

**2007 No. 3490**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Childcare Act 2006 (Provision of Information to Parents)  
(England) Regulations 2007**

<i>Made</i> - - - -	<i>10th December 2007</i>
<i>Laid before Parliament</i>	<i>18th December 2007</i>
<i>Coming into force</i> - -	<i>1st April 2008</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by section 79N(5) of the Children Act 1989(a) and sections 12(2) and 104(2) of the Childcare Act 2006(b):

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Childcare Act 2006 (Provision of Information to Parents) (England) Regulations 2007 and come into force on 1st April 2008.

(2) In these Regulations—

“the 1989 Act” means the Children Act 1989;

“the 2006 Act” means the Childcare Act 2006;

“the Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills(c);

“free early years provision” means early years provision which is provided free of charge pursuant to the duty imposed on an English local authority by section 7 of the 2006 Act (duty to secure prescribed early years provision free of charge);

“registered person” means a person who is registered under Chapter 2 (regulation of early years provision), Chapter 3 (regulation of later years provision for children under 8) or Chapter 4 (voluntary registration) of Part 3 of the 2006 Act;

“relevant premises” means, in relation to a person providing childcare, the premises on which the provision of childcare by that person takes place.

**Prescribed descriptions of information about childcare**

**2.**—(1) The descriptions of information set out in Schedule 1 are prescribed for the purposes of section 12(2) of the 2006 Act in relation to the childcare mentioned in section 12(2)(a) of that Act.

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(a) 1989 c.41. Part 10A was inserted by section 79(1) of the Care Standards Act 2000 (c.14). See section 79B(7) of the Children Act 1989 Act for the definition of “regulations”.

(b) 2006 c.21. See section 21 for the definitions of “prescribed” and “regulations”.

(c) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills is appointed under section 113 of the Education and Inspections Act 2006 (c.40).

- (2) Information is not to be treated as being of a prescribed description under paragraph (1)—
- (a) to the extent that it is information relating to a parent or relative of any child to whom childcare is being or has been provided, including their name, address, telephone number, email address or fax number, unless—
    - (i) that parent or relative is the childcare provider, or
    - (ii) that parent or relative has given their consent to its disclosure;
  - (b) to the extent that it is information as to the name, home address, telephone number, fax number or email address of a person providing childcare and where that person has notified the English local authority that they do not wish the information to be disclosed; or
  - (c) where the English local authority are required under any enactment, by any rule of law, or by the order of a court not to disclose the information.

### **Prescribed descriptions of information about services, facilities and publications**

3. The descriptions of information set out in Schedule 2 are prescribed for the purposes of section 12(2) of the 2006 Act in relation to the services, facilities and publications mentioned in section 12(2)(b) and (c) of that Act.

### **Transitional modifications to these Regulations**

4. Until 1st September 2008, these Regulations shall have effect with the modifications set out in Schedule 3.

### **Amendment to the Child Minding and Day Care (Disclosure Functions) (England) Regulations 2004**

5.—(1) The Child Minding and Day Care (Disclosure Functions) (England) Regulations 2004(a) are amended as follows.

(2) In the second entry in the Schedule, for “section 118A(3) of the School Standards and Framework Act 1998” substitute “section 12 of the Childcare Act 2006”.

### **Revocation of the Childcare (Provision of Information) (England) Regulations 2007**

6. The Childcare (Provision of Information) (England) Regulations 2007(b) are revoked.

10th December 2007

*Beverley Hughes*  
Minister of State  
Department for Children, Schools and Families

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(a) S.I. 2004/3136.  
(b) S.I. 2007/1063.

