



Childcare Act 2006

2006 CHAPTER 21

PART 1

GENERAL FUNCTIONS OF LOCAL AUTHORITY: ENGLAND

Improvement of young children's well-being

1 General duties of local authority in relation to well-being of young children

- (1) An English local authority must—
 - (a) improve the well-being of young children in their area, and
 - (b) reduce inequalities between young children in their area in relation to the matters mentioned in subsection (2).
- (2) In this Act “well-being”, in relation to children, means their well-being so far as relating to—
 - (a) physical and mental health and emotional well-being;
 - (b) protection from harm and neglect;
 - (c) education, training and recreation;
 - (d) the contribution made by them to society;
 - (e) social and economic well-being.
- (3) The Secretary of State may, in accordance with regulations, set targets for—
 - (a) the improvement of the well-being of young children in the area of an English local authority;
 - (b) the reduction of inequalities between young children in the area of an English local authority in relation to the matters mentioned in subsection (2).
- (4) In exercising their functions, an English local authority must act in the manner that is best calculated to secure that any targets set under subsection (3) (so far as relating to the area of the local authority) are met.

*Status: Point in time view as at 09/12/2021. This version of this part contains provisions that are prospective.
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- (5) In performing their duties under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.

Commencement Information

- I1** S. 1 in force at 20.12.2006 for specified purposes by [S.I. 2006/3360, art. 2\(a\)](#)
I2 S. 1 in force at 1.4.2008 in so far as not already in force by [S.I. 2008/785, art. 2\(a\)](#)

2 Meaning of “early childhood services” for purposes of section 3

- (1) In section 3 “early childhood services”, in relation to an English local authority, means—
- (a) early years provision;
 - (b) the social services functions of the local authority, so far as relating to young children, parents or prospective parents;
 - (c) health services relating to young children, parents or prospective parents;
 - (d) the provision, under arrangements made under section 2 of the Employment and Training Act 1973 (c. 50), of assistance to parents or prospective parents;
 - (e) the service provided by the local authority under section 12 (duty to provide information and assistance) so far as relating to parents or prospective parents.

- (2) In this section—

“parent” means a parent of a young child, and includes any individual who—

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

“prospective parent” means a pregnant woman or any other person who is likely to become, or is planning to become, a parent;

“social services functions”, in relation to a local authority, has the same meaning as in the Local Authority Social Services Act 1970 (c. 42).

Commencement Information

- I3** S. 2 in force at 1.4.2008 by [S.I. 2008/785, art. 2\(b\)](#)

3 Specific duties of local authority in relation to early childhood services

- (1) For the purpose of their general duty under section 1(1), an English local authority have the further duties imposed by subsections (2) and (3).
- (2) The authority must make arrangements to secure that early childhood services in their area are provided in an integrated manner which is calculated to—
- (a) facilitate access to those services, and
 - (b) maximise the benefit of those services to parents, prospective parents and young children.
- (3) The authority must take steps—

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- (a) to identify parents or prospective parents in the authority's area who would otherwise be unlikely to take advantage of early childhood services that may be of benefit to them and their young children, and
 - (b) to encourage those parents or prospective parents to take advantage of those services.
- (4) An English local authority must take all reasonable steps to encourage and facilitate the involvement in the making and implementation of arrangements under this section of—
- (a) parents and prospective parents in their area,
 - (b) early years providers in their area, including those in the private and voluntary sectors, and
 - (c) other persons engaged in activities which may improve the well-being of young children in their area.
- [^{F1}(4A) In deciding what arrangements to make under this section, an English local authority must in particular have regard to—
- (a) the quantity and quality of early childhood services that are provided, or that the authority expect to be provided, in their area, and
 - (b) where in that area those services are provided or are expected to be provided.]
- (5) In discharging their duties under this section, an English local authority must have regard to such information about the views of young children as is available to the local authority and appears to them to be relevant to the discharge of those duties.
- (6) In discharging their duties under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.
- (7) In this section—
- “early years provider” has the same meaning as in Part 3;
 - “parent” and “prospective parent” have the same meaning as in section 2.

