

Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises

April 2011

Contents

| | |
|--|----|
| What do we mean by...? | 3 |
| Introduction | 6 |
| What is meant by a childcare provider on domestic or non-domestic premises? | 6 |
| Why are childcare providers on domestic or non-domestic premises registered? | 6 |
| Who needs to register as an early years childcare provider on domestic or non-domestic premises? | 7 |
| Early years provision in maintained and independent schools | 8 |
| Childcare for older children | 9 |
| The registered person | 9 |
| The nominated person | 12 |
| The manager | 12 |
| The requirements for registration on the Early Years Register | 13 |
| Are any other agencies involved? | 15 |
| The application process | 16 |
| What happens next? | 21 |
| How can I prepare for the inspector's visit? | 21 |
| What happens after the registration visit? | 24 |
| Withdrawing your application | 25 |
| What do I need to tell you about once I am registered? | 26 |
| What records must I keep on the premises where I will care for children? | 27 |
| Corporal punishment | 28 |
| Paying the annual fee | 28 |
| Continuing registration | 28 |
| Inspection | 29 |
| What other visits might be made? | 29 |
| What should I do if I no longer wish to be registered as a childcare provider? | 30 |
| Annex A: Registration on the Childcare Register | 31 |
| Annex B: Assessing the suitability of staff on non-domestic premises | 32 |
| Annex C: Where can I get further information? | 34 |

What do we mean by...?

Here is an explanation of some of the terms used in this booklet.

Childcare Act 2006

The law that sets out:

- duties on local authorities to improve outcomes for children and to ensure access to information about provision in their area
- legal frameworks for the regulation and inspection of provision for children from birth to age 17
- the Early Years Foundation Stage: this is the framework for the delivery of quality integrated care and education for children from birth to the 31 August following their fifth birthday.

Childminder

A person who is registered to look after one or more children to whom they are not related on domestic premises for reward.

Childminders work with no more than two other childminders or assistants.

They:

- care for children on domestic premises that are not the home of one of the children, or
- care for children from more than two families wholly or mainly in the home of one of the children

and:

- must register to care for children under the age of eight
- can choose to register to care for older children.

Childminders care for at least one individual child for a total of more than two hours in any day. This is not necessarily a continuous period of time. For example if you provide care for the **same** child aged under eight for an hour before and an hour and a half after school then registration is due; however, if you provide care for one child aged under eight for an hour before school and provide care for a **different** child aged under eight for an hour and a half after school then registration is not required.

Childcare providers on domestic premises

People providing care on domestic premises with at least three other people.

The difference between childminding and childcare on domestic premises is the number of people involved. If four or more people look after children at any time, they are providing childcare on domestic premises, not childminding.

Childcare providers on non-domestic premises

Registered providers that care for children on premises that are not someone's home. These premises can range from converted houses to purpose-built nurseries and are usually known as day nurseries, private nursery schools, pre-schools and before and after school clubs for children in the early years age group.

Childcare Register

The register of providers who are registered by Ofsted to care for children from birth to 17 years. The register has two parts:

- **the voluntary part**

Providers who are not eligible for compulsory registration may choose to register here. These are mainly people looking after children aged eight and over, or providing care in the child's home.

- **the compulsory part**

Providers must register on this part if they care for one or more children following their fifth birthday until they reach their eighth birthday.

More information about registration on the Childcare Register is available on our website (www.ofsted.gov.uk) or by contacting your local family information service (http://www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=userslist&listid=2&Itemid=73).

Department for Education

The government department responsible for the Childcare Act 2006 and the regulations that underpin it. This includes our responsibilities for regulating and inspecting childcare and early education. The Department for Education is also responsible for the Early Years Foundation Stage, which underpins our inspections of registered early years provision.

Domestic premises

Any premises which are wholly or mainly used as a private dwelling – that is, someone's home.

Early years age group

Children aged from birth until the 31 August following their fifth birthday who attend early years settings that deliver the Early Years Foundation Stage.

Early Years Foundation Stage

The statutory framework for the early education and care of children from birth to the 31 August following their fifth birthday. The Early Years Foundation Stage includes requirements for the provision of young children's welfare, learning and development that all providers must meet, as well as good practice guidance. The Early Years Foundation Stage must be delivered by all schools and early years settings that make provision for children in the early years age group.

The Early Years Foundation Stage website is

<http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/a0068102/early-years-foundation-stage-eyfs>.

Early years providers

Those who are registered on the Early Years Register to provide for children in the early years age group; and maintained and independent schools that provide for children of that age.

Early years provision

The provision of learning, development and care for children in the early years age group.

Early Years Register

Unless exempt, the following must be registered by us on the Early Years Register:

- maintained and independent schools directly responsible for provision for children from birth to the age of three or where no child attending the provision is a pupil of the school¹
- childcarers, such as childminders, day nurseries, pre-schools and private nursery schools, which provide for children in the early years age group.

For more information about registration on the Early Years Register please look on our website (www.ofsted.gov.uk) or contact your local family information service.

Early years settings

Childminding, day nurseries, playgroups, children's centres, maintained schools and those in the independent, private or voluntary sector that provide the Early Years Foundation Stage for children in the early years age group.

Home childcarers

A person aged 18 or over who cares for the children aged birth to 17 years of no more than two families at any one time wholly or mainly at the home of one of the children. This includes nannies.

Ofsted

We are an independent, non-ministerial government department, which is responsible for the inspection of a range of education and children's services, and for the inspection and regulation of registered early years and childcare provision. Our original full title was the Office for Standards in Education; in April 2007 this changed to the Office for Standards in Education, Children's Services and Skills, but we continue to be known as Ofsted. For more information about us visit our website (www.ofsted.gov.uk).

Self-evaluation form

This helps early years providers to evaluate their provision and gives them a structure to record the outcomes. The completed form is discussed with the inspector, usually during the inspection. The self-evaluation form can be completed online; there is also a downloadable version to print off and complete by hand. This is available on request by telephoning **0300 123 1231**.

Registered person

An individual or organisation that is registered to provide childcare and/or early years provision.

¹ Schools that admit children who are three during the term in which they start school, known as 'rising threes', may treat those children as three-year-olds for the purposes of registration.

Introduction

1. This guidance provides you with information about registration on the Early Years Register.²
2. It will help you decide whether to apply and explains what processes your application will go through before we can decide whether you are suitable to be registered as a childcare provider on the Early Years Register.
3. The registration process looks at your ability and suitability to deliver the Early Years Foundation Stage.³ The Early Years Foundation Stage is a comprehensive framework which sets the standards for learning, development and care of children from birth to 31 August following a child's fifth birthday, known as the early years age group. Once you are registered, we will continue to assess your ability and suitability to provide childcare through regular inspections. There is more information on inspection in our booklet *Are you ready for your inspection?*⁴
4. The guidance also includes information on the Childcare Register to help you decide if you also want to be placed on this register.

What is meant by a childcare provider on domestic or non-domestic premises?

