



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 1

#### GENERAL FUNCTIONS OF LOCAL AUTHORITY: ENGLAND

##### *Provision of childcare*

#### **6 Duty to secure sufficient childcare for working parents**

- (1) An English local authority must secure, so far as is reasonably practicable, that the provision of childcare (whether or not by them) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them—
  - (a) to take up, or remain in, work, or
  - (b) to undertake education or training which could reasonably be expected to assist them to obtain work.
- (2) In determining for the purposes of subsection (1) whether the provision of childcare is sufficient to meet those requirements, a local authority—
  - (a) must have regard to the needs of parents in their area for—
    - (i) the provision of childcare in respect of which the child care element of working tax credit is payable, and
    - (ii) the provision of childcare which is suitable for disabled children, and
  - (b) may have regard to any childcare which they expect to be available outside their area.
- (3) In discharging their duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State.
- (4) The Secretary of State may by order amend subsection (2) (and subsection (6) so far as relating to that subsection) so as to modify the matters to which a local authority must or may have regard in determining whether the provision of childcare is sufficient.

*Status: Point in time view as at 12/01/2010.*

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- (5) Except in relation to a disabled child, this section does not apply in relation to childcare for a child on or after the 1st September next following the date on which he attains the age of 14.
- (6) In this section—
- “child care element”, in relation to working tax credit, is to be read in accordance with section 12 of the Tax Credits Act 2002 (c. 21);
  - “disabled child” means a child who has a disability for the purposes of the Disability Discrimination Act 1995 (c. 50);
  - “parent” includes any individual who—
    - (a) has parental responsibility for a child, or
    - (b) has care of a child.

#### Commencement Information

- II** S. 6 in force at 1.4.2008 by [S.I. 2008/785](#), [art. 2\(b\)](#)

## 7 Duty to secure prescribed early years provision free of charge

- (1) An English local authority must secure that early years provision of a prescribed description is available free of charge for such periods as may be prescribed for each young child in their area who—
- (a) has attained such age as may be prescribed, but
  - (b) is under compulsory school age.
- (2) In discharging their duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State.

#### Commencement Information

- I2** S. 7 in force at 1.4.2008 for specified purposes by [S.I. 2008/785](#), [art. 2\(a\)](#)
- I3** S. 7 in force at 1.9.2008 in so far as not already in force by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

## 8 Powers of local authority in relation to the provision of childcare

- (1) An English local authority may—
- (a) assist any person who provides or proposes to provide childcare;
  - (b) make arrangements with any other person for the provision of childcare;
  - (c) subject to subsection (3), provide childcare.
- (2) The assistance which a local authority may give under subsection (1)(a) includes financial assistance; and the arrangements which a local authority may make under subsection (1)(b) include arrangements involving the provision of financial assistance by the authority.
- (3) An English local authority may not provide childcare for a particular child or group of children unless the local authority are satisfied—
- (a) that no other person is willing to provide the childcare (whether in pursuance of arrangements made with the authority or otherwise), or

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- (b) if another person is willing to do so, that in the circumstances it is appropriate for the local authority to provide the childcare.
- (4) Subsection (3) does not affect the provision of childcare by the governing body of a maintained school.
- (5) Subsection (3) does not apply in relation to the provision of childcare under section 18(1) or (5) of the Children Act 1989 (c. 41) (day care for children in need).
- (6) 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.

**Commencement Information**

**I4** S. 8 in force at 1.10.2007 by [S.I. 2007/2717](#), [art. 2\(a\)](#)

**9 Arrangements between local authority and childcare providers**

- (1) This section applies where an English local authority make arrangements with a person (other than the governing body of a maintained school) for the provision by that person of childcare in consideration of financial assistance provided by the authority under the arrangements.
- (2) The local authority must exercise their functions with a view to securing that the provider of the childcare meets any requirements imposed on him by the arrangements.
- (3) The requirements imposed by the arrangements may, in particular, if any specified conditions are not satisfied, require the repayment of the whole or any part of any financial assistance provided by the local authority under the arrangements.

**Commencement Information**

**I5** S. 9 in force at 1.10.2007 by [S.I. 2007/2717](#), [art. 2\(a\)](#)

**10 Charges where local authority provide childcare**

- (1) An English local authority may enter into an agreement under which payments are made to the authority for the provision by the authority of childcare for a child.
- (2) Subsection (1) does not apply—
  - (a) to childcare provided in pursuance of the duty imposed by section 7, or
  - (b) to childcare provided under section 18(1) or (5) of the Children Act 1989 (c. 41) (day care for children in need), provision as to charges for such care being made by section 29 of that Act.

**Commencement Information**

**I6** S. 10 in force at 1.10.2007 by [S.I. 2007/2717](#), [art. 2\(a\)](#)

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## 11 Duty to assess childcare provision

- (1) An English local authority must prepare assessments of the sufficiency of the provision of childcare (whether or not by them) in their area (“childcare assessments”).
- (2) The first childcare assessment must be prepared before the end of the period of one year beginning with the commencement of this section.
- (3) Subsequent childcare assessments must be prepared at intervals not exceeding three years.
- (4) The authority must keep a childcare assessment prepared by them under review until the childcare assessment is superseded by a further childcare assessment.
- (5) Regulations may make provision requiring a childcare assessment—
  - (a) to deal with prescribed matters or be prepared according to prescribed criteria;
  - (b) to be in the prescribed form;
  - (c) to be published in the prescribed manner.
- (6) In preparing a childcare assessment and keeping it under review, an English local authority must—
  - (a) consult such persons, or persons of such a description, as may be prescribed, and
  - (b) have regard to any guidance given from time to time by the Secretary of State.
- (7) Subsection (5) of section 6 applies for the purposes of this section as it applies for the purposes of that section.

### Commencement Information

- I7** S. 11 in force at 20.12.2006 for specified purposes by [S.I. 2006/3360](#), **art. 2(a)**
- I8** S. 11 in force at 1.4.2007 in so far as not already in force by [S.I. 2007/1019](#), **art. 3**

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