

2008 No. 974

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare (Early Years 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 35(2)(a), (3)(b) and (5), 36(2)(a), (3)(b) and (5) and 104(2) of the Childcare Act 2006(a):

Citation and commencement

1. These Regulations may be cited as the Childcare (Early Years 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 children for whom early years provision is provided;

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

“the EYFS learning and development requirements” means the requirements specified under section 39(1)(a) of the Act;

“the EYFS welfare requirements” means the requirements specified under section 39(1)(b) of the Act;

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

Prescribed requirements for registration

3.—(1) Part 1 of Schedule 1 contains requirements prescribed for the purposes of section 35(3)(b) of the Act.

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

(b) 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).

(2) Part 1 of Schedule 2 contains requirements prescribed for the purposes of section 36(3)(b) of the Act.

Information to accompany application for registration

4.—(1) An application under section 35(1) of the Act must include the information in Part 2 of Schedule 1 about the matters mentioned there.

(2) An application under section 36(1) of the Act must include the information in Part 2 of Schedule 2 about the matters mentioned there.

31st March 2008

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

SCHEDULE 1

Regulations 3(1) and 4(1)

Applications for registration: early years childminders

PART 1

Prescribed requirements for registration

Requirements relating to the applicant

1. The applicant is an individual who is suitable to provide early years childminding.
2. The applicant is to have the charge of the early years childminding.
3. The applicant has provided an application for an enhanced criminal record certificate in respect of themselves to the Chief Inspector(a).
4. The applicant will secure that the proposed early years childminding meets the EYFS learning and development requirements.
5. The applicant will comply with the EYFS welfare requirements.
6. The applicant has an appropriate first aid qualification.
7. The applicant has carried out an assessment to identify any risks to the health or safety of children for whom early years childminding is to be provided, arising from—
 - (a) the relevant premises (including the means of access to and exit from those premises),
 - (b) any equipment there, and
 - (c) the activities to be provided there.

Requirements relating to other persons

8. Every person (other than the applicant) who is to care for children for whom the early years childminding is provided is suitable to care for young children(b).

(a) 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).

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

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

10.—(1) Every person (other than a person mentioned in paragraph 8) 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 young 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 early years childminding is not being provided.

11. An application for an enhanced criminal record certificate is provided to the Chief Inspector in respect of every person mentioned in paragraph 10(1).

PART 2

Prescribed information about prescribed matters

Information relating to the applicant

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

13. 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.

14. The following information about any appropriate first aid qualification obtained by the applicant—

- (a) the name or type of the qualification,
- (b) the name of the organisation which awarded the qualification,
- (c) the date on which the qualification was obtained, and
- (d) if the qualification expires on a particular date, that date.

15. The following information about any qualification obtained (other than an appropriate first aid qualification) or training undertaken by the applicant which is relevant to the question of whether the applicant is suitable to provide early years childminding—

- (a) the name or type of the qualification or training,
- (b) the subjects studied,
- (c) any mark or grade achieved,
- (d) the name of the organisation which awarded the qualification or provided the training,
- (e) the date on which the qualification was obtained or the training undertaken, and
- (f) the length of any course undertaken as part of the qualification or training.

- 16.**—(1) The following information about the applicant’s employment history—
- (a) the nature of any employment undertaken, the dates during which it was undertaken and the name and address of the employer,
 - (b) the nature of any work undertaken on a self-employed basis, the dates during which and place at which it was undertaken, and
 - (c) an explanation of the reason for any period unaccounted for under paragraph (a) or (b).
- (2) In sub-paragraph (1)(a), “employment” includes work undertaken on a voluntary basis (and “employer” is to be read accordingly).

17. The names and addresses of two referees for the applicant who are not relatives of the applicant.

Information relating to other persons

18. 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 early years childminding is to be provided.

19.—(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 18) 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 early years childminding is not provided.