5. A childcare provider on non-domestic premises cares for individual children in premises that are not someone's home. These premises can range from converted houses to purpose built nurseries, and are usually known as day nurseries, private nursery schools, pre-schools and before and after school clubs for children in the early years age group.
6. A childcare provider on domestic premises works with three or more other people in a home. This may be their own home or someone else's home, but is not usually the child's own home. Such a provider may employ the other people as assistants or staff members, or work in partnership with them.
7. If you intend to provide care on domestic premises and will work with no more than two other people at any time, you should apply to register as a childminder. You should read the *Guide to registration on the Early Years Register: childminder* before submitting your application. This is available from our website (www.ofsted.gov.uk).
8. Depending on the information you have given us about your times and days of opening, we may identify your service in our published materials as a particular type of childcare, for example a nursery or pre-school. 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.

Why are childcare providers on domestic or non-domestic premises registered?

9. We register childcare providers to:
 - protect children
 - ensure that they meet the requirements of the Early Years Register

² More information about Ofsted can be found on our website at www.ofsted.gov.uk. This is a practical guide to registration and not authoritative legal advice.

³ The Childcare Act 2006 contains the full legal definitions of who needs to register as a childcare provider.

⁴ Available from our website and by telephoning 0300 123 1231. We send a copy of this booklet to all newly registered providers with their certificate of registration.

- ensure that they provide good outcomes for children that keep the children healthy, safe, ensure that they enjoy what they do and achieve well, make a positive contribution and develop skills for the future
- promote high quality in the provision of care and learning and development
- provide reassurance for parents.

Who needs to register as an early years childcare provider on domestic or non-domestic premises?

10. You must register on the Early Years Register if you intend to provide care at any time (day or night) for the early years age group and you intend to look after at least one individual child on the premises for a period of more than two hours in any day, unless any of the circumstances described below apply to you.⁵
11. You do not need to register if you provide childcare for the early years age group at the following establishments and it is an integral part of the establishment's activities:
 - a children's home
 - a care home
 - a hospital (where the children are looked after as patients)
 - a residential family centre
 - a young offender institution or secure training centre.
12. You do not need to register on the Early Years Register if you:
 - care for individual children for two hours or less each day even if your provision is open for longer than this period; an example is a crèche attached to an adult learning centre where the crèche may be open all day but parents leave children for less than two hours while they take part in an adult learning session
 - intend to offer care for the early years age group on particular premises for 14 days or less in any period of 12 months. However you must notify us in writing at least 14 days before you start providing care on those premises; examples include short-term crèches to support a conference, or a holiday playscheme running for two weeks in school holidays
 - care for individual children for four hours or less each day and the care is for the convenience of parents who intend to remain on the premises where the provision occurs or within its immediate locality. In this type of provision there is no long-term commitment to provide care for children. Examples include a shoppers' crèche or a crèche attached to a sports centre or an exhibition where children do not attend every day
 - provide an open access scheme for children; an open access scheme allows children to leave the provision unaccompanied. You cannot provide an open access scheme for children in the early years age group
 - provide education under a home education arrangement for a child who is of compulsory school age and the care you give is incidental to the education you provide. A home education arrangement is where a child of compulsory school age receives full-time

⁵ It is an offence if a person without reasonable excuse provides childcare without being registered (Childcare Act 2006, section 34(5)).

education not in a school, and is partly or wholly educated by someone who is not the child's parent

- provide care for children in a hotel or guest house between 6pm and 2am and you care for the children of no more than two clients at the same time (babysitting arrangements)
- provide care for children of two sets of parents wholly or mainly in either or both of the sets of parents' homes. Registration as a childminder is required if you look after the children of three sets of parents in any or all of the parents' homes
- are a local authority approved foster carer, providing childcare for another child already placed with any local authority approved foster parent
- provide no more than two types of activity from the following list:
 - school study support or homework support
 - sport
 - performing arts
 - arts and crafts
 - religious, cultural or language study.

This exemption only applies if you care for children who are aged three and over, and children aged under five do not attend for more than four hours in any one day. Any care provided is incidental to the activity (it is not the main focus of your provision).

Early years provision in maintained and independent schools⁶

13. If you are a school that directly provides the Early Years Foundation Stage as part of its activities for children aged three and over, and **at least one child is a pupil of the school**, then you do not need to register on the Early Years Register.
14. Registration is required where schools directly provide the Early Years Foundation Stage for children aged under three, or where the provision does not include any children who are pupils of the school, or where the provision is not part of the school's activities. The only exception is where schools accept two-year-old children at the beginning of the school term in which they reach the age of three, known as 'rising threes'. For the purposes of registration these children may be counted as three years of age.

Some examples:

- an independent school takes children into its kindergarten in the term in which the children are three; the children are pupils of the school who move into reception class at age four: registration is not required
 - a secondary school provides a nursery for the children of staff, pupils and the local community: registration is required as no children attending are pupils of the school
 - a maintained nursery wants flexibility to offer places to children aged from two years six months upwards, where families are identified as in need: registration is required.
15. If a school works in partnership with another provider who is independent of the school, for example to provide wraparound care or extended services which includes care for pupils of the school, then it is likely that registration is required by that provider. Much will depend on the

⁶ The Childcare Act 2009, section 34(2) and The Childcare (Exemptions from Registration) order 2008, regulation 9.

partnership arrangements and where responsibility for the provision lies. When deciding if registration is required we consider aspects such as:

- who is accountable for the childcare
 - who employs the staff and pays their wages
 - who is responsible for the premises and if there is a lease agreement for their use
 - who is responsible for policies and procedures when making decisions about registration.
16. If a school has a contract with another provider to use part of the school premises to provide a separate, discrete service then registration is required for the other provider.

Childcare for older children

17. As well as the Early Years Register we administer the Childcare Register, which has a compulsory and a voluntary part.
18. You **must** register on the compulsory part of the Childcare Register if you want to provide care for children from the 1 September following their fifth birthday up to the age of eight, unless you are exempt from registration.
19. If you want to care for children aged eight and over, you may **choose** to register on the voluntary part of the Childcare Register.
20. You may also **choose** to be on the voluntary part of the Childcare Register in most cases where you offer services for younger children for which registration is not required. For example, you may want to run a nursery for children in the early years age group for which registration is required on the Early Years Register, and alongside this want to run, as a separate venture on the same premises, sports coaching for children from three upwards. For the sports coaching you do not need to register on the Early Years Register but may wish to apply to register on the voluntary part of the Childcare Register.
21. However, if you offer care for two hours or less in a day you cannot choose to register on the voluntary part of the Childcare Register unless the care you provide is immediately before or after a school day: for example you provide a breakfast club for one and a half hours immediately before school.
22. Schools **cannot** register on either part of the Childcare Register where they provide care for children as part of their activities and where at least one child is a pupil of the school.
23. It is helpful if you decide whether or not you need to register on the Childcare Register before applying for registration on the Early Years Register. The application form for the Early Years Register includes a section where you can apply to register on the Childcare Register without completing a separate form or paying an additional fee. Unless you are a school, you cannot care for children aged six and seven (and those five-year-olds who are not in the early years age group) without registration on the compulsory part of the Childcare Register.
24. We include the requirements of registration on the Childcare Register in the application pack. Alternatively you can obtain a copy from our website (www.ofsted.gov.uk). You should read these requirements if you want to apply to register on the Childcare Register as well as the Early Years Register.

The registered person

25. The registration system for childcare on domestic and non-domestic premises required by the Childcare Act 2006 uses the concept of the **registered person**. 'Person' used in this context means both individuals and organisations. Examples of organisations are given in the table below, on page 11.

