

**community**



Education &  
Early Years

**Official Response to the Government  
consultation**

# **Childcare: Regulatory Changes**

**September 2022**

## Introduction

This is a consultation on specific proposals for changing the staff:child ratio requirements for two-year olds in group-based early years settings, ratio flexibilities for childminders, and supervision requirements when children are eating within early years settings.

## About Community | Education & Early Years

Community | Education & Early Years supports thousands of members in all sections of the education and early years sector. Formerly, Voice the Union for Education Professionals and PAT/PANN we have a wealth of knowledge and experience and bring this to bear in all that we do with our members, employers, government and other stakeholders.

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This document outlines the official response from Community Union and is a public document. Therefore, we give consent for the content of this document to be quoted and shared and for the name of the organisation to be included in any subsequent reporting.

The content of this official response will be published on our website following the conclusion of the consultation.

This Official response was submitted by email to

**[childcare.consultation@education.gov.uk](mailto:childcare.consultation@education.gov.uk)**

## About this consultation

The aim of the consultation is to gather a wide range of views on the specifics of our policy proposals to help us reach well-informed and fair decisions.

This consultation document asks questions in relation to proposals to:

1. change the current statutory minimum staff:child ratios in England for 2-year-olds from 1:4 to 1:5, which would align with Scottish ratio requirements for 2-year-olds.
2. change the early years foundation stage statutory framework (the EYFS) to be explicit that childminders can care for more than the specified maximum of three children under the age of 5 if they are caring for siblings of children they already care for, or if the childminder is caring for their own baby or child.
3. change the early years foundation stage statutory framework (the EYFS) to be explicit that “adequate supervision” while children are eating means that children must be in sight and hearing of an adult.

The proposals in this consultation relate to children in England only.

To help us understand how the proposed changes to early years staff:child ratios might affect early years provision, the Department for Education has commissioned the National Centre for Social Research (NatCen) and Frontier Economics to conduct a study with early years providers. Early years providers who took part in the [2021 survey of childcare and early years providers](#) conducted by NatCen on behalf of DfE and agreed to take part in future research are being invited to take part in this study over the next few weeks. Participants taking part in the survey are also able to take part in this consultation.

The responses to the questionnaire will be used to inform the consultation responses provided here. A summary report of responses from the study will be published on [GOV.UK](#) alongside the consultation response.

## Ministerial Foreword

Every child deserves a great start in life, and this Government is committed to ensuring all families get the support they need when they need it. This includes providing children



and families with access to high quality early education and childcare, helping children to learn in their earliest years, providing enriching experiences around school hours, and supporting a functioning economy by enabling parents to work.

Every day in this country millions of parents leave their children in the care of early education and childcare professionals in nurseries, childminding settings, holiday activity providers, and before- and after-school care. They do so in the knowledge that their child will be safe, well cared for, and that they will enjoy enriching experiences that support their development.

We can rightly be proud of our early education and childcare and of the dedicated professionals who work in the sector. During the pandemic, early education and childcare staff worked tirelessly to keep their settings open wherever possible, supporting millions of parents to keep working, and ensuring children continued to have access to high quality early learning even in the most difficult of circumstances.

In January 2022, the Secretary of State for Education set out a bold and ambitious reform agenda based around three key priorities: skills, schools, and families. As part of this, I am working across government to take a renewed look into the childcare system to find ways to improve the cost and availability of childcare and early education for families across England.

Safety and quality will be at the heart of our proposals to ensure we do not compromise on provision for our youngest children. We also know that flexibility for providers is key to achieving a thriving childcare system that provides the care that parents are seeking. I am committed to working with parents and the sector to understand how best to deliver this.

As a first step, we are consulting on a small number of changes to the adult to child ratio requirements and to the supervision requirements when children are eating in early years settings. These proposals give settings greater flexibility in deciding how best to staff their settings, according to the needs of their children.

We hope to hear from as many people and organisations so we can gather a broad range of views to help us reach well-informed and fair decisions.

A handwritten signature in black ink, appearing to read 'Will Quince'. The signature is fluid and cursive.

