

Registration and suitability handbook

Guidance for inspectors and regulatory decision-makers on the registration and continued registration of those on the Early Years and Childcare Registers

For use from September 2012.

Age group: 0–18

Published: October 2012

Reference no: 100165

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory Support Service (Cafcass), schools, colleges, initial teacher training, work-based learning and skills training, adult and community learning, and education and training in prisons and other secure establishments. It assesses council children's services, and inspects services for looked after children, safeguarding and child protection.

If you would like a copy of this document in a different format, such as large print or Braille, please telephone 0300 123 1231, or email enquiries@ofsted.gov.uk.

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/, write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This publication is available at www.ofsted.gov.uk/resources/100165.

To receive regular email alerts about new publications, including survey reports and school inspection reports, please visit our website and go to 'Subscribe'.

Piccadilly Gate
Store Street
Manchester
M1 2WD

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

No. 100165

© Crown copyright 2012



Contents

- What do we mean by...? 5**
- About this guidance 10**
- Introduction 13**
 - Types of childcare 13
 - The registers 13
 - Providers not required to register 14
 - Academies, maintained and independent schools 14
 - People disqualified from providing registered childcare 14
- Part 1. Applications and checks – guidance for both registers 14**
 - Information for applicants and application packs 15
 - Applications 16
 - Who we check 19
 - The checks we carry out 20
 - Application process 24
 - People unable to complete the declaration and consent form (CR2 or EY2) 27
 - Applicants who have lived abroad 29
 - Concerns relating to Criminal Record Bureau checks or information from local authority children’s services 32
 - Retention of records 35
 - Choosing to keep information 36
 - Putting an application ‘on hold’ 37
- Part 2. The Childcare Register 38**
 - The registration process 39
 - Making the overall suitability decision 40
- Part 3. The Early Years Register 42**
 - Overview of the process 43
 - The registration visit 45
 - The registration decision 62
- Part 4. Applications made by existing registered providers 65**
 - Circumstances where a new application is required 66
 - Circumstances where a new application is not required 72
- Part 5. Changes to registration 73**
 - Change of register 74
 - Childminders changing address 74
 - Home childcarers changing address 75
 - Requests to vary or remove conditions of registration 76
 - Change of nominated person or manager 78
- Annex A. Decision-making matrix: registration 80**

| | |
|--|-----------|
| Annex B. Registered persons for childcare provision on domestic and non-domestic premises | 83 |
| Annex C. Early Years Register telephone checklist and document request | 85 |
| Annex D. Changes to registration details | 87 |

What do we mean by...?

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

Applicant

A person who applies for registration as a childminder, home childcarer or childcare provider on domestic or non-domestic premises.

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.

Childcare providers on domestic premises¹

People who provide 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

A register of providers who are registered by Ofsted to care for children aged from birth to 17 years.

The register has two parts:

¹ Please refer to the definition of domestic premises on page 7.

■ **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.

■ **the voluntary part**

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

More information about registration on the Childcare Register is available on our website (www.ofsted.gov.uk).

Childminder²

A person who is registered to look after one or more children to whom they are not related on domestic premises for reward.^{3,4}

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

- care for children at a private dwelling that is 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 they 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 they 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.

Compliance, investigation and enforcement team

Ofsted has one national compliance, investigation and enforcement team based in Nottingham. Its main role is to:

² For further information about registering as a childminder, see *Guide to registration on the Early Years Register: childminder*, Ofsted, 2012; www.ofsted.gov.uk/resources/120082.

³ There is more information about reward in our factsheet *Childminding between friends*, Ofsted, 2012; www.ofsted.gov.uk/resources/100108.

⁴ Please refer to the definition of domestic premises on page 7.

- assess information that suggests a provider may not be complying with requirements and decide on the next course of action
- investigate concerns that reach the threshold for investigation and/or inspect providers where information suggests non-compliance with requirements
- manage cases where we use or intend to use our enforcement powers
- provide advice and guidance to inspectors on how and when to assess non-compliance, or to take action to enforce compliance with statutory requirements and associated regulations
- respond to information we receive about childcare providers and children's social care establishments and agencies, including where necessary working with child protection agencies in order to reduce the risk of harm to children and safeguard their welfare
- provide advice and guidance to colleagues on our safeguarding policy.

Department for Education

The government department responsible for the Childcare Act 2006 and the regulations that underpin it. This includes the law that sets out Ofsted's responsibilities regarding childcare and early education.

The Department for Education is also responsible for the Early Years Foundation Stage, which underpins our inspections.

Domestic premises

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

A home is where someone lives outside of any work or study. This means they normally have meals there, sleep there and spend their leisure time there. Childminders and childcare providers on domestic premises cannot work from a house if no-one lives there.

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 safeguarding and welfare, and their learning and development, which all providers must meet, as well as guidance on good practice. The Early Years

Foundation Stage must be delivered by all schools and early years settings that are registered on the Early Years Register.

Further information on the Early Years Foundation Stage can be accessed through the Department for Education and Foundation Years websites.^{5,6}

Early years providers

Those who are registered on the Early Years Register to provide for children in the early years age group.

Early years provision

The provision of learning, development and care for children from birth to the 31 August following their fifth birthday.

Early Years Register

A register of providers who are registered by Ofsted to care for children in the early years age group. 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 school⁷
- childcarers, such as childminders, day nurseries, pre-schools and private nursery schools, that 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.⁸

Early years settings

Childminders, day nurseries, playgroups and any other setting that is registered with Ofsted on the Early Years Register, including in children's centres and maintained and independent schools.

These provide the Early Years Foundation Stage for children in the early years age group.

⁵ The Department for Education website is available at: www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs.

⁶ The Foundation Years website is available at: www.foundationyears.org.uk/early-years-foundation-stage-2012/.

⁷ 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.

⁸ The National Association of Family Information Services website is available at: www.daycaretrust.org.uk/nafis.

Enforcement

The action taken when requirements are not met.

Home childcarers

A person aged 18 or over who cares for children aged from 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.

Inspection

A system to check that registered providers continue to meet requirements.

In the case of those on the Early Years Register, inspection also evaluates and reports on the quality and standards of the early years provision.

Investigation

The action that Ofsted takes following a concern to establish whether a registered provider continues to meet the requirements for registration or whether an unregistered person is providing childcare for which registration is required.

Later years provision

The provision of childcare for children from the 1 September following their fifth birthday to the day on which the child attains the age of 18.

Ofsted

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 full title is the Office for Standards in Education, Children's Services and Skills. For more information visit our website (www.ofsted.gov.uk).

Registered person

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

Registration

The process of checking that an applicant is suitable to care for children.

Regulation

This covers registration, inspection and investigation.

Self-evaluation form

An optional form provided by Ofsted that helps those on the Early Years Register record the outcomes of their evaluation of their provision. Inspectors will discuss how providers evaluate their provision during inspection. The self-evaluation form is available on our website.⁹ The form is also available on request by telephoning 0300 123 1231.

About this guidance

The guidance in this handbook is effective from September 2012, and is intended to assist inspectors and administrators with the process of registering childminders and childcare providers on the Childcare Register and the Early Years Register.

The handbook comprises:

Part 1: Applications and checks – guidance for both registers

Part 2: The Childcare Register

Part 3: The Early Years Register

Part 4: Applications made by existing registered persons

Part 5: Changes to registration.

You must read this handbook in conjunction with the following guides, which provide comprehensive information about who can apply for registration and how they can do so:

- *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises*¹⁰
- *Guide to registration on the Early Years Register: childminder*¹¹
- *Guide to registration on the Childcare Register.*¹²

You will also find the following useful:

- *Framework for the regulation of those on the Early Years Register*¹³

⁹ Early years self-evaluation form and guidance; <http://www.ofsted.gov.uk/early-years-and-childcare/for-early-years-and-childcare-providers/inspecting-early-years-and-child-5>.

¹⁰ *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises*, Ofsted, 2012; www.ofsted.gov.uk/resources/120083.

¹¹ *Guide to registration on the Early Years Register: childminder* (120082), Ofsted, 2012; www.ofsted.gov.uk/resources/120082.

¹² *Guide to registration on the Childcare Register* (120084), Ofsted, 2012; www.ofsted.gov.uk/resources/120084.

¹³ *Framework for the regulation of provision on the Early Years Register*, Ofsted, 2012; www.ofsted.gov.uk/resources/120288.

- *The compliance, investigation and enforcement handbook: childminding and childcare*¹⁴
- *Evaluating early years provision in settings providing childcare on domestic premises*¹⁵
- *Criminal Records Bureau (CRB) checks for those providers who register with Ofsted*¹⁶
- Criminal Records Bureau website: www.homeoffice.gov.uk/agencies-public-bodies/crb/.

In addition, Ofsted publishes guidance on its interpretation of the Early Years Foundation Stage and accompanying regulations as follows:

- *Registration not required*¹⁷
- *Childminding between friends*¹⁸
- *Childcare on domestic premises*¹⁹
- *Requirements for risk assessments*²⁰
- *Giving medication to children in registered childcare*²¹
- *Regulating play-based provision*²²
- *Prompt points for monitoring enforcement action*²³
- *The requirements of the Early Years Register*²⁴
- *Registering school-based provision*²⁵
- *Registration and inspection of providers who hold exemptions from the learning and development requirements*²⁶

¹⁴ *The compliance, investigation and enforcement handbook: childminding and childcare*, Ofsted, 2012; www.ofsted.gov.uk/resources/cie_handbook.

¹⁵ *Evaluating early years provision in settings providing childcare on domestic premises*, Ofsted, 2010; www.ofsted.gov.uk/resources/080165.

¹⁶ *Criminal Records Bureau (CRB) checks for those providers who register with Ofsted*, Ofsted, 2012; www.ofsted.gov.uk/resources/090103.

¹⁷ *Registration not required*, Ofsted, 2012; www.ofsted.gov.uk/resources/080134.

