



Childcare Act 2006

2006 CHAPTER 21

PART 1

GENERAL FUNCTIONS OF LOCAL AUTHORITY: ENGLAND

Information, advice and assistance

12 Duty to provide information, advice and assistance

- (1) An English local authority must establish and maintain a service providing information, advice and assistance in accordance with this section.
- (2) The service must provide to parents or prospective parents information which is of a prescribed description and relates to any of the following—
 - (a) the provision of childcare in the area of the local authority;
 - (b) any other services or facilities, or any publications, which may be of benefit to parents or prospective parents in their area;
 - (c) any other services or facilities, or any publications, which may be of benefit to children or young persons in their area.
- (3) In prescribing information for the purpose of subsection (2), the Secretary of State must have regard to the needs of the parents of disabled children or young persons for information relating to—
 - (a) the provision of childcare which is suitable for disabled children, and
 - (b) other services or facilities, or publications, which may be of particular benefit to the parents of disabled children or young persons or to disabled children or young persons.
- (4) The service may, in addition to providing information which it is required to provide under subsection (2), provide information relating to any of the matters mentioned in paragraphs (a) to (c) of that subsection to such persons as the local authority consider appropriate.

Status: Point in time view as at 09/12/2021.

Changes to legislation: Childcare Act 2006, Cross Heading: Information, advice and assistance is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) The service must provide advice and assistance to parents or prospective parents who use, or propose to use, childcare provided in the area of the local authority.
- (6) The service must be established and maintained in the manner which is best calculated to facilitate access to the service by persons in the local authority's area who may benefit from it, including, in particular, persons who might otherwise have difficulty in taking advantage of the service.
- [^{F1}(6A) Regulations may require each English local authority to publish information which is of a prescribed description and relates to any of the matters mentioned in paragraphs (a) to (c) of subsection (2).
- (6B) Regulations under subsection (6A) may require information to be published—
- (a) at prescribed intervals;
 - (b) in a prescribed manner.
- (6C) Subsection (3) applies in relation to information prescribed under subsection (6A) as it applies in relation to information prescribed under subsection (2).]
- (7) In exercising their functions under this section, a local authority must have regard to any guidance given from time to time by the Secretary of State.
- (8) For the purposes of this section, a child or young person is disabled if he has a disability for the purposes of the [^{F2}Equality Act 2010].
- (9) In this section—
- “parent” means a parent of a child or young person and includes any individual who—
- (a) has parental responsibility for a child, or
 - (b) has care of a child;
- “prospective parent” means a pregnant woman or any other person who is likely to become, or is planning to become, a parent;
- “young person” means a person who has attained the age of 18 but has not attained the age of 20.

Textual Amendments

- F1** S. 12(6A)-(6C) inserted (3.11.2016) by Childcare Act 2016 (c. 5), ss. 5, 7(2); S.I. 2016/1055, reg. 2(e)
- F2** Words in s. 12(8) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 89 (as inserted (1.10.2010) by The Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/2279), art. 1(2), Sch. 1 para. 6 (see S.I. 2010/2317, art. 2)

Commencement Information

- I1** S. 12 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, art. 2(a)
- I2** S. 12 in force at 1.5.2007 for specified purposes by S.I. 2007/1019, art. 5
- I3** S. 12 in force at 1.4.2008 in so far as not already in force by S.I. 2008/785, art. 2(a)

13 Duty to provide information, advice and training to childcare providers

- (1) An English local authority must, in accordance with regulations, secure the provision of information, advice and training to—
- (a) persons providing childcare in their area who are registered under Part 3;

Status: Point in time view as at 09/12/2021.

Changes to legislation: Childcare Act 2006, Cross Heading: Information, advice and assistance is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) persons who intend to provide childcare in their area in respect of which they will be required to be registered under Part 3;
 - (c) persons who provide childcare at any of the following [^{F3}institutions] in their area (whether or not they are required to be registered under Part 3)—
 - (i) a maintained school,
 - (ii) a school [^{F4}approved] under section 342 of the Education Act 1996 (c. 56) (approval of non-maintained special schools),
 - (iii) [^{F5}an independent educational institution][^{F6}or an alternative provision Academy that is not an independent school];
 - (d) persons who intend to provide childcare at any such [^{F7}institution] (whether or not they would be required to be registered under Part 3);
 - (e) persons who are employed to assist any such persons as are mentioned in paragraph (a) or (c) in the provision of childcare or persons who intend to obtain such employment.
- (2) An English local authority may, in addition to securing the provision of information, advice and training which they are required to secure under subsection (1), provide other information, advice and training to any persons mentioned in paragraphs (a) to (e) of that subsection.
- (3) An English local authority may provide information, advice and training to persons who do not fall within any of paragraphs (a) to (e) of subsection (1) but who—
- (a) provide or intend to provide childcare in their area, or
 - (b) are employed to assist in the provision of childcare in their area or who intend to obtain such employment.
- (4) An English local authority may impose such charges as they consider reasonable for the provision of information, advice or training provided by them in pursuance of subsection (1), (2) or (3).
- (5) In exercising their functions under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.

Textual Amendments

- F3** Word in s. 13(1)(c) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 31(2)(a)**; S.I. 2014/3364, art. 2(z)
- F4** Word in s. 13(1)(c)(ii) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 31(2)(b)**; S.I. 2014/3364, art. 2(z)
- F5** Words in s. 13(1)(c)(iii) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 31(2)(c)**; S.I. 2014/3364, art. 2(z)
- F6** Words in s. 13(1)(c)(iii) inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 17** (with art. 3)
- F7** Word in s. 13(1)(d) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 31(3)**; S.I. 2014/3364, art. 2(z)

Commencement Information

- I4** S. 13 in force at 20.12.2006 for specified purposes by [S.I. 2006/3360](#), **art. 2(a)**
- I5** S. 13 in force at 1.10.2007 in so far as not already in force by [S.I. 2007/2717](#), **art. 2(b)**

Status: Point in time view as at 09/12/2021.

Changes to legislation: Childcare Act 2006, Cross Heading: Information, advice and assistance is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F8}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 [^{F9}or for funding related to 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 [^{F10}or for funding related to 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.

Textual Amendments

- F8** S. 13A - S. 13B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 1(3)**, 82(3); S.I. 2012/1087, art. 3
- F9** Words in s. 13A(3) inserted (26.3.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 74(1)(a)**, 164(2)(c)
- F10** Words in s. 13A(6) inserted (26.3.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 74(1)(b)**, 164(2)(c)

13B Unauthorised disclosure of information received under section 13A

- (1) A person commits an offence if the person discloses any information—

Status: Point in time view as at 09/12/2021.

Changes to legislation: Childcare Act 2006, Cross Heading: Information, advice and assistance is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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);
 - (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 [^{F11}or for funding related to 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 [^{F12}paragraph 24(2) of Schedule 22 to the Sentencing Act 2020], the reference in subsection (4)(b) to 12 months is to be read as a reference to 6 months.]

Textual Amendments

- F8** S. 13A - S. 13B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 1(3)**, 82(3); S.I. 2012/1087, art. 3
- F11** Words in s. 13B(2)(b) inserted (26.3.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 74(2)**, 164(2)(c)
- F12** Words in s. 13B(5) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 443(1)** (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Status:

Point in time view as at 09/12/2021.

Changes to legislation:

Childcare Act 2006, Cross Heading: Information, advice and assistance is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.