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STATUTORY INSTRUMENTS

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**2008 No. 975**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Childcare (General Childcare Register) Regulations 2008**

*Made* - - - - *31st March 2008*  
*Laid before Parliament* *11th April 2008*  
*Coming into force* - - *1st September 2008*

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 54(2)(a), (3)(b) and (5), 55(2)(a), (3)(b) and (5), 59, 62(2)(a), (3)(b) and (5), 63(2)(a), (4)(b) and (6), 67 and 104(2) of the Childcare Act 2006(1).

In accordance with sections 59(2) and 67(2) of that Act the Secretary of State has consulted with Her Majesty's Chief Inspector of Education, Children's Services and Skills and with other persons he considers appropriate.

**PART 1**

**General**

**Citation and commencement**

1. These Regulations may be cited as the Childcare (General Childcare Register) Regulations 2008 and come into force on 1st September 2008.

**Interpretation**

2. In these Regulations—

“the Act” means the Childcare Act 2006;

“appropriate first aid qualification” means a qualification in first aid appropriate for the treatment of the children for whom childcare is provided;

“enhanced criminal record certificate” means an enhanced criminal record certificate issued under section 113B of the Police Act 1997(2);

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(1) 2006 c.21. See section 98(1) for the definitions of “prescribed” and “regulations”.

(2) 1997 c.50. Section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15) and was amended by paragraph 14 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c.47), paragraph 149 of Schedule 16 to the Armed Forces Act 2006 (c.52) and sections 79(1) and 80 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).

“harm” has the same meaning as in section 31(9) of the Children Act 1989<sup>(3)</sup>;

“home child-carer” means an individual who provides early years childminding or later years childminding—

- (a) for a child or children for particular parents, wholly or mainly in the home of the parents, or
- (b) for a child or children for particular parents (“the first parents”) and, in addition, for a child or children for different parents (“the second parents”), wholly or mainly in the home of the first parents or the second parents or in both homes;

“parent” includes any person who has parental responsibility for a child or has care of a child;

“relevant premises” means, in relation to the provision of childcare by a person, the premises or part of the premises on which that childcare is provided or will be provided.

### **Revocation of the Childcare (Voluntary Registration) Regulations 2007**

- 3. The Childcare (Voluntary Registration) Regulations 2007<sup>(4)</sup> are revoked.

## **PART 2**

### **Registration in Part A of the general childcare register**

#### **Prescribed requirements for registration**

- 4.—(1) Part 1 of Schedule 1 contains requirements prescribed for the purposes of section 54(3)(b) of the Act.
- (2) Part 1 of Schedule 2 contains requirements prescribed for the purposes of section 55(3)(b) of the Act.

#### **Information to accompany application for registration**

- 5.—(1) An application under section 54(1) of the Act must include the information in Part 2 of Schedule 1 about the matters mentioned there.
- (2) An application under section 55(1) of the Act must include the information in Part 2 of Schedule 2 about the matters mentioned there.

## **PART 3**

### **Provisions governing the activities of later years providers**

#### **Matters prescribed for the purposes of section 59**

- 6. A later years provider to whom section 59 of the Act applies must—
  - (a) meet such of the requirements set out in Schedule 3 as are applicable to that provider, and
  - (b) in the provision of childcare have regard to the needs of each child relating to childcare.

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<sup>(3)</sup> 1989 c.41. The definition was amended by section 120 of the Adoption and Children Act 2002 (c.38).

<sup>(4)</sup> S.I. 2007/730.

### **Matters to be considered by the Chief Inspector**

7. In exercising functions under Part 3 of the Act, the Chief Inspector<sup>(5)</sup> is required to have regard to the requirements set out in Schedule 3.

8. Any allegation that a later years provider to whom section 59 of the Act applies has failed to meet such of the requirements set out in Schedule 3 as are applicable to that provider, or to have regard to the matter specified in regulation 6(b), may be taken into account—

- (a) by the Chief Inspector in the exercise of functions under Part 3 of the Act, or
- (b) in any proceedings under that Part.

### **Offence relating to corporal punishment**

9.—(1) A later years provider who is registered in Part A of the general childcare register commits an offence if, without reasonable excuse, that provider fails to comply with the requirements in paragraph 5 of Schedule 3.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **PART 4**

### **Registration in Part B of the general childcare register**

#### **Prescribed requirements for registration**

10.—(1) Subject to paragraph (2), Part 1 of Schedule 4 contains requirements prescribed for the purposes of section 62(3)(b) of the Act.

(2) In the case of an applicant who is to be a home child-carer, the requirements in paragraphs 5 to 8 in Part 1 of Schedule 4 are not prescribed for the purposes of section 62(3)(b) of the Act.

(3) Part 1 of Schedule 5 contains requirements prescribed for the purposes of section 63(4)(b) of the Act.

#### **Information to accompany application for registration**

11.—(1) Subject to paragraphs (2) and (3), an application for registration under section 62(1) of the Act must include the information set out in Part 2 of Schedule 4 about the matters mentioned there.

(2) In the case of an applicant who is to be a home child-carer, the information prescribed in paragraphs 12 to 14 in Part 2 of Schedule 4 is not required.

(3) In the case of an applicant who is not providing early years or later years childminding when their application is made under section 62(1) of the Act, the information prescribed in paragraphs 15 and 16 in Part 2 of Schedule 4 is not required.

(4) An application for registration under section 63(1) of the Act must include the information set out in Part 2 of Schedule 5 about the matters mentioned there.

#### **Activities of persons registered in Part B of the general childcare register**

12. A person registered in Part B of the general childcare register must—

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(5) For the definition of “the Chief Inspector” see section 98(1) of the Childcare Act 2006, as amended by paragraph 117 of Schedule 14 to the Education and Inspections Act 2006 (c.40).

- (a) meet such of the requirements set out in Schedule 6 as are applicable to that person, and
- (b) in the provision of childcare have regard to the needs of each child relating to childcare.

**13.** In exercising functions under Part 3 of the Act, the Chief Inspector is required to have regard to the requirements set out in Schedule 6.

**14.** Any allegation that a person registered in Part B of the general childcare register has failed to meet such of the requirements set out in Schedule 6 as are applicable to that person, or to have regard to the matter specified in regulation 12(b), may be taken into account—

- (a) by the Chief Inspector in the exercise of functions under Part 3 of the Act, or
- (b) in any proceedings under that Part.

