The proposals in this chapter focused on how the government can support local authorities to deliver funded hours more efficiently, and reduce burdens for both local authorities and providers.

We proposed to use statutory guidance to clearly communicate expectations to local authorities and providers on prompt and regular payment. We consulted on setting an expectation that local authorities should pay providers on a monthly basis to support smaller providers, particularly childminders, to deliver the extended entitlement. Smaller providers offer fewer places and therefore have less cash flow making it more difficult to manage a limited balance sheet.

We also proposed to introduce a model agreement to standardise agreements between local authorities and providers. This is intended to provide greater consistency between different local areas, and to minimise administrative burdens for providers, particularly for those that work across more than one local authority area.

We consulted on including the following themes in a model agreement:

- a. Local authorities' arrangements for prompt and regular payments;
- b. Expectations of providers in relation to providing access for children with Special Educational Needs and Disability;
- c. Local authorities and providers' approach to delivering flexible childcare to meet parents' needs;
- d. The procedure for providers to raise a complaint in relation to delivery of the extended entitlement;
- e. Local authorities' arrangements to ensure that providers are not constrained in the way they deliver the entitlement.

Question 12: Should the government encourage a monthly payment system from local authorities to providers?

We know from engagement with local authorities and providers that where local authorities do not have a regular and prompt payment system in place, this is a real issue, particularly for childminders and some small providers.

1247 respondents answered one or more parts of this question

| | Number of respondents | Percent |
|--------------|-----------------------|------------|
| Yes | 971 | 74% |
| No | 276 | 21% |
| Total | 1247 | 95% |

Overall, respondents were positive, with 74% agreeing that monthly payment should be encouraged. Of these, 97% of the total number of childminders who responded to the question were supportive, compared with 79% of early years providers (including nurseries, schools and children’s centres) and 48% of local authorities.

More detailed responses on payment systems were provided throughout in response to other questions within the consultation, including in the Flexibility chapter. Issues raised included:

- The paperwork and administrative burdens that might come with managing a monthly payment system, including how this would work with termly headcounts and how it would interact with the grace period.
- The need for greater clarity across all local authorities in the frequency and dates of payment, with options for providers to receive payment over more than 38 weeks, if they were stretching the offer.
- Concerns with the cost of implementing a new IT system to support a move to a different payment system.
- Concerns from a number of LAs and providers that a move to a monthly payment system could be detrimental and potentially cause more cash flow problems. Some respondents felt they had more favourable payment systems, such as:
 - A 50% payment upfront as an annual lump sum at the beginning of the financial year, followed by termly adjustment payments at 50%.
 - 80% payment at the beginning of each term, followed by a 20% adjustment payment at the end of each term.
 - 9 payments per year made up with a termly interim payment for the start of term; followed by a termly ‘actual’ payment mid-term based on headcount; followed by an adjustment at the end of term to account for late starters/leavers.

Government response

The majority of respondents (74%) were in favour of encouraging a monthly payment system. However given the concerns from both providers and local authorities about expecting all providers to be paid on a monthly payment system, and given the examples of effective systems that are already in place that may be preferable to monthly payment,

the government has explored in more detail the best approach for ensuring providers are paid in a sustainable way.

The government remains clear that smaller providers, such as childminders, need to be supported to enable them to offer the extended entitlement. Our policy intention remains the same; the government wants to prevent cash flow problems and encourage more providers to deliver 30 hours to increase the market and ensure a more flexible offer.

The government therefore intends to include in both statutory guidance and in the model agreement our expectation that **local authorities should pay childminders on a monthly basis, by September 2018 at the latest**. Local authorities should pay all other providers monthly, unless the provider requests an existing, sustainable method of payment, such as a termly upfront and balancing payment basis.

To ensure our expectations about implementation are based on knowledge of what will work in practice, and can realistically be implemented, an expert group of local authorities and early years providers (including childminder representatives and early years organisations) has been set up to identify and advise on technical aspects of local authorities introducing a new payment system, including developing practical solutions for making monthly payment work in practice and overcoming barriers to implementation.

The government will set out its proposals for paying all childminders monthly and all other providers monthly, unless they request otherwise, through statutory guidance, and we also intend to include examples of any payment system/s in departmental advice. The government will expect local authorities to be clear and transparent in how they pay all providers and in their expectations on providers to support prompt payment, and we are exploring the use of the Model Agreement for this purpose.

Question 13: Do you agree that a model agreement should include the principles set out in the consultation chapter?

1151 respondents answered this question

| | Number of respondents | Percent |
|-------|-----------------------|---------|
| Yes | 964 | 84% |
| No | 187 | 16% |
| Total | 1151 | 100% |

Overall, respondents were positive with 84% of all respondents, including 83% of LA respondents and 73% of provider respondents, agreeing that a model agreement should include the principles set out in the consultation chapter.

A number of common themes were identified in the 382 written responses of which, 109 were from local authorities and 273 were from providers.

19% of written respondents (4% of local authorities and 26% of providers) raised funding as a topic of concern. These respondents were concerned about the current rate of funding the government currently pays.

13% of written respondents (16% of local authorities and 11% of providers) raised payments as a theme and were concerned about the frequency at which funding is paid by local authorities. Many respondents, including 96% of childminders, felt that local authorities should pay providers on a monthly basis to help with cash flow issues. Some respondents felt that monthly payments, while in theory good for providers, would create extra burdens on local authorities due to the additional administration required to support such a payment system. Some respondents felt that the 80%:20% payment ratio some LAs currently use to pay their providers works well as it allows them to ease cash flow concerns and allows them to plan ahead. These concerns relate directly to question 11, and were addressed in the above government response to question 11.

6% of written respondents (9% of local authorities and 5% of providers) highlighted the impact on providers as a concern. Many of the respondents highlighted the negative effect the agreement could have on provider sustainability if not worded correctly. A number of respondents linked this theme to the control local authorities have in imposing the rate they pass down to providers. This theme is addressed in the government's recent consultation on funding reform, in which we set out our aim of maximising the amount of funding which reaches the frontline.

7% of written respondents (1% of local authorities and 10% of providers) felt that it was very important that providers are consulted about the model agreement and that it should not be imposed on them.

7% of written respondents (12% of local authorities and 4% of providers) mentioned charging for additional goods and services in their response. Some respondents indicated that providers should not be allowed to charge parents for additional goods and services as a condition of taking up their free entitlement. However, other respondents representing large numbers of childcare providers raised concerns about the impact of providing three meals a day to children taking up their 30 hours entitlement. They felt it was important to allow providers to charge for additional goods and services as this will ensure that providers remain viable.

