
STATUTORY INSTRUMENTS

2007 No. 722

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare (Supply and Disclosure of Information) (England) Regulations 2007

<i>Made</i>	- - - -	<i>6th March 2007</i>
<i>Laid before Parliament</i>		<i>15th March 2007</i>
<i>Coming into force</i>	- -	<i>6th April 2007</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 83(1) and (2), 84(1) and (3) and 104(2) of the Childcare Act 2006⁽¹⁾, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Childcare (Supply and Disclosure of Information) (England) Regulations 2007 and come into force on 6th April 2007.

Interpretation

2. In these Regulations—

“the Act” means the Childcare Act 2006;

“enforcement action” means the serving of any notice, and the imposition of any requirement or condition, upon a registered person by the Chief Inspector, any suspension of registration and any application pursuant to section 72 of the Act to a justice of the peace;

“registered person” means a person registered under Chapter 4 of Part 3 of the Act;

“registration” means registration under Chapter 4 of Part 3 of the Act;

“relevant premises” means, in relation to a registered person, the premises⁽²⁾ on which the provision of childcare by that person takes place or, as the case may be, is intended to take place, or took place at a material time;

“setting” means, in relation to a registered person, the premises on which the provision of childcare takes place or, as the case may be, is intended to take place, or took place at a material time, together with any equipment and personnel associated with the provision of that childcare.

(1) 2006 c. 21. See section 98(1) for the definitions of “prescribed” and “regulations”.

(2) See section 98(1) for the definition of “premises”.

General provisions

3.—(1) For the purposes of regulations 4, 5, 6 and 10, information is not to be treated as prescribed information which may or must be disclosed—

- (a) where it includes information as to the identity of any child to whom childcare is being or has been provided without the consent of a parent of the child identified; or
- (b) where it includes information as to the identity of a parent or relative of such a child (unless the parent or relative in question is the childcare provider) without the consent of the parent or relative identified.

(2) For the purposes of regulations 4 to 10, information is not to be treated as prescribed information which may or must be disclosed where the Chief Inspector is required under any enactment, by any rule of law or by the order of a court not to disclose the information.

(3) In this regulation—

“disclosure” includes making information available, or the provision of information, to a person or body, and “disclose” shall be construed accordingly;

“parent” includes any individual who—

- (i) has parental responsibility for a child, or
- (ii) has care of a child.

Supply of information to Her Majesty’s Revenue and Customs

4.—(1) For the purposes of section 83(1) of the Act, the information specified in—

- (a) Part 1 of Schedule 1, and
- (b) paragraphs 6(a), (c), (d) and (e) of Part 2 of Schedule 1,

is prescribed as information which must be provided to Her Majesty’s Revenue and Customs when the Chief Inspector takes one of the steps mentioned in sub-paragraphs (a), (c), (d) or (e) of section 83(1) in relation to a person’s registration.

(2) For the purposes of section 83(2) of the Act—

- (a) information that a person’s registration has been cancelled, and
- (b) the information specified in Part 1 of Schedule 1,

is prescribed as information about that registered person which must be provided to Her Majesty’s Revenue and Customs if an order is made under section 72(2) of the Act.

Supply of information to local authorities

5.—(1) For the purposes of section 83(1) of the Act, the information specified in Parts 1 and 2 of Schedule 1 is prescribed as information which must be provided to the relevant local authority when the Chief Inspector takes one of the steps mentioned in sub-paragraphs (a) to (e) of section 83(1) in relation to a person’s registration.

(2) For the purposes of section 83(2) the Act—

- (a) information that a person’s registration has been cancelled, that a condition to which the registration is subject has been varied or removed, or that a new condition has been imposed on the registration, and
- (b) the information specified in Part 1 of Schedule 1,

is prescribed as information about that registered person which must be provided to the relevant local authority if an order is made under section 72(2) of the Act.

Disclosure of information to assist parents or prospective parents

6. For the purposes of section 84(1) of the Act, the information specified—
- (a) in Part 1 of Schedule 1;
 - (b) in paragraphs 6 and 7, and 9 to 13, of Part 2 of Schedule 1, and
 - (c) in Part 3 of Schedule 1,

is prescribed as information about a registered person which the Chief Inspector may arrange to be made available for the purpose of assisting parents or prospective parents in choosing an early years or later years provider.

