

2009 No. 1554

CHILDREN AND YOUNG PERSONS, ENGLAND

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

<i>Made</i> - - - -	<i>22nd June 2009</i>
<i>Laid before Parliament</i>	<i>30th June 2009</i>
<i>Coming into force</i> - -	<i>22nd July 2009</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 99(1), 99(2), 99(3), 99(4), 99(6) and 104(2) of the Childcare Act 2006(a):

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(b);

“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)(c);

“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(d).

(a) 2006 c. 21. See section 99(9) of that Act for the definitions of “prescribed” and “regulations”.
(b) 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).
(c) 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.
(d) 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.

Revocations

3. The following are revoked—

- (a) The Childcare (Provision of Information About Young Children) (England) Regulations 2008(a) except for regulation 9;
- (b) The Childcare (Provision of Information About Young Children) (England) (Amendment) Regulations 2008(b).

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(c) 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)(d) in respect of the early years provision, if different from the local authority prescribed by regulation 5; and
- (c) the proprietor(e) of a school at which the child is a registered pupil(f).

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;

(a) S.I. 2008/1722.

(b) S.I. 2008/3071.

(c) 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).

(d) 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.

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

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

- (b) the Chief Inspector; and
- (c) the Qualifications and Curriculum Authority(a).

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)(b).

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.

Dawn Primarolo
Minister of State

22nd June 2009

Department for Children, Schools and Families

SCHEDULE

Regulation 4

PART 1

1. For each child in the final year of the Early Years Foundation Stage, the total number of points achieved in each of the assessment scales of the Early Years Foundation Stage.

2. In this Part of the Schedule, “assessment scales” has the same meaning as in the “Statutory Framework for the Early Years Foundation Stage” document published by the Department for Children, Schools and Families in May 2008 with ISBN reference number 978-1-84775-128-7(c).

PART 2

- 3. Surname.
- 4. First name, or if more than one, each first name.
- 5. Date of birth.
- 6. Address and postcode of the home where the child normally resides.
- 7. Ethnic group.
- 8. Gender.

(a) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997.
(b) 2004 c. 31. Section 12 was amended by paragraph 43 of Schedule 2 to the Act.
(c) See in particular Appendix 1 of the document. For the meaning of “the Early Years Foundation Stage”, see section 39 of the Act.

9. Whether the child has special educational needs.
10. Number of hours of funded early years provision that the child receives per week.
11. Total number of hours of early years provision that the child receives per week.

12.—(1) Where the person provides funded early years provision to the child in more than 38 weeks in the funding period, the number of hours of funded early years provision which the child receives from that person during the period starting with 1st January and ending with 31st March in the calendar year in which the information is requested.

(2) In this paragraph “the funding period” means the period, being no longer than 12 months, of arrangements under section 8 of the Act (powers of a local authority in relation to the provision of childcare) between the person providing funded early years provision and a local authority under which the person provides such early years provision.

13. Whether English is not the child’s first language.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace with modifications the Childcare (Provision of Information About Young Children) (England) Regulations 2008 (S.I. 2008/1722) (“the 2008 Regulations”) except for Regulation 9, and revoke the Childcare (Provision of Information About Young Children) (England) (Amendment) Regulations 2008 (S.I. 2008/3071). Regulation 9 of the 2008 Regulations is not revoked as the amendment it makes to the Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999 (S.I. 1999/903), is required to remain in force.

These Regulations prescribe individual child information that early years providers can be required to provide to the Secretary of State and their local authority, and prescribe the persons and categories of persons who can collect and exchange information about children receiving early years provision.

Regulation 4 prescribes the information which early years providers must provide, if requested, to the Secretary of State and to their local authority (which is a prescribed person under regulation 5 for the purposes of section 99(2)(b) of the Childcare Act 2006 (“the Act”). Regulation 4(1) prescribes that all the information set out in Parts 1 and 2 of the Schedule can be required from all funded providers. Regulation 4(2) prescribes that all the information in Part 1 and some of the information in Part 2 of the Schedule can be required from all non-funded providers. A “funded provider” is a person who provides early years provision that is available free of charge in pursuance of the duty imposed on local authorities by section 7 of the Act, and a “non-funded provider” is a person who provides early years provision that is not funded in this way.

Regulations 6 to 9 prescribe certain persons or categories of persons for the purposes of sections 99(3), (4) and (6) of the Act with whom individual child information can be shared.

Copies of the “Statutory Framework for the Early Years Foundation Stage” document referred to in Part 1 of the Schedule can be obtained from DCSF Publications, PO Box 5050, Sherwood Park, Annesley, Nottingham NG15 0DJ (telephone: 0845 60 222 60; email dcsf@prolog.uk.com; reference: 00267-2008BKT-EN). It is also available at www.standards.dcsf.gov.uk/eyfs.

An Impact Assessment was produced for this instrument and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website at <http://www.opsi.gov.uk>.

STATUTORY INSTRUMENTS

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£4.00