¹⁸ *Childminding between friends*, Ofsted, 2012; www.ofsted.gov.uk/resources/100108.

¹⁹ *Childcare on domestic premises (080142)*, Ofsted, 2012; www.ofsted.gov.uk/resources/080142.

²⁰ *Requirements for risk assessments*, Ofsted, 2012; www.ofsted.gov.uk/resources/100155.

²¹ *Giving medication to children in registered childcare*, Ofsted, 2010; www.ofsted.gov.uk/resources/080290.

²² *Regulating play-based provision*, Ofsted, 2011; www.ofsted.gov.uk/resources/090271.

²³ *Prompt points for monitoring enforcement action*, Ofsted, 2012; www.ofsted.gov.uk/resources/120283.

²⁴ *The requirements of the Early Years Register*, Ofsted, 2012; www.ofsted.gov.uk/resources/080162.

²⁵ *Registering school-based provision*, Ofsted, 2012; www.ofsted.gov.uk/resources/080291.

²⁶ *Registration and inspection of providers who hold exemptions from the learning and development requirements (080144)*, Ofsted, 2012; www.ofsted.gov.uk/publications/080144.

- *Information for parents about Ofsted's role in regulating childcare*²⁷
- *Requirements for the Childcare Register: childminders and home childcarers*²⁸
- *Triggers for inspections of those on the Early Years and Childcare Registers*²⁹
- *The numbers and ages of children that providers on the Early Years and Childcare Registers may care for*³⁰
- *Resigning and cancelling registration from the Early Years and Childcare Registers*³¹
- *Committee-run registered childcare provision*³²
- *Requirements for written documents: childminders delivering the Early Years Foundation Stage*³³
- *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*³⁴
- *The process and guidance for inspecting childminders and childcare settings with no children on roll or no children present at the time of the inspection*³⁵
- *The next steps: when a provider is judged inadequate or is not complying with requirements*³⁶
- *Delivery of the Early Years Foundation Stage in out-of-school provision*³⁷

²⁷ *Information for parents about Ofsted's role in regulating childcare*, Ofsted, 2012;

²⁸ *Requirements for the Childcare Register: childminders and home childcarers*, Ofsted, 2010; www.ofsted.gov.uk/resources/080161.

²⁹ *Triggers for inspections of those on the Early Years and Childcare Registers*, Ofsted, 2009; www.ofsted.gov.uk/resources/080179.

³⁰ *The numbers and ages of children that providers on the Early Years and Childcare Registers may care for*, Ofsted, 2012; www.ofsted.gov.uk/resources/120117.

³¹ *Resigning and cancelling registration from the Early Years and Childcare Registers*, Ofsted, 2010; www.ofsted.gov.uk/resources/100118.

³² *Committee-run registered childcare provision (090003)*, Ofsted, 2012; www.ofsted.gov.uk/resources/090003.

³³ *Requirements for written documents: childminders delivering the Early Years Foundation Stage*, Ofsted, 2010; www.ofsted.gov.uk/resources/080294.

³⁴ *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2010; www.ofsted.gov.uk/resources/080143.

³⁵ *The process and guidance for inspecting childminders and childcare settings with no children on roll or no children present at the time of the inspection*, Ofsted, 2012; www.ofsted.gov.uk/resources/080173.

³⁶ *The next steps: when a provider is judged inadequate or is not complying with requirements*, Ofsted, 2010; www.ofsted.gov.uk/resources/120233.

³⁷ *Delivery of the Early Years Foundation Stage in out-of-school provision*, Ofsted, 2011; www.ofsted.gov.uk/resources/080285.

- *Inspecting early years provision made before or after school or during school holidays.*³⁸

Introduction

1. Registration allows an individual or an organisation to provide care for children. It is Ofsted's responsibility to ensure that only those who are suitable and ready to provide childcare are registered. If we have concerns about an applicant's suitability, we will not grant registration unless those concerns have been followed up and resolved to our satisfaction.
2. We must record an audit trail of the checks we carry out and the decisions we make so that we know decisions are taken at the right level. We have decision-makers for all stages of the process, which is set out in Annex A.
3. Inspectors must adhere to the Code of Conduct set out in the *Framework for the regulation of provision on the Early Years Register* when carrying out any registration visit.³⁹
4. All those involved in registration must also comply with Ofsted's information assurance policy in handling information related to applicants and others associated with an application.

Types of childcare

5. Anyone who wants to provide childminding or childcare on domestic or non-domestic premises for children under the age of eight must register with us unless they are exempt from doing so. Some other providers of childcare, for example those who care for older children and those who are exempt from compulsory registration, may choose to register with us on a voluntary basis.
6. The types of childcare are defined at the beginning of this guidance and are:
 - childminding
 - childcare on domestic premises
 - childcare on non-domestic premises
 - home childcarer.

The registers

7. Childminders and childcare providers may be registered on either the Childcare Register or the Early Years Register or both registers. Home childcarers may

³⁸ *Inspecting early years provision made before or after school or during school holidays*, Ofsted, 2010; www.ofsted.gov.uk/resources/080167.

³⁹ *Framework for the regulation of provision on the Early Years Register*, Ofsted, 2012; www.ofsted.gov.uk/resources/120288.

only register on the voluntary part of the Childcare Register. There is more information about the registers in the definitions at the front of this guidance.

Providers not required to register

8. Some providers do not have to register with us. A list of these is set out in our factsheet *Registration not required*.⁴⁰

Academies, maintained and independent schools

9. An academy or school that provides education or care for children aged three and over, where at least one child using that part of the childcare provision is a pupil of the school, cannot register their early years or childcare provision. Children who are three during the term they start at school (known as rising threes) may count as three for the purpose of deciding whether registration is required.
10. Our factsheet *Registering school-based provision* includes information and scenarios to help you decide whether registration is required.⁴¹

People disqualified from providing registered childcare

11. Some people are not allowed to provide registered childcare because they are disqualified from working with children.⁴² Some people may be able to apply to Ofsted to waive their disqualification. Further details on the reasons for disqualification, and who can apply to us to waive disqualification, are set out in our factsheet *Applying to waive disqualification*.⁴³

Part 1. Applications and checks – guidance for both registers

12. This part should be read in conjunction with the following guidance.
 - *Registration not required*
 - *Guide to registration on the Childcare Register*
 - *Guide to registration on the Early Years Register: childminders*
 - *Guide to registration on the Early Years Register: childcare providers on domestic and non-domestic premises.*

⁴⁰ *Registration not required*, Ofsted, 2012; www.ofsted.gov.uk/resources/080134.

⁴¹ *Registering school-based provision*, Ofsted, 2012; www.ofsted.gov.uk/resources/080291.

⁴² A full list of all the circumstances that disqualify people from working with children is available in The Childcare (Disqualification) Regulations 2007;

www.legislation.gov.uk/uksi/2007/723/contents/made and The Childcare (Disqualification) (Amendment) Regulations 2008; www.legislation.gov.uk/uksi/2008/1740/contents/made.

⁴³ *Applying to waive disqualification*, Ofsted, 2012; www.ofsted.gov.uk/resources/080054.

Information for applicants and application packs

13. We refer all prospective applicants for the **Early Years Register** to their local authority for information and advice about pre-registration briefing sessions, training and any other aspect of advice and support that the local authority makes available. There are three ways in which applicants to the Early Years Register can make their application:

- online, using a secure online facility via our website (the preferred method)
- downloading application forms from our website for completion and return
- telephoning Ofsted for help if they are unable to access forms through either route.

The local authority may also support applicants in making applications, including providing information on how to apply.

14. We expect potential applicants to read all relevant information carefully before deciding whether or not to make an application. In particular, we expect them to know and fully understand the requirements set out in the *Statutory Framework for the Early Years Foundation Stage*, including both the safeguarding and welfare and the learning and development requirements. All applicants must be able to demonstrate that they understand and can meet these requirements before we will register them.

15. Childminder applicants wishing to provide care for children in the early years age group are expected to attend a pre-registration briefing session arranged by the local authority. At these sessions, the local authority will explain the registration process and answer any questions. The sessions may also cover information for applicants who also wish to join the Childcare Register. Local authorities will provide information and advice about becoming a childminder, and the training they must do before we will register them.

16. Not all local authorities provide pre-registration briefing sessions for potential early years childcare providers. Where these are not provided, information about becoming a childcare provider and the training opportunities available will still be available to potential applicants from their local authority. The functions and duties of local authorities are set out in the Childcare Act 2006, Part 1.⁴⁴

17. Those applicants who only wish to register on the **Childcare Register** may also apply through one of the three routes outlined above, and go to their local authority for advice, training and support.

18. Applicants should be familiar with and be able to meet the requirements for registration on the Childcare Register. These are available in the factsheets on

⁴⁴ The Childcare Act 2006 is available at: www.legislation.gov.uk/ukpga/2006/21/contents.

*Requirements for the Childcare Register.*⁴⁵ There is more information for applicants in the *Guide to registration on the Childcare Register.*⁴⁶

Applications

19. Applicants may be individuals (childminders, home childcarers or sole providers of group childcare) or organisations. Where applicants are organisations we distinguish between those whose main purpose is to provide childcare and those whose main purpose is something else but that may wish to provide childcare, for example a manufacturing company that wishes to provide a nursery for the children of its workers.
20. It is easy to establish the registered person for childminding and for childcare provision where a single individual makes an application. For organisations it can be much more complex to establish that an application is made correctly and we register the correct legal entity. There is more information about this in Annex B and the guides to registration.
21. Applicants for **childminding** only need to make one application regardless of the number of domestic premises they work from. The definition of domestic premises is given at the front of this guidance. Childminders who work together (often known as co-childminders) must each make a separate application. Childminders who use assistants may only leave assistants alone with children for up to two hours a day with parental permission. If they wish to leave children alone with assistants for longer periods, the assistants must register as childminders in their own right.
22. Applicants for **childcare on domestic premises** may apply as individuals or as an organisation. They must make a separate application and hold a separate registration for each set of domestic premises where the childcare is to be provided. Please refer to the section 'applying for registration' in the *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises*⁴⁷, pages 17-19, for further information on the registered person.
23. Those applying for this type of registration must meet the requirements for this type of care at all times – not the requirements for childminding. This includes meeting the qualification requirements for group care and appointing a manager before registration is granted.

