
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.

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.