26. The registered person has overall responsibility for the provision of childcare and is legally responsible for ensuring compliance with the requirements of the Early Years Register or Childcare Register, regulations and any conditions of registration imposed by us. 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.
27. Registered persons do not have to work with children or be involved in the day-to-day organisation of the childcare, or have childcare as the main purpose of any business they run.
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.

Who must apply for registration?

29. If you are an individual who wishes to provide childcare you must make the application yourself. You cannot get another person to do this for you. This is the case whether you intend to provide the childcare on domestic or non-domestic premises.
30. For organisations that intend to provide childcare as their main purpose, an application for registration must be made by someone who is part of the registered person such as a company director, a partner or a chairperson of a committee. An application made by an organisation whose main purpose is to provide childcare should include the details of all the people who make up the registered person such as directors, school governors, partners and committee members. This includes situations where two or more people want to apply to provide childcare together on domestic premises.
31. We recognise that some organisations that wish to register as childcare providers do not provide childcare as their main purpose. Examples include: a local authority; a company that wants to provide a nursery for its employees' children; a college that wants to provide childcare for the children of its students. In these circumstances we will accept an application for registration from the most senior person in the organisation with delegated, clearly identifiable and direct responsibility for managing, planning and monitoring the childcare. An application made by an organisation which does not have childcare as its main purpose should **not** list details of all the people who make up the registered person such as directors, school governors, partners or committee members.
32. 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 to ensure continuity of care for children.
33. If you are not sure if you require registration, or who should complete an application, please contact us on **0300 123 1231**. Annex C identifies other contacts that can provide you with information, advice and assistance.

34. 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; in addition we will always check the manager and any adults who live on the premises where childcare is provided
- 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 |
| 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 | 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 |
| Children's centres | There are a number of governance models for children's centres. Accountability may be shared across different agencies or providers. Children's centres may have more than one Childcare Act registration if there are separate premises providing childcare, and you will need to decide who the registered person is for each Childcare Act registration. | | | |
| Other organisations | | A responsible person representing the organisation | Determined on an individual basis | Determined on an individual basis |

*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

35. 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, director or someone in a comparable position. They will be interviewed on behalf of the organisation during the registration process. We will send all legal documents and correspondence to the nominated person at the organisation address.
36. Where the prime purpose of an organisation is not the provision of childcare, the most senior person with delegated, clearly identifiable and direct responsibility for planning and monitoring the childcare is the nominated person.

The manager

37. 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 they 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. We will decide on the suitability of the manager to work or be in

regular contact with children and on their capacity to act as a manager of registered provision. However the employment decision is made by the employer. We will not grant registration until an identified suitable manager is in place.

The requirements for registration on the Early Years Register

What will we look at when deciding whether to register you?

38. Before you can be registered you will have to demonstrate to us 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
 - 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
 - the premises, including any equipment, are suitable for looking after children in the early years age group
 - you meet or will meet all the welfare, learning and development requirements of the Early Years Foundation Stage, all regulations and any conditions of registration imposed by us.

How do we decide if people are suitable?

39. We carry out a number of checks on:
- all individuals who make up the registered person and/or the nominated person
 - the manager
 - where applicable, all people employed to care for children on domestic premises
 - where applicable, all people aged 16 and over who live or work on the domestic premises where childcare is provided.
40. For childcare on non-domestic premises the applicant/registered person is responsible for checking the suitability of:
- the staff employed to care for children
 - all other people who live or work on the premises where childcare is provided.
41. You can find information on how to obtain a Criminal Records Bureau check for these people in Annex B of this document.
42. From July 2010, all those applying to register must also apply for an Independent Safeguarding Authority registration number before we can grant registration.⁷ This applies to all those associated with an application for registration who are working with children, including the manager of a childcare setting, and all those who live or work on premises where childcare on domestic premises takes place. If applicants do not hold such a registration number they may apply for it at the same time as applying for a Criminal Records Bureau disclosure. We will send you details about how to obtain a Criminal Records Bureau disclosure and an Independent Safeguarding Authority registration number on receipt of your application for registration as a childcare provider.
43. If you or other people associated with your application have lived abroad in the past five years you should tell us the countries you have lived in on the application form or declaration and consent form. The Criminal Records Bureau has reciprocal arrangements with some countries

⁷ The Independent Safeguarding Authority was set up under the Safeguarding Vulnerable Groups Act 2006.

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.
44. We will contact you, or other people connected with your application, where we need 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. If other people connected with the registration do not supply sufficient information or are not suitable we will tell you so, but we cannot give you the details of why they are not suitable. You must then decide whether to proceed with the application or not. We will refuse registration if you allow, or intend to allow, someone whom we consider not suitable to have access to children.
45. We will also take into account any other information that we hold about you. This will include information that relates to a previous registration you might have held, such as information about complaints.
46. We will interview the registered person, or their nominated person and the manager during the registration process. This is explained later in this booklet.

Is there a charge for applying?

47. 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. Details of the current fee are enclosed separately in the application pack. If you apply to register on the Early Years Register you do not have to pay an additional fee if you also want to be placed on the compulsory or voluntary part of the Childcare Register.

Is there anything that could prevent me from becoming a childcare provider?

48. Certain circumstances disqualify you from registering as a childcare provider. You **may** be disqualified from registration if you, or a person who lives with you, or a person who works with you and cares for children, or who lives and works on the premises where you provide childcare, have been:
- found to have committed a relevant offence against a child⁸
 - subject to an order or determination removing a child from your care or preventing a child from living with you

⁸ Found to have committed means a person has been a) convicted of an offence; b) found not guilty of an offence by reason of insanity; c) found to be under a disability and to have done the act charged against them in respect of such an offence; or d) on or after 6 April 2007, given a caution in respect of an offence by a police officer after admitting that offence. A person is found to have committed an offence that is 'related to' an offence if that person has been found to have committed an offence of a) attempting, conspiring or incitement to commit that offence; or b) aiding, abetting, counselling or procuring the commission of that offence (The Childcare (Disqualification) Regulations 2009). 'Given a caution' includes a reprimand or warning for an offence (Childcare Act 2006, section 75(6)).

- found to have committed certain offences against an adult (for example, murder, kidnapping, rape, indecent assault, assault causing actual bodily harm)
 - charged with certain offences against an adult, or an offence that is related to an offence, and had a relevant order imposed
 - included on the list of those who are barred from working with children, held by the Independent Safeguarding Authority⁹
 - made the subject of a disqualifying order
 - refused registration as a childcare provider previously or have had registration cancelled, other than cancellation for non-payment of the fee for continued registration after 1 September 2008¹⁰
 - refused registration as a provider or manager of children's homes or have had registration cancelled.
49. A full list of the circumstances that disqualify you from registering is available in the Childcare (Disqualification) Regulations 2009.¹¹ If you think that you, or a person you are considering employing, may be disqualified, you can talk to us confidentially by contacting **0300 123 1231**.
50. If you are disqualified from registration you can, in some cases, ask us to consider waiving the disqualification so that you may still apply to be registered as a childcare provider. Please get in touch with us if you wish to apply for a waiver.
51. It is an offence if you employ a person to look after children who you know is disqualified from working with children. If you want to employ someone who is disqualified, or discover that someone you employ is disqualified then you must tell us. The person must apply to us to have the disqualification waived. We will make a decision about whether to waive the disqualification but will not make the employment decision. If we decide to waive the disqualification, as an employer you must still carry out the required vetting to make a decision on whether the person is suitable to work or be in contact with children.
52. We cannot waive a disqualification for anyone, whether you or someone connected with your application for registration, who is barred from working with children by the Independent Safeguarding Authority.¹²

Are any other agencies involved?

