



Childcare Act 2006 - Section 27

Implementation of Section 27 of the Childcare Act 2006

PHOTO REDACTED DUE TO THIRD PARTY RIGHTS OR OTHER LEGAL ISSUES

Consultation

Date of issue: 19 February 2007

Action required: Responses by 11 May 2007

Childcare Act 2006 - Section 27

Audience	Voluntary organisations in the childcare sector; Chief Executives of Local Authorities; Local Health Boards and NHS Trusts; Directors of LA Education and Social Services Depts. inc leads of Children's Services for Looked After Children; Children and Young People's Partnerships; Early Years Development and Childcare Partnerships; Genesis Wales Officers; Children's Information Services; Children's Commissioner for Wales; WLGA; Wales TUC Cymru; Social Partner contacts; County Librarians; Equal Opportunities Commission; Care Council for Wales; JobCentre Plus; Community Voluntary Services; Assembly Members.
Overview	This document consults on the proposed guidance to Local Authorities and regulations to support them in carrying out their duty to provide information, advice and assistance to parents and prospective parents relating to childcare and other services for children and young people up to aged up to 20, under the Childcare Act 2006.
Action required	All consultees are invited to respond to this consultation by 11th May 2007. Responses should be sent to the address below or competed electronically and sent to cymorth@wales.gsi.gov.uk
Further information	Enquiries about this consultation should be directed to: Angela Cheeseman on 029 2082 5736 Or email: cymorth@wales.gsi.gov.uk
Additional copies	Can be received from: Nigel Woodward on 029 2082 6892 Or email: cymorth@wales.gsi.gov.uk
Address for return of comments	Child and Family Programmes Team Children's Strategy Division 4th Floor CP2 South Core Welsh Assembly Government Cathays Park CARDIFF CF10 3NQ
Related documents	Childcare strategy - "Childcare is for Children" Childcare Act 2006 and Explanatory Notes Stronger Partnerships for Better Outcomes

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Implementation of Section 27 of the Childcare Act 2006

Introduction

1. This document invites comments on the draft guidance to Local Authorities and draft regulations for the implementation of section 27 (information duty) of the Childcare Act 2006 (Childcare Act), due to come into effect on **1 April 2008**.
2. The aim of this consultation is to establish the principles to guidance and regulations for implementing Section 27 of the Childcare Act which places a duty on Local Authorities to provide information, advice and assistance to parents or prospective parents.
3. This consultation is one of a series published to support the implementation of the Childcare Act. It should be considered alongside the guidance for section 22 (the duty to secure sufficient childcare to meet the needs of working parents and parents making the transition to work in the Local Authority's area) and section 26 (the duty to undertake a childcare sufficiency assessment).
4. We welcome your views and comments on the issues raised in this consultation paper. We will use your responses to inform policy development and future proposals for the statutory guidance issued by the Assembly under section 27 of the Childcare Act.
5. Please complete the loose-leaf questionnaire at Annex D and return with your comments, views and ideas to:

Child and Family Programmes Team
Children's Strategy Division
4th Floor CP2 South Core
Welsh Assembly Government
Cathays Park
CARDIFF
CF10 3NQ
6. The consultation period ends **11 May 2007**. You may wish to circulate this paper locally.
7. Besides seeking views in writing, to ensure that this is an active consultation we will be arranging various other consultations and events to involve interested parties and enable as wide a range of stakeholders as possible to contribute. There will be further opportunities for stakeholders to be involved in the dialogue and make their views known as draft regulations and statutory guidance develop.

The Legal Framework - The Childcare Act 2006

8. The Childcare Act underpins the Assembly Government's childcare strategy "Childcare is for Children" published in November 2005, and enshrines in law:
 - Parents' legitimate expectation of accessible high quality childcare for children and their families.
 - Local Authorities' responsibilities for providing information to parents and prospective parents to support them in their parenting role.

9. The Childcare Act will achieve these aims through statutory duties that will build on Local Authorities' existing roles and responsibilities. In Wales, it will:
 - Place a duty giving Local Authorities the lead role in facilitating the childcare market to ensure it meets the needs of working parents; in particular, those on low incomes, those with disabled children, or those who wish their child to attend Welsh medium provision.
 - Ensure people have access to the full range of information they need as a parent.

10. The intention of Section 27 of the Childcare Act is to broaden the existing duty on Local Authorities to provide information on childcare and related services. Parents must continue to have access to up to date information on childcare and Local Authorities will be asked to ensure availability of comprehensive information for parents of children and young people aged up to 20 on local services provided and sign posting to national sources of help. Local Authorities will also need to ensure that information is accessible to fathers (including non-resident fathers) as well as mothers; to disadvantaged and excluded groups e.g. BME communities; and to parents for whom English is not the first language.

11. Section 27 (7) of the information duty requires Local Authorities, in exercising their functions under the duty, to "have regard to any guidance given from time to time by the Assembly". The guidance at Annex A sets out the Assembly Government's view of how it intends the duty to be implemented and the expectation that it should be followed by Local Authorities in meeting their statutory obligations, unless they have good reason to depart from it.

12. Through guidance, we will look to ensure that these "Information Services" are made central to local childcare strategies, with proactive engagement and dissemination to increase the reach and visibility of childcare information. The statutory guidance explains the requirements on Local Authorities to provide information, advice and assistance to parents, prospective parents or other appropriate persons in accordance with section 27 of the Childcare Act 2006 (Childcare Act). The information which must be provided by Local Authorities has been prescribed in The Childcare (Provision of Information) Regulations 2007 at Annex B and a Regulatory Impact Assessment has been included at Annex C. The guidance at Annex A also explains the content of the regulations. This is statutory guidance, to which Local Authorities must

have regard, by virtue of section 27 (7) of the Childcare Act. Local Authorities may wish to develop their services along these lines ahead of the implementation of the duty in April 2008.

Childcare Act 2006 and explanatory notes

13. The Childcare Act 2006 and full explanatory notes can be viewed at www.uk-legislation.hmso.gov.uk/acts.

Background to the Information Duty of the Childcare Act 2006

14. Currently section 118A (3) of the School Standards and Framework Act 1988, (as amended by the Education Act 2002), places a duty on Local Authorities to review the sufficiency of childcare on an annual basis and to provide information to the public on childcare and related services.
15. Local Authorities fulfil this latter duty by running a Children's Information Service (CIS), whose core business is the provision of information on childcare and nursery education services. Cymorth guidance has encouraged Local Authorities to provide a broader range of information than that required by the current legislation in order to support parents in their parenting role. Many Local Authorities and CISs have responded positively and are already providing substantially more than the current legislation requires.
16. The section 27 duty under the Childcare Act replaces the duty to provide information to the public on childcare and related services under Section 118A of the School Standards and Framework Act 1988 (amended by the Education Act 2002). The information duty, in section 27 of the Childcare Act 2006, and the regulations to be made under that section, expands the information which Local Authorities must provide to parents and prospective parents, from predominantly childcare based, to more comprehensive information on help available to them in their parenting role.
17. The provision of information duty under section 27 fits with other duties under the Childcare Act, including the duty to secure sufficient childcare for working parents (section 22) and the duty to assess, on an annual basis, the sufficiency of childcare in the Local Authority area (section 26). The Children's Information Services in each Local Authority area are well placed to assist their Early Years Development and Childcare Partnerships (EYDCPs) with their duties under section 22 and section 26 of the Childcare Act.

