

**NORTH LANARKSHIRE COUNCIL
REPORT**

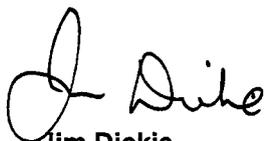
TO: Social Work Committee	Subject: REGULATION OF EARLY EDUCATION AND CHILD CARE - GOVERNMENT CONSULTATION
FROM: Jim Dickie Director of Social Work	
DATE OF COMMITTEE: 24 August 1999	
REPORT AUTHOR: A Jay	
REF: AJ/AB	

1 BACKGROUND

- 1.1 The attached report was approved by the Policy and Resources Committee on 15 June 1999.
- 1.2 The report comprises a response from North Lanarkshire Council to the Government Consultation Paper 'Regulation of Early Education and Child Care'. The response was co-ordinated through the Children's Services Strategy Group and incorporates comments from Education, Social Work and Legal Services.
- 1.3 The response will be of general interest to members of the Social Work Committee.

2 RECOMMENDATION

The Committee is asked to note the contents of the response.



**Jim Dickie
Director of Social Work
17 August 1999**

For further information on this report please contact A Jay, Head of Social Work Services, Tel: 01698 332001

**EXCERPT OF MINUTE OF MEETING OF THE POLICY AND RESOURCES COMMITTEE HELD ON
22 JUNE 1999**

CONSULTATION PAPER ON CHILDCARE - COUNCIL RESPONSE

29. There was submitted a report (docketed) dated 15 June 1999 by the Chief Executive (1) advising that in March of this year the Scottish Office Education and Industry Department issued its consultation paper "Regulation of Early Education and Childcare" which set out the Government's proposals and rationale behind the introduction of a new regulatory body "The Scottish Commission for the Regulation of Care" responsible for regulating all types of childcare provision, and inviting local authorities to respond to its proposals by 30 June 1999, and (2) indicating that, given the corporate responsibility for childcare within North Lanarkshire between the Council's Social Work and Education Departments and the Legal Services Section, the Council's response to the consultation exercise as contained in Appendix 1 to the report, has been co-ordinated through the Children's Services Strategy Working Group.

Decided:

- (1) that the Government's proposals to regulate Early Years Education and Childcare provision and the invitation issued to local authorities and other interested parties to comment in this regard be noted;
- (2) that the comments prepared in response to the Government's consultation paper by the Children's Services Strategy Working Group as contained in Appendix 1 to the report be approved;
- (3) that the Chief Executive submit these comments to the Scottish Office within the submission timescale of 30 June 1999, and
- (4) that the report be remitted to the Education, Social Work and Social Inclusion Committees for their interest.

To: Policy and Resources Committee	Subject: REGULATION ON EARLY EDUCATION AND CHILDCARE - GOVERNMENT CONSULTATION	
From: Chief Executive		
Date: 15 June 1999	Ref: CE/002/JLR159	

1.0 Purpose

- 1.1 The purpose of this report is to set out the Government's proposals to regulate early education and childcare provision and to submit for consideration and approval the Council's response to the invitation from the Scottish Office to comment on its proposals.

2.0 Background

- 2.1 In March of this year the Scottish Office Education and Industry Department issued its consultation paper, "Regulation of Early Education and Childcare".
- 2.2 The consultation paper sets out the Government's proposals and rationale behind the introduction of a new regulatory body, "The Scottish Commission for the Regulation of Care" responsible for regulating all types of childcare provision.
- 2.3 The Government, in its consultation paper, invites local authorities to respond to its proposals with a submission date of 30 June 1999.

3.0 Government Proposals

- 3.1 The Government believes that early years education and childcare should be subject to regulation backed by statute. Whilst it is recognised that early education and childcare provision are already regulated, much of the statute behind this regulation is outdated. The Government also predicts that both the demand and supply for a range of childcare options are likely to increase over the next five years.
- 3.2 The Government's aims in introducing both increased and standardised regulation of early education and childcare are twofold:-
- i. Firstly, to protect and safeguard children; and
 - ii. Secondly, to ensure that children's experience of care is positive whilst at the same time contributing to the child's personal and social development.
- 3.3 The Government's consultation paper focuses upon the type of childcare to be covered by regulation and also the age ranges of children to be covered by regulated provision. Consultees are also given the opportunity to comment on training issues, space and staff ratios, and the most preferred arrangements to ensure adequate care for those children cared for within a domestic setting.

