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STATUTORY INSTRUMENTS

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**2017 No. 461**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Childcare (Provision of Information About Young Children) (England) (Amendment) Regulations 2017**

<i>Made</i>	- - - -	<i>22nd March 2017</i>
<i>Laid before Parliament</i>		<i>24th March 2017</i>
<i>Coming into force</i>	- -	<i>1st September 2017</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 99(1) and 104(2) of the Childcare Act 2006(1):

**Citation and commencement**

1. These Regulations may be cited as The Childcare (Provision of Information About Young Children) (England) (Amendment) Regulations 2017 and come into force on 1st September 2017.

**Amendments to the Childcare (Provision of Information About Young Children) (England) Regulations 2009**

2. The Childcare (Provision of Information About Young Children) (England) Regulations 2009(2) are amended as follows.

3. In regulation 2 (interpretation)—

(1) for the definition of “the 2014 Regulations” substitute—

““the 2017 Regulations” means the School and Early Years Finance (England) Regulations 2017(3);”

(2) after the definition of “the Chief Inspector” insert—

““disability access fund” means funding allocated by a local authority

for the purpose of funded early years provision to children who meet the criteria in regulation 18(3) of the 2017 Regulations;”

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(1) [2006 c.21](#). See section 106 for the meaning of “prescribed” and “regulations”. Section 99(1)(aa) was inserted by paragraph 63 of Schedule 4 to the Children and Families Act 2014 ([c.6](#)) and amended by the Childcare Act 2016 ([c.5](#)). Section 99(1)(b) was amended by section 75(4) of the Small Business, Enterprise and Employment Act 2015 ([c.26](#)) and section 3(1) of the Childcare Act 2016 ([c.5](#)). Section 99(1)(c) was inserted by the Childcare Act 2016 ([c.5](#)).

(2) [S.I. 2009/1554](#); relevant amending instruments are [S.I. 2014/3197](#), [2015/1696](#).

(3) [S.I. 2017/44](#). These regulations revoked the School and Early Years Finance (England) Regulations 2014 ([S.I. 2014/3352](#)).

(3) in the definition of “early years pupil premium” for “School and Early Years Finance (England) Regulations 2014” substitute “2017 Regulations”; and

(4) for the definition of “funded early years provision” substitute—

““funded early years provision” means early years provision which is available free of charge in pursuance of the duty imposed—

(a) by section 7 of the Act (duty to secure prescribed early years provision free of charge); and

(b) under section 2 of the Childcare Act 2016 (extended entitlement)(4);”

4. In the Schedule—

(1) after paragraph 10 insert—

“**10A.** Number of hours funded by the local authority in excess of funded early years provision that the child receives per week.”

(2) before sub-paragraph (1) of paragraph 12 insert—

“(A1) Whether funded early years provision is provided to the child in more than 38 weeks in the funding period.”

(3) in paragraph 12(2) for “section 8 of the Act (powers of a local authority in relation to the provision of childcare)” substitute “section 7A of the Act and section 2 of the Childcare Act 2016”.

(4) In paragraph 14(2) for “sub-paragraph (11)(c)(i) or (ii) of regulation 16 of the 2014 Regulations” substitute “sub-paragraph (2)(c)(i) or (ii) of regulation 17 of the 2017 Regulations”.

(5) In paragraph 14(3) for “sub-paragraph (14) of regulation 16 of the 2014 Regulations” substitute “sub-paragraph (5) of regulation 17 of the 2017 Regulations”.

(6) After paragraph 14 insert—

“**15.** Whether the provider is in receipt of a disability access fund allocation in relation to the child.

**16.** If the child is in receipt of funded early years provision specified for the purposes of section 2(1) of the Childcare Act 2016, evidence of the child’s eligibility for this provision.”

22nd March 2017

*Caroline Dinanage*  
Parliamentary Under Secretary of State  
Department for Education

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Childcare (Provision of Information About Young Children) (England) Regulations 2009 (“the 2009 Regulations”). The 2009 Regulations prescribe individual child information that early years providers must provide to the Secretary of State and their local authority if requested.

*Regulation 3* amends several of the definitions in the 2009 Regulations. In particular the definition of “funded early years provision” is amended to include reference to free childcare provided for the purposes of section 2 of the Childcare Act 2016 (known as the “extended entitlement” for children of working parents). Regulation 3 also inserts a definition of “disability access fund”.

*Regulation 4* amends the Schedule to the 2009 Regulations and requires providers of funded early years provision to provide four additional items of information: the number of hours of early years provision that the local authority funds in excess of their legal duties under the Childcare Acts; whether the funded early years provision is provided to the child in more than 38 weeks in the funding period (as defined in regulation 12(2) of the 2009 Regulations); whether the provider is in receipt of a disability access fund allocation in relation to the child; and where the child is in receipt of funded early years provision under the extended entitlement, evidence of the eligibility.

An impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sectors is foreseen.