EXPLANATORY MEMORANDUM TO

THE OFFICE FOR STANDARDS IN EDUCATION, CHILDREN'S SERVICES AND SKILLS (CHILDREN'S RIGHTS DIRECTOR) REGULATIONS 2007

2007 No.460

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The regulations set out the functions of the Children's Rights Director.

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

3.1 None.

4. Legislative Background

4.1 The Children's Rights Director's functions, which relate to children's social care services, were originally set out in the National Care Standards Commission (Children's Rights Director) Regulations 2002. The Health and Social Care (Community Health and Standards) Act 2003 replaced the National Care Standards Commission (NCSC) with the Commission for Social Care Inspection (CSCI). Paragraph 5 of Schedule 7 to the 2003 Act requires CSCI to appoint a Children's Rights Director as an employee of CSCI with functions specified in Regulations. These were set out in the Commission for Social Care Inspection (Children's Rights Director) Regulations 2004.

4.2 The Education and Inspections Act 2006 transfers the inspection and regulation of children's social care services from CSCI to the newly created Chief Inspector for Education, Children's Services and Skills, part of the Office for Standards in Education, Children's Services and Skills (Ofsted). As a consequence, section 120 of the Education and Inspections Act 2006, creates the post of the Children's Rights Director in Ofsted. The functions of the Children's Rights Director will, as previously, be set out in regulations.

5. Extent

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 The Government's proposals for a single inspectorate for education and children's social care were contained in the 2005 consultation paper *A Single Inspectorate for Children and Learners – A Consultation.* The consultation sought views on the continuation and location of the Children's Rights Director given the transfer of functions from CSCI to Ofsted. A further consultation on the draft regulations has been carried out in October 2006 with key stakeholders.

7.2 The Office for Standards in Education, Children's Services and Skills was established under the Education and Inspections Act 2006 to integrate inspection around the needs of children and learners, mirroring both the integration of local authority services for education and children's social services which followed the government's Green Paper "Every Child Matters" published in September 2003 and the Children Act 2004, and the increased integration of academic and vocational learning.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The Regulatory Impact Assessment which accompanied the 2005 consultation paper *A Single Inspectorate of Children and Learners* concluded that a single inspectorate would impact positively on a range of different sectors, and would deliver significant cost savings, although there would be some start up costs.

9. Contact

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