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STATUTORY INSTRUMENTS

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**2007 No. 730**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Childcare (Voluntary Registration) Regulations 2007**

*Made* - - - - *6th March 2007*  
*Laid before Parliament* *15th March 2007*  
*Coming into force* - - *6th April 2007*

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 62(2), (3) and (5), 63(2), (4) and (6), 64(3) and (5), 67, 69(1) and (2), 90(2), 96(6)(b) and 104(2) of the Childcare Act 2006<sup>(1)</sup>.

In accordance with section 67(2) of that Act he has consulted with Her Majesty's Chief Inspector of Schools in England and with other persons he considers appropriate.

**PART 1**

**General**

**Citation and commencement**

1. These Regulations may be cited as the Childcare (Voluntary Registration) Regulations 2007 and come into force on 6th April 2007.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Childcare Act 2006;

“enhanced criminal record certificate” means an enhanced criminal record certificate issued under section 113B of the Police Act 1997<sup>(2)</sup>;

“harm” has the same meaning as in section 31(9) of the Children Act 1989<sup>(3)</sup>;

“home child-carer” means an individual who—

(a) cares for a child for a parent (“P1”), or

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<sup>(1)</sup> 2006 c.21. See section 98(1) for the definitions of “prescribed” and “regulations”.

<sup>(2)</sup> 1997 c.50; section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15).

<sup>(3)</sup> 1989 c.41.

(b) in addition to that work, cares for another child for a different parent (“P2”), and whose work consists (in a case within paragraph (a)) of caring for the child wholly or mainly in P1’s home or (in a case within paragraph (b)) of caring for the children wholly or mainly in P1’s home or P2’s home or both;

“manager” means—

- (a) where the applicant is an individual, the applicant or (if the applicant employs staff) the individual who will be managing the early years provision or later years provision;
- (b) where the applicant is a partnership, a body corporate or any unincorporated association other than a partnership, the individual who will be managing the early years provision or later years provision;

“nominated individual”, in relation to an applicant which is a partnership, a body corporate or any unincorporated association other than a partnership, means a partner, director, secretary or other officer who is responsible for supervising the management of the childcare;

“parent” includes a person who is not a parent of the child but who has parental responsibility for the child, and a person who is a relative of the child;

“registered person” means a person providing early years provision or later years provision who is registered under Chapter 4 of Part 3 of the Act;

“relative”, in relation to a child, means a grandparent, aunt, uncle, brother or sister (whether of the full blood or half-blood or by marriage or civil partnership) or a step-parent.

(2) In these Regulations, except in regulations 4(2) and 6(2), any reference to providing childminding or childcare includes a reference to childminding or childcare that is to be provided.

(3) In these Regulations any reference to employing a person includes employing a person whether or not for payment and allowing a person to work as a volunteer, and references to a person being employed shall be construed accordingly.

**Prescribed day for the purposes of the definition of later years provision**

3. The day prescribed for the purposes of paragraph (b) in the definition of “later years provision” in section 96(6) of the Act is the date on which the child attains the age of 18.

**PART 2**

**Registration in Part B of the general childcare register**

**Applications for registration**

4.—(1) Subject to paragraph (2), an application under section 62(1) of the Act for registration in Part B of the general childcare register<sup>(4)</sup> as a childminder must include the information set out in Part 1 of Schedule 1 about the matters listed in that Part of that Schedule.

(2) Where the applicant is not providing childminding at the time he makes an application under section 62(1) of the Act, the information prescribed in paragraphs 4 to 7 in Part 1 of Schedule 1 is not required.

(3) An application under section 63(1) of the Act for registration in Part B of the general childcare register in respect of premises must include the information set out in Part 1 of Schedule 2 about the matters listed in that Part of that Schedule.

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(4) See section 32 of the Childcare Act 2006.

### **Fee to accompany an application for registration**

5.—(1) The fee prescribed for the purposes of section 62(2)(c) of the Act (registration in Part B of the general childcare register as a childminder) is £100.

