

## Contents

<b>Summary</b>	<b>2</b>
<b>Chapter 1 - Introduction</b>	<b>3</b>
<b>Chapter 2 - Section 22 and Section 26</b>	<b>6</b>
<b>Chapter 3 - Section 27</b>	<b>25</b>
<b>Chapter 4 - Sections 23, 24 and 25</b>	<b>46</b>
<b>Chapter 5 - Monitoring Performance</b>	<b>51</b>
<b>Annex A - “The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2008”</b>	
<b>Annex B - “The Childcare Act 2006 (Provision of Information) (Wales) Regulations 2008”</b>	
<b>Schedule 1 - Definition of Welsh medium and bilingual settings</b>	
<b>Schedule 2 - Minimum standards for family information services</b>	

## Summary

This circular contains guidance under the Childcare Act 2006, which requires Local Authorities in Wales to:

- undertake childcare sufficiency assessments;
- ensure sufficient childcare; and
- provide information, advice and assistance to parents, prospective parents and those with parental responsibility or care of a child, relating to childcare.

“The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2008” (at Annex A) and “The Childcare Act 2006 (Provision of Information) (Wales) Regulations 2008” (at Annex B) relate to this guidance and come into force on **1 April 2008**. This guidance also applies from this date.

The introduction at Chapter 1 sets out the Childcare Act legislative requirements for Local Authorities.

Chapter 2 sets out the requirements of Section 22 and the duty to secure sufficient childcare and the power under Section 26 to require Local Authorities to assess that childcare provision.

Chapter 3 sets out the requirements of Section 27 and the duty to provide information, advice and assistance.

Chapter 4 sets out the powers of local authority in relation to the provision of childcare under Section 23, the arrangements between the Local Authority and childcare providers under Section 24 and the charges where Local Authority provide childcare under Section 25.

Chapter 5 outlines how Local Authorities will monitor their performance.

# Chapter 1 - Introduction

## Legal Basis

1.1 The Childcare Act 2006 (the Childcare Act) expands and clarifies in legislation the vital role Local Authorities play as strategic leaders in the provision of childcare locally. The Childcare Act reinforces the framework within which Local Authorities already work - in partnership with the private, voluntary, independent, community and maintained sector - to shape and secure children's services, and focuses in particular on the provision of:

- sufficient, sustainable and flexible childcare that is responsive to parents' needs; and
- information, advice and assistance to parents, prospective parents and those with parental responsibility or care of a child, relating to childcare.

1.2 The Local Authority has the responsibility and lead role in coordinating effort across services, enabling different organisations, such as childcare providers from all sectors, Jobcentre Plus, community focused schools, integrated centres and local health services, to work together to secure sufficient high quality, sustainable provision that is responsive to the needs of children and their families.

1.3 Section 22 of the Childcare Act gives Local Authorities a new duty to secure, as far as is reasonably practicable, provision of childcare that is sufficient to meet the requirements of parents in their area in order to enable them to work or undertake education or training leading to work.

1.4 The powers of a Local Authority in relation to the provision of childcare are described under Section 23. Sections 24 and 25 set out the arrangements between the Local Authority and childcare providers and the charges where a Local Authority provides childcare.

1.5 Section 26 of the Childcare Act gives Local Authorities a related duty to undertake childcare sufficiency assessments, the first of which must be completed within one year of the duty coming into force in April 2008, if this has not already been completed in 2007. The assessment is a necessary step to securing sufficient provision, enabling Local Authorities to identify gaps and establish plans to meet the needs of parents.

1.6 Meeting the duty in section 27 to provide information, advice and assistance to parents is a vital aspect of achieving an effective childcare market where parents are able to articulate their needs and access support and provision easily.

1.7 This guidance is both **statutory** (in relation to sections 22, 23 and 27) and non-statutory (in relation to sections 24, 25 and 26) and Local Authorities must have regard to the statutory guidance, and will also be expected to take into account the non-statutory guidance, when discharging their Childcare Act duties. Local Authorities will need to take a strategic view of how the different duties fit together so that their actions can be timely, efficient and effective.

1.8 This guidance supersedes the childcare and children's information services guidance previously provided in the Cymorth: Children and Youth Support Fund Guidance issued by the Assembly Government.

## **Funding**

1.9 From April 2008, the Local Authorities' role in facilitating the childcare market is supported from Revenue Support Grant (RSG).

1.10 In addition, a number of initiatives are likely to play an important part in securing sufficient childcare, including:

- the universal free offer of a part time education place for all 3 and 4 year olds;
- free part time childcare for 2 year olds in Flying Start areas;
- the childcare element of the Working Tax Credits;
- the New Deal for Lone parents and New Deal for Partners plus other discretionary funding from Jobcentre Plus;
- workplace nurseries;
- employer supported childcare voucher schemes operated by Her Majesty's Revenue and Customs; and
- Genesis Wales and successor ESF sponsored projects.

1.11 Local Authorities and their partners should be proactive and innovative in exploring and securing funding to support local and national initiatives and in ensuring families are encouraged to claim the financial support available.

## **Planning and Commissioning**

1.12 The Assembly Government is supportive of the use of “commissioning” - a transparent process to assess need and arrange contracts with appropriate service providers, driven by agreed partnership priorities. It is important that the Partnership as a whole has a stake in this process, and that the value of commissioning small projects from the voluntary sector be considered, as these can frequently bring an innovative approach to service delivery.

1.13 Partnerships should support relevant voluntary sector organisations to take part in all aspects of identifying needs, prioritising, commissioning and evaluating the sufficiency of the childcare provision in its area. The process should reflect the diversity and expertise of the sector.

## Chapter 2 - Section 22 and Section 26

### Introduction

2.1 The duties under section 22 and section 26 of the Childcare Act require Local Authorities to shape and support the development of childcare provision in the local area in order to make it flexible, sustainable and responsive to the needs of the community.

2.2 The intention is to ensure that parents are able to access childcare locally that meets their needs and enables them to make a real choice about work. Local Authorities are best placed to understand and respond to local needs.

2.3 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.

2.4 *Stronger Partnerships for Better Outcomes* outlines new partnership arrangements. From 2008, each Local Authority area will be required to have a children and young people's plan covering all services for those aged 0-25 and maternity services, drawn up by the Children and Young People's Partnerships, which are a statutory requirement under the Children Act 2004.

