

2015 No. 1562

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare (Miscellaneous Amendments) Regulations 2015

Made - - - - *21st July 2015*

Laid before Parliament *23rd July 2015*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 12(2), 35(2)(a), (3)(b) and (5)(b), 36(2)(a), (c), (3)(b) and (5)(b), 37(3), 39(1)(b), 43(1), 44(2) and (3), 54(2)(a), (3)(b) and (5)(b), 55(2)(a), (c), (3)(b) and (5)(b), 56(3), 59(2) to (5), 62(2)(a), 63(2)(a) and (c), 64(3), 67(2) to (5), 69, 74(2), 83(1), 83A(1)(b), 85A, 89(1) and 104(2) of the Childcare Act 2006(a).

The Secretary of State has consulted Her Majesty's Chief Inspector of Education, Children's Services and Skills and other appropriate persons in accordance with sections 43(2), 59(2) and 67(2) of the Childcare Act 2006.

Citation and commencement

1.—(1) These Regulations may be cited as the Childcare (Miscellaneous Amendments) Regulations 2015 and, subject to paragraph (2), come into force on 1st January 2016.

(2) Regulation 7(7)(d) comes into force on 1st September 2015.

PART 1

Amendments

Amendments to the Childcare (Supply and Disclosure of Information) (England) Regulations 2007

2. In Schedule 1 to the Childcare (Supply and Disclosure of Information) (England) Regulations 2007(b)—

(a) 2006 c. 21 ("the Act"). Section 36(2)(c) of the Act was amended by paragraph 7 of Schedule 4 to the Children and Families Act 2014 (c. 6) ("the 2014 Act"). Section 44(2) and (3) of the Act was amended by paragraph 11 of Schedule 4 to the 2014 Act. Section 55(2)(c) of the Act was amended by paragraph 18 of Schedule 4 to the 2014 Act. Section 59(4) and (5) of the Act was amended by paragraph 24 of Schedule 4 to the 2014 Act. Section 67(4) and (5) of the Act was amended by paragraph 31 of Schedule 4 to the 2014 Act. Section 69 of the Act was amended by paragraph 34 of Schedule 4 to the 2014 Act and by paragraph 16 of Schedule 2 to the Small Business, Enterprise and Employment Act 2015 (c. 26) ("the 2015 Act"). Section 83(1) of the Act was amended by S.I. 2013/630. Section 83A of the Act was inserted by paragraph 53 of Schedule 4 to the 2014 Act. Section 85A of the Act was inserted by paragraph 17 of Schedule 2 to the 2015 Act. Section 89(1) of the Act was amended by paragraph 58 of Schedule 4 to the 2014 Act. See section 106 of the Act for the definition of "prescribed" and "regulations".

(b) S.I. 2007/722, amended by S.I. 2008/961; there are other amending instruments but none are relevant.

- (a) in paragraph 6(d) after “registration” insert “, generally or only in relation to particular premises”; and
- (b) for paragraph 8(b) and (c), substitute—
 - “(b) the child’s home,
 - (c) other domestic premises, or
 - (d) non-domestic premises.”.

Amendments to the Childcare Act 2006 (Provision of Information to Parents) (England) Regulations 2007

3. In paragraph 1 of Schedule 1 (prescribed descriptions of information relating to childcare) to the Childcare Act 2006 (Provision of Information to Parents) (England) Regulations 2007(**a**)—

- (a) for sub-paragraph (k)(ii) and (iii), substitute—
 - “(ii) the child’s home,
 - (iii) other domestic premises, or
 - (iv) non-domestic premises;”;
- (b) in sub-paragraph (o)(iii), after “registration” insert “, generally or only in relation to particular premises”.

Amendments to the Childcare (Early Years Register) Regulations 2008

- 4.—**(1) The Childcare (Early Years Register) Regulations 2008(**b**) are amended as follows.
- (2) After regulation 4 (information to accompany application for registration), insert—

“Review

5. By 31st December 2020, and subsequently at intervals not exceeding 5 years from that date, the Secretary of State must, in accordance with section 30 of the Small Business, Enterprise and Employment Act 2015—

- (a) carry out a review of the amendments made by the Childcare (Miscellaneous Amendments) Regulations 2015 to these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.”.
- (3) In Schedule 1 (applications for registration: early years childminders)—
- (a) in paragraph 10(1), for “Every” substitute “If the relevant premises are domestic premises, every”;
 - (b) after paragraph 11 insert—

