

Comments on Responses from Relevant Bodies to E-Petition PE1430

Responses received were from the following:-

Perth & Kinross Council, dated June 2012
Glasgow City Council, undated and unsigned
South Lanarkshire Council, dated 15 May 2012, unsigned
North Lanarkshire Council, dated 13 July 2012
Cosla, undated
Care Inspectorate, dated 22 June 2012
Scottish Government, undated and unsigned
Scottish Child Minding Association, dated July 2012

We have read and commented on all the responses (see below), which range from the well worded and knowledgeable responses from both the Care Inspectorate and Perth & Kinross Council, however there is a very poor response from Glasgow City Council, who do not even know the correct number of service providers that they have in their jurisdiction!

You will also note that the Scottish Government and the Care Inspectorate contradict each other regarding the Ratio of Staff to Children up to the age of 16! The Scottish Government state it is 1:6 (under 16) and the Care Inspectorate state it is 1:8 (under 16).

The response from the Scottish Child Minding Association, albeit a bit naïve regarding their members legislative responsibilities, is very defensive and is obviously trying to protect its members from having to comply fully with legislation.

I feel that the inaccuracies and lack of research and response from both, Scotland's biggest local authority and the Industries governing body, highlight the need for clear legislation, ensuring that all child services operate on a level playing field.

After reading the responses I am still of the opinion that there are several areas which need to be addressed by the Scottish Parliament

- Registration for all childminders who look after up to six children and a separate category for those who look after more than six children and who employ or work in partnership with other childminders.
- Clear rules as to when a Child Minding Business requires to obtain Planning Permission.
- Any premises which obtains Planning Approval, should also get a Building Warrant for any works carried out to comply with the Non- Domestic regulations
- A monitoring method whereby each individual childminder can demonstrate that they pay the requisite taxes.
- Clear rules stating a minimum standard for premises which would monitor things such as fire safety, smoking arrangements and disabled access etc.
- Restriction on size of childminding businesses to ensure that they do not offend neighbouring premises particularly with parking and the coming and going of vehicles.

- All staff to be registered with SSSC and all people who will be on the premises of child minders to be registered with the PVG scheme, including partners and other family members.
- All child minders to register with their local Environmental Health department and comply with the regulations.
- Clear guidance to be issued and checked by the Care Inspectorate concerning business and property insurance, to ensure they are properly insured and do not breach mortgage conditions.
- Minimum level of qualifications for childminders and private nursery staff to be the same.
- How will the Government/Industry deal with unregistered childminders.

Perth & Kinross Council

Report dated June 2012 by Susan Johnstone.

- 15% of childminder's in the catchment area of Perth & Kinross are registered for more than 6 children (this is over 200 children).
- 8No childminder's in the catchment area of Perth & Kinross work in partnership with another childminder i.e. two separate registrations in one residential address or they employ assistants.
- Childminders are charging up to £6.00per hour; although the average cost for child minding is £3.63 per hour. This is still more expensive than most nurseries, for example Appletrees Children's Nursery located in Perth charges £3.41 per hour.
- They actively promote childminding as a career, due to the rural nature of the area. Due to the amount of small villages in Perthshire this is a sensible approach by the Local Authority.
- They offer support for qualifications, pre-registration training and CPD.
- They offer financial help for childminders in the form of grants.
- It is stated that 85% of registered childminders within their catchment area do not offer competition to Pre-School Nurseries, however 15% (over 200 children) do offer unfair completion to Pre-School Nurseries.
- Perth & Kinross Council has already raised concerns of the number of Child Minders who employ assistants with the Care Inspectorate and are still awaiting a response.
- They recognise that "it could be very difficult for a parent to differentiate between types of childcare"
- They suggest that the Care Inspectorate must be defined in the aims of the service to avoid confusion about regulation and requirements for example heights of sinks, number of toilets and SSSC registration.
- They conclude that certain childminders could be bigger than a small nursery, and that they operate with less onerous legislation and regulations, which is unfair competition to Nurseries.
- Perth & Kinross Council recognise that the service provider should have a name to reflect the type of service e.g. childminder or nursery.
- They recognise that as part of the registration process Child Minders should check with the Local Authority to determine if Planning Permission is required.
- Contact should be made with the Local Authority Environmental Health department to register as a food business is appropriate.
- New childminders should notify their existing home and car insurance of the nature of their new business to ensure that their current policies are valid.
- Perth & Kinross Council recognise that Business Rates are very unfair to private nurseries, where under current legislation an individual could set up a large childminding service instead of a nursery and provide care for the same amount of children but pay no Business Rates.
- As a local authority, Perth & Kinross Council does not monitor childminding services but provides support.

