



Standing up for England's Parents

A guide to responding to
The Sure Start consultation on Childcare Standards and Regulations

On 9 June, the Sure Start Unit within the Department for Education and Skills published a consultation document on Childcare Standards and Regulations in England. While the Unit claims that its proposals constitute only 'minor changes' to the national standards for under 8s childcare, in reality they represent a radical change in the government's attitude towards parents and have considerable implications for families throughout the country.

Little more than two years ago, government ministers were adamant that it was not the role of the state to intervene in private arrangements made between a parent and a childminder relating to the reasonable discipline of a minded child (see page 2).

However, in a press release issued over the bank holiday weekend at the beginning of May, the Department for Education and Skills (DfES) announced that childminders would no longer be permitted to smack minded children with parental consent. At that point, a spokesman for the Department said that it had not been decided whether the ban would be included in guidance or appear in regulations.

Full force of law

A month later, the consultation document made it quite clear that it was intended to give the ban the full force of law and that any breach would be dealt with in a most severe manner.

The document states:

'We...propose to incorporate this ban on corporal punishment in regulations so that it has statutory

force in the same way as in schools' (3.7).

On the face of it, then, if the government's proposal passes into law, any childminder who smacks a minded child, no matter how mildly, will not only be deregistered as a childminder but could also be deemed unfit ever to work with children again.

No sound basis

Not only does the government's draconian proposal represent a massive U-turn, but it is also completely lacking in any sound basis (see page 3). If, in the space of two years, the government can arbitrarily decide to legislate against childminders smacking a minded child with parental consent, what comfort can parents derive from repeated assurances that parents will not be prosecuted for smacking their own children?

The fact that the government seems intent on imposing its will in this matter is clear from the fact that it was announced as a *fait accompli* five weeks before the consultation document was quietly published without any news release from the DfES. Only a 'limited number' of consultation papers are

available and the period of consultation is unusually short, with the closing date set for 18 July.

Lack of consultation

The consultation document states that:

'The timetable for consultation reflects the fact that there has been consultation with the sector already on the key aspects of the proposed changes' (1.4).

However, although the Department is aware of our longstanding interest in this issue, *Families First* and other pro-family groups were not included in any of these earlier discussions.

We would therefore particularly like to encourage supporters to respond to this consultation document and stand up for the freedom of parents to bring up their children in a reasonable manner in accordance with their own convictions. Details of how to respond will be found on page 4 of this leaflet. Please note that responses must be submitted before **Friday 18 July**.

GOVERNMENT POLICY, THEN... AND NOW

In 2000...

The Department for Education and Employment published the results of its own opinion poll which showed that 84 per cent of parents believed that they, and not the state, should have the right to decide whether their childminder should be permitted to smack their child. Only 10 per cent thought the state should impose its view by means of national standards.

Education Minister, Margaret Hodge commented:

'We need to strike the right balance between the freedom of parents to determine how their childminders care for children in private homes and the views of some childcare groups who want childminders treated the same as other providers...

*'It is clear that the overwhelming majority think that these matters should be decided through private, written agreements between the parent and childminder... This is a powerful message from parents that they want to be free to make their own arrangements with childminders. This is putting the decision where it should be – with the parents.'*¹

Mrs Hodge was supported in this by the Secretary of State for Education, David Blunkett:

*'I do believe that the right to smack in exceptional circumstances is one which should remain with parents and with childcarers who are carrying out the explicit wishes of parents... This is one issue where the role of government and the state should not be extended into people's homes. It should be for parents to decide for themselves.'*²

In 2001...

In response to a parliamentary question, Mrs Hodge remained firm:

'On smacking and smoking, the issue is not whether a parent or child minder should be permitted to smack...; it is whether the matter should be determined by the state or by parents in the privacy of their own home in negotiation with the child minder. Parents' rights take precedence over those of other people - including Members of Parliament:

*'The hon. Gentleman should think about how we would implement a law forbidding smacking...in the privacy of the home. If he were to think about the implications of that in a court, he would realise that it would be wholly unenforceable and impracticable; it would be a denial of parents' rights. The right of parents to influence children is uppermost in our mind.'*³

In February 2001, the DfEE wrote:

*'The government believes strongly that neither the government nor childcare professionals should assume that they care more about children's welfare than parents... It is the government's view that, having listened carefully to the opinions both of those working in the day care sector and of parents, the approach we have taken is the correct one and that the welfare of children will not be compromised.'*⁴

The Education Sub-Committee opposed the government's position, but Mrs Hodge continued to stand up for parents:

'I think this is an issue for parents. I think the idea that we as professional politicians have a better understanding of the welfare of the child than parents is insulting to

Now, in 2003...

The government's repeated position could hardly have been more clear, yet little more than two years later a press release from the DfES stated:

*'The national childminding and daycare standards are being reviewed... The review will mean: childminders will not smack children in their care...'*⁶

The government has apparently had a radical change of attitude towards parents in spite of the fact that there is no evidence to suggest that the welfare of children has been in any way compromised by allowing parents to authorise a trusted childminder to use reasonable physical correction.

To use terms employed by Mrs Hodge herself, it begs the question as to why the government is now prepared to insult parents by suggesting that professional politicians have a better understanding of the welfare of children than parents.

Notes

1. DFEE Press Notice, 9 December 2000.
2. *Sunday Telegraph*, 10 December 2000
3. HC Deb (2000-01) 360, cols 1232-3.
4. DfEE, Letter to Families First
5. HC 438-ii of Session 2000-01, Q. 155.
6. DfES Press Notice, 6 May 2003.