(2) The fee prescribed for the purposes of section 63(2)(c) of the Act (registration in Part B of the general childcare register in respect of premises) is £110.

### **Prescribed requirements for registration**

6.—(1) Subject to paragraph (2), the requirements prescribed for the purposes of section 62(3)(b) of the Act are those set out in Part 2 of Schedule 1.

(2) Where, at the time he makes an application under section 62(1) of the Act, the applicant—

- (a) is not providing childminding, or
- (b) is a home child-carer,

the requirements set out in paragraphs 11, 12 and 15 of Part 2 of Schedule 1 are not prescribed requirements in relation to his application.

(3) The requirements prescribed for the purposes of section 63(4)(b) of the Act are those set out in Part 2 of Schedule 2.

### **Certificates of registration**

7.—(1) A certificate of registration given to an applicant in pursuance of section 64(1) of the Act must give the following information about the applicant and the registration of the applicant—

- (a) the name of the registered person;
- (b) the date of registration;
- (c) any conditions imposed on the person's registration under section 66(1) of the Act.

(2) A certificate of registration given to an applicant in pursuance of section 64(2) of the Act must give the following information about the applicant and the registration of the applicant—

- (a) the name of the registered person;
- (b) the date of registration;
- (c) the address of the premises on which the childcare is being provided;
- (d) any conditions imposed on the person's registration under section 66(1) of the Act.

(3) The fee prescribed for the purposes of section 64(5) of the Act (fee for copy of lost or destroyed certificate of registration) is £5.

## **PART 3**

### **Provisions governing the activities of registered persons**

#### **Matters prescribed for the purposes of section 67 of the Act**

8. A registered person must, in relation to the early years provision or later years provision (or both) in respect of which the registered person is registered under Chapter 4 of Part 3 of the Act—

- (a) meet such of the requirements prescribed in Schedule 3 as are applicable to that person, and
- (b) in the provision of childcare have regard to the needs of each child relating to childcare.

### **Matters to be considered by the Chief Inspector**

9. Any allegation that a registered person has failed to meet the requirements prescribed in Schedule 3 or to have regard to the matter specified in regulation 8(b) may be taken into account by the Chief Inspector<sup>(5)</sup> in the exercise of her functions under Part 3 of the Act.

### **Proceedings under Part 3 of the Act**

10. Any allegation that a registered person has failed to meet the requirements prescribed in Schedule 3 or to have regard to the matter specified in regulation 8(b) may be taken into account in any proceedings under Part 3 of the Act.

## **PART 4**

### **Disclosure of information for the purposes of applications to register and cancellation of registration**

#### **Power of the Chief Inspector in relation to information and prescribed requirements for registration**

11. The Chief Inspector may, in the circumstances set out in section 90(2) of the Act, treat the prescribed requirements for registration as not being satisfied or (as the case may be) as having ceased to be satisfied.

#### **Disclosure of information: prescribed description of information**

12.—(1) Information is of a prescribed description for the purposes of section 90(2)(a)(iii) of the Act if it falls within a description set out in paragraph (2).

(2) The information—

- (a) confirms the identity of A;
- (b) is information about A contained in an enhanced criminal record certificate;
- (c) confirms relevant qualifications claimed by A;
- (d) is information about the health of A held by a medical practitioner;
- (e) is information, other than information of a kind referred to in sub-paragraphs (a) to (d), about the character, capacity, employment record or other relevant experience of A held by—
  - (i) an educational institution currently or formerly attended by A,
  - (ii) an employer or former employer of A, or
  - (iii) a medical practitioner;
- (f) is information relating to the character of A held by the governing body or proprietor of a school which was or is attended by a child of A or a child for whom A has parental responsibility;
- (g) is information about A held by a local authority in connection with the exercise of its social services functions;
- (h) is information about A, whether or not of a kind described in paragraphs (a) to (g), held by—

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(5) For the definition of “the Chief Inspector” see section 98(1) of the Childcare Act 2006, as amended by paragraph 117 of Schedule 14 to the Education and Inspections Act 2006 (c.40).