The local authority

53. Your local authority can provide you with support, advice and training throughout the registration process. Some local authorities provide pre-registration briefing sessions for prospective applicants. These sessions will help you to decide whether you wish to apply and provide more information about the support and advice they offer. Local authorities also make sure that appropriate training, including first aid training, is available for you.

⁹ The Independent Safeguarding Authority is set up under the Safeguarding Vulnerable Groups Act 2006.

¹⁰ From 6 April 2007 for those providers whose registration on the voluntary part of the Childcare Register was cancelled solely for non-payment of the fee for continued registration.

¹¹ The Childcare (Disqualification) Regulations 2009 are available from: <http://www.legislation.gov.uk/ukxi/2009/1547/contents/made>.

¹² Further information about the Independent Safeguarding Authority is available from: www.isa.gov.org.uk.

Environmental health

54. You should 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.

Fire safety

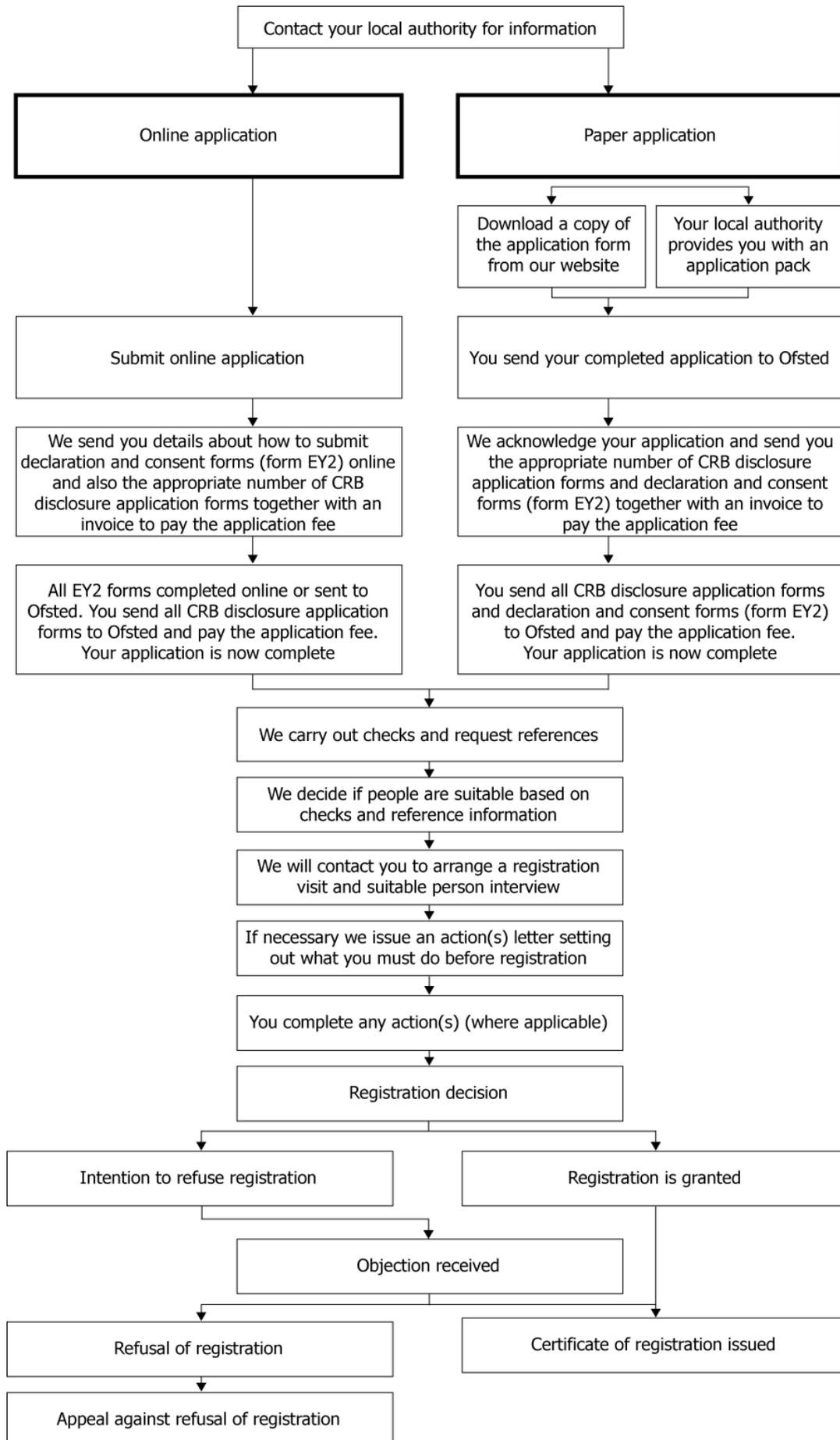
55. You can seek advice and general information on fire safety matters from your local fire authority. We may notify your local fire authority of your application. Your fire authority may then contact you to arrange an inspection. You will have to meet any recommendations made by your fire authority.

Planning permission and building control

56. You can seek advice on planning permission from your local planning department. You must ensure that you obtain any necessary planning permission and that the local authority building control department is satisfied with the standard of any building work undertaken.

The application process

57. The flowchart shows the steps of the application process. We aim to complete the registration process within 25 weeks of receiving an application. Your application is not complete until we have received all relevant forms, including declaration and consent forms from everyone associated with the application who has not already completed one for us in the last three years, completed Criminal Records Bureau disclosure application forms for everyone who is named in your application, and you have paid the application fee to us. A number of stages in the process depend on information from other agencies and action that you need to take. These may cause delays that are outside our control.



How do I apply?

58. You can:

- contact your local authority family information service to get an application pack
- obtain an application pack from our website (www.ofsted.gov.uk)
- apply online from summer 2010 through our website.

59. You should **always** contact your local authority before you apply. Your local authority can provide you with information about:

- pre-registration briefing sessions
- training
- any other advice and support that the local authority and its family information service make available.

60. You must always obtain a copy of the Early Years Foundation Stage before applying. You should read the Early Years Foundation Stage documents carefully before deciding whether or not to apply as you must be able to meet the requirements in it. You can obtain copies of the Early Years Foundation Stage from your local authority.

61. As well as the Early Years Foundation Stage requirements you must meet the requirements of other legislation including employment laws, anti-discriminatory legislation, health and safety legislation, data protection regulations and duty of care. You will find further information in the *Statutory Framework for the Early Years Foundation Stage*.

Applying online

62. We anticipate that we will be able to offer applicants the facility to apply online from summer 2010, through our website. Further information about applying online will be available on our website at <http://www.ofsted.gov.uk/www.ofsted.gov.uk>.

The application pack

63. The application pack contains:

- application form (EYO)
- three declaration and consent forms (EY2)
- notification to Ofsted form (EY3)
- *Health declaration booklet*
- checklist
- *Early Years Register: preparing for your registration visit*
- leaflet on fees
- *Requirements for the Childcare Register: childcare providers on domestic or non-domestic premises*
- this guidance
- envelopes to return the forms to us.