“Requirements relating to non-domestic premises

11A. If any of the early years childminding is to be provided on non-domestic premises, the relevant person has approved the suitability of each of the non-domestic premises before the early years childminding is provided there.”;

- (c) in paragraph 19(1), for “The” at the beginning substitute “If the relevant premises are domestic premises, the”;

(a) S.I. 2007/3490, amended by S.I. 2014/1921; there are other amending instruments but none are relevant.
 (b) S.I. 2008/974, amended by S.I. 2014/912; there are other amending instruments but none are relevant. See section 32(2) of the Act for the meaning of “the early years register”. See sections 96 and 98 of the Act for the meaning of “early years provision”, “early years provider” and “early years childminding”. See section 98 of the Act for the meaning of “domestic premises” and “premises”.

- (d) in paragraph 20, for “The” at the beginning substitute “If the relevant premises are domestic premises, the”; and
- (e) after paragraph 22, insert—

“Information about non-domestic premises

23. If any of the early years childminding is to be provided on non-domestic premises, a description of each of the non-domestic premises, including a description of why each of the non-domestic premises is considered to be suitable for the early years childminding.”.

- (4) In Schedule 2 (applications for registration: other early years providers)—
 - (a) in paragraph 8(b), omit “on domestic premises”;
 - (b) in paragraph 14—
 - (i) in the heading, omit “on domestic premises”;
 - (ii) for sub-paragraph (1), substitute—

“(1) This paragraph applies in the case of early years provision which is not early years childminding by virtue of section 96(5) of the Act.”;
 - (iii) after sub-paragraph (6) insert—

“(7) Sub-paragraphs (4) and (6) do not apply in relation to non-domestic premises.”;
 - (c) after paragraph 14 insert—

“Requirements relating to premises

14A. The relevant person has approved the suitability of each of the relevant premises before the early years provision is provided there.”;

- (d) in paragraph 24—
 - (i) in the heading, omit “on domestic premises”;
 - (ii) for sub-paragraph (1), substitute—

“(1) This paragraph applies in the case of early years provision which is not early years childminding by virtue of section 96(5) of the Act.”;
 - (iii) after sub-paragraph (5) insert—

“(6) Sub-paragraphs (3) and (5) do not apply in relation to non-domestic premises.”; and
- (e) after paragraph 25, insert—

“Information about premises

26. A description of each of the relevant premises, including a description of why each of the relevant premises is considered to be suitable for the early years provision.”.

Amendments to the Childcare (General Childcare Register) Regulations 2008

5.—(1) The Childcare (General Childcare Register) Regulations 2008(a) are amended as follows.

(2) After regulation 3 (revocation of the Childcare (Voluntary Registration) Regulations 2007), insert—

(a) S.I. 2008/975, amended by S.I. 2009/1545 and S.I. 2014/912; there are other amending instruments but none are relevant. See section 32(3) of the Act for the meaning of “the general childcare register”. See sections 96 and 98 of the Act for the meaning of “later years provision”, “later years provider” and “later years childminding”.

“Review

3A. By 31st December 2020, and subsequently at intervals not exceeding 5 years from that date, the Secretary of State must, in accordance with section 30 of the Small Business, Enterprise and Employment Act 2015—

- (a) carry out a review of the amendments made by the Childcare (Miscellaneous Amendments) Regulations 2015 to these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.”.

(3) In Schedule 1 (applications for registration: later years childminders)—

- (a) in paragraph 7(1), for “Every” substitute “If the relevant premises are domestic premises, every”;
- (b) after paragraph 8 insert—

“Requirements relating to non-domestic premises

8A. If any of the later years childminding is to be provided on non-domestic premises, the relevant person has approved the suitability of each of the non-domestic premises before the later years childminding is provided there.”;

- (c) in paragraph 12(1), for “The” at the beginning substitute “If the relevant premises are domestic premises, the”;
- (d) in paragraph 13, for “The” at the beginning substitute “If the relevant premises are domestic premises, the”;
- (e) after paragraph 15, insert—

“Information about non-domestic premises

16. If any of the later years childminding is to be provided on non-domestic premises, a description of each of the non-domestic premises, including a description of why each of the non-domestic premises is considered to be suitable for the later years childminding.”.