2.5 *Stronger Partnerships for Better Outcomes* offers the flexibility of the Children and Young People's Partnership (CYP Partnership) fulfilling the role of the Early Years Development and Childcare Partnership (EYDCP) with appropriate membership. Against this background, the EYDCP or CYP Partnership, as appropriate, will be responsible for ensuring fulfilment of the duty under section 22 and section 26 of the Childcare Act to secure sufficient childcare provision and to assess, on an annual basis, the sufficiency of childcare in the Local Authority area.

2.6 The Local Authority will be required to undertake a full assessment within a year of the commencement date of the legislation and then at least every three years after that, keeping their assessment under review in between main assessments. This assessment will contribute to the mapping of provision that is a key stage in local planning, allowing authorities through their

CYP Partnership or EYDCP to work effectively with local partners, including the private and voluntary sectors, to fill gaps in the market.

2.7 To fulfil its Childcare Act duty, the Local Authority will need to assess the local childcare market to develop a realistic and robust picture of parents' current and future need for childcare. The Local Authority will compare this assessment of parents' demand for childcare with information about the current and planned availability of childcare places. The Information Services in each Local Authority area are well placed to assist in this role.

## **Section 22 - Duty to secure sufficient childcare for working parents**

2.8 This guidance is statutory and sets out the broad vision for each Local Authority to secure sufficient childcare to meet the needs of their areas. In determining whether the provision of childcare is sufficient the Local Authority will have regard to the needs of parents in their area for:

- the provision of childcare in respect of which the child care element of working tax credit is payable;
- the provision of childcare which is suitable for disabled children; and
- the provision of childcare involving the use of the Welsh language.

2.9 Local Authorities are to have specific regard to the needs of these groups. Childcare for an area could not be judged as sufficient unless it meets the needs of the community in general, and these three groups in particular.

2.10 Local Authorities should consider the particular issues around access to childcare for black and other minority ethnic families, lone parents and those making the transition to work, including those training.

2.11 Local Authorities will also need to consider availability of childcare to support parents working atypical hours.

2.12 It is not the intention to oblige Local Authorities to meet the individual childcare needs of every working family, but to ensure that at a community level, the Local Authority is taking strategic action with its partners to address gaps in childcare. Local Authorities will be expected to support the development of childcare where

there is sufficient parental demand that a childcare setting or a childminder could operate and be sustainable. Examples of how they could address gaps include:

- providing training and business support to childcare providers, to help providers run efficiently;
- providing market information to providers;
- supporting networks of and links between providers;
- creating targeted incentives to address any gaps in the market.

2.13 This reflects existing best practice in Local Authorities.

2.14 Local Authorities are required to secure childcare of sufficient duration and reliability to enable parents to make a real choice about work. Local Authorities are required to act to secure sufficient childcare that is registered by the Care and Social Services Inspectorate Wales (CSSIW).

2.15 The quality of this type of childcare is assured through the regulatory framework.

2.16 Local Authorities will be able to support other types of childcare if they determine there is a need, but will only be judged on the sufficiency of childcare identified above.

2.17 The effect of the wording "*reasonably practicable*" within the Childcare Act is to allow the Local Authorities to take into account their resources and capabilities in making decisions about when to intervene to address gaps in the childcare market. Local Authorities will have to meet needs as far as they are able to within those constraints, but it allows for some flexibility - what might be practicable will depend on the particular circumstances of a Local Authority.

2.18 Local Authorities have the power to assist, and make arrangements with, any childcare provider or potential childcare provider.

## **Section 26 - Power to require Local Authority to assess childcare provision**

2.19 The new duty in the Childcare Act requires Local Authorities, through their CYP Partnership or EYDCP, to ensure sufficient childcare to meet local needs (albeit for working parents, and only where this is “reasonably practicable”). However, childcare needs are not directly comparable to schooling - it is not a compulsory attendance service and each individual family will have particular childcare needs which will change over time. It would be inefficient to provide a childcare place for every child without finding out what individual parents want or need.

2.20 The aim is that the Local Authority’s assessment of the local childcare market should generate an overall picture of parents’ use of, and demand for childcare in the Local Authority area. The twin purpose of the Local Authority’s assessment of childcare provision must be to cover both demand and supply sides of the market locally. Through this analysis, Local Authorities and their partners will be able to identify gaps in childcare provision where parents’ needs are not being met.

2.21 Planning guidance for CYP Partnerships on Children and Young People’s Plans, *Shared Partnerships for Better Outcomes* states that action in promoting quality childcare provision should be documented under Core Aim 1, including priorities arising from the childcare sufficiency assessment carried out under the Childcare Act 2006.

2.22 When carrying out the assessment of parents’ need for, and availability of childcare provision, Local Authorities are to be pro-active in seeking the views of parents, children, providers and the wider local community, including representative groups. Local Authorities will need to take into account complaints from parents received since the last assessment. In addition, the Local Authority will be required to use other means to assess provision of, and need for childcare in their area, for example, neighbourhood level population, income and labour market data; information from Family Information Services and from Estyn and the Care and Social Services Inspectorate Wales (CSSIW); as well as surveys of families and providers.

## **What is a childcare sufficiency assessment?**

2.23 The assessment is a measurement of the nature and extent of the need for, and supply of, childcare within each local area. It will help CYP Partnerships/EYDCPs to identify where there are gaps in the market and - in consultation with parents, communities and employers - plan how to support the market to address them. It should form part of the overall needs assessment and consultation stages of the preparation and annual review of the Children and Young People's Plan (CYPP).

## **Consultation with key stakeholders**

2.24 Effective consultation will be a core element of the sufficiency assessment and will give those with an interest in childcare an opportunity to highlight relevant issues or concerns. Local Authorities should consult the groups as prescribed in the regulations at Annex A as part of the process of assessment.

2.25 Childcare markets tend to be highly localised. The assessment will need to cover the whole Local Authority area and should take account of the pattern of demand and supply throughout. It should identify specific gaps for particular groups and of particular types of childcare in smaller geographical areas, to ensure that there is sufficient childcare across the Local Authority. These smaller geographical areas should be those that Local Authorities consider to be best suited for the purpose - for example, wards, primary school catchment areas, or other areas as designated by Local Authorities to help with the delivery of local services.

