
WELSH STATUTORY INSTRUMENTS

2013 No. 2274 (W. 220)

CHILDREN AND YOUNG PERSONS, WALES

The Childcare Act 2006 (Local Authority
Assessment) (Wales) Regulations 2013

<i>Made</i>	- - - -	<i>5 September 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>10 September 2013</i>
<i>Coming into force</i>	- -	<i>1 October 2013</i>

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by section 26(1)(a) and (2) of the Childcare Act 2006⁽¹⁾ and now vested in them⁽²⁾ make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2013.

(2) These Regulations come into force on 1 October 2013.

(3) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Childcare Act 2006;

“assessment” (“*asesiad*”) means the assessment carried out by a local authority in accordance with these Regulations;

“childcare provider” (“*darparydd gofal plant*”) means any person who provides childcare;

“session length” (“*hyd sesiwn*”) means the maximum period of time for which a childcare provider will care for a child in a day.

(2) In these Regulations, the types of childcare are—

(a) childminding;

⁽¹⁾ 2006 c.21.

⁽²⁾ By virtue of section 162 and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32), the functions of the National Assembly for Wales were transferred to, and now vest in, the Welsh Ministers.

- (b) full day care;
- (c) sessional care;
- (d) out of school care; and
- (e) crèches.

Duty to prepare assessments

3.—(1) Each local authority must prepare assessments of the sufficiency of the provision of childcare in its area.

(2) The first assessment prepared by each local authority, in accordance with these Regulations, must be published by 30 April 2014 and at intervals of 3 years thereafter.

(3) In preparing assessments local authorities must have regard to any guidance given by Welsh Ministers.

Matters to be contained in the assessment

4.—(1) The local authority's assessment must include for its local authority area, in respect of each type of childcare and taking into account the different ages of children, details of—

- (a) the number of places required;
- (b) the number of places available;
- (c) the number of places required in respect of which the childcare element of working tax credit or the childcare costs element of universal credit may be used;
- (d) the number of places available for which parents would be able to use the childcare element of working tax credit or the childcare costs element of universal credit;
- (e) the times at which the childcare is required;
- (f) the times at which the childcare is available;
- (g) the range of session lengths offered by childcare providers;
- (h) the number of places required which are suitable for children who have special educational needs or who require specialist care due to a disability;
- (i) the number of places available which are suitable for children who have special educational needs or who require specialist care due to a disability;
- (j) the number of Welsh language and bilingual childcare places required;
- (k) the number of Welsh language and bilingual childcare places available;
- (l) the number of vacant and unused places; and
- (m) the range of charges for the childcare.

(2) The assessment must include a summary of childcare needs which are not met in the local authority area including those which relate to the—

- (a) types of childcare available;
- (b) age of children for whom childcare is available;
- (c) affordability of childcare;
- (d) times at which childcare is available;
- (e) specific needs of disabled children;
- (f) availability of Welsh language and bilingual childcare; and
- (g) location of childcare.

(3) In this regulation “child care costs element of universal credit” (“*elfen costau gofal plant o gredyd cynhwysol*”) means an amount included in an award of universal credit under section 12 of the Welfare Reform Act 2012(3) and prescribed in the Universal Credit Regulations 2013(4).

Consultation

5. In preparing the assessment, the local authority must consult such—

- (a) children;
- (b) parents or carers;
- (c) childcare providers;
- (d) persons representing children, parents or carers and childcare providers;
- (e) persons with an interest in childcare and persons representing those with an interest in childcare;
- (f) persons representing local employers and employer organisations;
- (g) local employers;
- (h) neighbouring local authorities;
- (i) schools; and
- (j) further education colleges

in the local authority’s area as it considers appropriate.

6.—(1) In preparing the assessment the local authority must—

- (a) consult the Local Safeguarding Children Board; and
- (b) notify any Jobcentre Plus offices in the local authority’s area and invite the submission of any views.

Draft Summary

7. Prior to publishing a summary of the assessment carried out under these Regulations, the local authority must send a draft of the summary of the assessment which they propose to publish to the persons listed in regulations 5 and 6 to allow them the opportunity to comment on the draft.

8. The local authority must amend the draft summary of the assessment in such way as they consider appropriate in response to any comments received from persons listed in regulations 5 and 6.

Publication of Assessment

9. The local authority must publish a summary of the assessment on the local authority website.

10. The local authority must deposit copies of the summary of the assessment in such public libraries, childcare settings, schools and other public places as they consider appropriate.

11. The summary of the assessment must include—

- (a) the information specified in regulation 4(1) in respect of the local authority area; and
- (b) the information specified in regulation 4(2).

(3) 2012 c. 5.
(4) S.I. 2013/376.

Status: This is the original version (as it was originally made). Wales
Statutory Instruments are not carried in their revised form on this site.

Revocation

12. The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2008(5) are revoked.

5 September 2013

Jeff Cuthbert
Minister for Communities and Tackling Poverty,
one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2008 (“the 2008 Regulations”) and remake them in order to rectify technical errors in the 2008 Regulations and to include references to universal credit in addition to working tax credit which, by virtue of the Welfare Reform Act 2012, will be replaced by universal credit.

Regulation 3 imposes a duty upon local authorities to carry out childcare sufficiency assessments in the local authority area.

Regulation 4 sets out the matters to be contained in the assessment.

Regulations 5 and 6 prescribe the persons to be consulted in preparing the assessments and regulation 7 requires local authorities to allow the persons referred to in regulations 5 and 6 the opportunity to comment upon a draft summary of the assessment before publication.

Regulations 9 to 11 deal with the requirements of publishing the summary of the assessment.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations