

EXPLANATORY MEMORANDUM TO
THE CHILDCARE (INSPECTIONS) (AMENDMENT) REGULATIONS 2009

2009 No. 1508

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend the prescribed interval for certain childcare inspections in the Childcare (Inspections) Regulations 2008 (“the 2008 Regulations”).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The 2008 Regulations make provision about inspections by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“the Chief Inspector”) of childminding and other childcare provision registered under Part 3 of the Childcare Act 2006.

4.2 The amendment made by this instrument provides that the Chief Inspector must inspect all early years provision provided by a person to whom regulation 3(1) of the 2008 Regulations applies once between 1st September 2008 and 1st August 2012.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The 2008 Regulations make provision about inspections of early years provision and later years provision provided by those people registered on the Early Years Register (“the EYR”) or Part A of the General Childcare Register (“the GCR”), both of which are maintained by the Chief Inspector under Part 3 of the Childcare Act 2006.

7.2 The 2008 Regulations prescribe the intervals at which early years provision must be inspected, and make other provision about notifications of inspections, and inspection reports.

7.3 Regulation 3 of the 2008 Regulations prescribes the inspection interval for early years provision operated by a provider who, prior to 1st September 2008, was already registered with Ofsted on the childcare register maintained under Part 10A of the Children Act 1989 (which has now been replaced for England by the registers maintained under Part 3 of the Childcare Act 2006). The intention, as reflected in the explanatory note to the 2008 Regulations, was to require the Chief Inspector to inspect all such early years provision on or after 1st September 2008 and before 1st August 2012 (the latter date being 3 years from the end of the school year during which the 1st September 2008 falls.) However, regulation 3(2)(a) as drafted in the 2008 Regulations would mean that where an inspection has taken place on or after 1st September 2008 and before 1st August 2009, a further inspection would be required. This amendment means that no further inspection of such provision would be necessary before 1st August 2012.

8. Consultation outcome

8.1 The policy for the intervals for early years inspections has already been consulted on. A full explanation of the consultation which took place prior to the introduction of the 2008 Regulations which this instrument amends can be found in paragraphs 7.17 to 7.20 of the Explanatory Memorandum to the 2008 Regulations (which is available at http://www.opsi.gov.uk/si/si2008/em/uksiem_20081729_en.pdf).

9. Guidance

9.1 Existing guidance, issued by the Chief Inspector, tells providers how frequently inspections take place and will not need to be changed.

10. Impact

10.1 An Impact Assessment is not required for this instrument as it only corrects the drafting of existing Regulations and does not change the policy.

10.2 This instrument is being issued free of charge to all known recipients of the 2008 Regulations because the instrument is correcting a defect in those Regulations.

11. Regulating small business

11.1 The legislation applies to small business. This instrument does not change the policy relating to inspections of early years providers which has been consulted on previously.

12. Monitoring and Review

12.1 The Department for Children, Schools and Families will continue to monitor and review the frequency of childcare inspection.

13. Contact

13.1 Ian Polin at the Department for Children, Schools and Families Tel: 020 7783 8148 or email: ian.polin@dcsf.gsi.gov.uk can answer any queries regarding the instrument.