31st March 2008

*Beverley Hughes*  
Minister of State  
Department for Children, Schools and Families

## SCHEDULE 1

Regulations 4(1) and 5(1)

Applications for registration in Part A of the general childcare register: later years childminders

### PART 1

#### Prescribed requirements for registration

##### **Requirements relating to the applicant**

1. The applicant is an individual who is suitable to provide later years childminding.
2. The applicant is to have the charge of the later years childminding.
3. The applicant has provided an application for an enhanced criminal record certificate in respect of themselves to the Chief Inspector.
4. The applicant has an appropriate first aid qualification.

##### **Requirements relating to other persons**

5. Every person (other than the applicant) who is to care for children for whom the later years childminding is provided is suitable to care for children.

6. An application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in paragraph 5.

7.—(1) Every person (other than a person mentioned in paragraph 5) who has attained the age of 16 and who—

- (a) lives on the relevant premises, or
- (b) works on the relevant premises,

is suitable to be in regular contact with children.

(2) For the purposes of sub-paragraph (1)(b)—

- (a) a person who works on the relevant premises includes a person who works on a voluntary basis, and
- (b) a person is not to be treated as working on the relevant premises if that person only works on the relevant premises at times when the later years childminding is not being provided.

8. An application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in paragraph 7(1).

### PART 2

#### Prescribed information about prescribed matters

##### **Information relating to the applicant**

9. The applicant's full name (and any alias and former name), date of birth, address and telephone number.

10. The following information about the applicant's criminal convictions and cautions—
  - (a) the date of the offence,

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- (b) the nature of the offence,
- (c) the place at which the offence was committed, and
- (d) either—
  - (i) the name of the court by or before which the applicant was convicted, the date of the conviction and the penalty imposed, or
  - (ii) the date of the caution.

#### **Information relating to other persons**

**11.** The full name (and any alias and former name), date of birth and address of every person who is to care for the children for whom the later years childminding is to be provided.

**12.—(1)** The full name (and any alias and former name), date of birth and address of every person (other than a person mentioned in paragraph 11) who has attained the age of 16 and who works on the relevant premises.

(2) For the purposes of sub-paragraph (1)—

- (a) a person who works on the relevant premises includes a person who works on a voluntary basis, and
- (b) a person is not to be treated as working on the relevant premises if that person only works on the relevant premises at times when the later years childminding is not provided.

**13.** The full name (and any alias and former name) and date of birth of every person who has attained the age of 16 and who lives on the relevant premises.

#### **Information relating to the later years childminding**

**14.** The following information about the later years childminding which the applicant proposes to provide—

- (a) the address of the relevant premises,
- (b) the days on which, and hours during which, it is to be provided, and
- (c) the number of children for whom it is to be provided, and their ages.

**15.** If the applicant is to have the care of any children (including the applicant's own) other than children for whom the later years childminding is to be provided, on the relevant premises, at times when that childminding is to be provided, the number of those children, and their ages.

## SCHEDULE 2

Regulations 4(2) and 5(2)

Applications for registration in Part A of the general childcare register: other later years providers

## PART 1

### Prescribed requirements for registration

#### **Requirements relating to the applicant**

1. The applicant is suitable to provide later years provision.

2. Where the applicant is an individual, the applicant has provided an application for an enhanced criminal record certificate in respect of themselves to the Chief Inspector.

#### **Requirements relating to the manager**

3. The applicant has appointed an individual to manage the later years provision (“the manager”).
4. The manager is suitable to care for children.
5. An application for an enhanced criminal record certificate in respect of the manager (if not the applicant) is provided to the Chief Inspector.

#### **Requirements relating to the nominated individual and other persons**

6. Where the applicant is a partnership, body corporate or unincorporated association, the applicant has nominated an individual who is a partner in, or a director, secretary, other officer or member of the governing body of, the applicant (“the nominated individual”) to—

- (a) be responsible for dealing with matters relating to the applicant’s application for registration, and subsequent registration, in Part A of the general childcare register, and
- (b) oversee (either alone or jointly with others) the management of the later years provision.

7. The nominated individual is suitable to be in regular contact with children.

8. An application for an enhanced criminal record certificate in respect of the nominated individual (if not the manager) is provided to the Chief Inspector.

9. Where the applicant is a partnership, body corporate or unincorporated association whose sole or main purpose is the provision of childcare—

- (a) every person (apart from the nominated individual) who is a partner in, or a director, secretary, other officer or member of the governing body of, the applicant, is suitable to be in regular contact with children, and
- (b) an application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in sub-paragraph (a).

#### **Requirement for first aid qualification**

10. At least one person who is to care for the children for whom the later years provision is to be provided has an appropriate first aid qualification.

#### **Additional requirements for certain later years provision on domestic premises**

11.—(1) This paragraph applies in the case of later years provision on domestic premises which is not later years childminding by virtue of section 96(9) of the Act<sup>(6)</sup> where the applicant for registration is an individual.

(2) Every person (other than the applicant and the manager) who is to care for children for whom the later years provision is provided, is suitable to care for children.

(3) An application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in sub-paragraph (2).

(4) Every person (other than a person mentioned in sub-paragraph (2)) who has attained the age of 16 and who—

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(6) Section 96(9) of the Childcare Act 2006 provides that later years provision on domestic premises for reward is not later years childminding if at any time the number of persons providing the later years provision on the premises or assisting with the provision exceeds three.

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- (a) lives on the relevant premises, or
  - (b) works on the relevant premises,
- is suitable to be in regular contact with children.
- (5) For the purposes of sub-paragraph (4)(b)—
    - (a) a person who works on the relevant premises includes a person who works on a voluntary basis, and
    - (b) a person is not to be treated as working on the relevant premises if that person only works on the relevant premises at times when the later years provision is not provided.
  - (6) An application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in sub-paragraph (4).

## PART 2

### Prescribed information about prescribed matters

#### **Information relating to the applicant and the nominated individual**

**12.** Where the applicant is an individual, the applicant's full name (and any alias and former name), date of birth, address and telephone number.

**13.—(1)** This paragraph applies where the applicant is a partnership, body corporate or unincorporated association.

(2) The name, address and telephone number of the applicant.

(3) In the case of an applicant which is a body corporate, its registered number and, in the case of an applicant which is a registered charity, its registered charity number.

(4) The full name (and any alias and former name), date of birth, address and telephone number of the nominated individual.

