

## SCHEDULES

### SCHEDULE 1

Regulations 3 and 4

#### Applications for Registration

### PART 1

#### Prescribed Requirements for Registration

##### **Requirements relating to the applicant and management and control of the applicant**

**1.**—(1) The applicant is suitable to exercise the functions of a childminder agency under Part 3 of the Act.

(2) For the purposes of sub-paragraph (1), the applicant is not suitable to exercise the functions of a childminder agency unless the applicant—

- (a) is an individual who satisfies the requirement in sub-paragraph (3); or
- (b) is a partnership, body corporate or unincorporated association and—

- (i) the applicant has nominated an individual who is a director or other officer of, or partner in, the applicant, or a member of its governing body (“the nominated individual”) to—

- (aa) be responsible for dealing with matters relating to the applicant's application and subsequent registration, and

- (bb) oversee (either alone or jointly with others) the management of the childminder agency;

- (ii) the nominated individual satisfies the requirement in sub-paragraph (3); and

- (iii) in the case of a partnership, body corporate or unincorporated association whose sole or main purpose is the exercise of functions of a childminder agency, every person (other than the nominated individual) who is a director or other officer of, or partner in, the applicant or a member of its governing body satisfies the requirement in sub-paragraph (3).

(3) The requirement is that the person is of integrity and good character.

**2.** Where the applicant is a partnership, body corporate or unincorporated association whose sole or main purpose is something other than the exercise of functions of a childminder agency under Part 3 of the Act, the applicant has appointed a person to manage the childminder agency (“the manager”).

**3.** The applicant has compiled a written statement (“the statement of purpose”) covering the following matters—

- (a) the aims and objectives of the childminder agency;
- (b) the organisational structure of the childminder agency;
- (c) the childminder agency's arrangements for registering a person as a provider;
- (d) the childminder agency's arrangements in relation to training and monitoring its registered providers;

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- (e) the childminder agency's arrangements for ensuring provision is of a sufficient standard;
  - (f) the childminder agency's arrangements for communicating the outcome of quality assurance visits to parents of children who are receiving registered childcare provision;
  - (g) the childminder agency's procedures for safeguarding and promoting the welfare of children receiving registered childcare provision;
  - (h) the childminder agency's arrangements for disseminating information to parents and prospective parents who are seeking information about childcare provision offered by registered providers of that childminder agency;
  - (i) the childminder agency's procedures for taking enforcement action in relation to a registered provider;
  - (j) the childminder agency's procedure for dealing with complaints;
  - (k) a description of any arrangements the childminder agency may have for offering parents alternative provision when one of its registered providers is unable to provide childcare as a result of sickness or for other reasons; and
  - (l) a description of any additional services or facilities offered by the childminder agency.
4. The applicant has provided a copy of the statement of purpose to the Chief Inspector.
5. The applicant will make a copy of the statement of purpose available for inspection by—
- (a) any person employed by the childminder agency;
  - (b) any registered provider of the childminder agency;
  - (c) any provider making enquiries about registration with the childminder agency; and
  - (d) any parent making enquiries about receiving registered childcare provision by a registered provider of the childminder agency.
6. The applicant will ensure that the childminder agency is at all times conducted in a manner that is consistent with its statement of purpose.
7. The applicant will—
- (a) keep under review and, where appropriate, revise the statement of purpose, and
  - (b) supply any revised statement of purpose to the Chief Inspector within 28 days of making the revision.
8. The applicant has established a written procedure for considering complaints made by—
- (a) a registered provider of the childminder agency, and
  - (b) a parent of any child for whom registered childcare provision is being provided by a registered provider of the childminder agency.
9. The applicant will ensure—
- (a) in so far as is reasonably practicable, that complaints are responded to within 28 days, beginning with the date on which the complaint was made, and
  - (b) that a written record is kept of complaints and any steps taken by the childminder agency to address them.

#### **Requirements relating to persons employed by the applicant**

10. An enhanced criminal record certificate has been obtained in respect of any manager appointed under paragraph 2 (if not the nominated individual) and, on the basis of the information it contains, the childminder agency is satisfied that there is no reason why that person should not be appointed.

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**11.—**(1) The applicant has in place effective arrangements to ensure that every person who is employed by the childminder agency in any capacity which involves entering a setting is suitable to work in that capacity.

(2) For the purposes of sub-paragraph (1) a person is not suitable to work in that capacity unless—

- (a) that person is of integrity and good character;
- (b) that person has skills and experience relevant to the work; and
- (c) an enhanced criminal record certificate has been obtained in respect of that person and, on the basis of the information it contains, the childminder agency is satisfied that there is no reason why that person should not be employed.

### **The applicant's arrangements for registering providers**

**12.—**(1) This paragraph applies to a person who has applied for registration as an early years childminder agency.

(2) The applicant has in place effective arrangements to assess whether a person applying for registration as an early years provider satisfies the prescribed requirements for registration under section 35 or 36 of the Act, as the case may be, and is likely to continue to do so.

(3) For the purposes of sub-paragraph (2), the applicant's arrangements will not be effective unless they provide—

- (a) for a registration visit to the setting, and
- (b) that the childminder agency will make enquiries with the following persons to inform the agency's assessment of a person's suitability to provide early years provision—
  - (i) the person's medical practitioner;
  - (ii) any local authority in whose area the person has resided in the five years prior to making the application for registration;
  - (iii) the Chief Inspector; and
  - (iv) any other childminder agency with which the person has been registered.

