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Childcare Sufficiency Team
Department for Education and Skills
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May 16 2007

Dear Hollie Godsmark,

DfES draft guidance for local authorities on securing sufficient childcare

The NSPCC welcomes the opportunity to comment on the Department for Education and Skills draft guidance for local authorities on securing sufficient childcare.

The aim of our FULLSTOP Campaign is to end cruelty to children. We believe that, given the will, all abuse can be prevented. To help achieve this, it is vital that all children, whatever their needs, have a range of well-regulated services that offer them support and protection. They also need the full protection of the law.

The NSPCC welcomes guidance for local authorities to fulfil their duties under Section 6 of the Childcare Act 2006 to secure, so far as is reasonably practicable, sufficient childcare in their area. We particularly welcome some of the provisions in the guidance which set out safeguarding standards in childcare which will provide the assurance and confidence that is needed on service standards and quality for parents when deciding which childcare provider to choose.

Our comments specifically focus on Chapters 5 and 7 of the guidance, and follow below.

Chapter 5: Particular issues in securing sufficiency

We welcome the details set out under 'Inclusion' (page 31) regarding childcare for disabled children and those with special educational needs to enable them to participate in the same kinds of childcare as their peers. In particular, we support the requirement that local authorities should have Disability Equality Schemes setting out the role that they can play in improving outcomes for children and narrowing the gap between those children at risk of the poorest outcomes. The NSPCC recognises that disabled children are particularly vulnerable to abuse and neglect and also that many incidents of abuse of disabled children go unreported. Disabled children are 3.4 times more likely to be abused or neglected than non-disabled children. They are also 3.8 times more likely to be neglected; 3.8 times more likely to be physically abused; 3.1 times more likely to be sexually abused and 3.9 times more likely to be emotionally abused.

A disabled child has the right to enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community as stated in Article 23 of the United Nations Convention on the Rights of the Child. The disabled child has the right to participate in childcare settings and also to enjoy opportunities that their non disabled peers enjoy. Disabled children often have particular rights and needs that need to be met in order to enable them to participate and benefit from childcare settings. The rights of a disabled child to be loved and cared for and protected are the same as any other child.

Some disabled children may feel isolated or unhappy within some childcare settings. Flexibility and choice in childcare provision are important for ensuring that provision is focused fully on the rights and welfare needs of the disabled child. The needs of disabled children can vary considerably and some may benefit from alternative forms of childcare support such as individual homecare/support at home. Staff providing childcare for deaf and disabled children should understand and be trained in communication methods such as British Sign Language (BSL). It is also important that other children in the setting learn and understand BSL so they can correspond with deaf and disabled children and lessen the feelings of isolation and unhappiness.

Childcare provision should aim to meet the needs of both the parents/carers and the child. For disabled children there may be particular considerations for ensuring the welfare of the disabled child especially if they are from a minority ethnic group. We therefore suggest a more explicit emphasis is placed on the need to ensure that provision for any particular child is flexible and reflects their needs and wellbeing as well as the needs of the parent or carer.

Although the guidance states that local authorities must secure childcare that is accessible and inclusive, we suggest that further details are included in this section of how to do this and requirements on providers under the Disability Discrimination Act. This could include promoting diversity, using play material which promotes inclusivity, valuing staff from different backgrounds and making sure that staff have received both child protection, diversity and disability equality training and that they are putting this into practice in the childcare setting. It may also include training of staff for specific purposes in working with an individual child, for example, personal care, communication, behaviour support and the employment or commissioning of specialist services to advise upon or to support the meeting of an individual child's needs.

We suggest that further information is set out in the guidance about the specific qualifications and training providers must have before they can provide care for children. As a minimum, this should include child development and protection training, safeguarding training and first aid training.

We recommend that information and support for parents/carers with disabled children should be made available by local authorities so that they can understand about the type of childcare provided and the standards of care they can expect for each form of provision. Information should be developed in different formats such as audio form and BSL and in different languages as

appropriate for the local area. In addition we recommend that active steps should be taken to make this information available to minority and/or isolated groups and communities who may tend not to have access to such information through community groups and outreach projects.

Chapter 7: Workforce and Market Development

The NSPCC recently responded to the Department for Education and Skills consultation on exemptions to the Ofsted Childcare Register. We expressed our strong concerns about the proposals for exemptions to the Register, including the failure to ensure the paramountcy of children's best interests and their right to protection in all childcare settings; we also outlined our disagreement with the proposal that there should be a distinction between any childcare providers as currently set out in the consultation document. We recommended that all providers should be registered on a compulsory, not a voluntary, basis. It is crucial that all children are protected from all forms of violence, abuse, neglect and exploitation, to be able to protect themselves and to expect that people will protect and help them as set out in Article 19 of the UNCRC. All children must be afforded the same level of protection and safeguards, regardless of their age, the time they spend in childcare and by whom the childcare is provided.

We reiterate our position again in response to this consultation and recommend that local authorities must provide information, advice and training to all childcare providers on a compulsory rather than an *ad hoc* basis as set out in the draft guidance.

We welcome the information regarding safeguarding and additional needs set out in paragraph 141. We recommend that Local Authorities should have a named individual for providers to contact if they have child protection concerns or safeguarding queries. It is important for providers to have this link for continuity and also so they know they can turn to within the local authority for advice to protect children effectively. We also recommend the guidance includes contact details for other agencies which can provide child protection advice and information, such as the NSPCC child protection helpline **(0800 800 5000)**, the NSPCC Asian Child Protection Helpline **(0800 096 7719)** and website www.nspcc.org.uk, where information for professionals working with children can be found.

If you require any further information please contact Emily Arkell, Policy Adviser, on 020 7825 1352 or by email at earkell@nspcc.org.uk.

Yours sincerely

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