(5) In the case of an applicant whose sole or main purpose is the provision of childcare, the full name (and any alias and former name), date of birth, address and telephone number of every person (except the nominated individual) who is a partner in, or a director, secretary, other officer or member of the governing body of, the applicant.

**14.** The following information about the criminal convictions and cautions of the applicant and the nominated individual—

(a) the date of the offence,

(b) the nature of the offence,

(c) the place at which the offence was committed, and

(d) either—

(i) the name of the court by or before which the person was convicted, the date of the conviction and the penalty imposed, or

(ii) the date of the caution.

#### **Information relating to the manager**

**15.** The full name (and any alias and former name) of the manager and, except where that person is also either the applicant or the nominated individual, their date of birth, address and telephone number.



**16.** The following information about the criminal convictions and cautions of the manager (unless that person is also either the applicant or the nominated individual)—

- (a) the date of the offence,
- (b) the nature of the offence,
- (c) the place at which the offence was committed, and
- (d) either—
  - (i) the name of the court by or before which the applicant was convicted, the date of the conviction and the penalty imposed, or
  - (ii) the date of the caution.

**Additional information about certain later years provision on domestic premises**

**17.—(1)** This paragraph applies in the case of later years provision on domestic premises which is not later years childminding by virtue of section 96(9) of the Act where the applicant for registration is an individual.

(2) The full name (and any alias and former name), date of birth and address of every person who is to care for the children for whom the later years provision is to be provided.

(3) The full name (and any alias and former name), date of birth and address of every person (other than a person mentioned in sub-paragraph (2)) who has attained the age of 16 and who works on the relevant premises.

(4) For the purposes of sub-paragraph (3)—

- (a) a person who works on the relevant premises includes a person who works on a voluntary basis, and
- (b) a person is not to be treated as working on the relevant premises if that person only works on the relevant premises at times when the later years provision is not provided.

(5) The full name (and any alias and former name) and date of birth of every person who has attained the age of 16 and who lives on the relevant premises.

**Information relating to the later years provision**

**18.** The following information about the later years provision which the applicant proposes to provide—

- (a) the address of the premises on which it is to be provided,
- (b) the days on which, and hours during which, it is to be provided, and
- (c) the number of children for whom it is to be provided, and their ages.

SCHEDULE 3

Regulation 6

Requirements governing activities: section 59

**Welfare of the children being cared for**

**1.** Children being cared for are kept safe from harm.

**2.—(1)** When later years childminding is being provided—

- (a) the later years childminder is present at all times on the relevant premises,

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- (b) for every six children for whom the childminding is being provided, at least one person who has attained the age of 18 cares for such children, and
  - (c) at least one person caring for such children has an appropriate first aid qualification.
- (2) When later years provision (other than later years childminding) is being provided—
- (a) at least two persons who have attained the age of 18 and who care for the children are present at all times on the relevant premises,
  - (b) for every eight children for whom the later years provision is being provided, at least one person who has attained the age of 18 cares for such children, and
  - (c) at least one person caring for such children has an appropriate first aid qualification.
- (3) Of the two persons required to be present by sub-paragraph (2)(a)—
- (a) at least one such person is either the later years provider, the manager or a person who works for the later years provider caring for the children for whom the later years provision is provided, and
  - (b) any other such person is suitable to care for children,

and for the purposes of this sub-paragraph, a person is unsuitable to care for children unless the later years provider is satisfied that an enhanced criminal record certificate has been obtained in respect of that person.

3. When a person who has not attained the age of 18 is caring for the children for whom the later years provision is provided, that person is supervised at all times by a person who has attained the age of 18.

4. The later years provider ensures, so far as is reasonably practicable, that no person smokes tobacco, or consumes or is under the influence of alcohol or drugs (including medication that may have an adverse effect on the person’s ability to care for children)—

- (a) on the relevant premises while the later years provision is being provided, or
- (b) in the presence of a child for whom later years provision is being provided.

5.—(1) The later years provider does not give, and ensures that no person who cares for the children gives, corporal punishment to a child for whom the later years provision is being provided.

(2) The later years provider ensures, so far as is reasonably practicable, that no person living or working on the relevant premises gives corporal punishment to a child for whom the later years provision is being provided.

(3) In this paragraph “corporal punishment” means anything done for the purpose of punishing a child (whether or not there are other reasons for doing it) which, absent any justification, would constitute battery.

**Arrangements for safeguarding the children being cared for**

6. A written statement of procedures to be followed to safeguard children being cared for from abuse or neglect, is available and observed.

7.—(1) No individual who is unsuitable to care for children has unsupervised contact with a child for whom the later years provision is being provided.

(2) For the purposes of sub-paragraph (1), a person is unsuitable to care for children unless the later years provider is satisfied that an enhanced criminal record certificate has been obtained in respect of that person.

### **Suitability of persons to care for children**

**8.**—(1) The later years provider and any person caring for the children for whom the later years provision is being provided—

- (a) is suitable to work with children,
- (b) is of integrity and good character,
- (c) has skills and experience suitable for the work, and
- (d) is physically and mentally fit for the work.

(2) The later years provider has in place an effective system to ensure that every person caring for such children satisfies the requirements in sub-paragraph (1).

(3) The later years provider is satisfied that an enhanced criminal record certificate has been obtained in respect of every person who cares for the children for whom the later years provision is provided.

### **Suitability of other persons**

**9.**—(1) Every person who—

- (a) lives on the relevant premises, or
- (b) works (including on a voluntary basis) on the relevant premises at times when the later years provision is provided,

is suitable to be in regular contact with children.

(2) For the purposes of this paragraph, a person is unsuitable to be in regular contact with children unless the later years provider is satisfied that an enhanced criminal record certificate has been obtained in respect of that person.

### **Qualifications and training**

**10.** A later years childminder successfully completes, within six months of registration in Part A of the general childcare register, a course approved by an English local authority designed to enable such a childminder to meet such of the requirements in this Schedule as are applicable (unless the childminder has successfully completed such a course prior to registration).

**11.**—(1) Subject to sub-paragraph (3), where later years provision (other than later years childminding) is being provided—

- (a) at least half of all persons caring for children for whom the later years provision is being provided have a qualification at a minimum of level 2 in an area of work relevant to such provision, and
- (b) the manager has a qualification at a minimum of level 3 in an area of work relevant to such provision.

(2) In sub-paragraph (1), “level 2” and “level 3” mean, respectively, level 2 and level 3 as set out in the National Qualifications Framework and determined by the Qualifications and Curriculum Authority<sup>(7)</sup>.