- (i) the National Assembly for Wales in pursuance of its functions as registration authority under Part 10A of the Children Act 1989,
  - (ii) the Scottish Commission for the Regulation of Care, pursuant to Part 1 of the Regulation of Care (Scotland) Act 2001<sup>(6)</sup>,
  - (iii) a Health and Social Services Board pursuant to Part 11 of the Children (Northern Ireland) Order 1995<sup>(7)</sup>,
  - (iv) a body acting on behalf of the Crown in the Channel Islands or the Isle of Man,
  - (v) the national authority of any other member State of the European Economic Area having functions comprising the regulation of childcare.
- (3) In this regulation—
- “relevant qualification” means a qualification evidencing competence, or level of competence, in an area that is relevant to any of the Chief Inspector’s functions under section 62(3)(b), 63(4)(b) or 68(2) of the Act;
- “social services functions” means functions which are social services functions for the purposes of the Local Authority Social Services Act 1970<sup>(8)</sup>.

## PART 5

### Suspension of registration

#### **Suspension of registration**

**13.** The registration of a registered person may be suspended by the Chief Inspector by notice in the circumstances prescribed in regulation 14 for the period prescribed in regulation 15.

#### **Circumstances in which registration may be suspended**

**14.—**(1) The circumstances prescribed for the purposes of section 69(1) of the Act are that the Chief Inspector has reasonable cause to believe that the continued provision of childcare by the registered person exposes or may expose any relevant child to the risk of harm.

(2) In this regulation “relevant child” means a child for whom childcare is or may be provided by the registered person.

#### **Suspension of registration: further provisions**

**15.—**(1) Subject to paragraph (2), the period for which the registration of a registered person may be suspended is six weeks beginning with the date specified in the notice of suspension given in accordance with paragraph (4).

(2) Subject to paragraph (3), in a case in which a further period of suspension is based on the same circumstances as the period of suspension immediately preceding that further period of suspension, the Chief Inspector’s power to suspend registration may only be exercised so as to give rise to a continuous period of suspension of 12 weeks.

(3) Where however it is not reasonably practicable (for reasons beyond the control of the Chief Inspector)—

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<sup>(6)</sup> 2001 asp 8.

<sup>(7)</sup> S.I. 1995/755 (N.I.2).

<sup>(8)</sup> 1970 c.42. See section 1A of that Act, inserted by section 102(3) of the Local Government Act 2003 (c.26).

- (a) to complete any investigation as to the circumstances giving rise to the Chief Inspector's belief referred to in regulation 14, or
- (b) for any necessary steps to be taken to reduce or eliminate the risk of harm referred to in regulation 14,

within a period of 12 weeks, the period of suspension may continue until the end of the investigation referred to in sub-paragraph (a) or until the steps referred to in sub-paragraph (b) have been taken.

(4) A notice under regulation 13 may be given to the person in question—

- (a) by delivering it to him,
- (b) by sending it by post, or
- (c) subject to paragraph (5), by transmitting it electronically.

(5) If the notice is transmitted electronically, it is to be treated as given only if the requirements of paragraph (6) are met.

(6) The person to whom the notice is to be given must have indicated to the Chief Inspector his willingness to receive notices transmitted by electronic means and provided an address suitable for that purpose, and the notice must be sent to the address provided by him.

### **Lifting of suspension**

**16.** If, at any time during a period of suspension under regulation 13, it appears to the Chief Inspector that the circumstances prescribed in regulation 14(1) no longer exist, the Chief Inspector must lift the suspension.

### **Right of appeal against suspension**

**17.—(1)** A person whose registration has been suspended under regulation 13 may appeal to the Tribunal<sup>(9)</sup> against suspension.

- (2) Subject to paragraph (3), on an appeal the Tribunal must either—
  - (a) confirm the Chief Inspector's decision to suspend registration; or
  - (b) direct that the suspension shall cease to have effect.

(3) If the suspension of a person's registration against which an appeal has been made under paragraph (1) no longer has effect the Tribunal must dismiss the appeal.