## **Assessment Steps**

2.26 Local Authorities will need to follow a series of steps when conducting their assessments:

- 1) **Assessing the demand for childcare** in their area, taking account of at least the following:
  - a. the number of childcare places required for children up to the age of 15 (or 18, for disabled children), broken down by age range and type;
  - b. the number of childcare places required in respect of which the childcare element of the Working Tax Credit may be claimed;

- c. the number of free part-time early years education provision places required;
  - d. the times at which childcare is required, including demand for flexible childcare that caters for irregular patterns of usage across the day, the week and the year;
  - e. the requirements for specialist childcare for disabled children and those with special educational needs; and
  - f. the requirements for Welsh medium and bilingual childcare (the definitions for the different types of settings are set out in Schedule 1 to this guidance).
- 2) **Assessing the supply of childcare** in their area, taking account of at least the following:
- a. the number of childcare places available for children up to the age of 15 (or 18, for disabled children), broken down by age range and type;
  - b. the number of places available for which parents would be able to use the childcare element of the Working Tax Credit;
  - c. the number of free part-time early years education provision places available;
  - d. the times at which childcare is available, the maximum length of time that childcare providers will care for children in a day, and their flexibility in catering for irregular patterns of usage across the day, the week and the year;
  - e. the number of places available for children who need special care due to a disability or special educational need;
  - f. the number of Welsh medium and bilingual childcare places available (the definitions for the different types of settings are set out in Schedule 1 to this guidance);
  - g. the number of vacant and unused places;
  - h. the range of session lengths offered by childcare providers; and
  - i. the range of charges for childcare.
- 3) **Analysing the gap between demand and supply** in their area, taking account of at least the following:
- a. the types of care available;

- b. the age of children for whom care is available;
  - c. the affordability of childcare;
  - d. the times at which childcare is available, including the need for flexible childcare that caters for irregular patterns of usage across the day, the week and the year;
  - e. the specific needs of disabled children;
  - f. the specific needs for Welsh medium and bilingual childcare provision; and
  - g. the location of childcare.
- 4) **Drafting an assessment document**, which includes the information in points a, b and c above, and then consulting the groups listed in the regulations on the content.
- 5) **Publishing a summary of the assessment:**
- a. on the Local Authority website; and
  - b. in hard copy in local public libraries, childcare settings, schools and other public places, as considered appropriate by the Local Authority.

2.27 Because of timing implications, for 2008-09 the first childcare sufficiency assessment should be undertaken but will not need to be included in the Children and Young People's Plan (CYPP). In future years, the assessment should form a section of the Children and Young People's Plan (CYPP). The Plan should also include a brief outline of the family information service that will be provided within the authority. This information should be integrated within the process of assessing need and mapping provision as part of the CYPP. The Local Authority will need to review the assessment as new childcare data becomes available and - as a minimum - at least every year. This should form part of the annual review of the CYPP. The full assessment process will need to be repeated at least every three years.

2.28 The following sections cover the different steps of an assessment in more detail.

## Assessing the demand for childcare

2.29 The Local Authority should undertake a detailed investigation of their local childcare markets, in terms of both demand and supply, now and in the foreseeable future, to establish where there are gaps in provision. The sufficiency assessment will be a comprehensive and robust analysis of local childcare markets, which will enable the Local Authority confidently to plan the action needed to meet the duty to secure sufficient childcare.

2.30 When assessing demand, Local Authorities should focus on formal registered provision. They will need to develop some understanding of parents' use of informal or unregistered childcare as part of the context for assessing the sufficiency of formal childcare; but the main focus of the assessment should be on the registered sector because that is where Local Authorities are most able to influence the childcare market.

## Understanding the Area

2.31 Local Authorities need a clear understanding of the **demographics of their local population**, in particular factors that will drive demand for childcare. These might include the under fives population, numbers of lone parents, ethnicity of the local population, and birth rates. The assessment should include the number of children requiring Welsh medium and bilingual provision, disabled children, ethnic minority children, looked after children, and children from socially excluded groups, so that an accurate picture can be formed of demand by those groups. (It is a specific requirement of the Childcare Act that Local Authorities should have regard to the childcare requirements through the medium of Welsh and for disabled children aged up to 18).

2.32 The Local Authority will need to understand the **local labour market** and patterns of training and adult learning locally. Working patterns, including shift work and other work outside the core 8-6 working day, and commuting time will affect when childcare is needed. Changes in employment patterns - the opening, closure, expansion or shrinkage of sources of employment - may impact on parental work patterns and their demands for childcare, so should be factored into the assessment. The Local Authority should also take into account planned and proposed property development within the area which may affect population composition and density.

## **Assessing Parental Demand**

2.33 There are a number of possible methods a Local Authority could utilise to assess the needs and wishes of parents and carers for childcare which will enable them either to remain in, or enter, work.

2.34 Local Authorities should gather the views of parents or other carers who are not currently in work, as well as those who are employed or self-employed, in training or engaged in voluntary work; and include lower income families and those with disabled children. Local Authorities may also wish to take account of demand for childcare from parents living outside the area but who use provision within it. To establish such demand, Local Authorities might find it helpful to consult neighbouring authorities, or local employers.

2.35 It will be important to consider the types of childcare parents use and want (for example, full day care, out of school childcare, childcare with childminders). Local Authorities will need to take account of the fact that demand will be affected by the extent to which parents consider childcare to be 'reliable' (i.e. certain to be available every day, and for expected hours) and of suitable quality and affordability, because they are likely to be key factors in decisions about returning to work.

2.36 A good starting point would be the Local Authority's own Family Information Service, which should have/has considerable knowledge of the demand for childcare in the area and could be asked to gather such information systematically. Properly structured sample surveys (so that the varying nature of demand in different areas can be understood) are likely to provide the most representative picture. They could be conducted by telephone or in person and supplemented by focus groups and/or face-to-face interviews. The latter are best for picking up the needs of particular groups, like parents of children with disabilities; parents not using childcare; and parents from minority ethnic groups. House to house work can also be helpful in building up in depth profiles of particular areas.

2.37 To allow the results of these surveys and interviews to be matched to local demographics, Local Authorities will also need to collect basic data on the characteristics of respondents, including:

- the employment/training status of parent/parents or other carer;

- household income levels;
- whether they are claiming the Child Tax Credit or the childcare element of the Working Tax Credit;
- the ethnic background of families;
- whether they are disabled;
- whether they are Welsh speaking;
- the age and number of children.

### **Working with Employers**

2.38 Local Authorities will need to take account of the views of employers, through surveys or group discussions, to obtain a better understanding of employment patterns which will affect demand for childcare. In addition, Local Authorities might find it helpful to engage in a dialogue with employers about how employer-provided childcare, encouragement of the take-up of tax credits, more flexible working patterns, and helping employees with the costs of childcare through allowances or vouchers could help with recruitment, retention and motivation.

2.39 To complement their work with employers, Local Authorities need to engage with JobCentre Plus locally about the childcare needs of people for whom they are seeking to find a place in the job market, and the extent to which access to appropriate and accessible childcare is a barrier to accessing training and work.