(3) In the case of a later years provider (other than a later years childminder) who provides later years provision on domestic premises, the requirement in sub-paragraph (1) does not apply until 1st March 2011, where—

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(7) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997 (c.44). The National Qualifications Framework is accessible on the Authority’s website at [www.qca.org.uk](http://www.qca.org.uk).

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- (a) that provider was, immediately before 1st September 2008, registered for child minding under section 79F(1) of the Children Act 1989(8), and
- (b) on 1st September 2008 becomes registered under section 56(2) of the Act as a later years provider other than a childminder(9).

### **Suitability of premises and equipment**

**12.** The relevant premises and the equipment used for the purposes of the later years provision are suitable for such provision and, in particular—

- (a) the relevant premises are safe for such provision,
- (b) a child is not able to leave the relevant premises without a person who is caring for children on those premises becoming aware of the child leaving, and
- (c) no person is able to enter the relevant premises without a person who is caring for children on those premises being aware of the entry of that person.

**13.** An assessment is undertaken to identify any risks to the health or safety of children for whom the later years provision is provided, arising from the relevant premises (including the means of access to and exit from those premises), the equipment used for the purposes of the later years provision and the activities provided—

- (a) at least once in each calendar year, and
- (b) immediately, where the need for such an assessment arises,

and all necessary measures are taken to minimise any identified risks.

### **Manner in which the later years provision is organised**

**14.** Arrangements are in place with other later years providers, or with parents of the children for whom the later years provision is provided, for occasions on which the later years provider is not able to provide the later years provision.

**15.** The behaviour of the children for whom the later years provision is provided is managed in a suitable manner.

**16.** If the later years provider cares for children other than those for whom the later years provision is being provided, at times when the later years provision is being provided, any such care does not have an adverse impact on the later years provision.

**17.—(1)** No child is refused later years provision or, whilst being cared for, is treated less favourably than another child by reason of—

- (a) the race, home language, family background or gender of the child,
- (b) the religion or belief of the child or the child's parents, or
- (c) any disability (within the meaning of section 1(1) of the Disability Discrimination Act 1995(10)) or learning difficulty (within the meaning of section 312(2) of the Education Act 1996(11)) which the child may have.

(2) In relation to a physical feature of the relevant premises which makes it impossible or unreasonably difficult for disabled children to make use of the later years provision, the later years provider is treated as complying with this paragraph if the duty in section 21 of the Disability

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(8) Section 79F was inserted by section 79 of the Care Standards Act 2000 (c.14). Subsection (1) was amended by paragraph 3 of Schedule 4, and Part 2 of Schedule 5, to the Children Act 2004 (c.31).

(9) The effect of section 96(9) of the Childcare Act 2006 is explained by footnote (a) on page 8.

(10) 1995 c.50.

(11) 1996 c.56. Section 312(2) was amended by paragraph 23 of Schedule 7 to the Education Act 1997 (c.44).

Discrimination Act 1995 (duty of providers of services to make adjustments) has been complied with.

### **Procedures for dealing with complaints**

**18.**—(1) The later years provider ensures that—

- (a) there is a written statement of procedures to be followed in relation to complaints,
- (b) each complaint is fully investigated,
- (c) a written record is made of any complaint, the outcome of the investigation and any action taken,
- (d) the person who made the complaint is provided as soon as is reasonably practicable, and in any event within 20 days of the date on which the complaint was made, with an account (in writing if requested by that person) of the findings of the investigation into the complaint and any action that has been taken or is to be taken as a result,
- (e) at the request of the Chief Inspector, and within such reasonable period as the Chief Inspector specifies, the Chief Inspector is supplied with—
  - (i) a statement containing a summary of any complaints made during the preceding 12 months and any action taken, or
  - (ii) a list of all complaints recorded under paragraph (c) during such period of time as may be specified by the Chief Inspector (provided that such period does not begin more than two years before the request is made), and
- (f) the record referred to in paragraph (c) is retained for a period of two years from the date on which it was made.

(2) In sub-paragraph (1) a “complaint” means a complaint by a parent in respect of a child for whom the later years provision is provided which—

- (a) is made in writing to the later years provider, and
- (b) relates to any of the requirements in this Schedule.

### **Keeping of records (other than records of complaints)**

**19.** In relation to each child for whom the later years provision is provided, a record is maintained consisting of—

- (a) the child’s name, home address and date of birth,
- (b) the name, home address and telephone number of the child’s parents, and
- (c) the days on which, and hours during which, the child has attended the relevant premises.

**20.** A record is maintained of accidents occurring on the relevant premises.

**21.** A record is maintained of any medicinal product administered to a child for whom the later years provision is provided, including—

- (a) the date and circumstances of its administration,
- (b) by whom it was administered, and
- (c) a record of consent.

**22.** A record is maintained of the name, home address and telephone number of every person living or working on the relevant premises.

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**23.** A record specified in paragraphs 19 to 22 is made as soon as is reasonably practicable after the event to which it relates occurs, or the information to which it relates is available, and is retained for a period of two years from the date on which the record was made.

**Provision of information**

**24.** The following information is made available to parents of children for whom the later years provision is provided—

- (a) information about the activities the children will undertake,
- (b) copies of the written statements of procedures referred to in paragraphs 6 and 18(1)(a),
- (c) information about the system of registration under Chapter 3 of Part 3 of the Act, and
- (d) the address of the Chief Inspector.

**25.—**(1) If any of the events specified in sub-paragraph (2) takes place, the later years provider—

- (a) notifies the Chief Inspector as soon as is reasonably practicable, and
- (b) provides the Chief Inspector with information relating to the event as soon as is reasonably practicable, and in any event within 14 days of the event occurring.

(2) The events are—

- (a) the death of, or serious accident or serious injury to, a child which takes place whilst they are receiving later years provision,
- (b) the death of, or serious accident or serious injury to, any other person on the relevant premises,
- (c) the sudden serious illness of any child for whom the later years provision is provided,
- (d) any allegation that serious harm to, or abuse of, a child has taken place—
  - (i) on the relevant premises, caused by any person, or
  - (ii) other than on the relevant premises, caused by any person who cares for, or is in regular contact with, the children for whom the later years provision is provided, and
- (e) any incident of food poisoning affecting two or more children for whom the later years provision is being provided.

