



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 1

#### GENERAL FUNCTIONS OF LOCAL AUTHORITY: ENGLAND

##### *Interpretation*

#### **18 Meaning of childcare**

- (1) This section applies for the purposes of this Part and Part 3.
- (2) “Childcare” means any form of care for a child and, subject to subsection (3), care includes—
  - (a) education for a child, and
  - (b) any other supervised activity for a child.
- (3) “Childcare” does not include—
  - (a) education (or any other supervised activity) provided by a school during school hours for a registered pupil who is not a young child, or
  - (b) any form of health care for a child.
- (4) “Childcare” does not include care provided for a child by—
  - (a) a parent or step-parent of the child;
  - (b) a person with parental responsibility for the child;
  - (c) a relative of the child;
  - (d) a person who is a local authority foster parent in relation to the child;
  - (e) a person who is a foster parent with whom the child has been placed by a voluntary organisation;
  - (f) a person who fosters the child privately.
- (5) “Childcare” does not include care provided for a child if the care—
  - (a) is provided in any of the following establishments as part of the establishment's activities—

*Changes to legislation: Childcare Act 2006, Section 18 is up to date with all changes known to be in force on or before 15 July 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) View outstanding changes*

- [<sup>F1</sup>(i) a children's home in respect of which a person is registered under Part 2 of the Care Standards Act 2000,]  
 (ii) a care home,  
 (iii) a hospital in which the child is a patient,  
 (iv) a residential family centre, and  
 (b) is so provided by the person carrying on the establishment or a person employed to work at the establishment.
- (6) The reference in subsection (5)(b) to a person who is employed includes a reference to a person who is employed under a contract for services.
- (7) “Childcare” does not include care provided for a child who is detained in—  
 (a) a young offender institution, <sup>F2</sup>...  
 (b) a secure training centre [<sup>F3</sup>, or]  
 [<sup>F4</sup>(c) a secure college.]
- (8) In this section—  
 (a) <sup>F5</sup>... “local authority foster parent”, “to foster a child privately” and “voluntary organisation” have the same meaning as in the Children Act 1989 (c. 41);  
 (b) “care home”, [<sup>F6</sup>“children's home”]<sup>F7</sup>... and “residential family centre” have the same meaning as in the Care Standards Act 2000 (c. 14);  
 [<sup>F8</sup>(ba) “hospital” has the meaning given by section 275 of the National Health Service Act 2006.]  
 (c) “relative”, in relation to a child, means a grandparent, aunt, uncle, brother or sister, whether of the full blood or half blood or by marriage or civil partnership.

#### Textual Amendments

- F1** S. 18(5)(a)(i) substituted (1.4.2011 for E., 1.12.2017 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), s. 44(4), [Sch. 1 para. 19\(2\)](#); S.I. 2010/2981, art. 4(a); S.I. 2017/948, art. 2(a)
- F2** Word in s. 18(7)(a) omitted (20.3.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 21\(a\)](#); S.I. 2015/778, art. 2(1)(c)
- F3** Word in s. 18(7)(b) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 21\(b\)](#); S.I. 2015/778, art. 2(1)(c)
- F4** S. 18(7)(c) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 21\(c\)](#); S.I. 2015/778, art. 2(1)(c)
- F5** Words in s. 18(8)(a) repealed (1.4.2011 for E., 1.12.2017 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), s. 44(4), [Sch. 1 para. 19\(3\)\(a\)](#), [Sch. 4](#); S.I. 2010/2981, art. 4(a)(l); S.I. 2017/948, art. 2(a)(c)(iv)
- F6** Words in s. 18(8)(b) inserted (1.4.2011 for E., 1.12.2017 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), s. 44(4), [Sch. 1 para. 19\(3\)\(b\)](#); S.I. 2010/2981, art. 4(a); S.I. 2017/948, art. 2(a)
- F7** Word in s. 18(8)(b) omitted (1.10.2010) by virtue of [Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), [arts. 1\(1\), 18](#)
- F8** S. 18(8)(ba) inserted (1.10.2010) by [Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), [arts. 1\(1\), 18](#)

#### Commencement Information

- I1** S. 18 in force at 20.12.2006 by [S.I. 2006/3360](#), [art. 2\(b\)](#)

**Changes to legislation:**

Childcare Act 2006, Section 18 is up to date with all changes known to be in force on or before 15 July 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 32(6) inserted by [2023 c. 55 Sch. 23 para. 2](#)
- s. 36(1)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 6\(2\)](#)
- s. 36(5)(ac)(ad) inserted by [2023 c. 55 Sch. 23 para. 6\(5\)](#)
- s. 37(2A) inserted by [2023 c. 55 Sch. 23 para. 7\(4\)](#)
- s. 37A(1A) inserted by [2023 c. 55 Sch. 23 para. 8\(3\)](#)
- s. 45A(4C) inserted by [2016 c. 5 s. 3\(2\)\(a\)](#)
- s. 47ZA(3)(a) substituted by [2016 c. 5 s. 3\(2\)\(b\)](#)
- s. 54(1)(a) words substituted by [2023 c. 55 Sch. 23 para. 11\(3\)\(a\)](#)
- s. 54(1)(b) words inserted by [2023 c. 55 Sch. 23 para. 11\(3\)\(b\)](#)
- s. 55(1)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 12\(2\)](#)
- s. 55(5)(ac)(ad) inserted by [2023 c. 55 Sch. 23 para. 12\(5\)](#)
- s. 56(2A) inserted by [2023 c. 55 Sch. 23 para. 13\(4\)](#)
- s. 56A(1A) inserted by [2023 c. 55 Sch. 23 para. 14\(3\)](#)
- s. 57(1)(a)(i)(ii) substituted for words by [2023 c. 55 Sch. 23 para. 15\(b\)](#)
- s. 57A(2)(a)(i)(ii) substituted for words by [2023 c. 55 Sch. 23 para. 16\(3\)](#)
- s. 63(A1)(1) substituted for s. 63(1) by [2023 c. 55 Sch. 23 para. 18](#)
- s. 64(2A) inserted by [2023 c. 55 Sch. 23 para. 19\(4\)](#)
- s. 68(3)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(2\)](#)
- s. 68(4)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(3\)](#)
- s. 68(5)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(4\)](#)
- s. 98(1B) inserted by [2023 c. 55 Sch. 23 para. 24\(3\)](#)
- s. 113A(1) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 113A(3) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)