

Guide to registration on the voluntary part of the Childcare Register

The Childcare Act 2006 introduces a Childcare Register with two parts, a compulsory and a voluntary part. The voluntary part of this register commences in April 2007.

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Introduction

The Childcare Act 2006 introduced a Childcare Register, held by Ofsted. The voluntary part of the register starts in April 2007. This guidance will help you to decide whether to apply and explains how we will process your application, before we can decide on your suitability for registration. It also gives information on continued registration and inspection.

Why should providers register on the voluntary part of the Childcare Register?

The voluntary part of the Childcare Register offers the choice of registration to providers who are not currently able to register. These are mainly people looking after children aged eight and over, or providing care in the child's home. By joining the voluntary part of the register, providers show parents who use their services that they:

- meet certain requirements relating to people, premises and provision designed to safeguard children
- are monitored through inspections we carry out on a random basis or when parents tell us they have concerns about the care.

Where providers do not meet the requirements of the register, we take action proportionate to the risk to children's well-being. In some circumstances this will include cancelling a person's registration.

Who can register?

You are eligible to apply for registration on the voluntary part of the Childcare Register if you:

- are caring for one or more children aged from birth to 17, wholly or mainly in the home of one of the children, for a continuous period of at least two hours in any one day or for a period of less than two hours where the childcare provided is part of arrangements that start or end before or after normal school hours¹
- are caring for one or more children aged from eight to 17, wholly or mainly on premises other than their own home, for a continuous period of at least two hours in any one day or for a period of less than two hours where the

¹ You are not eligible to apply for registration if you provide care in an appropriate children's home, in a care home, for children who are patients in a hospital or in a residential family centre as it is not considered childcare under the Childcare Act 2006.

childcare provided is part of arrangements that start or end before or after normal school hours

- provide care such as activity-based provision for children aged under eight, which does not require compulsory registration under part 10A of the Children Act 1989, for a period of two hours or more in any one day or for a period of less than two hours where the childcare provided is part of arrangements that start or end before or after normal school hours.²

Please note that if you are caring for children who are closely related to you, including grandchildren, then this is not considered to be childcare.

Who applies for registration?

We have three categories of applicant: childminders, home childcarers, and providers of other childcare on domestic or non-domestic premises.

Childminders:

- care for children on domestic premises which are not the home of one of the children,³ or
- care for children from more than two families wholly or mainly in the home of one of the children, and
- work with no more than two other childminders or assistants.

Home childcarers:

- care for children wholly or mainly in the home of a child being cared for, and
- care for children from no more than two families.

Providers of other childcare:

- work on domestic premises with three or more other childcarers or assistants, or
- provide care on premises which are not domestic.

Applicants may be individuals or organisations, for example:

- partnerships
- companies
- committees

² With the exception of home childcarers, if you want to be registered for children under the age of eight you should check with us whether you require registration prior to September 2008, when the exemptions to registration will be defined in law.

³ Domestic premises means any premises which are wholly or mainly used as a private dwelling.

- statutory bodies
- other organisations.

The individual or organisation providing the care is the registration holder known as the **registered person**.

When the registered person is an organisation, we ask them to appoint a **nominated person** to complete the application form. The nominated person is the person within the organisation who is responsible for the childcare and will represent the organisation in its dealings with us. The nominated person is normally a director, committee member, partner or someone of similar standing within the organisation.

The registered person has overall responsibility in law for the childcare but 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 do not manage the childcare in person you must tell us who you have employed to manage the provision on your behalf.

The law requires us to collect information on those who apply for registration.⁴

Is there a charge for applying?

All applicants pay a non-refundable application fee which is set by the Government. Childminders and home childcarers do not currently have to pay for their Criminal Records Bureau (CRB) disclosure. In the case of other childcare applicants each person requiring an enhanced CRB disclosure must pay for the cost of this check. Please see annex A for the current application and CRB fees.

Providers must also pay an annual fee for continued registration. The amount of this fee will be set each year. We will send you a request for payment when this is due.

What happens next?

If you decide you would like to apply to be on the voluntary register you can apply online, by telephone, or you can ask us for a form to complete in writing. We will write to you to let you know we have received your application. The letter will include details on how to:

- obtain an enhanced CRB disclosure through us, unless you already hold a disclosure carried out by us within the past three years

⁴ Ofsted is under a statutory obligation to process personal information in line with the Data Protection Act 1998 and the Childcare (Supply and Disclosure of Information) (England) Regulations 2007 ('the regulations'). Under the regulations Ofsted may decide to publish information relating to your registration.