Timetable

18. The timetable for introduction of the duties and regulations under section 27 of the Childcare Act, is:
 - Consultation period February to May 2007
 - Consultation events April, May 2007
 - Report on consultation responses published June 2007

- Amended regulations published September 2007
- Amended guidance published December 2007
- Section 27 comes into force April 2008

19. Non-statutory good practice guidance may be published from time to time prior to April 2008, to assist Local Authorities in working toward fulfilling the new duties.

Annex A

Proposed Guidance to Local Authorities – Implementation of Section 27 of the Childcare Act 2006

Introduction

1. Section 27 (2) of the Childcare Act states that the service must provide to parents or to prospective parents information which is of a prescribed description. This description is set out in regulations “The Childcare (Provision of Information) (Wales) Regulations 2007” with which Local Authorities must comply. The information may be described as falling within two key categories:
 - Childcare (as per section 27 (2) (a)); and
 - Other services or facilities which may be of benefit to parents, prospective parents, children or young people (as per section 27 (2) (b) and (c)).
2. This guidance is intended to support Local Authorities in carrying out their duties under section 27 and will provide:
 - background information;
 - information to which Local Authorities would have to have regard in relation to Clause 27 (6) of the Childcare Act; and
 - non-statutory information such as information on funding.
3. A copy of the draft regulations “The Childcare (Provision of Information) (Wales) Regulations 2007” is included at Annex B.
4. The wording of section 27 of the Childcare Act is provided at Schedule 1 to this guidance.
5. The provision of information duty under section 27 fits together with other duties under the Childcare Act 2006, including the duty to secure sufficient childcare for working parents (section 22) and the duty to assess childcare provision (section 26).

Background

6. The Welsh Assembly Government has set out its vision for children and young people in four key documents – *Children and Young People: A Framework for Partnership*; *Extending Entitlement: supporting young people in Wales*; *Children and Young People: Rights to Action* and *National Service Framework for Children, Young People and Maternity Services in Wales*. These are based on a number of core themes:
 - A foundation of principle in the UN Convention on the Rights of the Child.

- Entitlement to services based on the needs of the child or young person.
 - Listening to and acting on the views of children, young people and families.
 - Giving the highest priority to those most in need; and
 - A commitment to partnership working between different local organisations as the only way in which these aspirations can be achieved.
7. The Children Act 2004 and *Stronger Partnerships for Better Outcomes – Guidance on Local Co-operation under the Children Act 2004* sets out a framework within which Local Authorities should work - in partnership with the private, voluntary and independent sector – to improve the outcomes for children and young people and placing people and communities at the centre, enabling active participation in service planning and delivery.

The Vision

- 8 The strategic role which the Childcare Act places on Local Authorities, of which the duty to provide information, advice and assistance is one element, should be seen within the overarching framework for children and young people established under the Children Act 2004.
9. The role of the Early Years Development and Childcare Partnerships (EYDCPs) remains a statutory requirement under Section 118A of the School Standards and Framework Act 1988 (amended by the Education Act 2002), although *Stronger Partnerships for Better Outcomes* offers the flexibility of this requirement being exercised through the Children and Young People’s Partnership with appropriate membership. The EYDCP within each Local Authority will be responsible for ensuring fulfillment of the duty under section 27 of the Childcare Act to provide a broad range of information for families on childcare and children’s services in the Local Authority area. You may wish to comment on this proposal at Annex D.

Section 27 – Duty to provide information, advice and assistance

10. This guidance sets out the broad vision for information provision which is:
- An integrated information service.
 - A service that provides access to national and UK printed information supported by comprehensive local information.
 - Opportunity for parents to access the service at any convenient location, or by their preferred communication channel, with routes into either national or local information.
 - Resources that can directly support parents as well as providing knowledge and referral options for staff in all settings.

and the more specific vision for local information:

- The provision of comprehensive information on local services and support to parents that can be accessed easily, from a range of settings used by parents and in different media and formats.
- Providing parents with choices in how and when they access local information.
- Enabling parents to exercise choice and to become informed consumers of services to support them and their children.

Provision of local information will be:

- User friendly, reflecting parents' perceptions and needs.
- Accessible via a range of settings, outlets and channels that parents use (information centres, community focused schools, integrated children's centres, clinics, libraries, shop fronts, kiosks, via the computer or telephone in their own home).
- Accessible in a variety of formats where appropriate to comply with equal opportunities legislation and the Disability Discrimination Act.
- Easily understood, factual, empowering.
- High quality, accurate, up to date.
- Targeted to reflect the diversity of the local community (BME communities, those where English is not the first language, travellers, fathers etc.) including parents who do not find services fully accessible.
- Well publicised to ensure parents know where to go to access the sources of information.
- Well resourced, with capacity to deal with local demand, call back and follow ups, available outside of 'office hours'.
- Comprehensive, with information on services available locally from statutory and voluntary sector providers.

11. The expectation is that information services will be able to provide expert information advice and guidance to parents on childcare and free nursery education places in their area, as is currently the case with Children's Information Services. Information services are not expected to be able to offer expert advice on services not specifically related to childcare. However, they must be able to provide information to parents on what other local services (non-childcare) have to offer and how to access the available provision. This will help parents to select the most appropriate local services for them and their children. There is also a range of more generic national information available, such as information on tax credits, in the form of web sites, telephone help-lines and published material. The expectation is that information services will be able to sign-post parents to these sources of national information as appropriate.

Information content

12. The regulations provide a description of the minimum information that Local Authorities should provide. The three categories of information are:
 - Childcare.
 - Information on local services, facilities or publications.
 - Generic national information on services, facilities or publications.
13. As a minimum, the aim is that the Local Authority would ensure that parents could be effectively guided towards sources of local and national support and to local service directories. Local Authorities should continue to ensure that they meet the key requirements from the most recent Cymorth guidance.

Childcare

14. Part 2 of the Regulations set out the categories of information which Local Authorities are required to make available for each childcare provider whose details are given to users. They ask Local Authorities to give information, eg on the status of provision which is group based, home based or school based, and also set out the broad categories of information which must be provided to parents of a disabled child seeking childcare. Information services should also provide information on how to choose childcare and how to make arrangements with childcare providers, for example setting up a contract with a childminder.
15. Local Authorities should provide the most comprehensive information possible on all childcare provision in their area (including the free entitlement of nursery education places, Welsh medium and bilingual childcare provision and on services and facilities in childcare settings suitable for children with disabilities and special educational needs).
16. Local Authorities should make available information on all childcare registered with CSIW and free nursery education provision registered with CSIW and inspected by Estyn.
17. Local Authorities are not to provide contact details of child minders who object to their details being provided. Information services should contact all newly registered child minders and agree with them how they wish to be contacted, for example, whether they are content for their address and/or telephone number to be given to parents.
18. Some provision will not be required or eligible to be registered, but parents may wish to use it. Local Authorities should use reasonable endeavours to obtain and make available to parents information on unregistered provision. Much of the information on unregistered provision can be collected by Local Authorities carrying out the assessment duty specified in section 22 of the Childcare Act. Types of unregistered provision for which information will need to be obtained could include, for example, provision that is operating legally

but is not eligible to be registered because it does not meet the registration requirements (operates for less than 2 hours).