Disclosure of information to protect children from harm or neglect

7. For the purposes of section 84(1) of the Act, the information specified in—
- (a) Part 1 of Schedule 1, and
 - (b) Schedule 3,

is prescribed as information about a registered person which the Chief Inspector may arrange to be made available for the purpose of protecting children from harm or neglect.

Required provision of information to child protection agencies and police forces

8.—(1) Where a written request concerning a registered person has been received from a person prescribed in paragraph (2), the Chief Inspector must, pursuant to section 84(3) of the Act for the purpose of protecting children from harm or neglect, provide to that person such of the information mentioned in Schedule 3 as has been requested and is held by her in relation to that registered person.

- (2) The prescribed persons referred to in paragraph (1) are—
- (a) a child protection agency; and
 - (b) a police authority or a chief officer within the meaning of section 126 of the Police Act 1997⁽³⁾.

(3) In this regulation, “child protection agency” means the National Society for the Prevention of Cruelty to Children and any body or authority exercising within the United Kingdom statutory functions relating to the protection of children.

Required provision of information to various prescribed persons

9.—(1) Where a written request concerning a registered person has been received from a person prescribed in paragraph (2), the Chief Inspector must, pursuant to section 84(3) of the Act, for the purpose of protecting children from harm or neglect, provide to that person such of the information prescribed in paragraph (3) as has been requested and is held by her in relation to that registered person.

- (2) The prescribed persons referred to in paragraph (1) are—
- (a) a fostering agency within the meaning of section 4(4) of the Care Standards Act 2000⁽⁴⁾;
 - (b) a voluntary adoption agency within the meaning of section 4(7) of that Act;
 - (c) the National Assembly for Wales;
 - (d) the Scottish Commission for the Regulation of Care;

(3) 1997 c. 50.

(4) 2000 c. 14.

- (e) a Health and Social Services Board in Northern Ireland⁽⁵⁾;
 - (f) a body acting on behalf of the Crown in the Channel Islands or the Isle of Man; and
 - (g) the national authority of any other member State of the European Economic Area having functions comprising the regulation of childcare.
- (3) Subject to paragraph (4), the prescribed information referred to in paragraph (1) is the information specified in—
- (a) Part 1 of Schedule 1;
 - (b) paragraphs 6, 7, 9, 10 and 12 of Part 2 of Schedule 1; and
 - (c) Schedule 2.
- (4) Any information referred to in paragraph (3) is not to be treated as prescribed information which must be provided to a prescribed person where the information has previously been provided by the Chief Inspector to that prescribed person.

Required provision of information to parents

10.—(1) Where a written request concerning a registered person has been received from a person prescribed in paragraph (2), the Chief Inspector must, pursuant to section 84(3) of the Act, for the purpose of—

- (a) assisting parents in choosing an early years or later years provider, or
- (b) protecting children from harm or neglect,

provide to that person such of the information prescribed in paragraph (3) as has been requested and is held by her in relation to that registered person.

(2) The prescribed persons referred to in paragraph (1) are the parents of children to whom childcare is being or has been provided by the registered person referred to in paragraph (1).

(3) Subject to paragraph (4), the prescribed information referred to in paragraph (1) is the information specified in—

- (a) paragraphs 1 to 3 of Part 1 of Schedule 1;
- (b) paragraphs 13 and 14 of Part 2 of Schedule 1, and
- (c) paragraph 16 of Part 3 of Schedule 1.

(4) Any information referred to in paragraph (3) is not to be treated as prescribed information—

- (a) where the information is available to the parent, to whom it would fall to be provided, by other means reasonably at his disposal;
- (b) where to provide the information would involve disproportionate effort or expense;
- (c) where the circumstances indicate that the information is or may be sought in contemplation or furtherance of civil proceedings against the Chief Inspector or any other person or body; or
- (d) where the information has previously been provided by the Chief Inspector to that parent.

(5) The Children (Northern Ireland) Order 1995 [S.I. 1995/755 \(N.I. 2\)](#) as amended imposes certain duties on Health and Social Services Boards in Northern Ireland. Part 11 makes provision for child minding and day care for young children in Northern Ireland.