⁴⁵ *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2012; www.ofsted.gov.uk/resources/080143; and *Requirements for the Childcare Register: childminders and home childcarers*, Ofsted, 2012; www.ofsted.gov.uk/resources/080161.

⁴⁶ *Guide to registration on the Childcare Register*, Ofsted, 2012; www.ofsted.gov.uk/resources/120084.

⁴⁷ *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises*, Ofsted, 2012; www.ofsted.gov.uk/resources/120083.

24. If someone is registered to provide childcare on domestic premises we will allow them to keep this registration for all the times they provide childcare, even if on some days there may be fewer than four people working together. If any person providing childcare on domestic premises decides instead to hold a registration as childminder for any days they operate with fewer than four people on the same premises they may do so. They must apply again to register as a childminder. These people must pay two fees and have separate inspections and inspection reports. We will try to complete the two inspections at the same time. They cannot act as a childminder and childcarer on domestic premises on the same premises at the same time.
25. For more information on childcare on domestic premises, please refer to *Evaluating early years provision in settings providing childcare on domestic premises*.⁴⁸
26. Applicants for **childcare on non-domestic premises** may apply either as an individual or as an organisation. They must make a separate application and hold a separate registration for each of the premises where the childcare is to be provided. Please refer to the section 'applying for registration' in the *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises*, pages 17-19, for further information on the registered person.⁴⁹
27. Applicants for **home childcare** may only apply to the voluntary part of the Childcare Register. They work in the households of the children they care for and must make an application themselves. The parents of the children the home childcarer cares for cannot make the application on their behalf. Home childcarers need only apply once even if they work in a number of different households.
28. Applicants for childminding may apply to be home childcarers on the same application and for the same fee.
29. A person who wishes to register as a childminder or childcare provider on the Early Years Register and/or the Childcare Register must apply to us, giving all the information requested. It is an offence to knowingly make a false or misleading statement in an application.
30. An application is not complete until:
 - we receive the relevant and complete application form
 - the applicant and all others associated with the application have submitted a completed Criminal Records Bureau disclosure application form

⁴⁸ *Evaluating early years provision in settings providing childcare on domestic premises*, Ofsted, 2012; www.ofsted.gov.uk/resources/080165.

⁴⁹ See note 50.

- the applicant pays the application fee⁵⁰
 - for childminder applicants, the applicant has completed a local authority approved training course which helps them understand and implement the Early Years Foundation Stage and has completed local authority approved paediatric first-aid training , or has given Ofsted dates on which they will undertake both these types of training.
31. We cannot refund the application fee if the applicant subsequently withdraws their application, we refuse to grant registration, or if the applicant makes an application and they are disqualified from providing childcare.
 32. Where the applicant is an organisation, the organisation must nominate a person (the 'nominated person') to represent it in its dealings with Ofsted. This person's role within the organisation will depend on the type of organisation they represent. For example, a committee must nominate a committee member to be the nominated person, a company whose prime purpose is childcare will nominate a director and a partnership will nominate a partner. Very large childcare organisations may nominate an employee where the employee has delegated and clearly identifiable responsibilities for the provision of childcare within the organisation.
 33. 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 and this person may be an employee.

Applications for registration on more than one register

34. People applying to register on the Early Years Register may choose to be placed on both parts of the Childcare Register at the same time and pay only one application fee – that for the Early Years Register. They may choose to do so at application or at any time after registration on the Early Years Register is granted. They must join the compulsory part of the Childcare Register if they wish to look after children from the 1 September following their fifth birthday up to the age of eight.
35. People applying to register on the compulsory part of the Childcare Register may also choose to join the voluntary part of the register at the same time and pay a single application fee. They may choose to do so at application or any time after registration on the compulsory part of the register is granted.
36. A person who is registered only on the Childcare Register cannot choose to join the Early Years Register without making a separate application and paying a separate application fee. This is because we operate a more stringent

⁵⁰ See sections 35; 36; 54; 55; 62; and 63 of the Childcare Act 2006; www.legislation.gov.uk/ukpga/2006/21/contents.

registration system including additional checks and a registration visit for those looking after the youngest children.

37. Providers who are only on the voluntary part of the Childcare Register, and who wish to join the compulsory part of the Childcare Register, do not need to make a fresh application to join the compulsory part of the Childcare Register. However, they will need to confirm that they will meet the extra requirements of the compulsory part of the Childcare Register.

Who we check

38. We carry out a number of checks on the applicant and other people associated with the registration according to the position they hold and the register they are applying for as set out in the table below. These checks contribute towards our decision as to whether applicants are suitable for registration. When we decide that an individual applicant or organisation is suitable we will register them. Otherwise, we will refuse registration.
39. The provider is responsible for checking other staff on non-domestic premises, including the manager.
40. For childcare on domestic premises we check all those living or working in the household or working directly with children other than the manager. The law does not allow us to check managers of this type of provision, unless the manager makes up part of the registered person. In the very rare circumstances where this type of provider employs a separate manager, the National Business Unit must contact them after they have made the application to explain why we cannot check the manager and what they must do to obtain the check themselves.
41. In the table below, the term 'provider' means an individual applicant and the term 'registered individual' means a person who is part of the registered person. These terms are used on the Regulatory Support Application (RSA).

| Provision type | Register | Who's checked? | Register | Who's checked? |
|--------------------|---|---|------------------------------------|---|
| Childminder | Early Years Register (EYR)/Childcare Register (CCR) | Provider | Voluntary Childcare Register (VCR) | Provider |
| Childminder | EYR/CCR | Every person aged 16 and over living on premises | VCR | Every person aged 16 and over living on premises |
| Childminder | EYR/CCR | Every person aged 16 and over working on the premises | VCR | Every person aged 16 and over working on the premises |
| Childminder | EYR/CCR | Assistant/co-childminder | VCR | Assistant/co-childminder |

| | | | | |
|---|---------|---|-------|---|
| Childcare on domestic premises | EYR/CCR | Provider | VCR * | Provider |
| Childcare on domestic premises | EYR/CCR | Every person aged 16 and over living on premises | VCR* | Every person aged 16 and over living on premises |
| Childcare on domestic premises | EYR/CCR | Every person aged 16 and over working on the premises | VCR * | Every person aged 16 and over working on the premises |
| Childcare on domestic premises | EYR/CCR | Assistant | VCR* | Assistant |
| Childcare on domestic premises | EYR/CCR | Nominated person | VCR* | Nominated person |
| Childcare on domestic premises | EYR/CCR | Registered individual | VCR* | Registered individual |
| Childcare on non-domestic premises | EYR/CCR | Provider | VCR* | Provider |
| Childcare on non-domestic premises | EYR/CCR | Nominated person | VCR* | Nominated person |
| Childcare on non-domestic premises | EYR/CCR | Registered individual | | |
| Home childcarers | | | VCR | Provider |

42. In most cases the cost of the check with the Criminal Records Bureau is subsidised by the Government. The applicant or individual being checked must pay the fee for the Criminal Records Bureau check where marked '*'.
43. Please see Part 3 of this handbook for additional information on checks made in connection with applications for the **Early Year Register**.

The checks we carry out

44. All applicants for registration on both registers and the other people we check, as set out in the table above, must give consent for Ofsted to use information from the application and checks with other organisations to decide on their suitability, using the declaration and consent form (EY2). As part of the checking process, Ofsted sends applicants and other individuals an identity verification form (IVR) which allows us to verify the identity of all those associated with the application who it is required to check. This identity verification process forms part of the application for a Criminal Records Bureau check. We will send the applicant the relevant forms, on receipt of the childcare application, including guidance for completion. The applicant should return both the completed identity verification form and Criminal Records Bureau application, known as a disclosure application form (DAF), to Ofsted. We will check they have been completed correctly, countersign them and forward them to the Criminal Records Bureau on the applicant's behalf.

45. For everyone who applies to register on either register we carry out a series of checks on individuals connected with the registration, or require employers to do so. We carry out a check with the Criminal Records Bureau against police records for each person we are required to check who has given consent on the application form, or a separate declaration and consent form (EY2). The purpose of these checks is to determine whether the individual we are checking:
- has a criminal conviction or caution that will disqualify them from registering as a childcare provider
 - is barred from working with children, because they are on the list held by the Independent Safeguarding Authority
 - has any other convictions, cautions, reprimands or warnings that would give rise to a cause for concern about them working with children.
46. We always carry out a Criminal Records Bureau check unless the person concerned can demonstrate proof of an enhanced Criminal Records Bureau disclosure that is less than three years old and that was carried out through Ofsted. We do not accept an existing enhanced disclosure that was obtained by another organisation, even if it is less than three years old.⁵¹ For example, if an applicant has a Criminal Records Bureau check dated within the last three years, but the check was requested by a local authority rather than Ofsted, we will not accept this as a valid Criminal Records Bureau check and will carry out another check on the applicant.
47. In some cases, the Criminal Records Bureau requires further checks to be carried out to verify an applicant's identity. In these circumstances the applicant is invited to attend their local police station where fingerprints will be taken, together with a photograph. The Criminal Records Bureau sends Ofsted a copy of the photograph and asks us to ensure it represents a true likeness of the individual. This is achieved via a face-to-face interview by an inspector. The National Business Unit will contact the inspection service provider to arrange for an inspector to carry out the additional identification verification and submit evidence back to confirm their findings.
48. We must carry out a 'known to Ofsted' check in respect of every individual who is associated with the application. This will enable us to identify whether someone was previously known to Ofsted in some capacity associated with the provision of childcare. To carry out this check, the National Business Unit will check the individual's details against the Regulatory Support Application to see if there are any previous records held by Ofsted. The National Business Unit should ensure that the search parameters they put into the 'search individual' facility in the Regulatory Support Application are broad enough to identify

⁵¹ *Criminal Records Bureau (CRB) checks for those providers who register with Ofsted*, Ofsted, 2012; www.ofsted.gov.uk/resources/090103.

individuals known to Ofsted. For example, the person's name and date of birth may be the same but they may be living at a different address to the one we have listed from their previous association.

