

# Guide to registration on the Childcare Register

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This guidance provides you with information about registration on the Childcare Register. It explains how we will deal with your application to decide if you are suitable to be registered.

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## Introduction

1. This guidance provides you with information about registration on the Childcare Register. It is not authoritative legal advice. It will help you decide whether to apply for registration and explains what processes your application will go through before we can decide whether you are suitable for registration on the Childcare Register. It sets out who must apply to join the Childcare Register; who can choose to do so; and how we register those applying. It also gives information on continued registration and inspection.

This guidance does not include information about childminder agencies. You can find information on how to register to become a childminder agency in our document *Childminder agency handbook*.<sup>1</sup>

2. The Childcare Register is for people for whom registration is either:
  - compulsory: because they care for children aged from 1 September following their fifth birthday up to the age of eight and at least one individual child attends for a total of more than two hours in any one day – or more than three hours in any one day in the case of childcare on domestic premises or childminding between friends.
  - voluntary: because they care for children for whom compulsory registration is not required. This includes:
    - home childcarers such as nannies (who care for the children of no more than two families at the home of one of the children) caring for children from birth until their eighteenth birthday
    - providers who care for children aged eight or over, until their eighteenth birthday
    - activity-based provision like sports coaching for children of all ages
    - childminding in friendship, for three hours or less in any one day.
    - Providing childcare on domestic premises caring for children from 1 September following their fifth birthday up to the age of eight, for three hours or less in any one day.
3. Applicants for the Childcare Register make a declaration that they meet, or will meet at registration, requirements relating to people, premises and provision. Ofsted carries out checks with the Disclosure and Barring Service and local authority children's services departments before making a decision on whether to grant registration. We do not usually interview applicants to assess their suitability or visit the premises where they intend to provide care before we grant registration.
4. We monitor registered providers through inspections carried out on a sample basis or when parents tell us that they have concerns about the childcare being provided.

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<sup>1</sup> Childminder agency handbook, Ofsted, 2014; [www.ofsted.gov.uk/resources/cmahandbook](http://www.ofsted.gov.uk/resources/cmahandbook)

5. Parents who use registered childcarers may be eligible to claim the childcare element of working families' tax credit.

## Types of childcare on the Childcare Register

6. Applicants for registration on the Childcare Register can apply to register as:
  - childminders
  - home childcarers
  - childcare on domestic premises
  - childcare on non-domestic premises

### Childminders

7. You **must** apply for registration as a childminder if:
 

you intend to provide care for one or more children aged from 1 September following their fifth birthday up to the age of eight on domestic premises. This care is provided for reward. At least one individual child attends for a total of more than two hours in a day and you either intend to work alone or with no more than two other people. If you childmind for friends only, for reward, for three hours or more in any one day.
8. You may **choose** to register as a childminder if you intend to provide care for children aged from eight to 18 on domestic premises. This care is provided for reward and for two or more hours in any one day, or for a period less than two hours where the care is made immediately before or after a normal school day. You either intend to work alone or with no more than two other people. You may also choose to register if you provide childcare for one or more of your friends in your home or someone else's home, for reward, and for three hours or less in any one day.
9. Reward can be money or payment by other means, such as gifts or services.
10. Domestic premises mean any premises that are wholly or mainly used as a private dwelling – that is, they are someone's home. It does not have to be the childminder's home but cannot normally be the home of one of the children for whom the childminder is providing care. If you intend to look after children for one or two sets of parents wholly or mainly in the home of either or both sets of parents then you should apply as a home childcarer.<sup>2</sup>
11. If you care for children for three or more sets of parents, at any one time, wholly or mainly in the homes of one or more sets of parents then you should apply as a childminder.

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<sup>2</sup> This is normally where two families share a nanny: <http://www.ofsted.gov.uk/early-years-and-childcare/for-early-years-and-childcare-providers/caring-for-children-their-own-home>.

12. If you intend to work on domestic premises with at least three other people at any one time to provide childcare then you should apply to provide childcare on domestic premises.