Question 14: Will a model agreement have a positive or negative impact on particular types of providers? If so which?

781 answered this question, of which 148 were local authorities and 633 were providers.

From the written responses, 24% of those that responded (36% of local authorities and 21% of providers) thought that the impact would be positive.

15% (8% of local authorities and 16% of providers) thought the impact would be negative, particularly on pre-schools, small settings and childminders. Respondents were concerned that the model agreement might restrict the number of hours settings could open, which could force them out of business. This is not the government's intention – the hours that settings can open over are set out in statutory guidance and will be consistent with this in the model agreement.

12% of respondents (6% of local authorities and 14% of providers) were unsure whether the provider agreement would have a positive or negative impact on providers.

A number of other themes emerged about the proposal for a model agreement. The most common was standardisation and the benefits this would bring – particularly for large providers working across local authority boundaries. However, other respondents felt that it would not be possible to standardise a model agreement for all childcare providers as this would not work in practice.

11% of respondents (9% of local authorities and 12% of providers) indicated that any model agreement would need to allow providers to deliver the extended entitlement flexibly.

Government response

Given the support for the model agreement, **the government will proceed with plans to include a 'model agreement' in statutory guidance** which will be published in early 2017.

To support the development of a model agreement template, and to ensure that it will work in practice, the department has set up an expert working group, consisting of a wide variety of representatives from the childcare market and local authorities. It is our intention to create a model agreement template which balances the need for flexibility with a drive for more consistency. There will be common themes that we will be encouraging all local authorities to adopt but also elements that local areas will be able to amend to reflect local circumstances.

The government is clear that the entitlements should be completely free and that parents should not be asked to pay any fee as a condition of taking up their child's place. However, we will make clear that providers can already charge parents for trips and for consumables such as nappies and sun cream, and that this will continue to be the case under the extended entitlement.

Summary of responses: Information to parents

We want parents and prospective parents to be able to access all the information about childcare provision in their areas so that they can make informed choices and find the right childcare solutions for their needs. The recently published National Audit Office report, “*Entitlement to free early education and childcare*”,² found that many parents experience initial confusion about the childcare market and how to access their free entitlement; better information would help many of them.

The government recognises that it is crucial that parents are able to easily access information about childcare and other services in their area, which is why, through the Childcare Act 2016, we will now require local authorities to publish information which will support parents to make informed choices about childcare (Section 5 of the Childcare Act 2016 amends section 12 of the Childcare Act 2006).

To help us improve access to information for parents we sought views on the best way of doing this. These findings will strengthen the current position by requiring local authorities to publish data and information in a more consistent way and help parents access the information they need more easily and find the right childcare choice for them.

Question 15: How often should information about childcare be updated and published for parents?

1,314 respondents answered this question

| | Number of respondents | Percent |
|---|-----------------------|-------------|
| Annually | 207 | 16% |
| Every 6 months | 128 | 10% |
| Termly (Autumn, Spring, Summer) | 668 | 51% |
| Quarterly (e.g. Sept, Jan, April, July) | 175 | 13% |
| Other | 84 | 6% |
| Not Answered | 52 | 4% |
| Total | 1314 | 100% |

² [NAO report: “Entitlement to free early education and childcare](#)

Over half of respondents thought that information about childcare should be updated and published at least on a termly basis.³

Government response

Local authorities already have a duty to collect and provide childcare information but the timeliness of the information they make available varies greatly between local areas.

We will therefore **strengthen the regulations and guidance to make clear local authorities will be required to update and publish childcare information termly.**

Question 16: We believe that electronic means e.g. via a website is the most easily accessible format for parents? Do you agree?

1,314 respondents answered this question

| | Number of respondents | Percent |
|--------------|-----------------------|---------|
| Yes | 905 | 69% |
| No | 150 | 11% |
| Not sure | 212 | 16% |
| Not Answered | 47 | 4% |
| Total | 1314 | 100% |

Overall, the majority of respondents, 69%, agreed that electronic means e.g. via a website, was the most easily accessible format for parents. Many respondents, however, raised concerns about some parents who do not have access to the internet or a computer, or are not ICT literate, suggesting alternative printable formats be made available. There were some concerns about language barriers and that information should be translated if needed to meet the needs of the community. In addition, respondents also suggested that local authority Family Information Services (FIS) should more clearly signpost the help on offer from the local authority to help broker childcare places for parents.

Government response

We have set out in regulations and guidance that **local authorities should publish childcare information via electronic means**. Local authorities remain under a duty to provide information for parents on childcare and other services. Regulations and guidance make clear that they will **still have to provide that information by other means when needed**, such as when parents have no internet access or when a person with a disability requires a different format. Local authorities will also still be expected to broker solutions for parents or signpost them to other parts of the local authority where necessary, which should help support families with language barriers .

Question 17: Is there other information directly related to childcare provision that could be helpful to parents that local authorities should consider collecting and publishing?

1,314 respondents answered this question

| | Number of respondents | Percent |
|--------------|-----------------------|-------------|
| Yes | 481 | 36.6% |
| No | 637 | 48.5% |
| Not Answered | 196 | 14.9% |
| Total | 1,314 | 100% |

Overall, respondents were positive about the range and kind of childcare information that local authorities would be required to publish for their areas and indicated that it was sufficient. Around 40% of respondents made suggestions for additional information that they felt local authorities should publish to help parents understand more about local childcare options so they could find the most appropriate childcare solution.

Of the respondents that commented, the most common requests were for local authorities to provide greater transparency on the funding rates they pay to providers (15%), for accurate information on the availability of places in different kinds of local provision (17%) and the eligibility requirements for taking a place (4%). There were also suggestions that the quality of a provider (9.6%), as defined by the Ofsted rating, should always be provided, and that details of specific SEND provision could be more prominent (7.3%).

Government response

Local authorities are already required to provide the majority of the additional information suggested by respondents through the list set out in schedule 1 of the Childcare Act 2006, all of which we are now requiring local authorities to publish. **This will be made clearer in the statutory guidance.**

In response to suggestions, we will make clearer where local authorities could publish other information not listed in the schedule, such as where providers work in partnerships with others to offer more wraparound services to parents. Local authorities should also state on their websites the outreach activity that they undertake to publicise the childcare offer for working parents (i.e. events, leaflets or workshops) and to reach under-represented groups who may not access childcare entitlements.

