

Guide to registration on the Early Years Register

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Introduction

Looking after children is one of the most important services anyone can provide. We register childminders and childcare providers so that children are well cared for and that younger children are helped to learn in line with the requirements of the Early Years Foundation Stage. Registration also helps to reassure parents that their children are safe.

This guidance includes information for all applicants who wish to register as a childminder or a childcare provider on domestic or non-domestic premises on the Early Years Register. It provides an overview of how to make an application; the registration process; inspection and other visits we may undertake. For more information about how we regulate and inspect providers on the Early Years Register please refer to our published document Framework for the regulation of provision on the Early Years Register.¹

There are two registers; you may need or want to be on both:

- the **Early Years Register** is a register of people and organisations who care for children in the early years age group (children aged from birth until 31 August after their fifth birthday)
- the **Childcare Register** is for people who want to look after children aged from 1 September after their fifth birthday up to the age of eight. Our published factsheet Requirements for the Childcare Register² will help you to decide.

This guidance explains whether you need to register on the Early Years Register and, if you do:

- how to apply for registration
- how we assess your application and decide if you are suitable
- what you need to do once you are registered.

As a registered childminder you will be able to:

- look after children on your own or with up to two other people working with you during any one day (three adults in total)
- look after children on domestic premises (for example your home)
- be paid for looking after children.

¹ *Framework for the regulation of provision on the Early Years Register*, Ofsted, 2013; www.ofsted.gov.uk/resources/120288

² *Requirements for the Childcare Register: childminders and home childcarers*, Ofsted, 2013; www.ofsted.gov.uk/resources/080161

You must not work as a childminder or childcare provider for children aged under eight without being registered, unless your care is exempt from registration. If you do so, you may be prosecuted. Our published factsheet *Registration not required* explains who is exempt from registration.³

Applicants for registration on the Early Years Register can apply for registration on the Childcare Register at the same time.

If you are applying for registration on the Early Years Register, there is no separate application fee to register on the Childcare Register if you apply at the same time. If you are not applying to register on the Early Years Register you must pay a separate application fee to register on the Childcare Register.

You must have a secure postal address where we can send you legal documents. You may give us permission to send you certain documents electronically. This cannot be a generic email shared with other members of the household, such as jonesfamily@london.com, because the information that we send could be personal.

Before you apply

The first decision you need to make is whether you need to register. Our published factsheet *Registration not required* will help you to decide, but if you are still not sure, contact Ofsted on 0300 123 1231. This is the number you need to ring for all enquiries about registration. Applications must be made at <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>.

We no longer accept hard copy applications.

We register childminders, home childcarers and childcare providers who provide care in England. Applicants must have the right to work in the UK. If you are not sure whether you have the right to work in the UK, you should contact the UK Border Agency for advice at www.bia.homeoffice.gov.uk or by telephoning 0870 606 7766.

Before we can register you, you will have to demonstrate to us that:

- you have read and are confident that you will be able to meet the requirements of the Statutory framework for the Early Years Foundation Stage and all regulations

These requirements can be found in the Framework for the Early Years Foundation Stage at <https://www.gov.uk/government/publications/early-years-foundation-stage-framework>.

In the case of childminders, you will need to have:

- completed a local authority approved childminder training course

³ Registration not required, Ofsted, 2013; www.ofsted.gov.uk/resources/080134.