Application form (EYO)

64. This form asks for information about the registered person and the premises on which you intend to provide childcare. It also asks for details of how you intend to organise your childcare. We ask you to sign a declaration, giving consent for us to carry out checks and agreeing to notify us of any changes to the information on the application form that may affect the registered person's suitability to provide childcare. The form explains how we will use the information you provide.

Declaration and consent form (EY2)

65. You should arrange for each person who makes up the registered person or is the most senior responsible person (nominated person) as identified in the table on pages 11–12 to complete a declaration and consent form unless they have already completed one for us within the past three years and not had an employment break of more than three months since their last involvement with registered childcare. This form asks for consent to carry out a series of checks and for us to use the information from these checks to determine each person's suitability.
66. The form asks for a self-declaration about criminal records and other matters of suitability to work with or be in contact with children.
67. It also asks for consent to pursue checks with:
- directors of children's services (children's service records, child protection register)
 - a general practitioner or other medical professional, including a second medical opinion by a medical practitioner appointed on behalf of Ofsted, if necessary
 - the Criminal Records Bureau, including details of spent convictions normally exempt from disclosure under the Rehabilitation of Offenders Act 1974
 - the Independent Safeguarding Authority
 - the Soldiers, Sailors, Airmen and Families Association (SSAFA) Forces Help
 - referees
 - previous employers.
68. We may carry out any or all of these checks. We may also carry out any further checks we think are necessary to establish a person's suitability. These could include checks with, for example, the probation service or the National Society for the Prevention of Cruelty to Children.
69. The manager must also complete a declaration and consent form, filling in the additional sections about qualifications and experience.
70. Where the childcare is provided on domestic premises: all people aged 16 and over who live or work on the premises where childcare is provided, and all people who work directly with the children, must also complete a declaration and consent form.
71. We use information from these checks to decide if each person connected with an application is suitable to work or be in contact with children in the early years age group.

Health declaration booklet

72. This booklet must be completed by:
- the manager
 - the registered person if they are also the manager or are working directly with children as part of the staff ratio and they have not already completed a booklet within the past three years. This includes members of a committee that provides childcare who work as part of

the staff ratio. Committee members do not have to complete the booklet if they work with children on an occasional basis on a parent rota and do not form part of the staff ratio.

73. The booklet asks for information about each person's current and past health so that we can determine their mental and physical suitability to care for children. Each person should complete sections A and B of the *Health declaration booklet* and take it to their doctor so that they can complete section C and verify the information provided. The doctor may charge each person a fee for providing this information. The doctor will send the booklet to us in the envelope provided.

Other people connected with the registration after the initial application

Notification to Ofsted (EY3)

74. At the point of application, you may not have appointed your manager (or if you provide care on domestic premises appointed people to care for children), or know everyone who may be connected with your registration. You should use the notification from, EY3, to tell us of any appointment of a manager, staff on domestic premises or changes to those making up the organisation applying for registration after you have completed and returned the application. These people also have to complete declaration and consent forms.

Completing the application pack

75. Make sure that you and others associated with your registration complete all forms as fully as possible. You can contact us for advice on completing the forms on **0300 123 1231**. You may obtain extra copies of forms from your local authority, our website or, if you have applied online, each person may also complete the declaration and consent forms online.
76. If the forms are not completed fully we cannot start to process your application. We may return your application if it has not been completed satisfactorily.
77. **Please note that you are guilty of an offence if you knowingly make a statement which is false or misleading in an application.**

Sharing your information

78. We will process any personal information we hold about you in accordance with the law and, in particular, the Data Protection Act 1998. Under this Act you can request in writing to see any information we hold about you.
79. We use the information from checks and any interviews to make a decision about your suitability to work with or be in regular contact with children. It may be necessary to repeat these checks from time to time in order to assess your ongoing suitability.
80. We provide information about childcare providers to local authorities, so they can fulfil their role in relation to childcare services in their area, and to Her Majesty's Revenue and Customs. We may also supply information about childcare providers to other government and local authority departments, such as environmental health.
81. We may give information to parents who have, or have had, a child looked after by a childcare provider.
82. We will give information to children's services departments or the police if there are any concerns about the well-being of children in a provider's care.¹³

¹³ The Childcare Act 2006 regulations require Ofsted to disclose certain information in particular circumstances to parents, childcare organisations, other government departments, local authorities and the police.

83. We will continue to provide regular updates about our early years work. We have a free online newsletter, *Ofsted News*, for anyone interested in childcare and education. To subscribe, visit <http://live.ofsted.gov.uk/newsletter>. To read the latest issue visit <http://ofstednews.ofsted.gov.uk>.

What happens next?

84. We will:
- acknowledge your application
 - return it to you or telephone you for more information if you have not provided enough details
 - send you additional declaration and consent form(s) if these are needed for all relevant people associated with your application where we are responsible for checking their suitability
 - ask you to pay the non-refundable application fee
 - send you details of how to obtain criminal records disclosures from the Criminal Records Bureau and Independent Safeguarding Authority registration numbers for: yourself; anyone else making up the registered person; the manager; staff caring for children on domestic premises; and people aged 16 and over living or working on the domestic premises where care is provided
 - begin to carry out checks, once we receive your completed application
 - arrange for an inspector to visit you.
85. Before the visit the inspector will telephone you to confirm the date of the visit and make sure you have all the necessary documents to hand.
86. Please note that whenever an Ofsted inspector visits you, you should always ask to see their proof of identity. All our inspectors carry identification and authorisation documents that include the inspector's photograph and details of rights of entry.

How can I prepare for the inspector's visit?

87. The inspector's role during the visit is to:
- check your identity by looking at personal documents
 - check your premises and equipment
 - interview you to assess your suitability to register as a childcarer
 - assess how you intend to help children learn and develop
 - assess how you will meet the welfare requirements set out in the Early Years Foundation Stage statutory framework
 - assess how many children you may be registered to care for.
88. It may be necessary to make more than one visit during the registration process.
89. The *Statutory Framework for the Early Years Foundation Stage* and the *Practice guidance for the Early Years Foundation Stage* will help you to prepare for these visits. Reading through the framework and guidance will help you to identify anything you need to show the inspector. By

using both booklets, you will be able to prepare for the registration visit and for the childcare service you wish to provide.

Preparing for your registration visit booklet

90. To help you prepare for your registration visit we have developed a guidance booklet: *Early Years Register: preparing for your registration visit*. The information in this booklet will give you the opportunity to think about how you intend to deliver your childcare service and how you will demonstrate this to the inspector when they visit. This booklet is for you to use if you wish to; it is not to give to the inspector when they visit. The inspector will ask if you have completed it, so during the visit please feel free to refer to your notes in the booklet to answer the questions and explain how you intend to deliver your service.

What documents do I need to show the inspector?

Identity documents

91. You must provide documents that prove your current name and any other names that you have used. One document should preferably be photographic identity such as a current passport or a new-style driving licence. If you do not have photographic identity, the inspector will need to see your full birth certificate.
92. If you have changed your name by marriage, deed poll, adoption, statutory declaration or any other means you need to provide evidence of this change, such as a marriage certificate or decrees.
93. In addition, you will need to provide two pieces of evidence to confirm your current address, such as:
- a utility bill (gas, telephone, electricity)
 - a credit card, bank or mortgage statement
 - any recent communication from your local authority or a government agency such as the Department for Work and Pensions.

