



# Childcare Act 2006

## CHAPTER 21

### CHILDCARE ACT 2006

#### 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
- 2 Meaning of “early childhood services” for purposes of section 3
- 3 Specific duties of local authority in relation to early childhood services
- 4 Duty of local authority and relevant partners to work together
- 5 Power to amend sections 2 and 4

###### *Children's centres*

- 5A Arrangements for provision of children's centres
- 5B Children's centres: staffing, organisation and operation
- 5C Children's centres: advisory boards
- 5D Children's centres: consultation
- 5E Duty to consider providing services through a children's centre
- 5F Children's centres: transitional provision
- 5G Children's centres: interpretation

###### *Provision of childcare*

- 6 Duty to secure sufficient childcare for working parents
- 7 Duty to secure early years provision free of charge in accordance with regulations
- 7A Discharge of duty under section 7
- 8 Powers of local authority in relation to the provision of childcare

*Status: Point in time view as at 06/04/2016.*

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- 9 Arrangements between local authority and childcare providers
- 9A Arrangements made by local authorities for the purposes of section 7
- 10 Charges where local authority provide childcare
- 11 Duty to assess childcare provision

*Information, advice and assistance*

- 12 Duty to provide information, advice and assistance
- 13 Duty to provide information, advice and training to childcare providers
- 13A Supply of information: free of charge early years provision
- 13B Unauthorised disclosure of information received under section 13A

*Miscellaneous*

- 14 Inspection
- 15 Powers of Secretary of State to secure proper performance etc.
- 16 Amendments of Children Act 2004
- 17 Charges for early years provision at maintained school

*Interpretation*

- 18 Meaning of childcare
- 19 Meaning of “young child”
- 20 Meaning of “early years provision”
- 21 Interpretation of Part 1

**PART 2**

GENERAL FUNCTIONS OF LOCAL AUTHORITY: WALES

*Provision of childcare*

- 22 Duty to secure sufficient childcare for working parents
- 23 Powers of local authority in relation to the provision of childcare
- 24 Arrangements between local authority and childcare providers
- 25 Charges where local authority provide childcare
- 26 Power to require local authority to assess childcare provision

*Information, advice and assistance*

- 27 Duty to provide information, advice and assistance

*Miscellaneous*

- 28 Inspection
- 29 Powers of intervention of Welsh Ministers etc.

*Interpretation*

- 30 Interpretation of Part 2

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## **PART 3**

### REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

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##### GENERAL FUNCTIONS OF CHIEF INSPECTOR

- 31 General functions of the Chief Inspector
- 32 Maintenance of the two childcare registers

#### **CHAPTER 2**

##### REGULATION OF EARLY YEARS PROVISION

###### *Requirements to register*

- 33 Requirement to register: early years childminders
- 34 Requirement to register: other early years providers

###### *Process of registration*

- 35 Applications for registration: early years childminders
- 36 Applications for registration: other early years providers
- 37 Entry on the register and certificates
- 37A Early years childminder agencies: registers and certificates
- 38 Conditions on registration

###### *Requirements to be met by early years providers*

- 39 The Early Years Foundation Stage
- 40 Duty to implement Early Years Foundation Stage
- 41 The learning and development requirements
- 42 Further provisions about assessment arrangements
- 43 Welfare requirements
- 44 Instruments specifying learning and development or welfare requirements
- 45 Procedure for making certain orders
- 46 Power to enable exemptions to be conferred
- 47 Independent schools
- 48 Amendments relating to curriculum

###### *Inspection*

- 49 Inspections
- 50 Report of inspections

###### *Interpretation*

- 51 Interpretation of Chapter 2

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##### REGULATION OF EARLY YEARS CHILDMINDER AGENCIES

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*Process of registration*

- 51A Applications for registration
- 51B Entry on the register and certificates
- 51C Conditions on registration

*Inspections*

- 51D Inspections of early years childminder agencies
- 51E Reports of inspections

*False representations*

- 51F False representations

**CHAPTER 3**

REGULATION OF LATER YEARS PROVISION FOR CHILDREN UNDER 8

*Requirements to register*

- 52 Requirement to register: later years childminders for children under eight
- 53 Requirement to register: other later years providers for children under eight

*Process of registration*

- 54 Applications for registration: later years childminders
- 55 Applications for registration: other later years providers
- 56 Entry on the register and certificates
- 56A Later years childminder agencies: registers and certificates
- 57 Special procedure for providers registered in the early years register
- 57A Special procedure for providers registered with early years childminder agencies