(4) In Schedule 2 (applications for registration: other later years providers)—

- (a) in paragraph 5(b), omit “on domestic premises”;
- (b) in paragraph 11—
 - (i) in the heading, omit “on domestic premises”;
 - (ii) for sub-paragraph (1), substitute—

“(1) This paragraph applies in the case of later years provision which is not later years childminding by virtue of section 96(9) of the Act.”;
 - (iii) after sub-paragraph (6) insert—

“(7) Sub-paragraphs (4) and (6) do not apply in relation to non-domestic premises.”;
- (c) after paragraph 11 insert—

“Requirements relating to premises

11A. The relevant person has approved the suitability of each of the relevant premises before the later years provision is provided there.”;

- (d) in paragraph 17—
 - (i) in the heading, omit “on domestic premises”;
 - (ii) for sub-paragraph (1), substitute—

“(1) This paragraph applies in the case of later years provision which is not later years childminding by virtue of section 96(9) of the Act.”;

- (iii) after sub-paragraph (5) insert—
 - “(6) Sub-paragraphs (3) and (5) do not apply in relation to non-domestic premises.”; and
- (e) after paragraph 18, insert—

“Information about premises

19. A description of each of the relevant premises, including a description of why each of the relevant premises is considered to be suitable for the later years provision.”.

- (5) In Schedule 3 (requirements governing activities: section 59)—

- (a) after paragraph 9(2), insert—
 - “(3) This paragraph does not apply to later years childminding on non-domestic premises.”;

- (b) after paragraph 13, insert—

“Approval of the suitability of additional premises

13ZA.—(1) This paragraph applies if a later years provider (“P”) proposes to provide later years provision (“the proposed provision”) on additional premises.

(2) If the proposed provision is later years childminding and the additional premises are non-domestic premises, P must—

- (a) demonstrate to the relevant person that the requirements in paragraphs 5 and 6 of Schedule 1 will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and
- (b) send to the relevant person the information in paragraphs 11 and 14 to 16 of Schedule 1.

(3) If the proposed provision would be later years childminding but for section 96(9) of the Act, P must—

- (a) demonstrate to the relevant person that the requirements in paragraphs 3 to 5, 10 and 11 of Schedule 2 will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and
- (b) send to the relevant person the information in paragraphs 17 to 19 of Schedule 2.

(4) If the proposed provision does not fall within paragraphs (2) or (3), P must—

- (a) demonstrate to the relevant person that the requirements in paragraphs 3 to 5 and 10 of Schedule 2 will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and
- (b) send to the relevant person the information in paragraphs 18 and 19 of Schedule 2.

(5) In this paragraph, “additional premises” means premises which the relevant person has not already approved as suitable for the purposes of paragraph 8A of Schedule 1 or paragraph 11A of Schedule 2 in relation to P.”;

- (c) in paragraph 28, for “The certificate” substitute “A certificate”; and
- (d) in paragraph 29, after “suspended” insert “, generally or only in relation to particular premises.”.

(6) In Schedule 4 (applications for registration in Part B of the general childcare register: childminders)—

- (a) in paragraph 7(1), for “Every” substitute “If the relevant premises are domestic premises, every”;
- (b) in paragraph 13(1), for “The” at the beginning substitute “If the relevant premises are domestic premises, the”;
- (c) in paragraph 14, for “The” at the beginning substitute “If the relevant premises are domestic premises, the”; and

(d) after paragraph 17 insert—

“Information about non-domestic premises

18. If early years childminding or later years childminding (or both) is to be provided on non-domestic premises, a description of each of the non-domestic premises, including a description of why each of the non-domestic premises is considered to be suitable for the early years childminding or the later years childminding.”.

(7) In Schedule 5 (applications for registration in Part B of the general childcare register: other childcare providers)—

(a) in paragraph 9—

(i) in the heading, omit “on domestic premises”;

(ii) for sub-paragraph (1), substitute—

“(1) This paragraph applies in the case of childcare which is not early years childminding or later years childminding by virtue of section 96(5) or (9) of the Act.”;

(iii) after sub-paragraph (6) insert—

“(7) Sub-paragraphs (4) and (6) do not apply in relation to non-domestic premises.”;

(b) in paragraph 17—

(i) in the heading, omit “on domestic premises”;

(ii) for sub-paragraph (1), substitute—

“(1) This paragraph applies in the case of childcare which is not early years childminding or later years childminding by virtue of section 96(5) or (9) of the Act.”;

(iii) after sub-paragraph (5) insert—

“(6) Sub-paragraphs (3) and (5) do not apply in relation to non-domestic premises.”; and

(c) after paragraph 18 insert—

“Information about premises

19. A description of each of the relevant premises, including a description of why each of the relevant premises is considered to be suitable for the childcare.”.

