

SCHEDULES

SCHEDULE 4

CHILDMINDER AGENCIES: AMENDMENTS

PART 5

PROVISIONS APPLYING IN RELATION TO ALL CHILDMINDER AGENCIES

46 After section 76 insert—

“Disqualification from registration: childminder agencies

76A Disqualification from registration: childminder agencies

- (1) In this section, “registration” means registration under Chapter 2A or 3A.
- (2) Regulations may provide for a person to be disqualified from registration.
- (3) Regulations under subsection (2) may provide for a person not to be disqualified from registration (and in particular may provide for a person not to be disqualified from registration for the purposes of section 76B) by reason of any fact which would otherwise cause the person to be disqualified if—
 - (a) the person has disclosed the fact to the Chief Inspector, and
 - (b) the Chief Inspector has consented in writing to the person’s not being disqualified from registration and has not withdrawn the consent.

76B Consequences of disqualification: childminder agencies

- (1) A person who is disqualified from registration by regulations under section 76A must not—
 - (a) exercise any functions of an early years childminder agency or a later years childminder agency,
 - (b) represent that the person can exercise such functions,
 - (c) be a director, manager or other officer of, or partner in, an early years childminder agency or a later years childminder agency, be a member of the governing body of such an agency, or otherwise be directly concerned in the management of such an agency, or
 - (d) work for such an agency in any capacity which involves entering premises on which early years provision or later years provision is being provided.
- (2) No early years childminder agency or later years childminder agency may employ a person who is disqualified from registration by regulations under section 76A in any capacity which involves—

Status: This is the original version (as it was originally enacted).

- (a) being directly concerned in the management of an early years childminder agency or a later years childminder agency, or
 - (b) entering premises on which early years provision or later years provision is being provided.
- (3) A person who contravenes subsection (1) or (2) commits an offence.
- (4) A person (“P”) who contravenes subsection (2) is not guilty of an offence under subsection (3) if P proves that P did not know, and had no reasonable grounds for believing, that the person whom P was employing was disqualified from registration.
- (5) A person guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 5 on the standard scale, or to both.
- (6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (alteration of penalties for summary offences), the reference in subsection (5) to 51 weeks is to be read as a reference to 6 months.”