Textual Amendments

F1 S. 3(4A) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. [201](#), [269\(2\)](#)

Commencement Information

I4 S. 3 in force at 1.4.2008 by [S.I. 2008/785](#), [art. 2\(b\)](#)

4 Duty of local authority and relevant partners to work together

- (1) For the purposes of this section each of the following is a relevant partner of an English local authority—
- [^{F2}(za) the National Health Service Commissioning Board;” and]
 - (a) [^{F3}a clinical commissioning group]^{F4}...^{F5}...for an area any part of which falls within the area of the local authority;³
 - (b) the Secretary of State, in relation to his functions under section 2 of the Employment and Training Act 1973 (c. 50).

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- (2) An English local authority must make arrangements to work with each of the authority's relevant partners in the performance by the authority of their duties under sections 1 and 3.
- (3) Each of the relevant partners of an English local authority must work with the authority and with the other relevant partners in the making of the arrangements.
- (4) An English local authority and each of their relevant partners may for the purposes of arrangements under this section—
 - (a) provide staff, goods, services, accommodation or other resources;
 - (b) establish and maintain a pooled fund.
- (5) For the purposes of subsection (4) a pooled fund is a fund—
 - (a) which is made up of contributions by the authority and the relevant partner or partners concerned, and
 - (b) out of which payments may be made towards expenditure incurred in the discharge of functions of the authority and functions of the relevant partner or partners.
- (6) An English local authority and each of their relevant partners falling within subsection (1)(a) must, in exercising their functions under this section, have regard to any guidance given from time to time by the Secretary of State.

Textual Amendments

- F2** S. 4(1)(za) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 137\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** Words in s. 4(1)(a) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 137\(b\)\(i\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in s. 4(1)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 137\(b\)\(ii\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in s. 4(1)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 137\(b\)\(iii\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

Commencement Information

- I5** S. 4 in force at 1.4.2008 by [S.I. 2008/785](#), [art. 2\(b\)](#)

PROSPECTIVE

5 Power to amend sections 2 and 4

The Secretary of State may by order—

- (a) amend the definition of “early childhood services” in section 2(1), and
- (b) in connection with any amendment of that definition, make such other amendments of section 2 or 4 as appear to him to be necessary or expedient.

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[^{F6}Children's centres

Textual Amendments

- F6** Ss. 5A-5G and cross-heading inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. 198, 269(2)

5A Arrangements for provision of children's centres

- (1) Arrangements made by an English local authority under section 3(2) must, so far as is reasonably practicable, include arrangements for sufficient provision of children's centres to meet local need.
- (2) “Local need” is the need of parents, prospective parents and young children in the authority's area.
- (3) In determining what provision of children's centres is sufficient to meet local need, an authority may have regard to any children's centres—
 - (a) that are provided outside the authority's area, or
 - (b) that the authority expect to be provided outside their area.
- (4) For the purposes of this Part and Part 3A a “children's centre” is a place, or a group of places—
 - (a) which is managed by or on behalf of, or under arrangements made with, an English local authority, with a view to securing that early childhood services in their area are made available in an integrated manner,
 - (b) through which each of the early childhood services is made available, and
 - (c) at which activities for young children are provided, whether by way of early years provision or otherwise.
- (5) For the purposes of this section, a service is made available—
 - (a) by providing the service, or
 - (b) by providing advice and assistance to parents and prospective parents on gaining access to the service.
- (6) Guidance given under section 3(6) in respect of arrangements made under section 3(2) by virtue of subsection (1) of this section may, in particular, relate to—
 - (a) circumstances in which any early childhood services should be made available through children's centres as mentioned in subsection (5)(a);
 - (b) circumstances in which any early childhood services should be made available through children's centres as mentioned in subsection (5)(b).
- (7) A children's centre provided by virtue of arrangements made by an English local authority under section 3(2) is to be known as a Sure Start Children's Centre.

