

2007 No. 1797

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Childcare Providers (Information, Advice and Training)
Regulations 2007**

<i>Made</i> - - - -	<i>21st June 2007</i>
<i>Laid before Parliament</i>	<i>29th June 2007</i>
<i>Coming into force</i> - -	<i>1st October 2007</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 13(1) and 104(2) of the Childcare Act 2006(a):

Citation and commencement

1.—(1) These Regulations may be cited as the Childcare Providers (Information, Advice and Training) Regulations 2007 and come into force on 1st October 2007.

Interpretation

2. In these Regulations—

“the Act” means the Childcare Act 2006;

“the equality enactments” means the Sex Discrimination Act 1975(b), the Race Relations Act 1976(c), the Disability Discrimination Act 1995(d), Part 2 of the Equality Act 2006(e) and regulations under Part 3 of that Act, the Employment Equality (Sexual Orientation) Regulations 2003(f) and the Employment Equality (Religion or Belief) Regulations 2003(g); and

“Early Years Foundation Stage” has the meaning in section 39 of the Act.

Childcare providers and employees

3.—(1) An English local authority must secure the provision of information, advice and training on the matters mentioned in regulation 4(1) to persons falling within section 13(1)(a) to (d) of the Act.

(a) 2006 c. 21. See section 21 for the definition of “regulations”.
(b) 1975 c. 65.
(c) 1976 c. 74.
(d) 1995 c. 50.
(e) 2006 c. 3.
(f) S.I. 2003/1661.
(g) S.I. 2003/1660.

(2) An English local authority must secure the provision of information, advice and training on matters mentioned in regulation 4(1)(d) to (i) to any person falling within section 13(1)(e) of the Act.

Information, advice and training

4.—(1) The matters referred to in regulation 3(1) are—

- (a) registration procedures under Chapters 2, 3 and 4 of Part 3 (regulation and provision of childcare in England) of the Act and the prescribed requirements for registration^(a);
- (b) information on the significance of registration under Chapter 4 (voluntary registration) of Part 3 of the Act;
- (c) business planning, financial management and marketing;
- (d) meeting the requirements of the Early Years Foundation Stage;
- (e) meeting the requirements of regulations under sections 59(2) and 67(2) of the Act (regulations governing activities of providers of childcare);
- (f) meeting the requirements of the equality enactments;
- (g) meeting the needs of persons described in paragraph (2) in relation to the provision of suitable childcare;
- (h) effective safeguarding and promotion of children’s welfare and compliance with statutory requirements, guidance and procedures for the protection of children; and
- (i) the use of the Common Assessment Framework^(b).

(2) The persons referred to in paragraph (1)(g) are—

- (a) disabled children;
- (b) children with special educational needs;
- (c) looked after children within the meaning given in section 22(1) of the Children Act 1989^(c);
- (d) those using, or intending to use, childcare in respect of which the child care element of the working tax credit is payable; and
- (e) other children who are at risk of social exclusion by virtue of unemployment, poverty, homelessness, geographical remoteness, ill health, family breakdown or other economic, cultural or social factors.

(3) In this regulation—

- (a) “child care element”, in relation to working tax credit, is to be read in accordance with section 12 of the Tax Credits Act 2002^(d);
- (b) “disabled child” means a child who has a disability^(e) for the purposes of the Disability Discrimination Act 1995; and
- (c) “special educational needs” has the meaning in section 312(1) of the Education Act 1996^(f).

(a) See sections 35(3), 36(3), 54(3), 55(3), 62(3) and 63(4) of the Act as to the prescribed requirements for registration.

(b) The Common Assessment Framework is a nationally standardised assessment of the needs of children and is set out in Every Child Matters: Change for Children, published by the Department for Education and Skills with reference number DfES-1110-2004. *The Common Assessment Framework for children and young people: Practitioners’ guide* was published by the Department for Education and Skills in April 2006, ISBN 1 84478-707-9.

(c) 1989 c. 41; section 22(1) was amended by paragraph 19 of Schedule 5 to the Children Act 1989 (c.22), section 2(2) of the Children (Leaving Care) Act 2000 (c.35) and section 116(2) of the Adoption and Children Act 2002 (c.38).

(d) 2002 c. 21.

(e) See section 1 of, and Schedule 1 to, that Act. Schedule 1 was amended by section 18 of the Disability Discrimination Act 2005 (c.13).

(f) 1996 c. 56. Section 312 was amended by paragraph 23 of Schedule 7 to the Education Act 1997 (c.44); paragraph 71 of Schedule 30 to the School Standards and Framework Act 1998 (c.31); paragraph 56 of Schedule 9 to the Learning and Skills Act 2000 (c.21); and paragraph 3 of Schedule 1 to the Education and Inspections Act 2006 (c.40).

Additional support

5.—(1) An English local authority must secure the provision of information, advice and training to any person falling within section 13(1)(a) to (d) of the Act—

- (a) if the childcare provided by such person falls below an adequate standard, as assessed by Her Majesty's Chief Inspector of Education, Children's Services and Skills^(a); or
- (b) in respect of whom an exemption has been granted for a specified period of time by a direction under regulations made under section 46(1) of the Act for the purposes of developing childcare provision to meet the learning and development requirements of the Early Years Foundation Stage.

(2) An English local authority shall not be required to secure information, advice and training under paragraph (1)(b) following the expiry of an exemption described in that paragraph.

21st June 2007

Beverley Hughes
Minister of State
Department for Education and Skills

(a) The office of Her Majesty's Chief Inspector of Education, Children's Services and Skills was established by section 113 of the Education and Inspections Act 2006 (c. 40).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the matters on which an English local authority (“an authority”) is required to secure the provision of information, advice and training to persons providing, or intending to provide, childcare in respect of which they are, or will be required to be, registered under Part 3 (regulation of provision of childcare in England) of the Childcare Act 2006 and to the employees of such persons. They also describe the circumstances in which an authority is required to secure additional support through the provision of information, advice and training to such childcare providers.

Regulation 3(1) prescribes the subject matters which must be addressed as part of the information, advice and training that an authority must secure is provided to childcare providers and persons listed in section 13(1) of the Act, other than persons employed to assist in the provision of childcare or intending to obtain such employment.

Regulation 3(2) prescribes the subject matters on which information, advice and training that an authority must secure is provided to persons employed to assist in childcare provision or persons intending to obtain such employment.

Regulation 4(1) lists the specific matters on which information, advice and training must be secured for either of the groups mentioned above.

Regulation 4(2) sets out specific categories of children and other persons whose needs must be taken account of in any information, advice and training provided under regulation 4(1)(g).

An authority must secure additional support in the form of information, advice and training to a childcare provider in certain circumstances as set out in regulation 5. Those circumstances are where a provider has fallen below an adequate standard, as assessed by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills in respect of that provider; and where a provider has been granted an exemption by the Secretary of State from the requirement to meet the learning and development requirements of the Early Years Foundation Stage in order to further develop their childcare provision to meet those requirements.

A regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website, <http://www.opsi.gov.uk>.

£3.00

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E0918 6/2007 170918T 19585