6th March 2007

*Beverley Hughes*  
Minister of State  
Department for Education and Skills

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(9) The Tribunal established by section 9 of the Protection of Children Act 1999 (c.14).

## SCHEDULE 1

Regulations 4(1) and 6(1)

### Applications under section 62(1): prescribed information and requirements

## PART 1

### Prescribed information about prescribed matters

#### **Information about the applicant**

1. The full name (including any alias or former name), date of birth, address and telephone number of the applicant.
2. The following information about any criminal convictions of the applicant—
  - (a) the date of the offence;
  - (b) the nature of the offence;
  - (c) the place where the offence occurred;
  - (d) the name of the court where the person was convicted; and
  - (e) the penalty imposed.
3. Details of any criminal offences in respect of which the applicant has been cautioned by a police officer after he has admitted the offence.

#### **Information about the childminding being provided by the applicant**

4. The address of the domestic premises on which the childminding is being provided.
5. The hours during which the childminding is being provided.
6. The number and ages of children in respect of whom the applicant is providing childminding.
7. Whether or not the individual is a home child-carer.

## PART 2

### Prescribed requirements for registration

#### **Requirements relating to the applicant**

8. The applicant is an individual.
9. The applicant is suitable to provide childminding.
10. An application for an enhanced criminal record certificate relating to the applicant is included with the application.

#### **Requirements relating to the premises on which the childminding is being provided**

11. The premises are suitable for the provision of childminding.
12. The applicant has carried out a full risk assessment of the premises and the activities he will be providing and has taken all necessary measures to minimise any identified risks.

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### **Requirements about the arrangements for childminding on the premises**

- 13.** The childminding provided is provided—
- (a) in respect of a particular child for a continuous period of at least two hours, or
  - (b) as part of arrangements whereby childcare is provided—
    - (i) for a period ending at the start of normal school hours, or beginning at the end of normal school hours, or
    - (ii) for a continuous period of at least two hours.
- 14.** The childminding provided is safe and suitable for the children to whom it is provided.
- 15.** Any equipment used in the provision of childminding is safe and suitable for the children to whom it is provided.

### **Requirements about persons on the premises**

- 16.** The applicant has a first aid qualification which is appropriate to the ages of the children for whom childminding is provided and to the nature of the provision.

## SCHEDULE 2

Regulations 4(3) and 6(3)

Applications under section 63(1): prescribed information and requirements

## PART 1

### Prescribed information about prescribed matters

#### **Information about the applicant**

- 1.** Where the applicant for registration is an individual—
  - (a) his full name (including any alias or former name), date of birth, address and telephone number; and
  - (b) in relation to the manager (if any), the information prescribed in paragraph (a).
- 2.** Where the applicant for registration is a partnership—
  - (a) the name and address of the partnership;
  - (b) in relation to the nominated individual (if different from the manager) and the manager, the information prescribed in paragraph 1(a).
- 3.** Where the applicant for registration is a body corporate or any unincorporated association other than a partnership—
  - (a) its name and the address of its registered office or principal office;
  - (b) in relation to the nominated individual (if different from the manager) and the manager, the information prescribed in paragraph 1(a).



### **Information about the applicant for registration**

4. In paragraphs 5 and 6, in a case in which the applicant is not an individual, references to the applicant are to be read as references to the nominated individual (if different from the manager) and the manager.

5. The following information about any criminal convictions of the applicant—

- (a) the date of the offence;
- (b) the nature of the offence;
- (c) the place where the offence occurred;
- (d) the name of the court where the person was convicted; and
- (e) the penalty imposed.

6. Details of any criminal offences in respect of which the applicant has been cautioned by a police officer after he has admitted the offence.

### **Information about the childcare being provided by the applicant**

- 7. The address of the premises on which the childcare is being provided.
- 8. The hours during which the childcare is being provided.
- 9. The number and ages of children in respect of whom childcare is being provided.

