

EXPLANATORY MEMORANDUM TO
THE CHILDCARE (PROVISION OF INFORMATION) (ENGLAND) REGULATIONS
2007

2007 No. 1063

1. 1.1 This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Regulations prescribe the information to be provided by local authorities to parents and prospective parents in their area on childcare providers and childminders registered under the voluntary registration provisions of Part 3 of the Childcare Act 2006 (“the Act”).

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

3.1 None.

4. Legislative Background

4.1 This instrument prescribes the information which local authorities must provide to parents or prospective parents under section 12(2) of the Act. Section 12 is commenced so far as it requires a local authority to provide information relating to the provision of childcare in their area by a person registered under Chapter 4 (voluntary registration) of Part 3 of the Act. Section 12, once fully in force, will replace the existing provision governing information for parents contained in section 118A of the School Standards and Framework Act 1998. The current intention is that section 12 will be brought fully in to force in April 2008.

4.2 Section 118A(3) of the School Standards and Framework Act 1998 (as amended by section 149(1) of the Education Act 2002), places a duty on local authorities to provide information to the public on childcare and related services. That section is repealed by paragraph 31 of Schedule 2 to the Act, although subsections (3) and (4) continue to have effect until section 12 of the Act is fully in force (see paragraph 1 of the Schedule to the Childcare Act 2006 (Commencement No. 2 and Savings and Transitional Provisions) Order 2007, S.I. 2007/1019).

4.3 Section 12(2) of the Act places a duty on local authorities to provide to parents or prospective parents information which is of a prescribed description relating to the provision of childcare in the area of the local authority. Once section 12 is fully in force, the service provided by local authorities under this section will expand to include advice and assistance to parents as well as information and will cover services and facilities other than childcare (and these Regulations will be amended).

4.4 The Regulations operate in conjunction with regulations made pursuant to section 83 of the Act. That section places a duty on Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (the “Chief Inspector”) to provide, among other things, prescribed information to the relevant local authority (defined in section 83(4)) which

would assist the local authority in the discharge of their functions under section 12 of the 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 From April 2007 the Chief Inspector will begin to accept applications for registration on the general register under Chapter 4 (voluntary registration) of Part 3 of the Act. From April 2007 the Childcare (Supply and Disclosure of Information) (England) Regulations 2007, S.I. 2007/722 (made under sections 83 and 84 of the Act) will require the Chief Inspector to provide information to local authorities to assist them in their duty to provide information, advice and assistance to parents and prospective parents on the provision of childcare.

7.2 These Regulations set out the information which local authorities must provide to parents and prospective parents relating to childcare providers registered under the voluntary part (Part B) of the new general childcare register. In prescribing the information to be given, the Secretary of State has had regard (in accordance with section 12(3) of the Act) to the needs of parents of disabled children for information relating to the provision of childcare which is suitable for disabled children. In addition to the information local authorities will receive from the Chief Inspector under the section 83 regulations, these Regulations require them to inform parents whether the childcare constitutes free nursery provision and to provide such information as they have in relation to the costs of childcare being offered and to childcare suitable for disabled children (see paragraphs 9 and 10 of the Schedule to the Regulations). It is important that parents are provided with information on the full range of childcare available to enable them to make informed choices about the most suitable care for them and their children.

7.2 The Department for Education and Skills undertook a formal consultation on the section 12 duty, regulations and guidance between 2nd October 2006 and 3rd January 2007. There was strong support for the policy and respondents were content with the descriptions of information that should be provided to parents on childcare.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Colin Stiles at the Department for Education and Skills Tel: 020 7925 6540 or e-mail: colin.stiles@dfes.gsi.gov.uk can answer any queries regarding the instrument.