49. Where the National Business Unit identifies the person as 'known to Ofsted', they should review their previous association/s with childcare and identify whether there were any previous causes for concern. This may include looking at any comments, notes or compliance, investigation and enforcement cases recorded on the Regulatory Support Application against the individual concerned. Where the person undertaking this check in the National Business Unit believes there may have been a previous cause for concern, they must bring this to the attention of the regulatory decision-maker, who may in turn seek further advice from the compliance, investigation and enforcement team.
50. In carrying out the range of checks – including the 'known to Ofsted' check – it may become clear that the person is disqualified from providing childcare, for example because their previous registration with Ofsted was cancelled or a previous application to register was refused. In such cases, we must advise them that they are disqualified from registration and we cannot consider their application to register until they make an application for a waiver of their disqualification and the waiver is granted. This does not constitute a 'decision' on the application, and therefore there is no need to send a notice of intention or a notice of decision to refuse the application at this stage. If the applicant subsequently makes an application for a waiver and this is granted, we can begin to consider again their application to register. If after 10 working days the applicant does not apply for a waiver, then we should write to them again to remind them that their application cannot proceed unless we grant a waiver. If there is no reply after a further 10 working days, we must refuse their application by sending a notice of intention/notice of decision, with the reason for the refusal being their disqualification.
51. Where an applicant has lived outside the United Kingdom in the past five years, we usually require additional checks such as a certificate of good conduct. The purpose of these checks is to ascertain whether there were any causes for concern raised about them in the other country or countries in which they lived. The certificate of good conduct also helps us to verify any gaps in employment history, and acts as a substitute for the part of their recent history that will not be covered by their Criminal Records Bureau check. Paragraphs 83 and 84, on applicants who have lived abroad in the past five years, give more information.
52. We carry out a check with the local authority children's services department to see if the applicant or others connected with the registration are known to them in connection with care orders or other information that might bring into doubt their suitability to work or be in regular contact with children. These checks also enable us to determine whether a person is disqualified from registration, as certain care orders can disqualify a person and such orders do not show up on a Criminal Records Bureau check.

53. For applicants to the **Early Years Register** we also carry out a health check on certain people applying to register with us, or associated with an application. This is to identify whether there are any causes for concern about their health that might affect their suitability to look after, or be in contact with, children. We routinely check the following people:
- all applicants for registration as a childminder
 - all childcare applicants who intend to work directly with children as part of the staff ratio.
54. We may also carry out a health check on a childminder assistant or a staff member on domestic premises if we have concerns about his or her health.
55. To carry out this check, we ask people to complete a health declaration booklet to record full details of any health issues, and ask their GP to complete a separate section of the health declaration booklet. We may ask those applying to the Childcare Register to complete a health declaration booklet where we receive information that suggests concerns about their mental or physical suitability to care for children. The law says that Ofsted must determine that every person applying to the register is suitable.⁵² Information about a person's health helps us to make a fair and proportionate judgement about their suitability.
56. For applicants to the **Early Years Register** who have lived or worked on a United Kingdom military base overseas, we have arrangements in place to check their details with organisations accredited by the Ministry of Defence (MoD) to deliver the regulation and inspection of childminders and childcare providers. The British Forces Early Years Service (BFEYS) is the MoD-accredited body responsible for regulating and inspecting childminders and childcare providers within the geographical area of Western Europe. The Soldiers, Sailors, Airmen and Families Association Forces Help (SSAFA FH) is the MoD-accredited body responsible for regulating and inspecting other overseas commands. Ofsted has a protocol with the MoD setting out the arrangements for conducting these checks. This includes a flowchart describing how the application process works, and a form that the National Business Unit can use to make the necessary enquiries about the applicant with the BFEYS and the SSAFA FH. Our protocols with the MoD and other organisations can be found on our website.⁵³

⁵² The Childcare (General Childcare Register) Regulations 2008; www.legislation.gov.uk/uksi/2008/975/contents/made as amended by the Childcare (General Childcare Register) (Amendment) Regulations 2012; www.legislation.gov.uk/uksi/2012/1699/contents/made.

⁵³ Protocols between Ofsted and other organisations in relation to childcare (20100023), Ofsted, 2011; www.ofsted.gov.uk/resources/20100023.

57. We may carry out other checks if we judge it necessary in order to determine whether a person is suitable.
58. For childcare provision on non-domestic premises, the registered person is responsible for carrying out checks on their staff including the manager.
59. For childcare provision on domestic premises, the registered person is responsible for carrying out checks on the manager but not on other staff or those living or working on the childcare premises.
60. For childminder applicants, we also check that the applicant has completed their local authority approved training course and a paediatric first aid course.
61. For childcare on domestic and non-domestic premises, we check there is a manager in post before registration is granted.

Application process

62. The National Business Unit:

- scans all paper-based application forms and original checks to Meridio⁵⁴, and retains this scanned record until the registration decision is made, in line with Ofsted's file retention schedule
- reviews the application to make sure it has been completed correctly and is for the right register(s)
- makes sure that we have declaration and consent forms for everyone connected with the registration
- requests and records the outcome of checks
- makes sure the inspector has any relevant information arising from the checks or application form
- reviews the information on the application form and all the checks, and the inspector's recommendation from the registration visit, before making the registration decision, using the decision-making table at Annex A – if registration is refused, depending on the circumstances of the refusal, the National Business Unit may refer the case to the compliance, investigation and enforcement team.

Making individual suitability decisions

63. Individual suitability decisions form part of the overall registration decision. For those applying to the Childcare Register, we ask them to confirm they will meet requirements as part of their application. For those applying to the Early Years Register they must provide evidence of their suitability to be registered in relation to their understanding of the requirements of the Early Years Foundation Stage, as well as being suitable to work unsupervised with children.

⁵⁴ Meridio is an Electronic Document and Records Management System

It is possible for an applicant to have no concerns arising from checks but to fail to demonstrate an understanding of the requirements of the Early Years Foundation Stage at the registration visit and for registration to be refused.

64. A decision about the suitability of each relevant individual is made taking into account information from the range of checks completed on that person (Criminal Records Bureau checks, children's services department checks and health information and references where required).
65. Where there is no information about an individual on a check (that is, the check is clear), the National Business Unit administrator makes the suitability decision for that particular check. Where all checks are clear, the National Business Unit administrator also makes the overall suitability decision about the individual.
66. Where there is information on a check, the regulatory decision-maker must:
 - decide whether the information in a check may make the individual suitable/not suitable, or whether we need further information, taking advice from the compliance, investigation and enforcement team and Ofsted's medical advisers where appropriate
 - in the case of a cause for concern on the Criminal Records Bureau check, refer to the scanned copy of the application form to check whether the individual declared the offence or caution – wherever there is non-declaration of an offence, the regulatory decision-maker will need to discuss this with the compliance, investigation and enforcement team as an applicant can be prosecuted for making a false declaration on their application; in addition, it is likely that we will refuse registration in such cases.
67. We must always discuss any negative comments arising from checks and references with the applicant. This can be done by the regulatory decision-maker, by the inspector at the registration visit (based on information given by the National Business Unit prior to the visit being conducted) or by the compliance, investigation and enforcement team. In discussing the information on the check with the applicant, we must take account of the Data Protection Act but our starting point must be to assess fully any information received that raises concerns. Negative references should lead to us treating all other information with caution and therefore they should be analysed very carefully and any issues acted on. When making the recommendation to register and the decision to register, the inspector/regulatory decision-maker should double-check all checks and references to make sure that all information is present and there is nothing we have missed. We **must not** discuss checks about a third party with the applicant until they have been discussed with the individual who is the subject of the check – see paragraphs 104 and 105.
68. Where concerns arise from the normal range of checks, the regulatory decision-maker can request additional checks, in addition to those set out in paragraphs 44 to 56.

69. As a result of receiving any additional information from the inspector who carried out the registration visit, the regulatory decision-maker may want to review the information on the declaration and consent form and decide if any other people connected with the registration should complete a health declaration booklet.
70. Where an individual has a Criminal Records Bureau check that is not dated within the last three years, or it was not completed by Ofsted, or if an individual has had a break in employment for more than three months, we must ask them to apply for a new check. We may also ask for a new check to be completed if the individual has changed roles with increased level of responsibility within an organisation.
71. In all cases where extra checks are required, the regulatory decision-maker may wish to discuss these with the compliance, investigation and enforcement team, giving clear reasons why extra checks are required. The regulatory decision-maker will arrange for the additional checks to be requested by sending the relevant standard letters.
72. The regulatory decision-maker should record an individual suitability decision on each check escalated for a decision by clicking into the link in each check box in the Regulatory Support Application. When the regulatory decision-maker makes the decision, their name, the date the decision is made and the reference number of the registration against which the decision was made is recorded in the Regulatory Support Application. If there is a cause for concern the regulatory decision-maker should summarise the reason for the decision in the Regulatory Support Application (see paragraphs 101 to 114 for more details on how to record suitability decisions). This information will be shown against this individual check for any future application where this individual is named.

Timescale: 95% of cause for concern referrals should have a suitability decision made within 20 working days, of which 80% should have been made within five working days.

