

2012 No. 1699

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Childcare (General Childcare Register) (Amendment)
Regulations 2012**

<i>Made</i>	- - - -	<i>28th June 2012</i>
<i>Laid before Parliament</i>		<i>5th July 2012</i>
<i>Coming into force</i>	- -	<i>1st September 2012</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 54(3)(b) and (5), 55(2)(a), (3)(b) and (5), 59, 63(2)(a), (4)(b) and (6), 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 other appropriate persons.

Citation and commencement

1. These Regulations may be cited as the Childcare (General Childcare Register) (Amendment) Regulations 2012 and come into force on 1st September 2012.

Amendments to the Childcare (General Childcare Register) Regulations 2008

2. The Childcare (General Childcare Register) Regulations 2008(b) are amended as follows.

3. In regulation 2 (interpretation) after "appropriate first aid qualification" insert—

““childminder’s assistant” means a person who assists a registered childminder with childminding of one or more children to whom they are not related, on domestic premises and regardless of whether the assistant is paid or not;”.

4. In Schedule 1 after paragraph 4 insert—

“4A. The applicant has completed an appropriate course approved by an English local authority designed to enable the applicant to meet the requirements in Schedule 3 which are applicable to later years childminding.”.

5.—(1) Schedule 2 is amended as follows.

(2) For paragraph 5 substitute—

“5. The applicant has obtained an enhanced criminal record certificate in respect of the manager (if not the applicant).”.

(a) 2006 c. 21.

(b) S.I. 2008/975 was amended by S.I. 2009/1545 and S.I. 2010/677.

(3) Omit paragraphs 15 and 16.

6.—(1) Schedule 3 is amended as follows.

(2) In paragraph 2, for sub-paragraph (1)(a)(a), substitute—

“(a) the later years childminder is present at all times on the relevant premises while the childcare is being provided, except for a maximum of two hours per day if—

- (i) a childminder’s assistant is present on the relevant premises in the childminder’s absence; and
- (ii) the parents of the child have given consent to the childminder for the child to be left with the childminder’s assistant.”.

(3) In paragraph 8—

- (a) in sub-paragraph (1) after “The later years provider” insert “, the manager of the later years provision”;
- (b) in sub-paragraph (2) after “children” insert “, including the manager,”; and
- (c) in sub-paragraph (3) after “every person” insert “, including the manager,”.

(4) Omit paragraph 10.

(5) In paragraph 26—

- (a) at the end of sub-paragraph (b) omit “and”; and
- (b) at the end of sub-paragraph (c) add—

“, and

(d) the appointment of a new manager to manage the later years provision.”.

7.—(1) Schedule 5 is amended as follows.

(2) For paragraph 5 substitute—

“**5.** The applicant has obtained an enhanced criminal record certificate in respect of the manager (if not the applicant).”.

(3) Omit paragraphs 15 and 16.

8.—(1) Schedule 6 is amended as follows.

(2) For paragraphs 3 and 3A substitute—

“**3.** A registered person who is registered as a childminder is present at all times on the relevant premises while the childcare is being provided, except for a maximum of two hours per day if—

- (a) a childminder’s assistant is present on the relevant premises in the childminder’s absence; and
- (b) the parents of the child have given written consent to the childminder for the child to be left with the childminder’s assistant.”.

(3) In paragraph 10—

- (a) in sub-paragraph (1) after “The registered person” insert “, the manager of the relevant premises”;
- (b) in sub-paragraph (2) after “children” insert “, including the manager,”; and
- (c) in sub-paragraph (3) after “every person” insert “, including the manager,”.

Sarah Teather
Minister of State

Department for Education

28th June 2012

(a) Sub-paragraph (1)(a) was amended by S.I. 2009/1545.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Childcare (General Childcare Register) Regulations 2008 (“the Principal Regulations”) which contain requirements relating to childcare providers who are applying for registration or following registration 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.

Regulation 4 makes it a requirement for the applicant to have completed an English Local Authority approved childminding course prior to the Chief Inspector granting a childminder’s registration application.

Regulation 5 requires an applicant to have obtained an enhanced criminal record certificate in respect of the manager (if the applicant is not the manager) of later years provision prior to the Chief Inspector granting the applicant’s registration. Previously an application for an enhanced criminal record certificate in respect of a manager of later years provision had to be given to the Chief Inspector and the Chief Inspector would have obtained the enhanced criminal record certificate.

Regulation 7 makes similar changes to those in Regulation 5 prior to the Chief Inspector registering childcare providers in Part B of the GCR. Regulations 5 and 7 also make consequential changes removing the requirement for certain information relating to managers to be given to the Chief Inspector pertaining to when the Chief Inspector obtained the enhanced criminal record certificate on the manager.

Regulations 6(2) (relating to later years childminding on Part A of the GCR) and 8(2) (relating to the voluntary registration of childminders on Part B of the GCR) provide for the circumstances when a registered childminder need not be on the premises where childcare is provided. A childminder may leave children with an assistant childminder for a maximum of 2 hours per day on the premises where childcare is provided if the child’s parents have consented to the child being left with the assistant. Regulation 3 inserts a definition of “childminder’s assistant” into regulation 2 of the Principal Regulations. Regulations 6(3) and 8(3) contain consequential amendments pursuant to the changes in regulations 5 and 7 to ensure that in future the Chief Inspector is notified if a new manager is appointed and to ensure that the provisions in paragraph 8 of Schedule 3 and paragraph 10 of Schedule 6, relating to suitability of persons to care for children, apply to managers.

An Impact Assessment has been produced for this instrument and is available, with the Explanatory Memorandum at www.legislation.gov.uk.

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STATUTORY INSTRUMENTS

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