## **PART 2**

### **Prescribed requirements for registration**

#### **Requirements relating to the applicant**

- 10. The applicant is suitable to provide childcare.
- 11. The manager (if any) is suitable to care for children.
- 12. An application for an enhanced criminal record certificate, relating (where the applicant is an individual) to the applicant or (where the applicant is not an individual) to the nominated individual (if different from the manager) and the manager, is included with the application.

#### **Requirements relating to the premises on which the childcare is being provided**

- 13. The premises on which the childcare is being provided are suitable for the provision of childcare (other than childminding).
- 14. The applicant has carried out a full risk assessment of the premises on which the childcare is being provided and the activities being provided and has taken all necessary measures to minimise any identified risks.

#### **Requirements about the arrangements for childcare on the premises**

- 15. The childcare being provided is provided—
  - (a) in respect of a particular child for a continuous period of at least two hours, or
  - (b) as part of arrangements whereby childcare is provided—
    - (i) for a period ending at the start of normal school hours, or beginning at the end of normal school hours, or

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(ii) for a continuous period of at least two hours.

16. The childcare being provided is safe and suitable for the children to whom it is provided.

17. Any equipment used in the provision of childcare is safe and suitable for the children to whom it is provided.

#### **Requirements about persons on the premises**

18. The registered person or another person caring for children on the premises has a first aid qualification which is appropriate to the ages of the children for whom childcare is provided and to the nature of the provision.

### SCHEDULE 3

Regulation 8

#### Requirements governing the activities of registered persons

#### **Welfare of the children being cared for**

1. Children receiving childcare are kept safe from harm.

2. At least one person who is caring for children on the premises on which childcare is being provided has a first aid qualification which is appropriate to the ages of the children for whom childcare is provided and to the nature of the provision.

3. In the case of a registered person who is registered under section 62 of the Act, the registered person is present at all times on the premises on which childcare is provided while the childcare is being provided.

4.—(1) In the case of a registered person who is registered under section 63 of the Act, two persons are present at all times on the premises on which childcare is provided while the childcare is being provided.

(2) Nothing in sub-paragraph (1) shall require each person present to be the registered person or a person employed by the registered person provided that—

- (a) at least one such person is either the registered person or a person employed by the registered person, and
- (b) any other such person is suitable to work with children,

and for the purposes of this sub-paragraph a person is not suitable to work with children unless the registered person is satisfied that an enhanced criminal record certificate has been obtained in respect of that person.

5.—(1) In the case of a registered person who is not a home child-carer, the registered person ensures, so far as is reasonably practicable, that no person smokes, or consumes or is under the influence of, drugs (including medication that may have an adverse effect on the individual's ability to provide childcare) or alcohol—

- (a) on premises on which childcare is being provided at any time while childcare is being provided on the premises, or
- (b) in the presence of a child receiving childcare.

(2) In the case of a registered person who is a home child-carer, the registered person—

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- (a) does not smoke or consume drugs (including medication that may have an adverse effect on the registered person's ability to provide childcare) or alcohol, and
  - (b) is not under the influence of drugs (including medication that may have an adverse effect on the registered person's ability to provide childcare) or alcohol,
- while providing childcare.

**6.—(1)** The registered person or any person employed by him does not use corporal punishment on a child receiving childcare.

(2) In the case of a registered person who is not a home child-carer, the registered person ensures, so far as is reasonably practicable, that no person living or working on the premises where the childcare is provided uses corporal punishment on a child receiving childcare.

(3) In this paragraph "corporal punishment" means anything done for the purpose of punishing a child (whether or not there are other reasons for doing it) which, absent any justification, would constitute battery.

#### **Arrangements for safeguarding the children being cared for**

**7.—(1)** In the case of a registered person who is not a home child-carer, a written statement of procedures to be followed for the protection of children, which is intended to safeguard the children concerned from abuse or neglect, is available and implemented.

(2) In the case of a registered person who is a home child-carer, the registered person ensures he has appropriate knowledge of child protection considerations and procedures to safeguard children from abuse or neglect.

**8.—(1)** In the case of a registered person who is not a home child-carer, no individual who is not suitable to work with children has unsupervised access to a child receiving childcare.

