

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

CHILDREN AND FAMILIES BILL

Sixteenth Sitting

Thursday 18 April 2013

(Afternoon)

CONTENTS

CLAUSES 72 and 73 agreed to.

SCHEDULE 4, as amended, agreed to.

CLAUSE 74 agreed to.

CLAUSE 75 under consideration when the Committee adjourned till
Tuesday 23 April at twenty-five minutes past Nine o'clock.

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED

£6.00

Members who wish to have copies of the Official Report of Proceedings in General Committees sent to them are requested to give notice to that effect at the Vote Office.

No proofs can be supplied. Corrigenda slips may be published with Bound Volume editions. Corrigenda that Members suggest should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Monday 22 April 2013

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY
FACILITATE THE PROMPT PUBLICATION OF
THE BOUND VOLUMES OF PROCEEDINGS
IN GENERAL COMMITTEES

© Parliamentary Copyright House of Commons 2013

*This publication may be reproduced under the terms of the Open Parliament licence,
which is published at www.parliament.uk/site-information/copyright/.*

The Committee consisted of the following Members:

Chairs: † MR CHRISTOPHER CHOPE, MR DAI HAVARD

- | | |
|---|---|
| † Barwell, Gavin (<i>Croydon Central</i>) (Con) | † Nokes, Caroline (<i>Romsey and Southampton North</i>) (Con) |
| Brooke, Annette (<i>Mid Dorset and North Poole</i>) (LD) | † Powell, Lucy (<i>Manchester Central</i>) (Lab/Co-op) |
| † Buckland, Mr Robert (<i>South Swindon</i>) (Con) | † Reed, Mr Steve (<i>Croydon North</i>) (Lab) |
| † Elphicke, Charlie (<i>Dover</i>) (Con) | † Sawford, Andy (<i>Corby</i>) (Lab/Co-op) |
| † Esterson, Bill (<i>Sefton Central</i>) (Lab) | † Simpson, David (<i>Upper Barn</i>) (DUP) |
| Glass, Pat (<i>North West Durham</i>) (Lab) | † Skidmore, Chris (<i>Kingswood</i>) (Con) |
| † Hodgson, Mrs Sharon (<i>Washington and Sunderland West</i>) (Lab) | † Swinson, Jo (<i>Parliamentary Under-Secretary of State for Business, Innovation and Skills</i>) |
| † Jones, Graham (<i>Hyndburn</i>) (Lab) | † Timpson, Mr Edward (<i>Parliamentary Under-Secretary of State for Education</i>) |
| † Leadsom, Andrea (<i>South Northamptonshire</i>) (Con) | Whittaker, Craig (<i>Calder Valley</i>) (Con) |
| † Lee, Jessica (<i>Erewash</i>) (Con) | Steven Mark, John-Paul Flaherty, <i>Committee Clerks</i> |
| † Milton, Anne (<i>Lord Commissioner of Her Majesty's Treasury</i>) | † attended the Committee |
| † Nandy, Lisa (<i>Wigan</i>) (Lab) | |

Public Bill Committee

Thursday 18 April 2013

(Afternoon)

[MR CHRISTOPHER CHOPE *in the Chair*]

Children and Families Bill

2 pm

Clause 72 ordered to stand part of the Bill.

Clause 73

CHILDMINDER AGENCIES

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I beg to move amendment 284, in clause 73, page 48, line 43, at beginning insert

'If, after a consultation period of not less than three months, and the publication of a response to the consultation, the Secretary of State is satisfied with the provisions, he may make an order so that'.

It is something of a relief to reach part 4. I hope that you will indulge me, Mr Choep, if I speak a little more widely than the specific text of the amendment, so that I can introduce common issues that are relevant to the clauses in this part.

I welcome the Under-Secretary of State for Business, Innovation and Skills, the hon. Member for East Dunbartonshire, to her Front-Bench place. My back and forth with her colleague, the Under-Secretary of State for Education, the hon. Member for Crewe and Nantwich, during debates on part 3 was friendly and constructive, but although I feel confident that we will endeavour to continue in that vein, that was primarily because we support and agree with the majority of part 3. I cannot say the same for the clauses in part 4. I feel sorry for the Minister, because she has to argue and answer for the policies and pronouncements of the Under-Secretary of State for Education, the hon. Member for South West Norfolk (Elizabeth Truss), who has responsibility for child care, even though she may not agree with them, collective responsibility notwithstanding. I know that the hon. Lady is a true professional who will follow her brief carefully, but if she wants to make any executive decisions or accept any of our amendments on the spur of the moment, while in the pulpit of power, so to speak, I encourage her to do so.

I hope that the hon. Lady realises that when I critical of "the Minister" during my contributions, I am not referring to her, but to her colleague, whom she is representing. Knowing this Minister as I do, I know that if she had been the Minister in charge of developing the proposals in this part of the Bill, she would not be in the position of facing hours of difficult and confrontational debate. I am sure that she would have consulted widely, listened to her expert advisers, and developed the policy in a far more sensible way, no doubt producing a far better raft of policies as a result. It is not in my gift to

make that fantasy a reality, as much as I would like it to be, so we are where we are. I therefore apologise to the Minister in advance: she is in for a rocky afternoon.

The availability of affordable and good-quality child care is crucial in helping parents to take up and remain in work and in boosting the life chances and development of children who benefit from it. Finding and being able to afford good-quality child care has been difficult for longer than I have been in politics, but it is telling that it was not really a political issue until the previous Labour Government decided to tackle it. Then as now, the natural Tory instinct is to leave it to the market to determine quality, price and supply, whereas Labour's instincts are to improve the life chances of all children, in particular those from disadvantaged backgrounds, and to create a more equal society in which the contribution of women in the workplace is championed. Considerable efforts and resources were put into opening up and improving child care for everyone, and we made great strides towards achieving that goal. Child care tax credits and free entitlements for three and four-year-olds widened access and reduced costs for parents, particularly those on middle incomes, while the early years foundation stage and significant supply-side investment to improve the qualifications of the early years work force and subsidise the salaries of graduate leaders have improved the quality of provision and outcomes for children across all types of early years settings. We also gave dedicated funding to schools to offer wraparound child care, such as breakfast and homework clubs, and to local authorities to provide activities during school holidays for older children.

Much of that has been lost over the past couple of years, thanks to the Government leaving parents facing a triple whammy: costs rising faster than wages and even general inflation; Government support for those on tax credits cut from 80% to 70%; and parents in some areas facing a real struggle to find places due to cuts in supply-side subsidies and direct provision, such as children's centres. The Government's response has been somewhat predictable in parts. The key measure is the tax-free child care scheme announced around the time of the Budget. That sounds great, but it will leave many families on middle incomes worse off, while greatly benefiting families with incomes of up to £300,000, or £150,000 per parent. Other attempts have been made to tinker with the structure of our child care system and staff qualifications, some of which we agree with and some of which we will discuss in later debates on this part of the Bill.

The subject of the clause is childminder agencies. I should say at the outset that I do not have a principled objection to childminder agencies, particularly if they are voluntary. What the Government say they want to achieve through such agencies is laudable: greater co-operation and peer support for childminders, as well as access to training and help with gaining business. They also intend the agencies to help parents by acting as a brokerage service. Those are all good things that make for a vibrant childminding sector, and they are what local authority childminder networks and family information services should be doing. That some are not may be down to the devastating cuts in the Department for Education grant to local authorities that previously paid for them.

Since the publication of the Bill, the Department for Education has been consulting on removing many duties from local authorities, such as providing training and quality improvement support. That is a clear sign that agencies are the Government's preferred configuration. Given that the Department has said that it will give no direct funding for agencies to provide those services, the implication is that the cost will be borne by the childminders and passed on to parents in turn. Somebody will have to pay.

Andrea Leadsom (South Northamptonshire) (Con): The hon. Lady and I work closely together on many of these issues and I have a lot of sympathy for what she says, but does she recognise, as we heard in the all-party parliamentary group on Sure Start children's centres to which she and I belong, that children's centres have the scope to become such agencies themselves? That could be a positive move for both child care providers and families and it could keep communities working more closely together.

Mrs Hodgson: I agree with the hon. Lady on that point. Children's centres becoming childminder agencies is the ideal scenario, as that would keep provision in the voluntary sector—or the public, voluntary and independent sector, as it is more formally called—and prevent what I think we fear the most, which is childminding becoming all about money and making as much profit as possible. That is why I am making the point about who pays. If money must be made, the cost will be passed on to the parents. The focus of children's centres would ensure that it was not about the money.

Lucy Powell (Manchester Central) (Lab/Co-op): I agree with the hon. Member for South Northamptonshire. The idea of networking Sure Start centres and childminders to provide a more collaborative approach is most welcome. My concern is that the Government's proposal is underpinned by the idea that the number of childminders has decreased over the past 10 to 15 years—Ministers often quote the figure of 50%—but the Committee heard in oral evidence that that was the result of a data-clearing and cleaning-up exercise. What does my hon. Friend have to say about that?

Mrs Hodgson: My hon. Friend tempts me to talk about something that I will discuss later in my speech. She is right to raise that point, and I will address it.

Childminders do not earn the kind of money that would allow them to soak up the large membership fees or commissions that a private agency might demand. The most recent child care cost survey by the Daycare Trust found that childminder fees are already increasing by an average of more than 5% year on year. Of course, cost is only a secondary issue; the real concern about the plans, which is shared by professionals and parents alike, is the effect on the quality of childminders and parental confidence in that quality when childminders are no longer inspected individually. If we want to ensure that all children are provided with high-quality, home-based care, it is vital that all childminders, irrespective of whether they are registered with an agency, continue to be inspected individually by Ofsted.

Parents value the fact that childminders have proved their effectiveness to Ofsted. A National Childminding Association survey last year found that 80% of parents thought that individual inspections were important, and 75% of parents said that they might not choose a childminder without the reassurance of an individual inspection. Childminders value that too: 80% believed that moving to an agency model of inspection would have a detrimental effect on their professionalism, and they were worried that that would put parents off using childminders.

The Minister will no doubt repeat the line that her DFE colleague has used repeatedly, mentioned by my hon. Friend the Member for Manchester Central just now, which is that the Government want to increase places but the number of childminders halved under Labour. As we heard from Liz Bayram of the National Childminding Association, now known as the Professional Association for Childcare and Early Years, that argument is nonsense. Many childminders who fell off registers when matters were transferred to Ofsted did so, because they were not actually practising or minding children; others decided to stop childminding because they did not want to perform the early educator role that is now expected of them, rather than just being a babysitting service. Basically, those childminders who are left are delivering the EYFS: they are the hard core of committed and professional childminders.

Of course we want committed and professional childminders, and we should try to encourage more into the sector. If I had been given evidence that the clause would achieve that, I would throw my wholehearted support behind it, but we do not have such evidence, and the international evidence available to us is not particularly helpful to the Government's case. In the Netherlands, for example, from where the Minister with responsibility for child care took her inspiration even before becoming a Minister, the proportion of child care providers judged to be unsatisfactory jumped from 6% in 2001 to 49% in 2008, as a result of the reforms that it put in place—reforms that the Netherlands is now reversing.

The Minister responding to this debate will no doubt also argue that signing up to an agency would be voluntary, so the Government do not need to consult anyone on whether the clause should be accepted; but even though childminders might not have to sign up to an agency, if agencies proliferate it will fundamentally change the market in which they operate, not to mention that it has the potential to create confusion among parents about which is the best model and which is backed by the Government.

We need an open and frank consultation with responses published and represented fairly by the Government. If the Minister has looked at the public reading site or read some of the memorandums that have been submitted to the Committee, such as the ones from Shirley Jenkins, Elizabeth Manning and Kay Britton, who have about 50 years of childminding experience between them, she will know that there is a significant desire among those with an interest in child care to have a say on this change. They have been denied a proper say.

Lucy Powell: I strongly support what my hon. Friend says about consultation. In the Committee, we have been collaborative and consensual on several matters

[Lucy Powell]

because much of the Bill has been subject to consultation and a draft process. However, part 4 came as a complete surprise to most people in the sector. There is so much uncertainty about what the measures would mean, and that is causing much alarm. I support my hon. Friend's call for consultation.

2.15 pm

Mrs Hodgson: My hon. Friend hits the nub of the argument. We are being confrontational and opposing much of part 4 because of the complete lack of consultation. The consultation on the Green Paper on special educational needs took nearly a year and it received a huge number of submissions; parents and professionals had plenty of time to make their voices to be heard and had meetings with two Ministers to discuss it. This measure, however, has been thrust on us and snuck into the Bill, with little time and absolutely no consultation. All those people out there are demanding and have been denied a proper say. I understand that the Minister with responsibility for child care has even taken to blocking them on Twitter. That is one place at least that we can use to hear the views of the public, and the last thing anyone should be doing is blocking people who are simply trying to give their opinion. I want to give people a proper say. The Government should want that too.

Gavin Barwell (Croydon Central) (Con): I want to correct the record on that. A constituent of mine tried to contact the Minister for child care and was blocked on Twitter, but my hon. Friend then got in touch with that individual directly by e-mail. Her view was that a much more serious dialogue on such things can be had via e-mail than via Twitter.

Mrs Hodgson: I welcome that correction. It is welcome to hear that the Minister is engaging with that person. Obviously, one cannot have much of a debate with 140 characters, although some of us try. We can have a small and quirky debate, but if we want to debate something in detail, it is better to engage in writing. That supports our argument for a consultation: we should give all the people out there a chance to engage in a more meaningful way than just with 140 characters on Twitter.

I hope that the BIS Minister will get us off to a good start and use her delegated powers wisely by agreeing to the amendment. If not, we will be forced to vote against the clause.

The Chair: Before I call the next speaker, let me say that we will have a separate clause stand part debate, when we will also consider new clauses 38 and 39. I considered whether it would be better to amalgamate all the topics, but the point about consultation is distinctive. I hope that hon. Members will confine their remarks in this debate to the issue of consultation, which is what the amendment is about, and hold back until the stand part debate to comment on the clause.