**Will Quince MP, Minister for Children and Families**

## Background

Early education and childcare play an important role in our society. The early years of a child's life are critical for their development and will shape their lives for years to come. Children who spend time in high quality early education and childcare before they are old enough to start school have better educational outcomes later on in life<sup>1</sup>.

The majority of working parents need childcare in some form to help them balance work and family life. In 2019, around three quarters of all parents of children aged under 5 used some form of childcare, including family and friends and 57% of families reported paying for childcare<sup>2</sup>.

The quality of early years provision has been improving over the last decade. In 2019, 71.8% of five-year-olds reached a good level of development across all the learning goals in the Early Years Foundation Stage Profile, compared with 51.7% in 2013<sup>3</sup>. At the end of 2021, Ofsted reported that 97% of the early years childcare providers registered with them had been judged either good or outstanding at their latest inspection<sup>4</sup>.

Yet the benefits of attending childcare for children cannot be realised if parents cannot afford to use it. Nor can it help parents to work if it costs more than the income they would receive. Parents in the UK pay among the highest net costs for childcare in the OECD<sup>5</sup>, with much of a second earner's wages going just to pay childcare costs<sup>6</sup>. The fees charged for childcare have increased above inflation since 2019<sup>7</sup>.

The Government is committed to ensuring parents can access high quality, flexible childcare, and understand the support they are entitled to. We are already working across government to:

- increase awareness and take up of government-funded early education and childcare schemes to make sure all parents are accessing the support for childcare costs to which they are entitled. Government spends over £3.5bn a

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<sup>1</sup> DfE, Taggart, B., Sylva, K., Melhuish, E., Sammons, P., & Siraj, I. (2015). Effective pre-school, primary and secondary education project (EPPSE 3-16+): How pre-school influences children and young people's attainment and developmental outcomes over time.

<sup>2</sup> [Childcare and early years survey of parents: 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/childcare-and-early-years-survey-of-parents-2019)

<sup>3</sup> The EYFSP was cancelled in 2020 and 2021 due to the pandemic. [Early years foundation stage profile results, Academic Year 2018/19 – Explore education statistics – GOV.UK \(explore-education-statistics.service.gov.uk\)](https://www.gov.uk/government/statistics/early-years-foundation-stage-profile-results-academic-year-2018-19)

<sup>4</sup> [Childcare providers and inspections: management information - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/childcare-providers-and-inspections-management-information)

<sup>5</sup> [Benefits and wages - Net childcare costs - OECD Data](https://www.oecd.org/dataoecd/12/5/49812312.pdf)

<sup>6</sup> OECD (2020), "Is Childcare Affordable?" Policy Brief on Employment, Labour and Social Affairs, OECD, Paris, [oe.cd/childcare-brief-2020](https://www.oecd.org/dataoecd/12/5/49812312.pdf)

<sup>7</sup> [Childcare and early years providers survey: 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/childcare-and-early-years-providers-survey-2021)

year on the early years entitlements, and alongside this consultation we are also consulting on the early years national funding formula to ensure that this funding is distributed fairly across different parts of the country.

- review regulation of childcare to make sure that it is proportionate and effective and is not driving unnecessary burdens and costs on childcare providers, enabling a competitive and thriving childcare market that delivers high quality and safe provision across the country.

This consultation kicks off activity on the last of these points. We are seeking views from parents, childcare staff and managers, organisations, and other interested parties to enable Government to take the right steps to tackle these challenges.

We are committed to working with early years childcare providers, schools, parents, and carers to ensure we build upon the strengths of the current system and respond appropriately to the challenges ahead, working towards a childcare offer that works for families now and in the future.

## About you

The following introductory questions will help us understand more about you and – where relevant – the nature of your business or organisation and the main ways in which you currently interact with the childcare system in England. **PLEASE NOTE THAT THIS CONSULTATION APPLIES TO CHILDCARE IN ENGLAND ONLY.**

### Questions

#### 1. Confidentiality

Information provided in response to this consultation, including personal data, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018, or the Environmental Information Regulations 2004. If you want all, or any part, of a 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 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.

