
WELSH STATUTORY INSTRUMENTS

2010 No. 2574

The Child Minding and Day Care (Wales) Regulations 2010

PART 4

GENERAL REQUIREMENTS AND ENFORCEMENT

Requirement to comply with regulations

12.—(1) A registered person must—

- (a) meet the requirements set out in Part 5 as they apply to that person; and
- (b) in the provision of the care provided by that person, have regard to the needs of each child for whom child minding or day care is provided.

(2) Any failure by the registered person—

- (a) to meet any relevant requirement set out in Part 5; or
- (b) to have regard to the matter specified in paragraph (1)(b),

may be taken into account in the exercise by the Welsh Ministers of their functions under Part 2 of the Measure and in any proceedings under that Part of the Measure.

Compliance with regulations – more than one registered person

13. Where there is more than one registered person in respect of the provision of day care for relevant children on the same premises anything which is required under these Regulations to be done by the registered person will, if done by one of the registered persons, not be required to be done by any of the other registered persons.

National minimum standards

14.—(1) The registered person must have regard to the national minimum standards which relate to the type of care provided by the registered person.

(2) Any allegation that the registered person has failed to comply with paragraph (1) may taken into account in the exercise by the Welsh Ministers of their functions under Part 2 of the Measure and in any proceedings under that Part of the Measure.

Statement of purpose

15.—(1) The registered person must compile in relation to the child minding or provision of day care for which the person is registered, a statement on paper (“the statement of purpose”) which must consist of—

- (a) a statement of aims and objectives;
- (b) a statement as to the age-range, sex and number of children for whom care is intended to be provided by the registered person and as to the range of needs that the person intends to meet;

- (c) a statement as to the facilities and services to be provided or made available to relevant children;
 - (d) a statement as to the activities to be provided and as to the language or languages through which the activities will be provided; and
 - (e) a statement of the terms and conditions upon which care is provided to relevant children when the registered person acts as a child minder or provides day care, as the case may be.
- (2) Subject to paragraph (3) the registered person must ensure that he or she acts as a child minder or that day care is provided, as the case may be, in a manner which is consistent with the statement of purpose.
- (3) Nothing in paragraph (2) or in regulation 37 requires or authorises the registered person to contravene or not to comply with—
- (a) any other provision of these Regulations; or
 - (b) the conditions for the time being in force in relation to the registration of the registered person under Part 2 of the Measure.
- (4) The registered person must—
- (a) keep under review, and, where appropriate, revise the statement of purpose; and
 - (b) whenever practicable notify the appropriate office of any such revision at least 28 days before it is to take effect.

Review of quality of care

- 16.**—(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to children.
- (2) The system established under paragraph (1) must make provision for—
- (a) the quality of care to be reviewed at least annually; and
 - (b) the registered person to obtain the views of—
 - (i) relevant children;
 - (ii) the parents of relevant children;
 - (iii) a local authority arranging for child minding or day care for a relevant child; and
 - (iv) persons employed to look after relevant children,
 on the quality of care provided, as part of any review undertaken.
- (3) Following a review of the quality of care, the registered person must within 28 days prepare a report of that review and make a copy of that report available in an appropriate format when requested by—
- (a) the parents of relevant children;
 - (b) a local authority arranging for child minding or day care for a relevant child;
 - (c) persons employed to look after relevant children; and
 - (d) the Welsh Ministers.

Assessment of service

- 17.**—(1) The Welsh Ministers may at any time request the registered person to undertake an assessment of the service provided by that person to relevant children.
- (2) Within 28 days of receiving a request under paragraph (1), the registered person must supply to the appropriate office the assessment in the form required by the Welsh Ministers.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance notification

18.—(1) The Welsh Ministers may at any time notify the registered person of the action that in the view of the Welsh Ministers the registered person must take to ensure compliance with Part 2 of the Measure and any regulations made under that Part.

(2) The Welsh Ministers may specify the timescale within which the registered person must take the action required under paragraph (1).

(3) The registered person must advise the appropriate office of the completion of any action required under paragraph (1).

Offences

19. A registered person who, without reasonable excuse, contravenes or otherwise fails to comply with the requirements of—

- (a) Regulations 15 to 18; and
- (b) Parts 3 and 5,

is guilty of an offence and will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.