We will also reinforce in the guidance that childcare information links appropriately with the authority's SEND Local Offer information so parents can more readily see the local options that might best suit their needs.

Question 18: Does the guidance clearly explain this new duty and how it will be fulfilled?

1314 respondents answered this question

| | Number of respondents | Percent |
|--------------|-----------------------|---------|
| Yes | 764 | 58% |
| No | 357 | 27% |
| Not Answered | 193 | 15% |
| Total | 1314 | 100% |

Overall, respondents were positive; 58% agreed that the guidance clearly explains the new duty. There were, however, concerns made about other areas of the guidance and these were; clarity on the funding rate, flexibility, eligibility and relevance of Family Information Service.

Government response

We will ensure that the wording in the statutory guidance is adequately clear and in plain English, particularly in relation to flexibility, the single funding formula and eligibility.

We are clear in our guidance that Family Information Services (FISs) are central to local authorities being able to adhere to this duty and want authorities to ensure they are

maximizing FIS functionality to ensure parents are able to access a range of childcare information.

Question 19: Is there anything further which could usefully be included in the guidance to help local authorities ensure all parents who need it have access to information about childcare? E.g. guidance on a technical framework / technical schema which defines the format and structure of the data.

1,314 respondents answered this question

| | Number of respondents | Percent |
|--------------|------------------------------|----------------|
| Yes | 266 | 20% |
| No | 772 | 59% |
| Not Answered | 276 | 21% |
| Total | 1,314 | 100% |

Overall, the majority of respondents thought that the guidance for local authorities was comprehensive. However, just over 20% of respondents suggested additions. The most common request was for the guidance to ensure that information would be presented in a clear and simple way that was free from jargon (17%), so that busy parents could find what they needed quickly and be able to understand it. The next most common request from respondents was for the guidance to enable local authorities to present the childcare information in a common and consistent format (6.5%).

There were also a number of comments agreeing that providing a technical schema or framework for local authorities that would define the format and structure of their childcare data (10%) could be helpful to ensure consistency in their approaches to presenting the information. Some concerns were expressed that this should not be a mandatory requirement, as some local authorities had already invested significantly in their own technical solutions.

Government response

We agree that it is important that the childcare information published by local authorities on their websites should be clear and consistent in its format and language, so that parents can compare information across local authority boundaries. As set out in our guidance, this data should be published in re-usable, machine-readable formats in accordance with the government’s open data standards.

We will **assess the feasibility of providing an optional technical schema for local authorities** to define the format and structure of the childcare data, drawing on existing good practice. As well as improving their own market intelligence, this would also help local authorities to make wider use of childcare information across their borders and even on a regional basis.

Question 20: We think the ‘Local Offer’ is the right place for information and advice for parents on SEND provision in the early years. Do you agree?

1,314 respondents answered this question

| | Number of respondents | Percent |
|--------------|-----------------------|-------------|
| Yes | 1127 | 86% |
| No | 87 | 7% |
| Not Answered | 100 | 7% |
| Total | 1314 | 100% |

Overall, respondents were very positive with 86% of respondents agreeing that the Local Offer is in the right place for information and advice for parents on SEND provision in early years. There were however some concerns about the level of awareness and access to the Local Offer given that the quality and clarity of information differs across local authorities.

Respondents also suggested that there should be a wider range of access via other services such as through GPs, schools, childcare providers, Health Visitors, SEND professionals and children’s centres and in alternative formats; for example, in print form.

Government response

We will emphasise in our guidance that the SEND Local Offer information is the most comprehensive source of information about childcare for children with SEND. Many local authorities provide high quality websites and links to the Local Offer but it is vital this is done more consistently across local authorities and that childcare information links appropriately with SEND local offer information. We will ensure this is clearly set out in the statutory guidance.

Summary of responses: additional questions

Question 21: Is there anything in these proposals which would prevent local authorities from meeting their duty to secure funded early education for two-, three- and four-year-olds?

833 respondents answered this question (of which 153 were local authorities and 680 were providers).

59% of respondents (59% of local authorities and 59% of providers) raised funding as a concern, with respondents indicating that the rate the government pays for the free entitlement is too low and raising concerns about the way that funding is passed from local authorities to providers.

47% of respondents (60% of local authorities and 45% of providers) raised concerns regarding sustainability.

10% of respondents (14% of local authorities and 9% of providers) raised concerns about staffing costs or the retention and recruitment of staff as a result of the introduction of this new entitlement.

Government response

The government consultation on proposals to reform funding for the free early learning entitlements ended on 22 September. It set out our intention to allocate funding more fairly and to maximise the amount of government funding passed on to childcare providers. The government will publish its response to the consultation in due course.

The workforce is key to delivering sufficient and good quality provision. To support employers to attract and retain good quality staff to deliver the offer we will revisit the GCSE requirement. We will consult on the numeracy and literacy skills needed in a level 3 role and consider which qualifications best support staff to develop these. We will publish a workforce strategy by March 2017 that sets out our response to the level 3 consultation and government's wider plans to support employers to attract, retain and promote staff.

Question 22: Are there any particular groups of children and/or parents for which the impact of these regulations will be significant?

724 respondents answered this question.

Overall, most respondents thought there would be an impact on working households, disadvantaged families and childcare providers. Others said there could be an impact for children with SEND and for the overall wellbeing of children.

The extent to which respondents said there would be a positive or negative impact for each of these groups was mixed. Around half of respondents said there would be a negative impact and less than a fifth said there would be a positive impact. However, under each of the specific themes respondents made the key points below:

Working households: Overall, 37% of respondents said that there would be an impact on working households. Of these, nearly half were unclear on whether this would have a positive or negative impact. Of the remaining responses, most respondents thought that the impact would be positive for working households. In particular, respondents felt that the extended free entitlement will help working families for whom it 'doesn't pay to work' because of the costs of childcare. In addition, respondents felt that the extended entitlement would help parents (re)enter the labour market, provided that the extended free entitlement was offered outside of term-time and accommodated those parents whose incomes fluctuate. The impact was felt by respondents to be negative for working households on low incomes, single parents and those on zero hour contracts.

Disadvantaged Families and the wellbeing of Children: Overall, just under a quarter of respondents said that there would be an impact on the wellbeing of children and on disadvantaged families in particular. Of these, 72% thought there would be a negative impact and 4% thought there would be a positive impact. The remaining responses were unclear. There was particular concern on the impact the extended entitlement would have on existing early education for disadvantaged two year olds. Specifically, that local authorities and providers would prioritise places and funding for 30 hours for three and four year olds over the two year old entitlement.