(8) In Schedule 6 (requirements governing the activities of persons registered voluntarily)—

(a) in paragraph 11—

(i) in sub-paragraph (1), for “In the case of a registered person who is not a home child-carer, every” substitute “Every”;

(ii) after paragraph 11(2), insert—

“(3) This paragraph does not apply if the registered person is—

(a) a home child-carer, or

(b) a childminder providing childcare on non-domestic premises.”;

(b) after paragraph 14, insert—

“Approval of the suitability of additional premises

14A.—(1) This paragraph applies if a person (“P”) who is registered in Part B of the general childcare register wishes to seek the relevant person’s approval of the suitability of additional premises for providing early years provision or later years provision (or both) (“the proposed provision”).

(2) If the proposed provision is early years childminding or later years childminding (or both) and the additional premises are non-domestic premises, P must—

- (a) demonstrate to the relevant person that the requirements in paragraphs 5 and 6 of Schedule 4 will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and
 - (b) send to the relevant person the information in paragraphs 12 and 15 to 18 of Schedule 4.
- (3) If the proposed provision would be early years childminding but for section 96(5) of the Act or later years childminding but for section 96(9) of the Act, P must—
- (a) demonstrate to the relevant person that the requirements in paragraphs 3 to 5 and 9 to 11 of Schedule 5 will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and
 - (b) send to the relevant person the information in paragraphs 17 to 19 of Schedule 5;
- (4) If the proposed provision does not fall within paragraphs (2) or (3), P must—
- (a) demonstrate to the relevant person that the requirements in paragraphs 3 to 5, 10 and 11 of Schedule 5 will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and
 - (b) send to the relevant person the information in paragraphs 18 and 19 of Schedule 5.
- (5) In this paragraph, “additional premises” means premises which the relevant person has not already approved as suitable for the provision of early years provision, later years provision (or both) by P.”;
- (c) in paragraph 31(1), for “the certificate” substitute “a certificate”; and
 - (d) in paragraph 32, after “suspended”, in each place where the word occurs, insert “, generally or only in relation to particular premises.”.

Amendments to the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008

6.—(1) The Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008(a) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) after the definition of “the Act” insert—
 - ““additional premises application” means an application by the registered person to the relevant person for approval of the suitability of additional premises—
 - (a) under regulation 8A of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012;
 - (b) under paragraph 13ZA of Schedule 3 to the Childcare (General Childcare Register) Regulations 2008; or
 - (c) under paragraph 14A of Schedule 6 to the Childcare (General Childcare Register) Regulations 2008;

“additional premises” means premises which the relevant person has not already approved as suitable for the provision of childcare by the registered person;

“approved premises” means premises that have been approved by the relevant person as suitable for the provision of childcare by the registered person at the time of registration or following an additional premises application;”;
- (b) after the definition of “registered person” insert—
 - ““relevant person” means the Chief Inspector or, if the registered person is registered with a childminder agency, the childminder agency.”.

(a) S.I. 2008/976, amended by S.I. 2008/2683 and S.I. 2014/1921; there are other amending instruments but none are relevant.

(3) After regulation 3 (prescribed day for the purposes of the definition of “later years provision”), insert—

“Review

3A. By 31st December 2020, and subsequently at intervals not exceeding 5 years from that date, the Secretary of State must, in accordance with section 30 of the Small Business, Enterprise and Employment Act 2015—

- (a) carry out a review of the amendments made by the Childcare (Miscellaneous Amendments) Regulations 2015 to these Regulations;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.”.

(4) For regulation 6 (content of certificate of registration issued by the Chief Inspector), substitute—

“Content of certificate of registration issued by the Chief Inspector

6.—(1) A certificate of registration given in accordance with section 37, 56 or 64 of the Act must contain the following information—

- (a) the name of the registered person;
- (b) the registered person’s principal postal correspondence address;
- (c) the date of registration;
- (d) any unique reference number or other identifier issued by the Chief Inspector in respect of the registration;
- (e) whether the registered person is registered in the early years register or Part A or B of the general childcare register;
- (f) whether the registered person is registered as an early years childminder, a later years childminder or as a provider of childcare other than early years childminding or later years childminding;
- (g) any conditions imposed on the registered person’s registration under section 38, 58 or 66 of the Act, and the date on which they were imposed;
- (h) if the registered person is registered as an early years childminder or a later years childminder—
 - (i) the address of the domestic premises where the registered person provides the early years childminding or the later years childminding; and
 - (ii) the address of approved premises which are non-domestic premises;
- (i) if the registered person provides early years provision or later years provision which would be early years childminding or later years childminding but for section 96(5) or (9) of the Act, the address of approved premises; and
- (k) if the registered provider does not fall within paragraph (h) or (i)—
 - (i) the address of approved premises; and
 - (ii) the date on which the premises were approved.”.