#### Privacy Notice

The personal data (name and address and any other identifying material) that you provide in response to this consultation is processed by the Department for Education as a data controller in accordance with the UK GDPR and Data Protection Act 2018, and your personal information will only be used for the purposes of this consultation. The Department for Education relies upon the lawful basis of article 6 (1) (e) of the UK GDPR which process this personal data as part of its public task, which allows us to process personal data when this is necessary for conducting consultations as part of our function. Your information will not be shared with third parties unless the law allows or requires it. The personal information will be retained for a period of 12 months following the closure of the consultation period, after which it will be securely destroyed. You can read more about what the Department for Education does when we ask for and hold your personal information in our personal information charter, which can be found here: Personal information charter - Department for Education - GOV.UK ([www.gov.uk](http://www.gov.uk))

**Would you like us to keep your response confidential?**

- YES
- NO**

**2. In what capacity are you responding to this consultation? As a...**

• [tick all that apply]

- parent, carer
- childminder
- primary school (with nursery provision)
- maintained nursery school
- group-based provider on early years register
- any other organisation providing childcare
- local authority
- charity
- employer
- Ofsted
- childminder agency
- membership organisation**
- other (please specify)

**3. Where are you based in England?**

- South East
- London
- North West
- East of England
- West Midlands
- South West
- Yorkshire and Humber
- East Midlands**
- North East
- Not based in England.

**PLEASE NOTE THAT THIS CONSULTATION APPLIES TO CHILDCARE IN ENGLAND ONLY**



# Staff:child ratios

## Background

Staff:child ratios are set out in the [Early Years Foundation Stage statutory framework](#) (the EYFS) as the number of children per staff member. The minimum ratio requirements vary according to the age of the child and the qualification level of staff. They apply to the total number of staff available to work directly with children. The EYFS states that ‘exceptionally, and where the quality of care and safety and security of all children is maintained, changes to the ratios may be made’.

Staffing ratios have existed largely unchanged since the 1970s, and in the later 1980s were codified based on common practice at the time. Whilst the department keeps EYFS requirements under internal review on a regular basis, the last formal review of staff:child ratios was in 2013; no changes were made following the review.

The proposals in this consultation are different from the 2013 proposals. We are proposing to make changes to the statutory minimum ratios for children aged two in group-based settings, and to provide clarification around the flexibility in childminder ratios for sibling groups and for childminder’s own children. Staff costs account for 74% of the cost of running a childcare setting for group-based providers, and we know that regulations on minimum ratios drive key decisions about staffing. Current, and proposed, ratios are *minimum* requirements – we know that childminders and managers of early years setting know their children best, so it is right that we give them the flexibility they need to staff their settings based on their knowledge of the care and education their children require at any time.

Childminders are an important part of the early years sector, providing childcare that is flexible and affordable. Both of these are priorities for parents<sup>8</sup>. However, childminder numbers have declined steadily year on year<sup>9</sup>.

While the decline in childminder numbers has not affected the overall sufficiency of early years childcare places, it has reduced the availability of one form of affordable and flexible childcare, limiting parental choice. The two proposals in this consultation are designed to provide childminders with greater clarity about how they can apply their ratios in specific circumstances.

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<sup>8</sup> [Childcare and early years survey of parents: 2019 - GOV.UK \(www.gov.uk\)](#), table 5.15: Affordability, flexibility (and availability across the year) are given as the top changes to childcare provision that would make it better suited to parents’ needs.

<sup>9</sup> [Childcare providers and inspections: management information - GOV.UK \(www.gov.uk\)](#)

Of course, high-quality provision is not only based on the number of staff in the setting, but also on other factors, including the quality and expertise of the workforce. Any changes to ratios must be considered alongside wider conversations about how government and the sector can work together to continue to prioritise workforce development. That's why we are investing up to £153m in workforce development and support to build a stronger, more expert workforce in the early years sector as part of our education recovery package.

This builds on the reforms to the Early Years Foundation Stage (EYFS) curriculum and assessment requirements, which became statutory this year. The EYFS reforms and significant investment in workforce development will ensure all early years practitioners are skilled in delivering and embedding evidence-based approaches to educating the children in their care. This work is particularly focused on supporting children with special educational needs and disabilities and supporting all children with their communication and language, early numeracy, and their personal, social, and emotional development.