73. The National Business Unit will update the Regulatory Support Application when checks are received and will inform the regulatory decision-maker. The regulatory decision-maker must review all the individual checkboxes, including those that appear 'white'. Checks appear white when they are required but have not been requested. If the check is not required the status should be updated as such.
74. When the regulatory decision-maker has made the overall suitability decision for an individual in the 'Individual checks' screen, they will make arrangements for the suitability letter to be sent.
75. In the case of the applicant, the overall suitability decision must take into account the information obtained from the registration visit. The inspector, taking all things into consideration, will make a recommendation about

registration. This recommendation is based on the information received from checks; the applicant's ability to evidence their knowledge and understanding of the Early Years Foundation Stage and all its requirements that relate to their provision; and the outcome of any other issues of concern raised during the registration visit. Where the decision is that an individual is unsuitable or is suitable having resolved any concerns (such as missing checks or checks with concerns), the regulatory decision-maker makes the final registration decision, which is then signed off by the compliance, investigation and enforcement senior officer. The senior officer will arrange for a full review of the registration process before signing off the decision. The review should also include a recommendation as to whether the first inspection should be earlier than seven months.

Updating the Regulatory Support Application

76. It is important that we keep an accurate record of the checks we carry out, including the date we request checks, the date we receive information from the individual or organisation we requested the information from and the outcome of the check. The National Business Unit is responsible for processing and recording information from checks on the Regulatory Support Application; and in making decisions on suitability other than where the application has been passed to the compliance, investigation and enforcement team for review. The National Business Unit holds detailed desk instructions for how to record information on checks on the Regulatory Support Application.

Note: The Childcare (Early Years Register) Regulations 2008⁵⁵ Schedules 2, 8, 11 and 12 (a) and (b) as amended place a duty on the registered person of childcare on non-domestic premises to have systems in place to undertake background checks and make suitability decisions for childcare staff and those living or working on childcare premises.

People unable to complete the declaration and consent form (CR2 or EY2)

77. In some circumstances, an individual who we need to check may not be able to complete the declaration and consent form (CR2 or EY2) that gives their consent for Ofsted to carry out the necessary checks. The circumstances in which this may happen include where a member of a household has a severe mental or physical disability that means they are unable physically to sign the form.
78. In such cases, we can accept a signature on the form from a person who has 'power of attorney' to act on behalf of the person who is the subject of the

⁵⁵ The Childcare (Early Years Register) Regulations 2008; www.legislation.gov.uk/uksi/2008/974/contents/made and amended 2012 regulations; <http://www.legislation.gov.uk/uksi/2012/939/contents/made>.

checks. Where this happens, we need to see documentary evidence that the person who has signed the form has power of attorney to act on behalf of the person who is the subject of the check. The regulatory decision-maker in the National Business Unit will decide whether this can be permitted and will note the details on the Regulatory Support Application.

79. In some cases, it may not be possible for the person who is the subject of the checks to give someone else power of attorney. These include circumstances in which the individual is not mentally able to give another person power of attorney, because they are not judged to be mentally competent enough to understand the nature of the power they are delegating. In these circumstances, Part VII of the Mental Health Act 1983, amended in 1991, sets out that the Court of Protection can appoint a person to deal with the management of affairs and property of a person who is judged to be incapable of managing their own affairs by reason of mental disorder. In these cases, the office of the Supreme Court will issue an Order permitting an appointed person to act on behalf of the individual. There would have to be an appointed person to sign forms on behalf of the person who is the subject of the checks.
80. There will be cases where no power of attorney, or Supreme Court Order, is in place. In these cases, the regulatory decision-maker must consider on a 'case by case' basis whether or not to accept the person's signature on behalf of the person who is the subject of the checks, taking into account all the individual circumstances of the case. However, although we may decide to accept another person's signature on the declaration and consent form, we are not able to make such a decision on behalf of the agencies with whom we check. The Criminal Records Bureau has indicated that it will accept a disclosure application form signed by someone else as long as there is a covering letter to explain that the person cannot complete and sign the form themselves.
81. Where other organisations with which we carry out checks are unwilling to accept another person's signature on an application form, the regulatory decision-maker must decide whether, in the circumstances, we are content not to carry out the check on that person. When making this decision, we need to take into account factors such as: whether the person who is the subject of the checks has, or is likely to have, unsupervised contact with children; the likely risk to children from that person, taking into account the nature and severity of their disability; and the arrangements that the applicant, childminder or childcare provider has put in place to ensure children are never left in unsupervised contact with the unchecked person.
82. Where we decide not to carry out a check in these circumstances, we must record the details of who took the decision and the reasons for that decision. In such circumstances, the National Business Unit may wish to ask the inspector to pursue the matter as part of the registration visit, to see whether there is any other information available about the individual concerned. We must also ensure that we carry the information forward to the next inspection, so that it

can include an evaluation of whether the arrangements for supervising the unchecked person are adequate.

Applicants who have lived abroad

83. If the applicant or any other person connected with the application has lived abroad in the past five years they are asked to tell us the countries they have lived in on the application form or declaration and consent form. The Criminal Records Bureau has reciprocal arrangements with some countries that allow it to check on the criminal history of those who have lived there.
84. Where there is no such arrangement, we 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 require depend on the person's history and what they can supply to demonstrate their suitability. We should be mindful of the level of evidence required by people who are resident here to demonstrate suitability and strive to gain a similar amount of evidence from those who have lived abroad. The regulatory decision-maker should advise on the type of evidence required, and make all registration decisions regarding applicants from abroad. This is because of the extra surety we need where someone does not have a full history in this country.

Certificates of good conduct

85. A certificate of good conduct is the most common form of evidence we require where people have lived abroad. This should be obtained from the embassy, in the United Kingdom, of the country in which they have lived, accompanied where necessary by a certified translation into English. For example, if the person has lived in India then the certificate of good conduct will be obtained from the Indian embassy in the United Kingdom. We need a certificate of good conduct from the embassy of every country in which the person has resided.
86. It is not appropriate to require such a certificate where:
- a person is a refugee
 - a person is a UK resident who has been working or travelling abroad, for example on a gap year
 - a person has travelled extensively and has not remained in any country for sufficient time to establish a history.
87. Where we cannot obtain a certificate, we must consider what other information is available. These might include:
- a reference from someone of standing in the country in which they lived, such as a doctor or lawyer
 - employer references, particularly those relating to childcare
 - evidence to support any work permit.

Making the decision

88. Where we are not able to obtain a certificate of good conduct, the regulatory decision-maker must consider all of the information available prior to making a decision. If there is sufficient information available, the regulatory decision-maker may decide to grant registration, although we need to ensure that we have received all other relevant information, such as Criminal Records Bureau checks. In making the decision we should consider how long a person has been in this country; a few years may be a sufficient record, but a few months is unlikely to give sufficient background information to make a suitability decision.
89. If the regulatory decision-maker does not think we have sufficient information relating to the applicant we should ask the applicant for any other information to support their application. If none is forthcoming we should ask them if they wish to withdraw; if they do not, we should consider refusing registration, as they are unable to demonstrate their suitability. Refusal will mean the applicant is disqualified from applying in future, although we would be likely to waive disqualification if it is on these grounds alone. We should make it clear to applicants who are withdrawing that we may be able to grant registration once they have established a history of living in this country. Normally we would require applicants to reside here for at least 12 months before reconsidering any application and longer in some circumstances (for example where there are no employer references).
90. If we receive a certificate of good conduct after granting registration we must treat this in the same way as we do any other information we receive in relation to a person's continued suitability.

Applicants who are currently living abroad

91. Under the European Union (EU) Services Directive, applicants from other EU countries are entitled to apply to register with Ofsted before leaving their home country. We make our application forms for registration available on our website so that such applicants can apply online from their home country. In the case of childcare providers other than childminders, it may be that one or more of the people who make up the registered person live abroad, even though the organisation running the childcare is established in England.
92. Under the EU Services Directive, we are not required to set aside our normal registration processes, including carrying out relevant checks and conducting registration and suitable person interviews. Therefore, we should initiate whatever checks are possible whilst the person is still abroad, but we do not need to complete the registration process until the person is in the United Kingdom. We must follow our normal registration process as far as possible, including delaying some checks until the individual is in the country, if that is necessary.

93. In the case of individuals living abroad, we should ask them to fill in the relevant declaration and consent forms (DC2) as normal; this will reveal whether or not they have lived in the United Kingdom at some point. Where an individual has lived in the United Kingdom we can initiate our normal range of checks against the individual's last known address; this includes Criminal Records Bureau and local authority checks, and taking up references. We should also identify from the declaration and consent form any unexplained gaps in their work history which are not accounted for by their stated period abroad. Where necessary, we should seek further information from the individual about these gaps in their history. In addition, we can ask the individual for further evidence to support their application, for example confirmation of the individual's criminal record from the police force in their home country where there are no reciprocal arrangements in place with the Criminal Records Bureau.
94. We need to get as much information as we can and make a suitability decision on the basis of the information we are able to obtain. If we cannot get sufficient information to determine the individual's suitability, then we must find them unsuitable, using the normal process and letters for this purpose.

Right to work in the United Kingdom

95. The registration process does not include asking applicants about their entitlement to work in the United Kingdom. We should **not** routinely ask applicants whether they have permission to work in the United Kingdom or seek to give advice or guidance on this matter.
96. However, if in the course of checking the applicant's identification documents we see evidence that suggests the person may not be entitled to work in this country, we must not ignore it. We should ask the person to confirm that they now have the right to work here, for example through a letter from the immigration authorities. If they cannot provide any such evidence, we should consider refusal to register.
97. The regulatory decision-maker must consider the information we hold on a case-by-case basis, for example taking into account whether the applicant is in the process of applying for permission to work in the United Kingdom. Where the regulatory decision-maker is considering refusing registration and the only reason for refusal is that the person does not have the right to work in the United Kingdom, the regulatory decision-maker should refer the case to the compliance, investigation and enforcement team who will decide whether to seek further legal advice. This is to ensure that our decisions are based on the prescribed requirements for registration and kept clearly within Ofsted's legal powers.
98. If we have any concerns regarding an applicant's identification documents in relation to their right to work in the United Kingdom, we should advise the

applicant to contact the United Kingdom Border Agency for further advice. The contact details are:

The United Kingdom Border Agency
Lunar House
40 Wellesley Road
Croydon
Surrey
CR9 2BY

Telephone: 0870 606 7766
Email: UKBApublicenquiries@ukba.gsi.gov.uk
Website: www.bia.homeoffice.gov.uk

Concerns relating to Criminal Record Bureau checks or information from local authority children's services

99. When coming to a decision about the suitability of an individual where there are offences or other information that give cause for concern, we must consider the:

- seriousness of the offence or other information
- accuracy of the person's self-disclosure on the application form
- nature of the appointment including levels of supervision
- age of the individual at the time of the offence or other information
- length of time that has elapsed since the offence or other information
- relevance of the offence or information to working or being in regular contact with children.