Andy Sawford (Corby) (Lab/Co-op): I will be briefer than I intended to be now, and say more about the broader policy in the clause stand part debate.

I have met with the Northamptonshire Childminding Association and others in my constituency who are concerned about the proposals. There is a strong feeling that the proposals have been rushed and that they could have been substantially improved if there had been more of a dialogue with childminders and parents, or if there had been pre-legislative scrutiny in this place as there has been for other parts of the Bill. There are significant unanswered questions that people have raised with me. People are concerned about this part of the Bill and the likely implications for them.

When the Government tell us in due course how much it will cost for an individual childminder to register with Ofsted, and when we start to understand some of those things, some of the fears of childminders may be allayed, but it would have been much better to have had the debate before introducing the proposals and rushing them forward. I am concerned that we will, as a result of that rush, have legislation on the statute book without having created an environment in which the proposals, whether one is for or against them, can succeed. In the end, I am sure that we all care about the safety of the children in the care of childminders, respect for childminders and how they are treated, and the standard of care provided. Some time should have been taken.

I hope that the Minister is prepared to remit the proposals today and provide an opportunity for proper pre-legislative scrutiny, because it is much needed.

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Jo Swinson): It is a great pleasure to serve under your chairmanship, Mr Chope. I am delighted that we have reached part 4 of the Bill and that I have the opportunity to contribute to the debates. I will be cognisant of your guidance regarding the stand part debate and pick up some of the points raised by the hon. Member for Washington and Sunderland West in that debate—I hope she will forgive me. I will restrict my remarks now to amendment 284, which would delay the making and potentially the introduction of the provisions for childminder agencies set out in schedule 4 to the Bill until after a consultation and the publication of the response to it.

Amendments to the Childcare Act 2006 made by schedule 4 to the Bill will enable childminder agencies to be registered on the existing child care register maintained by the chief inspector, and the schedule will allow prospective childminders and other providers of child care on domestic premises to apply to register with a childminder agency. The key word there is “enable”; this is enabling legislation, and there is still plenty of opportunity for consultation to make sure we get the details right, which exactly what the Government intend to do. I appreciate the intentions of the hon. Member for Washington and Sunderland West, but putting a consultation requirement in the Bill is not the usual way of doing things, and is not necessary in this case, as I hope to be able to convince her.

Andy Sawford: The Minister and I served together in Committee for the Groceries Code Adjudicator Bill, where I know she listened to the Opposition's contributions. That Bill was five years in the making, whereas for this Bill the time scale has been less than five months—it has been two or three months in the making. Does she not agree that that is a huge contrast, and that the Groceries

Code Adjudicator Bill was much the better for having had an extensive build-up—certainly, much better than this Bill will be?

Jo Swinson: I think the hon. Gentleman is on slightly shaky ground if he is suggesting that it was a good thing that the Groceries Code Adjudicator Bill took five years to come to fruition. Many campaigners would have been very happy for it to come into force earlier—indeed, it would have done had the previous Labour Government made the time for it. I am delighted that the coalition Government have been able to place it on the statute book and welcome the support of the Opposition in making sure that happened and that the Bill was properly scrutinised and improved.

I understand the hon. Gentleman's point. In an ideal world, every proposal would have huge amounts of pre-legislative scrutiny, but at the moment there are people who are finding it incredibly difficult to juggle the balance of their working lives while trying to get appropriate child care. There is a significant shortage of child care places and we need to make sure that we can address that. It is important that the Government get on with that as a matter of some urgency.

Lucy Powell: Will the Minister give way?

Jo Swinson: I will gladly give way to the hon. Member for Manchester Central, who I believe was also on the Committee on the Groceries Code Adjudicator Bill.

Lucy Powell: I was indeed, although I was slightly less pregnant than I am today, Mr Chope. On the need to improve child care provision, which is at crisis point, the feedback I get daily from parents and people in the sector is that putting these proposals on the table without any warning or opportunity for consultation has created uncertainty and thus caused more problems than have been alleviated. If the Minister is looking to resolve the problems in child care, I urge her to remit the proposals to allow for proper consultation, so as to bring people on board, rather than pushing them away as is happening at the moment.

Jo Swinson: I will shortly be outlining the Government's plans to consult and to make sure that we do exactly what the hon. Lady proposes, and get people on board. We are already consulting and are in significant discussions with key stakeholders in the industry; we intend to continue that consultation. She is quite right to say that there will be many detailed questions in people's minds about the introduction of childminder agencies; that is only to be expected when any new system is being introduced. However, we already have plans for consultation so it is not necessary to place a requirement for it in the Bill.

The number of childminders has declined in recent decades, limiting choices for parents who are trying to decide on child care solutions for their families. The affordability and availability of child care is a specific and growing concern for many working families. We need to address these issues urgently. The main purpose of clause 73 and schedule 4 is to increase the number of childminders in the market overall, by removing barriers to entry and offering an alternative to working completely

independently, so that we encourage people to join childminder agencies who might otherwise have not become childminders, make sure there is more support in the sector, and improve the quality of childminders.

Mrs Hodgson: Has the Minister any evidence that the proposals will encourage more childminders to enter the profession? If she has, will she share it with the Committee?

Jo Swinson: To some extent, we have a chicken and egg situation. Currently, the childminder agency option is not available, so we do not know exactly how many people would take it up. The task and finish group has been liaising with people in the industry, and there is some demand to some extent, particularly because childminding is one of those options that is especially valuable for parents who are looking for irregular hours or out-of-hours care. The standard hourly pattern of care in many group settings can work if someone is working regular shifts or nine to five in an office, but for many parents who work outside those hours, or who work shifts or incredibly long hours, an increase in childminders is absolutely essential to meet that need.

Andrea Leadsom: I would like to add that I have been in discussions with children's centres. This is anecdotal, but it seems that there could be a huge opportunity for children centre workers to take on extra work. Although I share the concerns of the hon. Member for Washington and Sunderland West about the policy being untested, I urge the Minister to consider the scope for bringing the policy into the community of children's centres and encourage the centres not only to act as agencies, but to provide extra work for their staff, and indeed their volunteers who might be interested in getting involved.

Jo Swinson: The hon. Lady makes a very good point. There will be a wide range of organisations that can apply to become childminder agencies, such as Sure Start centres. Even schools would be able to apply, and social enterprises might be created. In my constituency and elsewhere, groups of childminders already get together for activities with the children that they look after. In some cases, they might form a childminder agency to pool their resources and share some of the costs. Such networks could be useful, particularly if a parent has children in a nursery where the child care workers already have a strong attachment and bonds with particular children. If there were occasions when some childminding, perhaps one evening a week, was required, that might be a solution that would work not only for the parents, but for the individual employee.

The measure is an enabling piece of legislation. The details will of course undergo further parliamentary scrutiny in secondary legislation. The hon. Member for Corby referred to the legislation being on the statute book, but it is the primary enabling legislation that will be on the statute book. The details will be in secondary legislation.

On consultation, I have already mentioned that we are working with members of the sector and Ofsted through the task and finish group. That group is helping us to: consider implementation options for childminder

[Jo Swinson]

agencies, including possible operating models; develop key requirements to be placed on agencies; engage stakeholders, including parents, and promote sector awareness of and engagement in childminder agencies; and oversee and potentially participate in any trialling activity for childminder agencies. We are already looking at the details.

The Committee will be aware of the policy statement and the draft regulations that we published on 21 March. That is another opportunity for people to look at what the Government have set out and to make their contributions and comments, particularly on the draft regulations. We will test and trial different elements of, and approaches to, the agency model. Subject to further discussions with the people who have already expressed an interest in working with us, we expect the trials to start in the summer and run into the autumn. Finally, we plan to consult later this year on the key requirements to be placed on agencies in regulations, some of which were initially set out in the regulations that we published for indicative purposes on 21 March.

Lucy Powell: The Minister is being generous with her time. Much of what she is saying is reassuring. Would it not make more sense to introduce primary legislation once the trials and consultation have taken place and the draft regulations have been produced, rather than rush ahead now and look at those issues later?

2.30 pm

Jo Swinson: As I have outlined, there is a degree of urgency here. We want to get the details right—that is the rule of secondary legislation—and we will take the steps that I have outlined before the secondary legislation is introduced, so they will feed into it.

We are still developing the details of the consultation, but we expect that it will set out what agencies will be required to do regarding not only their own registration with the chief inspector, but their registration and quality assurance of childminders, and any other services that they might offer. The consultation will help providers understand the nature of the services that agencies may offer, and it will help the child care sector understand the matters that a prospective agency will be expected to demonstrate to Ofsted in an application for registration. Our discussions with the sector, the agency trials and the consultation will inform the details of the secondary legislation.

In response to the points that have been raised, the regulations setting out the requirements for agencies will, of course, be subject to parliamentary scrutiny, so Parliament will have further opportunity to look at the details of the proposals. The amendment is not necessary, and I hope that, with that reassurance, the hon. Member for Washington and Sunderland West will be convinced about withdrawing it.

Mrs Hodgson: I listened to the Minister with interest, but the Opposition are not convinced.

Andy Sawford: Less convinced now than before.

Mrs Hodgson: We are even less convinced than we were. So much will still have to be addressed over the coming months by the task and finish group. The

Minister mentioned that the Government will consult on key requirements in the autumn. That is putting the cart before the horse, because it would have been better for the consultation to take place first. I am sure that the Government could have introduced the legislation in another Bill during the next Session.

We all understand how urgent it is to sort out the child care situation in this country, but part 4 will not be the solution. We are encouraged by some aspects of the Bill, which show that there are opportunities. For example, the hon. Member for South Northamptonshire talked about using children's centres in a more holistic and fundamental way to help with child care, but the measure as it stands will not do any of that. The Minister cannot cite any evidence to suggest that it will. She is merely crossing her fingers, testing which way the wind is blowing and thinking, "Well, this might work." As I mentioned in my opening remarks, the evidence from the Netherlands proved the opposite. We should not make legislation without having a consultation first, and without any evidence that the legislation will work. I do not, therefore, feel that I can withdraw the amendment, and I will press it to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 10.

Division No. 5]

AYES

Hodgson, Mrs Sharon	Reed, Mr Steve
Jones, Graham	
Powell, Lucy	Sawford, Andy

NOES

Barwell, Gavin	Milton, Anne
Buckland, Mr Robert	Nokes, Caroline
Elphicke, Charlie	Skidmore, Chris
Leadsom, Andrea	Swinson, Jo
Lee, Jessica	Timpson, Mr Edward

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

New clause 38—*Staff to child ratios: Ofsted-registered childminder settings—*

(1) This section applies to Ofsted-registered childminder settings.

(2) The ratio of staff to children under the age of eight must be no less than one to six, where—

- a maximum of three children may be young children;
- a maximum of one child is under the age of one.

(3) Any care provided by childminders for older children must not adversely affect the care of children receiving early years provision.

(4) If a childminder can demonstrate to parents, carers and inspectors, that the individual needs of all the children are being met, then in addition to the ratio set out in subsection (2), they may also care for—

- babies who are siblings of the children referred to in subsection (2), or
- their own baby.

(5) If children aged between four and five years only attend the childminding setting outside of normal school hours or the normal school term time, they may be cared for at the same time as three other young children, provided that at no time does the ratio of staff to children under the age of eight exceed one to six.

(6) If a childminder employs an assistant or works with another childminder, each childminder or assistant may care for the number of children permitted by the ratios specified in subsections (2), (4) and (5).

(7) Children may only be left in the sole care of a childminder's assistant for two hours in a single day.

(8) Childminders must obtain the permission of a child's parents or carers before that child can be left in the sole care of a childminder's assistant.

(9) The ratios in subsections (2), (4) and (5) apply to childminders providing overnight care, provided that the children are continuously monitored, which may be through the use of electronic equipment.

(10) For the purposes of this section a child is—

(a) a “young child” up until 1 September following his or her fifth birthday.

(b) an “older child” after the 1 September following his or her fifth birthday.’

New clause 39—Staff to child ratios: Ofsted-registered non-domestic childminder—

‘(1) This section applies to Ofsted-registered, non-domestic childcare settings.

(2) For children aged under two—

(a) the ratio of staff to children must be no less than one to three;

(b) at least one member of staff must hold a full and relevant level 3 qualification, and must be suitably experienced in working with children under two;

(c) at least half of all other members of staff must hold a full and relevant level 2 qualification;

(d) at least half of all members of staff must have received training in care for babies; and

(e) where there is a dedicated area solely for children under two years old, the member of staff in charge of that area must, in the judgement of their employer, have suitable experience of working with children under two years old.

(3) For children between the ages of two and three—

(a) the ratio of staff to children must be no less than one to four;

(b) at least one member of staff must hold a full and relevant level 3 qualification; and

(c) at least half of all other members of staff must hold a full and relevant level 2 qualification.

(4) Where there is registered early years provision, which operates between 8 am and 4 pm, and a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is working directly with the children, for children aged three and over—

(a) the ratio of staff to children must be no less than one to 13; and

(b) at least one other member of staff must hold a full and relevant level 3 qualification.

(5) Where there is registered early years provision, which operates outside the hours of 8 am and 4 pm, and between the hours of 8 am and 4 pm where a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification is not working directly with the children, for children aged three and over—

(a) the ratio of staff to children must be no less than one to eight;

(b) at least one member of staff must hold a full and relevant level 3 qualification; and

(c) at least half of all other staff must hold a full and relevant level 2 qualification.

(6) In independent schools where—

(a) a member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification;

(b) an instructor; or

(c) a suitably qualified overseas-trained teacher is working directly with the children, for children aged three and over—

(i) for classes where the majority of children will reach the age of five or older within the school year, the ratio of staff to children must be no less than one to 30;

(ii) for all other classes the ratio of staff to children must be no less than one to 13; and

(iii) at least one other member of staff must hold a full and relevant level 3 qualification.

