

REGULATORY APPRAISAL

EDUCATION, WALES

THE EDUCATION (NURSERY EDUCATION AND EARLY YEARS DEVELOPMENT AND CHILDCARE PLANS) (AMENDMENT) (WALES) REGULATIONS 2005

Purpose and intended effect of the measure

1. Under section 118 of the Schools Standards and Framework Act 1998 a local education authority is under a duty to secure sufficient provision of nursery education for their area for children who have reached a certain age. Currently there is a duty on local education authorities to make provision for a free half-time nursery education place to be available to a child when he or she reaches the age of four. That duty is set down in the Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) Regulations 2003. These amending Regulations change the age that the child is entitled to place from four to three years of age.

Risk Assessment

2. Should these Regulations not be made there would be no statutory duty on local education authorities to make appropriate nursery provision for three-year-olds. The benefits of providing a sound foundation for future learning and achievement, and giving all children, from the age of three a flying start to reach their full potential would be lost to children in Wales.

Options

3. There are two options:
 - *Option 1: Do Nothing; or*
 - *Option 2: Make the Legislation.*

Option 1: Do Nothing

4. Should these Regulations not be made, there would be no statutory duty on local education authorities to make appropriate nursery provision for three-year-olds. The benefits of providing a sound foundation for future learning and achievement, and giving all children a flying start to reach their full potential would be lost to children in Wales.

Option 2: Make the Legislation

5. Would ensure that all local education authorities plan for and secure sufficient and suitable provision for children from the term following their third birthday.

Benefits

6. The Regulations will ensure that all local education authorities have a duty to make early years education provision available for children who have reached the age of three. Such provision will provide a sound foundation and prepare children for future learning, achievement and development as they move to a more formal curriculum.

Costs

6. The cost of providing the additional places to ensure three-year-olds have access to a free part-time education nursery place is catered for by a specific grant to each local education authority. The grant is funded from the Early Years and Pupil Support Budget Expenditure Line; for 2005/06 the estimated cost of extending provision to three-year-olds is £22.3 million.

Consultation

With Stakeholders

7. A public consultation exercise was undertaken between 15 April 2005 and 16 May 2005. A shorter than normal consultation period was appropriate as the proposed, essentially technical, amendment simply confirmed the practice already in place throughout Wales. All Local Education Authorities in Wales, teaching unions and school representative bodies, church diocesan authorities, national bodies in Wales with an interest in early years education and 10 percent of schools with nursery provision were consulted. A list of consultees is attached at Annex 1.
8. The consultation paper set out the rationale for extending to three years the age from which children are entitled to a free half-time nursery education place. Consultees were asked one question: "Do you agree that every local education authority should provide a half time place in an approved education setting for every child from the term following their third birthday?" A total of 84 responses were received; 79 answered "yes", 3 answered "no" and 2 chose not to answer. Those choosing to oppose the change, representing 4 per cent of those responding, either misunderstood the proposal i.e. extending provision beyond part-time, or commented on unrelated issues. Responses to the consultation did not warrant any amendments being made to the Instrument.

With Subject Committee

6. There has been no prior scrutiny of the proposed Regulations by the Education and Lifelong Learning Committee. However, the Regulations were notified to the Committee via the list of forthcoming legislation (ELL2-16-04(p.5), item no: ELL27-05) on 1 December 2004, but were not identified for detailed scrutiny. The item has remained on the list of forthcoming legislation since that date.

Review

7. Each local education authority submits an annual Early Years Development and Childcare Plan, which sets out how it intends securing sufficient places to meet its statutory duty. The plans also list the settings which it intends using to secure provision. These plans are thoroughly scrutinised, by Assembly Government officials, to ensure each local education authority, through its Early Years Development and Childcare Partnership, is meeting its duty.

Summary

8. These Regulations will ensure that the parents of all three-year-olds in Wales will have access to a free half-time nursery education place. They put into legislation one of the recommendations made by the Education and Lifelong Learning Committee in its 2001 Report "laying the Foundation: Early years provision for 3-year-olds".