19. Information services should direct parents to CSIW and/or Estyn reports on registered/inspected provision to enable them to make an informed choice, taking issues of quality into account. Information services should make it clear to parents whether settings are registered or not, and should explain the checks that registered providers will have undergone and the standards that they are required to meet. The aim is to enable parents to judge whether a registered or unregistered setting is suitable for them and their child in their circumstances.
20. Information services should provide parents with information on the full range of provision in their area and, where appropriate on the help available to meet childcare costs through the tax credits system. They should also be able to give broader information on the benefits of formal childcare in terms, for example, of employment sustainability and child development. Whilst information services can advise parents on the implications of the available options, they should remain impartial and not guide parents to one particular form of care or individual provider. The final decision on the most appropriate care for their child should rest with the parent.
21. CSIW will continue to arrange for information on each registered provider to be provided to Local Authorities, as at present.

Childcare provided in the child's own home

22. Local Authorities are to ensure that, when providing information to parents on childcare provided in the child's own home, their information services refer them to the voluntary scheme for approval of such childcare and the relevant approval body.

Cross Border Arrangements

23. For many parents, childcare located in neighbouring areas can be the most appropriate for their children and the easiest to access. Information services are not expected to hold the full childcare information in respect of each of their neighbouring Local Authorities. However, information services should liaise with each other to ensure that parents can obtain the information they need about provision in other areas without having to travel to neighbouring Local Authorities. For example information services should offer to contact their counterparts in other areas on the enquirer's behalf, and/or arrange for information to be obtained from the other service.

Cost of Childcare

24. Local Authorities must provide parents with information about costs of the particular provision they are considering (including the availability of free places for 3 and 4 year-olds). This should be backed up with advice on how to get help with meeting the costs of childcare outside the free entitlement,

e.g. through tax credits, support schemes for teenage parents, employer supported childcare vouchers and salary sacrifice for working parents. Information services should direct and assist parents to access the appropriate information to help them make informed choices.

Safeguarding Children

25. Information services have a key role in ensuring that parents and carers have appropriate information to help them take decisions on the suitability of childcare providers. Information services should be able to explain the differences between registered and unregistered childcare and the checks that registered providers and their staff or approved providers of childcare in the child's own home will have undergone. They will need to guide parents to relevant materials and inform them of the questions they should be asking, for example by referring them to the publication "Choosing Childcare" which includes the key points that parents may wish to cover in their discussions with prospective providers.
26. Information services must inform parents of providers' registration status or refer parents to the relevant approval body in the case of approved childcare in the child's own home. They should advise parents that, if they are considering using unregistered childcare provision, they should check references and ask the provider what sort of checks they carry out on employees. For example, parents should check whether the provider obtains an Enhanced Disclosure from the CRB to help the provider decide whether there is information which would make the applicant unsuitable to work with children. The Enhanced Disclosure will contain details of whether they are included on List 99 and/or the Protection of Children Act (PoCA) List and relevant proportionate information held by the local police.
27. Under the provisions of the Safeguarding Vulnerable Groups Act 2006, new vetting arrangements will be introduced during 2008. Further details and guidance will be published in due course.
28. Information services should be aware of and understand the framework for safeguarding children and the specific local policies and procedures drawn up by their Local Safeguarding Children Board. Information services should be able to refer parents and other members of the public to children's social care within the Local Authority should they have concerns about a child's welfare or safety in the context of the childcare services, or more generally. If necessary the information services should themselves refer concerns about a child to children's social services or the police.

Information on Additional Services Offered by Childcare Providers

29. Local Authorities should consider approaching registered childcare providers to obtain additional details of the services offered by providers and to make this available to parents. They will be able to provide details on whether the provider is registered with the Partnership to provide free nursery education provision. Where parents do not find childcare that readily meets their needs

they should be able to provide feedback on difficulties with the childcare supply to those responsible for carrying out the assessment of childcare provision under section 26 of the Childcare Act.

30. Other examples of additional information include whether overnight care can be provided, staff qualifications, availability of special dietary arrangements and environment, including outside play space and equipment. Information on childminders could include whether children can be dropped off or picked up from school (and if so which schools) and details of pets in the house. The list in this paragraph is not exhaustive and Local Authorities may wish to include other information to meet local needs and encourage parents to question providers about the service they can expect.

Sustainability

31. In some cases it will be helpful for information services to tell parents how provision is funded and how long it has been operating. Where this information is available in the public domain it should be provided. However, it should be made clear to parents that these are not necessarily reliable indicators of sustainability or of quality.

Information on other local services, facilities and publications

32. This part of the guidance describes the services, facilities or publications referred to in section 27 (2) (b) and (c), about which parents and prospective parents should be given information.
33. The regulations set out broad subject headings on which Local Authorities should provide information to parents. The schedule to the regulations expands on each of these headings giving a breakdown of the information which must be supplied under each of the subject headings.
34. The regulations also set out categories of information, describing how services operate, which Local Authorities are required to make available for each service, facility or publication whose details are given to users. The regulations make clear that where information is given on services, facilities or publications not available locally, it is sufficient to provide information on the relevant agencies or sources of information, i.e. parents would normally be sign-posted to national generic sources of information.

Local Information

35. Information services should be able to provide comprehensive information on local services - statutory and voluntary - that can assist parents, children and young people. This would include information on topics such as education, health, drugs and alcohol, relationships and sexual health, social services provision, parenting classes, parenting groups, sports, recreation and leisure activities for children.

36. Local Authorities should, as a minimum, make available the information on local services and facilities benefiting prospective parents, parents and children and young people (up to their 20th birthday). Sources of information will include schools, health authorities, local authorities (including social services) and Job Centre Plus.

Other Local Information

37. Authorities are encouraged to identify other types and sources of local information in addition to those set out in this guidance which meets the needs of parents and children in their area.

Generic National Information

38. Local Authorities should be able to sign post to wider sources of generic information benefiting prospective parents, parents and children and young people (up to their 20th birthday) i.e. national organisations, support groups, telephone help lines and web sites.
39. Possible sources of this information are: internet sites provided by Government, for example, CSIW and Estyn, the NHS, DTI and DWP; telephone help lines such as those provided by Parentline Plus, Childline and the NSPCC. Typically the information and advice available would cover legislation, the latest thinking on good practice (e.g. on health issues) and direct practical advice and specialist support services relevant to the parent's situation (e.g. via telephone help lines). The Local Authority's information service should be sufficiently familiar with how the services operate to enable parents to select the best format to suit their needs where a choice of formats exists.
40. Where the enquirer does not have access to the Internet, information services should endeavour to facilitate access to web based services on their behalf.
41. Local Authorities should, as a minimum, make available the information set out in this guidance.
42. Local Authorities are encouraged to identify other types and sources of national information in addition to those set out in this guidance which meet the needs of parents and children in their area.
43. Local Authorities are encouraged to make known these parenting information helplines and websites to their workforce working with parents, such as teachers, as well as directly to parents.
44. Local Authorities should consider how local delivery of information services can play a part in national provision of information. Local Authorities should ensure that their local information services facilitate referrals between other UK wide and national organisations such as web sites and telephone help lines.