**26.** The Chief Inspector is informed of—

- (a) any significant event which is likely to affect the suitability to care for children, of the later years provider or any other person caring for the children for whom the later years provision is provided,
- (b) any significant event which is likely to affect the suitability to be in regular contact with children, of any person who has attained the age of 16 and who—
  - (i) lives on the relevant premises, or
  - (ii) works (including on a voluntary basis) on the relevant premises at times when later years provision is provided, and
- (c) any change in circumstances which affects the information held by the Chief Inspector as a result of the requirements of—
  - (i) Part 2 of Schedule 1 (in the case of a later years childminder), or
  - (ii) Part 2 of Schedule 2 (in the case of a later years provider other than a later years childminder).

## **Other matters**

**27.** The later years provider is covered by insurance in respect of liability which may be incurred for death, injury, public liability, damage or other loss.

**28.** The certificate of registration given to the later years provider under section 56 or section 92 of the Act is displayed on the relevant premises.

**29.** If the registration of the later years provider is suspended under regulations made under section 69 of the Act, any notice of suspension given to the later years provider is displayed on the relevant premises during the period of suspension.

## SCHEDULE 4

Regulations 10(1) and 11(1)

Applications for registration in Part B of the general childcare register: childminders

## PART 1

### Prescribed requirements for registration

#### **Requirements relating to the applicant**

1. The applicant is an individual who is suitable to provide childminding.
2. The applicant is to have the charge of the childminding.
3. The applicant has provided an application for an enhanced criminal record certificate in respect of themselves to the Chief Inspector.
4. The applicant has an appropriate first aid qualification.

#### **Requirements relating to other persons**

**5.** Every person (other than the applicant) who is to care for the children for whom the childminding is provided is suitable to care for children.

**6.** An application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in paragraph 5.

**7.—(1)** Every person (other than a person mentioned in paragraph 5) who has attained the age of 16 and who—

- (a) lives on the relevant premises, or
- (b) works on the relevant premises,

is suitable to be in regular contact with children.

**(2)** For the purposes of sub-paragraph (1)(b)—

- (a) a person who works on the relevant premises includes a person who works on a voluntary basis, and
- (b) a person is not to be treated as working on the relevant premises if that person only works on the relevant premises at times when childminding is not being provided.

**8.** An application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in paragraph 7(1).

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### **Requirement relating to the arrangements for the childminding**

9. The childminding is provided—
- (a) in respect of a particular child for a continuous period of at least two hours per day, or
  - (b) as part of arrangements whereby childminding is provided for a period ending at the start of normal school hours, or beginning at the end of normal school hours.

## **PART 2**

### **Prescribed information about prescribed matters**

#### **Information relating to the applicant**

10. The applicant's full name (and any alias and former name), date of birth, address and telephone number.

11. The following information about the applicant's criminal convictions and cautions—
- (a) the date of the offence,
  - (b) the nature of the offence,
  - (c) the place at which the offence was committed, and
  - (d) either—
    - (i) the name of the court by or before which the applicant was convicted, the date of the conviction and the penalty imposed, or
    - (ii) the date of the caution.

#### **Information relating to other persons**

12. The full name (and any alias and former name), date of birth and address of every person who is to care for the children for whom the childminding is to be provided.

13.—(1) The full name (and any alias and former name), date of birth and address of each person (other than a person mentioned in paragraph 12) who has attained the age of 16 and who works on the relevant premises.

- (2) For the purposes of sub-paragraph (1)—
- (a) a person who works on the relevant premises includes a person who works on a voluntary basis, and
  - (b) a person is not to be treated as working on the relevant premises if that person only works on the relevant premises at times when the childminding is not provided.

14. The full name (and any alias and former name) and date of birth of each person who has attained the age of 16 and who lives on the relevant premises.

#### **Information relating to the childminding**

15. The following information about the childminding which the applicant proposes to provide—
- (a) the address of the relevant premises,
  - (b) the days on which, and hours during which, it is to be provided, and
  - (c) the number of children for whom it is to be provided, and their ages.
16. Whether or not the applicant is, or is to be, a home child-carer.



17. If the applicant is to have the care of any children (including the applicant's own) other than children for whom the childminding is to be provided, on the relevant premises, at times when that childminding is to be provided, the number of those children, and their ages.

## SCHEDULE 5

Regulations 10(3) and 11(4)

Applications for registration in Part B of the general childcare register: other childcare providers

### PART 1

#### Prescribed requirements for registration

##### **Requirements relating to the applicant**

1. The applicant is suitable to provide childcare.
2. Where the applicant is an individual, the applicant has provided an application for an enhanced criminal record certificate in respect of themselves to the Chief Inspector.

##### **Requirements relating to the manager**

3. The applicant has appointed an individual to manage the childcare provision ("the manager").
4. The manager is suitable to care for children.
5. An application for an enhanced criminal record certificate in respect of the manager (if not the applicant) is provided to the Chief Inspector.

##### **Requirements relating to the nominated individual and other persons**

6. Where the applicant is a partnership, body corporate or unincorporated association, the applicant has nominated an individual who is a partner in, or a director, secretary, other officer or member of the governing body of, the applicant ("the nominated individual") to—
  - (a) be responsible for dealing with matters relating to the applicant's application for registration, and subsequent registration, in Part B of the general childcare register, and
  - (b) oversee (either alone or jointly with others) the management of the childcare.
7. The nominated individual is suitable to be in regular contact with children.
8. An application for an enhanced criminal record certificate in respect of the nominated individual (if not the manager) is provided to the Chief Inspector.

##### **Additional requirements for certain childcare on domestic premises**

9.—(1) This paragraph applies in the case of childcare provided on domestic premises which is not early years childminding or later years childminding by virtue of section 96(5) or 96(9) of the Act<sup>(12)</sup> where the applicant for registration is an individual.

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(12) Section 96(5) of the Childcare Act 2006 provides that early years provision on domestic premises for reward is not early years childminding if at any time the number of persons providing the early years provision on the premises or assisting with the provision exceeds three. The effect of section 96(9) of that Act is explained by footnote (a) on page 8.

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(2) Every person (other than the applicant or the manager) who is to care for children for whom the childcare is provided, is suitable to care for children.

(3) An application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in sub-paragraph (2).

(4) Every person (other than a person mentioned in sub-paragraph (2)) who has attained the age of 16 and who—

- (a) lives on the relevant premises, or
- (b) works on the relevant premises,

is suitable to be in regular contact with children.

(5) For the purposes of sub-paragraph (4)(b)—

- (a) a person who works on the relevant premises includes a person who works on a voluntary basis, and
- (b) a person is not to be treated as working on the relevant premises if that person only works on the relevant premises at times when the childcare is not being provided.