2001 continued

*parents, and I have to say that I actually think a negotiation between a childminder and a family about how your child is going to be cared for is very important; to talk about how you are going to have a code of practice to deal with a child when the child is naughty... is crucial.'*⁵

THE CASE AGAINST THE PLANNED REGULATIONS

According to the DfES, a ban on smacking is being proposed: (a) to bring childminders into line with other childcare professionals, and (b) to reflect current practice. However, neither of these reasons provides any justification for the proposed blanket ban.

The proposal fails to recognise that:

1. Childminders provide a unique service to parents

Many parents choose to employ a childminder rather than use group daycare precisely because in the childminding setting the provision of care can be more readily tailored to meet the needs of the individual child. Such parents are keen to ensure standards of care as close as possible to the high quality care that they provide for their children at home, and childminding provides greater flexibility in this respect.

This is not to say that childminders are either more or less professional than other childcare workers. The question of status does not enter into it at all. It is simply to recognise the fact that there is a fundamental difference in the type of service provided.

The DfES argues:

'It makes sense that all professionals looking after children are subject to the same rules and that parents have access to the same consistent standards whether their child is looked after by a childminder or at a nursery.'

In reality, however, such 'consistency' does not make sense at all. When parents choose a childminder, they are far more concerned to ensure a standard of

care which is consistent with their own parenting than they are with whether the childminder's standards conform to those of the nursery down the road.

The proposal:

2. Imposes uniformity and denies parents choice

According to the DfES, Ofsted have found that less than one per cent of childminders are operating with parental agreements to smack a minded child. This is perhaps not surprising in view of the climate of fear which has been created in connection with this issue. Childminders are well aware that smacking is officially frowned on by many childcare groups, tutors on training courses, social service departments and by many inspectors. It is therefore at least possible that many more childminders have agreed to smack a minded child with parental consent than Ofsted is aware of.

However, at the end of the day, the precise number of such agreements in existence is irrelevant. The principle still stands that parents should be able to decide for themselves how their children are reasonably disciplined by a childminder and not have that decision removed from them. If there were just one parent in the whole country who wished to enter into such an agreement with a childminder, she should be permitted to do so. Even if there were *none*, the option should still remain open.

Parents will take different views on discipline just as they do on diet, clothing, nappies, exposure to television and videos etc, and it would be quite wrong in any of these areas for the state to impose the

views of the majority on the minority in the name of 'reflecting current practice'. High quality childcare does not require a blanket approach and we would strongly caution against prescribing how children should be brought up on the basis of surveys and opinion polls. On sensitive and personal matters such as the care and discipline of children, parents must be free to decide for themselves.

The proposal:

3. Undermines parents

Mrs Hodge was quite correct to view it as an insult to parents to take from them the decision as to how their children are disciplined by a childminder. The proposal to impose a blanket ban on smacking by childminders is also inconsistent with the Children Act 1989, which states:

'A person who has parental responsibility for a child may not surrender or transfer any part of that responsibility to another but may arrange for some or all of it to be met by one or more persons acting on his behalf.' (Children Act 1989, S2(9))

To remove from parents the right to authorise a trusted childminder to discipline a child in the same manner in which he/she is responsibly and reasonably disciplined at home undermines parental responsibility. It also stigmatises parents who employ physical correction within the family and suggests that their care is substandard and unprofessional, giving rise to fears that it would merely pave the way to imposing on parents the same 'quality standards' required of paid professionals.

HOW TO RESPOND

This consultation is about the freedom of parents to decide how their children are disciplined while in the care of a childminder. If the state arbitrarily removes this freedom from parents, it is a small step to removing from them the freedom to decide how they discipline their children in their own homes. We therefore encourage you to respond to this consultation and stand up for parents and children in England.

1. Obtain a copy of the consultation paper

Copies of the Sure Start consultation pack, *Childcare Standards and Regulations*, are available from DfES Publications. Please ring 0845 6022260 and quote reference number DfES 0906/2003.

Alternatively, the documents are also available on the Department for Education and Skills' consultation website at: www.dfes.gov.uk/consultations2/13

2. Complete the relevant sections of the Questionnaire

- Complete the first page, giving your name, address and the capacity in which you are making your response (e.g. parent, grandparent, childminder, concerned member of the public).
- Respond to Question 2, which relates to section 3.7 of the consultation paper on smacking. State that you **DISAGREE** with the proposal to ban smacking by childminders with parental consent.

You may wish to respond to other questions, though there is no obligation to complete every section.

3. Submit your completed Questionnaire

Completed questionnaires should be posted to:

**Consultation Unit
Department for Education & Skills
Area 1B
Castle View House
East Lane
Runcorn
WA7 2GJ**

Feel free to attach a separate sheet of paper if you wish to expand on your reasons for opposing the government's proposal. If you are a parent and/or a childminder, don't forget to draw from your own personal experience.

Alternatively, the questionnaire can be downloaded, completed electronically and returned by email to: childcarestandardsandregs.CONULTATION@dfes.gsi.gov.uk

Please note that all responses must be received by the Consultation Unit before Friday 18 July 2003.

For further information or additional copies of this leaflet, please write to:

**Families First
"Penny Farthing"
192 New Road
Chilworth
Guildford
Surrey GU4 8LX**

**email: info@families-first.org.uk
website: www.families-first.org.uk**

Families First is a family advocacy group, committed to supporting parents and children in the family unit. We support the freedom and responsibility of parents to protect and guide their children and to bring them up in a reasonable manner, according to their religious and philosophical convictions.