Around a fifth of respondents expressed concern that it could be detrimental to a child's wellbeing to be in childcare for 30 hours a week, particularly if the entitlement was offered between 6am and 8pm. Also, some respondents felt that children were better off at home being looked after by their parents and that the government is disproportionately focused on pushing parents into work at the expense of spending quality time with their children.

Some respondents were concerned about the eligibility criteria for the extended entitlement and raised concerns about some households being excluded e.g. deprived or hard to reach parents do not meet the earnings requirement.

Providers: Overall, 17% of respondents thought there would be an impact on childcare providers. Of these, the vast majority thought there would be a negative impact.

Most respondents felt that it would be challenging for providers to offer the extended free entitlement because the funding rate was deemed to be too low and inaccurately capturing the costs of providing childcare. Linked to this, respondents said that there is a

risk that demand will outweigh supply, particularly in rural areas or in those areas where sessional provision is commonplace.

SEND: Overall, 16% of respondents thought there would be an impact for children with SEND. Of these, half were unclear on whether there would be a positive or negative impact, and half thought there would be a negative impact.

Most respondents thought that expecting children with SEND to be in childcare for 30 hours a week would be detrimental for the child. Others were concerned about the lack of good quality supply of places and whether the funding rate was too low to accommodate SEND.

Government response

Working households: The government is pleased that respondents think the impact will be positive for working households. The extended free entitlement is intended to support working parents with the costs of childcare. It will give both couples and lone parents the chance to work or to work more hours, if they choose to do so.

The government recognises that for the extended entitlement to genuinely support parents (back) into work, it must fit around a variety of working patterns. This is why we are developing an online application and eligibility checking system that accommodates households with fluctuating incomes, such as seasonal workers, those on zero hour contracts and the self-employed. When applying for the extended entitlement, parents will need to declare that they *expect to earn* the equivalent to 16 hours a week at National Minimum Wage / National Living Wage over the coming 3 months. This will allow parents who are taking up employment for the first time to qualify.

In addition, we will set out in statutory guidance that providers will be able to offer the extended entitlement between the hours of 6am and 8pm all year round to accommodate a variety of parental working patterns.

Disadvantaged Families and the Wellbeing of Children: We know that high-quality early years provision can make a real difference, particularly for the most disadvantaged children, who can often be 19 months behind their peers in their learning by the time they start school. That's why *all* 3 and 4 year old children and the least advantaged two year olds can already access 15 hours a week of high-quality early education to prepare them for school and improve their life chances. Building on this, the Early Years Pupil Premium provides an additional £300 per year for three- and four-year-olds from the lowest income families.

Take-up of the two year old entitlement has increased and, in January 2016, around 70% of eligible two year olds were taking up a place. Further increasing take-up remains a priority. The government has recruited a national support contractor who will be supporting local authorities with 30 hours delivery. The contractor will also be working

with local authorities to ensure they continue to expand the early learning for two year olds programme.

With respect to disadvantaged families' eligibility for the extended entitlement, the government has made clear that the introduction of 30 hours free childcare is a work incentive and is intended to help low income families back into work or to increase their hours. Entering employment is the best way to lift families out of poverty.

Finally, the government recognises that some households face challenging circumstances. This is why households where one parent works and meets the earnings requirement and the other is in receipt of certain benefits related to disability or caring responsibilities, will be eligible for the extended entitlement.

Providers

The government disagrees that the funding rate will be too low for providers to deliver the extended free entitlement from September 2017 – indeed, we are committed to introducing an early years national funding formula so that funding is distributed more fairly across the country.

We have already announced increased annual investment of £1bn for the early years entitlements within the ring-fenced Dedicated Schools Grant by 2019-20, which includes £300m per year from 2017-18 to uplift the average funding rate paid to providers.

We want to ensure that the hourly rates that childcare providers receive are sufficient to enable them to continue delivering good quality childcare, both keeping in mind current costs of provision and the implications of future cost pressures facing the sector. To provide a sound analytical underpinning for what these rates should be, the Government conducted a six-month review of the cost of providing childcare; the review was published on 25th November 2015.

The government has undertaken a consultation on proposals to change the way we fund free childcare and early years education which closed on the 22 September 2016 and we have made clear our intention to maximise the amount of this funding which reaches frontline childcare providers.

The government recognises the importance of ensuring that children with SEND are able to access suitable childcare that meets their individual needs and circumstances and has set out a series of next steps in the summary of responses to SEND earlier in this document.

Question 23: Are there any particular types of providers for which the impact of these regulations will be significant?

The government is keen to learn if the new regulations might result in unnecessary burdens on childcare providers. This question asked for views from respondents on which childcare providers would be most impacted by the new regulations.

822 (62.6%) respondents answered this question. Most respondents identified more than one category of provider and overall, there was broad agreement that the regulations would impact on a wide range of providers. In the vast majority of cases, respondents simply listed the categories of provision impacted by the regulations, and did not offer an opinion on whether the regulations were likely to impose additional burdens.

The table below shows the numbers of times that respondents identified a category of provision most likely to be impacted by the regulations.

| Types of provider which will be impacted by the regulations | Number of times this category was identified by respondents | Percent of respondents who indicated this category |
|---|---|--|
| Private / Voluntary provider - sessional | 487 | 59% |
| Private / Voluntary provider - full day care | 292 | 36% |
| Childminder | 220 | 27% |
| Maintained nursery school / nursery class | 201 | 24% |
| Other | 33 | 4% |

The category 'Private / Voluntary provider – sessional' included: pre-schools, play groups and pack away settings, provision with limited space and those that operate term time only. There were also a variety of comments about after school clubs, rural settings, independent schools, children's centres and settings rated less than 'good' which were collected together in the 'Other' category. It was not possible to disaggregate maintained nursery schools from maintained schools with nurseries.

Key Themes

Overwhelmingly, respondents did not identify specific burdens arising from the regulations themselves. A small percentage of respondents (3%) saw the regulations as having little or no impact or potentially reducing burdens. For example, one respondent cited the the model contract as an opportunity to reduce administrative burdens and

improve cash flow. Another respondent suggested that the regulations could encourage more childminders, which would be particularly important in rural areas.

Similarly, a small percentage of respondents (2%) cited concerns over paperwork or additional administration, for example, where children attended more than two settings. More generally, aside from articulating concerns over the funding rate, respondents used the opportunity to register some of their concerns about developing more flexible provision e.g. moving to a 6am to 8pm model, and the implications on space, viability, staffing and line management.