Annex 1

Consultee List

Mudiad Ysgoilion Meithrin	Wales Pre-school Playgroups Association
National Childminding Association	NUT Cymru
NASUWT cymru	NAHT Cymru
UCAC	Bwrdd yr Iaith
ACCAC	Directors of Education in Wales (all LEAs)
Early Years Advisers in Wales (all LEAs)	Diocesan Directors of Education
Association of Teachers & Lecturers Cymru	Estyn
General Teaching Council for Wales	Professional Association of Teachers Cymru
Secondary Heads Association	Welsh Primary Schools Association
Abernant Primary School, Rhondda Cynon Taff	Albany Primary School, Cardiff
Albert C.P. School, Vale of Glamorgan	Ammanford Junior School, Carmarthenshire
Berriew C.P. School, Powys	Betws Yn Rhos Primary School, Conwy
Blaengwrach Primary School, Swansea	Borderbrook School, Wrexham
Broughton Infants School, Flintshire	Brynhyfryd Infants School, Swansea
Caegarw Primary School, Rhondda, Cynon, Taff	Caerleon (Lodge Hill) Infants School, Newport
Caradog Primary School, Rhondda Cynon Taff	Cefn Glas Infant School, Bridgend
Coedffranc Infant School, Swansea	Coryton Primary School, Cardiff
Crickhowell C.P. School, Powys	Croeserw Primary School, Swansea
Crwys Primary School, Swansea	Cwmdar County Primary School, Rhondda, Cynon, Taff
Cwmfelinfach Primary School, Caerphilly	Cymer Afan Primary School, Swansea
Darran Park Primary School, Rhondda Cynon Taff	Dowlais Infants School, Merthyr Tydfil
Ferryside V.C.P. School, Carmarthenshire	Gaer Infant School, Newport
Garnteg Primary School, Torfaen	Garth Primary School, Bridgend
Gellifor C.P. School, Denbighshire	Glais Primary School, Swansea
Greenfield C.P. School, Flintshire	Gwauncelyn primary, Rhondda Cynon Taff
Gwenfo C.I.W. Primary, Vale of Glamorgan	Hafod Y Wern Infants C.P. School, Wrexham
Hawthorn Junior School, Cardiff	Hendrefoilan Primary School, Swansea
Holton Primary School, Vale of Glamorgan	Johnston C.P. School, Pembrokeshire
Knelston Primary School, Swansea	Ladywell Green Nurs. & Inf. School, Powys

Lansbury Park Infant School, Caerphilly	Llandeilo C.P. School, Carmarthenshire
Llandrillo C.P. School, Denbighshire	Llanfechain C.I.W. School, Powys
Llanfihangel Yng Ngwynfa, Powys	Llangennech Junior School, Carmarthenshire
Llangurig C.P. School, Powys	Llanilltud Fawr Primary, Vale of Glamorgan
Llanmiloe C.P. School, Carmarthenshire	Llanrhaeadr Ym Mochnant C.P. School, Powys
Llansawel Primary School, Swansea	Llanyrafon Primary School, Torfaen
Lower Rhymney Primary School, Caerphilly	Maerdy Infants School, Rhondda Cynon Taff
Maes yr Haul Primary School, Bridgend	Mary Immaculate V.R.C. School, Pembrokeshire
Mayals Primary School, Swansea	Millbrook Junior School, Newport
Moorland Nursery School, Cardiff	Mount Stuart Primary, Cardiff
Nant Y Parc Primary School, Caerphilly	Nantmel C.I.W. School, Powys
Northop Hall C.P. School, Flintshire	Nottage Primary School, Bridgend
Oakdale Infant School, Caerphilly	Oakfield Primary School, Cardiff
Osbaston C.V.Junior School, Monmouthshire	Our Lady of the Angels R.C, Torfaen
Pengelli Primary School, Swansea	Pennar C.P. Infant School, Pembrokeshire
Pennar CP Junior School, Pembrokeshire	Pentip V.A. C.I.W. Primary, Carmarthenshire
Pentwyn Primary School, Torfaen	Penycae Junior C.P. School, Wrexham
Penyffordd Junior School, Flintshire	Penygraig Junior School, Rhondda Cynon Taff
Peter Lea Primary School, Cardiff	Pontyberem C.P. School, Carmarthenshire
Pontycymer Nursery School, Bridgend	Radnor Primary School, Cardiff
Rhes-Y-Cae Primary School, Flintshire	Rhosgoch C.P. School, Powys
Rhosymedre Infants C.P. School, Wrexham	Roch C.P. School, Pembrokeshire
Sirhowy Infant School, Blaenau Gwent	St David's C.I.W. Primary School, Cardiff
St Helen's Primary School, Swansea	St Helen's R.C. Junior School, Vale of Glamorgan
St Joseph's Infant School, Swansea	St Julians Infant School, Newport
St Mary's R.C. Primary, Newport	St Mary's R.C. Primary School, Merthyr Tydfil
Swiss Valley C.P. School, Carmarthenshire	Tanyfron C.P. School, Wrexham
The Dell Primary School, Monmouthshire	The Rofft C.P. School, Wrexham
Thornwell Primary School, Monmouthshire	Tonyrefail Nursery School, Rhondda, Cynon, Taff
Tredegarville C.I.W. Primary School, Cardiff	Trefilan V.C.P. School, Ceredigion
Trehopcyn Primary School, Rhondda Cynon Taff	Trelewis Primary School, Marthyr Tydfil
Twyn Primary School, Caerphilly	Waunfawr Primary School, Caerphilly
Willowtown Primary School, Blaenau Gwent	Ysgol Gynradd Blaenporth, Ceredigion

