

2009 No. 1545

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Childcare (General Childcare Register) (Amendment)
Regulations 2009**

<i>Made</i>	- - - -	<i>22nd June 2009</i>
<i>Laid before Parliament</i>		<i>29th June 2009</i>
<i>Coming into force</i>	- -	<i>1st September 2009</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 59, 67 and 104(2) of the Childcare Act 2006(a).

In accordance with sections 59(2) and 67(2) of that Act, the Secretary of State has consulted Her Majesty's Chief Inspector of Education, Children's Services and Skills and such other persons as were considered appropriate.

Citation and commencement

1. These Regulations may be cited as the Childcare (General Childcare Register) (Amendment) Regulations 2009 and come into force on 1st September 2009.

Amendments to Schedule 3 to the Childcare (General Childcare Register) Regulations 2008

2. Schedule 3 to the Childcare (General Childcare Register) Regulations 2008(b) is amended as follows.

3. In paragraph 2(1)(a), at the end insert "except where the later years childminder is acting in accordance with arrangements made for the absence from the relevant premises of that childminder which have been given prior written approval by the Chief Inspector,".

4. In paragraph 18(1)—

- (1) in sub-paragraph (d), for "20 days" substitute "28 days";
- (2) in sub-paragraph (e)(ii), for "two years" substitute "three years";
- (3) in sub-paragraph (f), for "two years" substitute "three years".

Amendments to Schedule 6 to the Childcare (General Childcare Register) Regulations 2008

5. Schedule 6 to the Childcare (General Childcare Register) Regulations 2008 is amended as follows.

6. In paragraph 3, at the beginning insert "Subject to paragraph 3A,".

(a) 2006 c.21. For the definitions of "prescribed" and "regulations" see section 98(1).
(b) S.I. 2008 / 975.

7. After paragraph 3, insert—

“3A. In the case of a registered childminder who is not a home child-carer, paragraph 3 does not apply where the childminder is acting in accordance with arrangements made for the absence from the relevant premises of that childminder which have been given prior written approval by the Chief Inspector.”

8. In paragraph 11(1), at the start insert “In the case of a registered person who is not a home child-carer,”.

9. In paragraph 19(1)—

- (1) in sub-paragraph (d), for “20 days” substitute “28 days”;
- (2) in sub-paragraph (e)(ii), for “two years” substitute “three years”;
- (3) in sub-paragraph (f), for “two years” substitute “three years”.

22nd June 2009

Dawn Primarolo
Minister of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Childcare (General Childcare Register) Regulations 2008 (S.I. 2008/975) (“the 2008 Regulations”) which contain requirements relating to childcare providers applying for registration, or registered, in Parts A or B of the General Childcare Register (“the GCR”). The GCR is maintained by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”) under Part 3 of the Childcare Act 2006.

Schedule 3 to the 2008 Regulations contains requirements which apply to childcare providers registered in Part A of the GCR (those providing childcare for children from the 1st September following their fifth birthday up to their eighth birthday).

Regulation 3 amends paragraph 2(1)(a) of Schedule 3 to provide an exception from the requirement for the registered childminder to be present on the childcare premises at all times when childcare is being provided. The exception applies where the childminder is acting in accordance with arrangements for the childminder’s absence approved by the Chief Inspector.

Regulation 4 amends requirements in paragraph 18 of Schedule 3 relating to the handling of complaints by parents. The period of time within which a complaint must be responded to in writing by the childcare provider is increased from 20 days to 28 days. The period of time during which a record of any complaint must be retained by the childcare provider, and can be requested by the Chief Inspector, is increased from two years to three years.

Schedule 6 to the 2008 Regulations contains requirements which apply to childcare providers registered in Part B of the GCR (those providing childcare for children aged eight or over, or who are otherwise exempt from registration such as home child-carers).

Regulations 6, 7 and 9 make the same amendments in Schedule 6 as are made to Schedule 3 by regulations 3 and 4 (amendments relating to childminders being absent from the premises, and to the handling of parental complaints).

Regulation 8 corrects an error in paragraph 11 of Schedule 6 (which requires every person living or working on the childcare premises to be suitable to be in regular contact with children, and to have an enhanced criminal records bureau check). This requirement should not apply in the case of a home child-carer (who cares for a child in the child’s home), and paragraph 11 is amended so that it does not apply in such a case.

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.

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STATUTORY INSTRUMENTS

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