100. Where we have concerns we can seek further help from:

- the Criminal Records Bureau website: www.homeoffice.gov.uk/agencies-public-bodies/crb/
- the Department for Education publication *Child protection: preventing unsuitable people from working with children and young persons in the education service*.⁵⁶

Keeping an audit trail of decisions about someone's suitability

101. We must keep a robust audit trail of the processes we have been through in order to reach a decision on someone's suitability to work or be in regular contact with children. This enables us to demonstrate that we have followed the correct processes and taken appropriate steps to determine an applicant's individual suitability. The principles and approach outlined in this section apply

⁵⁶ <http://dera.ioe.ac.uk/5066/>

to all applications, although we undertake fewer checks on applicants to the Childcare Register than on those who apply to the Early Years Register.

102. This means keeping a proper record of our decision-making, including evidence of who made the decision, what circumstances we took into account and how we evaluated and assessed the evidence. This applies to evidence gathered during the registration process, or at any other time where we have to make a decision on suitability where we have a cause for concern. For example, a Criminal Records Bureau check or other intelligence may reveal an offence or other information that does not automatically disqualify a person from providing childcare or working with children but causes concern about a person's suitability.
103. We must record whether the concern relates to the applicant, or to someone else related to the application (for example, a household member).
104. Where we get information relating to concerns about an 'associate' of an applicant (such as a member of a childminder's household) or about someone who makes up an organisation providing childcare (such as a director or committee member) we must discuss the matter with the individual concerned before we say anything to the applicant. This is so that the individual concerned has a chance to tell us (and take up the matter with the Criminal Records Bureau or other agency) if the information is wrong, or can alert the applicant or registered provider if they do not already know about the issue. This process satisfies data protection requirements, which prevent us from disclosing information to the applicant about a third party. We can make contact with the individual in a telephone call, by letter, or at the registration visit, if we can talk to them separately from the applicant. Where we make such contact, we should record details in the Regulatory Support Application, so that there is a proper audit trail of the issues we have pursued during the registration process.
105. Where the individual concerned does not make contact with us, we must tell the applicant that we hold information that suggests an individual connected with the application is not suitable to work or be in regular contact with children. We can tell the applicant the name of the person but we must not tell them about the information we hold. The applicant must decide whether to proceed with the application or withdraw. If they proceed we need to make it clear that we will not grant registration if the person about whom we have concerns continues to be part of the registration, unless that person gets in touch with us and we decide they are suitable.
106. All staff and outsourced inspectors involved in each stage of the registration process must record evidence and an audit trail to arrive at a decision on someone's suitability. The audit trail on the Regulatory Support Application can only be recorded by Ofsted employees. Where an outsourced inspector receives information during the registration visit they must make sure they record evidence about the nature and source of the information and that this information is brought to the attention of the regulatory decision-maker.

107. A secure audit trail includes listing all events that are relevant to the process of determining an applicant's suitability as they happen or directly afterwards, for example that:
- the National Business Unit or the inspection service provider has referred an application to the compliance, investigation and enforcement team, and when
 - a visit or telephone call was made, by whom, and when
 - the cause for concern was discussed with the applicant or individual concerned, who conducted the interview and when
 - a phone conference took place, between whom and when
 - a case review took place to discuss an application, when it took place and who was present.
108. Inspectors carrying out registration visits must ensure they keep a full record of evidence in relation to both the safeguarding and welfare and the learning and development requirements of the Early Years Foundation Stage when recommending refusal of registration, as we will need a full account of our reasons for refusing registration against these requirements in the case of an appeal hearing.
109. The National Business Unit must record telephone calls and letters relating to checks. Inspectors must record in their evidence any discussions with their helpdesk or with Ofsted about suitability issues or concerns. They must also include in their evidence the full details of any discussion held with the applicant and their associates about checks which the inspector held as part of their registration visit.
110. We must retain the information from checks until any appeal period is over. This information will supplement other evidence such as a record that we have received an application, that we have received checks and that we have made a decision to grant or refuse registration.
111. Please note that we must **not** normally copy anything from Criminal Records Bureau checks other than the number and date of the disclosure. We must not record details of the particular conviction or caution or medical/social services information obtained from third party checks. Where individuals have not declared information on an application form, Criminal Records Bureau form or other check but we find out about these during the registration visit for the Early Years Register, we may record the precise details of such information, but we must not identify the source of the information.
112. We can record information that is disclosed by the applicant or individual him/herself, including information relating to convictions. We must record this in such a way that it is clear that the individual shared this information with us.

113. We need to retain enough information necessary to provide an accurate and relevant record of the basis of the decision to grant or refuse registration and to set out the reasons for refusal of registration in the event of an appeal.
114. The record of the decision should set out the thinking process that was carried out in balancing the risk of harm to children raised by the issue and the other factors that minimise this risk. We therefore need to record the factors we took into account in order to reach a decision and what that decision was, including:
- details of any conviction or other information disclosed by the individual, recording the name of the individual if the regulatory decision-maker or Early Years HMI decides it is necessary
 - details of any offence or information from a third party source, such as a Criminal Records Bureau check, copied exactly as stated on the source, but **without** stating where the information has come from where there is no self-disclosure
 - the seriousness of the offence or information
 - the accuracy of the person's self-disclosure on the application
 - the age of the individual at the time of the offence or information
 - the level of contact of the individual with children
 - the relevance of the offence or subject of the information
 - any mitigating factors taken into account which led us to grant registration, such as the age of the individual now, the length of time that has elapsed since the offence, or that there were no other convictions.

Retention of records

115. The records we make are supplemented by scanned versions of original documents, such as Criminal Records Bureau disclosure forms, that the National Business Unit retains on the Meridio system in accordance with Ofsted's file retention policy. Ofsted's inspection service providers must also ensure they only retain records in line with Ofsted's retention schedule and delete them when the data are no longer required for Ofsted's purposes, as set out in their contracts.
116. We must delete information we hold about the registration process and decision six months after a decision has been made or six months after any appeal period has passed. The principal officer in the compliance, investigation and enforcement team is responsible for any decision to hold this information for longer by setting the flag for retention on the Regulatory Support Application, for example where we had causes for concern.
117. Scanned documents on the Meridio system are automatically retained for one year to cover any appeal period and then destroyed. The only exception to this is Criminal Records Bureau checks where the Criminal Records Bureau requires

us to destroy them six months after receipt. If, exceptionally, we need to refer to a Criminal Records Bureau check in any appeal after this date has passed, the Criminal Records Bureau will provide us, free of charge, with a copy of the check as it was issued.

118. For exceptional cases where there is an investigation by the compliance, investigation and enforcement team which may exceed the one-year retention period of the scanned Meridio documents, the compliance, investigation and enforcement team must request the relevant documents from the National Business Unit and create their own local 'file' which they can manually delete when appropriate.
119. It is the responsibility of the National Business Unit, the compliance, investigation and enforcement team and the inspection service providers to destroy any scanned documents sent to them to help us make suitability decisions once the decision is made.

Choosing to keep information

120. There may be particular circumstances where we want to keep hard copies, scanned or electronic versions of documents that we have taken into account in reaching the decision to register an applicant. It is important to bear in mind that our purpose in obtaining such information was to reach that decision, and that we can only keep documentation following the decision in line with Ofsted's file retention schedule.
121. Where we decide to keep information, we must process that information in line with the Data Protection Act. It is not sufficient to keep it just because it raised a concern. If we have decided that the person is suitable for registration then arguably we have no further use for that information since we have made our decision. We are not permitted under the Data Protection Act to keep information indefinitely, just because it proved useful to us at a point in the past. If we wish to keep information, we must demonstrate and record that we have made a 'positive' decision to retain the information, and we must note the purpose of that decision in the 'retention reason' field on the Regulatory Support Application.
122. Where we retain information in these circumstances, we must regularly review whether or not we still need to retain it. Responsibility for this lies with the Principal Officer in the compliance, investigation and enforcement team.
123. The senior officer who signed off the decision to register following resolved concerns must use the update screen on the Regulatory Support Application to record:
 - the retention reason (from a drop-down menu)
 - any relevant comments, including the date when this retention must be reviewed in the retention comments text box.

124. Where the next inspection is the trigger for review of information retained, the senior officer must also record in the Regulatory Support Application under 'Comments for next inspection' that the retention of this information needs to be reviewed at the time of the inspection so that, at that point, the Principal Officer in the compliance, investigation and enforcement team can decide whether or not we still need to retain it. This is so the inspector carrying out the inspection can consider if it is still relevant and make a recommendation to Ofsted about its continued retention.

Putting an application 'on hold'

125. We aim to register applicants for childminding within 12 weeks and childcare providers within 25 weeks. Sometimes this process is delayed by applicants. We may put an application 'on hold' where there is a delay that is caused by the applicant. This is known as the 'stop the clock' facility on the Regulatory Support Application. We can only use this facility during the registration process; and can only put an application on hold once. Putting an application on hold allows us to stop the clock for a period of time (four weeks, eight weeks, 12 weeks or a maximum of 16 weeks in exceptional circumstances) to allow us to discount such periods from Ofsted's registration target timescales.

126. The regulatory decision-maker must make the decision to continue keeping the application on hold at each review point up to 12 weeks. If, exceptionally, an application is put on hold for 16 weeks, a senior manager in the National Business Unit must agree the decision. After this period an applicant must either continue with their application (which may mean that we must refuse registration) or withdraw their application.

