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STATUTORY INSTRUMENTS

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**2020 No. 712**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Coronavirus) (Amendment) Regulations 2020**

<i>Made</i>	- - - -	<i>8th July 2020</i>
<i>Laid before Parliament</i>		<i>10th July 2020</i>
<i>Coming into force</i>	- -	<i>31st July 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1(2) and (4), 2(1) and (2) and 4(2) of the Childcare Act 2016<sup>(1)</sup>.

In accordance with section 2(3) of the Childcare Act 2016, these Regulations are made with the consent of the Treasury.

**Citation and commencement**

1. These Regulations may be cited as the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Coronavirus) (Amendment) Regulations 2020 and come into force on 31st July 2020.

**Amendment of the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016**

2. The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016<sup>(2)</sup> are amended as follows.

3. In regulation 2(1) (interpretation) after the definition of “the Commissioners” insert—

““coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“critical worker” means a worker in a critical sector listed in the document entitled “Critical workers who can access schools or educational settings” in the version published by the Cabinet Office and the Department for Education on 16 June 2020<sup>(3)</sup>”.

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(1) 2016 c.5.

(2) S.I. 2016/1257, amended by S.I. 2017/1160 and S.I. 2018/794.

(3) The guidance is published at <https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>. A hard copy or an electronic copy of the guidance can be obtained by contacting [earlyyears.entitlements@education.gov.uk](mailto:earlyyears.entitlements@education.gov.uk).

4. In regulation 4 (specified conditions relating to a parent, and any partner of the parent, of the child) after paragraph (5) insert—

“(5A) The condition in paragraph (5) is treated as being met by a parent if—

- (a) the parent is a critical worker;
- (b) the relevant tax year is the tax year starting with 6th April 2020 and ending with 5th April 2021;
- (c) the parent expects the parent’s adjusted net income to exceed £100,000 but not to exceed £150,000 in that tax year; and
- (d) the parent expects all the parent’s income that exceeds £100,000 to be mainly attributable to earnings from work undertaken directly or indirectly as a result of the incidence or transmission of coronavirus.”.

5. In regulation 4A (specified conditions relating to the parent, and any partner of the parent, of the child—foster parents) after paragraph (10) insert—

“(10A) The condition in paragraph (10) is treated as being met by a parent if—

- (a) the parent is a critical worker;
- (b) the relevant tax year is the tax year starting with 6th April 2020 and ending with 5th April 2021;
- (c) the parent expects the parent’s adjusted net income to exceed £100,000 but not to exceed £150,000 in that tax year; and
- (d) the parent expects all the parent’s income that exceeds £100,000 to be mainly attributable to earnings from work undertaken directly or indirectly as a result of the incidence or transmission of coronavirus.”.

Signed by authority of the Secretary of State for Education

8th July 2020

*Vicky Ford*  
Parliamentary Under Secretary of State  
Department for Education

We consent

6th July 2020

*Maggie Throup*  
*Rebecca Harris*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016 (“the 2016 Regulations”) which set out detailed requirements that a person must satisfy in order to receive free childcare for children of working parents in England pursuant to the Childcare Act 2016 (c.5) (the “2016 Act”).

Under regulation 4(5) of the 2016 Regulations, to be eligible for the 30 hours free childcare provided for in section 1(1) of the 2016 Act the adjusted net income of a parent (or the partner of the parent) must not be expected to exceed £100,000 in a given tax year. The amendment in regulation 4 of these Regulations changes that eligibility condition in relation to the 2020-21 tax year so that it can be met by a parent (or the partner of the parent) who expects their adjusted net income to exceed £100,000 but not to exceed £150,000, provided the parent (or the partner of the parent) is a critical worker and all the income exceeding £100,000 is mainly attributable to earnings from work undertaken directly or indirectly as a result of coronavirus.

The amendment in regulation 5 makes provisions for foster parents which are similar to the provisions made for parents and any partner of the parent in regulation 4.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).