
STATUTORY INSTRUMENTS

2008 No. 1722

The Childcare (Provision of Information About Young Children) (England) Regulations 2008

Citation, commencement and application

1.—(1) These Regulations may be cited as the Childcare (Provision of Information About Young Children) (England) Regulations 2008 and come into force on 1st September 2008.

(2) These Regulations apply only in relation to England.

Interpretation

2. In these Regulations—

“the Act” means the Childcare Act 2006;

“the Chief Inspector” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills(1);

“funded early years provision” means early years provision which is available free of charge in pursuance of the duty imposed by section 7 of the Act (duty to secure prescribed early years provision free of charge)(2);

“local authority” has the same meaning as “English local authority” in section 106 of the Act;

“special educational needs” has the same meaning as in section 312 of the Education Act 1996(3).

Prescribed person under section 99(2)(b) of the Act

3. A local authority in whose area funded early years provision is provided is a prescribed person for the purposes of section 99(2)(b) of the Act (provision of information about young children: England).

Provision of information by a provider of funded early years provision to a relevant person under section 99(1) of the Act

4.—(1) The information set out in Parts 1 and 2 of the Schedule is prescribed information for the purposes of section 99(1) of the Act.

(2) A person falling within section 99(1)(a) of the Act who provides funded early years provision, when required to do so by the relevant person, must provide to that person each item of information set out in Part 1 or 2 of the Schedule that is requested.

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

(2) Section 7 of the Childcare Act 2006 requires an English local authority to secure that early years provision of a prescribed description is available free of charge for prescribed periods, for children of a prescribed age. Section 8 of that Act gives an English local authority powers in relation to the provision of childcare.

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

(3) A person falling within section 99(1)(b) of the Act, when required to do so by the relevant person, must provide to that person each item of information set out in Part 1 of the Schedule that is requested.

(4) When providing any item of information set out in the Schedule, a person referred to in paragraph (2) or (3) must also provide—

- (a) the early years reference number allocated to the provider by the Department for Children, Schools and Families;
- (b) the early years unique reference number or other identifier allocated to the provider by the Chief Inspector on registration; and
- (c) (if known) the local authority code allocated by the Department for Children, Schools and Families to the local authority in whose area the funded early years provision is provided.

Prescribed persons under section 99(3)(b) of the Act

5. The following are prescribed persons for the purposes of section 99(3)(b) of the Act—

- (a) the Chief Inspector;
- (b) a local authority providing financial assistance under section 8 of the Act in respect of funded early years provision, if different from the local authority prescribed at regulation 3; and
- (c) the proprietor of a school at which the child is a registered pupil⁽⁴⁾.

Prescribed persons under section 99(4)(b) of the Act

6. The following are prescribed persons for the purposes of the provision of individual child information pursuant to section 99(4)(b) of the Act—

- (a) a person who provides early years provision to the child;
- (b) the Chief Inspector; and
- (c) the Qualifications and Curriculum Authority⁽⁵⁾.

Prescribed persons under section 99(6)(c) of the Act

7. The following are prescribed persons for the purposes of section 99(6)(c) of the Act—

- (a) a local authority providing financial assistance under section 8 of the Act in respect of funded early years provision, if different from the local authority prescribed in regulation 3; and
- (b) the proprietor of a school at which the child is a registered pupil.

Prescribed categories under section 99(4)(c) of the Act

8. For the purposes of section 99(4)(c) of the Act, the prescribed categories are—

- (a) persons conducting research into the educational achievements of children and who require individual child information for that purpose; and
- (b) persons having access to a database established and operated by the Secretary of State under section 12 of the Children Act 2004⁽⁶⁾.

(4) See section 434(5) of the Education Act 1996 for the definition of “registered pupil”.

(5) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997.

(6) 2004 c. 31. Section 12 was amended by paragraph 43 of Schedule 2 to the Childcare Act 2006.

Amendment of the Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999

9.—(1) The Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999(7) are amended in accordance with paragraph (2).

(2) In regulation 3(1)—

- (a) at the end of sub-paragraph (a), omit “and”;
- (b) at the end of sub-paragraph (b), insert “and”; and
- (c) after sub-paragraph (b), insert—

“(c) persons having access to a database established and operated by the Secretary of State under section 12 of the Children Act 2004.”.

Revocations

10. The following Instruments are revoked—

- (a) The Education (Provision of Information About Young Children) (England) Regulations 2007(8);
- (b) The Education (Provision of Information About Young Children) (England) (Amendment) Regulations 2007(9); and
- (c) paragraph 63 of Part 2 of the Schedule to the Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007(10).

30th June 2008

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

(7) S.I. 1999/903, amended by S.I. 2004/1377, S.I. 2006/1505 and S.I. 2007/2050.

(8) S.I. 2007/712.

(9) S.I. 2007/3436.

(10) S.I. 2007/3224.