127. There is a set of reasons why an application can be put on hold. The reasons are:

- short-term illness, injury or hospitalisation for surgery
- moving premises (childminding)
- death in the family
- significant building work or planning difficulties
- pregnancy
- personal circumstances: where an applicant informs us that they are unavailable for a visit, for example because they are on holiday, or where they are experiencing personal difficulties such as divorce
- training: they have not been able to complete local authority approved training or first aid because the training course was cancelled
- staffing: because the applicant for childcare on domestic or non-domestic premises has not yet appointed a manager
- disqualification waiver applied for.

128. We must not put an application on hold for any reason other than those set out above. In particular, we must not put an application on hold where the reason relates to the applicant's failure to demonstrate that they can meet the requirements of the register. This includes cases where the application has not yet undertaken required training or obtained relevant certificates, including those relating to first aid requirements. Where an applicant is unable to demonstrate that they will meet the requirements for registration, we should invite them to withdraw their application and reapply when they are able to meet those requirements. If they do not wish to withdraw, then we must make a decision on whether to hold their application open for a short period of additional time to allow them to meet requirements or we must refuse their application.
129. The inspection service provider may request that an application is put on hold when they are unable to arrange a visit for one of the 'on hold' reasons. The regulatory decision-maker will decide if an application is to be put on hold and the reason for this. The National Business Unit will send a letter (EYL 158) to the applicant to explain that there is likely to be a delay to the progress of their application and confirm the reason, and will inform the inspection service provider of the decision.
130. Once an application has been put on hold an 'on hold clock' icon will appear on all Regulatory Support Application screens associated with the registration process.
131. The 'on hold' flag can be removed at any time. The regulatory decision-maker must arrange for the flag to be removed as soon as the applicant is ready to proceed. The flag **must** be removed **before** a registration decision is made and recorded on Regulatory Support Application. The inspection service provider must be informed once the flag is removed so that they can proceed with any visit.

Part 2. The Childcare Register

132. Please read this section in conjunction with the definition of the Childcare Register at the start of this guidance and the following documents:
- *Guide to registration on the Childcare Register*
 - *Requirements for registration on the Childcare Register: childminders and home childcarers*
 - *Requirements for registration on the Childcare Register: childcare providers on domestic and non-domestic premises.*

The registration process

133. Applications for either or both parts of the Childcare Register are processed by the National Business Unit. Inspection service providers are not involved in the registration process.
134. Applicants apply online or by downloading and completing forms by hand. Once a completed application form is received, the National Business Unit:
- checks that the application has been made correctly, including that the correct individual or organisation has applied to be the registered person, and follows up any queries relating to the application
 - collects the correct fee – the fee amount is set out in regulations and depends on the type of provision on offer; further guidance about fees are set out in the leaflet *Childcare Registration form – Paying fees for application and continued registration on the Early Years Register and Childcare Register*⁵⁷
 - checks that the applicant confirms he or she meets or will meet all the requirements of the Childcare Register – these requirements are set out in the childcare factsheets *Requirements for the Childcare Register: childminders and home childcarers* and *Requirements for the Childcare Register: childcare providers on domestic or non-domestic premises*,⁵⁸ once registered, providers must meet these requirements at all times when providing childcare
 - sends a letter confirming the application, including application forms for Criminal Records Bureau checks, information on how to get identity checked and requesting a first aid certificate
 - obtains an Ofsted enhanced Criminal Records Bureau check for the applicant and all those connected with the application, unless there is an existing disclosure carried out by Ofsted that is less than three years old
 - checks that the applicant has a current first aid certificate (childminders and home childcarers) or that someone working with children has a current first aid certificate (childcare on domestic or non-domestic premises)
 - checks that the applicant has completed childminder training or provided us with dates when training will be completed (childminders on the compulsory part of the Childcare Register only)
 - obtains a check of local authority children’s services department records for the applicant and all those connected with the application
 - obtains any further checks that are necessary, such as where applicants have lived abroad.

⁵⁷ *Childcare registration form – Paying fees for application and continued registration on the Early Years Register and Childcare Register*, Ofsted, 2012; www.ofsted.gov.uk/resources/120236.

⁵⁸ *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2012; www.ofsted.gov.uk/resources/080143; and *Requirements for the Childcare Register: childminders and home childcarers*, Ofsted, 2012; www.ofsted.gov.uk/resources/080161.

Making the overall suitability decision

135. When **all** the required checks have been completed and indicate no concerns, the regulatory decision-maker must:
- review the application information to make sure that:
 - the application was made correctly
 - the applicant has confirmed that they meet or will meet all requirements
 - the applicant has a current first aid certificate (childminders and home childcarers) or someone working with children has a current first aid certificate (childcare on domestic or non-domestic premises)
 - the applicant has completed a local authority approved childminder training course or provided dates when the course will be completed (childminders on the compulsory part of the Childcare Register only)
 - where it is childcare on domestic or non-domestic premises, ensure that there is a manager in place
 - review the checks to make sure no information has been overlooked
 - ensure payment has been made and cleared
 - approve the registration and arrange for the issue of a certificate of registration.
136. Where a cause for concern has been identified or the applicant has lived abroad in the last five years, the regulatory decision-maker makes the overall suitability decision for each individual and the overall registration decision based on the information available from the Criminal Records Bureau check, certificate of good conduct, and any further checks and investigations, including contact with the applicant or others connected with the registration if necessary.
137. Where information relates to more significant concerns, the regulatory decision-maker decides the next steps to take, in conjunction with the compliance, investigation and enforcement team.
138. As a result of a cause for concern, the regulatory decision-maker may decide to do the following.
- Carry out further checks before making a decision on suitability. Where this is necessary, the regulatory decision-maker will arrange this through the relevant team in the National Business Unit.
 - Interview the applicant or others connected with the registration. In some circumstances this may be done through a telephone call, but where concerns are more serious the regulatory decision-maker may decide that a visit is needed. The compliance, investigation and enforcement team will arrange for an inspector to carry out the visit. The inspector should discuss the details with the regulatory decision-maker beforehand. The visit should primarily focus on the cause of the concern.

- Visit the premises where the childcare is to be provided.
- Consider imposing conditions that seek to safeguard children as a result of the concerns.
- Refuse registration.

Applications to join the Childcare Register and the Early Years Register

139. Those applying to join the Early Years Register may indicate on the Early Years Register application form that they also wish to join either or both parts of the Childcare Register and confirm they meet the requirements of that register.
140. Inspectors carrying out the registration visit in respect of the Early Years Register do not need to check that the applicant meets all the requirements of the Childcare Register. However, if anything comes to light that might affect registration on the Childcare Register, they must note it in their evidence.
141. Inspectors should check that the qualifications of the adults match those needed for older children, including first aid. In particular, childminders need to show evidence that they have obtained local authority approved training (for the compulsory part of the Childcare Register) or training in the *Common core of skills and knowledge for the children's workforce* (for the voluntary part of the Childcare Register) before registration.
142. The process for issuing a certificate for those on both registers is covered in Part 3.

Granting registration

143. Once the overall decision to register a person on the Childcare Register has been made, the National Business Unit must send the applicant:
- a letter granting registration, including links to the requirements for registration and *Are you ready for your inspection?*⁵⁹
 - a certificate of registration.
144. We send out a suitability letter for everyone associated with the registration who we have checked, except for the registered person as their suitability is confirmed through the issue of their registration certificate.
145. Where individuals associated with the application are not suitable, we must ask the applicant how they intend to deal with this as it affects their own suitability. For example, if the applicant includes an individual we decide is unsuitable as part of the registered organisation, they must give us evidence that they will remove that person from the application and either replace them or continue

⁵⁹ *Are you ready for your inspection? A guide to inspections of provision on Ofsted's Childcare and Early Years Registers*, Ofsted, 2012; www.ofsted.gov.uk/resources/120085.

with the remaining individuals. If they continue to include people we find unsuitable this calls into question the applicant's own suitability and we must consider refusing registration.

Conditions of registration

146. We do not use standard conditions of registration where an applicant is applying to join the Childcare Register. The regulatory decision-maker may decide in some circumstances to impose conditions. There is more information on conditions of registration in Part 3.

Notice of intention to refuse registration

147. For minor issues where the National Business Unit regulatory manager makes the decision to refuse registration, normally based on a recommendation from the inspector, the National Business Unit will create a **notice of intention to refuse**. For more serious issues, the compliance, investigation and enforcement team senior officer decides to refuse registration; they must create a **notice of intention to refuse**. In both cases the notice is sent by recorded delivery to the applicant with a copy of the leaflet *How to object*,⁶⁰ which explains how the applicant may object to the notice of intention.

Notice of decision to refuse registration

148. If no response or objection is received within **14 days**, the National Business Unit or the compliance, investigation and enforcement team must create a **notice of decision to refuse registration** and send it by recorded delivery to the applicant with a copy of the leaflet *How to appeal*,⁶¹ which explains the appeals process.

Part 3. The Early Years Register

149. Please read this section in conjunction with the definition of the Early Years Register at the beginning of this guidance and the following documents:

- *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises*
- *Guide to registration on the Early Years Register: childminder*
- Business process BP001.⁶²

⁶⁰ *How to object: guidance for registered childminders and childcare providers*, Ofsted, 2012; www.ofsted.gov.uk/resources/120238.

⁶¹ *How to appeal: guidance for those registered as or applying to be a childminder or a childcare provider*, Ofsted, 2012; www.ofsted.gov.uk/resources/120237.

⁶² The chart is available at the same webpage as this document www.ofsted.gov.uk/resources/100165.