(2) For the purposes of this paragraph a person is not suitable to work with children unless the registered person is satisfied that an enhanced criminal record certificate has been obtained in respect of that person.

#### **Suitability of persons to care for, etc, the children being cared for**

**9.** The registered person and any person caring for, or in regular contact with, children—

- (a) is suitable to work with children,
- (b) is of integrity and good character,
- (c) has skills and experience suitable for the work,
- (d) is physically and mentally fit for the work.

**10.—(1)** Effective systems are in place to ensure that any person caring for, or in regular contact with, children satisfies the requirements in paragraph 9.

(2) As part of meeting the requirement in this paragraph a registered person must obtain an enhanced criminal record certificate in relation any person who is employed by the registered person and who is caring for, or in regular contact with, children.

### **Qualifications and training**

**11.** At least one person who is caring for children on the premises has successfully completed training in the core skills as set out in the document “Common Core of Skills and Knowledge for the Children’s Workforce”(10).

### **Suitability of premises and equipment**

**12.—**(1) The premises and equipment used for the purposes of the childcare concerned are suitable for the provision of that childcare and in particular—

- (a) in the case of a registered person who is not a home child-carer, the premises are safe for the provision of that childcare;
- (b) a child is not able to leave the premises without a person who is caring for children on the premises becoming aware of the child leaving except where—
  - (i) the childcare is open access childcare, or
  - (ii) the registered person has agreed with the parent of the child, where he is not a young child(11), that the requirement in this sub-paragraph shall not apply; and
- (c) no person is able to enter the premises without a person who is caring for children on the premises being aware of the entry of that person.

(2) In this paragraph “open access childcare” means childcare, other than childminding, under the arrangements for which a child, other than a young child, may leave the premises unaccompanied.

**13.—**(1) In the case of a registered person who is not a home child-carer, a risk assessment of those premises and that equipment is undertaken—

- (a) at least once in each calendar year, and
- (b) immediately, where the need for an assessment arises,

and all necessary measures are taken to minimise any identified risks.

(2) In the case of a registered person who is a home child-carer, the registered person advises parents of any health and safety risks.

### **Manner in which the childcare provision is organised**

**14.** In the case of a registered person who is not a home child-carer, arrangements are in place, with other providers of early years provision or later years provision, or with parents, for occasions on which the registered person is not able to provide the childminding in respect of which he is registered.

**15.** The behaviour of the children is managed in a suitable manner.

**16.** The childcare for children who have attained the age of eight does not have an adverse impact on the childcare for children who have not attained that age.

**17.—**(1) No child is refused the provision of childcare or, in the provision of childcare, treated less favourably than another child by reason of—

- (a) the race, home language, family background or gender of the child,
- (b) the religion or belief of the child or his parents, or

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(10) ISBN 1-84478-375-8.

(11) For the definition of “young child” in the Childcare Act 2006 see, by virtue of section 98(1), section 19 of that Act.

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(c) any disability or learning difficulty (within the meaning of section 312(2) of the Education Act 1996<sup>(12)</sup>) which the child may have.

(2) In relation to a physical feature which makes it impossible or unreasonably difficult for disabled children to make use of the childcare the registered person is treated as complying with this paragraph if he has complied with the duty in section 21 of the Disability Discrimination Act 1995<sup>(13)</sup>.

### **Procedures for dealing with complaints**

**18.**—(1) In the case of a registered person who is not a home child-carer, in relation to complaints—

- (a) there is a written statement of procedures to be followed in relation to complaints,
- (b) each complaint is fully investigated,
- (c) a written record is made of any complaint, the outcome of the investigation and the action taken in response,
- (d) the parent who made the complaint is provided (in written or electronic form if requested by the parent) as soon as is reasonably practicable, and in any event within 20 days of the date on which the complaint is made, with an account of the findings of the investigation into the complaint and the action, if any, that has been taken, or is to be taken as a result,
- (e) the registered person supplies to the Chief Inspector at her request within such reasonable time as she may specify—
  - (i) a statement containing a summary of any complaints made during the preceding 12 months and the action taken in consequence,
  - (ii) a list of all complaints recorded pursuant to paragraph (c) within such period of time (not exceeding 2 years before the date on which the request was made) as may be specified by her,
- (f) the record referred to in paragraph (c) is retained for a period of two years from the date on which the record was made.

