

# Childcare Bill [HL]

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## AMENDMENTS TO BE MOVED ON REPORT

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### Clause 1

LORD NASH

Page 1, line 6, leave out from second “child” to end of line 10 and insert “ –

- (a) who is under compulsory school age,
- (b) who is in England,
- (c) who is of a description specified in regulations made by the Secretary of State,
- (d) in respect of whom any conditions relating to a parent of the child, or a partner of a parent of the child, which are specified in such regulations, are met, and
- (e) in respect of whom a declaration has been made, in accordance with such regulations, to the effect that the requirements of paragraphs (a) to (d) are satisfied.”

Page 1, line 10, at end insert –

“(2A) The conditions mentioned in subsection (2)(d) may, in particular, relate to the paid work undertaken by a parent or partner.

(2B) For the purposes of subsections (2) and (2A), the Secretary of State may by regulations –

- (a) make provision about when a person is, or is not, to be regarded as another person’s partner;
- (b) make provision as to what is, or is not, paid work;
- (c) specify circumstances in which a person is, or is not, to be regarded as in such work;
- (d) make provision about the form of any declaration, the manner in which it is to be given and the period for which it has effect.”

Page 1, line 19, leave out subsections (4) to (7)

Page 2, line 36, leave out subsections (10) and (11)

**After Clause 1**

LORD NASH

Insert the following new Clause –

**“Discharging the section 1(1) duty**

- (1) The Secretary of State may make regulations for the purpose of discharging the duty imposed by section 1(1) (“extended entitlement regulations”).
- (2) Extended entitlement regulations may (amongst other things) –
  - (a) require an English local authority to secure that childcare of such a description as may be specified is made available free of charge for children in their area who are qualifying children of working parents;
  - (b) make provision about how much childcare is to be so made available for each child, and about the times at which, and periods over which, that childcare is to be made available;
  - (c) make provision about the terms of any arrangements made between English local authorities and providers or arrangers of childcare for the purposes of meeting any requirement imposed under paragraph (a) or (b);
  - (d) impose obligations or confer powers on the Commissioners for Her Majesty’s Revenue and Customs;
  - (e) make provision requiring information or documents to be provided by a person to the Secretary of State, the Commissioners for Her Majesty’s Revenue and Customs or an English local authority;
  - (f) make provision for the purpose of enabling any person to check whether a child is a qualifying child of working parents;
  - (g) for that purpose, make provision about the disclosure of information held by a Minister of the Crown, the Commissioners for Her Majesty’s Revenue and Customs or an English local authority;
  - (h) create criminal offences in connection with the onward disclosure of information obtained under paragraph (g) where that information relates to a particular person and is not disclosed in a way authorised by or specified in the regulations;
  - (i) make provision for reviews of, or appeals to the First-tier Tribunal against, determinations relating to a child’s eligibility for childcare under section 1;
  - (j) make provision for a person specified in the regulations to impose financial penalties on persons in connection with –
    - (i) false or misleading information provided, or statements made or provided, in connection with a determination of a child’s eligibility for childcare under section 1, or
    - (ii) dishonest conduct in connection with the process of making such a determination;
  - (k) require English local authorities, when discharging their duties under the regulations, to have regard to any guidance given from time to time by the Secretary of State.

