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WELSH STATUTORY INSTRUMENTS

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**2002 No. 2171 (W.218)**

**SOCIAL CARE, WALES**

**CHILDREN AND YOUNG PERSONS, WALES**

**The Child Minding and Day Care  
(Wales) (Amendment) Regulations 2002**

*Made at 11:45 a.m. on* 22nd July 2002  
*Coming into force at 12 noon*  
*on - - - - -* 22nd July 2002

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 79C, 79E and 104(4) of the Children Act 1989(1) hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These regulations may be cited as the Child Minding and Day Care (Wales) (Amendment) Regulations 2002 and shall come into force at 12 noon on 22nd July 2002.

(2) These Regulations apply to Wales.

**Amendments**

2.—(1) For the purposes of this Regulation “a summer playscheme” means the provision of day care including children under the age of eight for more than two hours a day, operating only for all or part of the period between the dates of the coming into force of the Child Minding and Day Care (Wales) (Amendment) Regulations 2002 and 13 September 2002.

(2) Regulation 4 of the Child Minding and Day Care (Wales) Regulations 2002(2) is amended as follows

- (a) in sub-paragraph (c)(i) of paragraph (3) there is inserted after “paragraph (4)” the words “or (4A)”;
- (b) following sub-paragraph (c) (ii) of paragraph (3) there is inserted “(iii) where paragraph (4A) applies,

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(1) 1989 c. 41; sections 79C and 79E were inserted by section 79 of the Care Standards Act 2000 (c. 14). The powers are exercisable by the appropriate Minister, who is defined in section 121(1) of the Care Standards Act, in relation to Wales as the National Assembly. See section 121(1) for the definitions of “prescribed” and “regulations”.

(2) S.I.2002/812.

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- (A) in respect of each of the matters specified in paragraphs 1, 4, 6 and 7 of Schedule 2;
  - (B) at least one written or telephone reference;
  - (C) a criminal record certificate issued previously under section 113 of the Police Act 1997<sup>(3)</sup>; and
  - (D) a written result of a check carried out of the lists maintained pursuant to section 1 of the Protection of Children Act 1999<sup>(4)</sup> and Regulations made under section 218 of the Education Reform Act 1988<sup>(5)</sup>.”
- (c) After paragraph (4) there is inserted—
- “(4A) This paragraph applies where the certificate or information on any matters specified in paragraph 2 of Schedule 2 has been applied for but is not yet available to an individual who wishes to provide a summer playscheme.”
- (3) Regulation 16 of the Child Minding and Day Care (Wales) Regulations 2002 is amended as follows—
- (a) In paragraph (5) at the beginning there is inserted
    - “Subject to paragraph (7),”;
  - (b) After paragraph (6) there is inserted—
- (7) Where the following conditions apply, the registered person may permit a person to start work in the relevant premises notwithstanding paragraph (4)(b)—
- (a) the person wishes to work in a summer playscheme;
  - (b) the registered person has taken all reasonable steps to obtain full information in respect of the matters listed in paragraph 2 of Schedule 2 in respect of that person;
  - (c) full and satisfactory information in relation to that person has been obtained in respect of the matters specified in paragraph 1, 4, and 6 of Schedule 2;
  - (d) at least one written or telephone reference;
  - (e) the person has provided
    - (i) a written declaration that the person has not been convicted nor cautioned for any criminal offence, or
    - (ii) written details of any criminal offences of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974<sup>(6)</sup> and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or in respect of which the person has been cautioned by a police officer and which, at the time the caution was given, the person admitted; and
  - (f) pending receipt of, and being satisfied with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his or her duties.
- (4) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002<sup>(7)</sup> are amended as follows—
- (a) In Schedule 8, following paragraph 9 there is inserted—

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(3) 1997 c. 50.  
 (4) 1999 c. 14.  
 (5) 1988 c. 40.  
 (6) 1974c.53.  
 (7) S.I. 2002/919.

“(9A) Notwithstanding paragraph 4 where the applicant intends to provide a summer playscheme,—

- (a) a statement confirming that the documents specified in paragraph 4 have been applied for and the applicant, or where the applicant is an organisation, the responsible individual, will advise the National Assembly on receipt that the documents so applied for are available for inspection; and
- (b) a criminal record certificate previously issued under section 113 of the Police Act 1997; and
- (c) a written result of a check carried out of the lists maintained pursuant to section 1 of the Protection of Children Act 1999<sup>(8)</sup> and Regulations made under section 218 of the Education Reform Act 1988.”

(b) In Schedule 8, following paragraph 10(2) there is inserted—

(3) Notwithstanding sub-paragraph (1), where the person works or intends to work in a summer playscheme, a statement confirming that the documents specified in sub-paragraph (2) have been applied for and the applicant, or where the applicant is an organisation, the responsible individual will advise the National Assembly on receipt that the documents so applied for are available for inspection.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(9)</sup>.

11:45 a.m. on 22nd July 2002

*Jane.E.Hutt*  
Minister for Health and Social Services

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<sup>(8)</sup> 1999 p.14.  
<sup>(9)</sup> 1998 c. 38.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These regulations are made under Part XA of the Children Act 1989 and apply to persons wishing to provide or work in summer playschemes operating in Wales in the period between the date of coming into force of these regulations and 13 September 2002

The regulations amend the Child Minding and Day Care (Wales) Regulations 2002 and the Registration of Social Care and Independent Healthcare (Wales) Regulations 2002, so that persons wishing to provide a summer playscheme can be registered despite the lack of an enhanced criminal record certificate, provided certain other conditions are met. Persons wishing to work in summer playschemes may commence working subject to supervision whilst awaiting receipt of the enhanced criminal record certificates as long as all other specified information is available.