### **Price and Demand**

2.40 Local Authorities need to be aware of how price will affect parental demand for childcare, to inform their planning and the nature of provision. The assessment should first seek to establish demand at the 'current market price'. 'Current market price' means the price which parents would meet if they looked for childcare in the market today, and will vary by setting, age of child and other factors. Parents should be asked about their childcare needs given the conditions they face in the market as it is.

2.41 However, because "sufficiency of provision" applies to the future as well as to the current position, Local Authority should also try to gain an understanding of how parents would be likely to react to changing prices, both increases and the availability of less costly

provision. Local Authorities might ask their private and voluntary sector partners how they expect prices to change in the next year, and why.

2.42 To fulfil the sufficiency duty in Section 22 of the Childcare Act, Local Authorities will be expected to do what they can within their powers and resources to ensure that sufficient childcare is available to meet the needs of working parents, now and in the future. As part of this, Local Authorities will need to identify groups of parents who are finding it most difficult to access appropriate childcare at the current market price and who may face the greatest difficulties in future, and to consider what additional assistance can be given to them. This should include maximising take-up of the free entitlement, understanding where more affordable childcare is available, and offering subsidies where that is appropriate and reasonably practicable. Local Authorities also have an important role in publicising the financial support available through the childcare element of the Working Tax Credit and, where appropriate, providing advice and guidance to eligible families on how to access it.

### **Assessing the Supply of Childcare**

2.43 When preparing an assessment, Local Authorities will need to map the supply of childcare, so that they can identify any gaps. The Local Authority will need to measure accurately the supply of all types of formal childcare, including unregistered provision. It will need to assess the current level of provision of each type of care, in terms of hours of opening, the number of places offered by each provider, the age group it caters for, and the cost per hour, day and week.

2.44 In addition to quantifiable information, Local Authorities should take into account other factors which are relevant to deciding whether childcare is suitable and sustainable. The key indicator of whether services meet regulations and national minimum standards is registration with CSSIW. Other indicators may include CSSIW inspection reports, evidence of comprehensive business plans, and membership of a childminders' network. Local Authorities should also consider how easy it is for parents to combine use of different providers to meet their needs. The mapping of supply should include consultation with providers on their capacity and plans, which will help the Local Authority with future planning.

2.45 The Local Authority will need to keep in mind the fact that it must ensure the availability of free part-time education places for each young child in the area from the term after their third birthday.

2.46 Integrated children's centres will form an increasingly important part of a Local Authority's suite of children's services and in areas of disadvantage may be a significant provider of childcare. Local Authorities should ensure that existing integrated children's centres and plans for the development of new ones are considered when assessing the supply of childcare. They should also consider the scope of locating childcare on school sites, in the context of the community focused schools initiative.

2.47 The Local Authority will need to identify providers of childcare, both registered and unregistered, from a number of sources to be able to generate a complete picture of supply in its area. Data from CSSIW registrations can be supplemented by Information Service data and by other local knowledge.

2.48 The use of informal childcare will impact on the supply of, and demand for, childcare. Local Authorities will, of course, only be able to estimate its extent and influence on their childcare markets. This can be done through the Local Authority's survey of parents' use and demand for childcare as well as national level surveys such as *Childcare and Early Years Provision in Wales: A Study of Parent's Use, Views and Experiences* (DfTE Information Document No: 006-06 issued March 2006).

### **Analysing the Gap between Demand and Supply**

2.49 After assessing demand and mapping supply, Local Authorities will map supply to demand.

2.50 To assess where gaps exist, the Local Authority will need to compare two sets of data. The first set is data on how much, of what types, at what times, and in which localities, parents demand childcare, and whether there are any specific requirements these parents or children have. The second is how much childcare is available, at what price, in each locality, at each time, and whether that provision is able to meet any specific needs the parents or children may have.

2.51 Gaps in the market can be considered as falling into the following categories:

- **Geographical Gaps:** where a geographical area has a general shortage of supply;
- **Income Gaps:** where there is a shortage of affordable childcare for the income groups populating an area;
- **Specific Need Gaps:** where there is a shortage of suitable places for disabled children, or children with other specific needs or requirements, including those from particular faiths or community groups;
- **Time Gaps:** where there is a shortage of childcare at a time that parents would wish to use childcare;
- **Age Gaps:** where there is a shortage of childcare suitable to the needs and requirements of a certain age group (for example, school-aged children up to 18 years, if they are disabled). This may be difficult to detect if it is masked by overprovision of childcare suitable for other age groups; and,
- **Type Gaps:** where there is a shortage in the type of childcare for which parents may be expressing a preference.

2.52 Every gap will have a geographical element, which will need to be considered as part of the analysis. A local childcare market is generally considered to be a small area, which for very young children could be defined in terms of 'buggy-pushing distance'; but it may also be subject to limitation by physical constraints. For example, obstructions like motorways and railway lines can impose physical barriers between childcare markets; and there can also be non-physical barriers, such as a reticence to use provision in a different community, village or estate.

2.53 The Local Authority will need to have an understanding of how local provision effectively overlaps at community boundaries. Although it would be undesirable to encourage excess supply, some flexibility in capacity in such areas may be helpful.

2.54 Parents' choice of convenient childcare will sometimes mean that they take up places in a different Local Authority from their own. Accordingly, Local Authorities should, when conducting their assessment, take account of the needs of those who use childcare

outside their area as well as those who travel to their area to use childcare. It might be helpful to consult local providers, employers and neighbouring Local Authorities to try to assess the numbers involved.

### **Supply side and demand side spending**

2.55 Investment in the childcare market is channelled through a range of funding streams, both to increase the supply and quality of local childcare and to provide purchasing power to parents to help make childcare more affordable. Spending on both the supply and demand side aims to increase parental choice - between not only different childcare providers, but also how modern families choose to balance their economic and caring roles.

2.56 Supply-side spending refers to funding that is channelled to the providers, e.g. from Local Authority resources - rather than the users of childcare.

2.57 Demand-side spending refers to funding that is channelled to parents, as users of childcare, e.g. the childcare element of the Working Tax Credit and/or employer-supported childcare - rather than to providers.

### **Tools to assist Mapping Supply to Demand**

2.58 A number of tools which are capable of carrying out the type of analysis required to map supply to demand are already available and in use by some Local Authorities. They allow the Local Authority to estimate demand in small geographical areas and match this against supply data. They can also be used in conjunction with the Index of Multiple Deprivation to map childcare sufficiency in the most deprived areas.