**After Clause 1 – continued**

- (3) Extended entitlement regulations which impose a duty, or confer a power, on the Commissioners for Her Majesty’s Revenue and Customs, or authorise disclosure of information held by the Commissioners, may only be made with the consent of the Treasury.
- (4) In relation to a criminal offence created by virtue of subsection (2)(h), extended entitlement regulations may not provide for a penalty of imprisonment on conviction on indictment greater than imprisonment for a term not exceeding two years (whether or not accompanied by a fine).
- (5) If provision is made by virtue of subsection (2)(j) –
  - (a) the maximum amount of any penalty that may be specified in, or determined in accordance with, the regulations is £3,000;
  - (b) the regulations must include provision enabling a person on whom a financial penalty is imposed –
    - (i) to require a review of the imposition of the penalty or its amount by the person who imposed the penalty;
    - (ii) to appeal against the imposition of the penalty or its amount to the First-tier Tribunal.
- (6) The Secretary of State may by regulations substitute a different amount for the amount for the time being specified in subsection (5)(a).
- (7) In section 15 of the Childcare Act 2006 (powers of Secretary of State to secure proper performance of English local authorities’ powers and duties under Part 1 of that Act) references to Part 1 of that Act are to be read as including a reference to section 1 and this section.
- (8) In this section –
  - “childcare” has the meaning given by section 18 of the Childcare Act 2006;
  - “English local authority” means –
    - (a) a county council in England;
    - (b) a metropolitan district council;
    - (c) a non-metropolitan district council for an area for which there is no county council;
    - (d) a London borough council;
    - (e) the Common Council of the City of London (in their capacity as a local authority);
    - (f) the Council of the Isles of Scilly;
  - “parent” has the same meaning as in section 1;
  - “qualifying child of working parents” has the meaning given by section 1(2).”

**After Clause 1 – continued**

Insert the following new Clause –

**“Childcare duty: consequential amendments**

- (1) In section 99 of the Childcare Act 2006 (provision of information about young children: England), in subsection (1), omit the “and” at the end of paragraph (aa) and after paragraph (b) insert “, and
  - (c) any other person who provides early years provision for the purposes of section 1(1) of the Childcare Act 2015 (Secretary of State’s duty to secure 30 hours free childcare available for working parents).”
- (2) In Chapter 4 of Part 2 of the School Standards and Framework Act 1998 (financing of maintained schools) –
  - (a) in section 45A (determination of specified budgets of local authority), after subsection (4B) insert –
 

“(4C) For the purposes of this Part, a duty imposed on a local authority in England under section (*Discharging the section 1(1) duty*) of the Childcare Act 2015 (duties in connection with Secretary of State’s duty to secure 30 hours free childcare for working parents) is also to be treated as an education function of the authority.”;
  - (b) in section 47ZA (free of charge early years provision outside a maintained school: budgetary framework: England), in subsection (3), for paragraph (a) (but not the “and” after it) substitute –
 

“(a) for the purpose of the discharge of –
 
    - (i) the authority’s duty under section 7 of the Childcare Act 2006, or
    - (ii) a duty imposed on the authority under section (*Discharging the section 1(1) duty*) of the Childcare Act 2015.”

BARONESS TYLER OF ENFIELD  
BARONESS PINNOCK

Insert the following new Clause –

**“Minimum workforce qualifications**

- (1) For the purpose of this section, relevant early years providers are those that are funded to deliver early education or childcare provision free of charge under section 7(1) of the Childcare Act 2006 or section 1(1) of this Act.
- (2) Relevant early years providers must ensure that any person employed to deliver early education or childcare free of charge under section 7(1) of the Childcare Act 2006 or section 1(1) of this Act is qualified to, or working towards, level 3 or above.
- (3) Relevant early years providers of a prescribed size must designate a member of staff (to be known as the ‘Early Years SEND Coordinator’) with responsibility for co-ordinating provision for children with special educational needs or a disability (or both).

**After Clause 1 – continued**

- (4) Regulations may require relevant early years providers to ensure that Early Years SEND Coordinators have prescribed qualifications or prescribed experience (or both).”

**Clause 2**

LORD NASH

Page 3, line 8, at end insert “or (*Discharging the section 1(1) duty*)”

Page 3, line 17, leave out from “containing” to “may” in line 18 and insert “(whether alone or with other provision) regulations to which subsection (4A) applies”

Page 3, line 19, at end insert –

- “(4A) The regulations mentioned in subsection (4) are –
- (a) the first regulations made under section 1;
  - (b) the first regulations made under section (*Discharging the section 1(1) duty*)(1);
  - (c) any regulations under section (*Discharging the section 1(1) duty*)(6);
  - (d) any other regulations that amend or repeal provision made by an Act.”





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*5th October 2015*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS  
LONDON - THE STATIONERY OFFICE LIMITED

HL Bill 54(*d*)

(51577)

56/1



ISBN 978-0-10-800291-5



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