Additional documentation

94. If you intend to work with children and have any childcare qualifications, the inspector will ask to see any certificates you have. You will need to provide original documents; we cannot accept photocopies as evidence of qualifications and completed training.
95. You must show the inspector a current, valid first aid certificate including infants and young children for someone who is going to work with children.
96. If you intend to use a motor vehicle for transporting the children you care for, you will need to show the inspector driving licences, valid insurance documents and an MOT certificate (where applicable) for each vehicle and person driving the vehicle.
97. The *Statutory Framework for the Early Years Foundation Stage* contains information about the written records you will need to keep as a provider of childcare. If you have prepared any in advance you may wish to show these to the inspector.
98. If you have produced any written information for parents to read about the childcare that you intend to provide, you may also wish to show the inspector this.

What about my premises?

99. The inspector will want to see all the rooms that you intend to use for childcare and any outdoor space. He or she will check to see if you have minimised risks for children by making sure that:
- children cannot leave the premises or outdoor area unsupervised
 - you take appropriate safety measures, taking into account the age and stage of development of the children
 - the premises are, or will be, a suitable learning environment for children.

What equipment will the inspector want to see?

100. The inspector will need to see any furniture, equipment or toys you intend to use with young children, such as:
- safety equipment
 - equipment to assist children
 - equipment to help with transport
 - toys and materials for children to play with.
101. You will need to explain to the inspector how you will organise your premises and equipment to help you deliver the Early Years Foundation Stage and how you will provide opportunities for daily outdoor play.

Suitable person interview

102. The inspector will discuss **all** aspects of the Early Years Foundation Stage with the registered person or their nominee, and with the manager. The discussion will relate to the type of provision that you are applying to set up. You will have to explain how you will deliver the Early Years Foundation Stage, including its welfare, learning and development requirements. Working through the questions in the *Early Years Register: preparing for your registration visit* booklet included in your application pack will help you think about how you will meet these.
103. You will be asked how you will provide good outcomes for children: to help children be healthy; stay safe; enjoy and achieve; make a positive contribution; and achieve economic well-being. You will need to show how you have identified any possible risks to health and safety, and what you have done to minimise those risks, and your processes for vetting any staff or other people who have regular contact with children.
104. You will need to show how the educational programmes you intend to have in place will help children make progress towards the early learning goals set out in the *Statutory Framework for the Early Years Foundation Stage*. You may want to think about how you will plan activities and play opportunities to meet children's individual needs, observe what they do and assess their progress.
105. The inspector will ask you how you will meet the needs of a range of children, including any with learning difficulties and disabilities and any that might have English as an additional language, and how you will help all children to feel valued and make a positive contribution.

Outcome of the visit

106. Before leaving, the inspector will tell you about anything that needs to be done before we can grant your registration. If necessary, we will set actions for you to complete within a set timescale. The inspector will also tell you about any conditions that may be imposed on your registration, including the number of children you may care for. Once we have completed the registration visit, and you have completed any actions set, we will notify you of our registration decision as soon as possible. This may be to:
- register you as a childcare provider
 - register you as a childcare provider only when you have completed any actions that the inspector sets
 - refuse registration.

What are conditions of registration?

107. We may grant your registration subject to certain conditions. Conditions are restrictions to your registration or permission to do certain things such as care for children overnight. They will always include the maximum number and ages of children that you may care for in the early years age group. We discuss any conditions with you during your registration visit. If registration is granted, conditions are set out on your certificate of registration. You must comply with the conditions at all times. It is an offence not to do so unless you have a reasonable excuse.

What happens after the registration visit?

Action letter

108. You may get an action letter that details the work you must do to meet the requirements of the Early Years Foundation Stage and gives a date for completing the actions. We normally expect you to complete these within two weeks of the date of the visit. You must complete them before you can be registered. An inspector may visit again to check the actions you have taken.

Checks

109. We will not make a registration decision until we have results from all the checks we carry out.

Registration

110. When we have completed the registration visit and all the checks are in place, we will decide whether registration should be granted or refused. If registration is granted, you will be sent a certificate of registration. We will also send you *Are you ready for your inspection?*, which has information about the inspection process.¹⁴ This explains how you can evaluate your childcare service and will help you understand how future inspections will be carried out.

Refusing registration

111. 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.

¹⁴ It is also available from our website: www.ofsted.gov.uk/publications/090130.

112. 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.
113. 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.¹⁵

Objection and appeal

114. You will have the opportunity to object if we intend to refuse your application for registration. You must tell us if you intend to do this within 14 days of the date of the notice of intention, otherwise we will confirm our refusal decision in writing in another legal letter called a notice of decision. You then have the right to appeal to the Health, Education and Social Care Chamber, First Tier Tribunal, an independent body, within three months of the date that we send you the notice of decision. We will send you information about how to object and appeal if we intend to refuse registration.

The certificate of registration

115. The certificate of registration is your proof of registration. This certificate states your registration number, the date of registration, your name as the registered person, the name and address of the childcare, the register or registers on which you are registered and any conditions that apply to your registration.
116. It is a legal requirement of the Early Years Foundation Stage that you display the certificate. If you lose, damage or destroy your certificate, you will need to get a replacement. There is a fee for this service. For the current amount, please refer to the details in your application pack or on our website.
117. Once you have received your certificate of registration you can begin providing childcare.
118. Your certificate is a legal document and will remain valid until:
- any of the conditions of registration are changed, added to or removed either as a result of a request by you or because we decide to make the changes
 - we cancel your registration
 - you resign your registration.

Withdrawing your application

119. During the registration process you may change your mind about continuing your application to register as a childcare provider. You must tell us if this is what you decide in order to stop the registration process. If you do not tell us that you want to withdraw your application, we will continue the process and may have to refuse your registration if you have not met all of the requirements for registration. Refusing registration is a serious step as it disqualifies you from providing childcare in the future.
120. Please note the application fee is non-refundable.

¹⁵ Information on objections and appeals is available on our website (<http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare/Compliance-investigation-and-enforcement-handbook/Objections-representations-and-appeals>).

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

What do I need to tell you about once I am registered?

122. There are certain things that you must tell us about once you are registered. These are set out in the *Statutory Framework for the Early Years Foundation Stage*.

Changes

123. You should inform us at the earliest opportunity of any changes or proposed changes. 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. This includes any change to:

Premises, facilities and provision

This includes any change to the:

- address of the premises¹⁶
- facilities to be used for childcare on the premises that may affect the space available to children and the level of care available to them
- hours during which childcare is provided which mean that you wish to provide overnight care
- type of childcare category applicable to the provision, for example if you are registered on the compulsory and/or voluntary part of the Childcare Register as well as the Early Years Register and decide you no longer want to care for older children.

People and their suitability

This includes:

- any change to the person who is managing the provision
- where the childcare is provided by a company, any change in the name or registered number of the company
- where the childcare is provided by a charity, any change in the name or registration number of the charity
- where the childcare is provided by a partnership, body corporate or unincorporated association, any change to the nominated person
- where the childcare is provided by a partnership, committee, corporate or unincorporated body whose sole or main purpose is the provision of childcare, any change to the individuals who are partners or members of its governing body
- any change to the name of the body that provides the childcare, where the childcare is provided by a committee, partnership or unincorporated body.

¹⁶ If you change your premises, you will need to submit a new application in respect of the new premises.