### **Drafting and Consulting on the Assessment**

2.59 When the Local Authority has completed the stages of assessing demand, mapping supply, and mapping supply to demand and has completed its assessment, it needs to prepare an 'assessment document' for later publication and consult on it prior to publication. The assessment document will be a summary of the information and data that has been collected through the sufficiency assessment process.

## **Format of the Assessment Document**

2.60 The assessment document should set out all of the outcomes at Local Authority level, together with a summary of the key gaps in childcare provision. (The underlying analysis will need to be available on request for anyone who wishes to see it.)

2.61 The assessment document should focus on identifying the largest and most serious gaps, the scale of which should generally be measured in terms of the number of families affected. It should be presented in an accessible and user-friendly way that enables readers to see issues affecting how they access or provide childcare.

## **Consultation**

2.62 The consultation on the assessment document will form part of the consultation on the Children and Young People's Plan (CYPP). Planning guidance "*Shared Planning for Better Outcomes*" refers to the process for consultation on the local CYPP so that the arrangements below apply only when there is a separate document.

2.63 The Local Authority will have consulted widely in making the assessment, in particular, during the stages of assessing demand, mapping supply and mapping supply to demand. Having prepared the assessment document, the Local Authority should now publish it for a further round of consultation so that parents, providers, employers and the wider community have an opportunity to comment on the assessment and highlight relevant issues of concern that may have been missed in the assessment. Local Authorities should be proactive in ensuring that all communities are able to take part in the consultation, including those who live in disadvantaged areas, minority ethnic groups, refugees and asylum seekers, all of whom may face particular issues in accessing childcare. The consultation document should be made available in community languages where appropriate.

## **Consulting with Children**

2.64 It is important for Local Authorities to include within their consultation on the assessment an opportunity for local children to express their views on what they see as strengths, weaknesses and gaps in childcare. They are the main users and beneficiaries of childcare services, so it is vital that their needs and concerns are understood.

2.65 There are a number of approaches to consulting with children and Local Authorities should choose the most appropriate method depending on such factors as the age, gender, ethnicity and disabled status of children within their area.

### **Dissemination of the Draft Assessment for Consultation**

2.66 The draft assessment document should be sent, as appropriate, to the people and bodies as prescribed in the regulations at Annex A. It should also be made available for consultation through childcare settings, schools, Information Services, public libraries, GP surgeries, JobCentre Plus offices, as well as Local Authorities' usual information channels. The draft assessment does not need to be a standalone document but can form a section or annex to any draft CYPP that is also subject to public consultation.

### **Publishing, Reviewing and Repeating the Assessment**

2.67 Following consultation on the childcare sufficiency assessment a Local Authority should consider how it will address the gaps identified and this should become an integral part of the process of review and publication of the CYPP.

2.68 It will be important that findings of assessments are made available to parents, providers and the wider general public. Local Authorities should distribute the findings of their assessments through usual information channels, including their Information Service.

### **Reviewing and keeping the assessment up to date**

2.69 The Childcare Act requires Local Authorities to prepare an assessment at intervals not exceeding three years but also to keep it under review until it is superseded by a later one. Local Authorities should update the assessment whenever new data become available, but should do so at least annually as part of the review of the Children and Young People's Plan to ensure assessments are up-to-date.

2.70 Local Authorities are encouraged to use Live Birth Statistics to test the continuing accuracy of their assessment of demand as well as monitoring of accommodation and employment patterns which

may affect population compositions and densities and demand for childcare; as well as regularly testing their assessment of supply, including consultation with schools and with private, voluntary and independent providers.

2.71 There is no requirement for a Local Authority to repeat surveys of parents or other surveys, or other forms of consultation, at intervals of less than three years.

### **Children whom duty is to cover**

2.72 The duty is to secure sufficient childcare for children up to the September after the child turns 14 (the September after the child turns 18 for disabled children). The choice of age 14 reflects the commonly accepted view that this is the age at which most children can look after themselves for periods that allow parents to work. The age is extended for disabled children. Local Authorities will therefore secure sufficient care for children for the school year in which they are 13/14 (17/18 for disabled children).

2.73 To clarify:

- The Local Authority is not under a duty to provide the childcare directly (although they have the power to make provision if they wish). It is intended that formal childcare should in the main be provided by providers in the private and voluntary sectors and schools (both maintained and private).
- The cost of childcare will be met by parents, with parents who are eligible being able to claim tax credits in respect of qualifying childcare.

2.74 Local Authorities have a duty to fund childcare provision for children in need. The Assembly Government does not wish to change the current position as far as this duty is concerned. Where Local Authorities choose to provide childcare, there will be no duty on them to fund that provision in any situation. However, Local Authorities may choose to subsidise childcare and provide free childcare for people if they wish, for example, for two year olds in Flying Start areas.

2.75 When Local Authorities are carrying out their assessment to determine the existing state of childcare provision and whether this is sufficient to meet children's developmental needs and to

enable parents to work and where the gaps are, Local Authorities are required to take account of all forms of care and activity which parents entrust children to, either before starting school or outside school for those of school age. The purpose of this assessment is to monitor the choices parents make in practice.

### **“Affordability”**

2.76 Affordability is difficult to define universally.

2.77 Childcare services have been made more affordable for more families because of additional supply-side and demand-side funding. Supply-side spending has increased the numbers of places available and attempted to reduce the structural costs of childcare. However, despite investment in developing the capacity and infrastructure of the childcare market, fees to parents have increased rapidly and remain high in some sectors. So, while supply has increased, demand has grown faster, and “operating costs” are high and still rising.

2.78 Affordability is clearly a concern across the whole childcare market and Local Authorities will need to be aware of the key groups who are missing out, despite them often needing the most assistance in accessing appropriate childcare:

- Children living in workless households
- Children living in large families
- Lone parent families
- Working families on low incomes
- Families facing high cost barriers -
  - Children with disabilities or special educational needs
  - Very young children
  - Living in high-cost areas
  - Living in rural communities
  - Parents working atypical hours
- Children from black and minority ethnic families.

## **“Quality”**

### **Care and Social Services Inspectorate Wales (CSSIW) role**

2.79 In Wales, the regulator of childcare for the under 8 age group is the Care and Social Services Inspectorate Wales (CSSIW), a division of the Assembly Government. The CSSIW have a responsibility to register and inspect childcare for children under 8. This ensures that the requirements of the regulations and national minimum quality standards in childcare are achieved and maintained.

### **Local Authority role**

2.80 Local Authorities have a role to play with regard to quality, specifically in terms of driving up quality (such as through improving the qualifications, skills and pay of the childcare workforce) and providing information, advice and high-quality training. However, in terms of undertaking a formal monitoring of the quality of individual services, this is the role for CSSIW, through their inspections of registered provision. The inspection judgments awarded by CSSIW offer periodic review and opportunity to improve quality levels locally. Local Authorities will not be required to duplicate the CSSIW role.