## Home childcarers

13. You may **choose** to register as a home childcarer if you intend to care for children from birth up to the age of 18 of no more than two families at any one time, at the home of one of the children. The care must be for two or more hours in any one day or for a period less than two hours where this includes care made immediately before or after a normal school day. Home childcarers are most commonly nannies or au pairs.

## Childcare provider on domestic premises

14. You **must** apply to be a childcare provider on domestic premises, if you intend to work with at least three other people at any one time caring for children aged from 1 September following their fifth birthday up to the age of eight on domestic premises providing at least, one individual child attends for a total of more than three hours. We have a separate factsheet that provides more information about this type of childcare.<sup>3</sup>
15. You may **choose** to register as a childcare provider on domestic premises if you intend to work with at least three other people at any one time caring for children aged from eight up to the age of 18 on domestic premises for three or more hours in any one day; or for a period of less than three hours where this includes care made immediately before or after a normal school day.

## Childcare provider on non-domestic premises

16. You **must** apply to be a childcare provider on non-domestic premises if you intend to care for children aged from the 1 September following their fifth birthday up to the age of eight on non-domestic premises if at least one individual child attends for a total of more than two hours. Non-domestic premises cover a wide variety of premises such as converted houses, purpose-built provision, a church or village hall.
17. You may **choose** to register as a childcare provider on non-domestic premises if you intend to care for children aged from eight up to the age of 18 on non-domestic premises for two or more hours in any one day; or for a period less than two hours where this includes care made immediately before or after a normal school day.
18. Depending on the information you have given us about your service and its times and days of opening, we may identify your service in our published materials as a particular type of childcare, for example, an after-school club or

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<sup>3</sup> *Childcare on domestic premises*, Ofsted, 2014; [www.ofsted.gov.uk/publications/080142](http://www.ofsted.gov.uk/publications/080142).

holiday playscheme. You may identify yourself differently, and it will not affect your registration, as we will register you as childcare on domestic or non-domestic premises.

## Who applies for registration

19. We register childcare providers who provide care in England. We cannot register childcare provision that operates in another country, including Wales and Scotland.
20. 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](http://www.bia.homeoffice.gov.uk) or by telephoning 0870 606 7766.
21. Applicants may apply for registration as a childminder and a home childcarer on one application form if they wish to provide either of the two types of care or both. Separate application forms are required for all other childcare registrations. Providers of childcare on domestic or non-domestic premises require a separate registration for each set of premises where care is provided.
22. Applicants other than childminders and home childcarers may be one individual person or organisations such as:
  - partnerships
  - companies
  - committees
  - statutory bodies
23. The individual or organisation providing the care is the registration holder, known as the registered person.
24. If you are an individual who wishes to provide childcare you must make the application yourself. You cannot get another person or agency to do this for you. This is the case whether you are a childminder, a home childcarer or wish to provide the childcare on domestic or non-domestic premises. We do not register organisations that supply staff to care for children in the child's own home, such as nanny agencies, because the law requires each individual carer to complete an application and register in their own name.
25. When the registered person is an organisation, we ask them to appoint a nominated person to complete the application form (see below).
26. Other than childminders or home childcarers, the registered person does not have to work with children or be involved in the day-to-day organisation of the care if staff are appointed to do this. If you are not a childminder or home childcarer and do not manage the childcare yourself then you must confirm that

you have employed a manager to do so on your behalf before we will register you.