This consultation is the first step in a longer reform journey. As we continue this journey, there may be opportunities to explore further reform, and questions 12 and 13 invite early views on some potential further options. At this stage, these options are not formal proposals that we are consulting on; instead, question 12 and 13 will be used to gather evidence to understand more about the needs of the sector. We will continue to work collaboratively with parents and the sector to shape the regulatory framework to meet their needs, and the needs of all children who attend early years settings.

## **Proposal and rationale**

This consultation invites views on three specific proposals to change the regulatory framework for those providing childcare and early education. The consultation questions on ratios relate solely to changes in staff:child ratios. We are not proposing any changes to qualification requirements and responders should assume that current qualification requirements set out in the EYFS will apply to any changes that may be made to ratios as part of this consultation. If implemented, these proposed changes to ratios would amend the existing statutory minimum requirements, however providers will continue to be free to staff above these minimum requirements if that is their preference. These changes would hand greater autonomy to settings and childminders to:

- expand their reach so that as many families as possible can benefit from affordable, flexible childcare, and;
- exercise greater professional judgement in deciding the makeup of the groups of children they care for and/or the way in which they staff their settings, according to the needs of their children.

## Proposal A: Group-based settings

The first proposal concerns staff:child ratios when caring for 2-year-olds in group-based settings. Changes to the EYFS will be required via amendments to the EYFS (Welfare Requirements) Regulations 2012, paragraph 3.33.

These changes would align the English system to that of Scotland. The Scottish system has similar ratios to England, but these differ for children aged 2. Whilst in England our ratio is 1:4 (one adult to four children), Scotland applies ratios of 1:5 (one adult to five children). We have also considered other international examples. While like-for-like comparisons must be treated with caution due to very different childcare systems, England's statutory minimum staff:child ratios for 2-year-olds are among the highest in Europe.<sup>10</sup>

We are proposing to move to the Scottish ratios for 2-year-olds on the basis that Scotland has a similar childcare system to England, we have no evidence to suggest that the Scottish model is unsafe, and evidence shows high parental satisfaction rates. In 2018, a survey of parents in Scotland found 96% of parents were satisfied with how staff interact with their child, 90% of parents were satisfied with the extent to which their child received personal care and attention tailored to specific needs.<sup>11</sup>

The proposed changes to the EYFS are as follows:

Current wording for children aged two years:

- there must be at least one member of staff for every four children.
- at least one member of staff must hold an approved level 3 qualification.
- at least half of all other staff must hold an approved level 2 qualification.

Proposed new wording for children aged two:

- there must be at least one member of staff for every five children
- at least one member of staff must hold an approved level 3 qualification
- at least half of all other staff must hold an approved level 2 qualification

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<sup>10</sup> [Key Data on Early Childhood Education and Care in Europe – 2019 Edition | Eurydice \(europa.eu\)](#)

<sup>11</sup> [Quality of early learning and childcare - Parents' views and use of early learning and childcare: report - gov.scot \(www.gov.scot\)](#) figure 28

## Question

### 10. Do you agree or disagree with the proposed change to the current statutory minimum staff:child ratios in England for 2-year-olds from 1:4 to 1:5? Please explain your rationale for these views.

Community Union object in the strongest possible way to the government proposals to reduce the statutory minimum staff:child ratios for 2-year-olds. The ratios which are in place are there to allow staff to closely work with the children, building relationships, developing learning and maintaining safety and wellbeing.

Members were very clear that workload is already very high with 90% reporting feeling stressed some or all of the time. Increasing the ratio risks putting staff wellbeing at risk at a time when understanding of mental health is only just emerging. Any further pressure is likely to see an increase in mental illness which could consequently drive workers out of the profession further impacting on recruitment and retention issues.

The need for children aged two to be closely supervised for their own safety was a key concern for members who noted that it was impossible to clean and change children safely within the current ratio if there were no other staff available to support

Since COVID-19 settings have seen an exponential increase in the number of children with particular learning needs and SEND. Some settings already require external support to meet the individual needs of their children, and there are significant fears that children with SEND will not have their needs effectively met if the ratio is reduced.

