

## SCHEDULES

### SCHEDULE 4

#### CHILDMINDER AGENCIES: AMENDMENTS

#### PART 5

##### PROVISIONS APPLYING IN RELATION TO ALL CHILDMINDER AGENCIES

49 After section 78 insert—

##### **“78A Chief Inspector’s powers of entry: childminder agencies**

- (1) The Chief Inspector may at any reasonable time enter any premises in England if the Chief Inspector has reasonable cause to believe that a person on the premises is falsely representing—
  - (a) that the person is an early years childminder agency, or
  - (b) that the person is a later years childminder agency.
- (2) The Chief Inspector may at any reasonable time enter any premises in England which is registered in—
  - (a) the early years register as premises of an early years childminder agency, or
  - (b) Part A of the general childcare register as premises of a later years childminder agency,for any of the purposes in subsection (3).
- (3) Those purposes are—
  - (a) conducting an inspection under section 51D(1) or 61E(1);
  - (b) determining whether any conditions or requirements imposed by or under this Part are being complied with.
- (4) An authorisation given by the Chief Inspector under paragraph 9(1) of Schedule 12 to the Education and Inspections Act 2006 in relation to the functions under subsection (1) or (2)—
  - (a) may be given for a particular occasion or period;
  - (b) may be given subject to conditions.
- (5) A person entering premises under this section may (subject to any conditions imposed under subsection (4)(b))—
  - (a) inspect the premises;
  - (b) inspect, and take copies of—
    - (i) any records kept concerning early years providers or later years providers, and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) any other documents containing information relating to such providers;
  - (c) seize and remove any document or other material or thing found there which the person has reasonable grounds to believe may be evidence of a failure to comply with any condition or requirement imposed by or under this Part;
  - (d) take measurements and photographs or make recordings;
  - (e) interview in private any person present on the premises who works there.
- (6) A person entering premises under this section may (subject to any conditions imposed under subsection (4)(b)) require any person to afford such facilities and assistance with respect to matters within the person’s control as are necessary to enable the powers under this section to be exercised.
- (7) Section 58 of the Education Act 2005 (inspection of computer records for the purposes of Part 1 of that Act) applies for the purposes of this section as it applies for the purposes of Part 1 of that Act.
- (8) It is an offence intentionally to obstruct a person exercising any power under this section.
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (10) In this section, “documents” and “records” each include information recorded in any form.

**78B Powers of entry under section 78A: requirement for consent**

- (1) This section applies where a person (“the authorised person”) proposes to enter domestic premises in pursuance of a power of entry conferred by section 78A(2).
- (2) If the authorised person has reasonable cause to believe that the premises are the home of a person who—
- (a) is not employed by the early years childminder agency or (as the case may be) the later years childminder agency, or
  - (b) is not a director, manager or other officer of, or partner in, the agency, a member of its governing body or otherwise directly concerned in the management of the agency,
- the authorised person may not enter the premises without the consent of an adult who is an occupier of the premises and who falls within paragraph (a) or (b).”