

What has the Federation done for you lately?

When two police officers found themselves criminalised in law for simply caring for each other's children, the Federation provided its full backing. Tina Orr Munro reports

Detective Constables Lucy Jarrett and Leanne Shepherd are close friends as well as work colleagues so when they had children six months' apart and wanted to return to work, the obvious answer was to look after each other's child while the other one worked. Little did they know that for two and half years they would be breaking the law.

"At the time it seemed like a perfect solution, we were friends, our children knew each other, and we wanted to return to work on a part-time basis," says DC Jarrett who job-shares with DC Shepherd at Aylesbury police station

in Buckinghamshire with Thames Valley Police.

It wasn't until an inspector from Ofsted, the education watchdog, turned up on DC Shepherd's doorstep one day last July to investigate a report of an illegal childminding service that either of the officers had any idea that what they were doing was wrong in the eyes of the law. Several weeks later they were served with an enforcement notice.

At that time, the rules stated friends could not receive a 'reward' for looking after a child for more than two

Officers were threatened with prosecution for shared childcare arrangements



hours outside the child's home unless they were a registered childminder. Reward was defined as 'the supply of services or goods, or reciprocal arrangement'. For Lucy and Leanne, their 'reward' was free care for their daughters.

For the officers it wasn't just that Ofsted had told them they couldn't look after each other's child, they felt like they had been branded criminals.

"They threatened us with prosecution and obviously as police officers we couldn't take the risk so we had to find alternative child care arrangements at very short notice.

"We were also very upset by the implications of the enforcement notice, that Ofsted would remove children that they considered to be at harm. What were they implying? That we were monsters, that we would put our children at risk. It was unbelievable."

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With the threat of prosecution hanging over them, the officers hastily sought alternative arrangements.

"It was heart-breaking to separate two little girls who had become so close. To find childcare at such short notice was very stressful. My daughter was on the verge of going to pre-school, so we just went ahead with plans to do that. But Leanne, whose daughter is six months younger than mine, had to find a nursery which has been very costly. It has taken both girls a long time to adjust."

For two months, the officers say they couldn't even allow their daughters to be in the same room together in case an Ofsted inspector turned up unannounced at either of the officers' homes and decided they had resumed their childcare arrangements.

"They threatened to keep us under surveillance and to do spot checks. In fact, they did turn up once and my husband invited them in as we had nothing to hide," says DC Jarrett.

The detectives lodged a complaint against Ofsted and contacted their local federation for advice and support. Unsurprisingly, their case attracted considerable media attention sparking a public outcry. A petition to get the law changed was placed on the Prime Minister's website and received thousands of signatures within hours of being posted. In September 2009 the Minister Vernon Coaker ordered a review of the law following meetings with Ian Rennie, general secretary of the Police Federation.

Despite events taking place on the national stage, Ofsted took three months to respond to the officers' complaints and despite repeated attempts to contact them to discuss removing the enforcement orders, DC Jarrett has made little headway.

"I spent three days on the phone trying to talk to someone. And when I did get through, they just laughed," says DC Jarrett.

Finally, this March, the law was changed. Now any childcare arrangements between friends which are not for monetary payment are exempt from the registration and inspection process. These changes took effect from April 8.

DC Jarrett and Shepherd have welcomed the announcement, although they believe they should never have been placed in the situation in the first place. They have no plans to revert to their original childminding arrangement as their daughters are now settled into their new environments. It hasn't been easy. One of the advantages of their arrangement was that both officers understood the erratic nature of police work sometimes made it difficult to pick up their child on time.

"Nurseries are fine, but they do close," says DC Jarrett.

The officers are also still subject to the enforcement orders which Ofsted have so far failed to lift. According to Ofsted's own website, they say that once they are satisfied an unregistered person is no longer providing childminding services, the notices can be revoked within three months of being issued. It is now 10 months since the officers were served with their notices.

"I can only liken it to being on police bail permanently, although your case is never going to come to court. As police officers, if we did that to a member of the public, we'd be hung out to dry. It is that lack of accountability. All we ever wanted was an apology and for those orders to be lifted. We've had neither," says DC Jarrett.

Andy Viney, the secretary of the Thames Valley branch of the Police Federation which has supported them throughout their ordeal, continues to fight their corner. "I'm so thankful to Andy Viney. He has been brilliant. He has felt so passionately about the issue and he is still working on our behalf to get those enforcement notices removed."

Mr Viney says: "It has been incredibly frustrating. Ofsted are completely unaccountable. They have been blunt and obstructive throughout. They have no complaints procedure. They won't even talk to me as they won't recognise me the officers' staff representative. "We thought when the law changed we would receive a simple letter informing us that the orders would be lifted with no further action. That would have been enough, but they haven't had the decency to do that.

"I recently wrote to the former Children's Minister Dawn Primarolo to ask her to intervene, but she replied saying she had no influence as Ofsted is a non-ministerial body. There is nothing we've been able to do.

"We will continue to support the officers. Until those orders are lifted they won't feel they are through this and on the other side. They just want to get on with their lives. It has been very stressful for these officers, who have carried on working throughout."