Members noted that *“even at current levels, education often takes a back seat so that we can prioritise safety.”*

*“This is such an important time developmentally and I really do not think that we can subject these children to a lower level of care and education. Early years is too important for that - the children deserve and need better.”*

*“There will be more accidents and standards will have to be lowered.”*

A qualified workforce accompanied by staff to child ratios that allow for quality care and education are critical to supporting child development. Reducing ratios will also put additional strain on a workforce, which we know is already working with limited resources, often for less than the living wage.

It is the funding model that is the key problem, not the ratio. The government funding already does not cover the actual cost of the childcare and with increased costs to the setting such as energy, the problem is only likely to worsen. We need a secure and stable funding model that is not entirely based on pupil numbers to allow settings to properly budget for the medium to long term.

## **Continued...**

Community note that the ratio proposals borrow from a model of childcare currently deployed in Scotland. Community members working in Scotland are highly-trained individuals who are required to have qualifications in excess of their English counterparts. It is therefore, unfair to compare the two models without recognising all of the key differences.

If the government were to press ahead with changes to the ratios based on the model deployed in Scotland, it will be essential that the other aspects of the Scottish model – secure employment for highly-trained staff with minimum qualification requirements which demand higher rates of pay – are also implemented to ensure the safety and wellbeing of staff and children is maintained.

## **Proposal B and C: Childminder settings**

The second and third proposals concern the staff:child ratios for childminders when caring for sibling groups (Proposal B) and their own children (Proposal C). These changes would require changes to the EYFS paragraph 3.43 via amendments to the EYFS (Welfare Requirements) Regulations 2012.

Within the specified ratios, the EYFS limits childminders to caring for a maximum of one child under the age of 1, a maximum of three children under the age of 5, and a maximum of six children under the age of 8. However, it does provide examples of limited flexibility within ratios to enable childminders to care for sibling babies (i.e., siblings under 1-year old) or the childminder's own baby, providing the needs of all children can be met. We are consulting on two proposals to specify a greater level of flexibility within these rules.

Proposal B will change language so it is clear that childminders can care for more than the specified maximum of three children under the age of 5 if they are caring for sibling babies or the sibling of another child they care for.

Proposal C will change language so it is clear that childminders can care for more than the specified maximum of three children under the age of 5, if they are also caring for their own baby and/or their own child.

For both Proposal B and Proposal C, childminders will still be limited to caring for a maximum of six children under the age of 8. These proposals will provide additional flexibility in the age mix of the children childminders care for to better meet the needs of parents and grow their business, whilst maintaining safety and quality.

The current wording of paragraph 3.43 of the EYFS is:

*3.43 If a childminder can demonstrate to parents and/or carers and Ofsted inspectors or their childminder agency that the individual needs of all the children are being met, exceptions to the usual ratios can be made for example:*

- *when childminders are caring for sibling babies, or*
- *when caring for their own baby, or*
- *to maintain continuity of care, or*
- *if children aged three to five only attend the childminding setting before and/or after a normal school day, and/or during school holidays, they may be cared for at the same time as three other young children.*

*In all circumstances, the total number of children under the age of eight being cared for must not exceed six per adult.*

The proposed new wording, below, would remove 'babies' from the wording of the first bullet point, and change the wording of the second bullet point from 'baby' to 'child', to clarify that flexibility is not limited to only babies in these scenarios.

3.43 If a childminder can demonstrate to parents and/or carers and Ofsted inspectors or their childminder agency that the individual needs of all the children are being met, exceptions to the usual ratios can be made for example:

- when childminders are caring for siblings, or
- when caring for their own child, or
- to maintain continuity of care, or
- if children aged three to five only attend the childminding setting before and/or after a normal school day, and/or during school holidays, they may be cared for at the same time as three other young children.

In all circumstances, the total number of children under the age of eight being cared for must not exceed six per adult.

## Further options for ratio reform

We are also investigating further options for ratio reform. These options are **not** being proposed as part of this formal consultation. However, answers to these questions will inform options for reform as we continue to work collaboratively with parents and the sector to shape the regulatory framework.

These options are informed by practices in other countries. In particular:

- The ration for children aged 3 and over in Scotland is 1:8. However, this can be increased to 1:10 for children aged 3 and over attending day care facilities for a session of less than a continuous period of four hours in any day, providing individual children do not attend more than one session per day.
- In the Netherlands a calculation formula is applied to determine the number of staff needed to look after children in either a mixed age group or a same age group.<sup>12</sup> This means that in group-based settings, a ratio can apply across a mixed age group of children, instead of ratios for specific age groups as we have in England. In practice, this is similar to the approach to ratios used by childminders in England.

