WELSH STATUTORY INSTRUMENTS

2016 No. 88 (W. 42)

CHILDREN AND YOUNG PERSONS, WALES

The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016

Made - - - -	*27 January 2016*
Laid before Parliament	*29 January 2016*
Coming into force - -	*1 April 2016*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 26(1)(a) and (2) of the Childcare Act 2006 [M1] and now vested in them [M2] make the following Regulations.

Marginal Citations

M1 2006 c. 21.

M2 The functions of the National Assembly for Wales under section 26 of the Childcare Act 2006 transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Title, commencement and application

1.—(1) The title of these Regulations is the Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016.

(2) These Regulations come into force on 1 April 2016.

(3) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"the Act" ("*y Ddeddf*") means the Childcare Act 2006;

"the Measure" ("*y Mesur*") means the Children and Families (Wales) Measure 2010 [M3];

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

"child minding" ("*gwarchod plant*"). has the meaning in Part 2 of the Measure;

"childcare" ("*gofal plant*") has the meaning in section 30 of the Act;

"childcare provider" ("*darparwr gofal plant*") means any person who is registered under Part 2 of the Measure to provide childcare;

"day care" ("*gofal dydd*") has the meaning in Part 2 of the Measure;

"foundation phase" ("*cyfnod sylfaen*") has the meaning in the Education (National Curriculum) (Foundation Phase) (Wales) Order 2014 [M4];

"home childcare providers" ("*darparwyr gofal plant yn y cartref*") means persons approved under a scheme made by the Welsh Ministers pursuant to section 12 of the Tax Credits Act 2002 [M5];

"play monitoring group" ("*grŵp monitro chwarae*") means a group established by a local authority for the purpose of securing sufficient play opportunities for children in its area, the members of which consist of the local authority and such other persons as the local authority considers appropriate;

"relevant premises" ("*mangre berthnasol*") means premises on which a person acts as a childcare provider;

"Welsh medium education forum" ("*fforwm addysg cyfrwng Cymraeg*") means a body established by a local authority for the purpose of improving the provision of Welsh medium education in its area, the members of which consist of the local authority and such other persons as the local authority considers appropriate [M6].

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

(a) child minding;

(b) each of the types of day care identified in standards made by the Welsh Ministers from time to time and to which regard must be had pursuant to section 30(3) of the Measure; and

(c) home childcare providers (nannies).

Marginal Citations

M3 2010 nawm 1.

M4 S.I. 2014/1996.

M5 2002 c. 21.

M6 See the Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013 – S.I. 2013/3048 (W 307).

Duty to prepare and publish assessments

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

(2) The first assessment must be published by 31 March 2017.

(3) Subsequent assessments must be prepared and published at five yearly intervals.

(4) In preparing an assessment the local authority must have regard to any guidance given by the Welsh Ministers.

(5) The local authority must send a copy of the assessment prepared under paragraphs (2) and (3) to the Welsh Ministers.

Modifications etc. (not altering text)

C1 Reg. 3: power to modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90)

Action Plan

4.—(1) Each assessment prepared by the local authority must include an action plan.

(2) Where an assessment identifies—

(a) an insufficiency in childcare provision for children in the local authority area, the action plan must set out what steps need to be taken to improve the opportunities for children to access childcare provision within that local authority area, or

(b) that opportunities for children to access childcare in the local authority area are sufficient, the action plan must set out what steps need to be taken to maintain opportunities for children to access childcare within that local authority area.

Matters to be contained in the assessment

5. The Schedule (which prescribes the matters which must be contained in the assessment) has effect.

Consultation

6. In preparing the assessment the local authority must consult such of the following in its area, as it considers appropriate—

(a) children;

(b) parents or carers;

(c) childcare providers;

(d) persons representing—

(i) children;

(ii) parents or carers;

(iii) childcare providers;

(e) persons with an interest in childcare;

(f) persons representing those with an interest in childcare;

(g) persons representing local employers and employer organisations;

(h) local employers;

(i) neighbouring local authorities;

(j) schools;

(k) further education colleges.

7. In preparing the assessment the local authority must—

(a) consult—

(i) the Safeguarding Children Board of which it is a Safeguarding Board partner [M7];

(ii) if established in the local authority's area, the Welsh medium education forum;

(iii) if established in the local authority's area, the play monitoring group; and

(b) notify any Jobcentre Plus offices in the local authority's area and invite the submission of any views.

Marginal Citations

M7 Section 134(2) of the Social Services and Well-being (Wales) Act 2014 – 2014 anaw 4.

Draft Assessment

8. Prior to publishing the assessment prepared under these Regulations, the local authority must publish a draft of the assessment on the local authority's website for a period of 28 days to give the persons who have been consulted the opportunity to comment on the draft.

9. The local authority must amend the draft assessment in such way as they consider appropriate in response to any comments received.

Method of publication of assessment

10. The local authority must publish the assessment on the local authority's website.

11. The local authority may provide copies of the assessment to the public upon request.

Annual progress reports

12. Following the publication of the first assessment, the local authority must submit to the Welsh Ministers an annual report on the progress of—

(a) the first assessment;

(b) the subsequent assessments required by regulation 3(3).

Modifications etc. (not altering text)

C2 Reg. 12: power to disapply conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 17 para. 7** (with ss. 88-90)

Revocation

13. The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2013 [M8] are revoked.

Marginal Citations

M8 S.I. 2013/2274 (W 220).

Lesley Griffiths
Minister for Communities and Tackling Poverty,
one of the Welsh Ministers