2.81 Local Authorities will be able to access CSSIW’s inspection judgments, and feed these into the needs assessment. On an annual basis, CSSIW provides information about services quality across Wales and this will include some localised information.

2.82 Local Authorities in Wales are expected to focus on commissioning from high quality providers and facilitating the market so that those providers thrive and grow. Their role is to offer parents ever greater choice and diversity of provision, which meets high quality standards.

## Chapter 3 - Section 27

### Introduction

3.1 The majority of children's information services in Wales are members of the National Association of Family Information Services (NAFIS), formerly known as the National Association of Children's Information Services (NACIS). Throughout this **statutory** guidance the term "family information service" is used more generally because information on childcare and wider children's services should be set in the context of information on services for families, children and young people.

3.2 A guide ("Raising the Standard") has been prepared by NAFIS and Local Authority Partnerships should take note of this guide. It sets out many important recommendations to ensure that the information provided is readily accessible and of good quality. The Welsh Assembly Government has also published minimum standards (reproduced at schedule 2) and all family information services should satisfy these standards.

### Section 27 - Duty to provide information, advice and assistance

3.3 The duty under section 27 of the Childcare Act reinforces the above by requiring Local Authorities to provide an information service for parents and prospective parents. Local Authorities are strongly encouraged to resource an integrated information service as a hub of this provision.

3.4 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 2008" (at Annex B) 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)).

3.5 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 section 27 (6) of the Childcare Act; and
- non-statutory information such as information on funding.

3.6 This guidance sets out the broad vision for information provision which is:

- An integrated information service meeting Welsh Assembly Government minimum standards for family information services
- 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 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 'office hours'
- Comprehensive, with information on services available locally from statutory and voluntary sector providers

**3.7 The expectation is that information services will be able to provide expert information advice and guidance to parents/carers on childcare and free part-time early years education places in their area. 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 direct parents to information about other local services (non-childcare).** This will help parents/carers 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**

3.8 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.

3.9 As a minimum, the aim is that the Local Authority will continue to meet the Welsh Assembly Government minimum standards for family information service and ensure that parents are effectively guided towards sources of local and national support and to local service directories.

### **Childcare**

3.10 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. Local Authorities are to give information, eg. on whether provision is group based, home based or school based, and available 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.

3.11 Local Authorities should provide the most comprehensive information possible on all childcare provision in their area (including the availability of free part-time early years education and Flying Start places, Welsh medium and bilingual childcare provision and on services and facilities in childcare settings suitable for children with disabilities and special educational needs).

3.12 Local Authorities should make available information on all childcare registered with and inspected by CSSIW. This will include settings that provide funded early years education which are also registered with CSSIW and inspected by Estyn.

3.13 Local Authorities are not to provide contact details of childminders who object to their details being provided. Information services should contact all newly registered childminders 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.

3.14 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) and unregistered provision for the over 8 age group.

3.15 Information services have a protocol with CSSIW and will be able to facilitate parents/carers access to CSSIW inspection reports to enable them to make an informed choice, taking issues of quality into account. They will direct parents/carers to Estyn for their reports on the quality of education provided. 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.

3.16 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.

3.17 CSSIW 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**

3.18 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**

3.19 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**

3.20 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**

3.21 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.

3.22 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.

3.23 Under the provisions of the Safeguarding Vulnerable Groups Act 2006, new vetting arrangements will be introduced. Further details and guidance will be published as available.

3.24 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 in accordance with the child protection policy outlined in the minimum standards for family information services.

### **Information on Additional Services Offered by Childcare Providers**

3.25 Local Authorities must obtain additional details of the services offered by childcare providers and make this available to parents/carers. For example, they will be able to provide details on whether the provider is registered with the Partnership to provide free part-time early years education places or whether the provider is able to provide facilities for disabled children in the childcare setting. Where parents/carers 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.

3.26 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 on the premises. The list

in this paragraph is not exhaustive and Local Authorities may wish to refer to the NAFIS good practice guide “Raising the Standard” to include other information to meet local needs and also to encourage parents to question providers about the service they can expect.

### **Sustainability**

3.27 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**

3.28 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 may be given information.

3.29 The regulations under Part 2 set out broad subject headings on which Local Authorities may provide information to parents. Where the family information service does not provide this information, there should be an indication of where it can be obtained. Consideration should be given to providing the following information:

#### **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, Internet services and audio visual materials.
- (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.

3.30 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 or UK generic sources of information.

### **Other Local Information**

3.31 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, eg. work/life balance information.

### **Generic National Information**

3.32 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.

3.33 Possible sources of this information are: Internet sites provided by Government, for example, CSSIW and Estyn, the NHS, and DWP; telephone help lines such as those provided by 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 the parents' needs where a choice of formats exists.

3.34 Where the enquirer does not have access to the Internet, information services should endeavour to facilitate access to web based services on their behalf. Free Internet access is available in all public libraries in Wales.

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

3.36 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.

3.37 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**

3.38 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.

3.39 Local Authorities are required 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

3.40 The information provided should be tailored to the individual needs of children and parents.

3.41 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 portage 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 which 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.

3.42 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**

3.43 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**

3.44 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.”

3.45 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.

3.46 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.

3.47 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 children currently receiving a Welsh medium education.
- The Assembly Government's policy in relation to bilingualism.

3.48 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."

3.49 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.

3.50 In order to facilitate the collection and collation of data, the descriptions for Welsh language use within childcare settings, detailed at Schedule 1 to this guidance, should be used as the basis for information gathering.

3.51 The information services will gather information to establish and maintain a baseline of current Welsh medium and bilingual childcare provision through the use of the questionnaire circulated to registered and non-registered providers by the family information services.

3.52 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.

3.53 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.

3.54 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 seek 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**

3.55 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).

3.56 The information service should take account of the need for access via personal visit, telephone, web site or email. It should be well signposted from the main information services of the Local Authority, such as libraries, telephone switchboards, and the Local Authority's main web site. It should be integrated or linked with information services developed as part of the "Clic Online" initiative. Through use of an answering service, it should provide 24 hour cover. On the website, a search of "childcare" should lead to the family information service. There should be links to the Welsh Assembly Government web site and to other local family information services, especially those that are within the immediate travel to work area. It is very important that web sites are regularly reviewed to ensure that up to date information is provided.

