



Department
for Education

Consultation Response Form

Consultation closing date: 22 May 2014
Your comments must reach us by that date

Childminder agencies and changes to the local authority role

If you would prefer to respond online to this consultation please use the following link: <https://www.education.gov.uk/consultations>

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.	<input type="checkbox"/>
Reason for confidentiality:	

Name: Richy Thompson	
Please tick if you are responding on behalf of your organisation.	<input checked="" type="checkbox"/>
Name of Organisation (if applicable): British Humanist Association	
Address: 39 Moreland Street, London EC1V 8BB	

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

Please mark the box that best describes you as a respondent.

(If 'Other' please specify in box below)

<input type="checkbox"/>	Local Authority	<input type="checkbox"/>	Childminder	<input type="checkbox"/>	Parent/Carer
<input type="checkbox"/>	Private/voluntary provider full day care	<input type="checkbox"/>	Independent school	<input type="checkbox"/>	Childcare or early years organisation
<input type="checkbox"/>	Private/voluntary provider sessional	<input type="checkbox"/>	Breakfast/After school club	<input type="checkbox"/>	Maintained nursery school
<input type="checkbox"/>	Holiday activity provider	<input type="checkbox"/>	Maintained nursery class	<input type="checkbox"/>	Employer
<input type="checkbox"/>	Network childminder	<input checked="" type="checkbox"/>	Other		

Please Specify: Religion or belief organisation

The British Humanist Association is the national charity working on behalf of non-religious people who seek to live ethical and fulfilling lives on the basis of reason and humanity. We promote Humanism, support and represent the non-religious, and promote a secular state and equal treatment in law and policy of everyone, regardless of religion or belief.

Founded in 1896, we have around 30,000 members and supporters, and over 70 local and special interest affiliates. Our policies are informed with the support of over 120 of the UK's most prominent philosophers, scientists, and other thinkers and experts and we seek to advance them with the help of over 100 parliamentarians in membership of the All Party Parliamentary Humanist Group. Our trained and accredited celebrants conduct funerals and other non-religious ceremonies attended by over 500,000 people each year.

The BHA has a long history of work in education, children's rights and equality, with expertise in the 'religion or belief' strand. We provide materials and advice to parents, governors, students, teachers and academics. We also work closely with others on wider equalities issues in a range of forums. The BHA is a member of the National Children's Bureau Sex Education Forum (SEF), the Children's Rights Alliance for England and the Religious Education Council for England and Wales.

We have responded to part B/question 10 of this consultation only.

INTRODUCTION

This consultation seeks views on changes to the provision of early education and childcare as a result of measures in the Children and Families Act 2014. These measures were fully debated by Parliament during the passage of the Children and Families Bill. The measures in the Bill were set out in the report 'More Great Childcare', published by the Department for Education on 29th January 2013 and More Affordable Childcare published on 16th July 2013.

The consultation document is in two parts:

Part A seeks views on the key requirements for registration with Ofsted for anyone wanting to set up a childminder agency. This consultation focuses on some technical aspects of how they will operate, rather than the concept of agencies which was fully debated during the passage of the Children and Families Bill. We therefore welcome responses to the specific issues addressed. Views on the policy itself are out of scope for this consultation.

Part B seeks views on regulations which make changes to the way local authorities discharge their duty under section 7 of the Childcare Act 2006 to secure early years provision, free of charge, for eligible children in their area. It also seeks views on draft statutory guidance for local authorities under the Childcare Act 2006 related to early education and childcare.

Please note the regulations do not change the existing policy on how local authorities discharge that duty which is set out in the department's current statutory guidance. This policy has previously been consulted on and views on the policy itself are out of scope of this consultation.

Part A: Childminder agency key requirements

The government is proposing in the draft regulations that childminder agencies secure 16 hours of CPD per year for early years childminders (those delivering the EYFS) or 8 hours per year for later years childminders (those working with older children or outside the EYFS) registered with them.

1 Do you agree with the suggested hours of CPD?

<input type="checkbox"/> Agree, the level is about right	<input type="checkbox"/> Disagree, the level is too low	<input type="checkbox"/> Disagree the level is too high
<input type="checkbox"/> Not sure		

Comments:

In the draft regulations, the government sets out specific proposals around support time and visits that childminder agencies must undertake for early years and later years childminders registered with them.

In relation to early years childminders, we are proposing that:

- agencies be required to secure 20 hours support time per year;
- that the support time may include CPD activity delivered by the CMA; and
- that the support time should include at least two visits for early years childminders in their first year of operation but that agencies be free to scale these down to a minimum of one visit per year once they are satisfied as to the childminder’s quality.