(5) In regulation 7 (content of combined certificate of registration)—

- (a) for “(g)” substitute “(k)”; and
- (b) for “each registration of that person” substitute “the registered person’s registration”.

(6) In regulation 7A (content of certificate of registration issued by a childminder agency)—

- (a) after paragraph (a), insert—
 - “(aa) the registered person’s principal postal correspondence address;”;

- (b) in paragraph (e), for “premises in respect of which that provider is registered” substitute “approved premises”; and
 - (c) in paragraph (g), after “person is registered” insert—
 - “(h) if the registered person is registered as an early years childminder or a later years childminder—
 - (i) the address of the domestic premises where the registered person provides the early years childminding or the later years childminding; and
 - (ii) the address of approved premises which are non-domestic premises.”.
- (7) After regulation 7A, insert—

“PART 3A

Premises

Certain providers: offence of providing provision other than on approved premises

7B.—(1) A registered person who, without reasonable excuse, fails to comply with a prescribed requirement in relation to the premises on which early years provision or later years provision is provided is guilty of an offence and is liable on summary conviction to a fine.

(2) The prescribed requirements are those in—

- (a) paragraph 11A of Schedule 1 to the Childcare (Early Years Register) Regulations 2008 for early years childminders registered in the early years register;
- (b) paragraph 14A of Schedule 2 to the Childcare (Early Years Register) Regulations 2008 for early years providers registered in the early years register other than early years childminders;
- (c) paragraph 8A of Schedule 1 to the Childcare (General Childcare Register) Regulations 2008 for later years childminders registered in Part A of the general childcare register;
- (d) paragraph 11A of Schedule 2 to the Childcare (General Childcare Register) Regulations 2008 for other later years providers registered in Part A of the general childcare register other than early years childminders.

Relevant person’s obligation to determine an additional premises application

7C.—(1) This regulation applies if the relevant person receives an additional premises application.

(2) If the relevant person considers that the additional premises, and the arrangements for the childcare proposed on the additional premises, are suitable, the relevant person must approve the additional premises application.

(3) If the relevant person considers that the additional premises, or the arrangements for the childcare proposed on the additional premises, are not suitable, the relevant person must refuse the additional premises application.

Appeal against refusal by the Chief Inspector of an additional premises application

7D. A determination by the Chief Inspector to refuse an additional premises application is prescribed for the purposes of section 74(2) of the Act.”.

(8) In regulation 8 (suspension of registration), after “suspended” insert “, generally or only in relation to particular premises,”.

(9) In regulation 10 (suspension of registration: further provisions)—

- (a) in paragraph (1) after “suspended” insert “, generally or only in relation to particular premises,”; and
 - (b) in paragraph (2) after “registration” insert “, generally or only in relation to particular premises,”.
- (10) In regulation 12 (appeal against suspension)—
- (a) in paragraph (1), after “suspended” insert “, generally or only in relation to particular premises,”; and
 - (b) omit “First-tier”(a) in each place where the words occur.

Amendments to the Childcare (Fees) Regulations 2008

7.—(1) The Childcare (Fees) Regulations 2008(b) are amended as follows.

(2) In regulation 2 (interpretation) after the definition of “the 2006 Act” insert—

““additional premises application” means an application to the Chief Inspector for approval of the suitability of additional premises—

- (a) in the case of a person who is registered in the early years register, under regulation 8A of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012;
- (b) in the case of a person who is registered in Part A of the general childcare register, under paragraph 13ZA of Schedule 3 to the Childcare (General Childcare Register) Regulations 2008; or
- (c) in the case of a person who is registered in Part B of the general childcare register, under paragraph 14A of Schedule 6 to the Childcare (General Childcare Register) Regulations 2008;

“approved premises” means premises that have been approved by the Chief Inspector as suitable for the provision of childcare at the time of registration or following an additional premises application;”.

