

**EXPLANATORY MEMORANDUM TO  
THE LOCAL AUTHORITY TARGETS (WELL-BEING OF YOUNG  
CHILDREN) REGULATIONS 2007**

**2007 No. 1415**

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 This Statutory Instrument is made under section 1(3) the Childcare Act 2006 (“the 2006 Act”) and makes provision concerning the process for setting statutory early years targets for English local authorities with regard to the improvement of the well-being of, and reduction of inequalities between, young children.
3. **Matters of special interest to the Joint Committee on Statutory Instruments.**
  - 3.1 None
4. **Legislative Background**
  - 4.1 Section 1(1) of the 2006 Act, creates a duty for 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 power to the Secretary of State for Education and Skills to set targets in relation to that duty. The Regulations set out the process in accordance with which the targets are to be set. Section 1 will be brought fully into force in April 2008.
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 new 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.
- 7.3 The focus on outcomes will mean more flexibility for local authorities and less prescription from central Government about the precise configuration of services. This greater autonomy must be accompanied by appropriate mechanisms, in this case statutory targets, to ensure local authorities are accountable for their performance in improving outcomes and reducing inequalities. Statutory targets will also provide local authorities with clarity about how their achievements in fulfilling the new duty will be measured.
- 7.4 Setting statutory targets will bring local authority performance management arrangements for early years outcomes in line with arrangements relating to older children. The establishment of the early years target-setting process will form part of the existing Schools and Local Authorities Target-Setting process for other statutory education performance targets.
- 7.5 The process will start when the Secretary of State commissions early years targets based on Foundation Stage profile results, through the *Guidance for Local Authorities on Target-Setting* issued in the summer for all statutory education performance targets. The targets are primarily negotiated between local authorities and the National Strategies on behalf of the Secretary of State. Targets are discussed during the autumn through standard setting meetings between local authorities and the National Strategies, and meetings between local authorities, their partners and advisors from regional government offices. Current practice requires each local authority to submit their proposed statutory targets to the Secretary of State by 31 January. Targets may then be challenged by the National Strategies on behalf of the Secretary of State and renegotiated if they are considered to be inappropriately ambitious or unrealistic. The Secretary of State formally confirms final targets by letter to each local authority later in the spring.
- 7.6 The main level of public interest is from the public sector, primarily the 150 top-tier local authorities in England. Primary Care Trusts, Strategic Health Authorities and Jobcentre Plus, who are made statutory partners working in partnership with local authorities under the outcomes duty, also have an interest, along with providers of early childhood services from the private, voluntary and independent sectors. Ultimately, children and families in England will benefit from the raised standards and improved outcomes resulting from target-setting arrangements.

## Consultation

- 7.7 The Childcare Bill was subject to full public consultation from 15 July to 7 October 2005. A draft of these regulations was consulted on between 21 September 2006 and 31 January 2007. This period coincided with the first round of target-setting, which was without statutory status, in order for local authorities to make an informed response to the consultation.
- 7.8 The Government received 47 written responses to the consultation on the draft target-setting regulations. Officials also visited and telephoned a number of local authorities across the country to seek their views which have been taken into account.
- 7.9 The majority of consultation responses broadly agreed that the regulations are appropriate and the Government does not consider that any significant amendments need to be made as a result. Issues that were raised are either dealt with in the Government's formal response, or will be addressed in the Statutory Guidance on the outcomes duty *Raising Standards - Improving Outcomes*, due to be published in late 2007.
- 7.10 The Audit Commission's response to the consultation for the target-setting process mentioned the need to ensure that the target-setting process is sufficiently flexible to take account of changes to local authority performance management arrangements that are likely to result from the Local Government White Paper, *Strong and prosperous communities*, which was published after the consultation on the target-setting regulations was launched. The need to take these proposals into account has resulted in a small change to the final Regulations.

## Statutory Guidance

- 7.11 Statutory Guidance setting out how local authorities and their NHS and Jobcentre Plus partners must work together to fulfil the outcomes duty, *Raising Standards - Improving Outcomes*, will be published in late 2007.
- 7.12 The Government will also produce non statutory guidance to support the target-setting process. This guidance will be incorporated into the annual *Guidance for Local Authorities on Target-Setting*.

## 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. A Regulatory Impact Assessment covering the implementation of Section 1 of the Childcare Act 2006, including the target-setting process, is being prepared and will be published

alongside draft proposals for Statutory Guidance on the outcomes duty *Raising Standards - Improving Outcomes*.

- 8.2 A full RIA was completed for the Childcare Act 2006. The introduction of statutory targets will not create any new unfunded administrative burdens.

## **9. Contact**

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