

**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL AUTHORITY TARGETS (WELL-BEING OF YOUNG CHILDREN) (AMENDMENT) REGULATIONS 2008**

**2008 No. 1437**

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**

This Statutory Instrument is made under section 1(3) of the Childcare Act 2006 (“the 2006 Act”). It amends the Local Authority Targets (Well-Being of Young Children) Regulations 2007 (S.I. 2007/1415) (“the principal Regulations”). They deal with the process by which the Secretary of State sets statutory early years targets for English local authorities in connection with their duty to improve the well-being of, and reduce inequalities between, young children. The amendment provides that targets are to be set by reference to assessment scales contained in the Statutory Framework for the Early Years Foundation Stage, following the publication of that document by the Department for Children, Schools and Families in May 2008.

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

None

4. **Legislative Background**

4.1 Section 1(1) of the 2006 Act places a duty on English local authorities to improve the well-being of young children in their area and to reduce inequalities between them. Section 1(3) gives the Secretary of State for Children Schools and Families power to set targets in relation to that duty. The principal Regulations set out the process in accordance with which the targets are to be set. These Regulations amend the principal Regulations in anticipation of the introduction of the Early Years Foundation Stage (“EYFS”) on 1 September 2008.

4.2 The EYFS is established by the Secretary of State under section 39 of the 2006 Act, and replaces the Foundation Stage (which is provided for in Part 6 of the Education Act 2002) in England. It is divided into two parts: learning and development requirements and welfare requirements. The learning and development requirements are specified in the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 (S.I. 2007/1772) and the welfare requirements are specified in the The Early Years Foundation Stage (Welfare Requirements) Regulations 2007 (S.I. 2007/1771). These statutory instruments, which come into force on 1st September 2008, direct

that the Statutory Framework for the Early Years Foundation Stage is to have effect.

Previously, the principal Regulations required that targets must be set by reference to foundation stage assessment scales contained in the Foundation Stage Profile Handbook (published by the Qualifications and Curriculum Authority). Regulations 3 and 4 of these Regulations amend the principal Regulations so that targets must be set by reference to assessment scales contained in the Statutory Framework for the Early Years Foundation Stage.

## **5. Territorial Extent and Application**

This instrument applies to England only.

## **6. European Convention on Human Rights**

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 2006 Act implements proposals and fulfils commitments outlined in the Ten Year Strategy for Childcare, *Choice for Parents, the best start for children* (December 2004), to improve outcomes for all young children.

7.2 The 2006 Act places a duty on local authorities to improve the well being of all young children, defined through the five Every Child Matters outcomes which are set out in section 1(2), and to reduce inequalities in their outcomes. This duty builds on the Every Child Matters approach set out in the Children Act 2004, which confirmed the vital role of local authorities in leading strategic partnerships under the Children's Trust arrangements. The EYFS comes into force in England on 1<sup>st</sup> September 2008. These Regulations amend the principal Regulations, in consequence.

7.3 At the end of the EYFS, practitioners are required to complete an "EYFS Profile", a way of summing up each child's development and learning achievements, based on practitioners' ongoing observation and assessment. Each child's level of development is recorded against the 13 "assessment scales" in Appendix 1 of the Statutory Framework for the Early Years Foundation Stage.

7.4 Copies of the Statutory Framework for the Early Years Foundation Stage (May 2008 Edition) can be obtained from DCSF Publications, PO Box 5050, Sherwood Park, Annesley, Nottingham NG15 ODJ (Tel 0845 60 222 60; email [dcsf@prolog.uk.com](mailto:dcsf@prolog.uk.com); ref: 00267-2008BKT-EN.). It is also available at [www.standards.dcsf.gov.uk/eyfs](http://www.standards.dcsf.gov.uk/eyfs).

7.5 A public consultation on the principal Regulations took place between 21 September 2006 and 31 January 2007 and the results were set out in the explanatory memorandum to the principal Regulations. The EYFS was consulted upon in accordance with the statutory consultation procedure provided for in section 45 of the 2006 Act. The amendments made by these Regulations are in consequence of the EYFS, replacing the Foundation Stage, and have no direct impact on parents or practitioners. No separate consultation has been conducted on this occasion.

## **8. Impact**

8.1 These regulations will not cause new unfunded burdens either on central or local government, or cause burdens for the private, voluntary or independent sectors. Accordingly, an Impact Assessment has not been conducted on this occasion. A combined Regulatory Impact Assessment for the principal Regulations and statutory guidance on the section 1 duty to improve outcomes and reduce inequalities between young children was also conducted last year and can be viewed at the following weblink:

<http://www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1475>

## **9. Contact**

Bev Grant at the Department for Children, Schools and Families (Tel: 0207 273 5176 or email: [earlyyears.outcomes@dfes.gsi.gov.uk](mailto:earlyyears.outcomes@dfes.gsi.gov.uk)) can answer any queries regarding the instrument.