5B Children's centres: staffing, organisation and operation

- (1) Regulations may make provision about the staffing, organisation and operation of children's centres.
- (2) The regulations may in particular—

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- (a) require English local authorities to secure that children's centres have governing bodies;
- (b) impose obligations and confer powers on any such governing bodies.

5C Children's centres: advisory boards

- (1) This section applies where arrangements made by an English local authority under section 3(2) include arrangements for the provision of one or more children's centres.
- (2) The authority must make arrangements to secure that each of the children's centres is within the remit of an advisory board.
- (3) A children's centre is within the remit of an advisory board if it is specified in relation to the board by the responsible authority.
- (4) An advisory board must provide advice and assistance for the purpose of ensuring the effective operation of the children's centres within its remit.
- (5) An advisory board must include persons representing the interests of—
 - (a) each children's centre within its remit;
 - (b) the responsible authority;
 - (c) parents or prospective parents in the responsible authority's area.
- (6) An advisory board may also include persons representing the interests of any other persons or bodies that the responsible authority think appropriate.
- (7) 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.
- (8) The guidance may in particular relate to—
 - (a) the membership of advisory boards;
 - (b) the organisation and operation of advisory boards.
- (9) The “ responsible authority ”, in relation to an advisory board in respect of which arrangements have been made under subsection (2), is the authority that made the arrangements.

5D Children's centres: consultation

- (1) An English local authority must secure that such consultation as they think appropriate is carried out—
 - (a) before making arrangements under section 3(2) for the provision of a children's centre;
 - (b) before any significant change is made in the services provided through a relevant children's centre;
 - (c) before anything is done that would result in a relevant children's centre ceasing to be a children's centre.
- (2) In discharging their duty under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.
- (3) For the purposes of this section a change in the manner in which, or the location at which, services are provided is to be treated as a change in the services.

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- (4) A “ relevant children's centre ”, in relation to an authority, is a children's centre provided by virtue of arrangements made by the authority under section 3(2).

5E Duty to consider providing services through a children's centre

- (1) This section applies where arrangements made by an English local authority under section 3(2) include arrangements for the provision of one or more children's centres.
- (2) The authority must consider whether each of the early childhood services to be provided by them should be provided through any of those children's centres.
- (3) Each relevant partner of the authority must consider whether each of the early childhood services to be provided by it in the authority's area should be provided through any of those children's centres.
- (4) In discharging their duties under this section, the authority and each relevant partner must take into account whether providing a service through any of the children's centres in question would—
- (a) facilitate access to it, or
 - (b) maximise its benefit to parents, prospective parents and young children.
- (5) In discharging their duties under this section, an English local authority and each of their relevant partners must have regard to any guidance given from time to time by the Secretary of State.
- (6) For the purposes of this section, early childhood services are provided by a person or body if they are provided on behalf of, or under arrangements made with, that person or body.
- (7) For the avoidance of doubt, nothing in this section is to be taken as preventing an English local authority or any of their relevant partners from providing early childhood services otherwise than through a children's centre.

5F Children's centres: transitional provision

- (1) This section applies if immediately before the commencement date an English local authority has made arrangements for the provision of a children's centre.
- (2) To the extent that this would not otherwise be the case, the arrangements are to be treated for the purposes of this Part and Part 3A as made under section 3(2).
- (3) “The commencement date” is the day on which section 198 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force.

5G Children's centres: interpretation

In sections 5A to 5F—

- “ children's centre ” has the meaning given by section 5A(4);
- “ early childhood services ” has the same meaning as in section 3;
- “ parent ” and “ prospective parent ” have the same meaning as in section 2;
- “ relevant partner ” has the same meaning as in section 4.]

