



# 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, and
  - (b) a person who provides early years provision in respect of which, but for section 34(2) (exemption for provision for children aged 3 or over at certain schools), he would be required to be registered under that Chapter,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—

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- (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;
  - “prescribed” means prescribed by regulations;
  - “regulations” means regulations made by the Secretary of State.

#### Commencement Information

- 11** S. 99 in force at 20.12.2006 for specified purposes by [S.I. 2006/3360, art. 2\(d\)](#)
- 12** S. 99 in force at 30.3.2007 in so far as not already in force by [S.I. 2007/1019, art. 2](#)

### 100 Provision of information about young children: transitory provision

- (1) Section 99 has effect with the modifications specified in subsections (2) and (3) until section 7 comes into force.
- (2) In subsection (1)—
  - (a) after “requiring” insert “ a person who provides funded nursery education ”, and
  - (b) omit paragraphs (a) and (b).

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(3) In subsection (9)—

(a) for the definition of “early years provision” substitute—

““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 local education authority in England in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA 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;”,

(b) for the definition of “individual child information” substitute—

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

(c) in the definition of “information collator” for “early years provision” substitute “ funded nursery education ”.

#### Commencement Information

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

VALID FROM 31/01/2008

#### 101 Provision of information about children: Wales

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

(a) a person who is registered under Part 10A of the Children Act 1989 (c. 41) 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

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- (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
  - (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 Part 10A of the Children Act 1989;
- “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 local education authority in Wales in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA 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;

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“regulations” means regulations made by the Assembly.

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