6th March 2007

Beverley Hughes
Minister of State
Department for Education and Skills

SCHEDULE 1

Regulations 4, 5, 6, 7, 9 and 10

PART 1

Core information

1. The person's name.
2. The business name, if any, under which childcare is (or, as the case may be, was or is intended to be) provided by the person, or by which the setting is generally known.
3. Any unique reference number or other identifier used by the Chief Inspector in relation to the person.
4. The person's address.
5. The date of registration and, if applicable, the date on which the registration ceased.

PART 2

Additional information

6. Where the Chief Inspector takes one of the steps mentioned in sub-paragraphs (a) to (e) of section 83(1) of the Act in respect of the person's registration, information as to which of the steps he is taking, namely—
 - (a) granting the person's application for registration;
 - (b) giving notice of her intention to cancel the person's registration;
 - (c) cancelling the person's registration;
 - (d) suspending the person's registration; or
 - (e) removing the person from the register at that person's request.
7. Whether the person is registered as—
 - (a) a childminder, or
 - (b) a provider of childcare other than childminding in respect of premises in England.
8. Where the person is registered as a childminder, whether the relevant premises are either (or a combination of)—
 - (a) the person's home,
 - (b) the child's home, or
 - (c) other domestic premises.
9. Where the relevant premises are not the child's home, the address of the relevant premises if different from the person's address.
10. Any telephone number, fax number or e-mail address of the person or the relevant premises supplied to the Chief Inspector by the person.
11. Information as to the time and duration of the provision of childcare.
12. Information as to the number of children, and the ages of those children, to whom childcare is, or is to be, provided.
13. The conditions, if any, attaching to the person's registration.

14. Information connected with any enforcement action taken against the person by the Chief Inspector.

15. The name of the local authority in whose area the relevant premises are located or, where the relevant premises are the child's home, the name of the local authority in whose area the person's address is located.

PART 3

Further additional information

16. Information obtained or received by a person authorised by the Chief Inspector as to whether the prescribed requirements for registration which applied to that person continue to be satisfied, and whether the person is complying with the requirements imposed on him by regulations under section 67 of the Act and any conditions of registration in the provision of childcare.

17. Information about any complaints that have been made to the Chief Inspector about the person.

SCHEDULE 2

Regulation 9

1. Information obtained or received by the Chief Inspector in the course of ascertaining the suitability of a person for registration.

2. Information obtained or received by a person authorised by the Chief Inspector for the purposes of section 77 of the Act (powers of entry) while exercising any power conferred by that section.

3. Information connected with any enforcement action taken against the person by the Chief Inspector.

SCHEDULE 3

Regulations 7 and 8

1. Information concerning the setting for the childcare provided by that person.

2. The person's date of registration.

3. The conditions, if any, attaching to the person's registration.

4. Information obtained or received by the Chief Inspector in the course of ascertaining the suitability of a person for registration.

5. Information obtained or received by a person authorised by the Chief Inspector for the purposes of section 77 of the Act while exercising any power conferred by that section.

6. Information about any child—

(a) receiving childcare from the person, or

(b) in the setting in which the person works.

7. Information connected with any enforcement action taken against the person by the Chief Inspector.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the disclosure by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”) of prescribed information about childcare providers who have registered voluntarily under Chapter 4 of Part 3 of the Childcare Act 2006, and the childcare provided by such providers.

Regulations 4 and 5 prescribe the information which must be provided to Her Majesty’s Revenue and Customs and to the relevant local authority respectively when the Chief Inspector takes a step specified in section 83(1) of the Act, or a justice of the peace makes an order under section 72(2) of the Act.

Regulation 6 prescribes the information which the Chief Inspector may arrange to be made available to assist parents or prospective parents in choosing an early years or later years provider.

Regulation 7 prescribes the information which the Chief Inspector may arrange to be made available for the purpose of protecting children from harm or neglect.

Regulation 8 prescribes the information which the Chief Inspector, when requested, must provide to child protection agencies and police forces for the purpose of protecting children from harm or neglect.

Regulation 9 prescribes the information which the Chief Inspector, when requested, must provide to a person or body prescribed in regulation 9(2) for the purpose of protecting children from harm or neglect.

Regulation 10 prescribes the information which the Chief Inspector, when requested, must provide to a parent whose child is being provided with childcare by a person who has registered voluntarily, either for the purpose of assisting the parent in choosing childcare provision, or to protect children from harm or neglect.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available at www.dfes.gov.uk/ria and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.