3.57 The Welsh Assembly Government has arranged that a contact telephone number for childcare information is shown on the UK web service "Childcarelink" by clicking on each Welsh Local Authority area on a map. If local family information service would like that number updated, they should contact the Assembly Government.

3.58 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, linking with Partners, 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.

3.59 Information services should also ensure that key people and agencies 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.

3.60 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**

3.61 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.

3.62 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**

3.63 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>

3.64 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 Welsh Assembly Government will continue to provide information services with support through its contract with NAFIS and through good practice examples published from time to time in collaboration with the Information Services across Wales.

### **Format of Materials**

3.65 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 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**

3.66 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 parents of children up to their 20th birthday in their area.

3.67 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.

3.68 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.

3.69 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.

3.70 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.

3.71 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.

3.72 It is important that information services maintain close contact both with the regional office of the CSSIW and local childcare providers to gain the most up to date and wide information on each registered provider.

3.73 Information services should also provide assistance to persons interested in providing daycare or becoming childminders. They should provide information in outline on the requirements of registration and in the case of prospective childminders, explain that the CSSIW provides briefing sessions and the support that is available through childminder start up grants. Information services should signpost prospective childminders to the National Childminding Association (NCMA) for further information about new business support. They should also provide prospective daycare providers with signposting to sources of new business support. Information services should also provide relevant information to persons looking for training in early education, childcare or playwork.

## Management and Organisation of the Information Service

3.74 Section 27 (1) requires Welsh Local Authorities to establish and maintain services providing information, advice and assistance.

3.75 It will be for Local Authorities to determine the most appropriate delivery model for their area, but the strategic lead should be with the **Children and Young People's Partnership (CYP Partnership)** or **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. An effective and well resourced family information service will help their Local Authority to deliver on the requirements of section 22 and 26 of the Childcare Act duty to secure sufficient childcare for working parents. The CYP Partnership or 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 Family Information Service.

3.76 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**

3.77 Information should be delivered by suitably qualified staff.

3.78 Local Authorities should ensure that the information available is complete and up to date. Locally gathered information should be updated at least annually in accordance with the family information service information strategy as outlined in the Minimum Standards for Family Information Services.

## **Consultation with parents, review and evaluation**

3.79 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 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.

## Chapter 4 - Sections 23, 24 and 25

4.1 The powers of a Local Authority in relation to the provision of childcare are described under Section 23. Sections 24 and 25 set out the arrangements between the Local Authority and childcare providers and the charges where a Local Authority provides childcare.

### **Section 23 - The powers of a local authority in relation to the provision of childcare**

4.2 Section 23 of the Childcare Act allows Local Authorities to provide childcare and provides Local Authorities with the powers they will need to engage effectively with childcare providers to fulfil the duty to secure sufficient childcare that this Act places on them. It will enable Local Authorities to assist or make arrangements with childcare providers, including those from the private and voluntary sectors, to meet the needs of parents and fill gaps they have identified in provision. Assistance that is currently given includes, for example, business and market advice, the use of facilities, network co-ordination, and grants and financial support.

### **Section 24 - Arrangements between local authority and childcare providers.**

4.3 Section 24 requires Local Authorities to exercise their powers to ensure that any providers with whom they enter into a financial agreement in relation to childcare provision meet requirements imposed on them. It allows Local Authorities to require repayment of financial assistance if providers fail to meet such conditions.

4.4 In setting local conditions Local Authorities should have regard to this guidance, which contains principles designed to ensure consistency in terms of quality and standards. When setting local conditions, Local Authorities should consult with their delivery partners and consider the conditions carefully, so as to avoid any which may disadvantage or exclude a particular provider or group of providers.

4.5 Section 24 underpins the duty to secure sufficient childcare as it also applies where Local Authorities grant financial or other assistance to providers under Section 23. Section 24 also extends the existing provisions to cover childcare for children of any age where that provision is funded wholly or partly by the Local Authority. This section of the Childcare Act provides the ability for Local Authorities to set conditions on providers, and require repayment if those conditions are not met.

## **Section 25 - Charges where local authority provide childcare**

4.6 Section 25 of the Childcare Act gives Local Authorities the power to charge for childcare, ensuring that, where appropriate, Local Authorities can cover the costs of provision they make. There are exceptions; the power to charge does not apply to childcare local authorities provide under the duty in the 1989 Children Act for children in need.

### **Ensuring Sufficiency of Childcare Provision**

4.7 The following **statutory** guidance supersedes the childcare guidance previously provided in the Cymorth: Children and Youth Support Fund Guidance issued by the Assembly Government.

4.8 In the context of childcare provision, Partnerships should intervene strategically in the childcare market in order that, as far as possible, childcare is available for those families that require it. Particular attention should be given to the needs of low-income families, families with disabled children, and families wishing to access Welsh medium childcare. Where Local Authorities are planning to take steps to increase provision in their areas, they may wish to alert the regional office of the CSSIW so that it can prepare to meet increased demand for information and registration.

4.9 As part of their Childcare Act 2006 duties, Local Authorities should put in place a programme to support new childcare places, childminder start up grants, a programme of sustainability grants, a family information service, and a programme of childcare training support. Local Authority Partnerships should consider the value of funding development officers within the national childcare organisations, in order to benefit from their expertise and to support them in discharging their Childcare Act 2006 duties, including to have particular regard for the childcare needs of low income families, families with disabled children, and families wishing to access Welsh language childcare.

### **Childminder Start up Grants**

4.10 All newly registered childminders are eligible for a start up grant of £300. The grant will be delivered through the provision of goods and services. The CYP Partnership or Early Years Development and Childcare Partnership (EYDCP) will fund provision of the National Childminding Association (NCMA) "Quality Start" Package.

4.11 The 'Quality Start' package includes the following:

- 12 months' NCMA membership
- 12 months' NCMA public liability insurance and legal representation
- NCMA cashbook and attendance register
- NCMA accident/incident and medication book
- Set of five childminding contract forms
- Set of five child record forms
- Fire blanket

4.12 Partnerships should give consideration to support which complements this package, including grants or provision of equipment up to an additional £300 in value where:

- Child minders are located in disadvantaged areas and they can demonstrate that to begin business they need additional grant
- Child minders propose to cater especially for children with special needs and will use the additional grant for appropriate equipment or adaptations.

4.13 Claims from childminders should only be eligible for payment where registration is successful. However, Partnerships may consider payment in advance of registration where there is financial need.

4.14 It is advised that it should be a condition of the grants the Partnerships make that any childminder receiving the grant and subsequently ceasing to be a childminder within 12 months of registration may be required (where appropriate) to repay some or all of the grant received. Also, where assets have been purchased such as toys and equipment and they are still in reasonable condition, these could be returned to the Local Authority.

