



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 2

#### GENERAL FUNCTIONS OF LOCAL AUTHORITY: WALES

##### *Provision of childcare*

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

- (1) A Welsh 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,
    - (ii) the provision of childcare which is suitable for disabled children, and
    - (iii) the provision of childcare involving the use of the Welsh language, 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 Assembly.
- (4) The Assembly 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.

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*Status: This is the original version (as it was originally enacted).*

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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.

## **23 Powers of local authority in relation to the provision of childcare**

- (1) A Welsh 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) 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) In exercising their functions under this section, a Welsh local authority must have regard to any guidance given from time to time by the Assembly.

## **24 Arrangements between local authority and childcare providers**

- (1) This section applies where a Welsh 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.

## **25 Charges where local authority provide childcare**

- (1) A Welsh 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 to childcare provided under section 18 of the Children Act 1989 (c. 41) (day care for pre-school and other children), provision as to charges for such care being made by section 29 of that Act.

## **26 Power to require local authority to assess childcare provision**

- (1) The Assembly may by regulations require a Welsh local authority to—
  - (a) prepare assessments at prescribed intervals of the sufficiency of the provision of childcare (whether or not by them) in their area;
  - (b) review any such assessment prepared by them.
- (2) Regulations under subsection (1) may make provision for the manner in which an assessment or review is to be prepared and, in particular, may require the local authority to—
  - (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 Assembly.
- (3) Subsection (5) of section 22 applies for the purposes of this section as it applies for the purposes of that section.

### *Information, advice and assistance*

## **27 Duty to provide information, advice and assistance**

- (1) A Welsh 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 Assembly 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.
- (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.

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- (7) In exercising their functions under this section, a local authority must have regard to any guidance given from time to time by the Assembly.
- (8) For the purposes of this section, a child or young person is disabled if he has a disability for the purposes of the Disability Discrimination Act 1995 (c. 50).
- (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.

### *Miscellaneous*

## **28 Inspection**

For the purposes of section 38 of the Education Act 1997 (c. 44) (inspection of local education authorities), the functions conferred on a Welsh local authority by or under this Part are to be regarded as functions conferred on a local education authority in their capacity as such.

## **29 Powers of Assembly to secure proper performance etc.**

- (1) Section 496 of the 1996 Act (power to prevent unreasonable exercise of functions) applies in relation to a Welsh local authority and the powers conferred or duties imposed on them by or under this Part as it applies in relation to a local education authority in Wales and the powers conferred or duties imposed on them by or under the 1996 Act.
- (2) Section 497 of the 1996 Act (general default powers) applies in relation to the duties imposed on a Welsh local authority by or for the purposes of this Part as it applies in relation to the duties imposed on a local education authority in Wales by or for the purposes of the 1996 Act.
- (3) Section 497A of the 1996 Act (power to secure proper performance of LEA’s functions) applies in relation to a Welsh local authority’s functions under this Part as it applies in relation to the functions of a local education authority in Wales mentioned in subsection (1) of that section.
- (4) Sections 497AA and 497B of the 1996 Act apply accordingly where powers under section 497A of that Act are exercised in relation to any of the functions of a Welsh local authority under this Part.
- (5) In the application of sections 497A(2) to (7), 497AA and 497B of the 1996 Act in relation to a Welsh local authority’s functions under this Part, references to the local education authority are to be read as references to the local authority.

- (6) In subsection (5) of section 497A of the 1996 Act, the reference to functions to which that section applies includes (for all purposes) functions of a Welsh local authority under this Part.
- (7) In this section, “the 1996 Act” means the Education Act 1996 (c. 56).

### *Interpretation*

## **30 Interpretation of Part 2**

In this Part—

“childcare” means—

- (a) child minding or day care within the meaning of Part 10A of the Children Act 1989 (c. 41) in respect of which the provider is required to be registered under that Part;
- (b) care provided by a person of a description approved in accordance with a scheme made by the Assembly under section 12(5) of the Tax Credits Act 2002 (c. 21);

“prescribed” means prescribed by regulations made by the Assembly.