On the other hand, more general concerns, which were also reflected elsewhere in the consultation, repeatedly emerged around the themes of: sessional provision, PVI funding and childminder funding. These issues are briefly addressed below.

Sessional provision

A significant number of respondents (59%) who responded to question 23 expressed the view that the regulations would particularly impact on settings in community venues and in shared buildings, particularly in rural areas. Typically, these respondents ran sessional sessions, for example, committee run pre-schools or pack away provision. Rent costs, planning restrictions and shared use of buildings for other activities were all cited as reasons why it could be difficult for these providers to expand provision to accommodate the 30 hours.

PVI and childminder funding

A significant number of PVI respondents cited concerns over funding, in particular, a perceived gap between the funding rate for the free entitlement and the rate that parents pay for additional hours. Typically, respondents expressed the view that small providers were unlikely to be able to afford to offer the extended hours. Although childminders who responded to question 23 did not cite the proposed regulations as burdensome, the issue of childminder funding also came up frequently.

Government response

The government is pleased that, in the main, respondents did not identify specific burdens arising from the regulations themselves.

We know that many parents want a 'stretched' offer over the year and to access childcare during the school holidays. The government recognises that it can be more challenging for sessional providers to offer this flexible provision. The new entitlement provides an opportunity for all providers - including sessional providers such as playgroups, community pack-away settings, before and after school clubs - to work together in partnership with schools and PVI settings to deliver the childcare that parents want - seamless blended offers of care across the full day. And we will expect local

authorities to make monthly payments to childminders by 2018, to remove barriers to childminders offering government funded childcare.

Childminders will also have a vital role to play in helping to deliver the 30 hours entitlement through working in new partnerships. The government has already made it easier for childminders to work in partnership by allowing them to provide childcare on non-domestic premises. We have also introduced childminder agencies, which will make it easier for childminders to work with other local providers.

To help promote more partnership working we are facilitating a 'partnership project' between schools, childminders and other childcare providers to explore models of high quality seamless care. The project will develop a partnership tool kit and other products which will be published and disseminated later in the autumn. Further information on partnership working and the 'Early Learning and Community Childcare Hubs' programme is set out in the government response to question 6.

The government has now conducted a consultation on proposals to change the way we fund free childcare and early years education. Comments raised in *this* consultation will be taken into consideration as we develop our response to the funding consultation.

Question 24: is there any practical advice related to the regulations and their effect or implementation that you would like to see in the statutory guidance?

526 respondents answered this question (of which 115 were local authorities and 411 were providers).

We are grateful for the time respondents have taken to provide detailed comments on the drafting of specific sections of the statutory guidance. While these have not all be included below, **we will take them into account when drafting the revised guidance.**

The majority of responses (78%) to this question were from providers. 21% of respondents (6% of local authorities and 25% of providers) said that the level of funding they receive from local authorities to deliver early education places does not cover their costs. 9% of respondents (2% of local authorities and 11% of providers) said that settings should be able to charge fees to ensure quality and to remain sustainable. Some respondents suggested that the entitlement should not be "free" but should be considered a subsidy or contribution towards the cost of an early education place. Parents could be given a voucher and could choose to use their voucher at a provider who can offer the full entitlement hours or take-up their child's place at a provider with a higher hourly rate and pay the difference. Some respondents felt that providers should be allowed to charge parents for meals and others indicated that they would welcome greater clarity about what providers can charge parents for. 4% of respondents (8% of local authorities and 2% of providers) expressed views about how the increase in the

entitlement would affect children with Special Educational Needs and Disabilities. A number felt that additional funding would be needed to support children with SEND when the hours are extended.

Flexibility for providers was a key theme mentioned by 14% of respondents (16% of local authorities and 13% of providers). Providers wanted the freedom to decide whether to deliver the additional 15 hour entitlement and to choose the times and days when they would deliver free places to support their business models and remain sustainable.

12% of respondents (23% of local authorities and 9% of providers) felt that additional guidance would be helpful. Particular areas where more guidance would be welcomed are around flexibility (stretching the entitlement over more than 38 weeks of the year and splitting funding between two or more providers), how the grace period will work in practice for both parents and providers, model fee and billing policies, parental agreements and business models specific to areas such as London or rural areas. Some respondents were concerned about different practices across local authorities and different interpretations of the regulations and guidance.

11% of respondents (17% of local authorities and 9% of providers) expressed views about the eligibility criteria for children to be entitled to the additional 15 hours. A number felt that the income threshold was too high at £100k per parent and should be reduced as they felt those parents with high incomes could afford to pay for their childcare, whilst others felt that if parents were only working for 16 hours a week they did not need 30 hours a week of free childcare.

4% of respondents (6% of local authorities and 3% of providers) expressed views about information to parents. They felt that it should make clear what parents are entitled to and that the information provided should be consistent across the country. Some respondents said that parents should be made aware that the entitlements were up to 15 or 30 hours a week and be clear parents did not have to take up the full entitlement.

4% of respondents (10% of local authorities and 3% of providers) raised the issue of the quality of provision and expressed concern about the distinction between the first 15 hour entitlement to early education and the additional entitlement of 15 hours of childcare. Some wanted greater clarity about the qualification and ratio requirements and delivery of the Early Years Foundation Stage and queried if the second 15 hours is considered to be childcare not education.

4% of respondents (3% of local authorities and 4% of providers) felt that the needs and interests of the child should be paramount. Views expressed included that it would be detrimental to the child's wellbeing to spend long days in childcare, or in the early morning or late evening if providers were open from 6am to 8pm. Other respondents were concerned about the continuity of care and child's emotional wellbeing if the child was attending more than one provider.

Question 25: Is the guidance clear on what local authorities must do to discharge their statutory duties?

539 (41%) of respondents answered this question (of which 125 were local authorities and 414 were providers).

58% of respondents (64% of local authorities and 57% of providers) thought the guidance was clear, 12% (8% of local authorities and 13% of providers) thought the guidance was not clear and 6% of respondents (2% of local authorities and 7% of providers) were unsure.

7% of respondents (4% of local authorities and 7% of providers) were concerned that the level of funding was insufficient to cover their costs. Comments also included concerns that it would be difficult to increase the number of places needed to meet parental demand for the extended entitlement without additional funding and that unless the funding rate was attractive to providers they would not offer 30 hour places.

9% of respondents (26% of local authorities and 5% of providers) felt that additional guidance would be helpful. Particular areas where more guidance would be welcomed are around flexibility - splitting funding between two or more providers, application process, eligibility checking and the grace period and working in partnership.

