

## CHAPTER TWO

# GUIDANCE ON THE ASSESSMENT DUTY

This chapter aims to summarise the guidance on the childcare sufficiency assessment duty<sup>1</sup>.

### 2.1. Timescales

This guidance is for the first three stages of the new duty on local authorities to manage the childcare market: analysing demand, mapping supply and mapping supply to demand.

Local authorities (LAs) are required to have drafted, consulted on and published a childcare sufficiency assessment by the end of March 2008. This is so they are ready for their new duty (Sections 5 and 6, Childcare Act 2006), from 1 April 2008, to ensure there is sufficient childcare to allow parents to work or undertake study, as far as is reasonably practicable.

### 2.2. What the assessment is

A detailed assessment of the supply of, and demand for, childcare in a local authority's area. A significant amount of consultation, surveys and analysis of key statistics and findings of the childcare supply audit is necessary. This will be the key tool for the local authority to plan where to target resources and shape its strategy to ensure it can meet its duty to secure sufficient childcare.

### 2.3. Definition of 'sufficient childcare'

'sufficient' to meet the requirements of parents who require childcare to:

- take up or remain in work
- undertake education or training 'which could reasonably be expected to assist them to obtain work'.

A particular emphasis is placed on ensuring there is childcare for which the childcare element of working tax credit (WTC) is payable, and childcare suitable for disabled children (but not respite care). LAs must have regard to those, and may have regard to childcare available outside their area.

Age ranges of children for whom there must be sufficient childcare:

- up to 31 August following their 14<sup>th</sup> birthday
- or for children with disabilities as defined in the Disability Discrimination Act 2005, aged up to 17.

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<sup>1</sup> To download the guidance go to [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications) Ref 00039-2007DOM-EN

## 2.4. Consultation expected as part of assessment

A wide range of groups are to be consulted including children, parents, childcare providers, local employers, organisations with an interest in childcare, neighbouring local authorities, local schools and colleges, Local Safeguarding Children's Board, JobCentre Plus, Learning and Skills Council, PCT/health trusts.

## 2.5. Sub-local authority levels

The assessment should look at patterns of demand and supply below local authority level – 'sub-local authority areas'.

## 2.6. The three elements of the assessment

### 2.6.1. demand in each sub-local authority area (slla)

1. number of childcare places 'required' for children (age ranges see above), broken down by age range and type
2. number of places 'required' in respect of which childcare element of WTC may be claimed
3. number of free early years education places 'required'
4. times at which childcare is 'required', including demand for flexible childcare (hours, days of week, times of year)
5. requirement for specialist childcare for disabled children and those with SEN.

### 2.6.2. Assessing supply of childcare in each slla

As above in 2.6.1., but to clarify:

re 2. - number of places for which parents would be able to use the childcare element of the WTC.

re 4. – times at which childcare is available, maximum length of time childcare providers will care for children in a day, and their flexibility in catering for irregular patterns (times, days, time of year).

Additional points:

6. number of vacant and unused places
7. range of session lengths
8. range of charges and parents' ability to pay.

**2.6.3. Analysing/Mapping Gap between demand and supply** – must take into account at least the following:

- types of care available
- age of children for whom care is available
- affordability of childcare
- times at which childcare is available – including need for flexible care

- specific needs of disabled children
- location of childcare

## **2.7. Draft assessment document**

This should be a summary of the findings on the supply, demand and mapping of supply and demand. The groups above must be consulted on the content. The draft report should be widely available, and if necessary translated into the main community languages.

## **2.8. Publication of summary of assessment**

This must be on the local website and in hard copy in local libraries, childcare settings, school and other public settings. It can be a standalone document or be a section or annex of the Children and Young People Plan. Again if necessary it should be translated in the main community languages

## **2.9. Duty to review assessment**

The local authority must review the report as new data becomes available (particularly relating to childcare supply, population, building developments and employment trends), and at least once a year, normally as part of the annual review of the CYPP and within the context of the Joint Commissioning Framework. This does not mean doing all the consultations again. They must be done again as part of the full assessment process required every three years.

## **2.10. Performance management**

In the short term, Annual Performance Assessment and Joint Area Review will inspect the fulfilment by local authorities of their childcare assessment duty. (In part this will be done by considering complaints received from parents who have been unable to find suitable childcare to enable them to work or study.) In the longer-term the duty will be assessed within the new local authorities performance framework.