## Prescribed descriptions of information relating to childcare

**Childcare provided by a registered person**

1. In respect of childcare which is provided by a registered person, the following descriptions of information—

- (a) the registered person's name;
- (b) the business name, if any, under which the childcare is provided by the registered person;
- (c) the address of the relevant premises, except where the relevant premises are the home of any child to whom childcare is being provided by the registered person;
- (d) the address of the registered person, if different from the address of the relevant premises;
- (e) any telephone number, fax number or email address of the registered person or the relevant premises;
- (f) whether the registered person is registered under Chapter 2 (regulation of early years provision), Chapter 3 (regulation of later years provision for children under 8) or Chapter 4 (voluntary registration) of Part 3 of the 2006 Act;
- (g) the date of registration of the registered person;
- (h) the unique reference number or other identifier used by the Chief Inspector in relation to the registered person;
- (i) the conditions, if any, imposed by the Chief Inspector on the registration of the registered person;
- (j) whether the registered person is registered as—
  - (i) a childminder, or
  - (ii) a provider of childcare other than childminding in respect of premises in England;
- (k) where the registered person is registered as a childminder, whether the relevant premises are either (or a combination of)—
  - (i) the registered person's home,
  - (ii) the child's home, or
  - (iii) other domestic premises;
- (l) whether the registered person provides free early years provision;
- (m) information as to—
  - (i) the type of childcare provided;
  - (ii) the cost of the childcare;
  - (iii) the time and duration of the childcare provided;
  - (iv) the time and duration of any free early years provision;
  - (v) the number and ages of children to whom childcare is provided;
  - (vi) the suitability of the childcare for disabled children<sup>(a)</sup>;
- (n) information about the most recent inspection by the Chief Inspector of the childcare in respect of which that person is registered, including information as to how to obtain a copy of any report made by the Chief Inspector in relation to that inspection;

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(a) By virtue of section 12(8) of the Childcare Act 2006, a child is disabled for the purposes of section 12 of that Act if they have a disability for the purposes of the Disability Discrimination Act 1995 (c.50).

- (o) where the Chief Inspector has taken one of the steps mentioned in sub-paragraphs (b) to (e) of section 83(1) of the 2006 Act in respect of the registered person's registration, information as to which step has been taken and the date on which it was taken.

### **Childcare provided by a person who is not registered**

**2.** In respect of childcare provided by a person who is not a registered person in relation to that childcare, the following descriptions of information—

- (a) the name of the person providing the childcare;
- (b) the business name, if any, under which the person provides the childcare;
- (c) the address of the relevant premises, except where those premises are the home of any child to whom the person is providing childcare;
- (d) the address of the person providing the childcare, if different from the address of the relevant premises;
- (e) any telephone number, fax number or email address of the person providing the childcare or the relevant premises;
- (f) whether the person providing the childcare provides free early years provision;
- (g) information as to—
  - (i) the type of childcare provided;
  - (ii) the cost of the childcare;
  - (iii) the time and duration of the childcare provided;
  - (iv) the time and duration of any free early years provision;
  - (v) the number and ages of children to whom childcare is provided;
  - (vi) the suitability of the childcare for disabled children.

## SCHEDULE 2

Regulation 3

### Prescribed descriptions of information relating to services, facilities and publications

#### **Information about services or facilities**

**1.** The following descriptions of information about a service or facility mentioned in section 12(2)(b) or (c) of the 2006 Act—

- (a) the name of the service or facility;
- (b) contact details for the service or facility, including its address, telephone number, email address and website address;
- (c) a description of the main features of the service or facility;
- (d) any restrictions on eligibility for using the service or facility;
- (e) the days and hours when the service or facility is available;
- (f) the cost of using the service or facility;
- (g) any other relevant information about the service or facility, including whether it may be of particular benefit to disabled children or young persons<sup>(a)</sup> or their parents.

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<sup>(a)</sup> By virtue of section 12(8) of the Childcare Act 2006, a young person is disabled for the purposes of section 12 of that Act if they have a disability for the purposes of the Disability Discrimination Act 1995.

## Information about publications

2. The following descriptions of information about a publication mentioned in section 12(2)(b) or (c) of the 2006 Act—
- (a) the title of the publication;
  - (b) a general description of the publication's contents;
  - (c) how the publication can be obtained or accessed, including the address of any website where it can be read;
  - (d) the cost of purchasing the publication;
  - (e) any other relevant information about the publication, including whether it may be of particular benefit to disabled children or young persons or their parents.