In summary this is a full and comprehensive response from a Council who fully understand the issues and concerns raised and provides an accurate overview of the system. As a Council they have raised their own concerns direct with the Care Inspectorate (they are still awaiting a response) which were similar to those raised in the Petition.

Glasgow City Council

Report undated and unsigned

- Glasgow City Council state that as of 14th June 2012 there were a total of 169 registered childminders within the City, according to the Care Inspectorate website, there are in fact 311 registered childminders!! (see attached Appendix A).
- It is stated that there are 869 childcare spaces in Glasgow, this is 385 spaces less than in the catchment area for Perth and Kinross Council which has less of a population!! This would lead you to believe that these statistics have not been fully researched and are incorrect
- The report confirms that within the Glasgow area the majority of Childminders (81%) look after 5 or 6 children at anyone time, it goes on to state that only two (just over 1%) are currently registered to care for more than six children. However again we would have to doubt the accuracy of this information as we have had a brief look on the SCSWIS register and found over twenty child minders who are registered for more than six children.
- Glasgow City Council state “The number of registered childminders in the city has remained relatively stable with no significant increase or decrease over the past four years” this is contradicted by a statement on page 4 of their response where they state “when increased registration from the Care Inspectorate/Commission came into being, this caused a very significant drop in registration”.
- Glasgow City Council state “only 2(just over 1%) are currently registered to care for more than six children. In both cases the childminder is registered to care for a maximum of 7 children”, this is factually incorrect as we have found a child minder (registration number CS2011299633) Margie Miles Childcare who is registered for eight children.
- They would not agree that Planning Approval is required for Childminding businesses who employ one or more people, this is different from the advice given by SCSWIS, Child Minding Association and other Local Authorities, does Glasgow City Council have a Planning Policy which differs from the rest of the country?
- The report states that in many circumstances complying with Planning Regulations would seem an unwarranted level of regulation, this highlights the problem that there are “grey areas” with regard to Planning Regulations and how and when they should be applied to Childminders. Are there any circumstances that Glasgow City Council would deem that the level of regulation actually is warranted.
- It is stated that there are only eight registered childminders within Glasgow who do not simply use their own name, this contradicts information contained within the SCSWIS registration and information available in a simple “Google” search, which confirms much higher numbers do not use their name but use company names. Glasgow City Council state that there are only two Childminding services who use service names, however again this contradicts information on SCSWIS records where names such as “Jenny Day Care”, “Moiras Playdays”, “Tree Tots” and “Tania Romany Childcare Services” are prevalent. A brief five minute check shows that the actual figures are considerably more (see attached Appendix B).
- Can Glasgow City Council demonstrate how they are committed and more importantly ensuring that all early learning and childcare services provide the best quality of provision possible for children and families, it is our understanding that this is the responsibility of the Care Inspectorate.
- Glasgow Council state that they currently fund training programmes, however they do not state to what level of qualifications they fund and promote

One of our main observations from the response from Glasgow City Council is the inaccuracy of the figures they have quoted compared to those contained within the SCSWIS registrations and the contradictions contained within their report.