*Regulation*

- 58 Conditions on registration
- 59 Regulations governing activities

*Inspection*

- 60 Inspections
- 61 Report of inspections

**CHAPTER 3A**

REGULATION OF LATER YEARS CHILDMINDER AGENCIES

*Process of registration*

- 61A Applications for registration
- 61B Entry on the register and certificates
- 61C Special procedure for registered early years childminder agencies
- 61D Conditions on registration

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### *Inspections*

- 61E Inspections of later years childminder agencies
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### *False representations*

- 61G False representations

## **CHAPTER 4**

### **VOLUNTARY REGISTRATION**

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- 62 Applications for registration on the general register: childminders
- 63 Applications for registration on the general register: other childcare providers
- 64 Entry on the register and certificates
- 65 Special procedure for persons already registered in a childcare register

#### *Voluntary registration of persons registered with childminder agencies*

- 65A Procedure for persons already registered with a childminder agency

#### *Regulation of persons registering voluntarily*

- 66 Conditions on registration
- 67 Regulations governing activities

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### **COMMON PROVISIONS**

#### *Cancellation of registration etc.*

- 68 Cancellation of registration in a childcare register: early years and later years providers
- 69 Suspension of registration in a childcare register: early years and later years providers
- 69A Cancellation, termination and suspension of registration with a childminder agency
- 69B Cancellation of registration: childminder agencies
- 69C Suspension of registration: childminder agencies
- 70 Voluntary removal from a childcare register: early years and later years providers
- 70A Voluntary removal from a childcare register: childminder agencies
- 71 Termination of voluntary registration in Part B of the general childcare register on expiry of prescribed period

#### *Cancellation etc. in an emergency*

- 72 Protection of children in an emergency

#### *Registration – procedural safeguards*

- 73 Procedure for taking certain steps

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74 Appeals relating to registration in a childcare register

*Disqualification from registration : early years and later years providers*

75 Disqualification from registration: early years and later years providers

76 Consequences of disqualification : early years and later years providers

*Disqualification from registration: childminder agencies*

76A Disqualification from registration: childminder agencies

76B Consequences of disqualification: childminder agencies

*Rights of entry*

77 Chief Inspector's powers of entry: early years provision and later years provision

78 Powers of entry under section 77: requirement for consent

78A Chief Inspector's powers of entry: childminder agencies

78B Powers of entry under section 78A: requirement for consent

79 Power of constable to assist in exercise of powers of entry

*Reports and information*

80 Combined reports

81 Information to be included in annual reports

82 Supply of information to Chief Inspector

83 Supply of information to the Secretary of State, HMRC and local authorities by the Chief Inspector

83A Supply of information to the Secretary of State, HMRC and local authorities by childminder agencies

84 Disclosure of information for certain purposes : the Chief Inspector

84A Disclosure of information for certain purposes: childminder agencies

*Offences and criminal proceedings*

85 Offence of making false or misleading statement

85A Offence of providing provision other than on approved premises

86 Time limit for proceedings

87 Offences by bodies corporate and partnerships

88 Unincorporated associations

*Miscellaneous*

89 Fees

90 Cases where consent to disclosure withheld

91 Co-operation between authorities

92 Combined certificates of registration

93 Notices

94 Power to amend Part 3: applications in respect of multiple premises

95 Certain institutions not to be regarded as schools

*Interpretation*

96 Meaning of early years and later years provision etc.

97 Employees not to be regarded as providing childcare

98 Interpretation of Part 3

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## PART 3A

### INSPECTION OF CHILDREN'S CENTRES

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- 98B Reports
- 98C Action to be taken by local authority on receiving report
- 98D Inspections of children's centres: powers of entry
- 98E Obstruction of power of entry, etc.
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- 98G Inspection of children's centres: interpretation

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#### *Provision of information about children*

- 99 Provision of information about young children: England
- 100 Provision of information about young children: transitory provision
- 101 Provision of information about children: Wales

#### *Disqualification for registration under Children Act 1989*

- 102 Disqualification for registration under Children Act 1989

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- 105 Subordinate legislation: parliamentary control
- 106 General interpretation etc.
- 107 Financial provisions
- 108 Isles of Scilly
- 109 Commencement
- 110 The appropriate authority by whom commencement order is made
- 111 Short title and extent

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## SCHEDULES

### SCHEDULE 1 — Amendments relating to the curriculum

#### *Interpretation*

- 1 In this Schedule “the 2002 Act” means the Education Act...

#### *Education Act 1997 (c. 44)*

- 2 (1) Section 23 of the Education Act 1997 (functions of...

