Childcare Act 2006

2006 CHAPTER 21

PART 4

MISCELLANEOUS AND GENERAL

Provision of information about children

99 Provision of information about young children: England

(1) Regulations may make provision, in relation to England, requiring—

(a) a person registered as an early years provider under Chapter 2 of Part 3,

[[F1](aa) a person registered as an early years childminder agency under Chapter 2A of Part 3,**]**[F2]...

(b) a person who provides early years provision in respect of which, but for section 34(2) (exemption for provision for children aged **[**[F3]2 **]** or over at certain schools), he would be required to be registered under that Chapter,**[**[F4], and

(c) any other person who provides early years provision for the purposes of section 1(1) of the Childcare Act 2016 (Secretary of State's duty to secure 30 hours free childcare available for working parents),**]**

to provide to the relevant person such individual child information as may be prescribed.

(2) In subsection (1), "the relevant person" means one or more of the following—

(a) the Secretary of State, and

(b) any prescribed person.

(3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—

(a) to the Secretary of State, or

(b) to any prescribed person.

(4) The Secretary of State may provide any individual child information—

(a) to any information collator,

(b) to any prescribed person, or

(c) to any person falling within a prescribed category.

(5) Any information collator—

(a) may provide any individual child information—

(i) to the Secretary of State, or

(ii) to any other information collator, and

(b) may at such times as the Secretary of State may determine or in prescribed circumstances provide such individual child information as may be prescribed—

(i) to any prescribed person, or

(ii) to any person falling within a prescribed category.

(6) Any person holding any individual child information (other than the Secretary of State or an information collator) may provide that information to—

(a) the Secretary of State,

(b) any information collator, or

(c) any prescribed person.

(7) No information received under or by virtue of this section shall be published in any form which includes the name of the child or children to whom it relates.

(8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.

(9) In this section—

"early years provision" has the meaning given by section 20;

"individual child information" means information relating to and identifying individual children for whom early years provision is being or has been provided by a person mentioned in subsection (1)(a) or (b), whether obtained under subsection (1) or otherwise;

"information collator" means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to early years provision, is responsible for collating or checking information relating to children for whom such provision is made;

F5 …

F5 …

Textual Amendments

F1 S. 99(1)(aa) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 63**; S.I. 2014/889, arts. 3(m), 7(e)

F2 Word in s. 99(1)(aa) omitted (3.11.2016) by virtue of Childcare Act 2016 (c. 5), **ss. 3(1)**, 7(2); S.I. 2016/1055, reg. 2(c)

F3 Figure in s. 99(1)(b) substituted (26.5.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 75(4)**, 164(3)(e)

F4 S. 99(1)(c) and word inserted (3.11.2016) by Childcare Act 2016 (c. 5), **ss. 3(1)**, 7(2); S.I. 2016/1055, reg. 2(c)

F5 Words in s. 99(9) repealed (31.3.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(3)(b)(c), Sch. 1 para. 109, **Sch. 2 Pt. 3** (with art. 2(3))

Commencement Information

I1 S. 99 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, **art. 2(d)**

I2 S. 99 in force at 30.3.2007 in so far as not already in force by S.I. 2007/1019, **art. 2**

[F6]100 Provision of information about young children: transitory provision

. . . . . .

Textual Amendments

F6 S. 100 repealed (1.9.2012) by Education Act 2011 (c. 21), **ss. 1(4)**, 82(3); S.I. 2012/1087, art. 3

Commencement Information

I3 S. 100 in force at 20.12.2006 by S.I. 2006/3360, **art. 2(e)**

101 Provision of information about children: Wales

(1) Regulations may make provision, in relation to Wales, requiring—

(a) a person who is registered under **[**[F7]Part 10A of the Children Act 1989 (c. 41)**][**[F7]Part 2 of the Children and Families (Wales) Measure 2010**]** to provide child minding or day care, and

(b) a person who provides funded nursery education,

to provide to the relevant person such individual child information as may be prescribed.

(2) In subsection (1), "the relevant person" means one or more of the following—

(a) the Assembly, and

(b) any prescribed person.

(3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Assembly may require that person to provide any such information—

(a) to the Assembly, or

(b) to any prescribed person.

(4) The Assembly may provide any individual child information—

(a) to any information collator,

(b) to any prescribed person, or

(c) to any person falling within a prescribed category.

(5) Any information collator—

(a) may provide any individual child information—

(i) to the Assembly, or

(ii) to any other information collator, and

Changes to legislation: *Childcare Act 2006, Cross Heading: Provision of information about children is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) may at such times as the Assembly may determine or in prescribed circumstances provide such individual child information as may be prescribed—

(i) to any prescribed person, or

(ii) to any person falling within a prescribed category.

(6) Any person holding any individual child information (other than the Assembly or an information collator) may provide that information to—

(a) the Assembly,

(b) any information collator, or

(c) any prescribed person.

(7) No information received under or by virtue of this section shall be published in any form which includes the name of the child or children to whom it relates.

(8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Assembly is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Assembly.

(9) In this section—

"child minding" and "day care" have the same meaning as in **[**[F8]Part 10A of the Children Act 1989**][**[F8] Part 2 of the Children and Families (Wales) Measure 2010**]**;

"funded nursery education" means nursery education, within the meaning of Part 5 of the School Standards and Framework Act 1998 (c. 31), which is provided by any person—

(a) under arrangements made with that person by a **[**[F9]local authority**]** in Wales in pursuance of the duty imposed on the authority by section 118 of that Act (duty of **[**[F9]local authority**]** to secure sufficient nursery education), and

(b) in consideration of financial assistance provided by the authority under those arrangements,

other than such education provided by a school for its pupils;

"individual child information" means information relating to and identifying individual children for whom child minding, day care or funded nursery education is being or has been provided, whether obtained under subsection (1) or otherwise;

"information collator" means any body which, for the purposes of or in connection with the functions of the Assembly relating to child minding, day care or funded nursery education (as the case may be), is responsible for collating or checking information relating to children for whom such provision is made;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Assembly.

Textual Amendments

F7 Words in s. 101(1)(a) substituted (W.) (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 24(a)**; S.I. 2010/2582, art. 2, Sch. 1 (with Schs. 2 3)

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F8 Words in s. 101(9) substituted (W.) (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1) , s. 75(3) , **Sch. 1 para. 24(b)** ; S.I. 2010/2582 , art. 2 , Sch. 1 (with Schs. 23)

F9 Words in s. 101(9) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 58(5)**

Commencement Information

I4 S. 101 in force at 31.1.2008 by S.I. 2008/17, **art. 2(c)**

Changes to legislation:
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View outstanding changes

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)
- 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