

Childcare Act 2006

2006 CHAPTER 21

PART 1

GENERAL FUNCTIONS OF LOCAL AUTHORITY: ENGLAND

Provision of childcare

6 Duty to secure sufficient childcare for working parents

- (1) An English local authority must secure, so far as is reasonably practicable, that the provision of childcare (whether or not by them) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them—
 - (a) to take up, or remain in, work, or
 - (b) to undertake education or training which could reasonably be expected to assist them to obtain work.
- (2) In determining for the purposes of subsection (1) whether the provision of childcare is sufficient to meet those requirements, a local authority—
 - (a) must have regard to the needs of parents in their area for—
 - (i) the provision of childcare in respect of which the child care element of working tax credit is payable, and
 - [F1(ia) the provision of childcare in respect of which an amount in respect of childcare costs may be included under section 12 of the Welfare Reform Act 2012 in the calculation of an award of universal credit, and]
 - (ii) the provision of childcare which is suitable for disabled children, and
 - (b) may have regard to any childcare which they expect to be available outside their area.
- (3) In discharging their duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State.

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- (4) The Secretary of State may by order amend subsection (2) (and subsection (6) so far as relating to that subsection) so as to modify the matters to which a local authority must or may have regard in determining whether the provision of childcare is sufficient.
- (5) Except in relation to a disabled child, this section does not apply in relation to childcare for a child on or after the 1st September next following the date on which he attains the age of 14.
- (6) In this section—

"child care element", in relation to working tax credit, is to be read in accordance with section 12 of the Tax Credits Act 2002 (c. 21);

"disabled child" means a child who has a disability for the purposes of the [F2Equality Act 2010];

"parent" includes any individual who-

- (a) has parental responsibility for a child, or
- (b) has care of a child.

Textual Amendments

- F1 S. 6(2)(a)(ia) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), 19(2)
- F2 Words in s. 6(6) substituted by 2010 c. 15 Sch. 26 Pt. 1 para. 88 (as inserted) (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), Sch. 1 para. 6 (see S.I. 2010/2317, art. 2)

Commencement Information

II S. 6 in force at 1.4.2008 by S.I. 2008/785, art. 2(b)

[F3 7 Duty to secure early years provision free of charge in accordance with regulations

- (1) An English local authority must secure that early years provision of such description as may be prescribed is available free of charge, in accordance with any regulations under this subsection, for each young child in their area who—
 - (a) is under compulsory school age, and
 - (b) is of such description as may be prescribed.
- (2) Regulations under subsection (1) may in particular include provision about—
 - (a) how much early years provision is to be made available in pursuance of the duty imposed by subsection (1);
 - (b) the times at which, and periods over which, early years provision is to be made available in pursuance of that duty.
- (3) In discharging the duty under subsection (1) a local authority must have regard to any guidance given from time to time by the Secretary of State.]

Textual Amendments

F3 S. 7 substituted (1.9.2012 for specified purposes, 1.9.2013 in so far as not already in force) by Education Act 2011 (c. 21), **ss. 1(2)**, 82(3); S.I. 2012/1087, art. 3; S.I. 2012/2213, art. 5

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Commencement Information

- I2 S. 7 in force at 1.4.2008 for specified purposes by S.I. 2008/785, art. 2(a)
- 13 S. 7 in force at 1.9.2008 in so far as not already in force by S.I. 2008/2261, art. 2 (with Sch. 1)

[F47A Discharge of duty under section 7

- (1) Regulations may require an English local authority to discharge its duty to a young child under section 7 by making arrangements which secure that an early years provider chosen by a parent of the child provides the early years provision to which the child is entitled in cases where—
 - (a) the early years provider is willing to provide it, and
 - (b) the early years provider is also willing to accept—
 - (i) any terms as to the payments which would be made to him or her in respect of the provision, and
 - (ii) any requirements which would be imposed in respect of it.
- (2) Arrangements made by an authority to satisfy any requirement imposed under subsection (1) may be made with an early years provider or with an early years childminder agency or any other person who is able to arrange for an early years provider to provide early years provision.
- (3) The regulations may provide that such a requirement—
 - (a) applies only if the early years provider is of a prescribed description;
 - (b) applies only if the early years provision provided by the early years provider is of a prescribed description;
 - (c) does not apply in prescribed circumstances.
- (4) The regulations may provide that arrangements made by an authority for the purpose of complying with such a requirement must include provision allowing the local authority to terminate the arrangements in prescribed circumstances.
- (5) In this section—

"early years childminder agency" and "early years provider" have the same meanings as in Part 3;

"parent" has the same meaning as in section 2.]

Textual Amendments

F4 S. 7A inserted (13.5.2014) by Children and Families Act 2014 (c. 6), **ss. 87(2)**, 139(6); S.I. 2014/889, art. 5(d)

8 Powers of local authority in relation to the provision of childcare

- (1) An English local authority may—
 - (a) assist any person who provides or proposes to provide childcare;
 - (b) make arrangements with any other person for the provision of childcare;
 - (c) F5... provide childcare.
- (2) The assistance which a local authority may give under subsection (1)(a) includes financial assistance; and the arrangements which a local authority may make under

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subsection (1)(b) include arrangements involving the provision of financial assistance by the authority.

