



## The Legislation

Legislation about children's centres and the Early Years Foundation Stage is contained in the Childcare Act 2006 (referred to in this guidance as "the Act")<sup>1</sup>. This guidance refers to the following sections of the Act:

- **Section 1:** Duty on local authorities to improve the well-being of young children<sup>2</sup> in their Area and reduce inequalities between them.
- **Section 2:** Explanation of the meaning of early childhood services.
- **Section 3:** Duty on local authorities to make arrangements to secure that early childhood services in their area are provided in an integrated manner in order to facilitate access and maximise the benefits of those services to young children and their parents.
- **Section 4:** Duty on commissioners of local health services and Jobcentre Plus (as partners') to work together with local authorities in their arrangements for improving the well-being of young children and securing integrated early childhood services (see Chapter 3).
- **Section 5A:** Arrangements to be made by local authorities so that there are sufficient children's centres, so far as reasonably practicable, to meet local need. This section defines what a Sure Start children's centre is and what arrangements and services constitute a children's centre (see chapters 1 and 2).
- **Section 5C:** Duty on local authorities to ensure each children's centre is within the remit of an advisory board, its make-up and purpose (see Chapter 4).
- **Section 5D:** Duty on local authorities to ensure there is consultation before any significant changes are made to children's centre provision in their area (see Chapter 2).
- **Section 5E:** Duty on local authorities, local commissioners of health services and Jobcentre Plus to consider whether the early childhood services they provide should be provided through children's centres in the area (see Chapter 3).
- **Section 98C (Part 3A of the Act):** Duties on local authorities after receiving a report from Ofsted following the inspection of a children's centre. This includes preparing and publishing a written statement (an Action Plan) setting out the action to be taken in response to the report.

**Other Related Sections of the Statutory Duties Contained within The Childcare Act 2006 (revised) include:**

The act also lays out registration and inspection arrangements, providing for an integrated education and care framework for the Early Years and general childcare registers. The sufficiency, information and outcomes duties came into effect on 1 April 2008 and the remaining provisions came into effect from September 2008.

**Sections 6, 8-11 & 13** require local authorities to assess the local childcare market and to secure sufficient childcare for working parents. Childcare will only be deemed sufficient if it meets the needs of the community in general and in particular those families on lower incomes and those with disabled children. Local authorities take the strategic lead in their local childcare market, planning, supporting and commissioning childcare. Local authorities will not be expected to provide childcare direct but will be expected to work with local private, voluntary and independent sector providers to meet local need. Section 7 re-enacts the duty for local authorities to secure a free minimum amount of early learning and care for all 3 and 4 year olds whose parents want it.

**Section 12** extends the existing duty to provide information to parents, to ensure parents and prospective parents can access the full range of information they may need for their children right through to their 20th birthday. Local authorities will be required to ensure that this service is available to all parents and that it is pro-active in reaching those parents who might otherwise have difficulty accessing the information service.

Sections 39-48 introduce the Early Years Foundation Stage which will build on and bring together the existing Birth to Three Matters, Foundation Stage and national standards for day care and childminding. This new framework will support providers in delivering quality integrated early education and care for children from birth to age 5.

**Sections 31-38 & 49-98** reform and simplify the framework for the regulation of childcare and early education to reduce bureaucracy and focus on raising quality and standards. All providers caring for children up to age 5 will be required to register on the Early Years register and deliver the Early Years Foundation Stage (unless exceptionally exempted). Childcare settings providing for school age children will be judged against a streamlined set of Ofsted Childcare Register standards. These criteria will be compulsory for all settings caring for children under 8. Other providers may join the register on a voluntary basis.

**Sections 99-101** allow for the collection of information about young children to inform funding and support the local authority duties under the act.