(6) An application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in sub-paragraph (4).

#### **Requirements relating to the arrangements for the childcare**

**10.** At least one person who is to care for the children for whom the childcare is provided has an appropriate first aid qualification.

**11.** The childcare is provided—

- (a) in respect of a particular child for a continuous period of at least two hours per day, or
- (b) as part of arrangements whereby childcare is provided for a period ending at the start of normal school hours, or beginning at the end of normal school hours.

## **PART 2**

### **Prescribed information about prescribed matters**

#### **Information relating to the applicant and the nominated individual**

**12.** Where the applicant is an individual, the applicant's full name (and any alias and former name), date of birth, address and telephone number.

**13.—(1)** This paragraph applies where the applicant is a partnership, body corporate or unincorporated association.

(2) The name, address and telephone number of the applicant.

(3) In the case of an applicant which is a body corporate, its registered number and, in the case of an applicant which is a registered charity, its registered charity number.

(4) The full name (and any alias and former name), date of birth, address and telephone number of the nominated individual.

**14.** The following information about the criminal convictions and cautions of the applicant and the nominated individual—

- (a) the date of the offence,
- (b) the nature of the offence,

- (c) the place at which the offence was committed, and
- (d) either—
  - (i) the name of the court by or before which the applicant was convicted, the date of the conviction and the penalty imposed, or
  - (ii) the date of the caution.

#### **Information relating to the manager**

**15.** The full name (and any alias and former name) of the manager and, except where that person is also either the applicant or the nominated individual, their date of birth, address and telephone number.

**16.** The following information about the criminal convictions and cautions of the manager (unless that person is also either the applicant or the nominated individual)—

- (a) the date of the offence,
- (b) the nature of the offence,
- (c) the place at which the offence was committed, and
- (d) either—
  - (i) the name of the court by or before which the applicant was convicted, the date of the conviction and the penalty imposed, or
  - (ii) the date of the caution.

#### **Additional information about certain childcare on domestic premises**

**17.—(1)** This paragraph applies in the case of childcare provided on domestic premises which is not early years childminding or later years childminding by virtue of section 96(5) or 96(9) of the Act where the applicant for registration is an individual.

(2) The full name (and any alias and former name), date of birth and address of every person who is to care for the children for whom the childcare is to be provided.

(3) The full name (and any alias and former name), date of birth and address of every person (other than a person mentioned in sub-paragraph (2)) who has attained the age of 16 and who works on the relevant premises.

(4) For the purposes of sub-paragraph (3)—

- (a) a person who works on the relevant premises includes a person who works on a voluntary basis, and
- (b) a person is not to be treated as working on the relevant premises if that person only works on the relevant premises at times when the childcare is not provided.

(5) The full name (and any alias and former name) and date of birth of every person who has attained the age of 16 and who lives on the relevant premises.

#### **Information relating to the childcare**

**18.** The following information about the childcare which the applicant proposes to provide—

- (a) the address of the premises on which it is to be provided,
- (b) the days on which, and hours during which, it is to be provided, and
- (c) the number of children for whom it is to be provided, and their ages.

## SCHEDULE 6

Regulation 12

### Requirements governing the activities of persons registered in Part B of the general childcare register

#### **Welfare of the children being cared for**

1. Children being cared for are kept safe from harm.
2. At least one person who is caring for children on the relevant premises has an appropriate first aid qualification.
3. A registered person who is registered as a childminder is present at all times on the relevant premises while the childcare is being provided.

4.—(1) In the case of a registered person who is registered as a provider of childcare other than a childminder, at least two persons who have attained the age of 18 are present at all times on the relevant premises while the childcare is being provided.

(2) Of the two persons required to be present by sub-paragraph (1)—

- (a) at least one such person is either the registered person, the manager or a person who works for the registered person caring for the children for whom the childcare is provided, and
- (b) any other such person is suitable to care for children,

and for the purposes of this sub-paragraph a person is unsuitable to care for children unless the registered person is satisfied that an enhanced criminal record certificate has been obtained in respect of that person.

5. When a person who has not attained the age of 18 is caring for the children for whom the childcare is provided, that person is supervised at all times by a person who has attained the age of 18.

6.—(1) In the case of a registered person who is not a home child-carer, the registered person ensures, so far as is reasonably practicable, that no person smokes tobacco, or consumes or is under the influence of alcohol or drugs (including medication that may have an adverse effect on the person's ability to care for children)—

- (a) on the relevant premises while childcare is being provided, or
- (b) in the presence of a child for whom childcare is being provided.

(2) In the case of a registered person who is a home child-carer, the registered person—

- (a) does not smoke, or consume alcohol or drugs (including medication that may have an adverse effect on the registered person's ability to care for children), and
- (b) is not under the influence of alcohol or drugs (including medication that may have an adverse effect on the registered person's ability to care for children),

while providing childcare.

7.—(1) The registered person does not give, and ensures that no person who cares for the children gives, corporal punishment to a child for whom the childcare is being provided.

(2) In the case of a registered person who is not a home child-carer, the registered person ensures, so far as is reasonably practicable, that no person living or working on the relevant premises gives corporal punishment to a child for whom the childcare is being provided.

(3) In this paragraph "corporal punishment" means anything done for the purpose of punishing a child (whether or not there are other reasons for doing it) which, absent any justification, would constitute battery.

### **Arrangements for safeguarding the children being cared for**

8.—(1) In the case of a registered person who is not a home child-carer, a written statement of procedures to be followed to safeguard the children being cared for from abuse or neglect, is available and observed.

(2) In the case of a registered person who is a home child-carer, the registered person ensures that they have appropriate knowledge of procedures to be followed to safeguard children from abuse or neglect.

9.—(1) In the case of a registered person who is not a home child-carer, the registered person ensures that no individual who is unsuitable to care for children has unsupervised contact with a child for whom the childcare is being provided.

(2) For the purposes of sub-paragraph (1), a person is unsuitable to care for children unless the registered person is satisfied that an enhanced criminal record certificate has been obtained in respect of that person.

### **Suitability of persons to care for children**

10.—(1) The registered person and any person caring for the children for whom the childcare is being provided—

- (a) is suitable to work with children,
- (b) is of integrity and good character,
- (c) has skills and experience suitable for the work, and
- (d) is physically and mentally fit for the work.