5% of respondents (3% of local authorities and 6% of providers) expressed concern that the guidance was open to interpretation by local authorities. In particular respondents were concerned that local authorities made unreasonable demands in their agreements with providers.

Question 26: Any other comments?

553 respondents answered this question (of which 79 were local authorities and 474 were providers).

A large number of respondents reiterated comments that they had made in response to other questions in the consultation.

47% (28% of local authorities and 50% of providers) raised concerns about the level of funding they receive from the local authority to deliver free places. 5% (1% of local authorities and 6% of providers) indicated that if funding levels did not increase to cover costs this would result in the closure of nurseries and 4% (3% of local authorities and 4% of providers) said that if funding did not increase they would not offer the additional 15 hours.

9% (9% of local authorities and 9% of providers) of respondents had concerns over the income threshold for eligibility for the additional hours and how the grace period would work in practice.

10% (22% of local authorities and 8% of providers) of respondents commented on the proposals to increase flexibility, for example the additional costs providers would incur in opening earlier and closing later and the potential difficulties of getting staff to work earlier or later due to their own family commitments. Some of the barriers to flexibility mentioned included lack of demand and the lack of willingness to work in partnership.

10% (4% of local authorities and 11% of providers) of respondents expressed concern about the effect on the child of spending long periods in day care. Points made included weakening the attachment between the parents and the child and that more should be done to support families where one parent stays at home to care for the child.

5% (3% of local authorities and 5% of providers) of respondents expressed views about the quality of provision. Comments included concern that the quality of provision may deteriorate if settings use less highly qualified staff in order to deliver the extended entitlement. Some respondents expressed concern about the apparent distinction between the first 15 hour entitlement to early education and the additional entitlement of 15 hours of childcare.

Government response

The responses to these questions were wide ranging. Where responses touched on issues relating to flexibility, SEND or information to parents, the government response has been outlined in those chapters. We haven't repeated the next steps here.

In recognition of the sector's concerns about funding, the government has now consulted on proposals for funding reform, as set out in the introduction to this document.

We intend to publish departmental advice alongside the statutory guidance to support local authorities and providers. This will include examples of good practice relating to many of the issues raised in response to these questions – eg on 'stretching' the offer and how the entitlement can be taken up in more than one provider whilst maintaining continuity of care for the child.

Given the concerns expressed about the varied interpretation of the guidance by local authorities, the department is working closely with providers and local authorities to develop a model agreement, parental declaration, and examples of invoicing to support consistency across the country. These will be included in the statutory guidance and departmental advice.

The government is clear that there is no difference between the first and second 15 hours. Providers will be required to deliver the Early Years Foundation Stage and maintain the same ratios. We will ensure this is clear in the amended statutory guidance.

Annex A: List of organisations that responded to the consultation

365 Childminding Ltd.
3mxchildcare
4Children
Aardvark Preschool & Nursery
ABA Access4All
Abacus Nursery
Abbotskerswell Preschool CIC
Abracadabra Preschool Nursery
ACE Nursery School
Achieving for Children
Acorn Preschool
Acorns Pre-school
AHDN
Alice Park Nursery
All My Friends Childcare
All Saints Action Network
All Saints' CE Primary School
all saints preschool
Amberley nursery
Anchors Nursery School
Angels By Day Ltd
Annabelles Day Nursery Ltd
Apples and Honey Nursery
Ark
Army Families Federation
Ash Grove J & I School
Ashfield Nursery School
Ashlands Primary School
Ashworth View Nursery
Aston Pre School
ATL
Avenue Playgroup
Aycliffe Drive Pre-School
Babcock Prime
Banwell Buddies
BAPN The Association of Professional Nannies
Bargates Nursery
Barnaby Bright
Barnardo's
Barnardo's Little Bees Pre-School

Barnet LA
Barnies Day Nurseries
Barnsley Council
Bath and North East Somerset Council
Bath YMCA group
Beacon lane day nursery
Bedford Borough
Bedford Borough Council
Beech House Nursery School
Bemerton children's centre
Berkswell pre school group
Birmingham PVI Support Association
Blackburn with Darwen Borough Council
BLACKPOOL COUNCIL
BMCA Ltd
Bognor Regis Nursery School and Children's Centre
Bolton Council
Borough Council of Wellingborough
Bracknell Forest Council
Bramble Hedge Pre-School
Bramley Pips Nursery
Bramleys Nurseries
Brampton Cortonwood Infant School
Breedon House Nurseries Limited
Brent Council
Bridges Childcare Limited
Bridgewater School
Bright futures day nursery
Bright Horizons Family Solutions UK
Bright Kids
Brighton & Hove City Council
BrightStart Day Nurseries
British Horseracing Authority
BTPartnership
Buckinghamshire County Council
Bucks Healthcare NHS Trust
Bugthorpe Under Fives
Bungalow day Nursery
Buntings Nursery
BURFORD PRESCHOOL C.I.C
BURY CATHOLIC PREPARATORY SCHOOL
Bury Council
Busy Bunnies Day Nursery

Calderdale MBC
Cambridge Education - Slough Borough Council
Cambridgeshire County Council
Camelsdale Primary School
Capita
Carousel Day Care Nursery
Castle Hill Pre-School
Caterham Children's Centre
Caterpillars PreSchool
Caterpillars Under 5's
Catherine House Day Nursery Schools
Chalk well hall infant school
charitable preschool
Chelmondiston playgroup
Chelwood Gate Nursery
Cherry Childcare Ltd
Cheshire East Council
Cheshire West and Chester Council
Childcare East Midlands
Children's Choice Nursery
Children's Day Nursery
Children's Daycare - Fizzy Fish Pre-School
Childrensworld
Child's Play Pre-school
Chipmunks Nursery OSC Ltd
Christ Church CE Primary School
City of Wolverhampton
City of York Council
Civil Engineering
Clapham & Clapham Park Montessori LLP
Clapham Manor Children's Centre
Claverham Day Nursery
Cleethorpes Childcare
Clocktower Childcare Ltd
COGNITA SCHOOLS LTD
Community Childcare Centres (Growing Places)
Community-Minded Ltd
Council of the Isles of Scilly
Coventry City Council
Cowcliffe preschool
Craftikids Day Nursery
Crewkerne methodist church preschool
Crick Pre-School