Ysgol Gynradd Capel Dewi, Ceredigion	Ysgol Gynradd Gymraeg Pontardawe, Swansea
Ysgol Gynradd Gymraeg Llwynderw, Swansea	Ynysboeth Junior School, Rhondda Cynon Taff
Ysgol Babanod Coed Mawr, Gwynedd	Ysgol Bodfeurig, Gwynedd
Ysgol Bodhyfryd, Wrexham	Ysgol Bro Brynach, Carmarthenshire
Ysgol Cynwyd Sant, Bridgend	Ysgol Dolbadarn, Gwynedd
Ysgol Ein Harglwyddes, Gwynedd	Ysgol Esgob Morgan, Denbighshire
Ysgol G.G. Llyn Y Forwyn, Rhondda, Cynon, Taff	Ysgol G.G. Ynyswen, Rhondda, Cynon, Taff
Ysgol G.G.D. Rhiwfawr, Swansea	Ysgol Glan Aber C.P, Flintshire
Ysgol Glan Conwy, Conwy	Ysgol Glantwymyn, Powys
Ysgol Gymraeg Aberystwyth, Ceredigion	Ysgol Gymraeg Y Ffin, Monmouthshire
Ysgol Gymuned Llanfechell, Ynys Môn	Ysgol Gymuned Rhosybol, Ynys Môn
Ysgol Gynradd Llansawel, Carmarthenshire	Ysgol Gynradd Aberdyfi, Gwynedd
Ysgol Gynradd Beulah, Ceredigion	Ysgol Gynradd Cemaes, Ynys Môn
Ysgol Gynradd Dolwyddelan, Conwy	Ysgol Gynradd Drefach, Carmarthenshire
Ysgol Gynradd Felinfach, Ceredigion	Ysgol Gynradd Kingsland, Ynys Môn
Ysgol Gynradd Llanilar, Ceredigion	Ysgol Gynradd Llanllechid, Gwynedd
Ysgol Gynradd Peniel, Carmarthenshire	Ysgol Gynradd Rhydyclafdy, Gwynedd
Ysgol Gynradd Ro Wen, Conwy	Ysgol Gynradd Trewen, Ceredigion
Ysgol Gynradd Y Ganllwyd, Gwynedd	Ysgol Gynradd Y Parc, Gwynedd
Ysgol Gynradd Ystradowen, Carmarthenshire	Ysgol Iolo Morganwg, Vale of Glamorgan
Ysgol Llanstephan, Carmarthenshire	Ysgol Pencae, Cardiff
Ysgol Reoledig Llanbedr, Denbighshire	Ysgol Terrig, Sir Y Fflint
Ysgol Thomas Stephens, Powys	Ysgol Y Castell, Denbighshire
Ysgol Y Foryd, Conwy	Ysgol Y Llan, Whitford V.P., Flintshire
Ysgol Y Traeth, Gwynedd	Ysgol Foel Gron, Gwynedd