(2) The registered person has in place an effective system to ensure that every person caring for such children satisfies the requirements in sub-paragraph (1).

(3) The registered person is satisfied that an enhanced criminal record certificate has been obtained in respect of every person who cares for the children for whom the childcare is provided.

### **Suitability of other persons**

11.—(1) Every person who—

- (a) lives on the relevant premises, or
- (b) works (including on a voluntary basis) on the relevant premises at times when the childcare is provided,

is suitable to be in regular contact with children.

(2) For the purposes of this paragraph, a person is unsuitable to be in regular contact with children unless the registered person is satisfied that an enhanced criminal record certificate has been obtained in respect of that person.

### **Qualifications and training**

12.—(1) At least one person who is caring for children on the relevant premises has—

- (a) a qualification at a minimum of level 2 in an area of work relevant to the childcare, or
- (b) successfully completed training in the core skills as set out in the document “Common Core of Skills and Knowledge for the Children’s Workforce”(13).

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(2) In sub-paragraph (1)(a), “level 2” means level 2 as set out in the National Qualifications Framework and determined by the Qualifications and Curriculum Authority.

### **Suitability of premises and equipment**

**13.—**(1) The relevant premises and the equipment used for the purposes of the childcare are suitable for such provision, and in particular—

- (a) in the case of a registered person who is not a home child-carer, the relevant premises are safe for such provision,
- (b) a child is not able to leave the relevant premises without a person who is caring for children on those premises becoming aware of the child leaving, except where—
  - (i) the childcare is open access childcare, or
  - (ii) the registered person has agreed with the parent of a child who is not a young child<sup>(14)</sup> that the requirement in this paragraph shall not apply, and
- (c) no person is able to enter the relevant premises without a person who is caring for the children on those premises being aware of the entry of that person.

(2) In this paragraph, “open access childcare” means childcare, other than childminding, under the arrangements for which a child, other than a young child, may leave the relevant premises unaccompanied.

**14.—**(1) In the case of a registered person who is not a home child-carer, an assessment is undertaken to identify any risks to the health or safety of children for whom childcare is provided, arising from the relevant premises (including the means of access to and exit from those premises), the equipment used for the purposes of the childcare, and the activities provided—

- (a) at least once in each calendar year, and
- (b) immediately, where the need for such an assessment arises,

and all necessary measures are taken to minimise any identified risks.

(2) In the case of a registered person who is a home child-carer, the registered person advises the parents of a child for whom the childcare is being provided of any risks to the health or safety of such a child arising from the relevant premises, the equipment used for the purposes of the childcare and the activities provided by the registered person.

### **Manner in which the childcare is organised**

**15.** In the case of a registered person who is not a home child-carer, arrangements are in place with other childcare providers, or with parents of the children for whom the childcare is provided, for occasions on which the registered person is not able to provide the childcare.

**16.** The behaviour of the children is managed in a suitable manner.

**17.** The registered person ensures that any childcare provided for children who have attained the age of eight does not have an adverse impact on childcare provided for any children who have not attained that age.

**18.—**(1) No child is refused childcare or, whilst being cared for, is treated less favourably than another child by reason of—

- (a) the race, home language, family background or gender of the child,
- (b) the religion or belief of the child or the child’s parents, or

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(14) See section 19 of the Childcare Act 2006 for the definition of “young child”.

- (c) any disability (within the meaning of section 1(1) of the Disability Discrimination Act 1995) or learning difficulty (within the meaning of section 312(2) of the Education Act 1996) which the child may have.

(2) In relation to a physical feature of the relevant premises which makes it impossible or unreasonably difficult for disabled children to be cared for, the registered person is treated as complying with this paragraph if the duty in section 21 of the Disability Discrimination Act 1995 (duty of providers of services to make adjustments) has been complied with.

### **Procedures for dealing with complaints**

**19.**—(1) In the case of a registered person who is not a home child-carer, the registered person ensures that—

- (a) there is a written statement of procedures to be followed in relation to complaints,
- (b) each complaint is fully investigated,
- (c) a written record is made of any complaint, the outcome of the investigation and any action taken,
- (d) the person who made the complaint is provided, as soon as is reasonably practicable, and in any event within 20 days of the date on which the complaint was made, with an account (in writing if requested by that person), of the findings of the investigation into the complaint and any action that has been taken or is to be taken as a result,
- (e) at the request of the Chief Inspector, and within such reasonable period as the Chief Inspector specifies, the Chief Inspector is supplied with—
  - (i) a statement containing a summary of any complaints made during the preceding 12 months and any action taken, or
  - (ii) a list of all complaints recorded under paragraph (c) during such period of time as may be specified by the Chief Inspector (provided that such period does not begin more than two years before the request is made), and
- (f) the record referred to in paragraph (c) is retained for a period of two years from the date on which it was made.

(2) In sub-paragraph (1), a “complaint” means a complaint by a parent in respect of a child for whom the childcare is being provided which—

- (a) is made in writing to the registered person, and
- (b) relates to any of the requirements in this Schedule.

### **Keeping of records (other than records of complaints)**

**20.** Subject to paragraph 21, in relation to each child for whom the childcare is provided, a record is maintained consisting of—

- (a) the child’s name, home address and date of birth,
- (b) the name, home address and telephone number of the child’s parents, and
- (c) the days on which, and hours during which, the child has attended the relevant premises.

**21.** Paragraph 20 does not apply if—

- (a) the registered person is a home child-carer, or
- (b) the childcare is open-access childcare (as defined in paragraph 13(2)).

**22.** In the case of a registered person who is not a home child-carer, a record is maintained of accidents occurring on the relevant premises.

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**23.** In the case of a registered person who is not a home child-carer, a record is maintained of any medicinal product administered to a child for whom the childcare is provided, including—

- (a) the date and circumstances of its administration,
- (b) by whom it was administered, and
- (c) a record of consent.

**24.** In the case of a registered person who is not a home child-carer, a record is maintained of the name, home address and telephone number of every person living or working on the relevant premises.

**25.** A record specified in paragraphs 20 and 22 to 24 is made as soon as is reasonably practicable after the event to which it relates occurs, or the information to which it relates is available, and is retained for a period of two years from the date on which the record was made.

### **Provision of information**

**26.—(1)** In the case of a registered person who is not a home child-carer, the following information is made available to parents of children for whom the childcare is provided—

- (a) information about the activities the children will undertake,
- (b) in the case of childcare which is open access childcare (as defined in paragraph 13(2)), a statement to that effect,
- (c) copies of the written statements of procedures referred to in paragraphs 8 and 19(1)(a),
- (d) information about the system of registration under Chapter 4 of Part 3 of the Act, and
- (e) the address of the Chief Inspector.