- completed a Disclosure and Barring Service (DBS) application form via the Capita website at <http://ofsteddbapplication.co.uk>. Each person connected with your application must have completed their completed Disclosure and Barring Services check prior to applying. You cannot apply without one. Each person must arrange to have their identity documents checked as set out in the guidance on the Capita website
- completed, or have a date within eight weeks from applying to complete, a first aid course that covers infants and young children
- understood that the registration process will involve a range of checks on you, those who live with you and those you employ
- submitted your health declaration booklet to your GP
- contacted your referees
- paid the required fee as part of the application process
- suitable premises and equipment for looking after children in the early years age group

In the case of childcare providers on domestic or non-domestic premises, you will need to have:

- demonstrated that every person looking after children on the premises where you provide childcare is suitable to look after children in the early years age group
- demonstrated that every person living or working on the premises where you provide childcare is suitable to be in regular contact with children in the early years age group
- ensured the registered person has completed a Disclosure and Barring Service (DBS) application form via the Capita website at <http://ofsteddbapplication.co.uk>

Each person connected with your application must have completed their completed Disclosure and Barring Service check prior to applying. You cannot apply without one. Details on who is the 'registered person' are in Annex A of this document. Each person must arrange to have their identity documents checked as set out in the guidance on the Capita website

- the premises, including any equipment, suitable for looking after children in the early years age group.

What can prevent you from becoming a childminder or childcare provider?

Some things can disqualify you from registering as a childminder or childcarer. These relate not just to you but also to people you live with. If you live with someone who is disqualified then this means that you are also disqualified.

You can find a full list of the things that could disqualify you from becoming a childminder or childcarer working at home in the Childcare (Disqualification) Regulations 2009.⁴ This list is also included in the guidance notes on the application forms to register.

Applying to waive disqualification

It is against the law to employ someone to look after children if you know they are disqualified.

If you want to employ someone who is disqualified they must apply to us to waive their disqualification. You can only employ them if we agree to this.

The Disclosure and Barring Service has a list of people who are barred from working with children. We cannot waive a disqualification for anyone on this list.

Help from other agencies

There are a number of agencies that you may need to contact as part of your application to register, to make sure that you are meeting other requirements that will apply once you are running your service. These are listed below and can all be contacted through your local authority using the following link:
<http://local.direct.gov.uk/LDGRedirect/Start.do?mode=1>

The local authority

You should **always** contact your local authority family information service before you apply for registration. Your local authority can provide you with information about the training and support they can offer you before you apply to register and once you are registered with us.

Environmental health

You can seek advice from your local authority environmental health department to ensure that you are aware of, and comply with, your legal obligations under the Health and Safety at Work Act 1974, the Food Safety Act 1990 and all associated legislation. If you are applying to become a childminder and intend to provide food as part of your childminding practice you do not need to register separately as a food business with your local authority. This will happen automatically when you register with Ofsted. Further information can be found on the Food Standards Agency website.⁵

⁴ The Childcare (Disqualification) Regulations 2009;
www.legislation.gov.uk/ukxi/2009/1547/contents/made

⁵ Food Standards Agency: <http://www.food.gov.uk/business-industry/caterers/startingup/childminders>

Fire safety

You can seek advice and general information on fire safety matters from your local fire authority. You will have to meet any recommendations made by your fire authority.

Planning permission and building control

You can seek advice on planning permission from your local planning department. You must ensure that the local authority building control department is satisfied with the standard of any building work undertaken. You should check with your local planning department to find out whether you need planning permission to run a business as a childminder.

Information Commissioner

If you intend to take photographs of children you will need to register with the Information Commissioner's Office (ICO). The ICO has guidance on the restrictions that childminders and childcare providers have on taking and using photographs of children. Further information can be found on the Information Commissioner's website.⁶

Who is registered and what are their responsibilities?

Annex A in this document provides detailed information about who is registered and outlines their responsibilities. It includes details about who we will check as part of the organisation providing childcare and who we will name on the certificate.

In the case of providers on non-domestic premises the applicant/registered provider is responsible for assessing the suitability of the manager and staff.

We are responsible for conducting checks on childminders and all those involved in childcare on domestic premises, including managers.

Making an application

Apply online on our website: <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>.

The online process guides you through the application so that you only need to complete the sections that relate to your childcare.

The forms have guidance notes to help you as you go along.

Access to Ofsted's online services is managed via the Government Gateway. This is a secure system to protect the data and information you give us. You will need to sign up for a Government Gateway account unless you already have one.