Information on services for disabled children and for children with special educational needs

45. Section 27 (3) requires the Assembly Government to have regard to the needs of the parents of disabled children when prescribing (in regulations) information which should be provided both in relation to childcare and other services, facilities or publications.
46. The regulations require Local Authorities to provide information on “access to services and specialist facilities available within childcare settings” and to provide information on:
 - The availability of specialist medical services, therapy services, support services.
 - Specialist help groups, tax benefits, financial advice, relevant voluntary organisations, and details of available short term breaks.
47. The information provided should be tailored to the individual needs of children and parents.
47. Information services should work closely with local branches of organisations such as Contact a Family, RNID, RNIB, Mencap, Scope, Children in Wales and any local portorage services, drawing on the existing knowledge and links that will have already established. This list is not exhaustive and there will be other organisations with whom information services should develop working relationships. All of the above organisations offer help and advice to families with disabled children. Some national charities also have local support groups for these families. Information services should take active steps to obtain details about such facilities offered locally and nationally, and maintain effective links so that parents can easily access appropriate support when they need it.
49. There is an existing requirement (section 332A Education Act 1996) on Local Education Authorities (LEAs) to arrange for the parent of any child in their area with special educational needs to be provided with advice and information about matters relating to those needs and to take whatever steps they consider appropriate to make Parent Partnership Services (PPSs) known to parents, head teachers, schools and others they consider appropriate. Information services should work with their local partnerships to draw on their knowledge and experience of working with parents of children with SEN, to inform, develop and enhance their links for the mutual benefit of all parents.

Providing information to disabled parents

50. Information services should consider assessing the needs of disabled parents in their area to ensure that premises are accessible (for example wheelchair ramps to comply with the Disability Discrimination Act); that services are accessible (for example hearing loops and staff who can sign or translate);

and that information can be made available through appropriate media. These might include:

- Large print/tape version of materials
- Braille
- Audio formats, CDs/Cassettes
- Language lines
- Text phones for hearing impaired enquirers

This list is not exhaustive.

Services promoting use of the Welsh language

51. The Childcare Act 2006 introduces a duty on Local Authorities in Wales to secure sufficient childcare in their area to enable them to take up or remain in work or to undertake education and training in order to obtain work. In determining whether the provision of childcare is sufficient to meet these requirements Local Authorities must have regard to:

“the provision of childcare involving the use of the Welsh language.”

52. To do this effectively, Local Authorities will need to play a central role in the development of Welsh medium and bilingual childcare provision in their areas, in partnership with relevant organisations.
53. The Children and Young People’s Partnership or EYDCP will need to raise awareness of Welsh language issues and ensure that there is sufficient consideration at all levels where decisions are made about Welsh medium and bilingual childcare provision funding. Account should be taken of the additional problems experienced by Welsh medium settings in terms of sustainability and expansion: support to childcare settings wishing to develop and increase their use of Welsh; funding of development workers and play schemes.
54. In considering the demand for Welsh medium and bilingual childcare, the following factors should be considered as indicators for the likelihood of increased demand for Welsh medium and bilingual childcare provision in the future:
- The rise in the numbers of young Welsh speakers.
 - The rise in the numbers of childcare currently receiving a Welsh medium education.
 - The Assembly Government’s policy in relation to bilingualism.
55. The childcare strategy "Childcare is for Children" includes the following action:
- “Through Children's Information Services, we will establish baselines and monitor progress in the provision of Welsh language and bilingual childcare settings, in all childcare sectors.”

56. The gathering of baseline information on current levels of Welsh medium and bilingual childcare provision will be a key factor in planning to meet current and future demand for Welsh medium and bilingual provision. In establishing baseline information, it will be important to distinguish between the language of the childcare setting and the language of the childcare provision, as the language of the provision may vary according to the language of the children using the service at a given time. The language of provision is viewed as an important factor to establish, particularly in terms of providing accurate information to parents to facilitate parental choice.
57. In order to facilitate the collection and collation of data, the descriptions for Welsh language use within childcare settings, detailed at Schedule 2 to this guidance, should be used as the basis for information gathering.
58. The information services will gather information to establish a baseline of current Welsh medium and bilingual childcare provision through the use of the questionnaire currently circulated to registered and non-registered providers by Children's Information Services.
59. The information services will work with the Welsh Assembly Government to develop and provide guidance on the use of the above descriptions for use by childcare providers.
60. The information service should provide information to parents and prospective parents about the advantages of raising children bilingually and using Welsh in the family home, how to access Welsh medium literature, publications and availability of Welsh language classes.
61. Parents and prospective parents should be made aware of initiatives such as:
 - The “**Twf**” project (Transmission of Welsh in Families), which aims to persuade new parents to speak Welsh to their children. The emphasis is on families where only one parent speaks Welsh, and Twf offers practical advice to help them achieve this.
 - “**Cylchoedd Ti a Fi**” (run by the Mudiad Ysgolion Meithrin), which seeks to offer parents and carers an opportunity to enjoy playing with their children and socialise in an informal Welsh atmosphere. They provide activities promoting the development of children from birth to school age, and opportunities for parents to support each other and discuss issues such as health, safety and child development.

Access to the Information Service

62. Section 27 (6) requires Local Authorities to be pro-active in establishing and maintaining the information service in ways that best facilitate access to it, in particular, that reach out to people who might otherwise have difficulty in taking advantage of the service. (See paragraphs on access by fathers and disabled parents also).

63. Information should be accessible to all parents who might otherwise find it difficult to access the support they need, including through pro-active outreach services to increase take up from disadvantaged and low income families where appropriate. Local Authorities will need to consider local demographics and circumstances of those who may be socially excluded in their areas. This should include people from black and ethnic minority communities, young parents (including those who want to return to learning), people for whom English is an additional language, parents of children with disabilities, refugees, asylum seekers, families with disabled or mentally ill parents and travellers. Information and support should be provided to all who need it because they have a role in caring for a child, fathers as well as mothers; and to carers as well as natural parents.
64. Information services should also ensure that key people working with looked after children have access to the same information as that available to parents. Those to whom the information should be made available include: foster carers, social workers, residential care workers, independent fostering services, adoptive parents and prospective adoptive parents.
65. Local Authorities should consider the needs of parents in their area, and pay particular attention to meeting the needs of groups identified who might otherwise find it difficult to access the information service. Local Authorities may wish to consider carrying out an annual assessment to enable them to monitor and review uptake of information services by these groups.

Delivery Outlets

66. Local Authorities should ensure that information is made available through a wide range of outlets, particularly in places frequently visited by parents. Two of the key delivery outlets will be integrated children's centres and community focused schools.
67. In addition to integrated children's centres and community focused schools, other outlets should include doctors' surgeries, libraries, community centres, shops, post offices, schools, kiosks etc.

Data Protection

68. Local Authorities will need to ensure that they comply with the Data Protection Act 1998 when providing information to other outlets. For example, the implications of sharing information on childminders will need to be considered. If the information service needs guidance on how to ensure compliance with the Act, they should consult the Local Authority's legal service. Further information on data protection is available from the Office of the Information Commissioner at: <http://www.informationcommissioner.gov.uk>
69. Local Authorities are encouraged to promote their information services to all parents, and particularly to those groups who might find it difficult to access information. The Children's Strategy Division of the Welsh Assembly Government will continue to provide information services with support through

its contract with NACIS and through good practice examples published from time to time in collaboration with the Children's Information Services across Wales.