South Lanarkshire Council

Report dated 15 May 2012 unsigned

South Lanarkshire Council, provide no comment on: Planning Permission; how they support child minders; qualifications; childminder insurance or business rates, however they do go on for over a page about the Environmental Health and Food Hygiene most of which we do not disagree with.

It would appear that they have not taken the time to fully research and answer the questions contained within the petition.

They have made no attempt to state what their statutory requirements for childcare are.

North Lanarkshire Council

Report dated 13 July 2012 by Jane Lidell

It appears that there are only two childminders within the catchment area who employ assistants and work with a large number of children.

The local authority recognises that the Planning department is required to be advised of any "change in use" of a property to determine if a non domestic entry would be added to the Valuation Roll.

They state that the assessor may have a difficulty in determining what rooms would solely or predominately be used for business property. This is not true as their SCSWIS registration should clearly state what rooms are to be utilised for their business.

It is highlighted that although Childminders do not required to be registered with SSSC, they do fall within the definition of Social Service workers and therefore must adhere to these codes. Again a quick check on facebook shows that there are plenty of Childminders advertising for business, which goes against the SSSC Conduct Codes, this would lead you to believe that a lot of child minders are unaware of their responsibilities.

Similar to South Lanarkshire Council, this response does not address all the issues raised within the petition.

Cosla

Report undated by John Urquhart

In Cosla's very brief response they state that child minders and pre-school nurseries "don't require the same staff qualifications or regulations", which is correct.

They are of the "opinion" that there should be no changes to the legislation as it has the potential to increase costs and reduce choice for parents. What evidence/research do they base their opinion on?

They state that they have "consulted", but do not say who they have consulted.

If they had carried out a fully detailed research they would have discovered that many childminders, despite having a lower level of qualification and fewer regulations to comply with; charge the same if not more than nurseries. Please refer to the response from Perth & Kinross Council.

It is obvious that Cosla have spent very little time researching or responding to the petition, probably because they do not fully understand the issue or concerns raised.

Care Inspectorate

Report dated 22 June 2012 by Karen Anderson

They have highlighted that Ofsted, which is the Statutory Authority South of the border, recognise three different categories, one of which caters for larger scale child minding businesses, unfortunately this is not the case North of the border!

They also confirm that there is no requirement for childminders or their assistants to register with SSSC, which could be easily addressed by changing the registration requirements.

They also confirm their Adult : Child Ratio standard as "1:6 for children under 12, of which no more than one is under 1", which confirms that any child minder who cares for more than 6 children (under 12) or 8 (under 16) must have assistants, this contradicts the response from the Scottish Government who state that ratio "is 6 children under 16" – this is further evidence that either the Scottish Government or the Care Inspectorate are wrong concerning important issues such as childcare.

Generally this is a well written and informative response to the petition from the Care Inspectorate.

Scottish Government Report

Undated and unsigned

The response provided is very short and they state that “the regulation and monitoring of childminding services is the responsibility of the Care Inspectorate, and not that of the Scottish Government”

However they do state “the staff to child ratio, set by the Care Inspectorate, for a childminder is 6 children under 16” and that “a childminder may have more than 6 children if they have a registered assistant on the premises” – This contradicts the response made by the Care Inspectorate who state that the ratio is 1:8 children aged under 16 years! Further evidence of a lack of understanding between the Scottish Government and the Care Inspectorate!

The figures that they quote from the Care Inspectorate (October 2010) confirm that 10.7% of registered childminders (almost 600) have one or more assistants. This does not include unregistered childminders.

This limited response does not address the issues of: Planning Permission; Business Rates or Insurance, which again shows a lack of research and/or understanding of the concerns raised.

Scottish Child Minding Association

Report dated July 2012 by Maggie Simpson.

