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Children Act 1989

1989 CHAPTER 41

[^{F1}PART XA

CHILD MINDING AND DAY CARE FOR CHILDREN IN ENGLAND AND WALES]

Inspection: England

^{F1}79N **General functions of the Chief Inspector.**

- (1) The Chief Inspector has the general duty of keeping the Secretary of State informed about the quality and standards of child minding and day care provided by registered persons in England.
- (2) When asked to do so by the Secretary of State, the Chief Inspector shall give advice or information to the Secretary of State about such matters relating to the provision of child minding or day care by registered persons in England as may be specified in the Secretary of State's request.
- (3) The Chief Inspector may at any time give advice to the Secretary of State, either generally or in relation to provision by particular persons or on particular premises, on any matter connected with the provision of child minding or day care by registered persons in England.
- (4) The Chief Inspector may secure the provision of training for persons who provide or assist in providing child minding or day care, or intend to do so.
- (5) Regulations may confer further functions on the Chief Inspector relating to child minding and day care provided in England.
- (6) The annual reports of the Chief Inspector required by subsection (7)(a) of section 2 of the ^{M1}School Inspections Act 1996 to be made to the Secretary of State shall include an account of the exercise of the Chief Inspector's functions under this Part, and the power conferred by subsection (7)(b) of that section to make other reports to the Secretary of State includes a power to make reports with respect to matters which fall within the scope of his functions by virtue of this Part.

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Textual Amendments

- F1** S. 79N inserted ((E.) 16.3.2001 for certain purposes otherwise 2.7.2001 and (W.) 1.7.2001 for certain purposes otherwise 1.4.2002) by 2000 c. 14, s. 79(1); S.I. 2001/1210, art. 2(a)(vi); S.I. 2001/2041, art. 2(1)(a)(2)(3) (with transitional provisions and savings in Sch.); S.I. 2001/2190, art. 2, Sch.; S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

Marginal Citations

- M1** 1996 c. 57.

VALID FROM 02/07/2001

^{F2}79P Early years child care inspectorate.

- (1) The Chief Inspector shall establish and maintain a register of early years child care inspectors for England.
- (2) The register may be combined with the register maintained for England under paragraph 8(1) of Schedule 26 to the ^{M2}School Standards and Framework Act 1998 (register of nursery education inspectors).
- (3) Paragraphs 8(2) to (9), 9(1) to (4), 10 and 11 of that Schedule shall apply in relation to the register of early years child care inspectors as they apply in relation to the register maintained for England under paragraph 8(1) of that Schedule, but with the modifications set out in subsection (4).
- (4) In the provisions concerned—
 - (a) references to registered nursery education inspectors shall be read as references to registered early years child care inspectors;
 - (b) references to inspections under paragraph 6 of that Schedule shall be read as references to inspections under section 79Q (and references to the functions of a registered nursery education inspector under paragraph 6 shall be interpreted accordingly);
 - (c) references to the registration of a person under paragraph 6 of that Schedule shall be read as references to the registration of a person under subsection (1) (and references to applications made under paragraph 6 shall be interpreted accordingly); and
 - (d) in paragraph 10(2), for the words from “to a tribunal” to the end there shall be substituted “to the Tribunal established under section 9 of the ^{M3}Protection of Children Act 1999.”
- (5) Registered early years child care inspectors are referred to below in this Part as registered inspectors.

Textual Amendments

- F2** S. 79P inserted (2.7.2001 and 2.9.2002 (E.) for certain purposes otherwise *prosp.* (E.) and 1.4.2002 (W.)) by 2000 c. 14, ss. 79(1), 122; S.I. 2001/2041, art. 2(1)(a)(2)(3) (with transitional provisions and savings in Sch. (as amended by S.I. 2002/2215, art. 3)); S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3); S.I. 2002/2215, art. 2

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Marginal Citations

M2 1998 c. 31.

M3 1999 c. 14.

F³79Q Inspection of provision of child minding and day care in England.

- (1) The Chief Inspector may at any time require any registered person to provide him with any information connected with the person's activities as a child minder, or provision of day care, which the Chief Inspector considers it necessary to have for the purposes of his functions under this Part.
- (2) The Chief Inspector shall secure that any child minding provided in England by a registered person is inspected by a registered inspector at prescribed intervals.
- (3) The Chief Inspector shall secure that any day care provided by a registered person on any premises in England is inspected by a registered inspector at prescribed intervals.
- (4) The Chief Inspector may comply with subsection (2) or (3) either by organising inspections or by making arrangements with others for them to organise inspections.
- (5) In prescribing the intervals mentioned in subsection (2) or (3) the Secretary of State may make provision as to the period within which the first inspection of child minding or day care provided by any person or at any premises is to take place.
- (6) A person conducting an inspection under this section shall report on the quality and standards of the child minding or day care provided.
- (7) The Chief Inspector may arrange for an inspection conducted by a registered inspector under this section to be monitored by another registered inspector.

Textual Amendments

F3 S. 79Q inserted (16.3.2001 and 2.7.2001 (E.) for certain purposes, otherwise 2.9.2002 (E.) and 1.7.2001 (W.) for certain purposes otherwise 1.4.2002 (W.)) by 2000 c. 14, s. 79(1); S.I. 2001/1210, art. 2(a)(vii)(viii) S.I. 2001/2041, art. 2(1)(a)(2) (with transitional provisions and savings in Sch.); S.I. 2001/2190, art. 2, Sch.; S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

F⁴79R Reports of inspections.

- (1) A person who has conducted an inspection under section 79Q shall report in writing on the matters inspected to the Chief Inspector within the prescribed period.
- (2) The period mentioned in subsection (1) may, if the Chief Inspector considers it necessary, be extended by up to three months.
- (3) Once the report of an inspection has been made to the Chief Inspector under subsection (1) he—
 - (a) may send a copy of it to the Secretary of State, and shall do so without delay if the Secretary of State requests a copy;
 - (b) shall send a copy of it, or of such parts of it as he considers appropriate, to any prescribed authorities or persons; and
 - (c) may arrange for the report (or parts of it) to be further published in any manner he considers appropriate.

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- (4) Subsections (2) to (4) of section 42A of the ^{M4}School Inspections Act 1996 shall apply in relation to the publication of any report under subsection (3) as they apply in relation to the publication of a report under any of the provisions mentioned in subsection (2) of section 42A.

Textual Amendments

- F4** S. 79R inserted ((E.) 16.3.2001 for certain purposes otherwise 2.7.2001 and (W.) 1.7.2001 for certain purposes otherwise 1.4.2002) by 2000 c. 14, s. 79(1); S.I. 2001/1210, art. 2(a)(ix)(x); S.I. 2001/2041, art. 2(1)(a) (with transitional provisions and savings in Sch); S.I. 2001/2190, art. 2, Sch.; S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

Marginal Citations

- M4** 1996 c. 57.

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