



Childcare Act 2006

2006 CHAPTER 21

PART 3

REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

CHAPTER 5

COMMON PROVISIONS

Rights of entry

77 Powers of entry

- (1) A person authorised for the purposes of this subsection by the Chief Inspector may at any reasonable time enter any premises in England if he has reasonable cause to believe that early years provision or later years provision is being provided on the premises in breach of section 33(1), 34(1), 52(1) or 53(1).
- (2) A person authorised for the purposes of this subsection by the Chief Inspector may at any reasonable time enter any premises in England on which early years provision or later years provision in respect of which a person is registered under this Part is being provided—
 - (a) for the purpose of conducting an inspection under section 49 or 60, or
 - (b) for the purpose of determining whether any conditions or requirements imposed by or under this Part are being complied with.
- (3) Authorisation under subsection (1) or (2)—
 - (a) may be given for a particular occasion or period;
 - (b) may be given subject to conditions.
- (4) A person entering premises under this section may (subject to any conditions imposed under subsection (3)(b))—
 - (a) inspect the premises;

Status: This is the original version (as it was originally enacted).

- (b) inspect, and take copies of—
 - (i) any records kept by the person providing the childcare, and
 - (ii) any other documents containing information relating to that provision;
 - (c) seize and remove any document or other material or thing found there which he has reasonable grounds to believe may be evidence of a failure to comply with any condition or requirement imposed by or under this Part;
 - (d) take measurements and photographs or make recordings;
 - (e) inspect any children being cared for there, and the arrangements made for their welfare;
 - (f) interview in private the childcare provider;
 - (g) interview in private any person caring for children, or living or working, on the premises who consents to be interviewed.
- (5) A person entering premises under this section may (subject to any conditions imposed under subsection (3)(b)) require any person to afford him such facilities and assistance with respect to matters within the person's control as are necessary to enable him to exercise his powers under this section.
- (6) Section 58 of the Education Act 2005 (c. 18) (inspection of computer records for the purposes of Part 1 of that Act) applies for the purposes of this section as it applies for the purposes of Part 1 of that Act.
- (7) A person exercising any power conferred by this section must, if so required, produce a duly authenticated document showing his authority to do so.
- (8) A person commits an offence if he intentionally obstructs a person exercising any power under this section.
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (10) In this section, “documents” and “records” each include information recorded in any form.

78 Requirement for consent to entry

- (1) This section applies where a person (“the authorised person”) proposes to enter domestic premises in pursuance of—
- (a) provision made by virtue of section 42(1) and (4) in a learning and development order specifying assessment arrangements in relation to early years provision, or
 - (b) a power of entry conferred by section 77(2).
- (2) If the authorised person has reasonable cause to believe—
- (a) that the premises are not the home of the person providing the early years or later years provision, or
 - (b) that the premises are the home of a child for whom the early years or later years provision is provided,
- the authorised person may not enter the premises without the consent of an adult who is an occupier of the premises.

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- (3) Subsection (2) does not prevent the imposition under section 38, 58 or 66 of a condition requiring a person registered under Chapter 2, 3 or 4 to secure that the occupier of any premises on which the registered person provides early years provision or later years provision gives any consent required by that subsection.
- (4) In this section—
“a learning and development order” means an order under section 39(1)(a);
“occupier” does not include the person providing the early years or later years provision.

79 Power of constable to assist in exercise of powers of entry

- (1) A person authorised for the purpose of subsection (1) or (2) of section 77 may apply to a court for a warrant under this section.
- (2) If it appears to the court that the authorised person—
(a) has attempted to exercise a power conferred on him by section 77 but has been prevented from doing so, or
(b) is likely to be prevented from exercising any such power,
the court may issue a warrant authorising any constable to assist that person in the exercise of the power, using reasonable force if necessary.
- (3) A warrant issued under this section must be addressed to, and executed by, a constable.
- (4) Schedule 11 to the Children Act 1989 (c. 41) (jurisdiction of courts) applies in relation to proceedings under this section as if they were proceedings under that Act.
- (5) In this section, “court” means the High Court, a county court or a magistrates' court but this is subject to any provision which may be made (by virtue of subsection (4)) by or under Schedule 11 to the Children Act 1989.