

2008 No. 1729

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare (Inspections) Regulations 2008

Made - - - - *1st July 2008*

Laid before Parliament *9th July 2008*

Coming into force - - *1st September 2008*

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 49, 50, 60 and 61 of the Childcare Act 2006(a):

PART 1

General

Citation, commencement and interpretation

1. These Regulations may be cited as the Childcare (Inspections) Regulations 2008 and come into force on 1st September 2008.

2. In these Regulations—

“the 1989 Act” means the Children Act 1989(b);

“the 2006 Act” means the Childcare Act 2006;

“early years inspection” means an inspection conducted by the Chief Inspector(c) under section 49(2)(a) of the 2006 Act of early years provision(d) in respect of which an early years provider is registered in the early years register;

“parent” includes a person who has parental responsibility for a child or who has care of a child;

“relevant local authority”, in relation to early years provision, means the English local authority for the area in which the provision is provided.

(a) 2006 c.21. For the definitions of “prescribed” and “regulations” see section 98(1).

(b) 1989 c. 41.

(c) For the definition of “the Chief Inspector”, see section 98(1) of the 2006 Act, as amended by paragraph 117 of Schedule 14 to the Education and Inspections Act 2006 (c.40).

(d) See section 96 of the 2006 Act for the meaning of “early years provision”, “early years provider”, “early years childminding” and “early years childminder”.

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^(a).

(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^(b) 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.

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

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

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

- (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).

PART 3

Inspection of later years provision for children under 8

Notification of inspection: later years childminders

12. Where a later years childminder(a) who is registered in Part A of the general childcare register(b) becomes aware of the fact that the later years childminding is to be inspected by the

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- (a) See section 96 of the 2006 Act for the meaning of “later years provision”, “later years provider”, “later years childminding” and “later years childminder”.
 - (b) See section 32(3) and (4) of the 2006 Act for the meaning of “Part A of the general childcare register”.

Chief Inspector, that provider must notify that fact to a parent of each child for whom the later years childminding is for the time being provided.

Notification of inspection: other later years providers

13. Where a later years provider (other than a later years childminder) who is registered in Part A of the general childcare register becomes aware of the fact that the later years provision is to be inspected by the Chief Inspector, the later years provider must notify that fact to a parent of each child for whom the later years provision is for the time being provided, where—

- (a) that parent has given their name and address to the later years provider, and
- (b) the child has attended the later 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 Chief Inspector

14. The Chief Inspector must send a copy of any report (or such parts of a report as the Chief Inspector considers appropriate) made under section 61(1) of the 2006 Act to the relevant local authority.

Copy of report to be provided by later years childminder

15. A later years childminder must provide a copy of a report received from the Chief Inspector to—

- (a) a parent of each child for whom the later 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 under paragraph (a) and who requests a further copy), provided that person has paid any fee charged by the later years childminder in accordance with regulation 17.

Copies of report to be provided by other later years provider

16. A later years provider (other than a later years childminder) must provide a copy of a report received from the Chief Inspector to—

- (a) a parent of each child for whom the later years provision is for the time being provided, where—
 - (i) that parent has given their name and address to the later years provider, and
 - (ii) the child has attended the later 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 under paragraph (a) and who requests a further copy), provided that person has paid any fee charged by the later years provider in accordance with regulation 17.

Fee for providing copy of report

17. A later years provider may charge a fee for providing a copy of a report which a person has requested under regulation 15(b) or 16(b).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about inspections of early years provision and later years provision provided by those people registered on the early years register (“the EYR”) or Part A of the general childcare register (“the GCR”), both of which are maintained by the Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”) under Part 3 of the Childcare Act 2006 (“the 2006 Act”).

Part 2 deals with inspections of early years provision (childcare provided for children from birth to the 1st September following their fifth birthday). Regulations 3 and 4 make provision about the intervals within which the Chief Inspector must conduct an inspection of the early years provision. Regulation 3 applies to early years providers who, on 1st September 2008, are automatically transferred to the EYR from the register of childminders and day care providers maintained under the Children Act 1989 (“the 1989 Act”). The Chief Inspector must inspect such provision by 1st August 2012 (which is 3 years from the end of the school year during which 1st September 2008 falls). After that, the provision must be inspected on an ongoing basis within the period of 3 years starting on the 1st August following the date of the most recent inspection.

Regulation 4 applies to early years providers who become registered in the EYR after 1st September 2008. Their first inspection must be conducted within the period of 3 years starting on the 1st August following the date of their registration in the EYR, and after that they must be inspected on an ongoing basis within the period of 3 years starting on the 1st August following the previous inspection.

Regulation 5 provides that the Chief Inspector is not required to inspect early years provision at an independent school if that school is inspected in prescribed circumstances by a body approved by the Secretary of State for that purpose. The circumstances are that the inspection must have been carried out, and a suitable report of the inspection provided to the Chief Inspector, at least 2 months before the date on which the Chief Inspector would otherwise have to inspect that independent school in accordance with regulation 3 or 4.

Regulations 6 and 7 require an early years provider to notify parents about an inspection. For an early years childminder, the requirement extends to parents of all children receiving the childcare. For other early years providers (not childminders), this is limited to parents who have provided their address and whose children have been attending for a minimum number of hours and weeks.

Regulation 8 requires the Chief Inspector to send a copy of the report of an inspection to the local authority for the area in which the early years provision takes place.

Regulations 9 and 10 require early years providers to give copies of a report they receive from the Chief Inspector to certain parents, reflecting the requirements to notify parents about inspections in regulations 6 and 7. The early years provider is also required to give a copy to anyone else who requests one, provided that they pay any fee charged by the provider in accordance with regulation 11. A parent who asked for an additional copy would have to pay any fee charged.

Part 3 deals with inspections of later years provision for children under age 8, and makes the same provision about such inspections as is made by regulations 6 to 11 for inspections of early years provision.

STATUTORY INSTRUMENTS

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