In relation to later years childminders, we are proposing that:

- agencies be required to secure 10 hours support time per year;
- that the support time may include CPD activity delivered by the CMA; and
- that the support time should include at least one visit per year.

2 Do you agree with the number of hours of support time and the number of visits by childminder agencies to their registered childminders?

<input type="checkbox"/> Agree, this level is about right	<input type="checkbox"/> Disagree, think this is too low	<input type="checkbox"/> Disagree, think this is too high
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Not sure

Comments:

3 Do you agree that childminder agencies should only have to undertake a minimum of one visit per year after the first year based on their assessment of the quality of the childminder?

Yes

No

Not sure

Comments:

The Government proposes that childminder agencies will have to meet a number of requirements in order to register with Ofsted and operate as an agency. These are set out in the draft regulations which form part of this consultation. The matters here will be of particular interest to anyone interested in establishing a childminder agency, but we are grateful for all comments.

4 Do you have any comments on the legal requirements set out in the draft regulations for how childminder agencies will register with Ofsted and subsequently operate?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

Part B: Changes to the way local authorities secure early education for two-, three- and four-year-olds

5 Is there anything in the regulations which would prevent local authorities from meeting their duty to secure funded early education for two-, three- and four-year-olds? If yes or not sure please explain your answer below.

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Sure
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Comments:

6 Are there any particular types of providers for which the impact of these regulations will be significant? If answered yes (positive or negative) please give details below.

<input type="checkbox"/> Yes, significant impact (positive)	<input type="checkbox"/> Yes, some impact (positive)	<input type="checkbox"/> No impact
<input type="checkbox"/> Yes, significant impact (negative)	<input type="checkbox"/> Yes, some impact (negative)	<input type="checkbox"/> Not sure

Comments:

7 Are there any particular groups of children and/or parents for which the impact of these regulations will be significant? If answered yes (positive or negative) please give details below.

<input type="checkbox"/> Yes, significant impact (positive)	<input type="checkbox"/> Yes, some impact (positive)	<input type="checkbox"/> No impact
<input type="checkbox"/> Yes, significant impact (negative)	<input type="checkbox"/> Yes, some impact (negative)	<input type="checkbox"/> Not sure

Comments:

8 Is there any practical advice related to the regulations and their effect or implementation that you would like to see in the statutory guidance?

Comments:

9 Is the guidance clear on what local authorities must do to discharge their statutory duties? If no or unsure please explain why below.

Yes

No

Not Sure

Comments:

10 Please let us have your views on responding to this consultation (e.g. the number and type of questions, was it easy to find, understand, complete etc.)

Comments: There is no question on this consultation where it is possible to respond to say that we think there should be additional requirements on providers (in addition to those currently in the regulations) before they are eligible to receive state funding to provide free nursery provision. Therefore we have chosen to make such representations in our response to question 10.

We do not think that state funds should be spent on providers that teach creationism or other pseudoscientific ideas as scientifically valid, or where there are concerns about extremism. It is of the utmost importance that every young person receives high quality, accurate education including in science and that no child is taught with state money views that run against the established scientific consensus. Science is the best route we have to knowledge and understanding about the Universe, and understanding evolution is vital to understanding how life came to be. The UN Convention on the Rights of the Child says that 'States Parties shall [contribute] to the elimination of ignorance and illiteracy throughout the world and [facilitate] access to scientific and technical knowledge'.

We know the Government agrees with this; in response to a recent parliamentary question asked by Caroline Lucas, Elizabeth Truss responded by saying that 'We expect the Government's position on creationism and evolution to be supported by any learning establishment in receipt of funding from the Department for Education to support science education.'¹

¹ Commons Hansard, 28 April 2014:

<http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140428/text/140428w0005.htm#14042968000114>

However, the Government has done nothing to stop funds being spent in this way. Recent research by the British Humanist Association discovered that 84 nurseries where we have concerns about the teaching of pseudoscience are receiving funding.² These included:

- Nine schools teaching the creationist, misogynist and homophobic Accelerated Christian Education curriculum. We bought ACE's nursery curriculum resources and found that in Science children are taught to identify what happened on each of the days of creation and about Adam and Eve, while in Social Studies they are also taught about Noah's Ark.³
- 16 schools that are part of the Christian Schools' Trust. The CST recommends that its schools teach creationism.⁴
- 32 Charedi Jewish schools. Such schools are also usually creationist.⁵
- 27 Steiner schools. The BHA has concerns in relation to Steiner schools around the teaching of pseudoscience (including with respect to evolution), providing homeopathy to children and not offering vaccinations.