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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
 - [^{F7}(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.
- (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 [^{F8}Equality Act 2010] ;

“parent” includes any individual who—

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

Textual Amendments

- F7** 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)**
- F8** 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)

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Commencement Information

16 S. 6 in force at 1.4.2008 by [S.I. 2008/785](#), [art. 2\(b\)](#)

[^{F9} 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

F9 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](#)

Commencement Information

17 S. 7 in force at 1.4.2008 for specified purposes by [S.I. 2008/785](#), [art. 2\(a\)](#)

18 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](#))

[^{F10} 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;

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- (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

F10 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) subject to subsection (3), 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 subsection (1)(b) include arrangements involving the provision of financial assistance by the authority.
- (3) An English local authority may not provide childcare for a particular child or group of children unless the local authority are satisfied—
- (a) that no other person is willing to provide the childcare (whether in pursuance of arrangements made with the authority or otherwise), or
 - (b) if another person is willing to do so, that in the circumstances it is appropriate for the local authority to provide the childcare.
- (4) Subsection (3) does not affect the provision of childcare by the governing body of a maintained school.
- (5) Subsection (3) does not apply in relation to the provision of childcare under section 18(1) or (5) of the Children Act 1989 (c. 41) (day care for children in need).
- (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.

Commencement Information

I9 S. 8 in force at 1.10.2007 by [S.I. 2007/2717](#), **art. 2(a)**

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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

I10 S. 9 in force at 1.10.2007 by [S.I. 2007/2717](#), [art. 2\(a\)](#)

^{F11}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.]

Textual Amendments

F11 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

I11 S. 10 in force at 1.10.2007 by [S.I. 2007/2717](#), [art. 2\(a\)](#)

^{F12}11 Duty to assess childcare provision

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Textual Amendments

F12 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)

Information, advice and assistance

12 Duty to provide information, advice and assistance

- (1) An English local authority must establish and maintain a service providing information, advice and assistance in accordance with this section.
 - (2) The service must provide to parents or prospective parents information which is of a prescribed description and relates to any of the following—
 - (a) the provision of childcare in the area of the local authority;
 - (b) any other services or facilities, or any publications, which may be of benefit to parents or prospective parents in their area;
 - (c) any other services or facilities, or any publications, which may be of benefit to children or young persons in their area.
 - (3) In prescribing information for the purpose of subsection (2), the Secretary of State must have regard to the needs of the parents of disabled children or young persons for information relating to—
 - (a) the provision of childcare which is suitable for disabled children, and
 - (b) other services or facilities, or publications, which may be of particular benefit to the parents of disabled children or young persons or to disabled children or young persons.
 - (4) The service may, in addition to providing information which it is required to provide under subsection (2), provide information relating to any of the matters mentioned in paragraphs (a) to (c) of that subsection to such persons as the local authority consider appropriate.
 - (5) The service must provide advice and assistance to parents or prospective parents who use, or propose to use, childcare provided in the area of the local authority.
 - (6) The service must be established and maintained in the manner which is best calculated to facilitate access to the service by persons in the local authority's area who may benefit from it, including, in particular, persons who might otherwise have difficulty in taking advantage of the service.
- [^{F13}(6A) Regulations may require each English local authority to publish information which is of a prescribed description and relates to any of the matters mentioned in paragraphs (a) to (c) of subsection (2).
- (6B) Regulations under subsection (6A) may require information to be published—
 - (a) at prescribed intervals;
 - (b) in a prescribed manner.
 - (6C) Subsection (3) applies in relation to information prescribed under subsection (6A) as it applies in relation to information prescribed under subsection (2).]

Status: Point in time view as at 09/12/2021. This version of this part contains provisions that are prospective.

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- (7) In exercising their functions under this section, a local authority must have regard to any guidance given from time to time by the Secretary of State.
- (8) For the purposes of this section, a child or young person is disabled if he has a disability for the purposes of the [F14Equality Act 2010].
- (9) In this section—
- “parent” means a parent of a child or young person and includes any individual who—
 - (a) has parental responsibility for a child, or
 - (b) has care of a child;
 - “prospective parent” means a pregnant woman or any other person who is likely to become, or is planning to become, a parent;
 - “young person” means a person who has attained the age of 18 but has not attained the age of 20.

