

Consultation

Date of issue: 5 September 2001

Better Beginnings Improving Quality and Increasing Provision in Early Years Education and Childcare

department for
education and skills
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INTRODUCTION

Over the last 4 years, we have invested heavily in both early education and childcare in order to give children a more equal start in life. Good early years education and childcare can play an important part in improving educational standards and help reduce child poverty and social exclusion. We have therefore put in place for the first time a universal entitlement to nursery education for 4 year olds and we have created new childcare places for 700,000 children since 1997, helping 400,000 extra children once turnover in providers is taken into account. We have also invested in increasing the quality of provision, introducing national Daycare Standards and inspection for childcare and the Foundation Stage to give children the best preparation for compulsory education and later life.

This consultation document seeks your views on the way in which we propose to take forward legislation to build on these foundations in the future.

INCREASING THE AVAILABILITY OF PROVISION

In the Green Paper "Building on Success" we set out our plans for all three year olds to have access a free early education place if their parents want one by September 2004, with two thirds benefiting by March 2002. By March 2004, we will have created new childcare places benefiting 1.6 million children – places for an extra million children once turnover is taken into account.

Our ambition is that by 2004 every lone parent entering a job in the most disadvantaged areas should have access to a childcare place. We are working to increase childcare in these areas through our Neighbourhood Childcare Initiative, and are investing £300 million over the next three years in new Neighbourhood Nurseries for pre-school children as well as providing extra help for childminders and out-of-school care. Parents and children need services that match their needs and that's why we also announced in "Building on Success" our target to provide an extra 100,000 places offering combined day care and nursery education over the working day.

We also want to use schools more effectively as assets for the whole community, including childcare and family learning. To help make this happen, we want to widen the powers of school governors in legislation to make it possible for them to run childcare and other services. We are also seeking your views on a number of other measures designed to help nursery education and childcare thrive.

IMPROVING THE QUALITY OF PROVISION

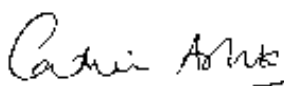
Ofsted inspections have shown that the quality of nursery education has improved markedly. By March 2001, 89% of settings were satisfactory or better – an increase from 66% in 1998. We are now looking with Ofsted to refine the two separate inspection frameworks that exist (one for provision in the public sector and one for the voluntary and private sectors) so that robust comparisons can be made between nursery education in the different sectors.

We plan to consult separately on other early years and childcare regulation issues later in the autumn, including a scheme for the certification of over 7s providers and the regulation of day care provided by independent schools. We are also considering what future legislative steps might enable us further to simplify the inspection and regulatory system for early years and childcare to reduce the burdens on providers.

At the same time, we are developing the current early years Education and Care Qualifications Framework to make career progression and movement within the sector much easier. We are also investing directly in training.

CONCLUSION

There will continue to be rapid transformation and development of the early education and childcare sector. A great deal has been achieved, but we are determined to see through the change that we have begun. This consultation paper describes some of our legislative plans to help improve quality and increase provision. We look forward to receiving views on them from the wide range of people with an interest in early years and childcare.



Catherine Ashton

Parliamentary Under-Secretary of State for Early Years and School Standards

Section 1: The role of governing bodies

NEW DISCRETIONARY POWERS FOR GOVERNING BODIES

- 1.1** The White Paper announced the Government's intention to promote 'extended schools'. Many schools already recognise the benefits for them and their communities of providing additional services to their pupils, pupils' families and the wider community. Most schools already provide some before or after school study support; some provide space for sports or arts activities, community groups or Internet access; others work closely with other bodies to provide integrated services such as health services, childcare or adult education.
- 1.2** At present the scope for governing bodies directly to provide services benefiting the wider community is constrained by the term 'conduct of the school' in legislation, which limits governors in activities which they can organise directly and which precludes activities such as childcare. The Government plans to legislate to enable governing bodies, including those proposed for nursery schools, to provide for a range of activities for the benefit of their staff, for children and parents, and for the members of the wider community. The governing body could provide these activities directly, in partnership with others, or through another provider on the premises. The power to run these activities will be separate to the governing body's prime responsibility for the conduct of the school and therefore costs will be met from outside the delegated budget.
- 1.3** We know that many governing bodies want these wider powers. This will not be a duty: governors will have the choice about whether to begin providing or to extend their family and community facilities and services.

GOVERNING BODIES FOR MAINTAINED NURSERY SCHOOLS

- 1.4** Current legislation requires all maintained schools to have governing bodies. At present this does not apply to maintained nursery schools. We propose that nursery schools are required to have legally constituted governing bodies, operating within the modernised framework for school governance as set out in the school governance consultation document, "The Way Forward – A Modernised Framework for School Governance". The more flexible constitutional arrangements proposed in this document will make it easier to extend governance arrangements to nursery schools. The new approach can accommodate the different balance of teacher and non-teaching staff in nursery schools, as well as accommodate, within the community category for governors, other partners who may be involved in assisting the school to deliver early years provision. In addition, the proposal that a governor's term of office may be 'up to four years' will assist nursery schools to set terms for parent governors that reflect the relatively short period that children spend at such schools. The Governance Consultation document also confirms that the Government proposes to introduce a provision to enable schools to federate under a single governing body (as well as allow two or more governing bodies to meet jointly and to form joint committees). This would allow a nursery school and infant or primary school to be run as separate schools by a single governing body or separate governing bodies to take joint decisions on specific issues.

