



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 9

#### CHILDREN'S SERVICES

##### *Early years provision: budgetary framework*

#### **202 Free of charge early years provision: budgetary framework: England**

- (1) The School Standards and Framework Act 1998 (c. 31) is amended as follows.
- (2) In section 45A (determination of specified budgets of [<sup>F1</sup>local authority]), after subsection (4A) insert—

“(4B) For the purposes of this Part, the duty imposed on a local authority in England by section 7(1) of the Childcare Act 2006 (duty to secure prescribed early years provision free of charge) is to be treated as imposed on the authority in their capacity as a [<sup>F1</sup>local authority].”
- (3) After section 47 (determination of school's budget share) insert—

#### **“47ZA Free of charge early years provision outside a maintained school: budgetary framework: England**

- (1) This section applies where a [<sup>F1</sup>local authority] in England propose to allocate an amount of relevant financial assistance to a relevant childcare provider for a funding period out of the authority's individual schools budget for the period.
- (2) The amount to be allocated is to be determined in accordance with regulations.
- (3) Financial assistance provided by a [<sup>F1</sup>local authority] in England to a childcare provider is “relevant” financial assistance if it is provided—

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**Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Section 202 is up to date with all changes known to be in force on or before 29 February 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

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- (a) for the purpose of the discharge of the authority's duty under section 7 of the Childcare Act 2006, and
  - (b) in respect of the provision of childcare.
- (4) Regulations under this section may, in particular—
- (a) specify factors or criteria which an authority are to take into account in determining the amount of any relevant financial assistance to be provided by them to a relevant childcare provider;
  - (b) specify factors or criteria which an authority are to disregard in determining such an amount;
  - (c) specify requirements as to other matters with which an authority are to comply in determining such an amount;
  - (d) make provision about consultation to be carried out by an authority in connection with determining such an amount;
  - (e) authorise an authority, in prescribed circumstances and to a prescribed extent, to determine such an amount in accordance with arrangements approved by the Secretary of State (instead of in accordance with arrangements provided for by the regulations);
  - (f) require an authority to provide relevant childcare providers with prescribed information relating to their determination of such an amount;
  - (g) make provision about the circumstances in which an authority are required to redetermine such an amount;
  - (h) specify a time by which an authority's determination of such an amount is to take place.
- (5) For the purposes of this section—
- (a) “childcare” has the meaning given in section 18 of the Childcare Act 2006;
  - (b) “relevant childcare provider” means a provider of childcare other than the governing body of a maintained school;
  - (c) a reference to an authority's determination of the amount of any relevant financial assistance includes a reference to the authority's redetermination of such an amount.”

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#### Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**
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#### Commencement Information

- I1** S. 202(1)(2) in force at 12.1.2010 by [S.I. 2009/3317](#), **art. 2**, **Sch.**
- I2** S. 202(3) in force at 28.2.2011 by [S.I. 2010/2374](#), **art. 3**

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6