⁶ Information Commissioner's Office; <http://www.ico.org.uk/>

For childminders, Ofsted is responsible for checking the suitability of you and anyone else aged 16 or over who lives or works on your childminding premises.

For childcare on domestic premises, Ofsted is responsible for checking the suitability of the applicant, the manager, all other staff employed to care for children and anyone else living or working in the premises aged 16 or over.

For childcare on non-domestic premises, the applicant/registered person is responsible for checking the suitability of:

- the manager
- all other staff employed to care for children
- all other people who live or work on the premises where childcare is provided.

The application forms

Make sure that you and the other people associated with your application complete the forms as fully as possible. We cannot process your application if the forms have not been completed fully. The other people named in your application should complete their EY2 forms using our online system:

<http://local.direct.gov.uk/LDGRedirect/Start.do?mode=1>.

It is against the law to knowingly give any information that is false or misleading in an application. You can be prosecuted and fined if you do this.

Forms to be completed for applications to register on the Early Years Register

Applications for Disclosure and Barring Services checks must be completed prior to submitting application forms to register with Ofsted online.

All of the application forms include guidance notes on how to complete each of the sections.

In the case of childminders:

There are three forms to complete:

- **EYC** – this is the main application form for registration as a childminder.
- **EY2** – this is the declaration and consent form.
- **Health declaration booklet** – this asks for information about your physical and mental health.⁷

⁷ Health declaration booklet; www.ofsted.gov.uk/resources/childcare-registration-form-health-declaration-booklet

We will also look at any other information that we hold about you. This includes information about any registration you might have had in the past, including whether that raised concerns about your suitability to be registered as a childminder.

In the case of childcare providers on domestic or non-domestic premises:

There are four forms to complete:

- **EYO**- the main application form for registration as a childcare provider
- **EY2**- declaration and consent forms
- **EY3**- notification to Ofsted form
- **Health declaration booklet** – this asks for information about your physical and mental health.⁸

Applying for a criminal check with the Disclosure and Barring Service

All Ofsted's Disclosure and Barring Service checks are processed by Capita. Before you submit an application to Ofsted you must first complete a Disclosure and Barring Services application through the Capita website. You will not be able to complete the application forms without a Disclosure and Barring Services certificate number.

The Capita reference is:

'**OfSTEDP**' - for those applying for or linked to a new EY application for registration.

'**OfSTEDA**' - for those applying to be associated to a provision that is already registered. This includes if there is a change to those living or working on the premises.

The Capita website provides guidance on:

- how to apply for a check
- using the online subscription service
- checking ID by a 'responsible person' or at the post office.

Capita will answer all queries that relate to how Disclosure and Barring Services checks are processed or any problems with accessing the online application. Applicants should go to: <http://www.capitarvs.co.uk/guidance-on-completing-an-online-disclosure-application-form-self-employed>

Everyone who has a Disclosure and Barring Services check will receive a copy of their disclosure in the post.

⁸ Health declaration booklet, Ofsted, 2013; www.ofsted.gov.uk/resources/080020.

Childcare on non-domestic premises

There are a number of organisations the registered person may wish to use that provide Disclosure and Barring Services checks for checking the suitability of those not required to undertake checks through Ofsted, including staff and all other people who live and work on the premises. Information on how to apply for checks can be found at <https://dbs-ub-directory.homeoffice.gov.uk/>.

Charges for applying

There is a fee to apply for registration and an annual fee is payable each year on the anniversary of your registration. The amount is set by the Government. There is only one fee to pay if you apply to register on the Early Years Register and also want to be on the compulsory or voluntary part of the Childcare Register.