(3) After regulation 2 (interpretation), insert—

“Fees that do not apply to certain childcare providers in respect of non-domestic premises

2A. The following regulations do not apply to early years provision or later years provision, on non-domestic premises, that would be childminding but for section 96(5) or (9) of the 2006 Act—

- (a) regulation 4 (application fee for the early years register: other early years providers);
- (b) regulation 6 (application fee for Part A of the general childcare register: other later years providers);
- (c) regulation 8 (application fee for Part B of the general childcare register: other childcare providers);
- (d) regulation 10 (annual fee for other early years providers registered in the early years register);
- (e) regulation 12 (annual fee for other later years providers registered in Part A of the general childcare register); and
- (f) regulation 15 (annual fee for other childcare providers registered in Part B of the general childcare register).”.

(4) In regulation 4 (application fee for the early years register: other early years providers)—

(a) See sections 69(11) and 98(1) of the Act for the meaning of “the Tribunal”.
 (b) S.I. 2008/1804, amended by S.I. 2010/307, S.I. 2012/2168 and S.I. 2014/1921.

- (a) after “2006 Act”, insert “or an additional premises application”;
 - (b) after “£35”, insert “for each of the premises on which that amount of provision is to be provided”; and
 - (c) after “£220”, insert “for each of the premises on which that amount of provision is to be provided”.
- (5) In regulation 6 (application fee for Part A of the general childcare register: other later years providers)—
- (a) after “2006 Act”, insert “or an additional premises application”; and
 - (b) after “£114”, insert “for each of the premises on which the provision is to be provided”.
- (6) In regulation 8 (application fee for Part B of the general childcare register: other childcare providers)—
- (a) after “2006 Act”, insert “or an additional premises application”; and
 - (b) after “£114”, insert “for each of the premises on which the provision is to be provided”.
- (7) In regulation 10 (annual fee for other early years providers registered in the early years register)—
- (a) in paragraph (2), after “£35” insert “in respect of each of the approved premises on which that amount of provision is provided”;
 - (b) in paragraph (3), after “£220” insert “in respect of each of the approved premises on which that amount of provision is provided”;
 - (c) for paragraphs (5) and (6) substitute—
 - “(5) The prescribed time is the day in each year which is the anniversary of the date on which—
 - (a) with respect to premises approved at the time of registration—
 - (i) the early years provider; or
 - (ii) in the case of a domestic group provider, the person who is the nominated individual,
 - was registered under section 79F(1) or (2) of the 1989 Act; or
 - (b) with respect to premises approved following an additional premises application, the additional premises application is or was approved.
 - (6) In all other cases, the prescribed time is the day in each year which is the anniversary of the date on which—
 - (a) with respect to premises approved at the time of registration, the early years provider was registered under section 37(2) of the 2006 Act; or
 - (b) with respect to premises approved following an additional premises application, the additional premises application is or was approved.”; and
 - (d) in paragraph (7) for “2015” substitute “2017”.
- (8) In regulation 12 (annual fee for other later years providers registered in Part A of the general childcare register)—
- (a) in paragraph (1)—
 - (i) for “Subject to regulation 13, a” substitute “A”; and
 - (ii) after “paragraph (4) or (5)” insert “(but see regulations 2A and 13 for certain exceptions)”;
 - (b) in paragraph (2), after “£114” insert “in respect of each of the approved premises”; and
 - (c) for paragraphs (4) and (5) substitute—
 - “(4) The prescribed time is the day in each year which is the anniversary of the date on which—
 - (a) with respect to premises approved at the time of registration—

- (i) the later years provider; or
 - (ii) in the case of a domestic group provider, the person who is the nominated individual,
was registered under section 79F(1) or (2) of the 1989 Act; or
 - (b) with respect to premises approved following an additional premises application, the additional premises application is or was approved.
- (5) In all other cases, the prescribed time is the day in each year which is the anniversary of the date on which—
- (a) with respect to premises approved at the time of registration, the later years provider was registered under section 56(2) of the 2006 Act; or
 - (b) with respect to premises approved following an additional premises application, the additional premises application is or was approved.”.
- (9) In regulation 15 (annual fee for other childcare providers registered in Part B of the general childcare register)—
- (a) in paragraph (1)—
 - (i) for “Subject to regulation 16, a” substitute “A”; and
 - (ii) after “paragraph (4) or (5)” insert “(but see regulations 2A and 16 for certain exceptions)”;
 - (b) in paragraph (2), after “£114” insert “in respect of each of the approved premises”; and
 - (c) for paragraphs (4) and (5) substitute—

“(4) The prescribed time is the day in each year which is the anniversary of the date on which—

 - (a) with respect to premises approved at the time of registration—
 - (i) the early years provider or the later years provider; or
 - (ii) in the case of a domestic group provider, the person who is the nominated individual,
was registered under section 79F(1) or (2) of the 1989 Act; or
 - (b) with respect to premises approved following an additional premises application, the additional premises application is or was approved.