(7) In independent schools where there is—

(a) no member of staff with Qualified Teacher Status, Early Years Professional Status or other full and relevant level 6 qualification;

(b) no instructor; or

(c) no suitably qualified overseas-trained teacher, working directly with the children, for children aged three and over—

(i) the ratio of staff to children must be no less than one to eight;

(ii) at least one member of staff must hold a full and relevant level 3 qualification; and

(iii) at least half of all other members of staff must hold a full and relevant level 2 qualification.

(8) In maintained nursery schools and nursery classes in maintained schools (except reception classes)—

(a) the ratio of staff to children must be no less than one to 13;

(b) at least one member of staff must be a school teacher as defined by subsection 122(3) [Power to prescribe pay and conditions] of the Education Act 2002 and Schedule 2 to the Education (School Teachers' Qualifications) (England) Regulations 2003; and

(c) at least one other member of staff must hold a full and relevant level 3 qualification.

(9) The Secretary of State may make provision in statutory guidance to—

(a) define qualifications as “full and relevant”; and

(b) define “suitable experience” for those working with children under two.

(10) If HM Chief Inspector of Education is concerned about the quality of provision or the safety and well-being of children in a setting he may impose different ratios.’

Mrs Hodgson: I am grateful to you, Mr Chope, for selecting these two new clauses to be debated in relation to clause 73. They are a natural fit, because alongside the introduction of childminder agencies, the proposals to relax staff to child ratios in child care settings are the most controversial among the Government's raft of already controversial child care policies.

A couple of weeks ago, during recess, I held a listening event in Washington in my constituency. The strength of opposition to the changes from child care providers, parents and grandparents and other experts was surprising, even to me. The same was true when I attended a similar event organised by childminders in Twickenham back in January. Everyone in those two rooms, including

[Mrs Hodgson]

private nursery providers, parents, grandparents and childminders, was united. One might think that the private nursery providers would welcome the chance to pay themselves a bit more, but the mood was unanimously, 100% against. Be it in the industrial north or the leafy south, the policy is universally opposed.

Parents feared that their child's experience would be significantly worsened, and providers had concerns around the logistical and safety ramifications of it all. What happens on day trips, or if the fire alarm goes off, if someone is looking after more babies than they can possibly carry and more toddlers than they can possibly herd on their own to safety? All the attendees feared that the proposal would lead to a two-tier system, with better-off parents able to place their children with providers with good ratios while other families would be stuck with what one person described as the Asda "Smart price" nurseries.

The child care professionals there all said that they would not be increasing their ratios, but they feared that the larger chains, perhaps specifically those run by financial managers rather than people with child care experience, might do. I wonder whether that is why Busy Bees—despite being cited repeatedly by the Department as a supporter of loosening ratios—has now come out and said that it will not loosen ratios at its nurseries.

As I said, the Government were able to quote a handful of people in support of the proposals, and no doubt we will hear about those from the Minister, but perhaps it might be helpful to the Committee if I take a little time to put on record some of the opposition to increasing ratios from the rest of the sector.

Neil Leitch from the Pre-school Learning Alliance, whose survey of its members found that 94% did not believe that they would be able to maintain the quality of their current level of provision if staffing levels were reduced, said:

"We are absolutely appalled by this fixation to alter ratios, despite the fact that those working in the sector are universally opposed to the proposal. This is a recipe for disaster."

Purnima Tanuku of the National Day Nurseries Association said:

"At the moment there is an option that nurseries can operate a 1:13 ratio for over threes, if a person with a Level Six (degree level) qualification is working directly with the children. However, few nurseries take up this option, largely because it is not practical for one person to meet the needs of 13 children doing the type of activities most nurseries offer."

That was echoed by the private nursery managers who came along to the listening events I talked about. They suggested that it can often be a struggle to provide quality care when operating at the current ratios of 1:8.

June O'Sullivan, chief executive of the London Early Years Foundation, which also runs the nursery in the Houses of Parliament, said:

"It beggars belief that a junior Minister can wreak havoc on a sector that has explained the negative consequences of her actions."

Dr Eva Lloyd of the university of East London who, along with Professor Helen Penn, was commissioned by the Department to advise on child care practice around world, but whose report is being sat on by the Department said:

"The ratio relaxation is unlikely to reduce childcare costs, but may well drive down childcare quality."

Professor Cathy Nutbrown, whose excellent report on qualifications in the sector was manipulated by the Government to argue for relaxing ratios, said recently:

"Current proposals will shake the foundations of quality provision for young children. Watering down ratios, regardless of the level of qualifications held by staff, is likely to lead to worse, not great childcare, and will undermine intentions to provide quality early learning experiences."

Finally, the chief executive of the National Children's Bureau, Dr Hilary Emery, said that

"there are widely held fears that allowing providers to take on more children, in the same space with the same number of staff, could put children's welfare at risk and won't necessarily save parents any more money."

That comment followed a survey of child care providers and professionals which found that 95% of respondents do not want ratios relaxed for children aged two and under—a survey which the Department dismissed as "unscientific". Unscientific it might have been—who knows—but at least the NCB and others are asking parents and professionals what they think and are taking their positions on that basis. That is certainly not something we can accuse the Under-Secretary of State for Education, the hon. Member for South West Norfolk (Elizabeth Truss) of doing.

Of course, the number of staff is not the be-all and end-all. That is why we invested so heavily in training to improve qualifications and in subsidising the salaries of graduate leaders to drive up the quality of practice. The Minister will no doubt say that ratios can be relaxed only where there are members of staff with a certain level of qualification. However, with the best will in the world, Mr Chope, no matter how qualified you are, you only ever have a maximum of two arms and two eyes and one mouth. The Minister will probably also say that we currently have ratios of 1:13 in certain settings such as nursery schools, but she will also know that that is rarely used, and, where it is, there are generally one or two assistants or other members of staff in the room who can help out that teacher.

The Minister is certain to say that the Government simply want to bring us in line with our European neighbours, despite the fact that many of those European countries look jealously at our ratios and the quality of provision they afford. Once again, this comes down to whether the Government are prepared to listen. They might be consulting, but they are consulting on how to do it, rather than whether to do it, so it is not really a consultation at all. That means they are not listening to the weight of professional and expert opinion, even when they have commissioned those experts themselves. They are certainly not listening to the tens of thousands of parents and professionals who have signed up to the petitions and campaigns which have sprung up against these plans.

The Opposition are listening, Mr Chope, and we have tabled these new clauses in an attempt to halt the Minister in her tracks, and to protect the quality of

child care that our children deserve. We want to ensure that, as far as possible, children get the best possible experience while they are in child care settings, including the right level of bonding, interaction and communication with their caregivers. I know that the hon. Member for South Northamptonshire would be particularly keen to see that, as she knows how vital it is, especially in the precious nought to two period.

Most importantly, we have tabled these new clauses to ensure that safety in our nurseries and with childminders is maintained. There can be no justification for putting those things at risk, so I hope that the Minister will accept the new clauses. If she does not, I hope that Government Members, who no doubt have constituents who are strongly opposed to loosening ratios, will join us when we press this to a vote.

2.45 pm

Andrea Leadsom: I have a lot of sympathy with what the hon. Lady said. However, I regret that she tabled the amendment because there is a consultation under way, and the Under-Secretary of State for Education, my hon. Friend the Member for South West Norfolk, who is not present, gave me her absolute assurance that she is open minded about this issue and that these provisions are a package. I want to argue in her favour. I will come on to talk about the under-twos, but in general, as I understand it, this package aims to improve not just the qualifications, such as maths and English GCSEs, but the ability of child minders and nursery workers to look after the children in their care.

Sadly, we all know from our respective roles in volunteering—as I know from my role as chairman of the all-party group on Sure Start children’s centres, and from my many years’ work with parent-infant partnerships, which help struggling families to bond with their babies—that there is a real issue at the moment. Many people in the child care sphere, through no fault of their own, lack empathy skills and the ability to meet the attachment, educational and stimulation needs of the children in their care. Obviously we have a fundamental preference for “parents know best”, and when we put our children into the care of professionals, we need to know that those professionals will do a similar job.

The hon. Member for Washington and Sunderland West and I share a passion for the critical under-two period, and I am arguing strongly with my hon. Friend the Minister that we should not change the ratios for under-twos. As the hon. Lady says, a person has only one pair of eyes, one mouth and two arms. Babies under two need to be hugged, handled, loved, kissed, told they are beautiful and things like that. That cannot be done if there are lots and lots of them. So I share the hon. Lady’s concern.

I have a lot of sympathy with what my hon. Friend the Minister is trying to do to improve the overall quality of the child care work force. It is not just about the level of academic qualification—although that is part of it—but the general professionalism. She is creating the early years educators, which will be the junior qualification for nursery workers, who will be able to take on a job as an apprentice, for example, and continue as a nursery worker while developing that level of professionalism. The consultation is ongoing about what sort of requirement should be demanded of the job. It is

incredibly important that it involves something about empathy skills, an understanding of attachment, and so on, and is not just about whether a person can do their times tables or whatever.

The early years educators, which will professionalise those who look after our beloved children, is absolutely key, and the early years professional—the senior qualification brought in by the previous Government—is extraordinarily valuable. As with everything in life, a person is only as good as the least member of their team. So the whole team must be qualified, not just so that they are intelligent enough to create fun play and stimulating actively, but so that they are empathetic enough to understand that when a young child has hit their head and wants mummy they need a hug, not to be told to read quietly in a corner. Empathy skills are as important as academic qualifications.

These provisions are a whole package. The ratios are a part of it, but so too is professionalisation. I do not want to demonise the child care work force, the vast bulk of which does a truly tremendous job, for which all of us as parents have at some time been grateful—or will be grateful, in the case of the hon. Member for Manchester Central. Nevertheless, we can always improve it and do more to enhance its quality.

Mrs Hodgson: I am listening intently to the hon. Lady; she has great expertise in this area. I agree that we could be talking about the quality of the qualifications and whether they should include such things as empathy and the understanding of attachment theory. That is an area that I am very interested in being involved in. At the crux of our opposition to these provisions is the ratios, which I have not heard discussed. When the Minister talked about raising the level of qualification, she mentioned such skills as literacy and numeracy, which is right in its own way. We want the work force to be as qualified as possible, and we were ensuring that. If we were to do that without messing with the ratios, that would be good, but that is not what is happening.

Andrea Leadsom: I accept what the hon. Lady says, but this is a package. We are enhancing the work force, and we are saying that that means we can allow the ratios to change. It is not an obligation but an opportunity to have a higher ratio of children to carer. As my hon. Friend the Minister with responsibility for child care put it to me, child care settings may not choose to take advantage of the ratios, but may do when it comes to providing cover for lunch or illness or whatever. It may give them enhanced flexibility. I do not want to put words in the Minister’s mouth—I am recounting private conversations, and she will no doubt make me pay for that later—but we are talking about a consultation. I felt I needed to speak, because the hon. Member for Washington and Sunderland West will be wondering why I am not sitting with the Opposition on this issue. I certainly do sit with her on the issue of the ratios for the under-twos. As far as I am concerned, that is a drop-dead point. People have only one pair of arms, and babies need a lot of hugging—a point that we will come on to when we consider an amendment that she and I have co-signed.

In terms of the overall enhancement of the quality and capacity of the work force, the ratios try to be the carrot. We are saying, “If you can enhance quality, you

[*Andrea Leadsom*]

can also have more flexibility.” It is not an obligation; it is about flexibility. We are in a consultation, and I hope that Opposition Members will feed into that consultation, as I am doing on the Government side, and make their views clear.

Lucy Powell: It is a pleasure to serve under your chairmanship, Mr Chope. I declare a small interest at this point, because I am obviously about to embark on the use of the excellent child care services in the House of Commons. I recommend that hon. Members who want to understand those services better visit the nursery.

As well as discussing ratios, I want to mention a wider point about childminder agencies. It could almost look contradictory that the Opposition have tabled new clauses that deal with a matter that is under consultation while also asking for consultation on childminder agencies. I would like a separate child care Bill that deals with both issues, because we need a consultation on childminder agencies, but much work needs to be done before we are ready to bring forward legislation on that issue. As we heard in the excellent speech by my hon. Friend the Member for Washington and Sunderland West, the relaxation of ratios causes much concern. I would be particularly concerned—this is why the new clauses are important—if, later in the Bill’s progress, the Government tabled amendments relating to ratios, which are part of their proposals, without not only appropriate consultation with the sector, but the scrutiny given by the Committee and in other processes of the House. There is no contradiction. We need to look at the issues as a whole.

As the hon. Member for South Northamptonshire said in her excellent contribution, we are dealing with a package, so it is important that we look at ratios alongside agencies, quality and the whole range of issues that the sector faces at the moment. We need both sides of the House to come to a consensus on how we drive up quality in the sector, which is so important, and we need to examine costs and how we can help families to meet them. Those two issues are acutely important at the moment.

On the agency proposals in this part of the Bill, I would welcome something more in line with what was outlined in oral evidence by Sue Gregory from Ofsted and advocated by the hon. Member for South Northamptonshire: children’s centres and others should work together collaboratively to drive up quality and standards, and to support each other in a networked way. I hope that the Government, whatever happens in the vote, will take on board those points and ensure that we are looking at that when the secondary legislation and regulations around this area are brought forward.

There is huge opposition to relaxing the ratios, as has been pointed out. I can find no support for the proposal at all. Parents are opposed. Mumsnet found that 94% of parents are happy with the ratios and do not want a change. As we heard, child care providers are overwhelmingly opposed. When I raised the issues in the House, the Minister for child care suggested that Ofsted was in favour of the relaxation of ratios. As members of the Committee may recall, I tried to raise that with Sue Gregory in the oral evidence sessions, and I raised it again in writing afterwards. She wrote back to explain that Ofsted was neither in favour nor against

the relaxation of ratios. It does not see that as being within its remit; it is a matter for Government. I would be grateful if the Minister could explain how Ofsted supports the proposal. There is no support, and there is little evidence that the change will have any impact at all on cost.