How we process your application

For childminders, we will try to complete the registration process within 12 weeks. We will deal with your application when:

- you have completed the application forms and sent them to us –
- we have received an EY2 declaration and consent form and completed Disclosure and Barring Service checks from everyone named in your application
- you have paid the application fee
- you have completed your first aid and childminder training or told us the dates when you will have done this

For childcare providers on domestic or non-domestic premises, we aim to complete the registration process within 25 weeks. We will deal with your application when:

- you have completed all forms and sent them to us
- we have received declaration and consent forms (EY2) from everyone associated with the application
- you have confirmed to us that you have a Disclosure and Barring Service for everyone named in your application
- you have paid the application fee

For all applicants, some stages in the process depend on information from other agencies and these may cause delays that are outside our control.

When we receive your application, we will:

- acknowledge receipt
- return it to you or telephone you for more information if you have not provided enough details or confirmed you have completed the Disclosure and Barring Services checks for yourself and everyone else connected with your application as detailed earlier
- ask you to download and complete any additional declaration and consent form(s) if these are needed
- confirm you have paid the application fee
- begin to carry out checks
- arrange for an inspector to visit you

The registration visit

Once all suitability checks have been completed, the application fee has been paid and the childminder training has been completed (where applicable) we will arrange for an inspector to visit you. The inspector will telephone to confirm the time of the visit.

Whenever an inspector visits you please ask for proof of identity. All our inspectors carry identification and authorisation documents that include the inspector's photograph and details of rights of entry.

During the visit, the inspector will interview you and make a range of checks.

We may need to visit you more than once during the registration process.

If you are not able to demonstrate to the inspector that you have fully understood and can deliver the requirements of the Early Years Foundation Stage, we will not be able to register you.

Documents you will need to show the inspector

You will need to show the inspector a range of documents at the registration visit. The inspector will tell you what you need to have ready when they ring you prior to the registration visit.

Assessing your suitability

The inspector will interview you as the registered person or your nominee to check that you are suitable to provide childcare and will discuss any issues that have arisen from the checks. The inspector will ask about:

- all aspects of the Early Years Foundation Stage – our booklet *Early Years Register: preparing for your registration visit* will help you think about how you will meet these.⁹
- your recruitment and how you ensure that staff are suitable, qualified and experienced to work with children. Although we undertake checks on all those involved in childminding and/or childcare on domestic premises, the registered person must have their own systems in place to ensure that staff they employ are suitably qualified and experienced in terms of the role they undertake with children.

As the registered person you are responsible for the recruitment of all staff and the learning and development and the safety of children who attend the setting.

Checking your premises

The inspector will want to see all the rooms that you intend to use for childminding or childcare and any outdoor space. He or she will ask you how you have identified and minimised risks to children, and how you intend to make your premises a suitable learning environment for children.

Checking furniture, equipment and toys

You will need to explain to the inspector how you expect to organise your premises and equipment to help you to deliver the Early Years Foundation Stage and how you will give the children opportunities to play outside each day.

In the case of childminder applicants you do not have to have all of the equipment at the time of the visit, but you must be able to tell the inspector how you are going to provide it. The equipment must meet the needs of all the children you may care for, and you must be able to provide it as soon as you are registered.

Outcome of the registration visit

At the end of the visit the inspector will tell you whether they think you are ready to be registered to provide childcare.

If the inspector thinks you are not ready, you may choose to withdraw your application to register, but this is a decision for you; the inspector cannot advise you about this.

Withdrawing your application

During the registration process you must tell us if you change your mind about wanting to register for childcare so that we can stop the registration process. If you

⁹ *Early Years Register: preparing for your registration visit*, Ofsted, 2012;
www.ofsted.gov.uk/resources/120151

do not tell us, we will continue the process and may have to refuse your registration if you have not met all the necessary requirements.

Refusing registration is a serious step as it disqualifies you from providing childcare in the future.

Please note we cannot refund your fee if you withdraw your application.

Registration

When the registration visit is over and we have results from all the checks, we will let you know if we have decided to:

- register you to provide childcare on the Early Years Register
- refuse registration.