124. You must tell us of any new person's date of birth, full name, any former names or aliases used by them and their full address.
125. You must also tell us of any change to the name or home address of any of the people mentioned above.

Significant events and incidents

126. You must tell us if any of the following situations occur:
- any food poisoning affecting two or more children looked after on the premises
 - any serious accident or injury to, or serious illness of, or the death of, any child while in your care and the action taken as a result
 - any allegations of serious harm against, or abuse of, a child by any person looking after children on the premises (whether that allegation relates to harm or abuse committed on the premises or elsewhere), or by the registered person or any person living, working or employed on the premises, or any other abuse which is alleged to have taken place on the premises, and of the action taken in respect of these allegations
 - any other significant event that is likely to affect the suitability to look after children of the registered person or any person caring for the children on the premises.

What records must I keep on the premises where I will care for children?

127. You must keep records of the following:
- the full name, home address and date of birth of each child who is looked after on the premises
 - the name, home address and telephone number of every parent and carer who is known to the provider
 - which of these parents or carers the child normally lives with
 - emergency contact details of the parents and carers
 - the name, home address and telephone number of the registered person and every other person living or employed on the premises
 - the name, home address and telephone number of any person who will be in regular unsupervised contact with the children attending the early years provision
 - a daily record of the names of the children looked after on the premises, their hours of attendance and the name of each child's key worker
 - written parental permission to seek emergency medical advice or treatment for their child
 - accidents and first aid treatment, and you must inform parents of any accidents or injuries sustained by the child while in your care and of any first aid treatment that was given
 - any medicinal product administered to any child on the premises, together with a record of a parent's consent
 - a written procedure for the emergency evacuation of the premises
 - a written procedure to be followed in the event of a parent failing to collect a child or of a child being lost
 - a written procedure for dealing with concerns and complaints from parents

- details for contacting Ofsted and an explanation that parents can make a complaint to Ofsted should they wish
- an effective safeguarding children policy and procedure
- any complaints for a period of at least three years
- the risk assessment, clearly stating when it was carried out, by whom, date of review and any action taken following a review or incident.

The *Statutory Framework for the Early Years Foundation Stage* sets out the records, policies and procedures that you are required to keep.

- 128.** Childcare providers on non-domestic premises must keep records of the information used to assess suitability to demonstrate to Ofsted that checks have been done on people aged 16 and over who work with the children or live on the premises. Such records must include the unique reference numbers of the Criminal Records Bureau disclosures obtained and the date on which they were obtained. This requirement will be deemed to have been met in respect of all people whose suitability was checked by Ofsted or their local authority prior to October 2005.

Corporal punishment

- 129.** You must not give corporal punishment to a child or allow other people who look after children or live and work on the premises to give corporal punishment.

Paying the annual fee

- 130.** Regulations require registered people to pay us a fee on an annual basis, for registration to continue. For the current amount, please refer to the application pack or to information on our website. We will tell you when the fee is due. We will cancel your registration if you do not pay the fee when it is due. If you are registered on the Early Years Register you do not have to pay an additional fee for registration on the compulsory or voluntary part of the Childcare Register.

Continuing registration

- 131.** You must continue to demonstrate your suitability to be a childcare provider throughout the 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
 - the information you provide on your self-evaluation form
 - repeating or carrying out additional checks where we receive information that brings your suitability into question or that of your manager as set out in paragraphs 66–71.
- 132.** We expect you to reflect on your practice and consider how you might improve on what you do. Once you are registered, we make available a self-evaluation form to help you do this. You should complete this online if possible. You will be given more information about this with your certificate of registration. If you are a school that completes the Ofsted self-evaluation form for school inspections, you need not complete the early years self-evaluation form as well as the school one.
- 133.** Whenever an inspector visits you, always check their identity. All our inspectors carry identification and authorisation documents that include the inspector's photograph and details of our rights of entry.

Inspection

- 134.** We will normally inspect you within seven months of your registration. The inspector will read your completed self-evaluation form before the inspection and discuss it with you.
- 135.** We will then inspect you at regular intervals, at least once every three to four years. The inspector will judge the quality of the childcare you provide and write a report. We will send you the report and publish a copy on our website. There is more information about inspection in the booklet *Are you ready for your inspection?* We will send you a copy of this booklet with your registration certificate. It is also available on our website:
www.ofsted.gov.uk/publications/090130.

What other visits might be made?

- 136.** We may visit at other times, for example:
- to check on actions given at an inspection
 - to consider a request by you to change the conditions of your registration
 - because something about your registration has changed, for example you have extended your premises
 - because we have received a complaint from a parent or other person that raises concerns about whether you meet the requirements for registration.
- 137.** You do not receive a report from these visits but you will receive a letter that sets out the outcome(s) of the visit. This may include actions and/or recommendations to bring about improvement.
- 138.** Following a visit arising from concerns we will tell you about any enforcement action we intend to take. In extreme cases this may include prosecution and/or cancellation of your registration. Where necessary, we may issue a notice of intention to vary, add or remove conditions applying to your registration or to cancel registration. You have the right to object or appeal against any notice that we issue. We publish the outcomes of all investigations where we, or you, take action to ensure you meet requirements.
- 139.** Inspectors can:
- enter your childcare premises at all reasonable times
 - inspect and take copies of any records kept by a childcare provider
 - seize and remove any document or other material that may be used as evidence of failure to comply with the law or the requirements of the Early Years Foundation Stage
 - take measurements, photographs or make recordings
 - interview you in private
 - interview another adult in private if they consent.
- 140.** If you prevent an inspector carrying out any of the above you are committing an offence.

What should I do if I no longer wish to be registered as a childcare provider?

141. If you no longer wish to be a registered provider, you need to resign your registration. You must 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.
142. You may not resign if you have been served with a notice of intention to cancel your registration, unless we give you permission to do so. You cannot resign your registration if we have served you with a notice of decision to cancel your registration or if you are waiting for the outcome of an appeal to the Health, Education and Social Care Chamber, First Tier Tribunal.
143. Resigning as a childcare provider does not affect any future application you wish to make to provide childcare.

Annex A: Registration on the Childcare Register

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

Any applicant who **only** wants to apply for the Childcare Register should read the *Guide to registration on the Childcare Register* (www.ofsted.gov.uk/publications/080032) and the *Requirements for the Childcare Register; childcare providers on non-domestic or domestic premises* (www.ofsted.gov.uk/publications/080143).

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 registered on the Early Years Register you must pay a separate application fee to register on the Childcare Register. Details of the fees are available on our website.

The Childcare Register is not linked to the delivery of the Early Years Foundation Stage. It has two parts.

- The compulsory part of the Childcare Register is for applicants who wish to care for children older than the early years group but under eight: that is, children aged from the 1 September following their fifth birthday to age seven. All those applying for the Early Years Register who also want to care for children of this age must apply to register on this part.
- The voluntary part of the Childcare Register is for applicants who want to provide care that does not require compulsory registration. This includes those who want to care for children aged eight and over; those who provide home childcare; and/or those who provide care that is exempt from registration. Paragraph 10 gives more details of these. You do not have to register on this part, but it gives parents additional reassurance if you care for children for whom compulsory registration is not required.

If you wish to register on the Childcare Register you must meet a set of requirements for registration in addition to meeting the requirements of the Early Years Foundation Stage. The Childcare Register requirements are very similar to the Early Years Foundation Stage requirements. These are included in your application pack. We will also send you a copy if we register you on the Childcare Register. If you are applying for the Childcare Register at the same time as the Early Years Register we ask you to sign a declaration that you meet these requirements.

