

SCHEDULES

SCHEDULE 4

CHILDMINDER AGENCIES: AMENDMENTS

PART 3

LATER YEARS CHILDMINDER AGENCIES

- 14 The Childcare Act 2006 is amended as follows.
- 15 In section 52 (requirement to register: later years childminders for children under 8), in subsection (1) for “in Part A of the general childcare register as a childminder” substitute “as a later years childminder—
- (a) in Part A of the general childcare register, or
 - (b) with a later years childminder agency.”
- 16 (1) Section 53 (requirement to register: other later years providers for children under 8) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A person may not provide, for a child who has not attained the age of eight, later years provision on premises in England which are not domestic premises unless the person is registered in Part A of the general childcare register in respect of the premises.
- (1A) A person may not provide, for a child who has not attained the age of eight, later years provision on domestic premises in England which would be later years childminding but for section 96(9) unless the person is registered—
- (a) in Part A of the general childcare register in respect of the premises, or
 - (b) with a later years childminder agency in respect of the premises.”
- (3) In subsection (2) for “Subsection (1) does” substitute “Subsections (1) and (1A) do”.
- (4) In subsection (3) for “subsection (1) does” substitute “subsections (1) and (1A) do”.
- (5) In subsection (5) after “subsection (1)” insert “or (1A)”.
- 17 (1) Section 54 (applications for registration: later years childminders) is amended as follows.
- (2) In subsection (1) for “to the Chief Inspector for registration as a later years childminder” substitute “—
- (a) to the Chief Inspector for registration as a later years childminder in Part A of the general childcare register, or
 - (b) to a later years childminder agency for registration with that agency as a later years childminder.”

Status: This is the original version (as it was originally enacted).

- (3) In subsection (2)—
- (a) in paragraph (b) after “Chief Inspector” insert “or (as the case may be) the later years childminder agency”, and
 - (b) in paragraph (c) at the beginning insert “if it is an application to the Chief Inspector,”.
- (4) In subsections (3) and (4), after “subsection (1)” insert “(a)”.
- (5) After subsection (4) insert—
- “(4A) A later years childminder agency may grant an application under subsection (1)(b) only if—
- (a) the applicant is not disqualified from registration by regulations under section 75,
 - (b) it appears to the agency that the prescribed requirements for registration are satisfied and are likely to continue to be satisfied, and
 - (c) it appears to the agency that any other reasonable requirements it has imposed are satisfied and are likely to continue to be satisfied.”
- (6) In subsection (5), after paragraph (a) insert—
- “(aa) prohibiting the applicant from being registered in Part A of the general childcare register as a later years childminder if the applicant is registered with a childminder agency;
 - (ab) prohibiting the applicant from being registered with a later years childminder agency as a later years childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.
- 18 (1) Section 55 (applications for registration: other later years providers) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) A person who proposes to provide on any premises later years provision in respect of which the person is required by section 53(1A) to be registered may make an application—
- (a) to the Chief Inspector for registration as a later years provider in respect of the premises, or
 - (b) to a later years childminder agency for registration with that agency as a later years provider in respect of the premises.”
- (3) In subsection (2)—
- (a) after “subsection (1)” insert “or (1A)”,
 - (b) in paragraph (b) after “Chief Inspector” insert “or (as the case may be) the later years childminder agency”, and
 - (c) in paragraph (c) at the beginning insert “if it is an application to the Chief Inspector,”.
- (4) In subsections (3) and (4), after “subsection (1)” insert “or (1A)(a)”.
- (5) After subsection (4) insert—

Status: This is the original version (as it was originally enacted).

“(4A) A later years childminder agency may grant an application under subsection (1A)(b) only if—

- (a) the applicant is not disqualified from registration by regulations under section 75,
- (b) it appears to the agency that the prescribed requirements for registration are satisfied and are likely to continue to be satisfied, and
- (c) it appears to the agency that any other reasonable requirements it has imposed are satisfied and are likely to continue to be satisfied.”

(6) In subsection (5), after paragraph (a) insert—

- “(aa) prohibiting the applicant from being registered in Part A of the general childcare register as a later years provider other than a childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with a later years childminder agency as a later years provider other than a childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.

19 (1) Section 56 (entry on the register and certificates) is amended as follows.

(2) In subsection (1) after “section 54(1)” insert “(a)”.

