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STATUTORY INSTRUMENTS

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**2017 No. 249**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Childcare Act 2006 (Provision of Information to Parents) (England) (Amendment) Regulations 2017**

*Made - - - - 24th February 2017*  
*Laid before Parliament 3rd March 2017*  
*Coming into force in accordance with regulation 1*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 12(2), (6A) and (6B) and 104(2) of the Childcare Act 2006<sup>(1)</sup>.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Childcare Act 2006 (Provision of Information to Parents) (England) (Amendment) Regulations 2017.

(2) Paragraphs (1), (3) and (4) of regulation 2 come into force on 1st September 2017.

(3) Paragraphs (2), (5) and (6) of regulation 2 come into force on 1st April 2017 and cease to have effect on 31st August 2017.

**Amendment to the Childcare Act 2006 (Provision of Information to Parents) (England) Regulations 2007**

2.—(1) The Childcare Act 2006 (Provision of Information to Parents) (England) Regulations 2007<sup>(2)</sup> are amended as follows.

(2) In regulation 1(2), after the definition of “childminder agency” insert the following—

““the extended entitlement” means early years provision which is provided free of charge pursuant to a duty imposed on an English local authority under section 2 of the Childcare Act 2016 (duties in connection with Secretary of State’s duty to secure 30 hours free childcare for working parents)<sup>(3)</sup>.”

(3) In regulation 1(2), for the definition of “free early years provision” substitute the following—

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(1) 2006 c.21. Sections 12(6A) and (6B) were inserted by section 5 of the Childcare Act 2016 (c.5). See section 106 for the definition of “prescribed” and “regulations”.  
(2) S.I. 2007/3490, amended by S.I. 2014/1921, 2015/1562.  
(3) 2016 c.5.

““free early years provision” means early years provision which is provided free of charge pursuant to a duty imposed on an English local authority—

- (a) by section 7 of the 2006 Act (duty to secure prescribed early years provision free of charge); and
- (b) under section 2 of the Childcare Act 2016 (duties in connection with Secretary of State’s duty to secure 30 hours free childcare for working parents);”

(4) After regulation 2 (prescribed descriptions of information about childcare), insert the following—

**“2A. Duty to publish information**

(1) An English local authority must publish the descriptions of information prescribed under regulation 2 three times a year on 1 January, 1 April and 1 September.

(2) An English local authority must—

- (a) publish the prescribed descriptions of information by placing them on its website; and
- (b) publish its arrangements for enabling—
  - (i) people without access to the internet; and
  - (ii) different groups who face difficulties in accessing the internet, including people with a disability,

to obtain a copy of the information.

(3) In this regulation, “disability” has the meaning given by section 6 of the Equality Act 2010(4).”

(5) In paragraph 1 of Schedule 1, after sub-paragraph (o), insert—

“(p) during the period 1st April 2017 to 31st August 2017, whether the registered person intends to provide the extended entitlement.”

(6) In paragraph 2 of Schedule 1, after sub-paragraph (g), insert—

“(h) during the period 1st April 2017 to 31st August 2017, whether the person providing the childcare intends to provide the extended entitlement.”

24th February 2017

*Caroline Dinage*  
Parliamentary Under Secretary of State  
Department for Education

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Childcare Act 2006 (Provision of Information to Parents) (England) Regulations 2007 (“the 2007 Regulations”). The 2007 Regulations prescribe the descriptions of information which must be provided by English local authorities to parents and prospective parents in their area pursuant to the duty under section 12 of the Childcare Act 2006.

Regulation 2(2) introduces a definition of “extended entitlement” which is free childcare for qualifying children of working parents provided pursuant to the Childcare Act 2016. Regulation 2(3) amends the definition of “free early years provision” to include the extended entitlement. This amendment ensures that local authorities are required to provide and publish prescribed information about providers that deliver the extended entitlement.

Regulation 2(4) inserts regulation 2A into the 2007 Regulations which imposes a duty on a local authority to publish the prescribed descriptions of information about childcare and other services on its website. First publication must take place on 1 September 2017. Thereafter information must be published three times a year on 1 January, 1 April and 1 September. This regulation also requires local authorities to publish its arrangements for enabling people without access to the internet and those who face difficulties in accessing the internet, to obtain a copy of the information.

Paragraphs (5) and (6) of regulation 2 expand the prescribed descriptions of information set out in Schedule 1 to include whether a registered or unregistered childcare provider intends to provide the extended entitlement. A local authority is only required to provide this information during the period 1st April 2017 to 31 August 2017.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.