Textual Amendments

- F13** S. 12(6A)-(6C) inserted (3.11.2016) by Childcare Act 2016 (c. 5), ss. 5, 7(2); S.I. 2016/1055, reg. 2(e)
- F14** Words in s. 12(8) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 89 (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

- I12** S. 12 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, art. 2(a)
- I13** S. 12 in force at 1.5.2007 for specified purposes by S.I. 2007/1019, art. 5
- I14** S. 12 in force at 1.4.2008 in so far as not already in force by S.I. 2008/785, art. 2(a)

13 Duty to provide information, advice and training to childcare providers

- (1) An English local authority must, in accordance with regulations, secure the provision of information, advice and training to—
- (a) persons providing childcare in their area who are registered under Part 3;
 - (b) persons who intend to provide childcare in their area in respect of which they will be required to be registered under Part 3;
 - (c) persons who provide childcare at any of the following [F15institutions] in their area (whether or not they are required to be registered under Part 3)—
 - (i) a maintained school,
 - (ii) a school [F16approved] under section 342 of the Education Act 1996 (c. 56) (approval of non-maintained special schools),
 - (iii) [F17an independent educational institution][F18or an alternative provision Academy that is not an independent school];
 - (d) persons who intend to provide childcare at any such [F19institution] (whether or not they would be required to be registered under Part 3);
 - (e) persons who are employed to assist any such persons as are mentioned in paragraph (a) or (c) in the provision of childcare or persons who intend to obtain such employment.
- (2) An English local authority may, in addition to securing the provision of information, advice and training which they are required to secure under subsection (1), provide

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other information, advice and training to any persons mentioned in paragraphs (a) to (e) of that subsection.

- (3) An English local authority may provide information, advice and training to persons who do not fall within any of paragraphs (a) to (e) of subsection (1) but who—
 - (a) provide or intend to provide childcare in their area, or
 - (b) are employed to assist in the provision of childcare in their area or who intend to obtain such employment.
- (4) An English local authority may impose such charges as they consider reasonable for the provision of information, advice or training provided by them in pursuance of subsection (1), (2) or (3).
- (5) 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

- F15** Word in s. 13(1)(c) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 31\(2\)\(a\)](#); S.I. 2014/3364, art. 2(z)
- F16** Word in s. 13(1)(c)(ii) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 31\(2\)\(b\)](#); S.I. 2014/3364, art. 2(z)
- F17** Words in s. 13(1)(c)(iii) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 31\(2\)\(c\)](#); S.I. 2014/3364, art. 2(z)
- F18** Words in s. 13(1)(c)(iii) inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, [Sch. para. 17](#) (with art. 3)
- F19** Word in s. 13(1)(d) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 31\(3\)](#); S.I. 2014/3364, art. 2(z)

Commencement Information

- I15** S. 13 in force at 20.12.2006 for specified purposes by [S.I. 2006/3360](#), [art. 2\(a\)](#)
- I16** S. 13 in force at 1.10.2007 in so far as not already in force by [S.I. 2007/2717](#), [art. 2\(b\)](#)

[^{F20}13A Supply of information: free of charge early years provision

- (1) This subsection applies to information held for the purposes of functions relating to tax credits—
 - (a) by the Commissioners for Her Majesty's Revenue and Customs, or
 - (b) by a person providing services to them, in connection with the provision of those services.
- (2) This subsection applies to information held for the purposes of functions relating to social security—
 - (a) by the Secretary of State, or
 - (b) by a person providing services to the Secretary of State, in connection with the provision of those services.
- (3) Information to which subsection (1) or (2) applies may be supplied to the Secretary of State, or a person providing services to the Secretary of State, for use for the purpose of determining eligibility for free of charge early years provision [^{F21}or for funding related to free of charge early years provision].

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- (4) Information to which subsection (2) applies may be supplied to an English local authority for use for that purpose.
- (5) Information received by virtue of subsection (3) may be supplied—
 - (a) to another person to whom it could have been supplied under that subsection, or
 - (b) to an English local authority,for use for that purpose.
- (6) The references in subsections (4) and (5)(b) to an English local authority include references to a person exercising on behalf of an English local authority functions relating to eligibility for free of charge early years provision [^{F22}or for funding related to free of charge early years provision].
- (7) For the purposes of this section and section 13B, free of charge early years provision is early years provision which is required to be made available in pursuance of the duty imposed by section 7.
- (8) This section does not limit the circumstances in which information may be supplied apart from this section.