### **Building and sustaining childcare places**

4.15 All Partnerships should consider setting aside a sum of money within their allocation for distribution via an open bidding round for childcare settings. Where support is required to set up new provision, Partnerships should consider providing initial funding for one year to three years.

4.16 Childcare funds may also need to be used strategically to maintain provision. Such sustainability grants may be allocated where settings meet a community need and are at severe risk of closure.

4.17 There will need to be a fair and transparent opportunity for settings to access Partnership funds. It is important that criteria for assessing bids are established that are relevant to the locality and publicised prior to inviting bids. Whether funding is provided for new places or as sustainability grant, it should be limited to the minimum necessary for viability. Partnerships must consider a business plan from the proposed provider and be satisfied that the provision is likely to be sustainable without long term revenue funding, or if this is not possible the provision must satisfy important unmet childcare needs in the Local Authority area. The overall aim of this type of funding is to meet the Local Authority's duty to ensure the sufficiency of childcare in their area.

4.18 Partnerships may wish to explore other ways in which groups can be sustained, for example:

- An assisted places scheme.
- Subsidy to training.
- Support to settings in applying for other sources of finance, e.g. Children in Need, Lottery sources.
- Encouraging joint work and equipment sharing with schools.

## **Training**

4.19 Partnerships should use their funds strategically to support childcare providers in meeting the training requirements in the national minimum standards, and more generally to raise quality.

4.20 An effective training programme should include elements such as:

- Child protection
- First Aid
- Playwork
- Consulting with children and parents
- Integrating children with special needs
- Business support and management

4.21 Information on childcare training opportunities should be offered by the local family information service.

### **Employers**

4.22 In addition, Local Authorities may find it helpful to engage in a dialogue with employers about how employer-provided childcare, encouragement of the take-up of tax credits, more flexible working patterns, and helping employees with the costs of childcare through allowances or vouchers could help with recruitment, retention and motivation of staff.

## Chapter 5 - Monitoring Performance

5.1 Local Authorities are required by Section 26 of the Childcare Act to keep their assessments of childcare provision under review and to conduct new ones at least every three years. As successive assessments are completed, Local Authorities will be able to monitor their own progress in securing sufficient childcare and, in particular, their success in closing gaps in provision. These findings should then be fed back in the CYPP review framework to serve as a base or model for future action.

5.2 Local Authorities will receive feedback from a range of sources (including parents, employers, and childcare providers) in the consultation exercises which form part of the Section 26 assessments. In addition, they should make use of other forms of feedback such as that from the Local Authority Information Service (in relation to Section 22 of the Childcare Act), in the periods between assessments to gather views from parents as to why childcare may not meet their needs and establish how well they are perceived as doing in fulfilling the childcare sufficiency duty.

5.3 The Information service will be a link between the Local Authority's duty to secure sufficient childcare and its duty to provide information, advice and assistance under section 27 of the Childcare Act. The Local Authority's Information Service should collate information on parents not able to access childcare and feed it to the people responsible for managing the duties to assess and secure sufficient childcare.

### **Addressing concerns**

5.4 Local Authorities are not expected to set up an additional complaints procedure in relation to the duties covered by this guidance over and above their existing procedures. However, Local Authorities should, as part of their overall complaints procedure, provide parents with a well signposted pathway in relation to childcare issues so that they can lodge complaints if their childcare needs are not met. This should be a straightforward and easily identifiable process for parents.

5.6 Local Authorities will need to deal with any complaints made by parents, children, providers or the wider community, both about provision generally in the area and about individual providers. Complaints about individual services that include breaches of

regulatory requirements under Part XA of the 1989 Act may be referred to the Care and Social Services Inspectorate Wales (CSSIW).

5.7 Any complaints made to the Local Authority about provision or providers in their area will have to be recorded and made available as part of the assessment of the duty. Where the complaint is about provision in the area generally, the Local Authority should use this as part of their assessment of provision.

## Schedule 1

### **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.

## Schedule 2

### **Minimum Family Information Services (FIS) Quality Standards for Wales**

#### **1. Statement of Service**

Meeting this standard will require a statement of service (sometimes known as a statement of customer entitlement) which should state that the FIS has clear aims and objectives, which reflect local needs. The statement should briefly summarise the service being delivered to users (based on these minimum standards) and include references to: the Partnership's commitment to the FIS - including its arrangements for monitoring and evaluating the service; a statement of mission for the FIS; the delivery model e.g. times of opening, use of answer-phone, outreach etc.; level & accuracy of information on the database; fee charging policy; references to the marketing and publicity strategy, confidentiality and impartiality, complaints, equal opportunities; monitoring & evaluation; and a commitment to developing quality.

#### **2. Information Strategy**

Meeting this standard will require an outline of the FIS information strategy, including details on information to be held and information collection policies. The outline should also include data collection and transfer arrangements with providers and the Care and Social Services Inspectorate Wales, together with procedures for information maintenance and accuracy - including arrangements to review the entire database at least annually. Methods of delivery should also be included (e.g. opening times, outreach and sign-posting arrangements).

#### **3. Underpinning Principles**

Meeting this standard will require written policies in place dealing with: confidentiality; impartiality; equal opportunities; accessibility; complaints, child protection, language issues and desk/service standards.

#### **4. Working with Partners/Communications Strategy**

Meeting this standard will require a plan outlining key partners; why they are important to the work of the FIS; and how they will be involved - which could be through formal agreements or protocols or involvement in an advisory group to inform the development of the FIS.

## **5. Marketing & Publicity Strategy**

Meeting this standard will require a plan which should outline the marketing and publicity strategy for the FIS and should include: arrangements for market research to identify all potential users and their needs; and a formal marketing strategy with a commitment to have in place, at least, a leaflet explaining the service, a leaflet explaining childcare options, and a poster - the strategy should clearly identify how and where the publicity material will be used.

## **6. Monitoring and Evaluation**

Meeting this standard will require a strategy which should explain: how the FIS will monitor the views of users by the use of monitoring forms and customer feed-back; how the information will be evaluated and used to improve the service; and the role of the Partnership in assisting the development of the FIS e.g. through an advisory group.

## **7. Management**

Meeting this standard will require an outline of the management arrangements for the service with references to: staffing levels (including induction, staff development and health & safety policies); other resources; where possible a budget for the FIS - at least a marketing and staff development budget should be identified; arrangements for staff development appraisal and review; arrangements for monitoring progress against service objectives; and an annual review of the service.