**11. Do you agree or disagree with Proposal B to change the EYFS wording on childminders' ratio flexibility for siblings? Please explain your rationale for these views.**

N/A

**12. Do you agree or disagree with Proposal C to change the EYFS wording on ratio flexibility for childminders' own children? Please explain your rationale for these views.**

N/A

<sup>12</sup> [Bkr Calculation tool | Calculation rules \(1ratio.nl\)](#) Translated to English

# Adequate supervision while eating

## Background

Mealtimes and snacks for babies and young children can be a high-risk environment for choking incidents<sup>13</sup>.

The EYFS requires that those responsible for preparing food in early years settings are competent to do so. It also stipulates that adequate supervision arrangements must be in place at all times, including while children are eating, and that Paediatric First Aid (PFA) training must ensure competence to help a baby or child who is choking.

It is essential that children under five are within sight of staff members while eating so that immediate action can be taken, if necessary, to ensure their safety.

## Proposal and rationale

We intend to change the wording in the EYFS to be explicit that “adequate supervision” while children are eating means that children must always be in sight and hearing of a member of staff – not just within sight or hearing.

Engagement with early years providers to date suggests that for many settings, adequate supervision while eating is already understood to mean that children are within sight of a member of staff. We believe that an explicit requirement in the EYFS will reinforce this practice without an overall impact on staff numbers. This proposal would require a change to paragraph 3.29 of the EYFS via amendments to the EYFS (Welfare Requirements) Regulations 2012:

*Staffing arrangements must meet the needs of all children and ensure their safety. Providers must ensure that children are adequately supervised, including whilst eating, and decide how to deploy staff to ensure children’s needs are met. Providers must inform parents and/or carers about staff deployment, and, when relevant and practical, aim to involve them in these decisions. Children must usually be within sight and hearing of staff and always within sight or hearing. **Whilst eating, children must be within sight and hearing of a member of staff.***

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<sup>13</sup> The Royal Society for the Prevention of Accidents (ROSPA): <https://www.rospa.com/resources/hubs/keeping-kids-safe/choking?msclkid=970e0c7cbbdf11ec80d100ddf16845b>



## Questions

**15. Do you agree with the proposal to make paragraph 3.29 of the EYFS explicit that adequate supervision whilst eating means that children must be within sight and hearing of a member of staff?**

- YES**
- NO
- DON'T KNOW

**16. Please explain briefly your views about this, including if you foresee any unintended consequences for early years providers as a result of this change.**

Community has concern that the current ratio allows staff to be included as long as they are present on site. We have previously highlighted how this can leave staff vulnerable and working alone especially when changing children, because a manager, or suitable staff in another room can be considered to be supervising without being within sight or hearing of the children.

This becomes even more of an issue during mealtimes. Early years settings provide an ideal opportunity to encourage young children to eat well and learn about food and staff supervision during mealtimes is a key aspect of this learning. Additionally, Ofsted's Common Inspection Framework includes a judgment on personal development, behaviour and welfare. In making their assessment, inspectors will look at the extent to which early years settings successfully support and encourage children and their parents/carers to gain "knowledge of how to keep themselves healthy", and "evidence of a whole setting approach to exercise and healthy eating".

Even when eating a packed lunch children may try to share food which prompts fears of allergies, or choking hazards, there are hazards associated with the correct use of cutlery and there are packages that will need to be opened, furthermore there is the ever-present risk of spillage.

Without close supervision some of these concerns could result in serious emergencies, and even with close supervision some issues cannot be completely ruled out therefore it is essential that, when eating, providers ensure that children are properly supervised and within sight of a member of staff at all times.

## Further comments

### Questions

**17. What are your concerns (if any) about how the proposals may affect you or individuals in your organisation with protected characteristics?**

Community has a large number of members working in and managing Early Years Settings – including nurseries, pre-schools and schools. The majority of these members are female. Therefore, any changes to the ratio will have a disproportionate impact upon our members by virtue of their gender.