The BHA also expressed concern about the two schools run by the Islamic Shakhshiyah Foundation, which have in the past been dogged by accusations of extremism and whose nurseries we have identified as getting state funding. Since then, concerns have been raised by others about five further nurseries getting funding with alleged extremist links.⁶

This funding is entirely at odds with the approach taken by the Government towards Free Schools, where there are increasingly rigorous checks to ensure that neither creationist nor potentially extremist groups are funded.

We note that providers of places for two year olds must be rated at least 'Good' by Ofsted. However, this is not sufficient to address our concerns, as Ofsted's independent school inspection framework does not consider the teaching of pseudoscience (and for that matter, some of the schools are inspected by independent school inspectorates). And there is no similar requirement for those offering places for three and four year olds.

² 'BHA expresses alarm at creationist and alleged 'extremist' nurseries getting state funding', 18 March 2014: <https://humanism.org.uk/2014/03/18/bha-expresses-alarm-creationist-alleged-extremist-nurseries-getting-state-funding/>

³ Scans at <http://humanism.org.uk/wp-content/uploads/ACE-nursery-science.pdf>

⁴ http://wrap.warwick.ac.uk/3115/1/WRAP_THESIS_Baker_2009.pdf

⁵ This figure was initially 13, but on 30 April Hackney Council sent us a list of nurseries getting funding in their area, which led to the identification of 19 more.

⁶ See <http://standforpeace.org.uk/extremist-schools-receive-taxpayer-support/> and <http://www.dailymail.co.uk/news/article-2592974/Primary-school-set-terror-trainer-gets-public-money-Taxpayers-help-fund-places-fanatics-nursery.html> and in addition the Alif Academy, mentioned at <http://www.telegraph.co.uk/education/educationnews/9750428/Extremism-unchecked-in-schools-secret-briefing-reveals.html>, is also in receipt of funding.

We welcome the current consultation with respect to individuals working in independent schools where there might be concerns about extremism;⁷ this should help address problems related to extremism. However, additional safeguards with respect to nursery funding are also needed to ensure the problem is fully addressed.

We responded to the consultation last year on proposed changes to the funding scheme,⁸ to point out that the conditions of the funding⁹ included that the funds only go to nurseries that haven't exempted themselves from teaching the early years foundation stage (EYFS) – which Steiner nurseries invariably have. We were deeply alarmed when the new regulations were published in December, which instead resolved the issue by removing the prohibition on funding for EYFS-exempted nurseries – thus allowing the Steiner schools to get funding without any legal issues.¹⁰ It is outside of our remit to comment on as to whether or not nurseries must be required to teach the EYFS to get funding. But we do not think Steiner nurseries should be getting funding due to the pseudoscientific nature of their curricula and health policies, and we are deeply concerned to see the Government appearing to bend over backwards to meet the needs of this community.

What we would like to see is requirements similar to those for Academies and Free Schools. Using the same language, these would specify that in order to receive funding:

- **the early years provider must not allow any view or theory to be taught as evidence-based if it is contrary to established scientific or historical evidence and explanations.**
- **the provider should also be required to ensure that principles are promoted which support fundamental British values, including: respect for the basis on which the law is made and applied in England; respect for democracy and support for participation in the democratic processes; support for equality of opportunity for all; support and respect for the liberties of all within the law; and respect for and tolerance of different faiths and religious and other beliefs.**

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

⁷ <https://www.gov.uk/government/consultations/management-of-independent-schools-proposed-regulations>

⁸ <http://humanism.org.uk/wp-content/uploads/Role-of-LA-response-form-4-response-from-the-British-Humanist-Association.pdf>

⁹ <http://www.legislation.gov.uk/uksi/2012/2488/made>

¹⁰ <http://www.legislation.gov.uk/uksi/2013/3193/regulation/2/made>

Please acknowledge this reply.	
E-mail address for acknowledgement:	

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](#)

The key Consultation Principles are:

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
- departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
- departments should explain what responses they have received and how these have been used in formulating policy
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

If you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Coordinator, tel: 0370 000 2288 / email: aileen.shaw@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed responses should be sent to the address shown below by 22 May 2014

Send by post to:
Childminder Agency Project,
Early Years Market Structures Portfolio,
Department for Education,
First Floor,
Sanctuary Buildings,
Great Smith Street,

London
SW1P 3BT.

Send by e-mail to: CMA-LA-REGS.CONULTATION@education.gsi.gov.uk