Format of Materials

70. It could be costly, and potentially wasteful, for all literature produced by information services to be produced in a wide range of languages irrespective of local demographics. **It is suggested that the Children's Information Services across Wales share the costs of written materials provided in a range of formats to reflect the needs of local communities.**

Customers/Clients/Service Users

71. Section 27 (2) and 27 (5) require services to be provided to “parents or prospective parents”. Section 27 (9) defines these terms. Local Authorities are required to make sure that information is available to all prospective parents and parent of children up to their 20th birthday in their area.
72. Local Authorities should ensure that information is provided predominantly to support people in their role as parents. Parents are defined as:
- All natural parents, whether they are married or not.
 - Any person who, although not an natural parent, has parental responsibility for a child.
 - Any person who, although not a natural parent, has care of a child.
73. Non-resident parents, both fathers and mothers, are included in both the definition of parents above and the definition contained in the Childcare Act. This means that discussions of individual children/young people’s needs should not be restricted to people with parental responsibility/care of the child. The service can be offered to everyone who is a parent as defined, unless there is a court order limiting an individual’s exercise of parental responsibility. Information services should avoid becoming involved in any conflict between parents. In cases where parents are unable to resolve issues between them, the information service might want to suggest that the parent seeks independent legal advice about obtaining a court order setting out exactly what decisions each parent can make in respect of the child.
74. All references to parents include both fathers and mothers. The active interest of fathers in all aspects of their children’s life and development is important. Information services should make efforts to assess the information needs of fathers in their area, and make specific efforts to make information available in formats and through routes which are likely to engage them.
75. The expectation is that the information will be accessed predominantly by parents and prospective parents. However, the Local Authority should also provide information to people who are acting on behalf of the parent, including grandparents and other relatives, friends and other intermediaries. Sub-section 27 (4) of the Childcare Act gives Local Authorities a discretionary

power to provide information “to such persons as the local authority consider appropriate”. Local Authorities should give intermediaries information that is in the public domain only, including contact details for services which could help the parent. Information services should not discuss information about individual children with anyone other than their parents, as defined above, or with individual young people or children if they are considered to be sufficiently mature. Local Authorities and information services should not discuss details of particular parents, children and young people with those enquiring on parents’ behalf, and should also ensure compliance with the Data Protection Act 1998.

76. The Childcare Act also makes clear that the service must be delivered in ways that will identify and reach out to families that might otherwise find it difficult to access information.

Management and Organisation of the Information Service

77. Section 27 (1) requires Welsh Local Authorities to establish and maintain services providing information, advice and assistance.
78. It will be for Local Authorities to determine the most appropriate delivery model for their area, but the strategic lead should be with **the Early Years Development and Childcare Partnerships (EYDCPs)** to ensure that provision is delivered in a joined up way and co-ordinated across the full range of support services for parents. It will also help Local Authorities to deliver on the requirements of section 22 and 26 of the Childcare Act duty to secure sufficient childcare for working parents. The EYDCP will ensure that the information service is accessible and meets parents’ needs. It should be of a high quality. Many Local Authorities will wish to build on the expertise already in place in their Children's Information Service.
79. The following models could form part of the delivery arrangements:
- The information service acting as an information hub, maintaining and updating the data, acting as the expert adviser and distributing information to front line delivery points such as integrated children’s centres and community focused schools. The information hub could be responsible for providing training to other such outlets. It would be for the Local Authority to decide on the mechanisms for delivering the service to the public, but these could include kiosks, “hot-line” telephone connections, outreach visits and “surgeries” from the central hub and provision of information electronically for access at the outlets;
 - The one stop shop model where a range of information services is provided in a centrally located shop front facility. Typically this would include the active involvement of staff, perhaps from the non early years part of the Local Authority or from voluntary organisations, providing information on subject areas to supplement the childcare and early years information. This is likely to be most practical in geographically compact areas, but may need to be backed up by outreach services.

- The call centre model whereby initial queries are taken by a generic call centre. In this model it is essential for the Local Authority to ensure that the more in-depth service on early years and childcare is made available. It may be good practice for specialists in early years, childcare and parenting issues to review details of all calls to identify those that need a more specialist approach.
- Variations and combinations of the above to suit local circumstances. It is unlikely that one of the above models alone will meet the full needs of parents within the local community.

Quality

80. Information should be delivered by suitably qualified staff.
81. Local Authorities should ensure that the information available is complete and up to date. Locally gathered information should be updated at least annually.

Consultation with parents, review and evaluation

- 82 Parents should be consulted about the information they need and how they prefer to receive it. The operation of the information service and the content of the information it is able to provide should be reviewed to ensure they are appropriate and effective. Consultation and review can be most effectively undertaken as part of other requirements for Local Authorities to consult with parents, for example as part of the duty to assess sufficiency of childcare provision, and at stages of assessment of needs and consultation over draft plans in the the preparation of their Children and Young People's Plan. Local Authorities should ensure that the information service is evaluated as part of their internal quality assurance systems.

Complaints

83. Complaints about the information service should be dealt with using the complaints procedure for all other Local Authority services.
84. If the complaint is about another Local Authority service, for example a complaint about lack of childcare places, the information service should be able to direct parents to the appropriate formal complaints procedure.

Funding

85. Rising levels of resource to support the development of childcare have been flowing to Local Authorities and their partners since the introduction in 2003 of Cymorth – the Children and Youth Support fund. From 2006-07, the Assembly Government has indicated that a minimum of 8.5% of each partnership's total Cymorth allocation should be invested in projects with childcare as the main theme, together with Children's Information Services. The existing Children's Information Services in Wales are accommodated within the

Cymorth programme provision of £56.733 million in 2006-07 and an indicative budget of £59.562 million in 2007-08, which have already been made available, within the Cymorth including Childcare BEL.

86. This approach was appropriate in the early phases of service development, but under the Childcare Act, from April 2008, childcare and children's information services will be supported by statutory duties. These challenges require greater flexibility and scope for locally determined action.
87. The intention is that from 2008-09 it will be appropriate to transfer the Cymorth funds relating to childcare and children's information services to Revenue Support Grant (RSG). The remainder of Cymorth (including support to integrated centres) will then move progressively over to RSG over the three financial years starting 2011-12, by transfers of resources of one third each year. The Welsh Assembly Government and the WLGA have agreed a timetable for the transfer of Cymorth into RSG.
88. No final decision has been made regarding the amount of money to be transferred, nor how this will break down between Local Authorities. Proposals are currently being discussed with the WLGA, through its Distribution Sub-Group and Partnerships. We intend to issue guidance under the Childcare Act 2006 on spending this money and seek your views on how this should be done. Please see Annex D.
89. The Welsh Assembly Government is committed to ensuring that the new Childcare Act duties do not place new unfunded burdens on Local Authorities or their partners. The aim is to enable Local Authorities and their partners to respond to parents' need for affordable childcare and for easy access to children's services, which meet their families' needs, and to ensure that its continued development reflects local needs and circumstances. The key intention is that it should provide assurance of a long-term commitment to childcare, without creating new administrative burdens or service costs for Local Authorities.
90. Local Authorities will be expected to continue to work closely with service providers from all sectors – voluntary, community, private and maintained – to develop further the variety and extent of services so that they improve child outcomes and meet local needs.