Textual Amendments

- F20** S. 13A - S. 13B inserted (1.9.2012) by [Education Act 2011 \(c. 21\), ss. 1\(3\), 82\(3\)](#); S.I. 2012/1087, art. 3
- F21** Words in s. 13A(3) inserted (26.3.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 74\(1\)\(a\), 164\(2\)\(c\)](#)
- F22** Words in s. 13A(6) inserted (26.3.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\), ss. 74\(1\)\(b\), 164\(2\)\(c\)](#)

13B Unauthorised disclosure of information received under section 13A

- (1) A person commits an offence if the person discloses any information—
 - (a) which the person received by virtue of any of subsections (3) to (5) of section 13A, and
 - (b) which relates to a particular person,unless the information is disclosed in accordance with subsection (2).
- (2) Information is disclosed in accordance with this subsection if it is disclosed in any of the following ways—
 - (a) in the case of information received by virtue of section 13A(3), in accordance with section 13A(5);
 - (b) in the course of a duty that the person disclosing it has in connection with the exercise of functions relating to eligibility for free of charge early years provision [^{F23}or for funding related to free of charge early years provision];
 - (c) in accordance with an enactment or an order of a court;
 - (d) with consent given by or on behalf of the person to whom the information relates.
- (3) It is a defence for a person charged with an offence under subsection (1) to prove that the person reasonably believed that the disclosure was lawful.

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- (4) A person guilty of an offence under subsection (1) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both;
 - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both.
- (5) In relation to an offence committed before the commencement of [F24 paragraph 24(2) of Schedule 22 to the Sentencing Act 2020], the reference in subsection (4)(b) to 12 months is to be read as a reference to 6 months.]

Textual Amendments

- F20** S. 13A - S. 13B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 1(3)**, 82(3); S.I. 2012/1087, art. 3
- F23** Words in s. 13B(2)(b) inserted (26.3.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 74(2)**, 164(2)(c)
- F24** Words in s. 13B(5) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 443(1)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Miscellaneous

PROSPECTIVE

F25 14 Inspection

.....

Textual Amendments

- F25** S. 14 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 14 para. 109](#), **Sch. 18 Pt. 5**; S.I. 2007/935, art. 5(gg)(ii)

15 Powers of Secretary of State to secure proper performance etc.

- [F26(1) Section 496 of the 1996 Act (powers of Secretary of State to prevent unreasonable exercise of functions) applies in relation to the powers conferred or duties imposed on an English local authority by or under this Part as it applies in relation to the powers conferred or duties imposed on a local authority in England by or under the 1996 Act.]
- (2) Section 497 of the 1996 Act (general default powers) applies in relation to the duties imposed on an English local authority by or for the purposes of this Part as it applies in relation to the duties imposed on a [F27 local authority in England] by or for the purposes of the 1996 Act.
- [F28(3) Section 497A of the 1996 Act (power to secure proper performance of a local authority's education functions) applies in relation to an English local authority's functions under this Part as it applies in relation to the education functions of a local authority in England.

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(3A) In subsection (3) “education functions” has the meaning given by section 579(1) of the 1996 Act.]

(4) Sections 497AA and 497B of the 1996 Act apply accordingly where powers under section 497A of that Act are exercised in relation to any of the functions of an English local authority under this Part.

^{F29}(5)

(6) In subsection (5) of section 497A of the 1996 Act, the reference to functions to which that section applies includes (for all purposes) functions of an English local authority under this Part.

[^{F30}(6A) If any functions of an English local authority under this Part are exercisable by a combined authority by virtue of section 105 of the Local Democracy, Economic Development and Construction Act 2009—

- (a) a reference in any of subsections (3) to (6) to an English local authority includes a reference to the combined authority, and
- (b) a reference in those subsections to functions under this Part is, in relation to the combined authority, to be read as a reference to those functions so far as exercisable by the combined authority.]

