

EXPLANATORY MEMORANDUM TO
THE CHILDCARE (PROVISION OF INFORMATION ABOUT YOUNG
CHILDREN) (ENGLAND) (AMENDMENT) REGULATIONS 2008

2008 No. 3071

1. This explanatory memorandum has been prepared by the Department for Children Schools and Families (DCSF) and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This instrument enables an additional item of individual child information, namely the number of hours of funded early years provision (EYP) received by the child each week, to be collected from particular schools.
 - 2.2 This information will enable a local authority to ensure it is funding EYP appropriately. The information will be collected by the local authority as part of the School Census.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None
4. **Legislative Context**
 - 4.1 This instrument is made under section 99 of the Childcare Act 2006 which makes provision for registered early years providers (providers of childcare for children from birth to the 1st September following their 5th birthday), and those exempt from registration to provide prescribed individual child information to the Secretary of State and to other prescribed persons.
 - 4.2 The amendment made by this instrument applies to schools which provide EYP and are exempt from registration under section 34(2) of the Childcare Act 2006. The exemption covers maintained schools, non-maintained special schools approved by the Secretary of State under section 342 of the Education Act 1996 (c.56) and independent schools, where the provision is for children aged 3 or over, is part of the school's activities, is made by the school and one or more pupils of the school attend it.
 - 4.3 This instrument amends the Childcare (Provision of Information About Young Children) (England) Regulations 2008 ("the 2008 Regulations"). Information about the 2008 Regulations can be found in the Explanatory Memorandum at: http://www.opsi.gov.uk/si/si2008/em/uksiem_20081722_en.pdf. Under the 2008 Regulations information on the number of funded hours of EYP per week received by each child is already collected from private, voluntary and independent early years providers. The amendment being made by this instrument will enable the same information to be collected from schools.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Under the Childcare Act 2006, local authorities have a duty to secure sufficient childcare in their area, and to ensure that certain prescribed amounts of EYP are available free of charge for 3 and 4 year olds in their area.

7.2 This instrument enables the collection from schools of information about the number of hours of funded EYP that each child receives each week. This is necessary so that the local authority can ensure that it is funding the EYP in these schools appropriately. At present, because LAs are able to collect individual child information on the number of hours of funded EYP from private, voluntary and independent providers of EYP, but not from schools, some children can be funded twice for their free entitlement, where they receive funded EYP in more than one setting. The collection of this information will help to highlight occasions where this is an issue. Collection will be through the School Census as this provides an appropriate vehicle for such collection.

7.3 This is the first amendment to be made to the 2008 Regulations. The Department will consider whether consolidation is appropriate when it makes future amendments to these Regulations.

8 Consultation outcome

8.1 No formal consultation process has taken place in relation to the collection of ULNs as part of the School Census. Informal consultation has taken place through the DCSF's 'Star Chamber'. The Star Chamber was set up around 2000 to review existing and proposed data collection exercises originating from what is now DCSF. The Star Chamber includes representatives of schools and local authorities, working alongside senior managers from DCSF.

8.2 The Department consulted members of the Star Chamber on the proposed change made by this instrument. Representatives of schools and local authorities on the Star Chamber supported the proposal to collect this item of data from schools as they felt it would have considerable benefit for them at a local level. The school and local authority representatives felt that the data would be so useful that they asked that we collect the data termly rather than annually, and they confirmed that this would not be a burden on schools as this is the kind of data item that a well maintained school would update on an event-driven basis.

9. Guidance

- 9.1 The guidance on collection of hours of funded EYP received will be included in the School Census guidance notes as this item will be collected as part of the School Census.
- 9.2 In order to ensure that both schools and local authorities are aware of the changes to the data to be collected from them through the School Census, DCSF uses a number of different approaches, including:
- a. issuing preparation and guidance notes tailored to the phase of school (e.g. nursery, primary etc.) with background about what is being collected, why it is being collected and information about any particular points they should be aware of.
 - b. providing answers to ‘Frequently Asked Questions’ in the weeks leading up to and during each Census.
 - c. in the Autumn prior to the start of the Census year, running workshops throughout the country for the local authorities, and the schools (such as Academies) that issue returns direct to the DCSF.
 - d. making documentation available on the DCSF’s TeacherNet website

10. Impact

- 10.1 This instrument has no impact on business, charities or voluntary bodies.
- 10.2 This instrument has minimal impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument as the impact on the public sector is minimal.

11. Regulating small business

The legislation does not apply to small businesses.

12. Monitoring & review

The outcome of this instrument will be subject to an internal review after 12 months and the legislation may be amended accordingly.

13. Contact

Julia High at the Department for Children, Schools and Families Tel: 020 7925 5156 or email: Julia.High@dcsf.gsi.gov.uk can answer any queries regarding the instrument.