EXPLANATORY MEMORANDUM TO

THE CHILDREN'S CENTRES (INSPECTIONS) REGULATIONS 2010

2010 No. 1173

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The instrument prescribes the maximum interval between inspections of Sure Start Children's Centres by Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector"). It also further provides for matters that must be dealt with in the report of an inspection by the Chief Inspector.

3. Matters of special interest to the Joint Statutory Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The Apprenticeships, Skills, Children and Learning Act 2009 ("the ASCL Act") amended the Childcare Act 2006 ("the Childcare Act") to make provision about Sure Start Children's Centres, including a duty on local authorities to secure sufficient provision of children's centres to meet local need. The ASCL Act also inserted a new Part 3A into the Childcare Act which makes provision about inspections of children's centres. Part 3A places a duty on the Chief Inspector to inspect children's centres and to produce a written report on each inspection.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Sure Start Children's Centres are becoming a universal service. They provide access to a range of services for children under 5 years of age and their parents or carers, including integrated early education and care (including a support network for childminders); access to health services; family support, advice and information for parents; and training and employment support for parents. Since 2003 local authorities have received funding from Government to establish and maintain children's centres across their areas. There are now over 3,500 centres providing

services for families with young children.

7.2 As children's centres become a universal service and deliver their full core services it is important that parents and the community served by a children's centre should have an objective assessment of the quality of those services and the impact they are having on outcomes for children, especially children from disadvantaged families who are likely to have the greatest need of support. The Government has therefore introduced, through amendments to the Childcare Act made by the ASCL Act, arrangements for inspections by the Chief Inspector. Under section 98A(1) of the Childcare Act, the Chief Inspector must inspect a centre at prescribed intervals, or when requested by the Secretary of State. In addition, the Chief Inspector may inspect a centre whenever this is considered appropriate.

7.3 The instrument prescribes the intervals within which the Chief Inspector must inspect a children's centre. It provides that all centres established as part of the national roll-out between 2003 and August 2010 must be inspected for the first time by the end of August 2015. Thereafter they must be inspected within 5 years of the date of the previous inspection. Any centre established after August 2010 must be inspected within 5 years of establishment, and subsequently within 5 years of the previous inspection. This is broadly the same maximum interval as now applies for maintained school inspections. Children's centres with registered childcare as part of their core services will continue to have the childcare inspected according to the shorter early years inspection cycle prescribed under Part 3 of the Childcare Act. In addition, where the Chief Inspector considers a children's centre to be unsatisfactory, the usual practice will be to re-inspect within 12 months.

7.4 The Government's policy is that newly established children's centres should not generally be inspected until they have been running for at least 3 years. It can take up to 2 years after a children's centre first opens for the full range of services to be firmly established. As the inspection is to be based on evidence of impact on children and families attending the centre, it is reasonable to assume that there is unlikely to be sufficient evidence in the early years of a centre's operation on which to base a fair assessment and that inspecting once the centre's services are firmly embedded will produce a better informed report. A protocol will be agreed between the Department for Children, Schools and Families and the Chief Inspector to this effect.

7.5 Section 98B of the Childcare Act requires the Chief Inspector to produce a written report of an inspection which must comment on the contribution of the centre to (a) facilitating access to early childhood services by parents, prospective parents and young children, (b) maximising the benefit of those services to the same groups, and (c) improving the well-being of young children. The inspection will focus on evidence of outcomes being achieved for children and families rather than the services themselves.

7.6 This instrument prescribes other matters which the inspection report must deal with as part of the overall comment as set out in paragraph 7.5 above. The matters which must be dealt with in the inspection reports are similar to the areas covered by Ofsted reports on other institutional inspections. These focus on the quality of leadership and management of the centre, which will draw in aspects of governance

including the extent to which parents are involved through advisory boards and parents forums or other means. Specific aspects prescribed cover how effectively resources are managed, how systematically the centre approaches its key task of identifying and reaching out to the most vulnerable families in the area and how well the services at the centre meet the needs of the community. Safeguarding and promoting the welfare of young children is also a key area, as with all Ofsted inspections, and must be commented on in the report.