- The response mentions section 66 in the Public Services reform (Scotland) Act 2010, which does not actually mention Planning Permission at all.
- The Scottish Childminding Association states that it would be normal for the Care Inspectorate to refer Childminding businesses for Planning Permission, where two or more people work in partnership.
- It states that there are 760 childminding assistants which in their opinion, the majority of these are the child minders partners, our information contradicts this, if you check the SCSWIS website there are numerous businesses, for example Five Star Childcare in Cumbernauld (registration number SC2007145567) which is registered for twelve kids where there are five members of staff none of whom are the main child minders partner.
- It is a naive view that allowing additional children to be cared for on the premises does not result in additional income.
- When they state that they are not aware of any evidence to show that people are setting up childminding businesses in order to avoid paying businesses rates, we would like to highlight that no business starts up trading on a basis that they will avoid paying tax, however some may set up business and be ignorant of their duty to pay tax, either as an individual or as a business. Due to misinformation provided by the SCMA or the Scottish Government.
- SCMA state “I am not clear why a childminder would wish to be confused as a private nursery”, simple answer is to get more customers, there is plenty of evidence of their members trading under the name “Day Care”, we have found one which mentions “nursery” several times in the text on their website but does not mention child minding, this is clearly to get higher ranking on search engines.
- The two paragraphs mentioned by SCMA regarding insurance/mortgage/planning permission, again shows a lack of knowledge on their behalf and is probably the reason why there is confusion within the industry. If the governing body clearly does not comprehend the legislation requirements regarding insurance/mortgage/planning permission to run a business from domestic premises, then this reinforces that a problem exists.
- SCMA state they are not aware of legislation that would require a childminder to get Planning Permission to set up a childminding business. It is an important point that the report recognises that child minding is a business, it is also a fact that there are numerous child minders who have correctly applied for Planning Permission to run their business from their domestic property, as an example, from Fife Council’s list, *Ref No.12/00848/FULL | Part change of use of dwellinghouse to operate child minding business.*
- Their statement regarding the grades comparing childminding to Private Nurseries is verging on slanderous and is unfounded. There is no evidence at all that Child minders are better than Private Nurseries or vice versa.
- There maybe no evidential link between qualifications and grades achieved, however you would assume that the better performing operations in both child minding and nurseries would tend to be ones where the staff are educated to a higher standard.
- Can the SCMA actually provide evidence of a setting where a Childminder has had its business restricted by the floor space. Can they also demonstrate how many children that they or SCSWIS would recommend per square metre, the rules for nurseries are clearly stated and adhered to by

the private nursery sector, however it seems very vague for child minding businesses, hence the need for legislation.

- Would it not be more beneficial for the child minding industry to have all staff registered with the Scottish Social Services Council, rather than voluntarily complying with the code of conduct. A quick search on a search engine could easily find instances where child minders have not adhered to the code of conduct (for example – Facebook).
- With regards to the statement regarding insurance, any insurance broker will tell you that “lone workers” are a high risk category. There is no mention of the need for Employers liability insurance or general childminding insurance, again the SCMA have shown a lack of knowledge of their member’s legislative responsibilities and good business practice. We would like to point out that in the Care Inspectorates publication “Registering and running a childminding service: what you need to know” on page 15 Section 4: Home visits, our decision and the registration certificate – states “We will look at: insurance arrangements – public liability insurance and employers liability insurance”. We would like to point out that Employers Liability insurance is the only product that business must legally have to operate, therefore the SCMA should inform its members of their basic legal duties.
- SCMA recognise that all childminders should be registered with their Local Authorities Environmental Health department where appropriate. Although they appear to be encouraging their members to ignore this responsibility until the Local Authority contacts them to do so. This is despite the basic fact it is not the responsibility of the Local Authority to contact businesses to ensure they register, it is the responsibility of the business proprietor. Again this naïve policy from the Child Minders governing body only adds to the confusion in the industry, which results in its members being unaware of what legislation that they should comply with.
- Business rates: Where childminders have six or more children the guidance states that the premises should be required to get the necessary statutory approvals from the Local Planning Department in the form of a “change of use” for the premises. Where this occurs, the premises no longer remain 100% domestic, therefore on the non domestic portion of the property they should register for non domestic rates.
- Planning Consent: They state “There is a variety of guidance from different local authorities” this is not true, Planning guidance to which all planning authorities throughout Scotland work too are the same, however some Local Authorities may interpret them differently and may on occasions ignore the need for certain industries to comply with Planning regulation, ignorance of the law is not a defence.
- I think the SCMA should consult several of the High Street mortgage providers for guidance on running a business in a domestic property, especially when it is subject to bank security.
- Can the SCMA provide details of how they check their members insurances are appropriate and adequate. Is it by them as a governing body, as part of their membership criteria or is this part of SCSWIS’s remit.
- Where Parents do not provide packed lunches for the children on a daily basis, and the Child Minder has to prepare and serve the food, that childminder is required to be registered as a food business.
- SCMA state that “Ratios are deliberately small with childminding service” however they are less onerous than a private nursery – (1:8 children aged under 16 – refer to Care Inspectorate response)
- As far as facilities are concerned we can not find any legislation providing a minimum standard and have yet to see one where there is a basic requirement for temperature restrictors on hot water/radiators or any attempt to make premises disabled friendly. Most child minding facilities do