If I am registered on the Early Years Register and the Childcare Register, how does that affect my inspection and certificate?

We will issue one registration certificate showing that you are registered on the Early Years Register and the Childcare 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.¹⁷

We may also carry out a separate inspection of compliance with the requirements of the Childcare Register if we receive a complaint about your childcare provision that relates 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.

¹⁷ There is more information about inspection of the Early Years Foundation Stage in *Are you ready for your inspection?*, which is available from our website (www.ofsted.gov.uk/publications/090130) or on request by telephoning 0300 123 1231.

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.

Annex B: Assessing the suitability of staff on non-domestic premises

As part of the application process for the Early Years Register we carry out suitability checks on the applicant and the manager of the childcare provision.

Childcare on domestic premises

If you are applying to provide childcare on domestic premises, we must also carry out checks on individuals living or working on domestic premises where the childcare is provided who are aged 16 and over and also childcare assistants or staff members. After registration we will carry out suitability checks if there is a change to the registered person, for example if a new committee member joins the organisation; if there is a change of manager; if there is a change of assistants on domestic premises; or if there is a change to people living or working on the domestic premises where childcare is provided, such as someone living in the household turns 16.

Childcare provision on non-domestic premises

The applicant/registered provider is responsible for assessing staff suitability by carrying out checks on the childcare staff and any person working on the premises where childcare is provided, such as cooks and caretakers.

What this means for you

The applicant/registered provider on non-domestic premises is responsible for having suitable vetting processes in place to safeguard children. You must have in place rigorous vetting and recruitment procedures that make sure that those who work for you or who work or live on the premises where you provide childcare are suitable for both employment and to work or be in regular contact with young children. You need to undertake any necessary checks that provide you with sufficient information on which to base your employment decision. One of those checks must be a check with the Criminal Records Bureau, which will include a check against the list of people who are barred from working with children held by the Independent Safeguarding Authority. From November 2010, you will be committing an offence if you employ a new person to work with children, if they do not have an Independent Safeguarding Authority registration number.

When making your employment decision, you should carefully consider any information that is revealed about a person as a result of any check. When considering such matters you may wish to think about:

- what information the individual disclosed
- the circumstances surrounding the event
- the person's level of involvement in the event
- the age of the person at the time of the event
- previous and subsequent good character
- any other mitigating circumstances.

Where you are not able to carry out such checks, for example because you do not have the authority to check those who live on the premises, you must make sure that they cannot have unsupervised access to children.

Applying for Criminal Records Bureau disclosures

All people who work directly with children must have an enhanced Criminal Records Bureau disclosure certificate (and if you employ a new person after November 2010, an Independent Safeguarding Authority registration number). To obtain this, you will need to:

- use an organisation contracted by the Department for Children, Schools and Families to process subsidised Criminal Records Bureau disclosure checks on your behalf (and check that the person has an Independent Safeguarding Authority registration number from November 2010); or
- use another organisation, registered by the Criminal Records Bureau, which will process a check with the Criminal Records Bureau on your behalf – such organisations may charge a fee for this service; or
- register with the Criminal Records Bureau as a body authorised to carry out checks; this option is normally only available to large organisations which carry out a large number of checks.

We will send details of how to obtain Criminal Records Bureau checks (including the Independent Safeguarding Authority registration number) for childcare staff from an organisation contracted by the Department for Children, Schools and Families when acknowledging receipt of an application to provide childcare.

Persons who are disqualified

Some people are not allowed to work with children because they are disqualified from doing so. It is an offence to employ someone who you know is disqualified from working with children.

We have set out some of the things that disqualify people from working with children on pages 14–15 above.

If you think that someone you are considering employing has a conviction that may disqualify them from working with children, you can talk confidentially to us by calling our helpline on **0300 123 1231**. You can find out more about the circumstances that disqualify people from working with children in the regulations relating to disqualification.¹⁸

People who are disqualified may still sometimes work with children by applying for a waiver from Her Majesty's Chief Inspector. If you want to employ someone who is disqualified, or discover that someone you employ is disqualified then you must tell us. The person must apply to us to have the disqualification waived. We will make a decision about whether to waive the disqualification but will not make the employment decision. If we decide to waive the disqualification, as an employer you must still carry out the required vetting to make a decision that the person is suitable to work or be in contact with children.

We cannot waive a disqualification for anyone who you intend to employ if they are included on the list of people who are barred from working with children held by the Independent Safeguarding Authority.¹⁹

What we look for

We will assess how well you make decisions about the suitability of your staff during our regular inspections of childcare providers. As part of the inspection, the childcare inspector will look for evidence that you have secure procedures for vetting and recruiting staff and that any person who

¹⁸ The Childcare (Disqualification) Regulations 2009: www.legislation.gov.uk/uksi/2009/1547/contents/made.

¹⁹ Further information about the Independent Safeguarding Authority is available from: <http://www.isa.gov.org.uk/>

has not been vetted is never left alone with the children. We have published further information about our policy on Criminal Records Bureau checks on our website at www.ofsted.gov.uk/090103.

All those who apply for registration must undertake full checks on all proposed staff and make a judgement on suitability prior to registration being granted. We will make the decision about whether the applicant and manager are suitable to work with children. We will not make the employment decision about the manager.

During the registration process, or at inspection, the childcare inspector may ask you to provide evidence of:

- an enhanced Criminal Records Bureau disclosure, including the number and date of issue following the Criminal Records Bureau code of practice on handling disclosures
- Independent Safeguarding Authority registration number(s) for staff employed after November 2010
- references
- full employment history
- qualifications
- interviews
- medical suitability
- any other checks you have undertaken.

The inspector may also ask individual members of staff for sight of their enhanced disclosure.

When asking for evidence of the above, inspectors will not determine the suitability of members of staff working for you. However, if we are not satisfied that you are acting in accordance with the requirements of the Early Years Foundation Stage and other legal requirements in relation to the recruitment and vetting of staff, we will assess your continued suitability to provide childcare. If necessary we will take action to safeguard the welfare of children.

Annex C: Where can I get further information?

Ofsted

We can provide guidance on regulations and the requirements of registration. Useful information and forms are available on our website: www.ofsted.gov.uk.

Our helpline is **0300 123 1231**.

Your local authority

Your local authority can provide you with details, support and advice about any training that they offer and any information that they provide. You can obtain details of your local authority contact from the telephone directory or from us on the above number. The National Association of Family Information (NAFIS) website lists local authority websites:

http://www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=usersList&Itemid=73&limitstart=0&search=&listid=7&cb_organisation=&cb_goregion=&cb_whatecdsystem=&cb_whatfsd=

You should read a copy of the Early Years Foundation Stage before making an application.

You will have to demonstrate that you meet its requirements before we can register you. The Early Years Foundation Stage documents may be obtained from your local authority or from the

Department for Education website:

<http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/a0068102/early-years-foundation-stage-eyfs><http://www.standards.dcsf.gov.uk/>

Ofsted
Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA

T: 0300 123 1231
Textphone: 0161 618 8524
E: enquiries@ofsted.gov.uk
W: www.ofsted.gov.uk

Published: April 2011
Reference no: 080017
© Crown copyright 2011

