

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 7

INSPECTION OF CHILD MINDING, DAY CARE AND NURSERY EDUCATION

PART 1

CHILD MINDING AND DAY CARE: AMENDMENTS OF CHILDREN ACT 1989

F1F2₁

Textual Amendments

- F1** Sch. 7 para. 1 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), [art. 5\(ii\)](#)
- F2** Sch. 7 para. 1 repealed (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), [Sch. 3 Pt. 2](#); [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

2 Omit section 79P of the Children Act 1989 (early years child care inspectorate for England).

F3₃ (1) Section 79Q of the Children Act 1989 (inspection of provision of child minding and day care in England) is amended as follows.

(2) In subsection (1), for “provision” substitute “ provider ”.

(3) In subsection (2), omit “or secure the inspection by a registered inspector of”.

(4) In subsection (3), omit “or secure the inspection by a registered inspector of”.

(5) Omit subsection (4).

(6) After subsection (5) insert—

“(5A) Regulations may make provision requiring a registered person, except in prescribed cases, to notify prescribed persons of the fact that any child minding or day care provided by the registered person is to be inspected under this section.”

(7) For subsection (6) substitute—

“(6) When conducting an inspection under this section the Chief Inspector shall report in writing on—

- (a) the quality and standards of the child minding or day care provided,
- (b) how far the child minding or day care meets the needs of the range of children for whom it is provided,
- (c) the contribution made by the child minding or day care to the well-being of the children for whom it is provided, and

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(d) in the case of day care, the quality of leadership and management in connection with its provision.

(6A) In subsection (6)(c), the reference to well-being is a reference to well-being having regard to the matters mentioned in section 10(2) of the Children Act 2004.”

(8) Omit subsection (7).

Textual Amendments

F3 Sch. 7 para. 3 repealed (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\), s. 109\(2\)](#), [Sch. 3 Pt. 2](#); [S.I. 2008/2261, art. 2](#) (with [Sch. 1](#))

Commencement Information

II Sch. 7 para. 3 wholly in force at 3.10.2005; Sch. 7 para. 3 not in force at Royal Assent see s. 125; Sch. 7 para. 3(6) in force at 1.8.2005 by [S.I. 2005/2034, art. 2](#); Sch. 7 para. 3 in force at 3.10.2005 so far as not already in force by [S.I. 2005/2034, art. 7](#)

^{F4} (1) Section 79R of the Children Act 1989 (c. 41) (reports of inspections) is amended as follows.

(2) Omit subsections (1) and (2).

(3) For subsection (3) substitute—

“(3) Where the Chief Inspector reports on an inspection under section 79Q he—

- (a) may send a copy of the report to the Secretary of State, and shall do so without delay if the Secretary of State requests a copy;
- (b) shall ensure that a copy of the report is sent to the registered person providing the child minding or day care that was inspected;
- (c) shall ensure that copies of the report, or such parts of it as he considers appropriate, are sent to such other authorities or persons as may be prescribed; and
- (d) may arrange for the report (or parts of it) to be further published in any manner he considers appropriate.”

(4) After subsection (3) insert—

“(3A) Regulations may make provision—

- (a) requiring a registered person to make a copy of any report sent to him under subsection (3)(b) available for inspection by prescribed persons,
- (b) requiring a registered person, except in prescribed cases, to provide a copy of the report to prescribed persons, and
- (c) authorising a registered person in prescribed cases to charge a fee for providing a copy of the report.”

(5) ^{F5}

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Textual Amendments

- F4** Sch. 7 para. 4 repealed (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), [Sch. 3 Pt. 2](#); [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))
- F5** Sch. 7 para. 4(5) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, [Sch. 18 Pt. 5](#); [S.I. 2007/935](#), [art. 5\(z\)\(ii\)](#)

Commencement Information

- I2** Sch. 7 para. 4 wholly in force at 3.10.2005; Sch. 7 para. 4 not in force at Royal Assent see s. 125; Sch. 7 para. 4(4) in force at 1.8.2005 by [S.I. 2005/2034](#), [art. 2](#); Sch. 7 para. 4 in force at 3.10.2005 so far as not already in force by the said [S.I. 2005/2034](#), [art. 7](#)

- 5 (1) Section 79T of the Children Act 1989 (c. 41) (inspection: Wales) is amended as follows.
- (2) In subsection (2)(a), omit “the quality and standards of”.
- (3) In subsection (4), for “section 42A of the School Inspections Act 1996” substitute “section 29 of the Education Act 2005”.
- 6 In section 79U of the Children Act 1989 (rights of entry etc.), in subsection (4), for “Section 42 of the School Inspections Act 1996” substitute “Section 58 of the Education Act 2005”.

Commencement Information

- I3** Sch. 7 para. 6 wholly in force at 1.9.2006 ; Sch. 7 para. 6 not in force at Royal Assent see s. 125; Sch. 7 para. 6 in force for E. at 3.10.2005 by [S. I. 2005/2034](#), [art. 6](#); Sch. 7 para. 6 in force for W. at 1.9.2006 by [S. I. 2006/1338](#), [art. 3](#), [Sch. 1](#)

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