(2) In this paragraph a “complaint” means a complaint which—

- (a) is made in writing or electronic form to the registered person by a parent in respect of a child for whom the registered person provides childcare, and
- (b) relates to any of the requirements prescribed in this Schedule.

### **Keeping of records (other than records of complaints)**

**19.** Subject to paragraph 20, in the case of a registered person who is not a home child-carer, in relation to each child who is cared for on the premises, a record is maintained consisting of—

- (a) name, home address and date of birth,
- (b) name, home address and telephone number of a parent,
- (c) a daily record of the names of the children looked after on the premises and their hours of attendance.

**20.** There is no requirement to comply with paragraph 19 in relation to a child if the childcare is open access childcare (as defined in paragraph 12(2)).

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(12) 1996 c.56. Section 312(2) was amended by paragraph 23 of Schedule 7 to the Education Act 1997 (c.44); paragraph 56 of Schedule 9 to the Learning and Skills Act 2000 (c.21); and paragraph 3 of Schedule 1 to the Education and Inspections Act 2006 (c.40).

(13) 1995 c.50.

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**21.** In the case of a registered person who is not a home child-carer, a record is maintained of accidents occurring on the premises on which the childcare is provided.

**22.** In the case of a registered person who is not a home child-carer, a record is maintained of any medicinal product administered to any child who is cared for on the premises including—

- (a) the date and circumstances of its administration,
- (b) by whom it was administered,
- (c) a record of a parent's consent.

**23.** In the case of a registered person who is not a home child-carer, a record is maintained of the name, home address and telephone number of every person living or employed on the premises on which the childcare is provided.

**24.** The records specified in paragraphs 19 and 21 to 23 are retained for a period of two years from the date on which the entry was made.

### **Provision of information**

**25.—(1)** In the case of a registered person who is not a home child-carer, the following information is made available to parents of children cared for on the premises—

- (a) information on the activities the children will undertake;
- (b) if the childcare is open access childcare (as defined in paragraph 12(2)), a statement to that effect;
- (c) copies of the written statements of procedures referred to in paragraphs 7(1) and 18(1)(a);
- (d) information about the system of registration under Chapter 4 of Part 3 of the Act;
- (e) the address of the Chief Inspector.

(2) In the case of a registered person who is a home child-carer, the registered person provides parents with information about Part B of the general childcare register and informs them of the address of the Chief Inspector.

**26.** Subject to paragraph 28, if any of the events listed in paragraph 27 takes place, the registered person—

- (a) notifies the Chief Inspector as soon as is reasonably practicable, and
- (b) provides her with information relating to the event as soon as is reasonably practicable and in any event within 14 days of the event occurring.

**27.** The events referred to in paragraph 26 are—

- (a) the death of, or serious accident or serious injury to, a child while receiving early years provision or later years provision;
- (b) the death of, or serious accident or injury to, any other person on the premises on which the early years provision or later years provision is provided;
- (c) any allegation of serious harm to or abuse of a child committed—
  - (i) by any person caring for children on the premises, whether the allegation relates to harm or abuse occasioned on those premises or elsewhere,
  - (ii) by any person, where the allegation relates to harm or abuse occasioned on those premises,
- (d) any incident of food poisoning affecting two or more children cared for on those premises.

**28.**—(1) In the case of a registered person who is not a home child-carer, paragraph 26 applies in relation to events occurring while the registered person is providing childcare and in relation to any other events of which the registered person is aware.

(2) In the case of a registered person who is a home child-carer, paragraph 26 only applies in relation to events occurring while the registered person is providing childcare.

