

*These notes refer to the Childcare Act 2006 (c.21)
which received Royal Assent on 11 July 2006*

CHILDCARE ACT 2006

EXPLANATORY NOTES

SUMMARY

Part 1: General Functions of Local Authority: England

9. This Part sets out the duties placed upon local authorities in three main areas – improving the outcomes for young children, securing sufficient childcare and providing information to parents. These duties reflect the growing strategic role that local authorities have in planning, commissioning and delivering services for children and families. The duties in this Part will allow local authorities the flexibility to implement delivery in ways that best suit their particular circumstances, and will allow future development without the need to alter the underpinning legislation.
10. **Part 1** requires local authorities in England to improve well-being for young children, and defines well-being according to the five outcomes identified in the Green Paper ‘*Every Child Matters*’ (September 2003): being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well-being. It requires early childhood services (identified as early years provision, health services, social services and employment services) to be provided in an integrated manner. It provides for the NHS and Jobcentre Plus to work in partnership with the local authority to deliver these early childhood services in an accessible and integrated way.
11. Local authorities are also required to secure sufficient childcare for working parents and those making the transition to work. They have a duty to regularly assess demand for, and availability of, local childcare provision and to support local childcare providers with information, advice and training. Local authorities will generally be able to charge for childcare which they provide but they are required to secure that a prescribed amount of early years provision is provided free of charge for young children.
12. This Part also places a duty on local authorities to set up and run a service for parents and prospective parents, providing information on services, facilities and publications which may benefit them or children or young people and providing advice and assistance on childcare.

Part 2: General Functions of Local Authority: Wales

13. **Part 2** requires local authorities in Wales to secure sufficient childcare for working parents and those making the transition to work. It enables regulations to be made requiring the local authority to regularly assess demand for, and availability of, local childcare provision.
14. This Part also places a duty on local authorities in Wales to set up and run a service for parents and prospective parents, providing information on services, facilities and publications which may benefit them or children or young people and providing advice and assistance on childcare.

Part 3: Regulation of Provision of Childcare in England

15. **Part 3** of the Act puts in place legislative provisions to implement the proposals to reform regulation and inspection of childcare which were set out in the Ten Year Strategy. The Strategy set out the following proposals:
 - To introduce a new legal framework for the integrated regulation and inspection of early education and childcare services.
 - To create a single framework for high quality integrated education and care which underpins the learning and development of children from birth to five.
 - To review the scope of regulation to make sure that different types of settings are subject to appropriate standards.
16. **Chapters 2 - 5** of Part 3 cover the registration, inspection and regulation of the provision of childcare as defined by section 18. Chapter 2 covers the registration of, and requirements to be met by, early years providers. Early years provision is defined in section 20 as provision of childcare for a young child. A child is regarded as a young child until 1st September following his 5th birthday. Chapter 2 sets out who will be required to be registered as an early years childminder (that is, someone who operates on domestic premises) or other early years provider. Chapter 2 goes on to put in place measures for the registration, inspection and regulation of early years providers. It makes provision for the establishment of the Early Years Foundation Stage (EYFS) for the purpose of promoting the well-being of young children who are receiving early years provision (section 39).
17. **Chapter 3** of Part 3 covers registration, inspection and regulation requirements for childcare for children from 1 September following their 5th birthday up to the age of eight.
18. **Chapter 4** of Part 3 covers the process of voluntary registration and the regulation of those persons who register voluntarily. Voluntary registration is available to all those who are not required to be registered (other than certain providers based in schools) but who look after children below an age to be prescribed in regulations, providing that they meet the registration requirements. Providers who are exempted from compulsory registration by subordinate legislation are among those who may be able to register voluntarily.
19. **Chapter 5** of Part 3 includes provisions which apply to all registered childcare providers. It includes provisions relating to cancellation and suspension of registration, disqualification from registration and removal from the registers. It also includes provisions dealing with inspectors' rights of entry and powers and duties in relation to provision of information about providers. Provision is made relating to offences and criminal proceedings. There are other miscellaneous provisions including provisions relating to fees for registration, co-operation between local authorities and the Chief Inspector, combining registration certificates, communication of notices, the definition of school and employees of childcare providers.

Part 4: Miscellaneous and General

20. **Part 4** makes provision for the collection of information relating to certain children for whom childcare is provided. It also amends paragraph 4 of Schedule 9A to the Children Act 1989 which deals with disqualification for registration under that Act. It also makes general provision about subordinate legislation, interpretation and commencement.