- arrange a check of your identity, the first aid qualification and any other information we need at your local post office
- pay the non-refundable application fee
- provide any further information we need to decide on your suitability to provide childcare.

How will you decide if I am suitable?

We will assess your suitability by considering the information on your application form and your CRB disclosure. It may be necessary in some circumstances for us to:

- interview you or carry out further checks
- carry out checks on other people who are part of the organisation providing or intending to provide childcare.

If you employ a manager we will also assess his or her suitability through a similar process.

If you lived abroad in the past three years you should tell us the countries you have lived in on the application form. The CRB has reciprocal arrangements with some countries that allow them to check on criminal history. Where there is no such arrangement, we will normally require you to provide some extra evidence of your suitability as you 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 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.

We will contact you where we need some additional evidence. If you are not able to supply sufficient evidence, we may have to refuse your registration, as we cannot be sure you are suitable to provide childcare or work with children.

Is there anything that could prevent me from being registered?

We ask applicants to complete their form very carefully and accurately so that we can make a decision based on the information in the application and other checks we carry out. We can decide not to register you if you are already disqualified, are unsuitable, fail to pay the fee or do not agree to the requirements of the register.

Disqualification

Some people are disqualified from registration or from working with children, for example if they have committed certain offences. We cannot register you to provide childcare if:

- you are disqualified
- anyone who is part of the organisation applying to provide registered childcare, such as a partner, director, or committee member, is disqualified
- you, or anyone who is part of the organisation, live with someone who is disqualified
- someone who lives on the premises where childcare is provided is disqualified.

You cannot employ anyone to work with children if they are disqualified, or live with a disqualified person.

People are disqualified from registration if they have, or anyone they live with has been:

- convicted or charged with (or found to have committed) an offence against a child
- convicted or charged with (or found to have committed) certain offences against an adult
- placed on the Protection of Children Act (POCA) 1999 list of persons considered unsuitable to work with children
- made the subject of a direction under section 142 of the Education Act 2002 that they are considered not fit and proper persons to work with children
- made the subject of a disqualification order⁵
- made the subject of an order where a child has been removed from his/her care or been prevented from living with him/her
- refused registration previously or had a registration cancelled.

If you think that you, someone in the organisation you represent, or a person you are considering employing, may be disqualified, you can talk to us confidentially by ringing **08456 404040**.

In some circumstances you may be able to eligible to have a waiver for the disqualification. If you know that you, or someone connected with the registration, is disqualified, you can ask us to consider waiving the disqualification so that you may

⁵ Part II of the Criminal Justice and Court Services Act 2000 gives the power to a senior court (Crown court, the Court of Appeal, a court-martial or the Court-Martial Court) to make an individual the subject of a disqualification order if, in its opinion, the convicted individual is likely to commit offences against children.

still apply for registration. Please contact us if you wish to apply for a waiver. Each individual must apply for a waiver in his or her own right. You cannot apply on behalf of someone else.

If you wish to employ someone you know is disqualified, he or she must first apply to us to waive disqualification. Only if we agree to do so can you employ them to care for children.

We cannot waive a disqualification:

- for people who are included on the POCA list of disqualified people or have been made the subject of a direction on certain grounds under section 142 of the Education Act 2002
- in some cases where people have been made subject of an order made on certain grounds under the Criminal Justice and Court Services Act 2000
- in some cases where people have committed specified serious offences against children.

Suitability

Sometimes we refuse registration because an individual is unsuitable or is unable to provide sufficient evidence of his or her suitability. (See 'How will you decide if I am suitable?' above).

Before we do this we will normally:

- ask you for extra information and/or
- carry out additional checks and/or
- interview you.

Failure to pay the fee

We will not register you until you have paid the non-refundable application fee.

Failure to agree to the requirements of the register

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.

What will happen if you refuse registration?

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. 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 listen to your objections and then write again to tell you whether or not we still decide to 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.

You have the right to appeal against our decision to an independent external body, the Care Standards Tribunal. We will send you a leaflet on how to object and appeal if we intend to refuse registration.

Can I withdraw my application to register?

You may change your mind about continuing your application to register at any time during the registration process up to the granting or refusing of registration but the application fee is not refundable. You must tell us in writing if this is what you decide so that we may stop the registration process. If you do not tell us that you want to withdraw your application then we will continue the process and may have to refuse your application for registration. Refusal of registration is a serious step which disqualifies you from providing childcare in the future.

