



# Education Act 2011

## 2011 CHAPTER 21

### PART 1

#### EARLY YEARS PROVISION

#### **1 Free of charge early years provision**

- (1) Part 1 of the Childcare Act 2006 (functions of local authorities in England in relation to childcare) is amended as set out in subsections (2) and (3).
- (2) For section 7 (duty to secure prescribed early years provision free of charge) substitute—

**“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.”
- (3) After section 13 insert—

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*Status: This is the original version (as it was originally enacted).*

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### **“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.
- (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.
- (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.

### **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);

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*Status: This is the original version (as it was originally enacted).*

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- (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;
    - (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.
  - (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 section 154(1) of the Criminal Justice Act 2003, the reference in subsection (4) (b) to 12 months is to be read as a reference to 6 months.”
- (4) Section 100 of the Childcare Act 2006 (provision of information about young children: transitory provision) is repealed.