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WELSH STATUTORY INSTRUMENTS

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**2010 No. 2575 (W.215)**

**CHILDREN AND YOUNG PERSONS, WALES**  
**SOCIAL CARE, WALES**

**The Child Minding and Day Care (Inspection and Information for Local Authorities) (Wales) Regulations 2010**

<i>Made</i>	- - - -	<i>20 October 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>22 October 2010</i>
<i>Coming into force</i>	- -	<i>1 April 2011</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 40, 45(1) and 74(2) of the Children and Families (Wales) Measure 2010(2), make the following Regulations.

**Title, commencement, interpretation and application**

1.—(1) The title of these Regulations is the Child Minding and Day Care (Inspection and Information for Local Authorities) (Wales) Regulations 2010 and they come into force on 1 April 2011.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations —

“the 2010 Measure” (“*Mesur 2010*”) means the Children and Families (Wales) Measure 2010;

“child minding” (“*gwarchod plant*”) has the same meaning given in s.19(2) of the 2010 Measure;

“day care for children” (“*gofal dydd i blant*”) has the same meaning given in s. 19(3) of the 2010 Measure;

“parent” (“*rhiant*”) includes any person who is caring for a child;

“relevant local authority” (“*awdurdod lleol perthnasol*”) means the local authority for the area in which the person acts as a child minder (or has so acted) or provides (or has provided) day care in respect of which the person is (or was) registered;

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(1) Section 45(1) and (2) refer to information which is prescribed. Section 71 of the Children and Families (Wales) Measure 2010 defines “prescribed” as meaning prescribed in regulations and “regulations” as meaning regulations made by the Welsh Ministers.

(2) [2010 nawm 1](#).

“registered person” (“*person cofrestredig*”) means a person who is registered as a child minder or a provider of day care for children under Part 2 of the 2010 Measure.

### **Inspection**

2.—(1) The Welsh Ministers and Her Majesty’s Chief Inspector of Education and Training in Wales (“Her Majesty’s Chief Inspector”) may organise inspections of—

- (a) child minding provided by registered persons; and,
- (b) day care for children provided by registered persons.

(2) Where the Welsh Ministers or Her Majesty’s Chief Inspector inspect any premises used for child minding or providing day care for children they must—

- (a) report in writing on the matters inspected;
- (b) send a copy of the report to the registered person; and
- (c) in the case of a report by Her Majesty’s Chief Inspector, send a copy of the report to the Welsh Ministers if the Welsh Ministers request it.

(3) The Welsh Ministers and Her Majesty’s Chief Inspector must publish a report of an inspection of premises used for providing day care for children.

(4) The Welsh Ministers and Her Majesty’s Chief Inspector may provide a copy of a report, or parts of a report, of an inspection of premises used for child minding to—

- (a) a parent of a child who is or has been looked after by that child minder;
- (b) a parent of a child where that parent is considering whether to arrange for the child to be looked after by that child minder; or
- (c) a relevant local authority.

(5) For the purposes of the law of defamation, any report published is privileged unless the publication is shown to have been made with malice.

### *Supply of information to local authorities*

### **Granting a registration**

3. Where the Welsh Ministers, in relation to a person who applies to register as a child minder or provider of day care for children, grant a person’s application for registration they must supply the information in Schedule 1 to the relevant local authority.

### **Ending or suspending a registration**

4. The Welsh Ministers must supply the information in Schedule 2 to the relevant local authority where –

- (a) they give notice of their intention to cancel a person’s registration;
- (b) they cancel a person’s registration;
- (c) they suspend a person’s registration (including cases where they do so at the request of the registered person);
- (d) they remove a person from the register at that person’s request; or,
- (e) on the application of the Welsh Ministers, a justice of the peace makes an order under section 34(2) of the Children and Families (Wales) Measure 2010 (Protection of children in an emergency: cancellation of registration).

20 October 2010

*Huw Lewis*  
Deputy Minister for Children Under authority of  
the Minister for Children Education and Lifelong  
Learning, on behalf of the Welsh Ministers

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE 1

Regulation 3

### **Information to be supplied to local authorities on granting registration**

1. The person's name.
2. In the case of a person who provides or proposes providing day care for children, the business name, if any, under which the day care is provided (or is intended to be provided) by the person or by which the setting is generally known.
3. The person's address and the address of the premises if this is different.
4. Whether the registration in question is or was for child minding or day care.
5. Any unique reference number used by the Welsh Ministers.
6. Information as to the time and duration of the provision in question.
7. The number and ages of children for whom provision is made or is intended to be made.
8. Any conditions attached to the registration.
9. Any other information about the child minder or day care provider and the premises in question which may assist a local authority in performance of its duty under s.27 of the Childcare Act 2006(3), to provide information advice or assistance to persons caring for children who propose to use child minding or day care provision in the area of the relevant local authority.
10. In the case of a person who acts, or proposes to act, as a child minder, whether or not the person wishes their details to be included in information made available to persons seeking child care provision in the area of the relevant local authority.

## SCHEDULE 2

Regulation 4

### **Information to be supplied to local authorities on ending or suspending a registration**

1. The person's name.
2. In the case of a person who provides or proposes providing day care for children, the business name, if any, under which the day care is provided (or, as the case may be, was provided) by the person or by which the setting is generally known.
3. The person's address.
4. Whether the registration in question is or was for child minding or day care.
5. Any unique reference number used by the Welsh Ministers.
6. Which of the steps in paragraphs (a) to (e) of regulation 4 has been taken.
7. Information about any, or any other, enforcement action which has been taken or which may be taken against that person and the reasons for any such action.

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## EXPLANATORY NOTE

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

These Regulations set out both the arrangements for inspections of those providing child minding and day care and also the information which the Welsh Ministers must provide to a local authority when certain steps are taken.

Regulation 2 confers the function of organising inspections of child minding and day care settings on the Welsh Ministers and Her Majesty's Chief Inspector of Education and Training in Wales ("Her Majesty's Chief Inspector"). A report must be prepared after each inspection. The report must be sent to the registered person. In the case of an inspection by Her Majesty's Chief Inspector the report must be sent to the Welsh Ministers where the Welsh Ministers request.

Inspection reports of day care provision must be published. Inspection reports of child minding may be provided either to parents of minded to children, to parents who are prospective clients or to the local authority for the area in question.

Regulation 3 requires the Welsh Ministers to provide certain information about a child minder or day care provider to a local authority when they propose to grant an application for registration. The information concerned is set out in Schedule 1.

Regulation 4 and Schedule 2 set out the information which must be provided to a local authority when the Welsh Ministers either issue a notice of intention to cancel a registration, when they cancel a registration, when they suspend a registration or when they remove a person from the register at that person's request. The information in Schedule 2 must also be provided when, on the application of the Welsh Ministers, a court makes an order cancelling a registration under section 34(2) of the Children and Families (Wales) Measure 2010.