
WELSH STATUTORY INSTRUMENTS

2002 No. 812

The Child Minding and Day Care (Wales) Regulations 2002

PART III —

WELFARE AND DEVELOPMENT OF RELEVANT CHILDREN

Promotion of welfare

7.—(1) The registered person shall act as a child minder or provide day care, as the case may be, in such a way as to—

- (a) promote and make proper provision for the welfare of relevant children; and
- (b) make proper provision for the care, education, supervision and, where appropriate, treatment, of relevant children.

(2) The registered person shall, for the purpose of providing care to relevant children and making proper provision for their welfare, so far as practicable, ascertain and take into account their wishes and feelings.

(3) The registered person shall make suitable arrangements to ensure that while relevant children are under the care of the person—

- (a) their privacy and dignity is respected;
- (b) due regard is paid to their sex, religious persuasion, racial origin, cultural and linguistic background and any disability affecting them.

Food provided for children

8.—(1) The registered person shall ensure, where food is provided to relevant children by the registered person, that

- (a) they are provided with food which—
 - (i) is served in adequate quantities and at appropriate intervals;
 - (ii) is properly prepared, wholesome and nutritious;
 - (iii) is suitable for their needs and meets their reasonable preferences; and
 - (iv) is sufficiently varied; and
- (b) any special dietary need of a relevant child which is due to the child's health, religious persuasion, racial origin or cultural background is met.

(2) The registered person shall ensure that relevant children are provided with access to fresh drinking water at all times while they are under the care of the person.

Arrangements for the protection of children

9.—(1) The registered person shall draw up and implement a written policy which—

- (a) is intended to safeguard relevant children from abuse or neglect; and

- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.
- (2) The procedure under paragraph (1)(b) shall in particular provide for—
- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in relation to a relevant child;
 - (b) the prompt referral to the local authority for the area in which the relevant premises are situated, of any allegations of abuse or neglect affecting a relevant child;
 - (c) written records to be kept of any allegation of abuse or neglect, and of the action taken in response;
 - (d) consideration to be given in each case to the measures which may be necessary to protect relevant children following an allegation of abuse or neglect;
 - (e) a requirement for any persons working with relevant children to report any concerns about the welfare or safety of a child to one of the following—
 - (i) the registered person;
 - (ii) a constable;
 - (iii) a person responsible for exercising the functions of the National Assembly under Part XA of the Act;
 - (iv) an officer of the local authority for the area in which the relevant premises are situated, or
 - (v) an officer of the National Society for the Prevention of Cruelty to Children;
 - (f) arrangements giving persons working with relevant children, access at all times and in an appropriate form, to information which would enable them to contact the local authority for the area in which the relevant premises are situated, or the appropriate office of the National Assembly concerning the welfare or safety of such children.
- (3) In this regulation “child protection enquiries” means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the Act relating to the protection of children.

Behaviour management, discipline and restraint

10.—(1) No measure of control, restraint or discipline which is excessive, unreasonable or contrary to paragraph (5) shall be used at any time on relevant children.

(2) The registered person shall, in accordance with this regulation, draw up and implement a written behaviour management policy setting out—

- (a) the measures of control, restraint and discipline which may be used on the relevant premises; and
- (b) the means whereby appropriate behaviour is to be promoted on those premises.

(3) Subject to paragraphs (6) and (7) of this regulation, only such measures of control, restraint and discipline as are provided for in the said behaviour management policy shall be used on relevant children.

(4) The registered person shall keep under review and where appropriate revise the behaviour management policy and notify the appropriate office of the National Assembly of any such revision within 28 days.

(5) Subject to paragraph (6), neither the following measures nor a threat to use one or more of them shall be used on relevant children—

- (a) any form of corporal punishment;

- (b) (subject to the provision of any court order relating to contact between the child and any person) any restriction on a child's contact or communication with his or her parents;
 - (c) any punishment relating to the consumption or deprivation of food or drink;
 - (d) any requirement that a child wear distinctive or inappropriate clothes;
 - (e) the use or withholding of medication or medical or dental treatment as a disciplinary measure;
 - (f) the intentional deprivation of sleep;
 - (g) any intimate physical examination of a child;
 - (h) the withholding of any aids or equipment needed by a disabled child;
 - (i) any measure which involves—
 - (i) any child in the imposition of any measure against any other child; or
 - (ii) the punishment of a group of children for the behaviour of an individual child.
- (6) Nothing in this regulation shall prohibit—
- (a) the taking of any action by, or in accordance with the instructions of, a registered medical or dental practitioner which is necessary to protect the health of a child;
 - (b) the taking of any action immediately necessary to prevent injury to any person or serious damage to property.

Health needs of children

- 11.**—(1) The registered person shall promote and protect the health of relevant children.
- (2) In particular the registered person shall ensure that—
- (a) each child is provided with such individual support as may be required in the light of any particular health needs or disability of the child; and
 - (b) at all times, at least one person caring for relevant children has a suitable first aid qualification.

Hazards and safety

- 12.** The registered person shall ensure that—
- (a) all parts of the relevant premises to which relevant children have access are so far as reasonably practicable free from hazards to their safety;
 - (b) any activities in which relevant children participate are so far as reasonably practicable free from avoidable risks; and
 - (c) unnecessary risks to the health or safety of relevant children are identified and so far as possible eliminated.

Use and Storage of Medicines

- 13.**—(1) The registered person shall make suitable arrangements for the safekeeping of any medicine on relevant premises.
- (2) In particular the registered person shall ensure, subject to paragraph (3), that—
- (a) relevant children are prevented from having unsupervised access to any medicine;
 - (b) any medicine which is prescribed for a relevant child is administered as prescribed, to the child for whom it is prescribed, and to no other child; and
 - (c) a written record is kept of the administration of any medicine to a relevant child.

- (3) In this regulation, “prescribed” means—
- (a) ordered for a patient for provision to them—
 - (i) under or by virtue of section 41 of the National Health Service Act 1977⁽¹⁾; or
 - (ii) as part of the performance of personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997⁽²⁾; or
 - (b) in a case not falling within sub-paragraph (a), prescribed for a patient under section 58 of the Medicines Act 1968⁽³⁾.

Complaints

14.—(1) The registered person shall prepare and follow a written procedure for considering complaints made by or on behalf of relevant children.

(2) The procedure shall, in particular, provide for arrangements for the procedure to be made known to—

- (a) relevant children;
- (b) their parents; and
- (c) persons working for the registered person.

(3) A copy of the procedure shall be supplied on request to any of the persons mentioned in paragraph (2).

(4) The copy of the procedure supplied under paragraph (3) shall include—

- (a) the name, address and telephone number of the appropriate office of the National Assembly; and
- (b) details of the procedure (if any) which has been notified to the registered person by the National Assembly for the making of complaints to it relating to the provision of care by child minders or day care providers.

(5) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated.

(6) The registered person shall, within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances, inform the person who made the complaint of the action (if any) that is to be taken.

(7) 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.

(8) The registered person shall supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action that was taken in response to each complaint.

(1) 1977 c. 49.

(2) 1997 c. 46.

(3) 1968 c. 67. Section 58 has been amended by section 1 of the Medicinal Products Prescription by Nurses Act 1992 (c. 28).