
WELSH STATUTORY INSTRUMENTS

2016 No. 87 (W. 41)

SOCIAL CARE, WALES

**The Child Minding and Day Care
(Wales) (Amendment) Regulations 2016**

<i>Made</i>	- - - -	<i>27 January 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>29 January 2016</i>
<i>Coming into force</i>	- -	<i>1 April 2016</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon them by sections 24(2) and (3), 25, 26(2) and (3), 27, 28(3), 30, and 74(2) of the Children and Families (Wales) Measure 2010⁽¹⁾.

Title, commencement and application

1.—(1) The title of these Regulations is the Child Minding and Day Care (Wales) (Amendment) Regulations 2016.

(2) These Regulations come into force on 1 April 2016.

(3) These Regulations apply in relation to Wales.

Child Minding and Day Care (Wales) Regulations 2010

2. The Child Minding and Day Care (Wales) Regulations 2010⁽²⁾ are amended in accordance with regulations 3 to 12.

3. In regulation 2 (interpretation), in the appropriate place in the alphabetical order insert—
““premises” (“*mangre*”) has the meaning in section 71 of the Children and Families (Wales) Measure 2010;”.

4. In regulation 5 (certificate of registration), omit sub-paragraph (d).

5. In regulation 6 (registered person: suitability), in paragraph (1), for “under the age of eight” substitute “under the age of twelve”.

6. In regulation 20 (safeguarding and promotion of welfare)—

(1) 2010 nawm 1.

(2) S.I. 2010/2574 (W. 214).

- (a) in paragraph (2) for “is suitable to have such contact” substitute “is suitable to have contact with children”; and
 - (b) in paragraph (4), at the beginning of sub-paragraph (a) insert “where appropriate,”.
7. In regulation 28 (suitability of workers), in paragraph (6)(c), for “that person her” substitute “he”.
8. In regulation 37 (fitness of premises)—
- (a) in paragraph (2) for “The registered person must” substitute “Subject to paragraph (6), the registered person must”;
 - (b) after paragraph (5) insert—
 - “(6) Paragraph (2) does not apply to a registered person who provides day care by means of open access play provision.”.
9. In Schedule 1, Part 1 (prescribed requirements for registration: child minder)—
- (a) in paragraphs 2, 4, and 5 (requirements relating to the applicant), for “under the age of eight” substitute “under the age of twelve”;
 - (b) for paragraph 6 substitute—
 - “6. The applicant has provided to the Welsh Ministers an enhanced criminal record certificate.”;
 - (c) in paragraphs 8, 9, and 10 (requirements relating to other persons: staff), for “under the age of eight” substitute “under the age of twelve”; and
 - (d) for paragraph 13(1) (requirements relating to other persons: all other persons), substitute—
 - “13.—(1) Every person (other than the applicant or a person mentioned in paragraph 8) who has attained the age of 16 and who—
 - (a) lives on the relevant premises,
 - (b) works on the relevant premises, or
 - (c) is otherwise present on the relevant premises and has, or is likely to have, regular contact with relevant children,is of suitable integrity and good character to have contact with children.”.
10. In Schedule 1, Part 2 (prescribed requirements for registration: providers of day care)—
- (a) in paragraphs 15, 17 and 18 (requirements relating to the applicant: an individual), for “under the age of eight” substitute “under the age of twelve”;
 - (b) for paragraph 19 substitute—
 - “19. The applicant has provided to the Welsh Ministers an enhanced criminal record certificate.”;
 - (c) in paragraphs 21(a), 21(b), 22 and 23 (requirements relating to the responsible individual where the applicant is an organisation), for “under the age of eight” substitute “under the age of twelve”;
 - (d) for paragraph 24 substitute—
 - “24. The applicant has provided to the Welsh Ministers an enhanced criminal record certificate in respect of the responsible individual.”.
 - (e) in paragraphs 27, 28 and 29 (requirements relating to the person in charge), for “under the age of eight” substitute “under the age of twelve”;
 - (f) for paragraph 30 substitute—

“30. The applicant has provided to the Welsh Ministers an enhanced criminal record certificate in respect of the person in charge.”;

- (g) in paragraphs 32, 33 and 34 for “under the age of eight” substitute “under the age of twelve”; and
- (h) for paragraph 37(1) (requirements relating to other persons: all other persons), substitute—

“37.—(1) Every person (other than the applicant or a person mentioned in paragraph 21, 26 or 32) who has attained the age of 16 and who—

- (a) lives on the relevant premises,
- (b) works on the relevant premises, or
- (c) is otherwise present on the relevant premises and has, or is likely to have, regular contact with relevant children,

is of suitable integrity and good character to have contact with children.”.

11. In Schedule 2, Part 1 (information and documentation required for registration: child minder)

- (a) in paragraphs 2(3) and 5(b) (information and documentation required for registration: child minder), for “under the age of eight” substitute “under the age of twelve”;
- (b) in paragraph 11(g)(iii) (information about other persons: staff), for “under the age of eight” substitute “under the age of twelve”; and
- (c) in paragraph 17 and 20(1) (documents to be supplied), for “under the age of eight” substitute “under the age of twelve”.

12. In Schedule 2, Part 2 (information and documentation required for registration: provider of day care)—

- (a) in paragraphs 22(3) and 22(5)(d)(ii) (information about the applicant: an individual), for “under the age of eight” substitute “under the age of twelve”;
- (b) in paragraphs 24(3)(a), 24(3)(b) and 24(4)(d)(ii) (information about the responsible individual where the applicant is an organisation), for “under the age of eight” substitute “under the age of twelve”;
- (c) in paragraphs 25(3) and 25(4)(d)(ii) (information about the person in charge), for “under the age of eight” substitute “under the age of twelve”;
- (d) in paragraph 34(g)(iii) (information about other persons: staff), for “under the age of eight” substitute “under the age of twelve”; and
- (e) in paragraphs 40 and 46 (1) (documents to be supplied), for “under the age of eight” in each place where the words occur substitute “under the age of twelve”.

27 January 2016

Lesley Griffiths
Minister for Communities and Tackling Poverty,
one of the Welsh Ministers

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Child Minding and Day Care (Wales) Regulations 2010.

Regulation 4 removes the requirement for a certificate of registration to contain the name of the person in charge where one has been appointed.

Regulation 8 removes requirements relating to open access play provision.

Regulations 5 and 9 to 12 make amendments in consequence of the Regulation of Child Minding and Day Care (Wales) Order 2016 (which extends the regulation requirement for persons registered under Part 2 of the Children and Families (Wales) Measure 2010 to look after or provide care for children under the age of twelve). Amendments are also made to remove the requirement on applicants to provide the Welsh Ministers with an application for an enhanced criminal record certificate and for the Welsh Ministers to countersign that application.

Regulations 9 and 10 also restate with modification paragraph 13(1) and 37(1) of Schedule 1 to make it clear which persons must be of suitable integrity and good character to have contact with children.

These Regulations come into force on 1 April 2016.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.