What happens after registration?

When we grant your application for registration, we issue a certificate. This is your proof that you are registered on the voluntary part of the Childcare Register. Childminders and providers of other childcare must display the certificate on the premises so parents can read it. Home childcarers must show the certificate to parents on request.

If you lose or destroy your certificate you will need to pay a charge of £5 to get a replacement.

Sometimes we might want to restrict your registration in some way, for example because parts of your premises are not suitable for looking after children. These restrictions are known as 'conditions of registration' and are shown on your registration certificate. We can add new conditions, change existing ones or remove conditions at any time during your registration. If you do not agree with any conditions you have the same rights of objection and appeal as outlined above.

Once you are registered you must continue to meet the requirements relating to people, premises and provision that you confirmed on your application form. We will send you a list of these requirements with your registration certificate.

What records must I keep?

The requirements for childminders and providers of other childcare include keeping the following records in relation to each child who is cared for on the premises.

- name, home address and date of birth
- name, home address and telephone number of each child's parent
- the name, home address and telephone number of every person living or working on the premises on which childcare is provided (or the part of the premises where the childcare is held, in the case of premises such as

community/leisure centres, where only parts of the premises are used for childcare)

- a daily record of the hours of attendance
- a record of accidents that occur on the premises
- a record of any medicinal product administered to any child who is cared for on the premises including:
 - the date and circumstances of its administration
 - who it was administered by
 - a record of a parent's consent.

You must retain all of these records for a period of two years from the date on which you recorded the information.

All providers must notify us of any significant events, listed in the application form and on the requirements sent with your certificate, which affect children in your care or adults on the premises.

Will I be inspected?

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 whilst your registration is current. We will inspect a random selection of all those on the Childcare Register 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.

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.

We inspect providers with little or no notice and you should be ready for inspection at all times by meeting the requirements which govern continued registration. If we decide to inspect you, an inspector will visit your provision to check compliance against the requirements and will give you feedback on the outcome of the inspection. If you have not met one or more of the requirements the inspector will tell you what needs to be put right and will explain what happens next.

At the inspection visit, the inspector will:

- talk to you, the children and any staff members and observe your provision to make sure your policies are being put into practice
- check registration details and assess compliance with, and your understanding of, the requirements of registration
- assess the safety of your premises and your risk assessment
- assess any staff's understanding of policies and procedures
- look at your recruitment policies, where applicable
- look at your arrangements for making sure unvetted people do not have unsupervised access to children.

Following any inspection you will either receive a letter confirming that you were meeting your requirements for registration or a letter detailing what must be done in order to remain registered. We will publish this letter on our website, but currently we will withhold childminders' addresses.

Compliance with the requirements of the register

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. This may involve us sending you a notice setting out what you need to do to comply with the requirements.

If we have reason to believe that children in your care are, or may be, at risk of harm, we will suspend your registration to allow us time to investigate the circumstances. Ultimately we may decide to cancel your registration if we have reason to believe that you have:

- failed to comply with the requirements of registration, or
- failed to comply with a condition we have imposed on your registration, or
- failed to pay the annual fee.⁶

We may, in rare cases, decide to caution or prosecute any registered person that commits an offence under the relevant parts of the Childcare Act 2006. This includes failure to comply with a condition of registration.

We will inform other agencies such as the police or local authority if we receive information related to child protection.

What should I do if I no longer wish to be included on the voluntary part of the Childcare Register?

If you no longer wish to be a registered provider, you need to resign your registration. We will ask you to put your resignation in writing and we will confirm receipt of your resignation letter. If you do not resign in writing you should not assume that we have taken you off the register. Resigning your registration does not affect any future application you make to provide childcare.

You may not resign if you have been served with a 'notice of decision' to cancel your registration or if you are awaiting the outcome of an appeal to the Care Standards Tribunal.

⁶ Forthcoming regulations will determine the level of fee and when this fee is payable.

Annex A: Paying fees

The current **application fee** is:

- £100 for childminders and home childcarers
- £110 for other childcare (on domestic or non-domestic premises).

The current Criminal Records Bureau (CRB) disclosure fee, payable by applicants for other childcare only, is:

- £36 for the registered person
- £44 for any additional checks.

Replacement certificate fee

It is a condition of your registration that you display the certificate, or in the case of home childcarers show the certificate to parents on request. If you lose, damage or destroy your certificate, you will need to get a replacement. The current fee for all providers for this service is £5. Please contact us on 08456 404040 if you wish to request a replacement certificate.