



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 4

#### CHILDCARE ETC

#### **87 Discharge of authority's duty to secure free early years provision**

- (1) Part 1 of the Childcare Act 2006 (general functions of local authorities in England in relation to childcare) is amended as follows.
- (2) After section 7 (duty to secure early years provision free of charge in accordance with regulations) insert—

#### **“7A 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;

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*Status: This is the original version (as it was originally enacted).*

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- (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.”
- (3) After section 9 (arrangements between local authority and childcare providers) insert—

**“9A 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.”