Schedule 1

Section 27 of the Childcare Act 2006 reads:

27 Duty to provide information, advice and assistance

- (1) A Welsh local authority must establish and maintain a service providing information, advice and assistance in accordance with this section.
- (2) The service must provide to parents or prospective parents information which is of a prescribed description and relates to any of the following-
 - (a) the provision of childcare in the area of the local authority;
 - (b) any other services or facilities, or any publications, which may be of benefit to parents or prospective parents in their area;
 - (c) any other services or facilities, or any publications, which may be of benefit to children or young persons in their area.
- (3) In prescribing information for the purpose of subsection (2), the Assembly must have regard to the needs of the parents of disabled children or young persons for information relating to-
 - (a) the provision of childcare which is suitable for disabled children, and
 - (b) other services or facilities, or publications, which may be of particular benefit to the parents of disabled children or young persons or to disabled children or young persons.
- (4) The service may, in addition to providing information which it is required to provide under subsection (2), provide information relating to any of the matters mentioned in paragraphs (a) to (c) of that subsection or such persons as the local authority consider appropriate.
- (5) The service must provide advice and assistance to parents or prospective parents who use, or propose to use, childcare provided in the area of the local authority.
- (6) The service must be established and maintained in the manner which is best calculated to facilitate access to the service by persons in the local authority's area who may benefit from it, including, in particular, persons who might otherwise have difficulty in taking advantage of the service.
- (7) In exercising their functions under this section, a local authority must have regard to any guidance given from time to time by the Assembly.
- (8) For the purposes of this section, a child or young person is disabled if he has a disability for the purposes of the Disability Discrimination Act 1995 (c. 50).

(9) In this section-

“parent” means a parent of a child or young person and includes any individual who:

- (a) has parental responsibility for a child, or
- (b) has care of a child;

“prospective parent” means a pregnant woman or any other person who is likely to become, or is planning to become, a parent;

“young person” means a person who has attained the age of 18 but has not attained the age of 20.

Schedule 2

Definition of Welsh medium and bilingual settings

Welsh Medium Setting

Welsh is the language of the setting. Welsh is the language of all activities, and is the language of communication with all children and young people. It is also the language of the setting's administration. The setting communicates with parents either in Welsh or in both Welsh and English according to parental preference.

Welsh Medium and English Medium Setting

Both Welsh and English are used as languages within the setting. With some children and young people Welsh is the language of communication and is the language of all activities. For other children and young people English is the language of communication, and is the language of all activities. Both languages are used for the setting's administration. The setting communicates with parents either in Welsh or in both Welsh and English according to parental preference.

Bilingual Setting

Both Welsh and English are used as languages within the setting. Welsh and English are used as languages of communication with the children and young people and both languages are used for activities. Both languages are used for the setting's administration. The setting communicates with parents either in Welsh or in Welsh and English according to parental preference.

Predominantly English Medium Setting with some use of Welsh

English is the main language of the setting. English is the language of the majority of activities, and is the main language of communication with all children and young people. Some Welsh is introduced to all children and young people through the use of greetings, songs, stories and games. The proportion of Welsh used varies according to the linguistic ability of the staff. English is the language of the setting's administration. The setting communicates with parents in English.

English Medium Setting

English is the language of the setting. English is the language of all activities, and is the language of communication with all children and young people. It is also the language of the setting's administration. The setting communicates with parents in English.

2007 No. (W.)

CHILDREN AND YOUNG PERSONS, WALES

**THE CHILDCARE (PROVISION OF INFORMATION) (WALES) REGULATIONS
2007**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations set out the types of information which are required to be provided to parents and prospective parents by local authorities under their duties in section 27 of the Childcare Act 2006.

2007 No. (W.)

CHILDREN AND YOUNG PERSONS, WALES

**THE CHILDCARE (PROVISION OF INFORMATION) (WALES) REGULATIONS
2007**

Made - - - - - *25 September 2007*

Coming into force - - - - - *1 April 2008*

The National Assembly for Wales, in exercise of the powers conferred upon it by section 27 of the Childcare Act 2006⁽¹⁾ makes the following Regulations:

PART 1

GENERAL

Title, commencement and application

1. –(1) The title of these Regulations is the Childcare (Provision of Information) (Wales) Regulations 2007 and they come into force on 1 April 2008.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations -

“free nursery education” means provision which is made under arrangements between the provider and the Local Authority in pursuance of the Local Authority’s duty under section 118 of the School Standards and Framework Act 1998;

“Her Majesty’s Inspectorate of Education and Training in Wales” has the same meaning as in the Education Act 2005;

⁽¹⁾ 2006 c.21

“locally” means within the area of the Local Authority;

“the 2006 Act” means the Childcare Act 2006.

Prescribed Information

3. The information referred to in Parts 2 and 3 of these Regulations is prescribed information for the purposes of section 27(2) of the 2006 Act.

PART 2

INFORMATION ON THE PROVISION OF CHILDCARE

4.—(1) Where a Local Authority provides to parents or prospective parents information on the provision of childcare in its area in accordance with section 27(2)(a) of the 2006 Act that information must include the following for each provision :

- (a) subject to Regulation 4(2), contact details including the name of the provision, address, telephone number and email address;
- (b) type of provision, that is whether it is group based, home based or school based provision;
- (c) the age range covered;
- (d) opening hours, the total number of weeks for which the provision is open and the specific weeks in which the provision is closed;
- (e) the number of places available for each age group;
- (f) the cost of the provision;
- (g) in respect of free nursery education;
 - (i) whether its provision is full or part-time and whether an annual or termly intake operates;
 - (ii) how it addresses demand for Welsh medium or faith based settings;
 - (iii) details of the places provided both in the maintained and (funded) non-maintained sections.
The information should include:
 - (aa) for the maintained sector, the:
 - (i) name, address and contact details of the school;
 - (ii) medium of provision in the school; and
 - (iii) number of relevant places in the school.
 - (bb) for the non-maintained sector, the:
 - (i) name, address and contact details of the setting;
 - (ii) type of setting (whether Cylch Meithrin, English medium playgroup, childminder or private day nursery etc.);

- (iii) the medium of provision of the setting; and
- (iv) the number of (part-time) places agreed with the Early Years and Childcare Development Partnership as eligible for funding.

- (h) whether the provision is registered by the National Assembly for Wales (through the Care Standards Inspectorate for Wales (CSIW)) in accordance with the Children Act 1989, as amended by the Care Standards Act 2000, and if so, how parents can obtain copies of the relevant report.
- (i) whether the provision is inspected by Her Majesty's Inspectorate of Education and Training in Wales in accordance with Chapter 3 of the Education Act 2005, and if so, how parents can obtain copies of the relevant report;
- (j) information as to the Welsh language and bilingual nature of the provision.

(2) A Local Authority must not provide the contact details, or part thereof, of a person who acts as a child minder where that person has given notice to the Local Authority that he or she objects to his or her contact details, or part thereof, being provided.

School based provision

6. Where the provision is based in a school, the local authority must identify whether it is run and managed by the school.

Facilities for disabled children

7. Where the parent is a parent of a disabled child, Local Authorities must provide information on access to services and specialist facilities available for disabled children within childcare settings.

PART 3

OTHER INFORMATION TO BE PROVIDED BY LOCAL AUTHORITIES

8. Where a Local Authority is required to provide information on any other services or facilities or any publications in accordance with section 27(2)(b) and (c) of the 2006 Act, that information must include information on the following subjects :-

- (a) Local authority Children and Young People's Plan that relates to section 26 of the Children Act 2004;
- (b) Education and family learning services;
- (c) Health and wellbeing services;
- (d) Play, sports and other recreational facilities;
- (e) Social care and family support services;
- (f) Youth services;
- (g) Financial and Legal Services ;
- (h) Child development;
- (i) Staying safe;
- (j) Local and national services for disabled children and young people;
- (k) Services promoting the use of the Welsh language.

Information to be supplied

9. The information which the Local Authority is required to supply under each subject is set out in the Schedule to these Regulations.