Chris Skidmore (Kingswood) (Con): On the second issue—I am not an expert on it and I do not have a vested interest, because I am not a parent—I looked at the BBC News website to gather a range of views. We all know that the BBC is an absolute arbiter of impartiality. These quotes have not come from a Conservative central press office briefing. Ros Marshall, chief executive of the nursery group Kidsunlimited, said:

“Relaxing staff ratios will ultimately offer nurseries a degree of flexibility to focus on the best qualified staff and highest standards of care”.

I am being selective; I admit that there are others who are against. Ben Black, director of My Family Care, is also supportive. On the BBC News website there are people who are supportive of the ratio change.

Lucy Powell: I thank the hon. Gentleman for his intervention and for outlining some quotes, but, respectfully, perhaps he needs to get out in the sector a little more, because people in the sector are overwhelmingly opposed to the proposals. My hon. Friend the Member for Washington and Sunderland West gave a number of examples, and I could give 20 or 25 more. I will not take up the Committee’s time by mentioning all the organisations that are opposed.

Bill Esterson (Sefton Central) (Lab): The people I speak to in the sector agree with my hon. Friend on this point. If the hon. Member for Kingswood spoke with providers, he would find that it does not matter how well qualified someone is, or how good the setting is, because they have only one pair of hands to deal with a number of very small children and babies, who have great needs. If they are all in great need at the same time, that person is in trouble.

Lucy Powell: I could not agree more with my hon. Friend. The Opposition would welcome a further drive to continue the work we did in government to increase qualifications and pay, so that we make child care a job that more people with more qualifications want. Those qualifications have to be around the job; it is not about whether someone has a GCSE in maths. The other day, I asked some of the excellent workers at the House of Commons nursery how many of them had a GCSE in maths. None of those working at the nursery have that qualification, yet they are absolutely excellent nursery workers, who provide the attachment, empathy, love, care and education needed not only by my children, but by the other children at that nursery.

Mrs Hodgson: Is my hon. Friend, like me, afraid that a demand for GCSEs, particularly in English and maths, could deter some excellent people from entering the child care profession? Should we look more at an equivalence route? I know that we have moved away from that, but we should not deter those who would be excellent in the child care realm from entering the profession.

Lucy Powell: I agree. We are missing a trick if we think a GCSE in maths is what a six-month-old or 12-month-old baby left apart from his or her mother needs. They need a hug, some love, looking after, their nappy changed, and so on.

Andrea Leadsom: In fairness, the point about GCSEs is more about giving status to the profession. As we have seen over many years, for example, the social work profession has been looked down on, despite the valuable job it does. That is not right. This is an attempt to raise the status of the profession, as much as being about the qualifications someone has.

3 pm

Lucy Powell: I agree with the hon. Lady on that point. I just think that those qualifications need to be fit for purpose. We can drive up qualifications and status in the sector without necessarily putting barriers in the way of people who otherwise would bring all of the qualities looked for in this sector. They may not have done so well academically, but that does not mean that they are not excellent nursery workers.

There is little evidence that the measure will do what the Government would like it to do. We often hear the Dutch model quoted. Some of the organisations that I have spoken to understand that a report of a longitudinal study from Holland, due in the next few weeks, will show that there has been a significant worsening of the quality of the physical environment, as well as much-impaired responsiveness of staff, in terms of child interaction. We really should look at the evidence from abroad.

I have previously raised the issues with the Minister for child care, who often talks of the French model. I recently spoke to some care providers who had been to France to see what impact that model had had on child care provision. They spoke alarmingly of children being put down to sleep for four or five hours every day, as that was the only way the nursery workers could cope with the number of children in their care. That is perhaps a cultural issue in France, where there is the siesta model. However, I would be very concerned if that model came to be used here, and children were sleeping for hours on end.

There is no support and no evidence. There is also the issue of whether we are looking at cost or quality. As has been said, at the end of the day, a person has only one pair of hands, and can change only one nappy, or give one hug, at a time. To loosen the ratio in this way would be retrograde. I implore the Government to think again, and not only take on board what we say but look at all the issues in the round—agencies, ratios, cost and care. I ask them to come forward with an holistic set of proposals that addresses the needs of parents.

Andy Sawford: It is a pleasure to follow my hon. Friend, who has obviously done her homework, and has contributed some good evidence and information from the UK and abroad. Mine has been a more local consultation with people in my constituency and local organisations.

If this measure is to succeed, it is incredibly important that there is support from the childminding profession. That is why we are concerned. We have debated in part

concerns about the way the proposal has been brought forward. When introducing enabling legislation, it is necessary to have a clear vision of what is to be achieved. There seems to be a contrast between the way that this proposal has been brought forward and earlier parts of the Bill. While we may disagree on parts of the Bill around special educational needs, the Under-Secretary of State for Education, the hon. Member for Crewe and Nantwich, was challenged in detail on how measures would work in practice, and he was able to respond to the detail of those challenges. Clearly, that aspect will be substantially missing in this case, which is disappointing. I am sure that the Under-Secretary of State for Business, Innovation and Skills, the hon. Member for East Dunbartonshire, will do a perfectly adequate job, but something will be missing, in terms of the Minister responsible having been challenged, asked questions to think about, and developing proposals around that. That is a real shame.

The Northamptonshire Childminding Association is, in my view, an example of good practice, and I think that it is recognised as such by the Department for Education. Some of its members participate in national groups that inform policy. It is run by a voluntary board of 10, and it is a charity that has excellent partnerships with not only the childminders that they work with, but the local authority. Recently, I met Elaine Pitteway, the chief executive, to talk through the proposals. She is a constructive character who has been involved with the Government, and she tried to give a balanced view, but as I asked questions, I became more and more concerned about the proposals' implications for standards and costs.

I went to investigate. I visited childminders and went to Studfall nursery, an excellent day nursery in my constituency, and I asked a range of questions. I intend to put some of those questions and challenges to the Minister and I hope that, in not only this debate, but during the course of the afternoon and in subsequent sittings, we may hear more.

The first question is about the type of care that will be provided to children, and the contrast that there may be between those cared for by childminders who work through childminder agencies and those cared for by independent childminders. One childminder I spoke to said, "I am a friend of the family. I know this family. They trust me. I have a real relationship with the children, and it is the same with other children that I have looked after. I follow their progress in life and care very much about them." To have that confidence in childminders is incredibly important for parents; my children went to a nursery, and when I dropped them off I never had any doubt that the people who met me at the door knew my children—their quirks, their likes and dislikes, and how to handle them. They were people that I could rely on to look after my very small children—the most precious thing to me in the world, as they are for any parent—for the day.

The hon. Member for South Northamptonshire talked a little about the nature of the relationship between childminders and small children that we would certainly want to see, but the childminder agency concept could weaken that personal relationship, not because the childminders or agencies would not have the best of intentions, but because the model will be different. For

[*Andy Sawford*]

example, on the consistency of care, will parents know, when they engage a childminder through a childminder agency, that it will be the same childminder, as far as possible, who cares for their child over time, as it is in the case of an independent childminder? How will the business model work? If I were running a childminder agency—I have run a small business—I guess that I would have a timetable of clients, or children, across a week. I would then want to know when my childminders were available and slot that into a timetable, because that would be the most efficient way to run a business. That is the way that social care is now run.

The most worrying part of the conversation that I had was when I was told that childminding could become like social care. I think that we would all agree that our social care system could be much better. We do not need to debate the politics of that today, but it is instructive, in terms of how childminding could work. My nan receives social care. She has three home visits a day, and she never quite knows who will turn up at the door. We certainly do not want that situation with children, as it is even more important for them than for older people that they have a trusting relationship with the person who provides their care. That consistency of care matters a great deal.

Child care is not like getting your house cleaned by Molly Maid; it is not like a commercial, transactional, generic service, where there would be a different set of concerns about quality and safety—concerns that are rightly there when procuring any service. Childminding is unique in terms of the importance of the relationship between the child and the childminder, and the confidence that can be had in that relationship.

Bill Esterson: My hon. Friend makes an important point in his comparison of child care and social care. The Select Committee on Education visited Holland a few months ago. We asked the Dutch for their assessment of how their system operates, and they were looking to learn from us. Their conclusion was that they wanted to move more towards the British system, in which education is a key part. The difficulty in Holland is that their system is very much based around both health and social care; that is the predominant approach to early years. They understand now that there needs to be a balance between that and early years learning. I just wanted to reinforce my hon. Friend's point along those lines.

Andy Sawford: It is interesting to hear views from countries that are held up as examples by those seeking to introduce the changes. There are concerns about the models that they operate.

Andrea Leadsom: I intervene challenge the hon. Gentleman. My understanding is not that there is a proposal for an agency to become the body with which a parent interacts, or that the parent just gets whatever childminder is available. The hon. Gentleman might inadvertently be frightening people. The idea of a childminder agency is more linked to that of a recruitment agency. It is through the agency that someone finds a childminder. It is not that the agency becomes the provider and allocates people around the houses. I am

concerned that he has misunderstood the purpose of the proposals, which is to give an introduction to, rather than create, a provider of child care.

Andy Sawford: If I have misunderstood, then so have many people in my constituency.

3.11 pm

Sitting suspended for a Division in the House.

3.26 pm

On resuming—

The Chair: We must continue with the debate. Andy Sawford was delighting us with his remarks.

Andy Sawford: Thank you very much, Mr Choqe. I had just taken an intervention from the hon. Member for South Northamptonshire, who accused me of scaring people about these proposals. Having been in this place only a short time, I have learned that there is a code. The accusation of scaremongering tends to make me even more alarmed, because it is often made when a Member is absolutely on the money, as was the case with my concerns about local health care in my constituency, of which the hon. Lady will be aware.

In this instance, I do not doubt the intention of any Member involved in this debate or in introducing these proposals—certainly not the hon. Member for South Northamptonshire—to ensure that children receive the best possible care. We all want to see that. The issues are the lack of clarity about how the proposals will work in practice, the very real concerns that my constituents have, and relating how we would hope childminders care for our children to the business model. When I talk about the business model, I hope that the hon. Lady will understand a little more about why I, and the people with whom I have spoken, fear that the only way the proposals will work is by the increased commercialisation of these businesses—for example, scale, marketing and so on, and people having to contract with agencies—unless the Minister can enlighten us about how the business model will really work in terms of who will pay.

Let me talk a little about that. We have concerns about quality. We all agree it is important that the best quality child care is provided to children. The assurance given by the Government when introducing these proposals was that inspection will continue, that it will happen through the childminder agencies where people work through such an agency, and that in that way they will seek to maintain standards. However, we do not know what form the inspection will take. I want to ask some genuine questions, to which the Minister may or may not be able to give us an answer today. Will it be for agencies to decide on standards? My current reading is that it will. Will there be a common framework for standards across the childminder agencies? I would certainly see that as being desirable.

A critical issue is understanding childminders as a profession. In terms of the childminders I meet as constituents or personally, my experience has generally been good. It is a profession where people are absolutely committed to what they do and have a real passion for it. They seek to develop their skills over a long time in the profession; many people dedicate a lifetime to working as childminders. They care very much about giving the

best quality care, and at the moment they are paid very poorly. It is a demanding job that nobody would do simply for the money; people do it because they are passionate about giving good quality care. I am concerned that that might change in a commercial business model.

A childminder agency will have an interest in being seen to provide good quality, and it will be inspected, but we do not know how the inspection will work. One way in which an agency might make the sums add up in the business model is to pay people less, and to take on people who are less qualified and less skilled. An agency might employ people who transition in and out of the profession, unlike the current pattern of employment in the childminding profession. That is a perfectly legitimate concern, and I hope, in the spirit of the comments of the hon. Member for South Northamptonshire, to be assured that that will not happen. At the moment, however, those questions remain.

In the business model, who will pay? Will it be the childminders? Will it be the parents? How much will it cost to register with a childminder agency? Will an agency pay people to register, because its business model functions so well that it wants to take people on to its books, or will a childminder pay the agency? I assume that it will be the latter. If so, how much will it cost to register? I ask because that clearly relates to the end cost to users of child care. Will parents end up paying the additional cost involved when a childminder works through an agency compared with working as an individual? How transparent will that additional cost be for parents?

A crucial question for childminders is how much it will cost them to register with Ofsted if they choose not to work through an agency. Ofsted states that every person who registers with it costs it about £1,000, so under the new model we might expect an individual to have to pay at least that if they choose to register with Ofsted. Why do the Government think that the proposals will reduce costs, and for whom? I can see that the new system will reduce the Government's costs. If every registered childminder costs Ofsted £1,000, and Ofsted no longer carries out its current role to the same extent—individual registration, for all we know about the level of fees, might be self-funding, or even profit making—the new system will save it some money.

During the past month, the Government have been carrying out a live consultation on the changing role of local authorities in child care. The Government envisage that local government will have a limited role in the lowest-quality setting. Currently, local authorities have a range of roles, some of which are formal and some of which are informal. Those extend to a clear role in safeguarding, which we all think is important, a role in special educational needs—we have discussed that extensively in this Committee—and a role in early intervention. The Government have introduced some early intervention initiatives, and we all agree that it is an important area. Those roles often form the basis of partnerships around the country, particularly where there is good practice. In Northamptonshire, for example, the Northamptonshire Childminding Association works closely in partnership with the local authority to deliver those roles. Given that the Government envisage a very limited role for local authorities in the lowest-quality settings, there will clearly be a saving for the council.