If we register you, we will send you a registration certificate. We will also tell you how to get information about what will happen next.

Closing the application

You must be able to meet the criteria before you apply for registration. Once the criteria has been met and the application has been accepted, Ofsted will initiate the request for information with the relevant local authority children's services and write to the referees provided by the applicant. If after eight weeks you have not submitted a Health Declaration Form, paid the application fee or completed the approved childminder and first aid training we will close the application.

Refusing registration

If we complete your application but decide to refuse it we will send you a letter, called a notice of intention, to let you know that this is what we are going to do. This is a legal document that sets out why we intend to refuse registration.

You have a right to object to our intention to refuse registration as long as you contact us within 14 days of the date on the notice of intention. If you object, we will consider your objection and then write again to tell you whether we still refuse registration. If you do not object, or if after you object we still decide to refuse registration, we send you a second letter called a notice of decision, which gives our final decision to refuse registration.

Refusal of registration is a serious step that disqualifies you from providing childcare in the future.

You have the right to appeal against our decision to an independent external body, the Health, Education and Social Care Chamber First-Tier Tribunal, within three

months of the date that we send the notice of decision. We will send you a leaflet on how to object and appeal if we intend to refuse registration.¹⁰

You cannot withdraw an application if we have already served you with a notice of intention to refuse your registration, unless we agree that you can do this. This does not affect your right to make an objection or to appeal against our decision.

After registration

What you need to tell us about once you are registered

You must tell us about any changes as set out in the Statutory Framework for the Early Years Foundation Stage. Where it is not possible to notify us in advance, you must let us know of the change as soon as you can and no later than 14 days after the event occurs.

Paying the annual fee

We charge an annual fee for continuing your registration. We will cancel your registration if you do not pay the fee when it is due – we will tell you when this is.

If you are registered on the Early Years Register you do not have to pay an extra fee for registration on the compulsory and/or voluntary part of the Childcare Register.

Continuing registration

You must continue to demonstrate that you are suitable to be a childminder or childcare provider for the whole time that you are registered. We monitor this through:

- regular inspections
- other visits, for example to follow up any concerns we receive about the service you provide
- repeating or carrying out additional checks including asking you to carry out another criminal records check where we receive information that brings your suitability into question
- your self-evaluation form, if you choose to complete one.

Inspection

We will normally inspect you within seven months of your registration, providing you are looking after children. After this inspection we will inspect you at least once in every inspection cycle.¹¹

¹⁰ *Compliance, investigation and enforcement handbook: childminding and childcare*, Ofsted, 2013; www.ofsted.gov.uk/resources/ciehandbook

There is more information on our website about inspection in the booklet *Are you ready for your inspection?*¹²

Publication of name, address and telephone number

We publish information related to your registration on our website. Information about what we publish is included in our guidance document *Framework for the regulation of provision on the Early Years Register*.¹³

Resigning registration

If you no longer wish to be a registered childminder or childcare provider, you need to resign your registration. Telephone or write to let us know and we will confirm receipt of your resignation.

You should not assume that we have taken you off the register, for example if you do not pay the annual fee. If you do not pay your fee we will cancel your registration unless you tell us you want to resign.

Resigning as a childminder or childcare provider does not affect any future application you wish to make to provide childcare.

Annex A

Who is registered and what are their responsibilities?

The following table identifies:

- the registered person (including descriptions)
- who makes and signs the application
- who will be checked as part of the organisation applying to provide childcare
- Who will be named on the certificate

| Registered person | Description | Application signed by | Ofsted carries out checks on | Name on the certificate |
|-------------------|--------------------------------|-----------------------|------------------------------|-------------------------|
| Individual | The sole owner of a provision. | Individual | Individual | Individual |

¹¹ The Secretary of State defines this period as: by the end of the year in which it is three years since the last inspection, with the year ending at 31 August.