Services, facilities or publications

10. Where information is provided by the Local Authority on services, facilities or publications available locally, the information provided must include the following :

- (a) name of the service, facility or publication;
- (b) scope of the service, facility or publication;
- (c) contact details of the service or facility including name of the service or facility and, where available, address, telephone number, e-mail address and web-site address;
- (d) means of accessing the publication;
- (e) location of the service or facility;
- (f) type of service and facility provided;
- (g) opening hours of the service or facility;
- (h) cost of the service, facility or publication;
- (i) any criteria for or restrictions on availability of the service, facility or publication.

11. Where information is provided by the local authority on services, facilities or publications not available locally, it will be sufficient for the local authority to provide details of appropriate agencies or sources of information.

Signed on behalf of the National Assembly for Wales under section of the Government of
Wales Act 2006

The Presiding Officer of the National Assembly

regulation 11

SCHEDULE

AREAS OF INFORMATION UNDER SUBJECT HEADINGS

1. Local Authority Children and Young People's Plan

Strategies for supporting children and parents included within the Local Authority Children and Young People's Plan.

2. Education and Family Learning services

(i) Local schools (composite prospectus), arrangements for selecting a school, how to access school places, performance and quality measures (Estyn reports and inspections), levels of authorised and unauthorised absences, opportunities for parents to participate in children's learning, parental support and engagement (consultation processes, complaints procedures, volunteering, school governors), after school provision, behaviour units, out of school activities (community focused schools).

(ii) Education welfare services or their equivalent if delivered as part of integrated children's services

(iii) Family learning opportunities: details of Adult and Community Education courses, literacy, numeracy and special needs classes or where they can be accessed.

(iv) Library facilities: including reference service, children's section, video services.

(v) Further and Higher Education Opportunities, details of courses and funding.

3. Health and Wellbeing Services

(i) Parents advice, social care services and casualty services.

(ii) Information on specific services available locally including healthy eating, an active lifestyle; alcohol, stop smoking services, drug misuse; sex and relationships, contraception; sleep clinics; common allergies; bullying; attention deficit disorder; behaviour management.

(iii) Services for children with special needs, including special educational needs, and in special circumstances.

(iv) Child and adolescent mental health services (CAMHS).

4. Play, sports and other recreational facilities

(i) Open access play facilities available to children and young people.

(ii) The importance of creating play opportunities for learning.

(iii) Sports facilities available to the general public, information on things to do, places to go, for example on local arts, sports and play provision as well as child friendly heritage sites, galleries and museums.

5. Social Care and Family Support Services

(i) Family support, parenting programmes, prenatal and antenatal services and courses, child development and parenting roles, child rearing and child behaviour.

(ii) Youth Offending Team and early intervention services.

(iii) Children's Services - details of specific services offered, support and early intervention, self referral arrangements.

(iv) Disrupted Relationships - services to support parents and children through disrupted relationships and bereavement.

6. Youth services

(i) Provision of youth clubs, centres, drop-ins and advice shops.

(ii) School/training/careers - availability of careers advice.

7. Financial and Legal Services

(i) How parents can obtain information about their entitlements to debt counselling, tax credits and other benefits and how they can apply.

(ii) Flexible working and work life balance.

8. Child development

(i) Health before, during and after pregnancy, not smoking during pregnancy and having a smoke free atmosphere (national and local smoking cessation services), advice on importance of folic acid and breast feeding.

(ii) Parents communicating with their babies from birth; nurturing babies and children; creating an effective learning environment at home from the early years; engaging effectively in a child's cognitive, emotional and social development and their education; what to expect at different ages, including emotional development, growth, puberty; promoting and supporting independence as young people grow up.

9. Staying safe

(i) Keeping children safe in the community, internet safety, accident prevention, first aid and basic life saving skills for children, road safety, reducing the risks of sudden infant death.

(ii) The safe storage of medicines and volatile substances within the home.

10. Local and National Services for Disabled Children and Young People

Information on the availability of specialist medical services, therapy services, support services, specialist help groups, tax benefits, financial advice, relevant voluntary organisations, and details of available short term breaks.

11. Services Promoting the use of the Welsh Language

Information to parents and prospective parents about the advantages of raising children bilingually and using Welsh in the family home, how to access Welsh medium literature, publications and availability of Welsh language classes.

Annex C

REGULATORY IMPACT APPRAISAL – The Childcare (Provision of Information) Regulations 2007

Purpose and intended effect of the measure

1. The Assembly Government believes that quality childcare and children's services can be important factors in helping children to reach their full potential; families to access appropriate support services; and parents to return to work.
2. In order to ensure that these services are placed on a long term footing, we propose that the 22 Local Authorities in Wales will be placed under duties to fulfil provisions of the Childcare Act 2006, in particular:
 - section 22 (the duty to secure sufficient childcare to meet the needs of working parents and parents making the transition to work in the Local Authority's area);
 - section 26 (the duty to undertake a childcare sufficiency assessment); and
 - section 27 (to extend the existing duty on Local Authorities so that the range of information for families on childcare and children's services is broadened).

Background

3. Currently section 118A (3) of the School Standards and Framework Act 1988, (as amended by the Education Act 2002), places a duty on Local Authorities to provide information to the public on childcare and related services.
4. Local Authorities fulfil this duty by running Children's Information Services (CIS), whose core business is the provision of information on childcare and children's services. Cymorth guidance has encouraged Local Authorities to provide a broader range of information than that required by the current legislation in order to support parents in their parenting role. Many Local Authorities and CIS have responded positively and are already providing substantially more than the current legislation requires.
5. It is proposed that the Early Years Development and Childcare Partnership (EYDCP) within each Local Authority is responsible for ensuring fulfillment of the duty under section 26 of the Childcare Act to assess, on an annual basis, the sufficiency of childcare in the Local Authority area and the duty under section 27 of the Childcare Act to provide information, advice and assistance to parents and prospective parents to help them in their parenting role.
6. To fulfil its Childcare Act duty, the EYDCP will need to assess the local childcare market to develop a realistic and robust picture of parents' current and future need for childcare. The EYDCP will compare this assessment of

parents' demand for childcare with information about the current and planned availability of childcare places. The Children's Information Services in each Local Authority area are well placed to feed into assessment process and assist their EYDCP in this role.

7. The aim is to legislate to enhance and broaden the range of information provided to parents through the children's information services and to ensure that this development reflects local needs and circumstances within the childcare sufficiency assessment process.
8. The proposals detailed above tie in with the new partnership planning requirements set out in section 26 of the Children Act 2004. Section 26 of the Children Act 2004 provides for 3-year Children and Young People's Plans from 2008-11, setting out how the well-being of all children and young people in the area will be improved. Planning guidance will be issued in the summer of 2007, following consultation early this year.
9. As the new Children Act planning process is developed, it will take into account the need for childcare sufficiency assessment to be included within Children and Young People's Plans (CYPPs), as part of a local mapping of provision and assessment of need. It is proposed that the first draft CYPPs are produced in May 2008. It is also proposed that review of Plans takes place annually, and that the Assembly Government is informed of any changes made.

