



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART V

#### NURSERY EDUCATION

#### *Early years development [<sup>F1</sup>and childcare] plans*

#### Textual Amendments

- F1** Words in cross-heading before s. 120 inserted (1.10.2002 for E. and 31.3.2003 for W.) by [Education Act 2002 \(c. 32\), ss. 150\(5\), 216](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#), (with Sch.); [S.I. 2002/3185, art. 5](#), Sch. Pt. II

#### **120** Early years development [<sup>F2</sup>and childcare] plans.

- (1) Every local education authority shall, in conjunction with the early years development [<sup>F3</sup>and childcare] partnership for their area—
- (a) prepare an early years development [<sup>F3</sup>and childcare] plan for their area, and
  - (b) prepare further such plans at such intervals as may be determined by or in accordance with regulations.
- (2) An early years development [<sup>F4</sup>and childcare] plan shall consist of—
- (a) a statement [<sup>F5</sup>of proposals] , which sets out the authority's proposals for complying with their duty under section 118, [<sup>F5</sup>and]
  - [<sup>F6</sup>(b) a statement which sets out the authority's proposals for providing or promoting the provision of childcare for their area, and
  - (c) background and supporting statements.]
- [<sup>F7</sup>(3) The statement mentioned in subsection (2)(a) must deal with such matters, and relate to such period, as may be determined by or in accordance with regulations.

*Status: Point in time view as at 01/10/2002.*

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- (4) In relation to the form and content of the statements mentioned in subsection (2)(b) and (c) the authority shall have regard to any guidance given from time to time by the Secretary of State.]

#### Textual Amendments

- F2** Part. V: after the words "early years development" (in each place it occurs) there is inserted the words "and childcare" (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. {150(5)}, 216 (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#), (with Sch.)
- F3** Part. V: after the words "early years development" (in each place it occurs) there is inserted the words "and childcare" (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. {150(5)}, 216 (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#), (with Sch.)
- F4** Part. V: after the words "early years development" (in each place it occurs) there is inserted the words "and childcare" (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. {150(5)}, 216 (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#), (with Sch.)
- F5** Words in [s. 120\(2\)\(a\)](#) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. [215\(2\)](#), [216](#), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#) (with Sch.)
- F6** [S. 120\(2\)\(b\)\(c\)](#) substituted for (2)(b) (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. {150(2)}, 216 (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#) (with Sch.)
- F7** [S. 120\(3\)\(4\)](#) substituted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. {150(3)}, 216 (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#) (with Sch.)

#### Modifications etc. (not altering text)

- C1** [S. 120](#): functions not to be the sole responsibility of an authority's executive (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 4\(1\)](#), [Sch. 3](#)

## 121 Approval, modification and review of statement of proposals.

- (1) Where an early years development [<sup>F8</sup>and childcare] plan has been prepared in accordance with section 120, the authority shall, by such date as may be determined by or in accordance with regulations, submit the plan to the Secretary of State for him to approve [<sup>F9</sup>the authority's statement of proposals] under this section.
- (2) The Secretary of State may in the case of any [<sup>F10</sup>plan] submitted to him under this section—
- approve the [<sup>F10</sup>plan] in any of the following ways, namely wholly or in part, for a limited period of time, or subject to conditions;
  - require the authority to make such modifications to the [<sup>F10</sup>plan] as he may specify; or
  - reject the [<sup>F10</sup>plan] .
- (3) If the Secretary of State approves the [<sup>F11</sup>plan]—
- he shall notify the authority of his decision; and
  - the authority shall implement the [<sup>F11</sup>plan] , so far as approved by the Secretary of State, as from such date as he may determine.
- (4) If the Secretary of State requires the authority to make modifications or rejects the [<sup>F12</sup>plan]—
- he shall notify the authority of his decision and of his reasons for it; and
  - the authority shall prepare a revised [<sup>F12</sup>plan] and submit it to the Secretary of State for his approval under this section by such date as he may determine.

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- (5) Once the Secretary of State has approved an authority's [F13]plan] under subsection (2), he shall keep under review the authority's [F13]plan] , as approved by him, and [F14]its] implementation by the authority, and—
- where he is of the opinion that the [F15]plan] should be modified (or further modified), he may withdraw his approval and require the authority to make such modifications to the [F15]plan] as he may specify; and
  - where he is of the opinion that the authority's [F16]plan] is not being properly implemented by them, he may withdraw his approval for such period as he thinks fit.
- (6) If under subsection (5) the Secretary of State withdraws his approval of a [F17]plan]—
- he shall notify the authority of his decision and of his reasons for it; and
  - in a case falling within paragraph (a) of that subsection, the authority shall prepare a revised [F18]plan] and submit it to him for his approval under this section by such date as he may determine.
- (7) Section 120 shall apply to the preparation of a revised [F19]plan] under subsection (4) (b) or (6)(b), with such modifications (if any) as the Secretary of State may determine.
- (8) At any time after the Secretary of State has approved an authority's [F20]plan] under subsection (2)—
- the authority may, with the agreement of the early years development [F8]and childcare] partnership, submit modifications to the [F21]plan] to the Secretary of State for his approval, and
  - the Secretary of State may approve the modifications, whether in whole or in part, for a limited period of time, or subject to conditions, and
  - if and to the extent that he approves those modifications, he shall notify the authority of his decision and—
    - the [F22]plan] shall have effect with the modifications, and
    - the authority shall implement their [F22]plan] as modified, as from such date as he may determine.
- (9) Once the Secretary of State has approved—
- an authority's [F23]plan] under subsection (2), or
  - the modification of an authority's [F23]plan] under subsection (8),
- the authority shall publish their [F24]early years development] plan (or their plan as so modified) in such manner and by such date as may be prescribed, and shall provide such persons as may be prescribed with copies of that plan or of a summary of that plan.

#### Textual Amendments

- F8** Part. V: after the words "early years development" (in each place it occurs) there is inserted the words "and childcare" (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. {150(5)}, 216 (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#), (with Sch.)
- F9** Words in [s. 121\(1\)](#) repealed (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 150(4)(a), 215(2), 216, [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#) (with Sch.)
- F10** Words in [s. 121\(2\)](#) substituted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. {150(4)(b)}, 216 (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#) (with Sch.)
- F11** Words in [s. 121\(3\)](#) substituted (1.10.2002 for E. otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. {150(4)(c)}, 216 (with ss. 210(8), 214(4)); [S.I. 2002/2439, art. 3](#) (with Sch.)

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- F12** Words in s. 121(4) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(d)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F13** Words in s. 121(5) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(e)(i)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F14** Word in s. 121(5) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(e)(ii)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F15** Words in s. 121(5)(a) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(e)(iii)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F16** Word in s. 121(5)(b) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(e)(iii)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F17** Words in s. 121(6) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(f)(i)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F18** Word in s. 121(6)(b) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(f)(ii)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F19** Word in s. 121(7) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(g)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F20** Words in s. 121(8) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(h)(i)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F21** Word in s. 121(8)(a) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(h)(i)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F22** Words in s. 121(8)(c) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(h)(iii)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F23** Words in s. 121(9) substituted (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. {150(4)(i)}, 216 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)
- F24** Words in s. 121(1) repealed (1.10.2002 for E. otherwise prosp.) by Education Act 2002 (c. 32), ss. 150(4)(a), 215(2), 216, Sch. 22 Pt. 3 (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3 (with Sch.)

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