There will be a saving for the council and a saving for Ofsted, but how will the business model deliver a saving for parents? Will the agencies be benevolent societies? Will they be funded by wealthy backers, such as the Bill and Melinda Gates Foundation, so that they will not have to pay their bills, or will they—I am quite sure that this is the Government's intention—be self-financing? I have seen no information to suggest that agencies will receive any direct subsidy to help them fulfil their role. To try to make the proposals stack up, the Government have talked a lot about quality and safety, and they have set out various roles for the childminder agency. One good example is that the childminder agency will be responsible for 20 hours of contact time between the agency and the childminder. That is the equivalent of around seven home visits a year that the agency will have to carry out to the childminder. That comes very expensively. Who will ensure that the costs can be met for that?

The Government envisage that children's centres could be agencies. If they have 20 childminders on their books, how are they going to be able to take on the roles required, unless, as we can only assume, the parents and childminders pay more to enable those roles to be carried out?

The Government say there will be some savings. Consistent with their philosophical outlook and view of the benefits that the private sector and market can bring, they say the market works efficiently and can deliver savings. It is true that there can be savings through procurement, but those rely on scale.

That brings me back to my concern about the model we are looking at, moving from a strong personal relationship between childminders and children to something commercial and increasingly on a large scale. We could have a Tesco-style childminding service in order to achieve the savings through procurement needed to meet the costs of the roles set out for the childminder agencies that are rightly there to guarantee quality. For those reasons we should have had proper pre-legislative scrutiny, so that we could all understand the issue.

There was a local consultation about procurement savings by the Department for Education in my area of Northamptonshire. Childminders asked what savings were envisaged. The only example that the Department could give was the bulk buying of nappies. That is a pretty lame example in itself, but I have never used any kind of childminding or nursery service where people did not bring nappies in the first place. That shows a complete misunderstanding of how childminding works and lack of thought about how to deliver savings to meet the costs that an agency will have to take on.

Who will take on the role of being an agency? We have heard a little about children's or centres or schools. I do not think that is going to work, because of the additional roles that they will have to perform, unless a huge cost is placed on parents. The Government elsewhere—the Minister for Women and Equalities, for example—have launched start-up grants for childminders. That is a welcome innovation.

There is the ABC Pathway programme—£120 million of work in children's centres helping parents there to become childminders. I have met many at the children's centres in my constituency who have become childminders through their relationship with the children's centre,

[*Andy Sawford*]

developing a job and career out of that. It is run by Barnardo's and the Professional Association for Childcare and Early Years and seems to be a good programme. How does that fit with a model now of pushing childminders into agencies?

I hope we will hear substantial reassurances about how this measure will work, and that we will get an understanding of the Government's vision, to a point where it will be responsible of the Committee to support incredibly important enabling legislation that will affect the lives of children in this country.

I want to touch briefly on the ratios. Many of the points I wanted to make have been covered well by my hon. Friends. I have visited lots of nurseries and, during the Easter recess, I went to Studfall day nursery, which is a great facility. Like the nursery my children attended, it is a family-run business—which is part of its character—that operates like an extended family for the parents and children who use those excellent small nurseries. I saw the children in small groups working with care providers engaged in a range of activities in a well set out facility with plenty of space and different areas to stimulate the children. Typically the children were in one-on-one contact, for example, reading, or they were in smaller groups. In some cases they were in larger groups. There was also an excellent display with a big whiteboard. A child does not need to have one-to-one care all of the time, but there needs to be an appropriate level of childminders to the number of children who are in the nursery. That is the critical issue and my concern about ratios.

I put the ratio issue to the childminders I met and the people in the day nurseries. They understand the point about qualifications, but they also reminded me that they have qualifications and they are willing to gain additional qualifications. However, if we are trying to create something based on, for example, a school model, we are thinking about this in the wrong way, particularly for the youngest children. We all know that very young children need to be given a lot of attention.

In my view the ratios proposal is wrong. People who work in nurseries in my constituency fear that while they are trying to do the best they can in terms of the quality of care they provide, because the proposals will lead to larger chains coming into the market, working to different margins with these higher ratios, they will either be forced out of business or will themselves have to change the way that they operate, their values and the ratios between them and the children.

Lucy Powell: On that point, to update my hon. Friend and others, I have just received the latest figures on the Childminding Forum's petition against the Government's ratios. So far, 33,845 people have signed that petition so I hope that the Committee will agree that that shows the level of opposition to these proposals.

Andy Sawford: My hon. Friend is right. I am sure that if I desperately scoured through some Apple device I could find someone who might possibly support it, but everybody I have met thinks that the proposals are ill thought out and go in the wrong direction. They are incredibly worrying. People out there are scared. Let us

hope that the Minister can reassure them now and we can all be confident that the proposed measures will be in the interests of children in this country.

Jo Swinson: I shall discuss clause 73 and some of the issues about ratios that have been raised in the debate on new clauses 38 and 39. As the Committee knows, in January the Government published the "More great childcare" report, setting out a plan of action for how we will achieve our vision of a dynamic child care market, delivering high quality early education. The proposals set out in that report will help providers to thrive, by delivering more for the investment currently made by the Government and parents. This will be achieved through raising the status and quality of the workforce; freeing the highest quality providers to offer more places; improving the regulatory regime; and giving more choice to parents.

Two of the key issues discussed in that report are the introduction of childminder agencies and proposed changes to the staff to child ratios. I will cover both of those issues, but first, I want to talk about the numbers of childminders and why we have this challenge today. It is very difficult for many parents to find sufficient child care. A recent survey by Netmums showed that 13% of parents said that finding a childminder was difficult. If we look at the numbers of childminders between 1992 and 2001 it is easy to see why. They fell from 106,000 to around 57,500. I know that the hon. Members for Washington and Sunderland West and for Manchester Central have challenged those figures and argue that they can be explained by the fact that in 2001 Ofsted came in which meant that lots of data were cleared out. Being charitable, part of the decrease in numbers from 2001 to 2011 might have resulted from that, but I am looking at a graph here, which I appreciate is not particularly helpful in terms of the Committee, that shows very clearly that the decline in childminder numbers started a long time before 2001. It was not something that can only be explained by Ofsted coming in as has been suggested. The evidence from the surveys of parents shows that there is a demand for more childminders and the Government are keen to ensure that that demand can be met.

3.45 pm

Mrs Hodgson: As we know, we can all make statistics prove whatever we want them to prove, but the Minister might find that the decline in the numbers of childminders probably started in 2001 with the roll-out of Sure Start children's centres when a lot of childminders entered the early years work force in children's centres. I am not disputing that she might be able to track the decline all the way back to there, but it is not because they decided to leave the profession; they moved to a different part of the profession.

Jo Swinson: Whether it was because childminders decided to leave the profession or because they went to Sure Start centres, that still does not account for the fact that there was a trend long before 2001. The graph I am looking at shows that in 2001 the numbers were above 70,000 and some were below 80,000, whereas back in 1992 the number was well above 100,000, so there was already a significant decrease between 1992

and 2001, and that has continued from 2001 to 2011 to get us to the number of 57,500, which we were at in 2011. The issue needs to be addressed.

Lucy Powell: Will the Minister give way?

Jo Swinson: I will give way shortly, but I want to make some progress, although I am willing to take interventions.

The decline in the numbers of childminders is limiting parental choice, which impacts on affordable and available child care. The Government's very good policy of extending the free early years education entitlement for three and four-year-olds to 15 hours a week, and also for more than 250,000 two-year-olds from the most hard-pressed families to 15 hours a week, means that we will have more demand for child care places, so we need to make sure that that demand can be met. We need to work with providers to offer more places and indeed more choice, whether it is childminding, nursery-based care or a combination of the two if that is what parents want.

The key aims of agencies will be to drive up quality and help parents to find a suitable childminder. Agencies will be required to support the training and development of childminders.

Lucy Powell: On the issue of places, I will not dispute the Minister's figures recording the decrease in the numbers of childminders and what caused that, but I echo what my hon. Friend the Member for Washington and Sunderland West said earlier about the change in the nature of child care. The real issue is that there has been a huge fall in nursery places as a direct result of the changing funding environment for early years through local government across the country. The closure of Sure Start centres has reduced the number of places, but as the Minister may know from her constituency—I certainly know from mine—the nursery offer in many schools, which was previously full time, has now been reduced to three hours only. Many MPs will get people coming into their advice surgeries over the next few weeks as places are allocated and people see the reduced capacity in nurseries, which is a direct result of the Government's reduction in early years budgets. Would it not be better for the Government to focus on that?

The Chair: Before the Minister replies, I urge people to make their interventions much shorter. This is a lively discussion on this topic, but if we have long interventions, the debate will be open-ended. I hope that the Minister can respond briefly.

Jo Swinson: I will certainly aim to do so. All Members of Parliament will seek to make sure that they represent the concerns of their constituents. However, policy varies across the country, because we devolve significant powers to local government, and I think that that is absolutely right. The hon. Lady talks about Sure Start centres closing, and I appreciate that the local government in Manchester has not necessarily given that the priority that it should have done, whereas other councils in England have made different decisions. Perhaps she should address some of her points to her colleagues on Manchester city council.

We want agencies to be able to help place children, and in some circumstances—[*Interruption.*] Does the hon. Member for Wigan wish to intervene?

Lisa Nandy (Wigan) (Lab): I am grateful to the Minister for giving way. Until now we have had very helpful and constructive discussions, even when there have been disagreements on both sides. I would simply say to her that the Opposition would be grateful if she would stop playing party politics where children are concerned.

Jo Swinson: Frankly, I think that accusation is unwarranted. It is perfectly fair to point out that local authorities make different decisions in different parts of the country, and I believe that Sure Start centres play an important role in supporting children in local areas.

Childminder agencies will be required, under the registration requirements, to provide more contact and regular home visits to childminders than under the current Ofsted inspection regime. Those changes will help ensure a greater provision of flexible, high-quality child care for parents. Agencies will be self-financing organisations and membership will be voluntary, which goes to the heart of one of the points put forward by the hon. Member for Corby. He made it sound as if we would be pushing providers into agencies. That is not the intention: this is a voluntary initiative. We recognise that many childminders will want to continue to register directly with Ofsted, and that process will be protected. The Bill is about having more varied provision, not about replacing one type of provision with another. We think that there needs to be an expansion in provision, and the Bill will help that.

Andy Sawford: On that point, the Government believe that this is the way forward. Therefore we might expect to see a pattern similar to what has happened with schools: we were told that free schools and academies were an option for schools, but increasingly schools feel they are left with little option. Unless we know what the costs are going to be for individuals to register with Ofsted, it seems likely to me that we can expect the same pattern here.

Jo Swinson: That is not the case at all. There will be nothing to stop those childminders who are currently able to register with Ofsted from continuing to do so in the future. I am sure that the hon. Gentleman would not want to suggest that, should those childminders wish in future to join an agency—perhaps if childminder agencies in their area are particularly successful—they should not be free to choose to do so. The point is that that should be voluntary.

The hon. Gentleman also painted a picture of what childminder agencies might be like that would be very worrying were it actually the case, and challenged the Government's vision in bringing forward this policy. I would like to reassure him and the rest of the Committee that these provisions will not work in the same way as social care. He is right to say that the relationship that individual carers build up with very young children is incredibly important.

Of course, parents spend significant amounts of money on child care, and significant amounts of time on finding the best child care for their child. As well as referring to Ofsted reports, which many parents will of

[*Jo Swinson*]

course look at to see the quality level of care given by various providers in their area, many parents will visit nurseries in person and go to see childminders, to see what they feel will be right for their child—who knows better the needs of children than their own mothers and fathers?—and that will continue to happen. In addition, word of mouth is a common factor in parents' decision making: many new mums will form strong bonds with others in their National Childbirth Trust group, for example, and will discuss and share information. These are not decisions that parents make lightly—they are taken very seriously. I therefore do not believe that agencies will set up in the guise that the hon. Gentleman suggested, and if they did, I would posit that they would not be successful, because that is not what parents would want to see for their children.

In contrast, it will still be possible for there to be a direct relationship between the childminder and the parent, and in many cases that will be what happens. However, there will be benefits for parents from the agency model: if a childminder is ill or going on holiday, that can currently create a void in a family's child care, meaning that parents all of a sudden have to take leave from work or call on emergency arrangements, perhaps with grandparents—although of course not all parents have the luxury of that sort of emergency child care support system nearby. In those circumstances, if a childminder is registered with an agency, parents could receive a better service, because the agency can offer cover. Many parents would be happy with that kind of service being offered on a short-term basis.

The hon. Gentleman also raised the issue of the cost of more regular checks. Childminder agencies were criticised both because the inspections regime will not inspect each childminder individually—a sample of childminders will be inspected—and because several visits will be made by the agency to the childminders during the year, and that will have a cost attached to it. Many parents would be reassured by the fact that regular visits are made and the childminder is inspected by the agency.

Andy Sawford: Who pays?

Jo Swinson: I am sure that parents would be happy to pay for an additional inspection regime on some occasions, if they want more peace of mind. This is about making sure that parents can make choices.

As for Sure Start centres becoming agencies, the hon. Member for Manchester Central said that she would welcome that sensible idea. Indeed, my hon. Friend the Member for South Northamptonshire also said that it would be helpful. This is enabling legislation, so there can be a variety of models. Sure Start may well be an excellent way to do this, but schools and social enterprises might also form agencies particularly well. We do not want to restrict the possibilities. We want to put different models on trial to see what might work best. We want to encourage innovation, because there may well be other options that the Committee has not yet considered.

On the value of the agencies, some groups in society might not feel particularly well served by the child care currently available. I know from my other role as Minister

for Women and Equalities that we have been researching the employment prospects of Pakistani and Bangladeshi women; as I am sure that members of the Committee know, the figures for those groups are shocking; they lag behind other groups significantly, when it comes to employment. When we looked into the reasons for that, the issue of child care came up as one of the significant barriers in those communities, in a cultural context; there is less of a culture of leaving children with someone else, and there are issues around cultural sensitivities. Childminder agencies might be just the thing to help those groups of women, because they would make it easier and less bureaucratic for those with young children to participate in the employment market. Mothers with young children might be able to register with a childminder agency and take on childminding work themselves, and others might then feel more comfortable leaving their children with them, because they are in their extended family or community of friends. Our approach may have other knock-on benefits, too.

