
STATUTORY INSTRUMENTS

2005 No. 2303

CHILDREN AND YOUNG PERSONS, ENGLAND

The Day Care and Child Minding (National Standards) (Amendment) (England) Regulations 2005

<i>Made</i>	- - - -	<i>16th August 2005</i>
<i>Laid before Parliament</i>		<i>26th August 2005</i>
<i>Coming into force</i>	- -	<i>3rd October 2005</i>

In exercise of the powers conferred upon the Secretary of State by sections 79C and 104(4) of the Children Act 1989(1), the Secretary of State for Education and Skills, having consulted Her Majesty's Chief Inspector of Schools in England and such other persons as are considered appropriate, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Day Care and Child Minding (National Standards) (Amendment) (England) Regulations 2005 and shall come into force on 3rd October 2005.

Amendment of the Principal Regulations

2. The Day Care and Child Minding (National Standards) (England) Regulations 2003(2) are amended as set out in regulations 3 to 7.

3. After regulation 6 insert—

“Complaints

6A.—(1) In this regulation “complaint” means a complaint—

- (a) made in writing or in electronic form;
- (b) made by a parent of a child in respect of whom the registered person acts as a childminder or as a provider of day care;
- (c) which relates to one or more of the national standards;
- (d) made on or after the date of the coming into force of these Regulations.

(1) 1989 c. 41. Section 79C was inserted by section 79(1) of the Care Standards Act 2000 (c. 14). For the definition of “prescribed”, see section 105(1) of the Act and for the meaning of “regulations”, see section 79B(7).
(2) S.I. 2003/1996.

(2) The registered person shall ensure that any complaint made to him is fully investigated.

(3) The registered person shall as soon as is reasonably practicable, and in any event within 28 days of the date on which the complaint is made, provide to the parent who made the complaint an account of the findings of the investigation into the complaint and of the action, if any, that has been or is to be taken as a result and shall, if the parent so requests, confirm the account in written or electronic form.

(4) A person registered as a provider of day care shall prepare and follow a written procedure for considering complaints made by a parent of any child for whom he provides such care.

(5) The procedure referred to in paragraph (4) shall in particular provide arrangements for the procedure to be made known to any such parent and a copy of the procedure shall be supplied by the registered person to such parent upon request.

(6) The registered person shall ensure that a written record is made of any complaint, the action taken in response and the outcome of the investigation.

(7) The registered person shall on request provide to—

- (a) any parent of a child for whom the registered person acts as a childminder or a provider of day care; and
- (b) the Chief Inspector,

a summary of any record made for the purposes of paragraph (6).

(8) The registered person shall keep at the premises, or at another location notified to and agreed by the Chief Inspector, the records referred to in paragraph (6) and shall ensure that those records are preserved for a period of ten years from the date on which the record was made.

(9) The registered person shall, at the request of the Chief Inspector and within such reasonable time as he may specify, provide the Chief Inspector with a list of all complaints made within such period of time as may be specified by the Chief Inspector and recorded pursuant to paragraph (6).

(10) Nothing in paragraphs (3) or (7) shall require the disclosure of any information the disclosure of which is prohibited by any other enactment.”.

4. In regulation 8(1), after “regulation 4(2)” insert “, regulation 6A(2) to (9)”.
5. At the end of Schedule 1 insert—

“In each as amended by the “National Standards for Under Eights' Day Care and Child Minding: Addendum” ISBN 1 84478 299 9.”.
6. In paragraph 2 of Schedule 2, omit sub-paragraphs (1)(b) and (1)(c).
7. In paragraph 8 of Schedule 2, omit the words after “premises” where that word appears for the first time.

Beverley Hughes
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Day Care and Child Minding (National Standards) (England) Regulations 2003 which make provision governing the activities of childminders and day care providers registered under Part XA of the Children Act 1989. These Regulations make provision for dealing with complaints (as defined) made by parents in respect of care provided by registered persons.

The Regulations require a registered person to investigate complaints made, to provide information relating to such complaints and to keep and retain records (*regulation 3*).

Failure to comply with the requirements is made subject to compliance notice by the Chief Inspector (*regulation 4*).

The Regulations make further minor and consequential amendments (*regulations 5 to 7*).