(7) In this section, “the 1996 Act” means the Education Act 1996 (c. 56).

Textual Amendments

- F26** S. 15(1) 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(2)(a)**
- F27** Words in s. 15(2) 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(2)(b)**
- F28** S. 15(3)(3A) substituted for s. 15(3) (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(2)(c)**
- F29** S. 15(5) repealed (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(2)(d), **Sch. 3 Pt. 2**
- F30** S. 15(6A) inserted (31.10.2017) by [Children and Social Work Act 2017 \(c. 16\)](#), **ss. 33(2), 70(2)**; S.I. 2017/918, reg. 2(c)

Modifications etc. (not altering text)

- C1** S. 15 modified (3.11.2016) by [Childcare Act 2016 \(c. 5\)](#), **ss. 2(7), 7(2)**; S.I. 2016/1055, reg. 2(b)

Commencement Information

- I17** S. 15 in force at 1.4.2007 by [S.I. 2007/1019](#), **art. 3**

16 Amendments of Children Act 2004

(1) The Children Act 2004 (c. 31) is amended as follows.

(2) In section 18 (director of children's services), in subsection (2)—

- (a) omit the “and” at the end of paragraph (d), and
- (b) after paragraph (e) insert “; and

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- (f) the functions conferred on the authority under Part 1 of the Childcare Act 2006.”
- (3) In section 23 (interpretation), in subsection (3) (which defines “children's services”)—
 - (a) omit the “and” at the end of paragraph (b), and
 - (b) after paragraph (c) insert “; and
 - (d) any function conferred on a local authority under Part 1 of the Childcare Act 2006.”

Commencement Information

I18 S. 16 in force at 1.4.2007 by [S.I. 2007/1019](#), **art. 3**

17 Charges for early years provision at maintained school

- (1) Section 451 of the Education Act 1996 (prohibition of charges for provision of education) is amended as follows.
- (2) After subsection (2) insert—
 - “(2A) Regulations may, in relation to England, prescribe circumstances in which subsection (2) does not apply in relation to education which is early years provision (as defined by section 20 of the Childcare Act 2006) other than —
 - (a) early years provision provided in pursuance of the duty imposed by section 7 of that Act, or
 - (b) early years provision for a pupil who is of compulsory school age.”
- (3) In subsection (4) after paragraph (b) insert “or
 - (c) provided in pursuance of the duty imposed by section 7 of the Childcare Act 2006.”

Commencement Information

I19 S. 17 in force at 1.10.2007 by [S.I. 2007/2717](#), **art. 2(a)**

Interpretation

18 Meaning of childcare

- (1) This section applies for the purposes of this Part and Part 3.
- (2) “Childcare” means any form of care for a child and, subject to subsection (3), care includes—
 - (a) education for a child, and
 - (b) any other supervised activity for a child.
- (3) “Childcare” does not include—
 - (a) education (or any other supervised activity) provided by a school during school hours for a registered pupil who is not a young child, or
 - (b) any form of health care for a child.

Status: Point in time view as at 09/12/2021. This version of this part contains provisions that are prospective.