According to the Fawcett Society report (2022):

*‘The evidence shows fixing the childcare system will unlock the potential of families across the UK, support children to build solid foundations for their future and it is a vital step that will increase women’s participation in the labour market. It goes hand-in-hand with employers offering decent parental leave policies that genuinely encourage men to take on caring roles and where flexible working is embedded into our work culture – so that women who’ve had children can thrive at work.’*

This will also work to strengthen and stabilise the childcare workforce which is often subject to contraction and expansion due to the variation in pupil numbers. Stabilising and enhancing the workforce will improve working conditions for the young and female staff, but will also allow consideration for other equalities issues affecting both staff and children – including better provision for those with physical and mental disabilities.

**18. How would you mitigate against these concerns in your organisation?**

N/A

**19. Are you content for us to use your comments in any reporting?**

YES

**20. Would you be happy for the Department or a research body working on its behalf to contact you to discuss your response to this consultation? If you agree, your personal data and responses to the consultation will be shared to allow them to contact you about your response.**

Yes - willing to be re-contacted

**21. For us to contact you about possible additional research, we need a named contact, email address and telephone number. Please provide this below.**

Please see contact details on P2.

## Annex A: Glossary of terms

### **Consultation**

The process of obtaining comments, views and responses from relevant sources for the purpose of reaching a well-informed and fair decision.

### **Childcare**

Education for a child and any other supervised activity for a child as defined in section 18 of the Childcare Act 2006.

### **Childminder**

An individual providing childcare on domestic premises (usually the childminder's own home). Childminders can also work from non-domestic premises for up to half their time and with up to two other adults.

### **Childminder agency**

Childminder agencies are organisations that register childminders as an alternative to Ofsted. In addition to the registration and quality assurance of childminders, childminder agencies also help childminders with training, business support, advice and finding parents. Parents can also use childminder agencies to find a childminder.

### **Formal childcare**

Childcare provided by those registered with Ofsted or a childminder agency, including nursery schools, nursery classes, reception classes, special day schools, day nurseries, playgroups, childminders, childminder agency-registered provision, nannies or au-pairs, baby-sitters, breakfast clubs, after-school clubs and holiday clubs.

### **Group-based setting**

Childcare providers registered with Ofsted and operating in non-domestic premises.

### **Informal childcare**

Childcare provided by grandparents, ex-husband/wife/partners, older brother/sisters, other relatives, friends or neighbours who are not registered with Ofsted or a childminder agency.

### **Maintained Nursery Schools**

Local authority-maintained schools for 2-, 3- and 4-year-olds.

### **Private, voluntary and independent nurseries**

Run by businesses, charities or community groups, range from small independent nurseries to large chain run settings, including workplace nurseries.

### **School based nurseries**

Nurseries in either local authority maintained or academy primary schools.

### **Out-of-school settings**

OOSS are organisations or individuals that provide tuition, training, instruction or activities to children in England without their parents' or carers' supervision, but are not: schools, colleges, education settings providing alternative provision, 16 to 19

academies or providers caring for children that are registered with Ofsted or a childminder agency. It includes a wide and diverse range of settings such as supplementary schools and tuition centres, extra-curricular clubs, youth groups etc. Some wraparound childcare providers might also be considered an OOSS, depending on their Ofsted registration status.

**Wraparound childcare**

Childcare provided immediately before and after normal school hours, usually for school aged children. It includes breakfast clubs and after school clubs. This provision can be provided by schools or private providers, either on or away from a school site.

## Annex B: Current ratio requirements in England

Staff:child ratios are set out in the [Early Years Foundation Stage \(EYFS\) framework](#).

Please refer to the EYFS for further details on how ratios are applied in different settings, and for the minimum qualification levels which staff must hold, determining how many children they can care for.

Age of child	Staff:child ratio
Under 2	1:3
2	1:4
3 and over	1:8 (or 1:13 if led by a teacher)
Reception (age 4-5)	Subject to infant class size legislation limit of 1:30
<b>Childminders</b>	1:6 under the age of 8 of which no more than three children can be classed as young children (children aged from birth to before 1st September next following the date of the child's fifth birthday) and only one child under age 1 (with exceptions for siblings).



Department  
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