20. 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 early years childminding

21. The following information about the early 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.

22. If the applicant is to have the care of any children (including the applicant’s own) other than children for whom the early 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 3(2) and 4(2)

Applications for registration: other early years providers

PART 1

Prescribed requirements for registration

Requirements relating to the applicant

- 1.** The applicant is suitable to provide early 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.

3. The applicant will secure that the proposed early years provision meets the EYFS learning and development requirements.

4. The applicant will comply with the EYFS welfare requirements.

5. The applicant has carried out an assessment to identify any risks to the health or safety of children for whom early years provision is to be provided, arising from—

- (a) the relevant premises (including the means of access to and exit from those premises),
- (b) any equipment there, and
- (c) the activities to be provided there.

Requirements relating to the manager

6. The applicant has appointed an individual to manage the early years provision (“the manager”).

7. The manager is suitable to care for young children.

8. 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

9. 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 the early years register, and
- (b) oversee (either alone or jointly with others) the management of the early years provision.

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

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

12. 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 young 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

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

Additional requirements for certain early years provision on domestic premises

14.—(1) This paragraph applies in the case of early years provision on domestic premises which is not early years childminding by virtue of section 96(5) of the Act^(a) 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 early years provision is provided is suitable to care for young 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 young 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 early 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

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

16.—(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 a member of the governing body of, the applicant.

17. 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

(a) Section 96(5) of the Children 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.

- (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

18. 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.

19. 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 person was convicted, the date of the conviction and the penalty imposed, or
 - (ii) the date of the caution.

20. The following information about any appropriate first aid qualification obtained by the manager—

- (a) the name or type of the qualification,
- (b) the name of the organisation which awarded the qualification,
- (c) the date on which the qualification was awarded, and
- (d) if the qualification expires on a particular date, that date.

21. The following information about any qualification obtained (other than an appropriate first aid qualification) or training undertaken by the manager which is relevant to the question of whether the manager is suitable to care for young children—

- (a) the name or type of the qualification or training,
- (b) the subjects studied,
- (c) any mark or grade achieved,
- (d) the name of the organisation which awarded the qualification or provided the training,
- (e) the date on which the qualification was obtained or the training undertaken, and
- (f) the length of any course undertaken as part of the qualification or training.

22.—(1) The following information about the manager’s employment history—

- (a) the nature of any employment undertaken, the dates during which it was undertaken and the name and address of the employer,
- (b) the nature of any work undertaken on a self-employed basis, the dates during which and location at which it was undertaken, and
- (c) an explanation of the reason for any period unaccounted for under paragraph (a) or (b).

(2) In sub-paragraph (1)(a), “employment” includes work undertaken on a voluntary basis (and “employer” is to be read accordingly).

23. The names and addresses of two referees for the manager who are not relatives of the manager.

Additional information for certain early years provision on domestic premises

24.—(1) This paragraph applies in the case of early years provision on domestic premises which is not early years childminding by virtue of section 96(5) 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 early 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 early 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 early years provision

25. The following information about the early years provision 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the early years register of childminders and other providers of childcare which is maintained by Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector") under Chapter 2 of Part 3 of the Childcare Act 2006. The early years register is for the compulsory registration of certain childcare provided for children from birth up to the 1st September following their fifth birthday.

Regulation 3, with Part 1 of Schedule 1 (for childminders), and Part 1 of Schedule 2 (for other providers of childcare), prescribes the requirements which the Chief Inspector must be satisfied are met in order for an application for registration in the early years register to be granted. The requirements include that the applicant and others who will be in contact with children are suitable.

Regulation 4, with Part 2 of Schedule 1 (for childminders), and Part 2 of Schedule 2 (for other providers of childcare), prescribes certain information which must be included with an application for registration. This includes information about the applicant such as their employment history, qualifications and training, and information about the childcare they propose to provide.

Additional requirements are imposed on certain people applying to be registered (as a result of section 96(5) of the Act) as providers of childcare other than childminding, even though they are to provide childcare on domestic premises.

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.

STATUTORY INSTRUMENTS

2008 No. 974

CHILDREN AND YOUNG PERSONS, ENGLAND

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