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- (4) “Childcare” does not include care provided for a child by—
- (a) a parent or step-parent of the child;
 - (b) a person with parental responsibility for the child;
 - (c) a relative of the child;
 - (d) a person who is a local authority foster parent in relation to the child;
 - (e) a person who is a foster parent with whom the child has been placed by a voluntary organisation;
 - (f) a person who fosters the child privately.
- (5) “Childcare” does not include care provided for a child if the care—
- (a) is provided in any of the following establishments as part of the establishment's activities—
 - ^{F31}(i) a children's home in respect of which a person is registered under Part 2 of the Care Standards Act 2000,]
 - (ii) a care home,
 - (iii) a hospital in which the child is a patient,
 - (iv) a residential family centre, and
 - (b) is so provided by the person carrying on the establishment or a person employed to work at the establishment.
- (6) The reference in subsection (5)(b) to a person who is employed includes a reference to a person who is employed under a contract for services.
- (7) “Childcare” does not include care provided for a child who is detained in—
- (a) a young offender institution, ^{F32}...
 - (b) a secure training centre ^{F33}, or]
 - ^{F34}(c) a secure college.]
- (8) In this section—
- (a) ^{F35}... “local authority foster parent”, “to foster a child privately” and “voluntary organisation” have the same meaning as in the Children Act 1989 (c. 41);
 - (b) “care home”, ^{F36}“children's home”^{F37}... and “residential family centre” have the same meaning as in the Care Standards Act 2000 (c. 14);
 - ^{F38}(ba) “hospital” has the meaning given by section 275 of the National Health Service Act 2006.]
 - (c) “relative”, in relation to a child, means a grandparent, aunt, uncle, brother or sister, whether of the full blood or half blood or by marriage or civil partnership.

Textual Amendments

- F31** S. 18(5)(a)(i) substituted (1.4.2011 for E., 1.12.2017 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), s. 44(4), [Sch. 1 para. 19\(2\)](#); S.I. 2010/2981, art. 4(a); S.I. 2017/948, art. 2(a)
- F32** Word in s. 18(7)(a) omitted (20.3.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 21\(a\)](#); S.I. 2015/778, art. 2(1)(c)
- F33** Word in s. 18(7)(b) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 21\(b\)](#); S.I. 2015/778, art. 2(1)(c)
- F34** S. 18(7)(c) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 21\(c\)](#); S.I. 2015/778, art. 2(1)(c)

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- F35** Words in s. 18(8)(a) repealed (1.4.2011 for E., 1.12.2017 for W.) by [Children and Young Persons Act 2008 \(c. 23\), s. 44\(4\), Sch. 1 para. 19\(3\)\(a\), Sch. 4](#); S.I. 2010/2981, art. 4(a)(l); S.I. 2017/948, art. 2(a)(c)(iv)
- F36** Words in s. 18(8)(b) inserted (1.4.2011 for E., 1.12.2017 for W.) by [Children and Young Persons Act 2008 \(c. 23\), s. 44\(4\), Sch. 1 para. 19\(3\)\(b\)](#); S.I. 2010/2981, art. 4(a); S.I. 2017/948, art. 2(a)
- F37** Word in s. 18(8)(b) omitted (1.10.2010) by virtue of [Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\), arts. 1\(1\), 18](#)
- F38** S. 18(8)(ba) inserted (1.10.2010) by [Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\), arts. 1\(1\), 18](#)

Commencement Information

- I20** S. 18 in force at 20.12.2006 by [S.I. 2006/3360, art. 2\(b\)](#)

19 Meaning of “young child”

For the purposes of this Part and Part 3, a child is a “young child” during the period—

- (a) beginning with his birth, and
- (b) ending immediately before the 1st September next following the date on which he attains the age of five.

Commencement Information

- I21** S. 19 in force at 20.12.2006 by [S.I. 2006/3360, art. 2\(b\)](#)

20 Meaning of “early years provision”

In this Part “early years provision” means the provision of childcare for a young child.

Commencement Information

- I22** S. 20 in force at 20.12.2006 by [S.I. 2006/3360, art. 2\(b\)](#)

21 Interpretation of Part 1

In this Part—

- “childcare” has the meaning given by section 18;
- “early years provision” has the meaning given by section 20;
- F39**
...
- F39**
...
- “young child” has the meaning given by section 19.

Textual Amendments

- F39** Words in s. 21 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. 107, Sch. 2 Pt. 3 \(with art. 2\(3\)\)](#)

Status: Point in time view as at 09/12/2021. This version of this part contains provisions that are prospective.

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Commencement Information

I23 S. 21 in force at 20.12.2006 by [S.I. 2006/3360](#), [art. 2\(b\)](#)

Status:

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Changes to legislation:

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