

**EXPLANATORY MEMORANDUM TO
THE CHILDCARE ACT 2006 (PROVISION OF INFORMATION TO
PARENTS) (ENGLAND) REGULATIONS 2007**

2007 No.3490

1. 1.1 This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 Section 12 of the Childcare Act 2006 (“the 2006 Act”) requires English local authorities to establish and maintain a service providing information, advice and assistance to parents and prospective parents in their area. These Regulations prescribe the descriptions of the information which the local authorities must provide. The information relates to (1) childcare in the local area, and (2) any other services, facilities and publications which may be of benefit to parents, prospective parents, children or young people in their area.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 Part 1 of the 2006 Act imposes duties on local authorities to improve the well-being of young children, to assess and secure sufficiency of childcare supply, to provide information, advice and assistance to parents and to provide information, advice and training to childcare providers.

4.2 Section 12 requires local authorities to provide information to parents and prospective parents about childcare and about other services, facilities or publications which may be of benefit to parents or to children and young people (up to the age of 20). Section 12 replaces the narrower duty on local authorities to provide information on childcare and related services in section 118A(3) of the School Standards and Framework Act.

4.3 Regulations have already been made under section 12 (the Childcare (Provision of Information) (England) Regulations 2007, S.I. 2007/1063), requiring local authorities to provide information about childcare registered voluntarily on the childcare register maintained by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”) under Chapter 4 of Part 3 of the 2006 Act. This instrument replaces (and revokes) those Regulations, and requires local authorities to provide information on a wider category of childcare in their area (in particular

childcare provided by persons registered on one of the registers maintained by the Chief Inspector under Part 3 of the 2006 Act), and also to provide information about other facilities, services and publications of interest.

4.4 In relation to the information which local authorities are required to provide about registered childcare, the regulations work in conjunction with regulations made under section 79N(5) of the Children Act 1989 and section 83 of the 2006 Act requiring the Chief Inspector to provide information to local authorities for the purposes of assisting them in exercising their functions under section 12 of the 2006 Act.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Government believes it is vitally important that families can access early years, childcare and other appropriate support services to help children to reach their full potential. *Choice for parents, the best start for children: a ten year strategy for childcare* (published in December 2004) set out the Government's plans to ensure more consistency in the level of information provided to parents and to ensure that this information more closely meets families' needs. Following the *Every Child Matters* Green Paper (2003), which also emphasised the importance of providing information to parents on sources of local help and support, each local authority was provided with development funding to set up comprehensive directories of services for children in their area.

7.2 Local authorities are currently required to establish and maintain a service providing information to the public about the provision of childcare and related services in their area. There is currently no legislation setting out what information local authorities should be providing, and they are not under a duty to actively promote the availability of information. The current duty allows local authorities to interpret their duties to provide information on childcare and children's services in a narrow way, restricting the information they provide to little more than childcare vacancies.

7.3 Although information provision has a relatively low public profile, there is evidence that parents want more information to help them support their children. For example, 75% of parents and carers said that they felt there are times in their lives, or the lives of their children, when they need access to additional information or support (HMT Poverty Review 2004).

7.4 An extended information duty was therefore included in the 2006 Act to require every local authority to take action to ensure the availability to families with children under the age of 20 of sufficient information on childcare and services available to support families in their area. Section 12 requires local authorities to focus on facilitating access to the information service, and the intention is that the information will be made available in children's centres, schools and other public places. Local authorities will have particular regard to disadvantaged and hard to reach groups.

7.5 The expectation is that the information service run by a local authority should be able to provide expert information on childcare in their local area and will hold the most comprehensive information available to parents. These Regulations therefore prescribe detailed information about childcare, including the key information held by Ofsted about registered providers, and also other information needed by parents, for example on cost, to enable them to take an informed decision about whether individual providers will be suitable for their children.

7.6 The information service run by a local authority under the section 12 duty will not be expected to have detailed knowledge about the full range of services, facilities and publications available to parents as some of these are likely to be highly specialised. The Regulations therefore require local authorities to provide key basic information about each service, facility or publication they identify, for example on how to contact the service, brief details on what it provides, cost and eligibility. A detailed (but not exhaustive) list of the sorts of services, facilities and publications about which the local authority ought to provide information is being included in guidance. These will include those relating to education, health, leisure, family support and parenting and keeping children safe.

Consultation

7.7 The Government sought views on a set of draft regulations and on draft guidance relating to section 12 of the 2006 Act. The consultation ran from 2 October 2006 to 3 January 2007. 71 written responses were received and approximately 250 people attended 9 regional face-to-face events for Children's Information Services, local authority representatives and other interested parties. Respondents to the on-line and face-to-face consultations included Children's Information Services, local authorities and other organisations such as the National Association of Children's Information Services, Opportunity Links, Parentline Plus and MENCAP.

7.8 Overall there was support for both the information duty itself and for the types of information included in the draft regulations and draft guidance. A majority of those who responded in writing (69%) agreed with the types of information set out in the draft regulations and draft guidance. 12 % disagreed. 19 % were not sure. The Regulations do not contain all the detail which was in the draft set of regulations which consultees saw (some of the detail is being dealt with only in guidance).

7.9 Of those that disagreed or were not sure, some respondents felt that the Department should facilitate a more consistent approach to the way in which local authorities record information about local services. The Department is reviewing the way in which it supports local authorities to maintain and store data about childcare and other local services and is considering the feasibility of making national information available through a central source.

7.10 Some respondents asked for clarification about expectations on information services to give advice in specialist areas e.g. provision of financial advice or on services for children with disabilities. As mentioned in paragraph 7.6 above (and explained in the guidance), information services will not be expected to have detailed knowledge about the full range of services, facilities and publications available to parents.

Guidance

7.11 Section 12(7) of the 2006 Act requires local authorities, in exercising their functions under section 12, to have regard to any guidance given from time to time by the Secretary of State. The Department is issuing comprehensive statutory guidance covering all aspects of delivery of the duty before the Regulations come into force on 1st April 2008. The guidance will include further details about the types of information prescribed by these Regulations.

8. Impact

8.1 These Regulations have no impact on business, charities or voluntary organisations and therefore no Regulatory Impact Assessment has been prepared for them.

8.2 The impact on the public sector is on the 150 “top-tier” local authorities in England which will have to establish and maintain an information service.

8.3 The Regulatory Impact Assessment for the 2006 Act identified the section 12 duty as one of the duties on local authorities which will be financed within the additional resources which have already been made available for childcare and early years services. Future funding levels will be determined through the normal spending review mechanisms. They will, therefore, be cost neutral and will be formalising and placing on a more long term and sustainable basis the lead role that local authorities are already playing. Local authorities can draw on funding in the Sure Start, Early Years and Childcare Grant in order to provide the information to parents required by these Regulations. Provision for spending on information and advice to parents is included within the 'childcare sufficiency and access' element of the Grant.

9. Contact

9.1 Colin Stiles at the Department for Children, Schools and Families can answer any queries regarding the instrument. Tel: 020 7273 5980 or e-mail: colin.stiles@dcyf.gov.uk