4.0 North Lanarkshire Council Response

- 4.1 Given that the proposed new regulatory body will be responsible for all types of childcare provision and given the corporate responsibility for childcare within North Lanarkshire between the Council's Social Work and Education Departments and the Legal Services Section, the Council's response to the consultation exercise has been co-ordinated through the Childrens Services Strategy Working Group.
- 4.2 The Council's response to the consultation paper, together with a summary of the Government's key recommendations and considerations in relation to improvements in childcare, are attached as Appendix One to this report.

5.0 Recommendation

5.1 The Policy and Resources Committee is requested to:

- i) note the Government's proposals to regulate Early Years Education and Childcare provision and the invitation issued to local authorities and other interested parties to comment in this regard;
- ii) consider and approve the comments prepared in response to the Government's consultation paper by the Council's Childrens Services Strategy Working Group and contained in Appendix One;
- iii) request the Chief Executive to submit these comments to the Scottish Office within the submission timescale of 30 June 1999; and
- iv) otherwise note the contents of this report.


M Chief Executive

**REGULATION OF EARLY EDUCATION AND CHILDCARE
SUMMARY OF GOVERNMENT PROPOSALS
AND NORTH LANARKSHIRE COUNCIL'S RESPONSE**

SECTION 1 - WHAT TO REGULATE

GOVERNMENT PROPOSAL

COUNCIL RESPONSE

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| 1 | That, as a minimum all forms of childcare and early years education which are currently subject to regulation would continue to be covered by regulation. | North Lanarkshire Council would agree with this proposal. If however, Her Majesty's Inspectorate (HMI) is to continue to have responsibility for regulating the 'published curriculum element' of nursery education then a clear definition of regulatory roles and responsibilities is required to avoid duplication in this regard between HMI and the proposed Scottish Commission for the Regulation of Care. |
| 2 | Informal, unpaid childcare provided by relatives or friends would not be subject to regulation. | The Council would agree with this proposal subject to compliance with the current terms of the Children's Act where legislation is required if a child is cared for in a friend's home for a period of more than two hours and where a "reward/gratuity" is given. |
| 3 | A Code of Practice for nanny agencies should be introduced with a checking service for those parents seeking to employ a nanny and guidance on employing a nanny. | The Council would agree with this proposal however it would be difficult for the Commission to check a prospective nanny's suitability without the backing of statutory provision. Moreover, the Commission may leave itself open to claims against its 'interpretation' of references or its findings.

The Council would propose that nanny agencies should be registered and subject to inspection by the Commission to ensure that Code of Practice is in place and adhered to. |
| 4 | Au Pairs would not be subject to regulation. | The Council would suggest that where au pairs are responsible for unsupervised care of children in the absence of parents they should be subject to the same Code of Practice as nannies. |
| 5 | The age range of children covered by regulations should be extended subject to an appropriate method of regulation and cognisance of particular activities such as youth clubs and sports organisations. | The Council would agree with the proposal to extend the age range of children covered by regulation and would suggest that issues such as Health and Safety, Child Protection, Equal Opportunities and Child Development are similar for both younger and older children |

GOVERNMENT PROPOSAL

6 & 7 **Suggestions are sought by the Government on the nature of such regulation for older children and the extended age range.**

8 **Regulation should take account of cumulative hours of childcare over the year, even though individual sessions were less than 2 hours.**

9 **Separate standards should not be introduced for those childcare providers catering for children with special needs, but rather, regulators should exercise discretion.**

10 **The creation of a new regulatory body, "The Scottish Commission for the Regulation of Care" responsible for registration and inspection of residential and home based social care together with non-residential childcare.**

11 **Is there a role for existing national organisation's quality assurance schemes in regulation or should these be seen as additional?**

COUNCIL RESPONSE

Resource and staffing implications must be taken into account if regulation of childcare for older children in its widest definition is to be introduced.

It is suggested however that the existing system of regulation for children under 8 could be extended. Similarly the criteria used to determine registration in childminding applications could be deployed.

The Council would highlight that cognisance must be taken of the type of activity which older children may take part in and also the personal autonomy, independence and freedom of choice which older children exert.

It would seem appropriate for the age range covered by regulation to be extended to 14 years.

The Council would agree with this proposal in order to protect children's interests and remove an apparent inconsistency in the current regulatory regime.

The Council would agree with this proposal and would highlight that whilst standards should be sufficient to protect and meet the needs of children with special needs these should not constrain the opportunity for integration. It should also be recognised that different types of special needs require different staffing levels and inputs.

The Council would support the establishment of the Commission to ensure consistent national standards, equity across all sectors and objectivity.

The Council would recommend that quality assurance schemes should be additional to regulation.