

SCHEDULE 1

Regulations 3, 6, 8, 20 and 28

PRESCRIBED REQUIREMENTS FOR REGISTRATION UNDER PART 2 OF THE MEASURE

Interpretation

1. In this Schedule “applicant” means—
 - (a) a person who is applying for registration as a child minder or a provider of day care under Part 2 of the Measure; and
 - (b) where the context requires, a person who is registered under Part 2 of the Measure as a child minder or provider of day care.

PART 1

Prescribed requirements for registration: child minding

Requirements relating to the applicant

2. The applicant is of suitable integrity and good character to look after children under the age of eight.
3. The applicant is not disqualified.
4. The applicant has the qualifications, skills and experience necessary to look after children under the age of eight.
5. The applicant is physically and mentally fit to look after children under the age of eight.
6. The applicant has provided to the Welsh Ministers—
 - (a) an enhanced criminal record certificate ; and
 - (b) the application for that certificate, which was countersigned by the Welsh Ministers.
7. Where appropriate⁽¹⁾, the applicant is registered with the ISA and the applicant has supplied their ISA registration number to the Welsh Ministers.

Requirements relating to other persons : staff

8. Every person (other than the applicant) who looks after or is to look after relevant children is of suitable integrity and good character to look after children under the age of eight.
9. Every person mentioned in paragraph 8 has the qualifications, skills and experience necessary to look after children under the age of eight.
10. Every person mentioned in paragraph 8 is physically and mentally fit to look after children under the age of eight.
11. An enhanced criminal record certificate has been obtained in respect of every person mentioned in paragraph 8.

(1) The requirement for persons undertaking regulated activity in child care settings to register with the ISA under the Vetting and Barring Scheme is being introduced incrementally in accordance with Regulations made under the Safeguarding Vulnerable Groups Act 2006 (c. 47). In this respect the term “where appropriate” is to be interpreted in accordance with a person’s requirement to register with the ISA explained in the *Vetting and Barring Scheme Guidance* issued by the Home Office in March 2010 (ISBN - 978 - 1 - 84987 - 2020 7).

12. Where appropriate, each person mentioned in paragraph 8 is registered with the ISA and each such person has provided their ISA registration number to the applicant.

Requirements relating to other persons: all other persons

13.—(1) Every person (other than the applicant or a person mentioned in paragraph 8) who has attained the age of 16 years and who—

- (a) lives on the relevant premises,
- (b) works on the relevant premises, or
- (c) is otherwise present on the relevant premises, and

has, or is likely to have, regular contact with relevant children, is of suitable integrity and good character to be in regular contact with children.

(2) For the purposes of sub-paragraph (1)(b) a person who works on the relevant premises includes a person who works on a voluntary basis.

(3) Where appropriate, an enhanced criminal record certificate has been obtained in respect of every person mentioned in sub-paragraph (1).

(4) Where appropriate, each person mentioned in sub-paragraph (1) is registered with the ISA and each such person has provided their ISA registration number to the applicant.

PART 2

Prescribed requirements for registration: providers of day care

Requirements relating to the applicant: an individual

14. This paragraph and paragraphs 15 to 20 apply, where the applicant is an individual.

15. The applicant is of suitable integrity and good character to look after children under the age of eight.

16. The applicant is not disqualified.

17. The applicant has the qualifications, skills and experience necessary to look after children under the age of eight.

18. The applicant is physically and mentally fit to look after children under the age of eight.

19. The applicant has provided to the Welsh Ministers—

- (a) an enhanced criminal record certificate; and
- (b) the application for that certificate, which was countersigned by the Welsh Ministers.

20. Where appropriate, the applicant has registered with the ISA and the applicant has supplied their ISA registration number to the Welsh Ministers.

Requirements relating to the responsible individual where the applicant is an organisation

21. Where the applicant is an organisation and has nominated an individual to be the responsible individual—

- (a) the responsible individual is of suitable integrity and good character to look after children under the age of eight; or
- (b) where a person in charge has been appointed, the person in charge is of suitable integrity and good character to be in regular contact with children under the age of eight.

22. The responsible individual has the qualifications, skills and experience necessary for the role they perform in relation to the looking after of children under the age of eight.

23. The responsible individual is physically and mentally fit to undertake his or her role in relation to the looking after of children under the age of eight.

24. The applicant has provided to the Welsh Ministers—

- (a) an enhanced criminal record certificate, in respect of the responsible individual; and
- (b) the application for that certificate, which was countersigned by the Welsh Ministers.

25. Where appropriate, the responsible individual has registered with the ISA and the applicant has supplied to the Welsh Ministers that person's ISA registration number.

Requirements relating to the person in charge

26. This paragraph and paragraphs 27 to 31 apply where an applicant has appointed or intends to appoint a person to be in full day to day charge of the provision of day care on the premises ("the person in charge").

27. The person in charge is of suitable integrity and good character to look after children under the age of eight.

28. The person in charge has the qualifications, skills and experience necessary to look after children under the age of eight.

29. The person in charge is physically and mentally fit to look after children under the age of eight.

30. The applicant has provided to the Welsh Ministers—

- (a) an enhanced criminal record certificate, in respect of the person in charge; and
- (b) the application for that certificate, which was countersigned by the Welsh Ministers.

31. Where appropriate, the person in charge has registered with the ISA and the applicant has supplied to the Welsh Ministers that person's ISA registration number.

Requirements relating to other persons: staff

32. Every person (other than the applicant or a person mentioned in paragraphs 21 or 26) who is looking after or is to look after relevant children is of suitable integrity and good character to look after children under the age of eight.

33. Every person mentioned in paragraph 32 has the qualifications, skills and experience necessary to look after children under the age of eight.

34. Every person mentioned in paragraph 32 is physically and mentally fit to look after children under the age of eight.

35. An enhanced criminal record certificate has been obtained in respect of every person mentioned in paragraph 32.

36. Where appropriate, every person mentioned in paragraph 32 has registered with the ISA and each such person has supplied their ISA registration number to the applicant.

Requirements relating to other persons: all other persons

37.—(1) Every person (other than the applicant or a person mentioned in paragraph 21, 26 or 32) who has attained the age of 16 years and who—

- (a) lives on the relevant premises,

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- (b) works on the relevant premises, or
- (c) is otherwise present on the relevant premises, and

has, or is likely to have, regular contact with relevant children, is of suitable integrity and good character to be in regular contact with children.

(2) For the purposes of sub-paragraph (1)(b) person who works on the relevant premises includes a person who works on a voluntary basis.

(3) Where appropriate, an enhanced criminal record certificate has been obtained in respect of every person mentioned sub-paragraph (1).

(4) Where appropriate, each person mentioned in sub-paragraph (1) is registered with the ISA and each such person has provided their ISA registration number to the applicant.