¹² *Are you ready for your inspection? A guide to inspections of provision on Ofsted's Childcare and Early Years Registers*, Ofsted, 2014; www.ofsted.gov.uk/resources/120085.

¹³ *Framework for the regulation of provision on the Early Years Register*, Ofsted, 2013; www.ofsted.gov.uk/resources/120288.

| Registered person | Description | Application signed by | Ofsted carries out checks on | Name on the certificate |
|---|--|---|-----------------------------------|---|
| Companies set up to provide childcare | Companies are legally constituted, have a company name, are registered with Companies House and have a company registration number. | A director or directors on behalf of the company | All directors | Company name and registered number and registered charity number where applicable |
| Companies whose prime purpose is not to provide childcare | Companies are legally constituted, have a company name, are registered with Companies House and have a company registered number. | Person responsible for childcare on behalf of the company* | Person responsible for childcare* | Company name and registered number and registered charity number where applicable |
| Statutory body | An organisation where the main purpose of that organisation is set out in legislation; for example a local authority or school governing body. | Person responsible for the childcare on behalf of the statutory body* | Person responsible for childcare* | Statutory body and, in the case of schools, the name of the school |
| Partnerships providing childcare | A partnership is where two or more individuals act together to provide the childcare. The registered person is each of the individuals making up the partnership. Partnerships can be formally constituted under a legal agreement, or informal. | A partner or partners on behalf of all partners or the firm | All partners | The name of the partnership or each partner's name |

| Registered person | Description | Application signed by | Ofsted carries out checks on | Name on the certificate |
|-------------------------------|--|--|-----------------------------------|---|
| Committee providing childcare | Committees are not constituted in law and are informal associations/groups. Each individual in the committee is considered as the registered person and is equally responsible and accountable for the provision. The committee includes everyone who is part of the committee on the date that Ofsted takes any action in connection with the registration. | Chairperson on behalf of the committee | All committee members | Committee of [name of childcare provision] and registered charity number where applicable |
| Other organisations | | A responsible person representing the organisation | Determined on an individual basis | Determined on an individual basis |

*Known as the nominated person, this person must be the most senior person in the organisation who has delegated, clearly identifiable and direct responsibility for managing, planning and monitoring the childcare.

The nominated person

If you are an organisation applying to provide childcare on domestic or non-domestic premises, you should nominate a person to represent the organisation in its dealings with us. Normally this should be a committee member, partner or director. This person will be interviewed during the registration process and will receive all legal documents and correspondence.

Where the prime purpose of an organisation is not childcare, the nominated person is the most senior person with responsibility for childcare.

The nominated person must have a full and thorough understanding of their role in relation to the registered childcare provision. If they are involved in the recruitment and continuing employment of the manager of the setting they will also need to be clear about their responsibilities in relation to the manager.

Inspectors will tell a senior person in the organisation if they think that the nominated person does not have the relevant knowledge and understanding of the early years' requirements. The organisation may appoint someone else. Unless the nominated person holds the required knowledge about requirements we will refuse registration. Ofsted will check to make sure any person new to this role understands requirements.

Whenever organisations have new committee members they must make sure they have the skills and knowledge to fulfil their roles and responsibilities in relation to the childcare. If the entire committee changes, the outgoing members will be expected to ensure that the new committee members understand their roles and responsibilities.

The manager

The manager is the person who has day-to-day responsibility for the provision. The nominated person could also be the manager and must have appropriate qualifications, experience and knowledge to hold such a position.

Where inspectors have concerns about the manager's knowledge and understanding of the requirements they will tell the registered person.

We can only grant registration when the registered person has appointed a suitable manager.

For childcare on non-domestic premises, the individual or organisation that appoints the manager must decide on their suitability to work with children by carrying out a Disclosure and Barring Service check and any other checks as necessary.

Where childcare at home is not managed by the applicant Ofsted will discuss arrangements for managing the provision and obtain checks on the proposed manager prior to carrying out the registration visit.