**29.** The Chief Inspector is informed of—

- (a) any significant event which is likely to affect the suitability to work with children of the registered person or any person caring for, or in regular contact with, children;
- (b) any change in circumstances which affects the information held by the Chief Inspector as a result of the requirements of—
  - (i) paragraphs 1 to 4 and 7 of Schedule 1, or
  - (ii) paragraphs 1 to 7 of Schedule 2;
- (c) the matters referred to in paragraphs 4 to 7 of Schedule 1 where (by virtue of regulation 4(2)) information about those matters was not included in the application under section 62(1) of the Act, as soon as they are known, together with any change in circumstances which affects the information held by the Chief Inspector relating to the matters referred to in paragraphs 4 and 7 of Schedule 1.

#### **Other matters**

**30.** The registered person is covered by insurance in respect of liability which may be incurred in respect of death, injury, public liability, damage or other loss.

**31.**—(1) In the case of a registered person who is not a home child-carer, the certificate of registration is displayed on the premises on which childcare is provided.

(2) A registered person who is a home child-carer must show the certificate of registration to a parent on request.

**32.**—(1) If a registered person other than a home child-carer is suspended by virtue of regulation 13 the notice of suspension is displayed on the premises on which childcare is provided.

(2) If a registered person who is a home child-carer is suspended by virtue of regulation 13, the home child-carer must show the notice of suspension to each parent to whom he provides childcare.

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### **EXPLANATORY NOTE**

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

These Regulations make provision relating to the voluntary registration of childminders and other providers of childcare under Chapter 4 of Part 3 of the Childcare Act 2006 (“the Act”).

Regulation 3 prescribes the date when a child reaches 18 as the upper age limit for “later years provision” (as defined in section 96 of the Act). Consequently childcare provided for children up to the age of 18 can be registered voluntarily.

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

Part 2 deals with registration. Regulation 4 with Part 1 of Schedule 1 and Part 1 of Schedule 2 provides for information which must be included with an application for registration. Regulation 5 provides for the fee to accompany the application (£100 in the case of an application to be registered as a childminder and £110 in the case of an application by other providers or proposed providers of childcare). Regulation 6 together with Part 2 of Schedule 1 and Part 2 of Schedule 2 prescribes the requirements which must be satisfied for an application for registration to be granted. Regulation 7 makes provision for certificates of registration.

Part 3 contains provisions governing the activities of registered persons. Regulation 8 with Schedule 3 sets out requirements which must be met by registered persons and also provides that registered persons must have regard to the needs of children to whom childcare is provided. Regulations 9 and 10 provide that an allegation that a registered person has failed to meet these requirements can be taken into account, by Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector") when exercising any of her functions under Part 3 of the Act, or in any proceedings under that Part.

Regulation 11 in Part 4 provides that the Chief Inspector can treat the requirements for registration prescribed in Part 2 of Schedule 1 and Part 2 of Schedule 2 as not being satisfied if consent to the release of certain information to the Chief Inspector is withheld. Regulation 12 prescribes the type of information in question.

Part 5 provides for suspension of registration. Under regulations 13 and 14 the registration can be suspended by the Chief Inspector if she has reasonable cause to believe that the continued provision of childcare by the registered person exposes or may expose a child being cared for to the risk of harm. Regulation 15 provides for the maximum period of suspension and makes further provision as to the notice of suspension, and regulation 16 provides for lifting of a suspension. Regulation 17 provides for a right of appeal to the Care Standards Tribunal against suspension.

Copies of the document "Common Core of Skills and Knowledge for the Children's Workforce" (ISBN 1-84478-375-8) referred to in paragraph 11 of Schedule 3 can be obtained from DfES Publications, PO Box 5050, Sherwood Park, Annesley, Nottingham NG15 0DJ (Tel 0845 6022260), Email [dfes@prolog.uk.com](mailto:dfes@prolog.uk.com).

A regulatory impact assessment has been prepared for these Regulations. It is available from the Department for Education and Skills' website <http://www.dfes.gov.uk/ria/> and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website [www.opsi.gov.uk](http://www.opsi.gov.uk)