

## **EXPLANATORY MEMORANDUM**

### **Explanatory Memorandum to The Childcare Act 2006 (Provision of Information) (Wales) (Amendment) Regulations 2008**

This Explanatory Memorandum has been prepared by Children and Young People's Strategy Division of the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales, in accordance with Standing Order 24.1.

#### **Description**

1. The Childcare Act 2006 (Provision of Information) (Wales) (Amendment) Regulations 2008 amend The Childcare Act 2006 (Provision of Information) (Wales) Regulations 2008. The amending regulations, once in force, substitute the points/words mentioned below at paragraph 8 in the original regulations.

#### **Matters of special interest to the Subordinate Legislation Committee**

2. Not applicable.

#### **Legislative Background**

3. Section 27 of the Childcare Act 2006 confers powers on the National Assembly for Wales to make regulations regarding the types of information regarding childcare which are required to be provided to parents and prospective parents by local authorities. By virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006, the powers conferred on the National Assembly for Wales by section 27 of the Childcare Act 2006, are now vested in the Welsh Ministers.
4. The instrument is to be made using the negative resolution procedure and is therefore subject to annulment by a resolution of the Assembly.

#### **Purpose and intended effect of the legislation**

5. The Childcare Act 2006 will help give parents more choice about how to balance work and family life. As part of their Childcare Act duties, Local Authorities will ensure 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.
6. Section 27 of the Childcare Act 2006 broadens the existing duty on Local Authorities to provide information on childcare and related services. Local Authorities will need to ensure availability of, or sign posting to, comprehensive information for parents of children and young people aged up to 20 on local services provided and sign posting to national sources of help. Information will need to be accessible to fathers as well as mothers; to disadvantaged and excluded groups; and to parents for whom English is not the first language.
  7. The information duty, in section 27 of the Childcare Act 2006, and “The Childcare Act 2006 (Provision of Information) (Wales) Regulations 2008” made under that section, came into force in Wales on 1 April 2008, after being scrutinised by the Subordinate Legislation Committee of the National Assembly for Wales in February 2008.
  8. The following points were noted by the legislation committee in relation to these regulations:-
    - a. In regulation 4(1)(h) the reference is to the National Assembly for Wales, when it should be to the Welsh Ministers following the Government of Wales Act 2006.
    - b. In regulation 6, in the Welsh language text, the reference to local authority is in the plural, when it should be in the singular to correspond to the English language text.
    - c. In regulation 7, in the Welsh language text, one or two words are missing compared to the English language text.
    - d. In regulation 9, in the Welsh language text, the reference is to “adnoddau”, which translates as “resources” rather than “sources”.
  9. The above noted points do not affect the legal validity of the original regulations in any way, and do not have an effect on their implementation.
  10. Such amending regulations are very brief, and once in force, will simply result in the points/words at paragraph 8 above being substituted in The Childcare Act 2006 (Provision of Information) (Wales) Regulations 2008.

## **Implementation**

11. The Instrument will come into force on 31 July 2008.
12. We are not aware of any legal and / or other implications for the Assembly should the intended target dates for making these regulations not be achieved.

## **Funding arrangements**

13. From April 2008, funding to support childcare and information services transferred to Revenue Support Grant (RSG). There are no additional costs arising from these amending regulations

## **Consultation**

14. Consultation is not required.

## **Regulatory Impact Assessment**

15. A Regulatory Impact Assessment is not required.