Options

10. Childcare and nursery education are increasingly integrated with other services for children and families such as health care, parental support, and social care. It is therefore appropriate to cover the full range of services relevant to children and families. Making such information more widely available will encourage families and young people to self-refer to services, thus empowering them and promoting early intervention rather than relying on existing services to "find" children, families and young people in need. Currently some Local Authorities interpret their duties to provide information on childcare and children's services in a narrow way; restricting the information they provide to little more than childcare vacancies.
11. We have identified two options in assessing how to best achieve the desired outcomes stated above:
 - To make these 2007 regulations and broaden the current duty on Local Authorities to provide information.
 - To maintain the status quo and not make these regulations and rely on existing duty under the Education Act 2002.

Option 1 – To make these 2007 regulations in order to broaden the current duty on Local Authorities to provide information

Risk Assessment

12. The Assembly Government makes these regulations in order to ensure families have sufficient information on childcare and children's services. Risks in this approach have been identified around:
 - The enhanced duties would put additional pressure on existing staff in some Local Authority Children's Information Services.

Benefits

13. An extended information duty would ensure that every Local Authority takes action to ensure the availability to families with children from 0-19 of sufficient information on childcare, nursery education and services available to support families in their area. For many Local Authorities this would formalise and legally define the role they currently play in this area.
14. Local Authorities would target the information to meet the needs of parents of children aged 0-19 at appropriate stages from childhood to adulthood, and a particular key transition points, e.g. starting school, starting secondary education. The information would be made available in integrated children's centres, schools and other public places. Local Authorities would have to reach disadvantaged and hard to reach groups as well as ethnic minorities.
15. There may be some indirect benefits of this new duty on childcare providers. Higher levels of information on childcare and children's services may indirectly benefit the childcare market by increasing awareness of childcare and other services as more families will become aware of the services that they provide. There would be no direct impact on schools, although it is possible that Local Authorities would expect them to be a source of information for parents.

Costs

16. The Assembly Government is committed to ensuring that the new Childcare Act duties do not place new unfunded burdens on Local Authorities or their partners. The key aim is to enable Local Authorities and their partners to respond to parents' need for information and advice on childcare and children's services, affordable childcare and for easy access to children's services, which meet their families' needs, and to ensure that its continued development reflects local needs and circumstances. The key intention is that it should provide assurance of a long-term commitment to childcare, without creating new administrative burdens or service costs for Local Authorities.
17. From 2007-08, the Assembly Government has indicated that a minimum of 8.5% of each partnership's total Cymorth allocation should be invested in projects with childcare as the main theme, together with Children's Information Services. The existing Children's Information Services in Wales are

accommodated within the Cymorth programme provision of £56.733 million in 2006-07 and an indicative budget of £59.562 million in 2007-08, which have already been made available, within the Cymorth including Childcare BEL.

18. The intention is that from 2008-09 it would be appropriate to transfer the Cymorth funds relating to childcare and children's information services (currently 8.5%) to Revenue Support Grant (RSG). The remainder of Cymorth (including support to integrated centres) will then move progressively over to RSG over the three financial years starting 2011-12, by transfers of resources of one third each year.
19. The introduction of the regulations, therefore, would be cost neutral and would merely in the majority of cases be formalising and placing on a more long term and sustainable basis the lead role that Local Authorities are already playing in the provision of information to parents.

Option 2 - Maintain the status quo and rely on existing duty

Risk Assessment

20. The Assembly Government could choose not to make these regulations, but instead continue to use existing statutory levers under the Education Act 2002, supported by Cymorth guidance, in order to ensure families have sufficient information on childcare and children's services. Risks in this approach have been identified around:
 - Some Local Authorities may choose to provide only the most basic of information.
 - Insufficient and inconsistent availability across Wales of information for parents.
 - Families in these areas would not have access to a broad range of information on childcare and children's services and information may not be targeted on hard to reach or disadvantaged groups.
 - This would prevent a significant proportion of the population from making the best use of childcare and children's services that are available to them, limiting the impact of these services on child outcomes.

Benefits

21. The provision of information on childcare and children's services would continue to rest on existing legislation and Local Authorities could continue to use current mechanisms to provide this information. Information would still be provided to families at least on childcare provision and childcare information services would continue to operate, but in some areas this will be the extent of the information on offer.

Costs

22. Costs would remain broadly at the present level and the Assembly Government would continue to fund the Children's Information Services through ring-fenced funding currently available from Cymorth. This approach

to funding would run counter to the Assembly Government's intention to give greater flexibility to Local Authorities in how they spend the funding that they receive from the Assembly Government.

Competition Assessment

23. Consideration has been given to the potential impact of these provisions on competition. It is not envisaged that the number or size of childcare firms/providers would change significantly as a result of the new duty.

Consultation

24. The following sectors, and constituent members of them, have been identified:
 - Public sector – 22 Local Authorities in Wales.
 - Private, voluntary and maintained sector childcare providers (affected indirectly) in Wales, ranging from individual carers, sole traders to larger chains.
 - Children and their families in Wales.

Public Consultation

25. The childcare strategy "Childcare is for Children" published in November 2005 outlined the Assembly Government's plans to ensure that every child in Wales gets the best start in life and to improve parents' choice about how to balance work and family life. The actions outlined in the strategy included plans to place a new duty on Local Authorities to secure sufficient childcare in their area and to improve the provision of information to children and families.
26. "Childcare is for Children" was subject to a full public consultation, and responses received included those from Local Authorities and the voluntary sector childcare representative organisations.
27. Children's Strategy Division holds a number of quarterly meetings with key stakeholders to discuss the nature of the role of the Local Authorities in facilitating and shaping the childcare market and their interactions with childcare providers.
28. Views from the formal and informal exercises that have already taken place have been taken into account in developing the proposals. Responses to this consultation on the proposed guidance to Local Authorities and draft regulations, including this Regulatory Impact Assessment, will be analysed and will inform final policy direction.

Significant Costs

29. There will be no significant costs arising from the proposed regulations.

Monitoring and Review

30. Assembly officials will evaluate the effectiveness of these regulations in improving the information services to parents within the first 24 months of operation. A review of the information service will be undertaken for the childcare sufficiency assessment to be included within Children and Young People's Plans (CYPPs), as part of a local mapping of provision and assessment of need. Following this evaluation we will consider further revision of the regulations if the need for change is identified.

Summary

Option 1 – To make these 2007 regulations in order to broaden the current duty on Local Authorities to provide information

31. *We recommend this model.*
32. The Childcare Act underpins the Assembly Government's childcare strategy "Childcare is for Children" published in November 2005, and enshrines in law:
 - Parents' legitimate expectation of accessible high quality childcare for children and their families.
 - Local Authorities' responsibilities for providing information to parents and prospective parents to support them in their parenting role.
33. The regulations will build on Local Authorities' existing roles and responsibilities and will ensure people have access to the full range of up to date information they need as a parent.
34. Through guidance, we will look to ensure that these "Information Services" are made central to local childcare strategies, with proactive engagement and dissemination to increase the reach and visibility of childcare information.
35. It is therefore recommended that agreement in principle is given to these regulations being introduced for the reasons outlined above.

Option 2 - Maintain the status quo and rely on existing duty

36. There are no additional costs but this option will not broaden the range of information available to families to support them in their parenting role. However, it will disadvantage some parents in Wales who live in Local Authority areas adopting the narrowest interpretation of the existing provision of information duty under the Education Act 2002. It is also out of step with the Assembly Government's commitments outlined in the childcare strategy for Wales "Childcare is for Children" and the guidance on local co-operation under the Children Act 2004 "Stronger Partnerships for Better Outcomes", and plans to transfer the Cymorth fund to Revenue Support Grant in future years.