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WELSH STATUTORY INSTRUMENTS

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**2008 No. 169 (W.22)**

**CHILDREN AND YOUNG PERSONS, WALES**

**The Childcare Act 2006 (Local Authority  
Assessment) (Wales) Regulations 2008**

<i>Made</i>	- - - -	<i>28 January 2008</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>30 January</i>
<i>Coming into force</i>	- -	<i>1 April 2008</i>

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by section 26 of the Childcare Act 2006(1), and now vested in them (2) makes the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2008 and they come into force on 1 April 2008.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Childcare Act 2006;

“assessment” (“*asesiad*”) means the assessment carried out by a local authority under section 26(1) of the Act;

“childcare” (“*gofal plant*”) means care which is required to be registered under part 10A of the Children Act 1989(3) or care which would be required to be registered under part 10A but for the fact that it is provided for a child aged 8 or over;

“childcare provider” (“*darparnydd gofal plant*”) means any person who provides childcare;

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(1) 2006 c. 21

(2) By virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006

(3) 1989 c. 41

“free nursery education” (“*addysg feithrin am ddim*”) means provision which is made under arrangements between the provider and the local authority in pursuance of the local authority’s duty under section 118 of the School Standards and Framework Act 1998<sup>(4)</sup>

“local authority’s partners” (“*partneriaid yr awdurdod lleol*”) means the relevant partners as defined in section 25 of the Children Act 2004<sup>(5)</sup> and JobCentre Plus;

“session length” (“*hyd sesiwn*”) means the maximum period of time for which a childcare provider will care for a child in a day;

- (2) In these Regulations, the age ranges are—
- (a) ages 2 and under;
  - (b) ages 3 and 4;
  - (c) ages 5, 6 and 7;
  - (d) ages 8, 9 and 10;
  - (e) ages 11, 12, 13 and 14; and
  - (f) in relation to disabled children only, ages 15, 16 and 17.
- (3) In these Regulations, the types of childcare are—
- (a) childminding;
  - (b) full day care;
  - (c) sessional care;
  - (d) out of school care; and
  - (e) creches

### **Matters to be contained in the assessment**

- 3.—(1) The assessment must include in respect of each local authority area details of—
- (a) the number of free nursery education places required;
  - (b) the number of free nursery education places available;
  - (c) in respect of each type of childcare and each age range—
    - (i) the number of places required;
    - (ii) the number of places available;
    - (iii) the number of places required in respect of which the childcare element of working tax credit may be used;
    - (iv) the number of places available for which parents would be able to use the childcare element of the working tax credit;
    - (v) the times at which the childcare is required;
    - (vi) the times at which the childcare is available;
    - (vii) the range of session lengths offered by childcare providers;
    - (viii) the requirements for specialist care for disabled children and those with special educational needs;
    - (ix) the number of places available which are suitable for children who have special educational needs or who require specialist care due to a disability;
    - (x) the number of Welsh language and bilingual childcare places required;

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(4) 1998 c. 31

(5) 2004 c. 31

- (xi) the number of Welsh language and bilingual childcare places available;
  - (xii) the number of vacant and unused places; and the range of charges for the childcare.
- (2) The assessment must include a summary of childcare needs which are not met in the local authority area including those which relate to the—
- (a) types of care available;
  - (b) age of children for whom care is available;
  - (c) affordability of childcare;
  - (d) times at which childcare is available;
  - (e) specific needs of disabled children;
  - (f) availability of Welsh language and bilingual childcare; and
  - (g) location of childcare.

### **Consultation**

4. In preparing the assessment, the local authority must consult such—
- (1) children;
  - (2) parents;
  - (3) childcare providers;
  - (4) persons representing children, parents and childcare providers;
  - (5) persons with an interest in childcare and persons representing those with an interest in childcare;
  - (6) persons representing local employers and employer organisations;
  - (7) local employers;
  - (8) neighbouring local authorities;
  - (9) schools; and
  - (10) further education colleges
- in the local authority area as it considers appropriate.
5. In preparing the assessment, the local authority must consult—
- (1) the Local Safeguarding Children Board; and
  - (2) the local authority's partners.

### **Draft summary**

6. Prior to publishing a summary of the assessment under regulation 3, the local authority must make generally available a draft of the summary of the assessment which they propose to publish for the purpose of allowing the persons listed in regulations 4 and 5 the opportunity to comment on the draft.
7. The local authority must amend the draft summary of the assessment in such way as they consider appropriate in response to any comments received by virtue of regulations 4 and 5.

### **Publication of Assessment**

8. The local authority must publish a summary of the assessment on the local authority website.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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**9.** The local authority must deposit copies of the summary of the assessment in such public libraries, childcare settings, schools and other public places as they consider appropriate.

**10.** The summary of the assessment must include—

- (1) the information specified in regulation 3(1) in respect of the local authority area ; and
- (2) the information specified in regulation 3(2).

28 January 2008

*Jane Hutt*  
Minister for Children, Education, Lifelong  
Learning and Skills, one of the Welsh Ministers

## **EXPLANATORY NOTE**

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

These Regulations set out the required content of the local authority assessment of childcare in its area. This includes both the requirements for childcare and the availability of childcare in its area. The regulations also set out the persons and bodies that the local authority must consult and the manner in which the assessment must be published.