On the information that will have to be provided, people applying to register as childminder agencies will have to provide Ofsted with information regarding their suitability to run an agency, including details of exactly how they will support and monitor the standards of childminders. The registration requirements will be set out in regulations; we have signalled what they might be in the illustrative regulations of 21 March. Ofsted will be able to impose registration conditions on agencies as it sees fit, conduct regular inspections of agencies and produce written reports. As for quality, it is important to stress that all registered early years childminders will continue to have to meet the early years foundation stage framework requirements on child development, welfare and well-being. Those registered with childminder agencies will be supported by the agencies in meeting those requirements.

On the international experience, particularly in the Netherlands—an earlier point that I did not respond to—it is right that we look elsewhere in the world to see what has happened, but it does not follow that we should copy it exactly. I contest the suggestion that the experience of the Netherlands should necessarily be the model that we follow. We have different cultural systems of child care in place—we have Ofsted, the early years foundation stage and a far more robust regime.

3.59 pm

Sitting suspended for a Division in the House.

4.14 pm

On resuming—

Jo Swinson: I was explaining that there are differences between the English regime and that in the Netherlands, in terms of early years provision. We are learning the lessons from other countries. For example, as we will discuss later when we come to some of the clarifying Government amendments, we are ensuring that childminders cannot register with multiple agencies, because when we looked at the international evidence, we found that that was one of the things that had been seen not to work well in the systems that had been adopted. However, we should not suggest that that is an argument for not going ahead with this provision.

On the issue of costs, there are a whole range of areas where childminders will be able to secure a better deal once they are pooled; the example of nappies was given. This is about lowering not only financial costs, but time costs—the time it takes to get insurance, first aid training, registration, and the various necessary checks made. Pooling expertise through an agency will make it easier for new childminders to enter the business, and will help them to deal with some of the start-up costs. There are other ways in which we can address the issue of costs. The Government's excellent £2 million scheme to provide grants to individuals who want to start up a child care business is also part of the solution. The Bill is about a diverse model of child care provision, and we can give help alongside child care agencies.

New clauses 38 and 39 were tabled by the hon. Member for Washington and Sunderland West, and I have listened to the sincere concerns expressed about ratios. I will set out the thinking behind the Government's proposals. The intention behind the proposed ratio changes is to create greater flexibility in the system, and to remove one of the major barriers to employing higher-qualified staff. The proposals will give greater flexibility to the highest-quality providers. It is important, in considering this pair of new clauses and in thinking about the issue in general, that we recognise that providers will still be able to operate on their current ratios, if that is the best model for them; Busy Bees is an example of a provider that might choose to do so.

Many providers do not go to the maximum ratio allowed. They often staff their nurseries or childminding services to a higher ratio, with more adults to each child. That is entirely up to them. It is one of the ways in which they can attract parents, and it is one of the things that parents take into account when they choose a child care provider. The suggestion that all child care providers will automatically go to the maximum is not borne out by the evidence from nurseries and childminders.

Mrs Hodgson: I am grateful to the Minister for giving way so often. I know that she appreciates that this is a controversial policy area, but does she not recognise that the provisions will lead to what we fear: a two-tier child care system?

Jo Swinson: It is not as if every child care provider currently operates on the same ratios; evidently that is not the case. Some child care providers make a virtue of the fact that they have particularly large numbers of child care staff. It is up to parents to decide whether the staffing level is the most important thing for them, or whether there are other factors that they want to take into account.

Of course, staff ratios are not the only marker of quality. Quality cannot be measured only in numbers. As hon. Members have pointed out, there are also issues such as empathy, the ability of the child to form secure attachments, continuity of care workers, and the staff's responses when a child falls down and hurts themselves. Parents will automatically look for those things when they inspect childminders or nurseries with a view to sending their children there.

We can be clear from the evidence that children are safest and develop best when they are looked after by high-quality staff. We should move the debate away

from pure numbers to issues of quality. Quality is measured partly by qualifications, which can play an important role in signalling quality. However, as several hon. Members have said, qualifications should not be seen as the only measure of quality. A person's ability to look after children cannot be measured just by exam results.

The proposals aim to encourage providers to employ better-qualified staff, and to pay them more. That is something about which there is genuine and understandable concern in the industry. The high cost of child care is a concern that has been raised in this debate and elsewhere, but almost paradoxically, although people are concerned about how difficult it is to afford the high cost of child care, it is a sector in which people generally work on pretty low pay, which can undermine the attractiveness of the profession to potential applicants. Many nursery staff in England earn no more than £6.60 an hour—barely above the minimum wage. Annual earnings of £13,600 are the average. That is well below what it is in France, where it is £16,000; in Denmark, where it is £20,000; and in Sweden, where it is £22,000. A genuine issue to consider when looking at child care is how to ensure that individuals who work in that field are properly valued, in terms of status and reward. Looking after the next generation and providing them with care and nurture is one of the most vital things anyone can do.

Mrs Hodgson: I may be pre-empting what the Minister will say, but how will the proposals ensure that child care workers are paid more? As she has said, not every provider will take advantage of the ratios. Where will the extra money come from in the system to pay the work force more?

Jo Swinson: The proposals to amend the adult-child ratios for children aged two and under would enable child care providers employing the highest-quality staff to offer more places, so it would give them more flexibility over pay if they chose to take up the more flexible ratios. The extra income generated would enable them to pay staff more. They would have a choice of paying staff more or employing additional staff as the nursery expanded. At the moment, they do not have that choice; if they take on more children, they can only take on more staff. The proposals will therefore provide additional flexibility. Of course, child care providers must still meet the welfare requirements and standards that are set out. The issue of quality is incredibly important, and achieving quality is the main aim of the Government's proposed changes.

The Committee will be aware that a consultation on the proposals recently ended; indeed, it has been referenced. The Minister for child care is considering all the consultation responses before she makes an announcement. The aim would be for any changes to come into force in an amended early years foundation stage from September 2013. However, it is important to point out that the proposals would of course be subject to proper parliamentary scrutiny in the normal way. The Government cannot just make changes without recourse to Parliament. I understand the tabling of the new clauses—they have enabled us to address the issue, which has caused particular controversy—but this is not a matter for primary legislation.

Lucy Powell: Does the Minister mean that the proposals will not be brought forward in the later stages of the Bill?

Jo Swinson: The ratios are currently set out in secondary legislation; the previous Government recognised that that was an appropriate place for them, because the general structure in government is to include key principles in primary legislation, but have areas that might need to be changed more frequently in secondary legislation. That principle is not new to this Government; it is well established. The changes will be made in secondary legislation, which will be introduced in the way that it usually is in this House. Today's debate is not the only opportunity that the House will have to scrutinise the issue.

The Government were accused of not listened. That accusation is premature, given that they have not yet responded to the consultation, which ended only fairly recently. Including the ratios outlined in new clauses 38 and 39 in primary legislation—a step that the previous Government did not think was necessary—remains unnecessary. I agree with the previous Government that the ratios do not need to be in primary legislation.

Andy Sawford: The Minister has not addressed the point about business models. She has talked a lot about quality and ratios, but if in the end the business model drives agencies to operate more in the way that some people fear rather than in the way that she hopes they will, we will have a problem.

Jo Swinson: I did address that point when I discussed how parents choose where their children will go for child care. They are very much involved in ensuring that they are happy with who is looking after their children; that decision is not taken lightly.

I understand the concerns expressed about ratios. The consultation has received many responses, and it is perfectly right that the Government consider them, as we are doing, before responding ourselves. My hon. Friend the Member for South Northamptonshire made it clear that the Minister for child care has an open mind about such issues. On that basis, it would not be appropriate to insert new clauses 38 and 39 into primary legislation when they deal with matters for future secondary legislation, with all the proper parliamentary scrutiny that goes with it. I urge that the new clauses are not pressed.

Mrs Hodgson: As I said earlier, the quality of the soft skills—empathy and understanding of attachment—is what we really should focus on when talking about improving the qualifications of the early years work force. It is not that the maths and English qualifications of the work force are unimportant, but we should not be focusing on GCSEs; we should look at improving such skills up to level three, and we should use equivalencies to do that over time.

I agree with the hon. Member for South Northamptonshire that we can do all of that without touching the ratios. She is to be commended for attempting to defend the Minister for child care's untested and potentially damaging package of child care policies. However, knowing the hon. Lady as I do, I feel that her

heart was not 100% in it. She knows the importance of getting early years right, as I do. We get only one chance. Some children will rely on the quality of the care they receive in their child care setting for the empathetic care and nurture that they may not receive at home to an adequate extent. The last thing we should do is water down the amount of one-to-one time that such children receive from their care givers by increasing the ratios.

Of course we want child care workers to be as qualified and as professional as possible. When in power, the Labour party did more than any previous Government to lift the status of the profession and the qualifications of the early years work force. We brought in the early years professional status and subsidised the graduate leader programme. If more of the same was on the table today, we would support it wholeheartedly, but it is not. The hon. Member for South Northamptonshire tells us that the Minister for child care says that we must view all this as a package and accept it, as though we cannot have one part without the other. I disagree. I am happy to discuss how to raise the status of the profession and improve training and qualifications, and I wholeheartedly support Professor Nutbrown's recommendations, but we can do all of that without altering the ratios. Indeed, that is the crux of the concerns that Professor Nutbrown highlighted. She made excellent recommendations that the Opposition would adopt in full, but she did not recommend raising the ratios, and she has now made clear her opposition to doing so.

I must also mention cuts, particularly to the funding that local authorities receive to support training for the early years and child care work force, to the tune of 40% over this Parliament. I will discuss that in detail during the debate on clause 75. This goes to show how one Minister in the Department for Education does not seem to know what another—particularly her Secretary of State—is doing; or perhaps the cuts can be all placed at the door of the Chancellor. Either way, it seems nonsensical at best and hypocritical at worst to talk about raising the status, skills and qualifications of the child care work force while making such devastating cuts in the money given to local authorities for that purpose.

4.30 pm

I asked in an intervention where the money to increase the qualifications and ultimately to raise the status of the profession will come from. It certainly cannot all come from local authorities. If the Minister says, as she did, that that is why the Government are raising the ratios, with the logic being that providers will have more money coming in and then be able to pay for the training and increased qualifications themselves, that is totally a false premise. I have already given evidence by way of numerous quotes to prove that providers have said almost unanimously that they will not take advantage of the increased ratios. There will not be any extra money in the pot to train their work forces, and if they cannot train their work forces they cannot take advantage of the extra ratios anyway.

Whichever way we look at this, it is bad policy. The holes in it are visible for all to see, especially parents, providers, the Opposition and everyone across the country, but somehow the holes do not seem to be visible to the Minister who dreamt up this package. It falls apart

under even the slightest scrutiny, because there has obviously been no consultation or pre-legislative scrutiny. When compared to the excellent part 3, part 4 does a huge disservice to an otherwise very good, well regarded and highly respected piece of legislation.

I implore the Government to withdraw part 4. They should go back to the drawing board, consult, listen to what many of their advisers and experts have to say and bring back new proposals in the next Session that can be debated and accepted in the same manner in which we have dealt with the other parts of the Bill so far, and will probably deal with the rest of it. That should be the preferred way to make such important legislation that affects almost all children and families in the country. I will seek to divide the Committee on new clauses 38 and 39 when the time comes and we will certainly vote against this clause standing part of the Bill.

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 9, Noes 7.

Division No. 6]

AYES

Buckland, Mr Robert	Nokes, Caroline
Elphicke, Charlie	Skidmore, Chris
Leadsom, Andrea	Swinson, Jo
Lee, Jessica	Timpson, Mr Edward
Milton, Anne	

NOES

Esterson, Bill	Powell, Lucy
Hodgson, Mrs Sharon	Reed, Mr Steve
Jones, Graham	Sawford, Andy
Nandy, Lisa	

Question accordingly agreed to.

Clause 73 ordered to stand part of the Bill.

Schedule 4

CHILDMINDER AGENCIES: AMENDMENTS TO THE CHILDCARE ACT 2006 AND RELATED AMENDMENTS

Jo Swinson: I beg to move amendment 241, in schedule 4, page 142, line 14, at end insert—

() In subsection (5), for “under Chapter 4” substitute “by the Chief Inspector for the purposes of Chapter 4”.

The Chair: With this it will be convenient to discuss Government amendments 247 to 256, 259 and 261.

Jo Swinson: The amendments relate to the provisions for childminder agencies. Our aim is to strengthen and clarify the registration arrangements, specifically for voluntary registration, following discussions with Ofsted about how arrangements will work in practice.

Many childminders offer a mix of child care for which they need to register and child care that is exempt—for example, care for children aged 8 and over. The Childcare Act 2006 allows childminders to register exempt provision with the chief inspector on a voluntary basis, which ensures that the care is regarded by HMRC as registered and therefore eligible for tax credits. As the Bill stands, childminders can only register exempt provision

with the chief inspector. Amendment 247 will enable those who are already registered with a childminder agency to register exempt provision with the same agency on a voluntary basis. It will eliminate the need for childminders to pay two sets of registration fees to two different bodies. It will also ensure that all relevant registrations are held with either a single childminder agency or the chief inspector. The amendment also enables the Secretary of State to confer powers and impose duties on childminder agencies in the exercise of their functions in relation to child care that is registered on a voluntary basis. That replicates existing similar provision that enables the Secretary of State to confer powers and impose duties on the chief inspector.

Amendments 241, 248 to 256 and 259 are consequential on amendment 247, which enables those who are already registered with a childminder agency to register exempt provision on a voluntary basis. Amendment 261 is consequential on amendments 246 and 247, making provision for the service of notices given by providers that are registered with an agency that they wish to register with that agency in respect of later years or exempt provision.

I commend the amendments to the Committee.

Amendment 241 agreed to.