Croydon Early Years Work Group - Sub group of the school forum
CS Nursery Schools Ltd
Cuddles Day Nursery
Culverdene Day Nursery
Cybertots Day Nurseries
Cygnet Education and Childcare Trust
Daisy Day Care
Dalestorth Primary School
Darell Primary and Nursery School
Davison Day Nursery, Worthing
Dawny's Day Care
Day Nursery & Preschool
Derby City Local Authority
Derbyshire County Council
Derwent Stepping Stones
Devon County Council
Dinnington Pre-School Ltd
Dinton Pre-school
Disley Under Fives
Ditchling Preschool
DMBC
Doncaster Council
Doodle Do Day Nursery
Dorset County Council
Dudley MBC
Duncombe Primary School
Early STEPS Nursery
East Ravendale CofE Primary School
East Riding of Yorkshire Council
East Sussex County Council
East the water stepping stones pre school
Egglescliffe Church of England Voluntary Controlled Primary School
Emma's Angels Day Nursery Ltd
Essex County Council
Essex Park Community Pre-School
ETON NURSERY
Evolution childcare
EYPS freelance
FAIRFIELD PRIMARY SCHOOL
Family Action
Featherstone Children's centre and Nursery School
Featherstone Nursery school
Federation of Church Hill and Low Hall Nursery Schools

FIRST CLASS NURSERIES

First Steps Bath

First Steps childcare (cambus) limited

First Steps Pre-School

Fiveways Playcentre

Fledglings Preschool and Nursery Ltd

Folkestone Primary Kindergarten

Footsteps Day Nursery

Forest Academy primary School

Forest Row Community Pre-school

Frimley Green Pre-school

Gateshead Council

Gillshill Pelican Preschool

Gobowen All Rounders Pre School

Goodrington Pre-school Ltd

Goodwin Development Trust

GRafton Childcare

Grange Primary School

Granville Plus Nursery School

Green Dragon Playgroup

Green Tree

Greenside Community Nursery Limited

Halstead Nursery

Halton Borough Council

Hampshire County Council

Happy Days Nursery

Happy Hours Pre School

Happy Kids

happy tots pre school

Happy Tree Nursery

Happy Valley Preschool Ltd

Hare Hatch Montessori

Haringey Council

Harrow Council

Harrow Early Years

Hartlepool Borough Council

Harvard Park Day Nursery

Harvard Park Pre School

Haven 2000 Nursery and Preschool

Havers Development Ltd trading as Tiddlywinks Nursery & Elm Tree Nursery

Hayley's Happy Feet

Hazeldene Heights Preschool

Hazelwood Nursery

Hertfordshire County Council
Hickory House Childcare Services
Highfield Road Pre-School
Hobby horse day nursery
Holmes Chapel Community Preschool
holy cross pre school
Holy Trinity Playgroup
Hook PRESCHOOL
Hopscotch Playgroup
Horsmonden Kindergarten
Hull City Council
Humpty Dumpty Day Nurseries Ltd
Hungry Caterpillar Day Nurseries Ltd
IAPS
IMPSTONE PRESCHOOL
Independent Schools' Bursars Association
Independent Schools Council
Islington Council
Islington Play Association
James Kane Nursery
Jancett Childcare
Jellytotschildminding services
K2 Crawley Nursery and Pre-School
kaloman ltd
Kent County Council
Kiddie Kapers Neighbourhood Nursery
Kiddiwinks Child Care Ltd
Kids Adventures
Kids Around Nursery Ltd
Kinderland Day Nursery
Kingfisher Kids Club
Kintore Way Nursery School and Children's Centre
Knowsley MBC
KPMG LLP
Ladybird Children's Day Nurseries Ltd.
Ladybird Lane Nursery
Ladybirds Nursery
Lambeth Council
Lancashire County Council
LB Hackney
Learning Ladder Childcare
Leehurst Swan School
Leicester City Council

Leicestershire County Council
Lewin Pre-school Ltd
Lilliput Childrens's Day Nursery Ltd
Limes Avenue Baptist Church / Limes ABC Playgroup
Lincoln College
Lincolnshire County Council
Lindon Bennett School
Lindridge St Lawrence CE Primary School
Little Acorns Pre-school
Little Angels
Little Angels Nursery
Little Buddies Pre-school
Little Darling Childcare
Little Diamonds
Little Giggles Private Day Nursery & Preschool
Little Glendalers preschool
Little Hands Nursery Schools Limited
Little Hawks Childminding
Little Learners Montessori School
Little Leaves Pre-School
Little Linguists Nursery
Little Monsters Day Nursery Ltd
Little Oaks Pre School
Little Pippins Pre-school
Little Rascals
Little Rascals Pre-school
Little Robins Nursery
Little Snoring Pre-school
Little Steps nursery
Little tots Nursery (early years)
Little Winners Day Nursery LTD
Liverpool City Region Child Poverty and Life Chances Commission
London Borough of Barking and Dagenham
London Borough of Bexley
London Borough of Bromley
London Borough of Camden
London Borough of Ealing & collective response from 80 childcare providers
London Borough of Havering
London Borough of Hounslow
London Borough of Islington
London Borough of Merton
London Borough of Newham
London Borough of Southwark

London Borough of Sutton
London Borough of Tower Hamlets
London Borough of Waltham Forest
Longcroft Children's Nursery School
Loveders Nursery School Limited
Ludwick Nursery School (Maintained)
Luton Borough Council
Mace Montessori Schools Ltd
Madeley Nursery School
Manchester City Council Early Years Service
Manor Gardens Welfare Trust
MARGARET MCMILLAN NURSERY SCHOOL AND CHILDREN'S CENTRE
Marfields Primary Academy
Marygate Preschool
MARYLANDS PRIVATE NURSERY SCHOOL
Meadows Nursery and Pre School
Merriott Childcare Solutions
Milestones Day Nursery
Milnthorpe Family Centre
Monkey Puzzle Day Nursery
Montem Primary School and Brightstart Nursery
Montessori Nursery School
Montessori Schools Association
Moonbeams Day Nursery
Moorside CP Academy school
Mote Park Pre-School
Mount Preschool Ltd
mummyYoga Ltd.
Munchkins village nursery
My First Friends Ltd
NAHT
National Day Nurseries Association
National Deaf Children's Society
National Portage Association
National Trainers Federation
Natural Choice Nurseries Ltd
NCFE
New Millside Pre-school
New River Green Children's Centre
New Stepping Stones Playgroup
New World Nursery
Newcastle City Council
Noah's Ark Preschooll