#### *Education Act 2002 (c. 32)*

- 3 (1) Section 76 of the 2002 Act (interpretation of Part...
- 4 Omit section 77 of the 2002 Act (meaning of “nursery...
- 5 In section 78 of the 2002 Act (general requirements in...
- 6 (1) Section 79 of the 2002 Act (duty to implement...

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- 7 (1) Section 80 of the 2002 Act (basic curriculum for...
- 8 Omit section 81 of the 2002 Act (the foundation stage)....
- 9 Omit section 83 of the 2002 Act (curriculum requirements for...
- 10 (1) Section 87 of the 2002 Act (establishment of National...
- 11 Omit section 89 of the 2002 Act (implementation in respect...
- 12 (1) Section 90 of the 2002 Act (development work and...
- 13 In section 93 of the 2002 Act (temporary exceptions for...
- 14 In section 94 of the 2002 Act (information concerning directions...
- 15 In section 96 of the 2002 Act (procedure for making...
- 16 In section 210 of the 2002 Act (orders and regulations)—...

## SCHEDULE 2 — Minor and consequential amendments

### *Local Authority Social Services Act 1970 (c. 42)*

- 1 In Schedule 1 to the Local Authority Social Services Act...

### *Magistrates' Courts Act 1980 (c. 43)*

- 2 In section 65 of the Magistrates' Courts Act 1980 (meaning...

### *Supreme Court Act 1981 (c. 54)*

- 3 In Schedule 1 to the Supreme Court Act 1981 (distribution...

### *Children Act 1989 (c. 41)*

- 4 In section 18 of the Children Act 1989 (day care...
- 5 In the heading of Part 10A of the Children Act...
- 6 In Part 10A of the Children Act 1989 (including Schedule...
- 7 In section 79B of the Children Act 1989 (other definitions...
- 8 In section 79C of the Children Act 1989 (regulations etc....
- 9 In section 79D of the Children Act 1989 (requirement to...
- 10 In section 79H of the Children Act 1989 (suspension of...
- 11 In section 79K of the Children Act 1989 (protection of...
- 12 Omit sections 79N, 79Q and 79R of the Children Act...
- 13 In section 79S of the Children Act 1989 (general functions...
- 14 In section 79U of the Children Act 1989 (rights of...
- 15 In section 79V of the Children Act 1989 (function of...
- 16 In section 79W of the Children Act 1989 (requirement for...
- 17 In section 105 of the Children Act 1989 (interpretation) in...
- 18 (1) Schedule 9A to the Children Act 1989 (child minding...

### *Water Industry Act 1991 (c. 56)*

- 19 In Schedule 4A to the Water Industry Act 1991 (premises...

### *Education Act 1996 (c. 56)*

- 20 In the heading to section 17 of the Education Act...
- 21 In section 318 of the Education Act 1996 (provision of...
- 22 (1) Section 329A of the Education Act 1996 (review or...
- 23 In section 509A of the Education Act 1996 (travel arrangements...
- 24 In section 512 of the Education Act 1996 (LEA functions...
- 25 (1) Section 515 of the Education Act 1996 (provision of...
- 26 (1) Section 535 of the Education Act 1996 (provision of...



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27 (1) Section 548 of the Education Act 1996 (no right...

*Education Act 1997 (c. 44)*

28 In section 38 of the Education Act 1997 (inspection of...

*Police Act 1997 (c. 50)*

29 In section 113F of the Police Act 1997 (criminal record...

*School Standards and Framework Act 1998 (c. 31)*

30 In section 118 of the School Standards and Framework Act...

31 Section 118A of the School Standards and Framework Act 1998...

32 (1) Section 119 of the School Standards and Framework Act...

33 (1) Section 122 of the School Standards and Framework Act...

34 In section 123 of the School Standards and Framework Act...

35 In section 142 of the School Standards and Framework Act...

36 (1) Schedule 26 to the School Standards and Framework Act...

*Protection of Children Act 1999 (c. 14)*

37 In section 2A of the Protection of Children Act 1999...

38 In section 9 of the Protection of Children Act 1999...

*Criminal Justice and Court Services Act 2000 (c. 43)*

39 In section 36 of the Criminal Justice and Court Services...

40 In section 42 of the Criminal Justice and Court Services...

*Education Act 2002 (c. 32)*

41 In section 153 of the Education Act 2002 (powers of...

42 In section 176 of the Education Act 2002 (consultation with...

*Children Act 2004 (c. 31)*

43 In section 12 of the Children Act 2004 (information databases)...

*Education Act 2005 (c. 18)*

44 In section 59(1) of the Education Act 2005 (combined reports)—...

SCHEDULE 3 — Repeals

Part 1 — THE CURRICULUM

Part 2 — OTHER REPEALS

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