Jo Swinson: I beg to move amendment 242, in schedule 4, page 143, leave out lines 24 to 27 and insert—

- “(aa) prohibiting the applicant from being registered in the early years register as an early years childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with an early years childminder agency as an early years childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.

The Chair: With this it will be convenient to discuss Government amendments 243 to 245.

Jo Swinson: I mentioned these amendments briefly in an earlier debate. They relate particularly to dual registration. Many childminders offer both early years provision and provision for older children. As we have just discussed, they are required to register separately in respect of those different types of provision.

The amendments make it clear that a childminder should hold all relevant registrations, either with a childminder agency or with the chief inspector. It would be undesirable, for example, for a childminder to be registered with an agency in respect of early years provision but with the chief inspector in respect of later years provision. Neither should a childminder hold registrations with separate agencies, which is something that we have taken on board from the international evidence. It will be a better way of running the system. It is important that there is clarity, both for parents and providers, as to which body is responsible for monitoring the standard of provision and compliance with the registration requirements.

I commend the amendments to the Committee.

Amendment 242 agreed to.

Amendments made: 243, in schedule 4, page 144, leave out lines 13 to 16 and insert—

- “(aa) prohibiting the applicant from being registered in the early years register as an early years provider other than a childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with an early years childminder agency as an early years provider other than a childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.

Amendment 244, in schedule 4, page 149, leave out lines 19 to 22 and insert—

- “(aa) prohibiting the applicant from being registered in Part A of the general childcare register as a later years childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with a later years childminder agency as an later years childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.

Amendment 245, in schedule 4, page 150, leave out lines 8 to 11 and insert—

- “(aa) prohibiting the applicant from being registered in Part A of the general childcare register as a later years provider other than a childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with a later years childminder agency as a later years provider other than a childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.

Amendment 246, in schedule 4, page 150, line 36, at end insert—

17A In section 57 (special procedure for registered early years providers), in the title for “registered early years providers” substitute “providers registered in the early years register”.

17B After section 57 insert—

“57A Special procedure for providers registered with early years childminder agencies

(1) Subsection (2) applies where—

- (a) a person is registered with an early years childminder agency as an early years childminder, and
- (b) that agency is also a later years childminder agency.

(2) If the person gives notice to the agency that he or she proposes to provide later years childminding in respect of which he or she is required to be registered under this Chapter, the agency must—

- (a) register the person in the register maintained by the agency as a later years childminder, and
- (b) give the person a certificate of registration stating that he or she is so registered.

(3) Subsection (4) applies where—

- (a) a person is registered with an early years childminder agency in respect of particular premises as an early years provider other than a childminder, and
- (b) that agency is also a later years childminder agency.

(4) If the person gives notice to the agency that he or she proposes to provide later years provision in respect of which he or she is required to be registered under this Chapter on the same premises, the agency must—

- (a) register the person in the register maintained by the agency as a later years provider other than a childminder, in respect of the premises, and
- (b) give the person a certificate of registration stating that he or she is so registered.

(5) Subsections (3) and (4) of section 56A apply in relation to a certificate of registration given in pursuance of subsection (2) or (4) of this section as they apply in relation to a certificate of registration given in pursuance of subsection (1) or (2) of that section.”.

Amendment 247, in schedule 4, page 154, line 18, at end insert—

PART 3A

VOLUNTARY REGISTRATION WITH CHILDMINDER AGENCY

21A In section 65 (special procedure for persons already registered), in the title, at the end insert “in a childcare register”.

21B After section 65 insert—

“*Voluntary registration of persons registered with childminder agencies*

65A Procedure for persons already registered with a childminder agency

(1) A person who is registered as an early years childminder with an early years childminder agency or as a later years childminder with a later years childminder agency may give notice to the agency that he or she wishes to be registered with the agency in respect of the provision in England of—

- (a) later years childminding for a child who has attained the age of eight;
- (b) early years childminding or later years childminding for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3.

(2) If a person gives notice to an agency under subsection (1), the agency must—

- (a) register the person in the register maintained by the agency as a childminder registered under this Chapter, and give the person a certificate of registration stating that he or she is so registered.

(3) A person who is registered as an early years provider (other than an childminder) with an early years childminder agency or as a later years provider (other than a childminder) with a later years childminder agency in respect of particular premises may give notice to the agency that he or she wishes to be registered with the agency in respect of the provision on the same premises of—

- (a) later years provision (other than later years childminding) for a child who has attained the age of eight;
- (b) early years provision or later years provision (other than early years or later years childminding) for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3.

(4) If a person gives notice to an agency under subsection (3), the agency must—

- (a) register the person in the register maintained by the agency as a provider of childcare (other than a childminder) registered under this Chapter, in respect of the premises, and give the person a certificate of registration stating that he or she is so registered.

(5) A certificate of registration given to the applicant in pursuance of subsection (2) or (4) must contain prescribed information about prescribed matters.

(6) If there is a change of circumstances which requires the amendment of a certificate of registration, the agency must give the registered person an amended certificate.”

21C In section 66 (conditions on registration), in subsections (1) and (5) for “under this Chapter” substitute “in Part B of the general childcare register”.

21D (1) Section 67 (regulations governing activities) is amended as follows.

(2) In subsection (4)—

(a) after “Chief Inspector” insert “, early years childminder agencies or later years childminder agencies”, and

(b) omit “his”.

(3) In subsection (5)— In subsection (6) after paragraph (a) (and before the “or” which follows it) insert—

(a) after “Chief Inspector” insert “, early years childminder agencies or later years childminder agencies”, and

(b) omit “his”.

“(aa) by early years childminder agencies or later years childminder agencies in the exercise of functions under this Part.”.

Amendment 248, in schedule 4, page 154, line 33, at end insert—

‘() In subsection (5) for “as a childminder under Chapter 4” substitute “under Chapter 4 in Part B of the general childcare register as a childminder”.’.

Amendment 249, in schedule 4, page 155, line 23, leave out ‘or 3’ and insert ‘, 3 or 4’.

Amendment 250, in schedule 4, page 156, line 27, leave out ‘or 3’ and insert ‘, 3 or 4’.

Amendment 251, in schedule 4, page 156, line 40, leave out ‘or 3’ and insert ‘, 3 or 4’.

Amendment 252, in schedule 4, page 157, line 40, leave out ‘under Chapter 4’ and insert ‘in Part B of the general childcare register’.

Amendment 253, in schedule 4, page 159, line 7, at end insert—

“(3C) An early years childminder agency or a later years childminder agency must not register for the purposes of Chapter 4 a person who is disqualified from registration by regulations under section 75.”.

Amendment 254, in schedule 4, page 159, line 8, leave out ‘or (3B)’ and insert ‘, (3B) or (3C)’.

Amendment 255, in schedule 4, page 159, line 13, leave out ‘or (3B)’ and insert ‘, (3B) or (3C)’.

Amendment 256, in schedule 4, page 162, line 17, leave out ‘or 3’ and insert ‘, 3 or 4’.—(*Jo Swinson.*)

Jo Swinson: I beg to move amendment 257, in schedule 4, page 162, line 29, after ‘to’ insert ‘the Secretary of State,’.

The Chair: With this it will be convenient to discuss Government amendments 258, 260 and 262.

Jo Swinson: This is another group of rather technical amendments. They deal with the provision of information to the Secretary of State for Work and Pensions in relation to universal credit and introduce the definition of a childminder agency.

Amendments 257, 258, and 260 are consequential on the Welfare Reform Act 2012 and related regulations. Currently, under section 83 of the Childcare Act 2006, we can make provision for certain information, set out in regulations, to be supplied to HMRC for the purposes of its functions in relation to tax credits. That is necessary so that HMRC can ensure that the child care element of tax credits is not paid where, for example, care is provided by someone who is no longer registered. That will help to ensure that tax credits are paid only for registered care.

As the Committee will know, tax credits are to be replaced by universal credit, so like HMRC, the Secretary of State for Work and Pensions will need to know that child care is registered so that eligibility for any child care component of universal credit can be confirmed. Department for Work and Pensions regulations amend the 2006 Act to make provision for the chief inspector to supply, from 29 April this year, information to the Secretary of State in relation to his universal credit functions. That information is required to ensure that only qualifying child care attracts the child care element of universal credit.

Amendments 257, 258 and 260 similarly amend the 2006 Act through new section 83A. They ensure that a childminder agency is required to provide prescribed information to the Secretary of State for the purposes of his functions in relation to universal credit. Amendment 262, which introduces a definition of a childminder agency, is consequential to amendments 242 to 245, which deal with dual registration.

Amendment 257 agreed to.

Amendments made: 258, in schedule 4, page 162, line 32, after ‘to’ insert ‘the Secretary of State,’.

Amendment 259, in schedule 4, page 162, line 35, leave out ‘or 3’ and insert ‘, 3 or 4’.

Amendment 260, in schedule 4, page 162, line 39, at end insert—

‘() in the case of information to be provided to the Secretary of State, information which the Secretary of State may require for the purposes of the Secretary of State’s functions in relation to universal credit under Part 1 of the Welfare Reform Act 2012;’.

Amendment 261, in schedule 4, page 163, line 40, leave out sub-paragraph (2) and insert—

‘(2) In subsection (1)—

(a) after paragraph (a) insert—

“(aa) section 57A(2) and (4);

(ab) section 61C(1);’, and

(b) after paragraph (b) insert—

“(ba) section 65A(1) and (3);”.’.

Amendment 262, in schedule 4, page 164, line 8, at end insert—

() after the definition of “childcare” insert—

““childminder agency” means—

(a) an early years childminder agency;

(b) a later years childminder agency;”.’.—(*Jo Swinson.*)

Schedule 4, as amended, agreed to.

Clause 74

INSPECTIONS AT REQUEST OF PROVIDERS OF CHILDCARE TO YOUNG CHILDREN

Question proposed, That the clause stand part of the Bill.

The Chair: With this, it will be convenient to discuss new clause 34—*Report of inspections of home-based child care settings*—

‘In section 50 of the Childcare Act 2006 (report of inspections) in subsection (1) after paragraph (c) insert—

“(ca) how well home-based child care setting meet the attachment needs of children under two.”.’.

Andrea Leadsom: The purpose of introducing the new clause, which stands in my name and that of the hon. Member for Washington and Sunderland West, is to focus the attention of this good Bill on the importance of the attachment needs of the very youngest children. Members of the Committee may recall that in our evidence sessions, Sue Gregory, who I believe is the chief executive of Ofsted—she is certainly responsible for the early years inspections—said that Ofsted does not specifically investigate how well home-based settings meet the attachment needs of the under-tuos.

The question that has been put to me by Members and Ministers is: how can one judge how well an early-years setting meets the attachment needs of the under-tuos, and how can someone be qualified to do such a thing? I will briefly explain. Human babies are unique in the animal kingdom in the extent of their underdevelopment at birth—no other animal cannot walk or talk by the age of two—but physical underdevelopment is just a part of it. The most significant underdevelopment is the mental and emotional development—the brain development—of the baby.

Newborns have only limited brain function, predominantly flight or fight. None of the prefrontal cortex that enables an individual to form relationships, to have empathy and to understand the world around them is there. That part of the brain develops during the first two years of life. When a baby is less than one year old, its brain is forming neural connections at the rate of around 1 million per second, which is astonishing. Those neural connections are being stimulated by the attentions of a loving adult carer. That is the nub of it.

It is absolutely right in our society that mothers and fathers go out to work and have those choices, but policy making needs to focus on the well-being and welfare of the children whom we happily put into the care of other loving and attentive adults. For the under-tuos, during that very special period when a baby's emotional resilience for the rest of its life is being determined, we need to measure that their attachment needs are being met. In other words, we need to put the right level of focus on whether their brain is being given the opportunity to develop in a healthy way. It is not an exaggeration to say that the attachment stimulation that a baby receives when it is less than two years old stays with it for the rest of its life and makes the difference between a securely attached adult human being who is able to form relationships, hold down a job, become a good parent and make friends, and one who is not. That all happens before the age of two. That is where the real potential lies.

4.45 pm

The new clause calls on Ofsted to check that when children under two are in a child care setting, whether nursery or home-based, their attachment needs are being met. The focus is on home-based settings, where that is not currently measured. There are ways to do that. In the non-statutory guidance that accompanies the early years foundation stage legislation there are guides on how to monitor whether a childminder is meeting the attachment needs of babies. Rather than look at the baby itself, one measures the inputs—the way the childminder treats the baby. For example, is the adult being warm, loving and consistent towards the baby? Does the adult respond urgently when the baby

is looking for attention by crying, gurgling, laughing, chatting or gabbling? Does the adult handle and hug the baby? Babies need to be hugged and kissed and told they are beautiful; we need to look into their eyes and tell them they are precious and make them learn that the world is a good place.

Does the adult mimic the noises of the babies, gurgle at them and copy their little expressions and pull faces at them and wait until they pull them back? Does the adult give them that very important attention? Does the adult copy what the baby is doing and play the same games that parents play? Does the adult know what game Mum or Dad plays with the baby and do that themselves? Does the adult talk about the parents and say, “Mummy or Daddy is coming to get you soon.”? Do they have the baby's favourite toy and make use of it? Do they give the baby their full attention when the baby is looking for a response?

There are all those ways to measure the inputs to assess how well the attachment needs of the under-tuos are being met. I believe that if we want to ensure that we build a generation of emotionally resilient adults, we should focus on the very earliest years. That is why I tabled the new clause.

Mrs Hodgson: I was happy to add my name to the new clause. I commend the hon. Lady on her excellent and customarily knowledgeable speech in its support. As has already been mentioned, I do a lot of work on a number of child-related all-party groups with the hon. Lady. I cannot think of anyone in the House who is as knowledgeable or passionate on the subject as she is, as we have just witnessed in her all-too-short contribution. I confess that I would have liked to have heard more, because I know that she knows a lot more than she has given us the pleasure of hearing this afternoon. I will not attempt to replicate or repeat her arguments.

