
STATUTORY INSTRUMENTS

2009 No. 1554

The Childcare (Provision of Information About Young Children) (England) Regulations 2009

Citation, commencement and application

1.—(1) These Regulations may be cited as the Childcare (Provision of Information About Young Children) (England) Regulations 2009 and come into force on 22nd July 2009.

(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⁾.

Revocations

3. The following are revoked—

(a) The Childcare (Provision of Information About Young Children) (England) Regulations 2008⁽⁴⁾ except for regulation 9;

(b) The Childcare (Provision of Information About Young Children) (England) (Amendment) Regulations 2008⁽⁵⁾.

(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 (“the Act”) 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.

(3) 1996 c.56. 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.

(4) S.I. 2008/1722.

(5) S.I. 2008/3071.

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

4.—(1) A person falling within section 99(1) of the Act⁽⁶⁾ who provides funded early years provision, if requested to do so by the relevant person, must provide to that person any item of information set out in Part 1 or 2 of the Schedule.

(2) A person falling within section 99(1) of the Act who provides early years provision that is not funded early years provision, if requested to do so by the relevant person, must provide to that person the item of information set out in Part 1 of the Schedule and any item of information set out in paragraphs 5 to 9 and 13 of Part 2 of the Schedule.

(3) When providing any item of information set out in the Schedule, a person referred to in paragraph (1) or (2) 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 early years provision is provided.

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

5. The local authority in whose area the early years provision is provided is a prescribed person for the purposes of section 99(2)(b) of the Act.

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

6. 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 (powers of local authority in relation to the provision of childcare)⁽⁷⁾ in respect of the early years provision, if different from the local authority prescribed by regulation 5; and
- (c) the proprietor⁽⁸⁾ of a school at which the child is a registered pupil⁽⁹⁾.

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

7. The following are prescribed persons for the purposes of 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⁽¹⁰⁾.

(6) Early years providers falling within section 99(1) of the Act are providers that are registered under Chapter 2 of Part 3 of the Act, who will fall under section 99(1)(a), and also providers who are exempt from registration due to section 34(2) of that Act (exemption for provision for children aged 3 or over at certain schools), who will fall under section 99(1)(b).

(7) Section 8 of the Act gives an English local authority powers in relation to the provision of childcare, including power to provide financial assistance to a childcare provider.

(8) The “proprietor” of a school is defined in section 579(1) of the Education Act 1996.

(9) See section 106 of the Act and section 434(5) of the Education Act 1996 for the definition of “registered pupil”.

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

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

8. The following categories of persons are prescribed for the purposes of section 99(4)(c) of the Act—

- (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 (information databases)(11).

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

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

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

22nd June 2009

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(11) 2004 c. 31. Section 12 was amended by paragraph 43 of Schedule 2 to the Act.