(2) In the case of a registered person who is a home child-carer, the registered person provides parents with—

- (a) information about the system of registration under Chapter 4 of Part 3 of the Act, and
- (b) the address of the Chief Inspector.

**27.—(1)** Subject to paragraph 28, if any of the events specified in sub-paragraph (2) takes place, the registered person—

- (a) notifies the Chief Inspector as soon as is reasonably practicable, and
- (b) provides the Chief Inspector with information relating to the event as soon as is reasonably practicable, and in any event within 14 days of the event occurring.

(2) The events are—

- (a) the death of, or serious accident or serious injury to, a child for whom the childcare is provided,
- (b) the death of, or serious accident or serious injury to, any other person on the relevant premises,
- (c) the sudden serious illness of a child for whom the childcare is provided,
- (d) any allegation that serious harm to, or abuse of, a child for whom the childcare is provided has taken place—
  - (i) on the relevant premises, caused by any person, or
  - (ii) other than on the relevant premises, caused by any person who cares for, or is in regular contact with, the children for whom the childcare is being provided, and
- (e) any incident of food poisoning affecting two or more children for whom the childcare is provided.



**28.**—(1) In the case of a registered person who is not a home child-carer, paragraph 27 applies in relation to events occurring while the registered person is providing childcare, and in relation to any other events of which the registered person is aware.

(2) In the case of a registered person who is a home child-carer, paragraph 27 applies in relation to events occurring while the registered person is providing childcare.

**29.** The Chief Inspector is informed of—

- (a) any significant event which is likely to affect the suitability to care for children, of the registered person or any person caring for the children for whom the childcare is provided,
- (b) any significant event which is likely to affect the suitability to be in regular contact with children, of any person who has attained the age of 16 and who—
  - (i) lives on the relevant premises, or
  - (ii) works (including on a voluntary basis) on the relevant premises at times when childcare is provided, and
- (c) any change in circumstances which affects the information held by the Chief Inspector as a result of the requirements of—
  - (i) Part 2 of Schedule 4 (in the case of a childminder), or
  - (ii) Part 2 of Schedule 5 (in the case of a provider of childcare other than a childminder).

#### **Other matters**

**30.** The registered person is covered by insurance in respect of liability which may be incurred for death, injury, public liability, damage or other loss.

**31.**—(1) In the case of a registered person who is not a home child-carer, the certificate of registration given to the registered person under section 64 or section 92 of the Act is displayed on the relevant premises.

(2) In the case of a registered person who is a home child-carer, a copy of the certificate of registration given to the registered person under section 64 or section 92 of the Act is given to a parent on request.

**32.**—(1) If a registered person who is not a home child-carer is suspended under regulations made under section 69 of the Act, any notice of suspension given to the registered person is displayed on the relevant premises during the period of suspension.

(2) If a registered person who is a home child-carer is suspended under regulations made under section 69 of the Act, the registered person shows any notice of suspension given to the registered person to the parent of each child for whom childcare is provided.

#### **Interpretation of Schedule 6**

**33.** In this Schedule “registered person” means a person who is registered in Part B of the general childcare register.

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## EXPLANATORY NOTE

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

These Regulations make provision relating to the registration of childminders and other providers of childcare in the general childcare register (“the register”) under Chapters 3 and 4 of Part 3 of the Childcare Act 2006 (“the Act”). The register is in two parts; Part A is for the compulsory registration of providers of certain childcare for children from the 1st September following their fifth birthday up to the age of 8, and Part B is for the voluntary registration of providers who are not required to be registered in the early years register (under Chapter 2 of Part 3 of the Act) or in Part A of the register.

Regulation 3 revokes the Childcare (Voluntary Registration) Regulations 2007 (S.I. 2007/730) which contain provisions about registration in Part B of the register. From 1st September 2008, provisions about registration in Part B of the register are contained in these Regulations.

Part 2 of the Regulations deals with registration in Part A of the register. Regulation 4, with Part 1 of Schedules 1 and 2, prescribes the requirements which must be satisfied for an application for registration to be granted by the Chief Inspector. These include the suitability of the provider and other persons who will be caring for children. Regulation 5, with Part 2 of Schedules 1 and 2, prescribes the information which must be included with an application for registration. Different requirements apply in respect of childminders and other providers of childcare.

Part 3 of the Regulations contains provisions relating to the activities of providers registered in Part A of the register, and also to schools which are exempt from registration by virtue of section 53(2) of the Act. Regulation 6, with Schedule 3, sets out the requirements governing the activities of childcare providers. These relate to matters such as the welfare of the children being cared for and the suitability of the premises and equipment. Regulation 8 enables any allegation that the provider has failed to comply with a requirement in Schedule 3 to be taken into account either by the Chief Inspector when exercising functions under Part 3 of the Act (for example, deciding whether to cancel a person’s registration), or in any proceedings. Regulation 9 provides that failure of a provider who is registered in Part A of the register to comply with the requirement prohibiting the use of corporal punishment is a criminal offence.

Part 4 of the Regulations deals with registration in Part B of the register and the activities of persons who are registered in that Part. Regulation 10, with Part 1 of Schedules 4 and 5, prescribes the requirements which must be satisfied for registration to be granted by the Chief Inspector. These include the suitability of the provider and other persons who will be caring for children. Regulation 11, with Part 2 of Schedules 4 and 5, provides for the information which must be included with an application for registration. Different requirements apply in respect of childminders, nannies (referred to in these Regulations as “home child-carers”) and other providers of childcare.

Regulation 12, with Schedule 6, sets out the requirements governing the activities of childcare providers registered in Part B of the register. These relate to matters such as the welfare of the children being cared for and the suitability of the premises and equipment. Regulation 14 enables any allegation that the provider has failed to comply with a requirement in Schedule 6 to be taken into account either by the Chief Inspector when exercising functions under Part 3 of the Act (for example, deciding whether to cancel a person’s registration), or in any proceedings.

Certain additional requirements are imposed on those who are registered, as a result of section 96(5) or (9) of the Act, as providers of childcare other than childminding, even though they provide childcare on domestic premises.

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

An impact assessment has been produced for these Regulations and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website [www.opsi.gov.uk](http://www.opsi.gov.uk).