As I said in one of our debates on amendments to clause 73, the quality of care that child care professionals provide is crucial to improving the life chances and development of the children who benefit from it. That is especially true for very young children, who may not always have responsive parents or a positive learning environment at home. This is their second chance.

I completely support the intention behind the new clause, which is to ensure that domicile-based child care professionals are inspected on the quality of bonding, attachment and attunement. That is important for all the reasons the hon. Lady gave. If they are able to achieve that with the children in their care, it will have a huge bearing on the future development and life chances of those children. I hope the Minister will be able to give the hon. Lady and me the assurances we seek.

On whether clause 74 should stand part of the Bill, allowing re-inspection of child care settings is a sensible step that is widely supported by the sector. It is clearly not right that a provider should face going to the wall because of an inspection that has found them wanting, if they have addressed the concerns raised in the report, if the setting is under new management, or even if the Ofsted evaluation was completely wrong, as sometimes happens. Parents place a lot of stock in Ofsted ratings for providers, as I pointed out during the debate on childminder agencies. It is important for the viability of a provider that their rating properly reflects the quality of provision.

There is clearly a need for re-inspections, and it is right that those should be paid for by the provider, but I would like a few assurances from the Minister. First, I believe there should be a sliding scale for the fees for re-inspection, commensurate with the size of the business and its ability to pay. It is clearly not satisfactory if a sole childminder has to pay the same as a private nursery that is perhaps part of a large and profitable chain, and certainly not if that fee runs into four figures.

There is not much detail in the clause about whether Ofsted will have to re-inspect within a certain time frame, or whether there will be a minimum waiting period after an inspection before another one can be requested. If re-inspection will be useful to child care providers as a means of setting or attempting to set the record straight and winning back any business they may have lost as a result of a poor rating, it might be reasonable to suggest that when they request a re-inspection they should have a good idea of the maximum length of time that they have to wait to get that re-inspection, so that they can plan financially. Conversely, we would not want to see nurseries being re-inspected every couple of months until they manage to get a rating that they agree with just because they can afford to pay the fees. Although I do not disagree with the policy, I would like to know that those points will be covered in regulations.

Jo Swinson: I shall discuss clause 74 and hopefully answer the questions raised by the hon. Member for Washington and Sunderland West and then touch on the new clause tabled by my hon. Friend the Member for South Northamptonshire. Clause 74 enables early years providers to request a re-inspection from Ofsted for a fee. Under the current arrangements providers who receive an inadequate rating are re-inspected within a year but others might have to wait up to four years for the next inspection. As Members will know, an Ofsted rating can have a significant impact on the reputation of a provider, affecting parental take-up of provision as well as the ability to offer the funded early education for three and four-year-olds and now for four out of 10 two-year-olds.

Some providers may have made the improvements that Ofsted recommended pretty quickly after the report but might then have to wait as long as four years for the next inspection and the opportunity to demonstrate that and to show to parents the rating that was given is no longer appropriate because they have significantly improved the provision they offer. Indeed, providers have told us that they would welcome the chance for those that are improving to have an earlier opportunity to demonstrate that. The clause is intended to enable providers to request a paid-for re-inspection at an earlier date than might otherwise happen. Indeed, this should also be an incentive for providers to improve at a more rapid pace if they know that they can benefit from doing so in terms of their reputation. It has positive benefits in more than ways than one.

Obviously it will not be possible for every request for re-inspection to be granted, because that could ultimately be unworkable and could swamp Ofsted. The Department therefore proposes to set out the circumstances in which the Secretary of State will require Ofsted to conduct a re-inspection. That goes to the point that the hon. Member for Washington and Sunderland West raised

about whether some providers will be inspected every couple of months, which is obviously not what we want to see. Currently early years inspection arrangements are set out in a letter from the Secretary of State to the chief inspector. We will amend that letter to reflect the requirements of this policy. For example, we can specify criteria and restrictions such as which ratings are eligible for re-inspection, within what time period this must take place and the number of times that a provider can request a re-inspection. If the demand is very large such conditions and restrictions might be necessary to ensure that Ofsted can properly manage its resources and its ability to respond.

The fee that Ofsted can charge for re-inspection on request will be set out in secondary legislation. I note the point that hon. Lady raised about whether it would be fair for that to be a standard fee, whether the provider is a sole childminder or a large nursery. The fees are still to be determined in discussion with Ofsted but she has raised a sensible point. Indeed, the current fee regime, as she knows, makes a distinction between the fees charged for different organisations. It would be sensible to consider making a difference, given the different amount of work required in making a re-inspection of a single childminder compared with a very large nursery. I am sure that is something that Ofsted will consider. The paid-for re-inspection is one of a number of changes that we are making that should help to drive up quality in this sector.

I turn now to the new clause tabled by my hon. Friend the Member for South Northamptonshire. In preparing for this debate, because it does not fall within my normal portfolio, I have had the delight of reading the *Hansard* report of her Adjournment debate on 31 January 2012. I wish I had been in the Chamber for it, as I was quite fascinated, and it is not always the case that one can say that about an Adjournment debate. She set out a compelling case then, as she has today, for the importance of a warm environment and the importance of love. If I recall rightly, she said that we do not discuss that often enough in this place, and she is quite right. It is seen, somehow, as a fluffy concept that could not possibly be talked about in politics, but in fact it is quite the opposite: when we are talking about the importance of a nurturing environment for children, love has to be to the centre of that. She is quite right to continue to raise the issue. She brings a huge amount of experience to the House and the Committee from her work with OXPIP and NORPIP, and we all benefit from her contributions on this issue through the early years champions group.

I concur with what my hon. Friend says about the importance of attachment. As she will know, the Government take this issue very seriously. The importance of secure attachment is clearly highlighted in the report “Conception to 2—the age of opportunity”, recently published by the Wave Trust, which was supported in its work by the Department for Education. We are committed to developing secure attachment between young children and their parents. For example, we are increasing the number of health visitors by 4,200 by the end of this Parliament, to support the healthy child programme properly. We are doubling the number of places on the family nurse partnership programme to 13,000, to give intensive support to some of the most vulnerable parents. The Sure Start centres, which we have discussed, are a

[*Jo Swinson*]

valuable part of our approach, and there are also early years teachers and early years educators. All of those things are important in ensuring that the issue of attachment is taken forward.

Attachment is one specific aspect of the overall development and well-being of a child. The chief inspector has a duty to report on all providers' contributions to the well-being of children in their care. That could include issues such as attachment, along with other important factors such as safety. For early years providers Ofsted must also report on how successfully children's learning and development needs are met, in the light of the learning goals set out in the early years foundation stage or EYFS.

Having said that I support my hon. Friend in raising these issues, I hope she will withdraw her new clause, because I am not convinced that setting out provisions in primary legislation is the way to tackle them; indeed, the initiatives I have outlined show the benefit of a non-legislative approach. If Ofsted reports had to prioritise that aspect of care over all others, but only in some settings—home-based settings rather than nurseries—we might create a degree of confusion.

Mrs Hodgson: I know that what prompted the tabling of the new clause was what happened when, during the evidence sessions, the hon. Member for South Northamptonshire questioned Sue Gregory of Ofsted about whether attachment, attunement and bonding were things that Ofsted looked at. At first—rather strangely—Sue Gregory did not seem to know what the hon. Lady was talking about, then eventually, once the hon. Lady had expanded on the issue, caught on and informed her that Ofsted does not look at those matters. If I may say so, that is what the new clause is driving at, and I do not think that the Minister has addressed that so far in her response.

Jo Swinson: I do not think that primary legislation is the right way to address the problem that the hon. Lady has outlined as being her concern and the concern of my hon. Friend the Member for South Northamptonshire. Attachment is an important issue, and one that I believe forms part of the well-being of a child, which Ofsted has to report on. If there are further issues to be taken up with Ofsted, there are non-legislative ways of doing so, and so I would urge my hon. Friend to withdraw her new clause.

Andrea Leadsom: I am willing to withdraw the new clause, and I accept that it may not be an appropriate matter for primary legislation. However, I would say that I have been in Parliament for three years and I do not believe that we are getting anywhere close, with our family policy, to meeting the attachment needs of children; we have a long way to go. We have to look at the perinatal period holistically. At the moment we are looking at it in silos, with different groups of organisations, from midwives to health visitors to family centre workers to social services, all looking at the issue differently and trying to co-ordinate. However, we are not seeing the family struggling to bond with their baby. That has dire consequences, not only for the adult mental health of

our society but for criminality, substance abuse, self-harming, paedophilia and violence. All those things are directly causally linked with early attachment problems.

5 pm

I predict that 10 years from now we will not still be having this discussion; we will be looking at attachment as the foundation for everything. It is far more important than safety. It is just fundamental to life. I am very willing to withdraw my new clause, but I hope that putting the matter on the record again, which I will keep doing until my dying breath, will help us to get somewhere. I hope we will get somewhere serious, much further than this tiny new clause.

The Chair: There is, in fact, no need for the hon. Lady to withdraw her new clause, because it has not yet been moved. It is a new clause, and we come to new clauses later on. We take the spirit in which she has addressed the issue, however.

Question put and agreed to.

Clause 74 accordingly ordered to stand part of the Bill.

Clause 75

REPEAL OF LOCAL AUTHORITY'S DUTY TO ASSESS
SUFFICIENCY OF CHILDCARE PROVISION

Question proposed, That the clause stand part of the Bill.

Mrs Hodgson: I was conflicted about whether to oppose the clause. I am not sure whether we will hear this from the Minister, but the Government published new statutory guidance in 2012, which states that councils must produce a report on the sufficiency of child care in their area on an annual basis for councillors, which would be available to the public. Presumably, that is similar to the way in which most council research papers are now routinely placed online.

I thought that the Government might have been getting rid of one thing and replacing it with something better, before it became apparent that the measure is part of a wider, concerted campaign to water down the role that local authorities play in the child care market in their local area by picking off bits of the Childcare Act 2006. As I mentioned in a previous debate, the Government are currently consulting on removing duties on local authorities to play the challenge and support role that we need them to adopt to improve child care quality in their area. At the same time, the Government are reducing the amount of money that local authorities can hold back or top-slice from providers to pay for central services from which they all benefit.

The Government have already overseen a reduction of 40% in the amount that is spent on improving child care quality, because they ended the ring-fenced grant and slashed the early intervention grant that succeeded it. That is before the further steep cut in that pot in this financial year. It is now more than 42% lower in real terms than the corresponding grants in 2010, with poorer areas facing the biggest cuts. Clause 75 has to be seen in that light, and we have to set aside any benefit of the doubt we may have given the Government about their motivation.

Evidence tells us that local authorities are not always meeting their duty to secure sufficient child care, and a few weeks ago the Daycare Trust published figures that

illustrated that well. Although 53% of councils reported that they had enough child care places for three and four-year-olds, only 20% said that they had enough for two-year-olds, 31% said they could meet out-of-school child care needs, and only 14% said that they had enough places for disabled children. The data received from the child care sufficiency assessments are critical in understanding whether a local authority is meeting its duty to secure sufficient levels of child care provision.

If anything, the Government should aim to strengthen the role of local authority early years teams in an effort to ensure that come September, there will be enough places for disadvantaged two-year-olds. Ministers have promised those places but have taken no responsibility for ensuring that they are delivered. I was speaking to one council the other day that is still trying to find some 600 places. Where do the Government think those places will come from if councils do not play an active role in helping existing providers to expand and encouraging new providers to set up?

If the Government get their way, perhaps all that demand will be met by brand-new childminders, as we discussed earlier, who may not even have been inspected by Ofsted—or anyone from the local authority, for that matter—to ensure that they are capable of providing a meaningful level of care and early education for children who are, after all, the most disadvantaged and therefore likely to have the highest of needs. That links to the debate we just had with the hon. Member for South Northamptonshire. They are the children who will need attunement, attachment and bonding, because they are likely not to be getting them at home. That is certainly what the new consultation seems to suggest.

Repealing section 11 of the Childcare Act would convey a message to local authorities that assessing and securing sufficient quality child care is no longer a priority. That message has been rammed home by the huge cuts to funding for local authorities to improve sufficiency and quality, and there are plans to reduce that funding further by limiting the money that can be held back from the free nursery education element of the direct schools grant.

In short, I am not confident that the early years reports, which will replace the section 11 reports, will be as in-depth or as useful to parents, professionals and campaigners. If the early years reports were to be

included in primary legislation, rather than in statutory guidance, which can be changed at the drop of a hat, I might have been more convinced that the Government's intentions are positive.

I am well aware that the clause will not remove the duty on local authorities to secure sufficient child care, although, given the way that things are going, I would not be surprised if they tried to do that at some point in the near future. I am also aware that the Government have consulted on section 11 and that the respondents, who were mainly local authorities, mostly wanted to scrap it. I also know that that is the current position of the Local Government Association. London Councils begs to differ, pointing out that duties are still placed on local authorities to achieve outcomes but that the clause is part of taking away their leverage to effect improvements in those outcomes.

Although the policy may or may not be attractive for councils, I do not believe it is an attractive policy for parents or that it will have a positive impact on the service and information that they can expect from their local authorities. For that reason, unless the Minister can give me a very good reason for why I should not, I intend to seek the Committee's view on this clause.

The Lord Commissioner of Her Majesty's Treasury (Anne Milton) rose—

The Chair: Before the hon. Lady puts the motion, I would like to say that this is the last time I will be chairing a sitting of this Committee. The hon. Member for Merthyr Tydfil and Rhymney (Mr Havard) will chair the Committee next week, so I put on record my appreciation of your courtesy at all times and the constructive way in which the Committee's business has been conducted. I have chaired a lot of Committees, but rarely have we had a Bill that has been considered in such a constructive and good-humoured fashion. I thank you all for that.

Ordered, That the debate be now adjourned.—(Anne Milton.)

5.8 pm

Adjourned till Tuesday 23 April at twenty-five minutes past Nine o'clock.