Section 2: Partnerships

ADDING CHILDCARE TO NAME AND RESPONSIBILITIES OF PARTNERSHIPS

- 2.1** Early Years Development Partnerships were established by section 19 of the School Standards and Framework Act 1998 to plan and co-ordinate Early Years Education in each LEA area. Following the publication of "Meeting the Childcare Challenge" in May 1998, Partnerships took on the additional role of planning and co-ordinating childcare and the newly formed Early Years Development and Childcare Partnerships (EYDCPs) started full operations in April 1999. We are proposing legislation to ensure that Local Authorities and Partnerships have a clear legal basis for their childcare functions.

NATURE OF THE CHANGES

- 2.2** The key parts of the legislation are:
- to change Partnerships' legal name to reflect their childcare functions;
 - to add to Partnerships' functions that of reviewing the sufficiency of childcare provision and to prepare and Early Years Development and Childcare plan;
 - to require Local Authorities, through Partnerships, to set up and run a Children's Information Service;
 - for the Department to take specific powers to pay childcare grant to Local Authorities;
 - to repeal that part of the Children Act which requires Authorities to review childcare provision in their areas.
- 2.3** The existing requirements set out in Section 19 would remain unchanged. The legislation would simply bring the childcare activities, already being undertaken by EYDCPs, onto a clearer legal footing.

Section 3: Funding

REQUIREMENTS OF NURSERY EDUCATION GRANT (ROG)

- 3.1** We are currently reviewing the funding mechanisms for nursery education. We do not want to be constrained by current delivery arrangements. We are therefore seeking a power in legislation which will require that LEAs must ensure that those who deliver early education meet all the requirements of good practice irrespective of how the funding is delivered. These requirements, which are currently contained within the Requirements of Nursery Education Grant, are: meeting the Early Learning Goals, registration, SEN, the Foundation Stage Profile, a ban on corporal punishment, the elimination of unlawful racial discrimination, and the promotion of equality of opportunity.
- 3.2** The advantage of doing this is that it would be clear that LEAs, Early Years Development and Childcare Partnerships (EYDCPs) and practitioners should adhere to these key principles, irrespective of any delivery mechanism for funding.

Section 4: Foundation stage

- 4.1** With the introduction of the Curriculum Guidance for the Foundation Stage last year, it became clear that changes needed to be made to the statutory baseline assessment arrangements so that they would reflect children's experience at the Foundation Stage.
- 4.2** The Qualifications and Curriculum Authority (QCA) consulted with early years practitioners, LEAs, baseline assessment scheme providers, early years organisations, parents and other partner organisations. A consultation document published in December 2000 contained our proposals for revising statutory baseline assessment and the key issues that need to be considered. This included a proposal to move the assessment to the end of the Foundation Stage (which for the majority of children is the end of the reception year in primary school) and assessing the progress made by each child towards the Early Learning Goals.
- 4.3** The QCA's consultation process was completed on 31 January 2001. There was strong support for a single national scheme.
- 4.4** We will therefore legislate to replace the current baseline assessment arrangements with a single national end of Foundation Stage Profile based on the Early Learning Goals. We will aim to introduce the new profile in the academic year 2002/03.
- 4.5** We will also legislate to include the Foundation Stage of Education as part of the National Curriculum and that it should apply in all publicly funded early years settings.

HOW TO CONTACT US

If you have any queries about this paper, please contact Julliett Fearon on 020 7273 6322 or e-mail: eycu.consultation@dfes.gsi.gov.uk

Please send responses to:

Calbert Williams

Department for Education and Skills

Level 2C Caxton House

Tothill Street

London SW1H 9NA

Or e-mail your response to:

eycu.consultation@dfes.gsi.gov.uk

by **7 November 2001**.

Name:

Organisation (if applicable):

Address:

Are you responding as a:

Please tick one box

Parent

Current/Former Inspector of Day Care and Childminding Services

Early Education/Day Care Provider

Member of a Governing Body

Representative of a Local Authority or Early Years Development and Childcare Partnership

Other (Please specify)

Please note that your response may be made public unless you indicate otherwise.

Would you like your response to be treated as confidential?

Yes

No

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Department for Education and Skills

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Tothill Street

London SW1H 9NA

Or e-mail your response to:

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If you wish to continue your answers to any of the questions on a separate piece of paper then you may do so. Please ensure that attachments are securely fixed to this questionnaire and that both your name and the relevant question number are displayed clearly.

You can also respond through our website at www.dfes.gov.uk/consultations

The closing date for replies is 7 November 2001.

Questions

Section 1: The role of governing bodies

Q1 We would welcome your views on the proposal that we should legislate to give governing bodies the choice to provide a wide range of family and community facilities or services.

Comments

Q2 Should maintained nursery schools be required to have legally constituted governing bodies?

Yes No Don't know/no comment

Additional comments

Section 3: Funding

Q3 Do you agree with the proposition set out in paragraph 3.1?

Yes No Don't know/no comment

Additional comments

Q4 Are there any other areas of good practice, either identified in ROG, or elsewhere, not currently enforced by legislation, that you consider should be included in a wider enabling power?

Yes No Don't know/no comment

Additional comments