not have dedicated parking and this leads to parents being asked to park on the street causing a hazard and a nuisance to neighbouring domestic properties, especially when they have numerous cars parked outside twice a day.

- SMCA state that “The fees are indeed similar though normally lower with a childminder”, this is a contradiction, and is not inline with the evidence that we have found, furthermore Perth and Kinross Council confirmed that the average fee charged is 6% higher than that charged by a well respected private nursery in the town centre, who will have the burden of higher business rates, higher staff costs and have the burden of more legislation to deal with. Also on the issue of income, SCSWIS have the right to monitor the statutory accounts of a private nursery to ensure that they are solvent and paying their fair share of corporation and income tax, can the SCMCA provide details as to how its members are monitored to ensure that they pay the requisite taxes due from their business.

In conclusion, it is obvious that there is an extremely wide range of responses, ranging from the response from Perth & Kinross Council and the Care Inspectorate who have taken the time to properly research the issues and have submitted a detailed and educated response showing that they understand the concerns, and have in fact already raised concerns direct with SCSWIS, to the responses from Glasgow City Council and Cosla who have carried out little or no research and have failed to understand or address the issues raised. It is my opinion the range of responses confirms that a lot of the confusion is caused by the lack of knowledge in this industry, which is carried all the way down to the child minders who are working in an industry where the opinion and responses from the governing bodies and local authorities vary dramatically.

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Ainsworth, Ruth	Glasgow	
Alexander, Brenda	Glasgow	
Alexander, Lorraine	Glasgow	
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✕ <u>KidZone Child Minding Service</u>	Glasgow
<u>Kim Cruickshank Childminding</u>	Glasgow
<u>Lesley Pryce Childminding Service</u>	Glasgow
✕ <u>Little Haven Childminding</u>	Glasgow
✕ <u>Lots-a-tots Childminding</u>	Glasgow
<u>Margaret Shaw Childminding Service</u>	Glasgow
<u>Margie Miles Childminding Service</u>	Glasgow
<u>Marie's Childminding Service</u>	Glasgow
<u>Marina's Childminding Service</u>	Glasgow
<u>McGeown Childminders</u>	Glasgow
✕ <u>Star Kidz Childminding</u>	Glasgow
<u>Valerie Paton Childminder</u>	Glasgow
<u>Victoria Dale Childminding</u>	Glasgow
✕ <u>Windlaw House Childminding</u>	Glasgow
<u>Yvonne Hay Childminding</u>	Glasgow
✕ <u>Fiona's Little Angels</u>	Glasgow
✕ <u>Jenny Day Care</u>	Glasgow
✕ <u>Linda's Day Care</u>	Glasgow
✕ <u>Moira's Playdays</u>	Glasgow
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