(6) In exercising their functions under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.

Textual Amendments

- F5 Words in s. 8(1)(c) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), ss. 241(a), 255(9)(b) (with s. 247)
- **F6** S. 8(3)-(5) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), **ss. 241(b)**, 255(9)(b) (with s. 247)

Commencement Information

I4 S. 8 in force at 1.10.2007 by S.I. 2007/2717, art. 2(a)

9 Arrangements between local authority and childcare providers

- (1) This section applies where an English local authority make arrangements with a person (other than the governing body of a maintained school) for the provision by that person of childcare in consideration of financial assistance provided by the authority under the arrangements.
- (2) The local authority must exercise their functions with a view to securing that the provider of the childcare meets any requirements imposed on him by the arrangements.
- (3) The requirements imposed by the arrangements may, in particular, if any specified conditions are not satisfied, require the repayment of the whole or any part of any financial assistance provided by the local authority under the arrangements.

Commencement Information

I5 S. 9 in force at 1.10.2007 by S.I. 2007/2717, art. 2(a)

[F79A Arrangements made by local authorities for the purposes of section 7

Regulations may provide that arrangements made by an English local authority for the purpose of discharging its duty under section 7—

- (a) may impose requirements on the person with whom the arrangements are made only if the requirements are of a prescribed description;
- (b) may not impose requirements of a prescribed description on the person with whom the arrangements are made.]

Part 1 – General functions of local authority: England

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Textual Amendments

F7 S. 9A inserted (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 87(3), 139(6); S.I. 2014/889, art. 5(d)

10 Charges where local authority provide childcare

- (1) An English local authority may enter into an agreement under which payments are made to the authority for the provision by the authority of childcare for a child.
- (2) Subsection (1) does not apply—
 - (a) to childcare provided in pursuance of the duty imposed by section 7, or
 - (b) to childcare provided under section 18(1) or (5) of the Children Act 1989 (c. 41) (day care for children in need), provision as to charges for such care being made by section 29 of that Act.

Commencement Information

I6 S. 10 in force at 1.10.2007 by S.I. 2007/2717, art. 2(a)

F811 Duty to assess childcare provision

Textual Amendments

F8 S. 11 repealed (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 86, 139(6); S.I. 2014/889, art. 5(d)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those
provisions):
      s. 32(6) inserted by 2023 c. 55 Sch. 23 para. 2
      s. 36(1)(a)(b) substituted for words by 2023 c. 55 Sch. 23 para. 6(2)
     s. 36(5)(ac)(ad) inserted by 2023 c. 55 Sch. 23 para. 6(5)
     s. 37(2A) inserted by 2023 c. 55 Sch. 23 para. 7(4)
     s. 37A(1A) inserted by 2023 c. 55 Sch. 23 para. 8(3)
     s. 45A(4C) inserted by 2016 c. 5 s. 3(2)(a)
     s. 47ZA(3)(a) substituted by 2016 c. 5 s. 3(2)(b)
     s. 54(1)(a) words substituted by 2023 c. 55 Sch. 23 para. 11(3)(a)
      s. 54(1)(b) words inserted by 2023 c. 55 Sch. 23 para. 11(3)(b)
     s. 55(1)(a)(b) substituted for words by 2023 c. 55 Sch. 23 para. 12(2)
     s. 55(5)(ac)(ad) inserted by 2023 c. 55 Sch. 23 para. 12(5)
     s. 56(2A) inserted by 2023 c. 55 Sch. 23 para. 13(4)
     s. 56A(1A) inserted by 2023 c. 55 Sch. 23 para. 14(3)
     s. 57(1)(a)(i)(ii) substituted for words by 2023 c. 55 Sch. 23 para. 15(b)
     s. 57A(2)(a)(i)(ii) substituted for words by 2023 c. 55 Sch. 23 para. 16(3)
      s. 63(A1)(1) substituted for s. 63(1) by 2023 c. 55 Sch. 23 para. 18
     s. 64(2A) inserted by 2023 c. 55 Sch. 23 para. 19(4)
     s. 68(3)(a)(b) substituted for words by 2023 c. 55 Sch. 23 para. 22(2)
     s. 68(4)(a)(b) substituted for words by 2023 c. 55 Sch. 23 para. 22(3)
      s. 68(5)(a)(b) substituted for words by 2023 c. 55 Sch. 23 para. 22(4)
     s. 98(1B) inserted by 2023 c. 55 Sch. 23 para. 24(3)
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s. 113A(1) repealed by 2012 c. 5 Sch. 14 Pt. 1 s. 113A(3) words repealed by 2012 c. 5 Sch. 14 Pt. 1