**13.—**(1) This paragraph applies to a person who has applied for registration as a later years childminder agency.

(2) The applicant has in place effective arrangements to assess whether a person applying for registration as a later years provider satisfies the prescribed requirements for registration under section 54 or 55 of the Act, as the case may be, and is likely to continue to do so.

(3) For the purposes of sub-paragraph (2), the applicant's arrangements will not be effective unless they provide—

- (a) for a registration visit to the setting, and
- (b) that the childminder agency will make enquiries with the following persons to inform the agency's assessment of a person's suitability to provide later years provision—
  - (i) any local authority in whose area the person has resided in the five years prior to making the application for registration;
  - (ii) the Chief Inspector;
  - (iii) any other childminder agency with which the person has been registered.

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### **The applicant's arrangements in relation to training and monitoring providers and providing such persons with information, advice and assistance**

**14.—**(1) This paragraph applies to a person who has applied for registration as an early years childminder agency.

(2) The applicant will provide each provider registered with it under Chapter 2 of Part 3 of the Act with 20 hours of practice support in each year of registration, 16 of which must consist of continuous professional development.

(3) For the purposes of sub-paragraph (2), an early years childminder agency may make arrangements with another person to secure the provision of continuous professional development to its registered providers.

**15.—**(1) This paragraph applies to a person who has applied for registration as a later years childminder agency.

(2) The applicant will provide each provider registered with it under Chapter 3 of Part 3 of the Act with ten hours of practice support in each year of registration, eight of which must consist of continuous professional development.

(3) For the purposes of sub-paragraph (2) a later years childminder agency may make arrangements with another person to secure the provision of continuous professional development to its registered providers.

### **The applicant's arrangements for ensuring provision is of a sufficient standard**

**16.—**(1) This paragraph applies to a person who has applied for registration as an early years childminder agency.

(2) The applicant has in place effective arrangements to assure itself of the quality of care and education provided by each provider registered with it under Chapter 2 of Part 3 of the Act.

(3) For the purposes of sub-paragraph (2), the applicant's arrangements will not be effective unless they make provision for—

- [<sup>F1</sup>(a) a minimum of one quality assurance visit in the first year of registration, which must be unannounced;]
- (b) a minimum of one quality assurance visit for every subsequent year of registration, which must be unannounced;
- (c) a written report to be made following every quality assurance visit; and
- (d) a copy of such a written report to be made available to the person who is the subject of that report.

#### **Textual Amendments**

- F1** Sch. 1 para. 16(3)(a) substituted (1.10.2021) by [The Childcare \(Childminder Agencies\) \(Registration, Inspection and Supply and Disclosure of Information\) and Her Majesty's Chief Inspector of Education, Children's Services and Skills \(Fees and Frequency of Inspections\) \(Children's Homes etc.\) \(Coronavirus\) \(Amendment\) Regulations 2021 \(S.I. 2021/1019\)](#), regs. 1, 2

**17.—**(1) This paragraph applies to a person who has applied for registration as a later years childminder agency.

(2) The applicant has in place effective arrangements to assure itself of the quality of care and education provided by each provider registered with it under Chapter 3 of Part 3 of the Act.

(3) The applicant's arrangements will not be effective unless they include—

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- (a) a minimum of one quality assurance visit for every year of registration;
- (b) for a written report to be made following every quality assurance visit; and
- (c) a copy of such a written report to be made available to the person who is the subject of that report.

## PART 2

### Prescribed Information Requirements

**18.** Where the applicant is an individual, the full name (and any alias and former names), date of birth, address and telephone number of the applicant.

**19.** Where the applicant is a partnership, body corporate or unincorporated association—

- (a) the name, address and telephone number of the applicant;
- (b) in the case of an applicant which is a body corporate, its registered number and, in the case of an applicant which is a registered charity, its registered charity number;
- (c) the full name (and any alias and former name), date of birth, address and telephone number of the nominated individual; and
- (d) in the case of an applicant whose sole or main purpose is the exercise of functions of a childminder agency, the full name (and any alias and former name), date of birth, address and telephone number of every person (except the nominated individual) who is a director or other officer of, or partner in, the applicant, or a member of its governing body.

**20.** The following information about the criminal convictions and cautions of the applicant and the nominated individual which are not protected convictions or cautions within the meaning of Article 2A of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 <sup>M1</sup>—

- (a) the date of the offence;
- (b) the nature of the offence;
- (c) the place at which the offence was committed;
- (d) in the case of a conviction, the name of the court before which the person was convicted, the date of the conviction and the penalty imposed; and
- (e) in the case of a caution, the date of the caution.

#### Marginal Citations

**M1** [S.I. 1975/1023](#). Article 2A was inserted, in relation to England and Wales, by Articles 2 and 4 of the [Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975 \(Amendment\) \(England and Wales\) Order 2013 \(S.I. 2013/1198\)](#).

**21.** An enhanced criminal record certificate in respect of the following persons—

- (a) where the applicant is an individual, the applicant;
- (b) where the applicant is a partnership, body corporate or unincorporated association, the nominated individual;
- (c) in the case of an applicant which is a partnership, body corporate or unincorporated association whose sole or main purpose is the exercise of functions of a childminder agency, every person (other than the nominated individual) who is a director or other officer of, or partner in, the applicant or a member of its governing body.

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**22.** The name, address, telephone number and electronic mail address (if any) of the childminder agency.

**23.** Where the childminder agency is to operate from more than one site, the address, telephone number and electronic mail address (if any) of each site.

**Changes to legislation:**

There are currently no known outstanding effects for the The Childcare (Childminder Agencies) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014, SCHEDULE 1.