8. Consultation outcome

8.1 A public consultation exercise ran from 7 December 2009 to 1 February 2010. As well as the proposals for inspecting children's centres the consultation covered the Statutory Guidance on all of the children's centre provisions introduced by the ASCL Act. The shorter (8 week) consultation period was considered sufficient as it followed within a year of the consultation on the provisions relating to children's centre inspections in the ASCL Act.

8.2 Ninety-one consultation responses were received – around one third from local authorities, one third from children's centres and the remainder from a range of voluntary organisations, national unions, and key stakeholders including Ofsted. The main area of concern in relation to the inspections of children's centres by Ofsted was that the 5 year interval would be too long where a centre was not performing well. The statutory guidance clarifies that this is a maximum interval, and the Chief Inspector has powers to inspect earlier where there are concerns about the standards at a centre. In addition, existing cycles of inspection, for example in relation to registered childcare provided in a children's centre, will continue with their shorter inspection intervals (approximately every 3 years). A summary of responses to consultation has been published and is available on the DCSF Every Child Matters at http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00280-2010

9. Guidance

9.1 In March 2010, the Department issued "Sure Start Children's Centres Statutory Guidance", to explain the new legislation and the action local authorities, Primary Care Trusts and Jobcentre Plus should take to comply with their new statutory duties.[1] It includes guidance about the new duty on the Chief Inspector to inspect centres. The Ofsted website will provide more information - for example the guidance for inspectors, the evaluation framework and a range of 'frequently asked questions' to help local authorities, their Children's Trust partners (including Primary Care Trusts and Jobcentre Plus), staff at children's centres, parents and others understand the new process.

10. Impact

10.1 The impact on business, charities or voluntary bodies is minimal. These groups may be involved in managing and running children's centres under contract

[1] "Sure Start Children's Centres Statutory Guidance is available on the DCSF website at: http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00280-2010

with the local authority and will therefore need to participate in the inspection process. These groups may also be involved in providing services through children's centres. Services such as registered childcare provided by a private or voluntary organisation already fall to be inspected under Part 3 of the Childcare Act, but providers would also need to be involved in the inspection of the children's centre as a whole. The longer term aim is to integrate early years inspections with children's centres inspections to reduce burdens on all involved. Voluntary organisations may also deliver services such as family support services through children's centres and may be asked to speak to inspectors at some time during the inspection visit. The inspector will not be judging the services or the service providers themselves, but rather forming a view of the effectiveness of the centre as a whole based on the evidence of the impact of those services on outcomes for children and families.

10.2 The impact on the public sector is also minimal. Local authorities are already accountable for children's centres in their area, and are already expected to work with their children's centres to support self-evaluation. They will need to provide information once a year to the Chief Inspector but these information requests have been drawn up so as to keep any burden on authorities to a minimum. Local authorities are responsible for ensuring a statement of action is drawn up following the inspection and monitoring progress. The Sure Start, Early Years and Childcare Grant paid to local authorities includes revenue funding for children's centres. It is for local authorities to decide how to use this funding to ensure that children's centres meet local needs for early childhood services. Local authorities are able to retain some funding centrally to cover local authority costs in managing and supporting children's centres for example on performance management, financial management and human resources issues.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not have an impact on small business.

12. Monitoring & review

12.1 The Department for Children, Schools and Families and Ofsted will monitor the new inspection arrangements for children's centres. The long-term plan to move over time to a more integrated and streamlined inspection arrangement for schools, early years provision and children's centres means these arrangements will be regularly reviewed.

13. Contact

Helen Nistala at the Department for Children, Schools and Families Tel: 0207 340 7993 or email: helen.nistala@dcsf.gsi.gov.uk can answer any queries regarding the instrument.