
STATUTORY INSTRUMENTS

2008 No. 1729

The Childcare (Inspections) Regulations 2008

PART 2

Inspection of early years provision

Frequency of inspection of early years provision

3.—(1) This regulation applies in the case of an early years provider who, immediately before 1st September 2008 was registered under section 79F of the 1989 Act and, on 1st September 2008, becomes registered in the early years register⁽¹⁾.

(2) An early years inspection must be conducted—

- (a) within the period of 3 years beginning with 1st August 2009, and
- (b) thereafter, within each period of 3 years beginning with the 1st August following the date of the previous early years inspection.

4.—(1) This regulation applies in the case of an early years provider who is registered in the early years register, and to whom regulation 3 does not apply.

(2) An early years inspection must be conducted—

- (a) within the period of 3 years beginning with the 1st August following the date of the provider's registration in the early years register, and
- (b) thereafter, within each period of 3 years beginning with the 1st August following the date of the previous early years inspection.

Arrangements for inspection of independent schools

5.—(1) The Chief Inspector is not required to inspect early years provision at an independent school⁽²⁾ if, by the relevant time—

- (a) that early years provision has been inspected by a body approved by the Secretary of State for the purposes of section 49(4) of the 2006 Act, and
- (b) that approved body has prepared a report of the inspection which reports on the matters set out in section 50(1)(a) to (d) of the 2006 Act, and has sent a copy of that report to the Chief Inspector.

(2) In paragraph (1), “the relevant time” means 2 months before the date by which the Chief Inspector would, but for regulation 5(1), be required to inspect the early years provision in accordance with regulation 3 or 4.

(1) See section 32(2) of the 2006 Act for the meaning of “the early years register”.

(2) By virtue of section 106 of the 2006 Act, “independent school” has the same meaning as in the Education Act 1996 (c.56).

Notification of inspection: early years childminders

6. An early years childminder who becomes aware of the fact that the early years childminding is to be inspected by the Chief Inspector must notify that fact to a parent of each child for whom the early years childminding is for the time being provided.

Notification of inspection: other early years providers

7. An early years provider (other than an early years childminder) who becomes aware of the fact that the early years provision is to be inspected by the Chief Inspector must notify that fact to a parent of each child for whom the early years provision is for the time being provided, where—

- (a) the parent has given their name and address to the early years provider, and
- (b) the child has attended the early years provision for—
 - (i) at least 12 weeks in the 12 month period preceding the date of the inspection, and
 - (ii) a continuous 2 hour period, at least twice in each of the 12 weeks referred to in sub-paragraph (i).

Copy of report to be sent by the Chief Inspector

8. The Chief Inspector must send a copy of a report (or such parts of a report as the Chief Inspector considers appropriate) made under section 50(1) of the Act to the relevant local authority.

Copies of report to be provided by early years childminder

9. An early years childminder must provide a copy of a report received from the Chief Inspector to—

- (a) a parent of each child for whom the early years childminding is for the time being provided, and
- (b) any person who requests a copy of the report (including a parent who has previously been provided with a copy in accordance with paragraph (a) but who requests a further copy), provided that person has paid any fee charged by the early years childminder in accordance with regulation 11.

Copy of report to be provided by other early years provider

10. An early years provider (other than an early years childminder) must provide a copy of a report received from the Chief Inspector to—

- (a) a parent of each child for whom the early years provision is for the time being provided, where—
 - (i) that parent has given their name and address to the early years provider, and
 - (ii) the child has attended the early years provision for—
 - (aa) at least 12 weeks in the 12 month period preceding the date of the inspection, and
 - (bb) a continuous 2 hour period, at least twice in each of the 12 weeks referred to in sub-paragraph (aa); and
- (b) any person who requests a copy of the report (including a parent who has previously been provided with a copy in accordance with paragraph (a) but who requests a further copy), provided that person has paid any fee charged by the early years provider in accordance with regulation 11.

Fee for providing copy of report

11. An early years provider may charge a fee for providing a copy of a report which a person has requested under regulation 9(b) or 10(b).