(3) In subsection (2) after “section 55(1)” insert “or (1A)(a)”.

20 After section 56 insert—

“56A Later years childminder agencies: registers and certificates

(1) If an application under section 54(1)(b) is granted, the later years childminder agency must—

- (a) register the applicant in the register maintained by the agency as a later years childminder, and
- (b) give the applicant a certificate of registration stating that he or she is so registered.

(2) If an application under section 55(1A)(b) is granted, the later years childminder agency must—

- (a) register the applicant in the register maintained by the agency as a later years provider other than a childminder, in respect of the premises in question, and
- (b) give the applicant a certificate of registration stating that he or she is so registered.

(3) A certificate of registration given to the applicant in pursuance of subsection (1) or (2) must contain prescribed information about prescribed matters.

(4) If there is a change of circumstances which requires the amendment of a certificate of registration, the later years childminder agency must give the registered later years provider an amended certificate.”

Status: This is the original version (as it was originally enacted).

21 In section 57 (special procedure for registered early years providers), in the title for “registered early years providers” substitute “providers registered in the early years register”.

22 After section 57 insert—

“57A Special procedure for providers registered with early years childminder agencies

(1) Subsection (2) applies where—

- (a) a person is registered with an early years childminder agency as an early years childminder, and
- (b) that agency is also a later years childminder agency.

(2) If the person gives notice to the agency that he or she proposes to provide later years childminding in respect of which he or she is required to be registered under this Chapter, the agency must—

- (a) register the person in the register maintained by the agency as a later years childminder, and
- (b) give the person a certificate of registration stating that he or she is so registered.

(3) Subsection (4) applies where—

- (a) a person is registered with an early years childminder agency in respect of particular premises as an early years provider other than a childminder, and
- (b) that agency is also a later years childminder agency.

(4) If the person gives notice to the agency that he or she proposes to provide later years provision in respect of which he or she is required to be registered under this Chapter on the same premises, the agency must—

- (a) register the person in the register maintained by the agency as a later years provider other than a childminder, in respect of the premises, and
- (b) give the person a certificate of registration stating that he or she is so registered.

(5) Subsections (3) and (4) of section 56A apply in relation to a certificate of registration given in pursuance of subsection (2) or (4) of this section as they apply in relation to a certificate of registration given in pursuance of subsection (1) or (2) of that section.”

23 In section 58 (conditions on registration), in subsections (1) and (5) for “under this Chapter” substitute “in Part A of the general childcare register”.

24 (1) Section 59 (regulations governing activities) is amended as follows.

(2) In subsection (4)—

- (a) after “Chief Inspector” insert “or later years childminder agencies”, and
- (b) omit “his”.

(3) In subsection (5)—

- (a) after “Chief Inspector” insert “or later years childminder agencies”, and
- (b) omit “his”.

Status: This is the original version (as it was originally enacted).

- (4) In subsection (6) after paragraph (a) (and before the “or” which follows it) insert—
 “(aa) by later years childminder agencies in the exercise of functions under this Part.”.
- 25 In section 60 (inspections), in subsection (1) for “under this Chapter” substitute “in Part A of the general childcare register”.
- 26 After Chapter 3 (regulation of later years provision for children under 8) insert—

“CHAPTER 3A

REGULATION OF LATER YEARS CHILDMINDER AGENCIES

Process of registration

61A Applications for registration

- (1) A person may make an application to the Chief Inspector for registration as a later years childminder agency.
- (2) An application under subsection (1) must—
- give any prescribed information about prescribed matters,
 - give any other information which the Chief Inspector reasonably requires the applicant to give, and
 - be accompanied by any prescribed fee.
- (3) The Chief Inspector must grant an application under subsection (1) if—
- the applicant is not disqualified from registration by regulations under section 76A, and
 - it appears to the Chief Inspector that any requirements prescribed for the purposes of this subsection (“the prescribed requirements for registration”) are satisfied and are likely to continue to be satisfied.
- (4) The Chief Inspector must refuse any application under subsection (1) which subsection (3) does not require the Chief Inspector to grant.
- (5) The prescribed requirements for registration may include requirements relating to—
- the applicant;
 - any persons employed by the applicant;
 - management and control of the applicant (where the applicant is not an individual);
 - the provision to the Chief Inspector of information about later years providers registered with the applicant;
 - the applicant’s arrangements for registering later years providers;
 - the applicant’s arrangements in relation to training and monitoring later years providers, and providing such persons with information, advice and assistance;
 - the applicant’s arrangements for ensuring that later years provision is of a sufficient standard.