27. Registered providers have overall responsibility for the provision of childcare and are legally responsible for ensuring compliance with the requirements of the Childcare Register. Where we have to take action against a registered person who fails to meet requirements set out in law, this can include taking action against individual members of an organisation, such as the committee members. It is important that those people who make up the registered person have a full understanding of the requirements and responsibilities of their role and the implications arising from it. Each individual must understand and feel confident about their role before accepting such a position.
28. The registered person must have a secure postal address where we can serve legal documents such as certificates of registration. Where the registered person is an organisation, this should be the head office or main business address. Where the registered person is an individual, or an organisation without a separate secure business address, we will accept the home address of the individual applicant or of a person who has the authority to represent the organisation.
29. The registered person may give their consent for certain documents to be sent electronically. In order for notices to be sent electronically, the registered person must provide an address suitable for this purpose. This cannot be a generic email address such as info@nursery.com because the information that we send through this route could be personal information, for example relating to a check that we have carried out on the registered person. The email must be confidential and only accessible to the registered person or their nominated person. If you are registering as a childcare provider and you are buying an existing registered provision or changing your legal entity, then we need you to tell us about this on your application, so that we can contact you separately. This will help to ensure continuity of care for children.
30. If you are not sure if you need to register, or who should complete an application, please contact us on **0300 123 1231**.

## **The nominated person**

31. If you are an organisation, including a group of individuals, applying to provide childcare on domestic or non-domestic premises, you should nominate a person to apply for registration and to represent the organisation in its dealings with us. Normally this should be a committee member, partner, director or someone in a comparable position. We will send all legal documents and correspondence to the nominated person at the organisation's address.
32. Where your organisation's main purpose is not childcare (for example, you are a manufacturing company providing care for the children of your staff) then the



nominated person should be the most senior officer of the company who has direct, delegated responsibility for the childcare.

## **The manager**

33. The manager is the person who has actual day-to-day responsibility for the provision. The registered person and the manager may be the same person, but in many cases, the registered person may not want to deliver the day-to-day care or may not have the qualifications, knowledge or experience to do so. In such cases, he or she must appoint a manager to take control of the day-to-day delivery of childcare. This applies to childcare provision on both domestic and non-domestic premises. As the employer, you are responsible for deciding the suitability of the manager to work or be in regular contact with children.

## **Not allowed to register**

34. You cannot register on either part of the Childcare Register if you:
- only care for a child or children who is/are related to you or for whom you have responsibility, including any foster children. These arrangements are not included in the definition of childcare<sup>4</sup>
  - are a school that provides childcare as part of its activities and at least one of the children attending is a pupil of the school; schools providing childcare for children who are not their pupils and other providers caring for children on a school site may apply as normal
  - provide care as part of your establishment's activities in:
    - a children's home
    - a care home
    - a hospital in which a child is a patient
    - a residential family centre
    - a young offender institution or secure training centre.

## **Early Years Register**

35. Childminders and childcare providers on domestic and non-domestic premises who care for children in the early years age group (aged from birth to 31 August following the child's fifth birthday) must normally register on the Early Years Register. We publish two guides for registration: one for registration on the Early Years Register and one for registration on the childcare Register. You may apply for registration on the Childcare Register at the same time as applying for registration on the Early Years Register by using the Early Years Register application form if you wish to provide care for children in the early years age group and older.

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<sup>4</sup> You may not apply to register to care for a child if you are the child's parent, grandparent, aunt, uncle, brother or sister (whether of full blood or half blood, or by marriage or civil partnership), or a step parent.

## Childcare Register

### 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 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 copies applications.

You must have completed a Disclosure and Barring Service (DBS) application form via the Capita website at <http://ofsteddbapplication.co.uk/Step-One.aspx>, and registered with the DBS update service <https://www.gov.uk/dbs-update-service> within 19 days of your DBS certificate being issued.

### What you must do to be registered

36. Before you can be registered:

- you must make a declaration that you meet, or will meet when starting to care for children, all the requirements of the Childcare Register<sup>5</sup>
- you and all those connected with the application to register must give consent for us to carry out checks to see if everyone is suitable to work or be in regular contact with children
- You must have completed, or have date within eight weeks from applying to complete, an appropriate first aid course.
- you must pay the application fee.

### How we decide on suitability

37. We carry out checks on everyone connected with your application for whom we have to make a decision about suitability. We do this by considering the information on your application form, by asking you to obtain a check known as an enhanced disclosure from the Disclosure and Barring Service for each person, who must also register with the DBS update service, and by checking children's services' records with directors of children's services.

