
STATUTORY INSTRUMENTS

2008 No. 1740

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Childcare (Disqualification)
(Amendment) Regulations 2008**

Made - - - - *2nd July 2008*
Laid before Parliament *9th July 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 67, 75 and 104 of the Childcare Act 2006⁽¹⁾.

In accordance with section 67(2) of that Act, the Secretary of State has consulted Her Majesty's Chief Inspector of Education, Children's Services and Skills.

Citation and commencement

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

Amendments to the Childcare (Disqualification) Regulations 2007

2. The Childcare (Disqualification) Regulations 2007⁽²⁾ are amended as follows.
3. After regulation 6 insert—

“Persons barred from regulated activity relating to children

6A. A person who is barred from regulated activity relating to children (within the meaning of section 3(2)(a) of the Safeguarding Vulnerable Groups Act 2006) is disqualified from registration.”

4. In regulation 8 (waivers)—
 - (a) for paragraph (1) substitute—

“(1) Subject to paragraph (3), where a person would be disqualified from registration by virtue of regulation 3, 4, 6(1) and (3) or 7 but that person has disclosed to the Chief

(1) [2006 c.21](#). Section 75(3) of the Childcare Act 2006 was amended by the Safeguarding Vulnerable Groups Act [2006 \(c. 47\)](#). See section 98(1) of the Childcare Act 2006 for the definition of ‘prescribed’ and ‘regulations’.

(2) [S.I. 2007/723](#).

Inspector the facts which would otherwise cause that person to be disqualified, the Chief Inspector may give consent to waive the disqualification for any or all of the following purposes—

- (a) the provision of early years or later years provision to which section 76 of the Act applies;
 - (b) direct concern in the management of early years or later years provision to which section 76 of the Act applies;
 - (c) employment in connection with the provision of early years or later years provision to which section 76 of the Act applies.”;
- (b) after paragraph (1) insert—
- “(1A) Where the Chief Inspector gives consent under paragraph (1), the person concerned shall not, in respect of the facts disclosed, be regarded as disqualified from registration for the purposes specified in the Chief Inspector’s consent.”.
5. In regulation 10 (duty of disclosure), in paragraph (1), after “Chapter” insert “2, 3 or”.
6. In Schedule 1 (orders etc. relating to the care of children)—
- (a) in paragraph 4, after “(an Act of Tynwald)” insert “(care order)”;
 - (b) in paragraph 15(f), for “Schedule 2” substitute “Schedule 6”.
7. In Schedule 3 (specified offences) for paragraph 4 substitute—
- “4. An offence specified in Schedule 4 to the Children (Jersey) Law 2002.”.

2nd July 2008

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Childcare (Disqualification) Regulations 2007 ([S.I. 2007/723](#)) (“the 2007 Regulations”).

Regulation 3 inserts a new regulation 6A in the 2007 Regulations to ensure that persons barred from regulated activity relating to children within the meaning of section 3(2)(a) of the Safeguarding Vulnerable Groups Act 2006 (c. 47) are disqualified from registration in England as providers of early years or later years childminding or other early years or later years provision under the Childcare Act 2006 (c. 21) (“the Act”).

Regulation 4 amends regulation 8 of the 2007 Regulations to provide that the Chief Inspector may waive disqualification from registration for any or all of the purposes set out in subsections 76(2) and (3) of the Act. The Chief Inspector cannot waive where the disqualification arises from the new regulation 6A (persons barred from regulated activity relating to children).

Regulation 10 of the 2007 Regulations currently provides that persons registered under Chapter 4 (voluntary registration) of the Act have a continuing duty throughout the period of their registration to provide information to the Chief Inspector in relation to any order, determination, conviction or other ground for disqualification from registration under the 2007 Regulations. Regulation 5 amends regulation 10 of the 2007 Regulations to provide that persons registered under Chapter 2 (regulation of early years provision) or Chapter 3 (regulation of later years provision for children under 8) of Part 3 of the Act also have a continuing duty to provide such information.

Regulations 6 and 7 make minor amendments to references to offences committed in the Isle of Man and Jersey.