

# CHILD CARE ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS AND SCHEDULES

#### **Part 1: General Functions of Local Authority: England**

##### *Sections 6-13: overview*

36. [Sections 6 to 13](#) all relate to the provision of childcare, creating new and replacing existing statutory duties. Section 6 places a duty on local authorities in England to secure, so far as is reasonably practicable, sufficient childcare (including early years provision) for working parents in their area and parents making the transition to work. The other sections deal with a range of matters relating to the assessment and provision of childcare and the provision of information. Although the other sections are not limited to childcare for working parents, they confer powers and duties which are relevant to the discharge by local authorities of the duty imposed by section 6.
37. The intention is to bring section 11 (which relates to assessment of childcare provision) into force before the other sections in this group, so that local authorities would first have to assess the current state of childcare in their area, identifying any gaps in provision where parents' needs are not being met. Once the assessment has been undertaken, authorities would then consider what action they might need to take (using the provisions in sections 8, 9, 10 and 13) to fulfil the sufficiency duty in section 6. Section 8 gives local authorities powers to give assistance to childcare providers (including financial support) and to provide childcare themselves, subject to restrictions. Section 9 allows authorities to place conditions on any financial agreements they may make with childcare providers and to require repayment if providers fail to meet the conditions. Section 13, which replaces an existing duty, requires local authorities to provide information, advice and training to registered and school-based childcare providers, allows them also to do so for other providers, and permits them to make reasonable charges for this support.
38. [Section 7](#) requires local authorities to secure free early years provision for young children within a particular age group. This replaces an existing duty.
39. The final part of the "childcare" package is section 12 which develops an existing duty by requiring local authorities to provide parents and prospective parents with information about childcare and other services for children and young people. In respect of childcare, they must go further and also provide advice and assistance to help parents find childcare that meets their particular needs.