(5) In all other cases, the prescribed time is the day in each year which is the anniversary of the date on which—

 - (a) with respect to premises approved at the time of registration, the early or later years provider was registered under section 64(2) of the 2006 Act; or
 - (b) with respect to premises approved following an additional premises application, the additional premises application is or was approved.”.

Amendments to the Early Years Foundation Stage (Welfare Requirements) Regulations 2012

8.—(1) The Early Years Foundation Stage (Welfare Requirements) Regulations 2012(a) are amended as follows.

(2) After regulation 2 (interpretation), insert—

(a) S.I. 2012/938, amended by S.I. 2014/912.

“Review

2A. By 31st December 2020, and subsequently at intervals not exceeding 5 years from that date, the Secretary of State must, in accordance with section 30 of the Small Business, Enterprise and Employment Act 2015—

- (a) carry out a review of the amendments made by the Childcare (Miscellaneous Amendments) Regulations 2015 to these Regulations;
 - (b) set out the conclusions of the review in a report; and
 - (c) publish the report.”.
- (3) In regulation 3(1), for “7, 8 and 9” substitute “7 to 9”.
- (4) After regulation 8, insert—

“Approval of the suitability of additional premises

8A.—(1) This regulation applies if a registered early years provider (“P”) proposes to provide early years provision (“the proposed provision”) on additional premises.

(2) If the proposed provision is early years childminding and the additional premises are non-domestic premises, P must—

- (a) demonstrate to the relevant person that the requirements in paragraphs 7 to 9 of Schedule 1 to the 2008 Regulations will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and
- (b) send to the relevant person the information in paragraphs 18 and 21 to 23 of Schedule 1 to the 2008 Regulations.

(3) If the proposed provision would be early years childminding but for section 96(5) of the Act, P must—

- (a) demonstrate to the relevant person that the requirements in paragraphs 5 to 8, 13 and 14 of Schedule 2 to the 2008 Regulations will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and
- (b) send to the relevant person the information in paragraphs 24 to 26 of Schedule 2 to the 2008 Regulations.

(4) If the proposed provision does not fall within paragraphs (2) or (3), P must—

- (a) demonstrate to the relevant person that the requirements in paragraphs 5 to 8 and 13 of Schedule 2 to the 2008 Regulations will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and
- (b) send to the relevant person the information in paragraphs 25 and 26 of Schedule 2 to the 2008 Regulations.

(5) In this regulation—

“the 2008 Regulations” means the Childcare (Early Years Register) Regulations 2008; and

“additional premises” means premises which the relevant person has not already approved as suitable for the purposes of paragraph 11A of Schedule 1 or paragraph 14A of Schedule 2 to the 2008 Regulations in relation to P.”.

(5) In paragraph 11 of the Schedule—

(a) before sub-paragraph (a) insert—

“(za) any change of the persons who are providing care for children as part of the early years childminding;” and

(b) in sub-paragraph (a)—

- (i) before “any” insert “if the early years childminding is provided on domestic premises;” and
- (ii) for “the premises on which childcare is provided” substitute “those premises”.

Amendments to the Childcare (Childminder Agencies) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014

9.—(1) The Childcare (Childminder Agencies) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014(a) are amended as follows.

(2) For regulation 14(2) (prescribed steps in relation to supply of information to the Secretary of State and Her Majesty's Revenue and Customs), substitute—

“(2) The prescribed steps are—

- (a) approving the suitability of additional premises under regulation 7C of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008;
- (b) cancellation of a person's registration;
- (c) suspension of a person's registration, generally or only in relation to particular premises; or
- (d) termination of a person's registration at the person's request.”.