North Cheshire Jewish Nursery
North East Lincolnshire Council
North Lincolnshire Council
North Somerset Council
North Tyneside Council
Northamptonshire County Council
Northfield Quaker Pre-School
Northumberland County Council
NorthYorkshire County Council
Nottingham City LA
Nottinghamshire County Council
NPA
Nttinghamshire County Council
Nurturing Childcare Ltd
Oakhill Community Nursery
Oldham Council
Our Lady Queen of Peace Day Nursery
Outstanding Nursery Care Ltd
oxenhope pre school
Oxfordshire County Council
Oxfordshire Early Years Working Group
Pals Pre-school
Panda Nursery Ltd
Panda Preschool
Parkend Nursery
Parklands Infants School (with nursery)
Parkside Plagroup
Parkway Playgroup
Patacake Day Nursery Ltd
Penny Bridge Nursery
Penrose
Peter Pan Pre-school
Phoenix 21 Ltd
Piccolo Pre-school Nursery
Places for children ltd
Play to Learn Ltd
Play2Learn Nursery
Playsteps
Plymouth City Council
Pooles Park Primary School
Portico Day Nurseries Ltd
Portland Nurseries
Pre-school Learning Alliance

preston community preschool
Priesthills Nursery
Priory Street Nursery
Puddleducks Home Group
Puffins of Exeter Ltd
puzzles day nursery
Racing Welfare
Rainbow Child Care
Rainbow Corner Day Nursery
Rainbow day nursery
Rainbow Nurseries Ltd
Raps
Reading Borough Council
Red Hen Day Nursery
Redcar and Cleveland Council
Repton Manor Nursery
Rhymes Nursery Ltd
Ringmer Nursery School
Rising Fives Play Nursery
Robertsbridge Children's Services
Roberttown Community Centre Pre-school
robins nest day nursery
Rocking Horse Kindergarten
Rooftops Montessori Nursery School
Roseden Day Nursery Saltburn
Rotherfield Village Pre School
Rotherham Metropolitan Borough Council
Roundabout Nursery
Royal Borough of Greenwich (Children's Services)
Royal Borough of Windsor & Maidenhead
RUSHCLIFFE DAY NURSERIES LTD
Rutland County Council
Safehands Nursery
Samuels Christian Nursery
Sandwell MBC
Sallywags Nursery
Sallywags Nursery & Pre-School Ltd
Selly Wick Preschool
SENDIASS
Shankhill CE Primary School
Sheffield City Council
Sheffield University Students Union Nursery
Sixpenny

Small is Beautiful Ltd
Small World Kindergarten
SMBC
Smylers Pre School/Wraparound
Solihull MBC
Somerset County Council
Somerset County Council - Early Years sub Group of Schools Forum
Sounique Child
South Gloucestershire Council
South Tyneside Council
Southampton city council
Southend Borough Council
Specialist level of impartial Information, Advice and Support (IASS) in Torbay
St andrews pre school
St Bart's Day Nurseries
St Bede Childcare
St Edmund's Nursery School & Children's Centre Services
St Gabriels childrens day nursery
St George's Day Nursery
St Helens Council
St Josephs Pre-school
ST LEONARD'S C.E. PRIMARY
St Luke's CE and Moreland Primary Schools
St Mary's Catholic Primary
ST MICHAELS LEARNING CENTRES LTD
St michaels nursery
St Michael's, Easthampstead, Childcare Trust
St Thomas' Nursery
St Vincents Pre-school
St. Mary's Nursery, Horsham
St. Mary's Osterley Playgroup
St. Michael's Community Nursery
Staffordshire County Council
Starting Life Well (Early Years childrens services)
Stepping Stones Nurseries (Midlands) Ltd
Stockport Council
Stockton-on-Tees Borough Council
Stoke-on-Trent City Council
Stonebroom Primary School
Suffolk County Council
Sunbeams Pre-school
Sunderland City Council
Sunshine Day Nursery

Surrey County Council
Surrey County Council Early Years and Childcare Service
Surrey Early Years Reference Group
Tachbrook Nursery School
Tachbrook Nursery School Governing Body
TACTYC, Association for Professional Development in Early Years
Tameside MBC
Teeny Tots Day Nursery
The Ark Child Okeford Day Nursery
The Ark Pre-school
The Arts Development Company
The British Racing School
The Bungalow Pre-School
The cabin childcare centres
The Castle Nursery School
The Children's Food Trust
The Children's House (Hampshire) Ltd
The Communication Trust
The de Lacey Montessori School
The Emmanuel School Trust
The Grange Trust
The Kite Academy Trust
The Lemon Tree Day Nurseries Ltd.
The Little Ark Preschool
The Little Shepherd's Preschool
The London Early Years Foundation
The National Stud
The Nest Nursery Ltd
The Oaks Nursery
The Octagon Nursery
The Old Rectory Manor House (nursery)
The Old Station Nursery Group
The Olive Tree Nursery
The Pelican Nursery
The Piggybank day nursery ltd.
The Playhouse Day Nursery
The Rydal Academy
The Townsend nursery
The Ultimate Day Care Nursery Ltd
The Unity Nursery
The Willows Day Nursery
Thorpepark academy
Jumping beans nursery and Little jumping beans

Tibberton Early Years
Tiggys Montessori Nursery
Tinks Childrens Day Nursery
Toad Hall Nursery School
Toad Hall Pre-School
Toddle in group
Tom Thumb Nursery
Tommies Children's Centre
Tops Day Nurseries
Tops Day Nurseries - Wimborne
Tops Day Nurseries Ltd
Tops day nurseries Parkstone
Torbay Council
Totspot Day Nursery
Toybox Preschool Group
Trafford Council
Treasured Tots Nursery
Tribal
Under Fives Roundabout
University of birmingham
University of Cambridge
University of Cambridge
University of Warwick
University of York Nursery
Vernon terrace primary school
Victoria park academies trust
Wakefield Council
Walberton Pre-School
Warrington Borough Council
Warwickshire County Council
WBC
Weaverham Little Bears Pre-School
Wellingtons Day Nursery Group Ltd
Westside Day nursery
Whitchurch Pre-School Nursery (Shropshire) Ltd - we provide full day care/education for
0-12 year olds
Wiltshire Council
Wirral Council
Wokingham Borough Council
Woodcroft Nursery School
Woodentops Preschool and Little Oaks childcare
Woodhall Farm Pre-school
Worcestershire County Council

Wyke Regis Infant School and Nursery
YMCA Black Country Group Nurseries
York Childcare



Department
for Education

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