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<sup>5</sup> Information about these requirements is available in our factsheet *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2014; [www.ofsted.gov.uk/resources/080143](http://www.ofsted.gov.uk/resources/080143); or *Requirements for the Childcare Register: childminders and home childcarers*, Ofsted, 2014; [www.ofsted.gov.uk/resources/080161](http://www.ofsted.gov.uk/resources/080161).

38. If you, or other people associated with the application, have lived abroad in the past five years you should tell us the countries where you have lived on the application form or declaration and consent form. The Disclosure and Barring Service has reciprocal arrangements with some countries that allow it to check on the criminal history of those who have lived there. Where there is no such arrangement, we will normally require extra evidence of people's suitability if they do not have a continuous history of living in this country. The types of evidence we might ask for include:

- a certificate of good conduct or police report from the embassy of the country in which you have lived, accompanied where necessary by a certified translation into English
- a reference from someone of standing in the country in which you lived, such as a doctor or lawyer
- evidence to support any work permit
- references from past employers.

## Charges for applying

39. 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.<sup>6</sup>

### Applying for a criminal check with the Disclosure and Barring Service

40. All Ofsted's Disclosure and Barring Service checks are processed by Capita. Once an applicant submits an application to Ofsted they are directed to the Capita website: <http://ofsteddbapplication.co.uk>. In order to apply for a check the applicant must have the Capita Organisation Reference Number. This 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.

41. The Capita website provides guidance on how to apply for a check including information about the online subscription service and checking ID by a 'responsible person' or at the post office. The childcare applicant and any individual that is required to have a criminal records check will receive their hard copy disclosure in the post.

42. Once you have received the DBS application form number you can register with the DBS update service at <https://www.gov.uk/dbs-update-service>. Ofsted will not

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<sup>6</sup> The Childcare (Fees) Regulations 2008 [No.1804]; [www.legislation.gov.uk/uksi/2008/1804/contents/made](http://www.legislation.gov.uk/uksi/2008/1804/contents/made).

accept your application without confirmation that you have done this. **You must register with the update service within 19 days from the date your DBS certificate was issued.** If you fail to register within that timeframe you will need to apply for a new DBS check.

## Things that could prevent you from being registered

43. 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, or live in the same household where a disqualified person is employed then this means that you are also disqualified. You can find a full list of things that could disqualify you from becoming a childminder or childcarer working at home, in the Childcare (Disqualification) Regulations 2009<sup>7</sup>

### Applying to waive disqualification

44. If you are disqualified and still wish to register to become a childcare provider or childminder, you must apply to us to waive your disqualification. Also, if you are registered provider and wish 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.

### Suitability

45. Sometimes we refuse registration because an individual is unsuitable or is unable to provide sufficient evidence of her or his suitability (see the section titled 'How we decide on suitability' above).
46. Before we do this we will normally do one or more of the following:
- ask you or the individual concerned for extra information
  - carry out additional checks
  - interview you or the individual concerned.

### Failure to pay the fee

47. Your application is not complete until we receive the non-refundable application fee.

### Failure to agree to the requirements of the register

48. We will refuse registration if you are unable to agree that all the requirements listed on the application form will be in place by the time you provide registered childcare.

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<sup>7</sup> The Childcare (Disqualification) Regulations 2009;  
<http://www.legislation.gov.uk/uksi/2009/1547/resources>

## Refusing registration

49. If we are going to refuse your application, we will first write to you to let you know that this is our intention. We do this in a letter called a notice of intention. This is a legal document that sets out the reasons why we intend to refuse registration. You have a right to object to our intention to refuse registration and we will tell you how to do this in the letter we send you. If you do object, we will consider your objections and then write again to tell you whether or not we still decide to refuse registration.
50. 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.
51. You have the right to appeal against our decision to an independent external body, the Health, Education and Social Care Chamber First Tier Tribunal. We will send you a leaflet on how to object and appeal if we intend to refuse registration.<sup>8</sup>

## Withdrawing an application to register

52. 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 do not tell us, we will continue the process and may have to refuse your registration if you have met all the necessary requirements. Refusing registration is a serious step as it disqualifies you from providing childcare in the future.