(3) For regulation 15(2) (prescribed steps in relation to supply of information to local authorities), substitute—

“(2) The prescribed steps are—

- (a) approving the suitability of additional premises under regulation 7C of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008;
- (b) giving notice of intention to cancel a person's registration;
- (c) cancellation of a person's registration;
- (d) suspension of a person's registration, generally or only in relation to particular premises; or
- (e) termination of a person's registration at the person's request.”.

(4) In Schedule 2 (Supply and disclosure of information)—

(a) in paragraph 7, for sub-paragraphs (b) and (c) substitute—

- “(b) the child's home,
- (c) other domestic premises, or
- (d) non-domestic premises.”; and

(b) in paragraph 19, for sub-paragraph (b) to the end substitute—

- “(b) approving the suitability of additional premises under regulation 7C of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008 for the provision of childcare by the person;
- (c) giving notice of intention to cancel the person's registration;
- (d) cancelling the person's registration;
- (e) suspending the person's registration, either generally or only in relation to particular premises; or
- (f) terminating the person's registration at the person's request, and

in relation to a step mentioned in any of sub-paragraphs (b) to (f), the date on which the step was taken.”.

(a) S.I. 2014/1920.

PART 2

Transitional Provisions

Modifications to registrations under Part 3 of the Childcare Act 2006 immediately before 1st January 2016, etc.

10.—(1) This regulation applies in respect of a person (“P”) who, immediately before 1st January 2016, is registered under Part 3 of the Childcare Act 2006 by the Chief Inspector or by a childminder agency.

(2) If P is registered only once in the early years register, the premises in respect of which P is registered are to be treated as approved for the purposes of—

- (a) paragraph 11A of Schedule 1 (if P is an early years childminder); or
- (b) paragraph 14A of Schedule 2 (if P is an early years provider other than an early years childminder),

to the Childcare (Early Years Register) Regulations 2008.

(3) If P is registered only once in Part A of the general childcare register, the premises in respect of which P is registered are to be treated as approved for the purposes of—

- (a) paragraph 8A of Schedule 1 (if P is a later years childminder); or
- (b) paragraph 11A of Schedule 2 (if P is a later years provider other than a later years childminder),

to the Childcare (General Childcare Register) Regulations 2008.

(4) If P is registered only once in Part B of the general childcare register, the premises in respect of which P is registered are to be treated as having been approved by the Chief Inspector or the childminder agency as suitable for the early years provision or the later years provision which P provides there.

(5) If P is registered more than once in the early years register—

- (a) the registrations are to be treated as a single registration in the early years register; and
- (b) each of the premises in respect of which P is registered are to be treated as approved for the purposes of—
 - (i) paragraph 11A of Schedule 1 (if P is an early years childminder); or
 - (ii) paragraph 14A of Schedule 2 (if P is an early years provider other than an early years childminder),

to the Childcare (Early Years Register) Regulations 2008.

(6) If P is registered more than once in Part A of the general childcare register—

- (a) the registrations are to be treated as a single registration in Part A of the general childcare register; and
- (b) each of the premises in respect of which P is registered are to be treated as approved for the purposes of—
 - (i) paragraph 8A of Schedule 1 (if P is a later years childminder); or
 - (ii) paragraph 11A of Schedule 2 (if P is a later years provider other than a later years childminder),

to the Childcare (General Childcare Register) Regulations 2008.

(7) If P is registered more than once in Part B of the general childcare register—

- (a) the registrations are to be treated as a single registration on Part B of the general childcare register; and
- (b) the premises in respect of which P is registered are to be treated as having been approved by the Chief Inspector or the childminder agency as suitable for the early years provision or the later years provision which P provides there.

Undetermined Applications

11. If a person (“P”) has made more than one application for registration in the early years register and, immediately before 1st January 2016, one or more of P’s applications has not been determined by the Chief Inspector or the childminder agency, all of P’s applications are to be treated as a single application for registration in the early years register.

12. If a person (“P”) has made more than one application for registration in Part A of the general childcare register and, immediately before 1st January 2016, one or more of P’s applications has not been determined by the Chief Inspector or the childminder agency, all of P’s applications are to be treated as a single application for registration in Part A of the general childcare register.

13. If a person (“P”) has made more than one application for registration in Part B of the general childcare register and, immediately before 1st January 2016, one or more of P’s applications has not been determined by the Chief Inspector or the childminder agency, all of P’s applications are to be treated as a single application for registration in Part B of the general childcare register.

21st July 2015

Sam Gyimah
Parliamentary Under Secretary of State
Department for Education

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.

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