## SCHEDULE 3

Regulation 4

### Modifications to these Regulations before 1st September 2008

1. In regulation 1(2)—
- (a) for the definition of “free early years provision”, substitute—

““free nursery provision” means nursery education within the meaning of Part 5 of the School Standards and Framework Act 1998(a) which is provided free of charge by any person (other than the governing body of a maintained school) under arrangements pursuant to the duty imposed on a local education authority in England by section 118 of that Act(b) (duty of LEA as respects availability of nursery education) made between the authority and that person in consideration of financial assistance provided by the authority under those arrangements;”;
  - (b) for the definition of “registered person”, substitute—

““registered person” means—

    - (a) a person who is registered under Part 10A of the 1989 Act (child minding and day care for children in England and Wales), or
    - (b) a person who is registered under Chapter 4 of Part 3 of the 2006 Act (voluntary registration);”.
2. In paragraph 1 of Schedule 1—
- (a) for sub-paragraph (f) substitute—

“(f) whether the registered person is registered under Part 10A of the 1989 Act, or under Chapter 4 of Part 3 of the 2006 Act;”;
  - (b) after sub-paragraph (i) insert—

“(ia) where the registered person is registered under Part 10A of the 1989 Act, whether the registered person is registered to—

    - (i) act as a childminder, or
    - (ii) provide day care;”;
    - (c) in sub-paragraph (j), at the beginning insert “where the registered person is registered under Chapter 4 of Part 3 of the 2006 Act;”;
    - (d) in sub-paragraph (k), after “childminder” insert “under Part 4 of Chapter 3 of the 2006 Act”;

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(a) 1998 c.31.

(b) Section 118 is amended by paragraph 30 of Schedule 2 to the Childcare Act 2006.

- (e) in sub-paragraphs (l) and (m), for “free early years provision” substitute “free nursery provision”;
- (f) after sub-paragraph (n) insert—
  - “(na) information as to any enforcement action taken under Part 10A of the 1989 Act against a person registered under that Part of that Act, including the service of any notice, the imposition of any requirement or condition on the registered person, any suspension of the registration, and any application pursuant to section 79K of the 1989 Act to a justice of the peace (protection of children in an emergency);”;
- (g) in sub-paragraph (o), for “registered person’s registration” substitute “registration of a person registered under Chapter 4 of Part 3 of the 2006 Act”.

3. In paragraph 2 of Schedule 1, in sub-paragraphs (f) and (g), for “free early years provision” substitute “free nursery provision”.

## EXPLANATORY NOTE

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

These Regulations prescribe information which must be provided by English local authorities to parents and prospective parents as a result of the duty imposed by section 12 of the Childcare Act 2006 (“the 2006 Act”). Section 12 requires English local authorities to establish and maintain a service providing information, advice and assistance. “English local authority” is defined in section 106 of the 2006 Act.

Regulation 2 with Schedule 1 prescribes information to be provided by the local authority about childcare in the local area. Paragraph 1 of Schedule 1 deals with childcare provided by a registered person (meaning someone who is registered either in the early years register (under Chapter 2 of Part 3 of the 2006 Act), or in Part A or B of the general childcare register (under Chapter 3 or 4 of Part 3 of the 2006 Act)). Paragraph 2 of Schedule 1 deals with childcare provided by a person who is not registered.

Regulation 2(2) excludes certain types of information from having to be provided by the local authority, in particular personal information about parents, relatives and childcare providers, and information which should not be provided for legal reasons.

Regulation 3 with Schedule 2 prescribes information which the local authority must provide about other services, facilities or publications which may be of benefit to parents, prospective parents, children or young persons.

The system for the registration of childcare providers changes on 1st September 2008. Therefore, for the period before 1st September 2008, regulation 4 with Schedule 3 makes a number of modifications to these Regulations, in particular to the prescribed information about childcare set out in Schedule 1. Broadly speaking the changes are to reflect that during this period, registered childcare providers will be registered either under Part 10A of the Children Act 1989, or under Chapter 4 of Part 3 of the 2006 Act (in the voluntary part of the general childcare register). Certain definitions in regulation 1 are also modified.

Regulation 5 substitutes a reference to section 118A of the School Standards and Framework Act 1998 with a reference to section 12 of the 2006 Act in the Child Minding and Day Care (Disclosure Functions) (England) Regulations 2004 (S.I. 2004/3136). This is to ensure that those Regulations apply in relation to a local authority exercising its functions under section 12 of the 2006 Act.

Regulation 6 revokes the Childcare (Provision of Information) (England) Regulations 2007 (S.I. 2007/1063) (which prescribe information which local authorities have to provide about childcare providers registered in the voluntary part of the general childcare register) as they are superseded by these Regulations.

A regulatory impact assessment was not prepared for these Regulations as no impact on the private or voluntary sectors was foreseen. The impact on local authorities is outlined in the Explanatory Memorandum which is available alongside the Regulations on the OPSI website at <http://www.opsi.gov.uk>.

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