## After registration

53. If we register you, we will send you a registration certificate. This is your proof that you are registered on the Childcare Register. Childminders and providers of childcare on domestic or non-domestic premises must display the certificate on the premises so parents can read it. Home childcarers must show the certificate to parents on request.
54. If you lose or destroy your certificate, you will need to pay a charge to get a replacement.

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<sup>8</sup> Information about *Objections and appeals* is available on our website: [www.ofsted.gov.uk/resources/ciehandbook](http://www.ofsted.gov.uk/resources/ciehandbook).

55. Once you are registered, you must continue to meet the requirements for registration that you confirmed on your application form. The full list of requirements is available on our website.<sup>9</sup> In brief, these relate to:

## Inspection

56. We will not carry out an inspection before we grant your application for registration. However, once you are registered, we may inspect you at any time while your registration is current. We will inspect a selection of all those on the Childcare Register each year and will always inspect if we receive a complaint about your childcare provision that relates to the requirements of registration or any conditions we may have imposed on your registration.
57. If you are a home childcarer we will seek permission from the occupier of the premises where you work to enter the premises and inspect your provision.
58. We inspect providers with little or no notice. You should be ready for inspection at all times by meeting the requirements for registration.
59. Following any inspection, you will receive either a letter confirming that you were meeting your requirements for registration or a letter detailing what must be done in order to remain registered. In line with other inspection reports on childcare, we publish these letters on our website within 15 days of the end of the inspection, and a copy is sent to your local authority. We will also send a copy to the complainant if the inspection resulted from a complaint. The law requires you to:
- give each parent of children attending a copy of the report
  - provide any other person who asks you with a copy of the report.

## Compliance with the requirements of the register

60. If, once you are registered, we have reason to believe that you are not complying with the requirements or any conditions of registration; we will take steps to deal with this.
61. If we have reason to believe that children in your care are, or may be, at risk of harm, we will suspend your registration. This is to allow time for steps to be taken to reduce or eliminate the risk of harm, or to allow for an investigation into the circumstances that led to our belief. Ultimately we may decide to cancel your registration if it appears to us that you have:
- failed to comply with the requirements of registration, or

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<sup>9</sup> The full requirements are available in our factsheet *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2014; [www.ofsted.gov.uk/resources/080143](http://www.ofsted.gov.uk/resources/080143) or *Requirements for the Childcare Register: childminders and home childcarers*, Ofsted, 2014; [www.ofsted.gov.uk/resources/080161](http://www.ofsted.gov.uk/resources/080161).

- failed to comply with a condition we have imposed on your registration, or
- failed to pay the annual fee.<sup>10</sup>

## Resigning registration

62. If you no longer wish to be a registered provider, you need to resign your registration. You should let us know by telephone or in writing that you intend to resign. We will write to you to 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 the fee, we will cancel your registration if you do not tell us you want to resign.
63. If you decide to resign when an inspector arrives at your premises, you should tell the inspector of your decision before the inspection begins and complete the resignation request form. You can download this form from the Ofsted website or ask your inspector for a hard copy.

## Registration on the Early Years Register as well as the Childcare Register

64. If you are on both registers, we will issue one registration certificate showing that you are registered on the Early Years Register and the Childcare Register.
65. If you are registered on the Early Years Register, we will inspect your compliance with the requirements of the Childcare Register at the same time that we carry out the inspection of the Early Years Foundation Stage. We will include a statement of your compliance with the requirements of the Childcare Register in that report.
66. We may also carry out a separate inspection of compliance with the requirements of the Childcare Register if we receive information about your childcare provision that relates only to the requirements of registration on the Childcare Register or any conditions we may have imposed on your registration for that register. If this is the case, we will send you either a letter confirming that you were meeting your requirements for registration or a letter detailing what you must do in order to remain registered. In addition to your early years inspection report we will publish this letter on our website within 20 days of the end of the inspection and send a copy to your local authority and to the person who made the complaint.

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<sup>10</sup> The Childcare (Fees) Regulations 2008.