
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of these Regulations sets out amendments to a number of regulations made under the Childcare Act 2006 (“the 2006 Act”) following changes made to Part 3 of the 2006 Act by sections 76 and 77 of, and Schedule 2 to, the Small Business, Enterprise and Employment Act 2015. These changes allow childminders to provide up to half of their provision on non-domestic premises; they also allow childcare providers to provide childcare from multiple premises in a single registration process.

Regulations 4 and 5 amend the Childcare (Early Years Register) Regulations 2008 and the Childcare (General Childcare Register) Regulations 2008. In particular, they amend the prescribed requirements for registration so that the premises used by early years and later years providers for providing childcare must have been approved as suitable by the Chief Inspector or a childminder agency (“the relevant person”) before childcare is provided there.

Regulations 5 and 8 amend the Childcare (General Childcare Register) Regulations 2008 and the Early Years Foundation Stage (Welfare Requirements) Regulations 2012. In particular, the amendments require registered early years and later years providers to send certain information to the relevant person if they wish to provide childcare on additional premises. Registered voluntary providers may choose whether or not to seek approval of additional premises.

Regulation 6 amends the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008. In particular, the amendments change the contents of certificates of registration issued by the relevant person. The amendments require the relevant person to decide whether to approve additional premises as suitable for the proposed provision. The amendments also make it an offence to provide provision on premises that have not been approved by the relevant person and they create a right of appeal to the Tribunal if the relevant person refuses to approve additional premises as suitable.

Regulation 7 amends the Childcare (Fees) Regulations 2008. In particular, the amendments specify the fee that is payable if a provider seeks the Chief Inspector’s approval of the suitability of additional premises.

Regulation 7(7)(d) amends regulation 10(7) of the Childcare (Fees) Regulations 2008 to extend to 31st August 2017 the transitional provision for those childcare providers (other than childminders) who automatically transferred on 1st September 2008 from the childcare register under Part 10A of the Children Act 1989 to one of the registers under Part 3 of the 2006 Act. This means that for such providers the fee applicable to early years provision that is provided for more than 3 hours but fewer than 4 hours per day is £50 (rather than £220, as would otherwise be the case under regulation 10(3) of the Childcare (Fees) Regulations 2008).

Part 2 of these Regulations contains transitional provisions that apply to providers who are registered in one of the registers under Part 3 of the 2006 Act immediately before 1st January 2016.

A full impact assessment of the effect that these Regulations will have on the costs to business and the voluntary sector is annexed to the Explanatory Memorandum. These are available alongside the Regulations at www.legislation.gov.uk.