Status: This is the original version (as it was originally enacted).

61B Entry on the register and certificates

- (1) If an application under section 61A is granted, the Chief Inspector must—
 - (a) register the applicant in Part A of the general childcare register as a later years childminder agency, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.
- (2) A certificate of registration given to the applicant in pursuance of subsection (1) must contain prescribed information about prescribed matters.
- (3) If there is a change of circumstances which requires the amendment of a certificate of registration, the Chief Inspector must give the later years childminder agency an amended certificate.
- (4) If the Chief Inspector is satisfied that a certificate of registration has been lost or destroyed, the Chief Inspector must give the later years childminder agency a copy, on payment by the agency of any prescribed fee.

61C Special procedure for registered early years childminder agencies

- (1) If an early years childminder agency gives notice to the Chief Inspector of a wish to be a later years childminder agency the Chief Inspector must—
 - (a) register the early years childminder agency in Part A of the general childcare register as a later years childminder agency, and
 - (b) give the agency a certificate of registration stating that it is so registered.
- (2) Subsections (2) to (4) of section 61B apply in relation to a certificate of registration given in pursuance of subsection (1) of this section as they apply in relation to a certificate of registration given in pursuance of subsection (1) of that section.

61D Conditions on registration

- (1) The Chief Inspector may impose such conditions as the Chief Inspector thinks fit on the registration of a later years childminder agency under this Chapter.
- (2) The power conferred by subsection (1) may be exercised at the time when the Chief Inspector registers the person in pursuance of section 61B or 61C or at any subsequent time.
- (3) The Chief Inspector may at any time vary or remove any condition imposed under subsection (1).
- (4) A later years childminder agency commits an offence if, without reasonable excuse, the agency fails to comply with any condition imposed under subsection (1).
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Inspections

61E Inspections of later years childminder agencies

- (1) The Chief Inspector—
 - (a) must inspect a later years childminder agency at any time when the Secretary of State requires the Chief Inspector to secure its inspection, and
 - (b) may inspect a later years childminder agency at any other time when the Chief Inspector considers that it would be appropriate for it to be inspected.
- (2) For the purposes of an inspection under this section, the Chief Inspector may inspect later years provision provided by later years providers who are registered with the later years childminder agency for the purposes of Chapter 3.
- (3) The Chief Inspector may charge a prescribed fee for conducting an inspection of a later years childminder agency where—
 - (a) the inspection is conducted at the request of the agency, and
 - (b) the Chief Inspector is required by the Secretary of State under subsection (1)(a) to conduct that inspection.
- (4) Regulations may make provision requiring a later years childminder agency to notify prescribed persons of the fact that it is to be inspected under this section.

61F Reports of inspections

- (1) After conducting an inspection under section 61E, the Chief Inspector must make a report in writing on—
 - (a) the quality and standards of the services offered by the later years childminder agency to later years providers registered with it,
 - (b) the quality of leadership and management in the later years childminder agency, and
 - (c) the effectiveness of the arrangements of the later years childminder agency for assuring itself of the quality of the care and education provided by the later years providers registered with it.
- (2) The Chief Inspector—
 - (a) may send a copy of the report to the Secretary of State and must do so without delay if the Secretary of State requests a copy,
 - (b) must ensure that a copy of the report is sent without delay to the later years childminder agency,
 - (c) must ensure that copies of the report, or such parts of it as the Chief Inspector considers appropriate, are sent to such other persons as may be prescribed, and
 - (d) may arrange for the report (or parts of it) to be further published in any manner the Chief Inspector considers appropriate.
- (3) Regulations may make provision—

Status: This is the original version (as it was originally enacted).

- (a) requiring the later years childminder agency to make a copy of any report sent to it under subsection (2)(b) available for inspection by prescribed persons;
- (b) requiring the agency, except in prescribed cases, to provide a copy of the report to prescribed persons;
- (c) authorising the agency in prescribed cases to charge a fee for providing a copy of the report.

False representations

61G False representations

- (1) A person who without reasonable excuse falsely represents that the person is a later years childminder agency commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”