150. Childminders and childcare providers must register on the Early Years Register if they care for children from birth to the 31 August following their fifth birthday, unless they are not required to do so or are exempt from registration.⁶³
151. We judge applicants as suitable for registration on the Early Years Register if they can demonstrate that:
- every person looking after children on the premises where childcare is provided is suitable to look after young children
 - every person living or working on the premises where childcare is provided is suitable to be in regular contact with young children
 - they meet or will meet all the safeguarding and welfare and the learning and development requirements of the Early Years Foundation Stage and any conditions of registration that we impose
 - they pay an application fee.
152. Details of the requirements are set out in the *Statutory Framework for the Early Years Foundation Stage* and supporting regulations.⁶⁴ There is further guidance on how to meet the learning and development requirements in *Development matters in the Early Years Foundation Stage* and in *A know how guide: The EYFS progress check at age two*. These are both available on the Department for Education website.⁶⁵

Overview of the process

153. The process for registration is set out in the registration business process flow chart BP001 (the chart is available at the same webpage as this document ofsted.gov.uk/resources/100165). It involves a detailed application, checks, interviews and visits to premises so that we can assess whether applicants are suitable for registration. When we decide that an individual applicant or organisation is suitable we will register them. Otherwise, we will refuse registration.
154. Applications for the Early Years Register are processed by the National Business Unit. Inspection service providers carry out the registration visit where there is

⁶³ See *Registration not required*, Ofsted, 2012; www.ofsted.gov.uk/resources/080134.

⁶⁴ *The Statutory Framework for the Early Years Foundation Stage*; <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2012>; and The Childcare (Early Years Register) Regulations 2008 [2008 No.974] (www.legislation.gov.uk/uksi/2008/974/contents/made) and the Childcare (Early Years and General Childcare Register) (Common Provisions) Regulations 2008 (www.legislation.gov.uk/uksi/2008/976/contents/made).

⁶⁵ *Development Matters in the Early Years Foundation Stage*; <https://www.education.gov.uk/publications/standard/EarlyYearseducationandchildcare/Page1/DEVELOPMENT-MATTERS>; and *A Know How Guide: the EYFS progress check at age two*; <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/NCB-00087-2012>

no identified major cause for concern. The visit normally happens when all checks are complete but may take place earlier where the regulatory decision-maker and/or the compliance, investigation and enforcement team decide it should. Where there are major causes for concern arising from checks or other information, Ofsted inspectors will carry out the registration visit and any accompanying interviews. The inspection service providers are not involved in the registration process.

155. There are clear lines of accountability and decision-making for all decisions in relation to registration, including the granting or refusing of registration. These are set out in the decision-making table at Annex A.

Receiving the application form

156. Applicants apply online or by downloading forms from Ofsted's website and sending them into Ofsted. Where applicants have difficulties in accessing forms through either of these routes they may telephone Ofsted for assistance. Once a completed application form is received, the National Business Unit:

- checks that the application has been made correctly, including that the correct individual or organisation has applied to be the registered person, and follows up any queries relating to the application
- collects the correct fee – the fee amount is set out in regulations and depends on the type of provision on offer; further guidance about fees is set out in the fees leaflet *Childcare registration form – paying fees for application and continued registration on the Early Years and Childcare Register*
- sends a letter confirming the application, including application forms for Criminal Records Bureau checks, information on how to get identity checked and setting out the next steps in the process
- obtains an Ofsted enhanced Criminal Records Bureau check for the applicant and all those connected with the application, unless there is an existing disclosure carried out by Ofsted that is less than three years old
- carries out the relevant checks in accordance with the tables in the *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises* or the *Guide to registration on the Early Years Register: childminder*⁶⁶
- obtains a check of local authority children's services department records for the applicant and all those connected with the application
- obtains any further checks that are necessary, such as where applicants have lived abroad

⁶⁶ *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises*, Ofsted, 2012; www.ofsted.gov.uk/resources/120083 or the *Guide to registration on the Early Years Register: childminder*, Ofsted; www.ofsted.gov.uk/resources/120082

- once all checks are received, makes a decision on whether to refer the case to the compliance, investigation and enforcement team because there are concerns arising from the checks or allocates it to the relevant inspection service provider to carry out the visit
- where there are minor concerns for following up, makes sure the inspection service provider has all the relevant information, including lines of questioning to pursue at the visit.

The registration visit

157. The registration visit is a key part of the process that we carry out in order to make a recommendation about the suitability of the applicant, including their ability to: make sure premises are safe and suitable for children; deliver educational programmes to help children learn and develop; and meet, or will meet when caring for children, the requirements of the Early Years Foundation Stage. The following guidance is intended to help inspectors carrying out such visits and supports the business process flowchart.
158. The National Business Unit, in discussion with the compliance, investigation and enforcement team as appropriate, will advise inspectors of any particular issues they should pursue during the interview, through the agreed system for the exchange of information. These might include issues arising from checks undertaken, or other matters that the applicant has declared in their application documents

Recording evidence

159. The inspector should use the agreed systems to record evidence, including how they have pursued any causes for concern or other issues that need to be covered at the registration visit. Evidence should support the registration recommendation. Where, rarely, the inspector judges that we need to impose a condition of registration the evidence should document why this is needed.
160. The inspector must make sure evidence is sufficient and clear. It must support the overall recommendation about registration and any conditions the inspector wishes to recommend. It is particularly important to have sufficient secure evidence if the overall recommendation is that the applicant cannot demonstrate how they will meet requirements, and the inspector recommends refusal.

Arranging the visit

161. All the required information to complete a visit is sent automatically from Ofsted. This may include additional information arising from the checks where the inspector needs to know this and/or we require additional information. The inspector will not normally carry out a registration visit until Ofsted has received information from all the checks associated with the application.

162. The inspector must contact the applicant to confirm the date of a registration visit. The content of the telephone call is set out in Annex C. To help the applicant to prepare for the registration visit, the inspector should make sure the applicant has a copy of the *Statutory Framework for the Early Years Foundation Stage*, the relevant guide to registration, the questionnaire on preparing for their registration visit and, for childminder applicants, that they have completed their local authority approved training and first aid training.
163. Where the childminder applicant has not completed training, the inspector must ask the applicant why and for dates of any rearranged training. If the applicant has been unable to attend the course because it has been cancelled, and has rearranged the dates, the inspector should defer the visit and ask the National Business Unit to put the application on hold until training is complete.
164. If the childminder applicant has not completed training and cannot give a convincing reason for non-attendance and/or has not rearranged dates the inspector must explain the options open to the applicant, including withdrawing or having registration refused. The inspector must defer the visit and explain that they will be asking Ofsted to refuse registration. The inspector should inform the applicant that they must notify Ofsted as soon as possible if they intend to continue with their application and if so provide the dates of their proposed training (in all cases within five working days of the visit). Ofsted will take this information into account when deciding how to proceed. The inspector must also explain that Ofsted cannot keep applications open indefinitely and any training must take place within a short time (up to six weeks ahead).

During the visit

165. The registration visit and interview are a critical part of the registration process and the main means by which we establish whether an applicant is likely to meet all of the requirements of the Early Years Foundation Stage. In particular, the quality of the questioning is crucial in establishing that children will have good outcomes with the registered provider and will make good progress in their learning.
166. The interview and visit will contribute important evidence for the overall recommendation on registration. It is important that the applicant or their nominee has a full understanding of the requirements and responsibilities of their role and the implications arising from it. Where the applicant is an individual and does not feel confident about fulfilling that role, then we should refuse registration. Where the interviewee is a nominated person representing the organisation to Ofsted, the organisation will need to decide whether to appoint another person to that role if we find during the visit that the person is unable to satisfy the inspector of their understanding of the requirements for registration. Otherwise we must refuse registration.
167. This does not mean that the applicant or their nominee must have a detailed and thorough knowledge of how the provision will deliver all the requirements

of the Early Years Foundation Stage, unless they intend to manage the provision, as this will normally be the role of their appointed manager. However, the applicant or nominated person is still accountable for meeting the requirements for registration. They must demonstrate that they have sufficient knowledge of the Early Years Foundation Stage to ensure that they can appoint a manager who is suitably qualified and that they understand that the accountability cannot be delegated to the proposed manager. They must also be able to demonstrate that they will be able to assess for themselves that the manager is running the setting in line with the Early Years Foundation Stage requirements. The interview must draw out how these responsibilities are delegated, and inspectors must judge whether the arrangements are suitable and sufficient.

168. The inspector will not normally make more than one visit. At the time of the arranged visit the applicant is making a statement that they are ready for registration. If the applicant is not ready for registration at the time of the visit the inspector must consider recommending refusing registration. Having considered all the information and evidence, the regulatory decision-maker will decide if a further visit is necessary and, if so, will allocate this to the inspection service provider in the usual way.

169. During the visit the inspector must:

- check again that the application has been made correctly
- check the applicant's identity and qualifications where appropriate, including for childminders, and evidence that they have completed a local authority approved training course and first aid training
- interview the applicant or their nominee and assess their suitability to provide childcare and to deliver the Early Years Foundation Stage, including both the safeguarding and welfare requirements and the learning and development requirements
- check that the applicant's risk assessment is sufficient to assure that the premises and equipment are safe and suitable for children.

170. The inspector should ask a full range of questions in relation to both the safeguarding and welfare and learning and development requirements and use the questions in *Preparing for your registration visit* to draw out the applicant's knowledge and understanding of the Early Years Foundation Stage requirements and how he or she will meet them. The inspector should supplement these with other questions, as necessary, and ensure that they probe fully any areas where the applicant is less secure in meeting the requirements.

Safeguarding and welfare requirements: checking premises and equipment

171. Childcare can take place in many different types of premises, including high-rise flats, play buses and mobile homes. The legislation defines 'premises' for

childcare as being 'any area or vehicle', so childcare can take place in outdoor settings such as woodlands, providing there is a defined area that is for the sole use of the children. During the registration visit, the inspector must be satisfied that the applicant has identified any risks associated with the premises and equipment, and knows what they need to do to reduce or eliminate these risks.

172. 'Sole use of premises' means that the premises are used solely for children in the early years age group or for older children where the provision is also registered on the Childcare Register. This allows for flexibility of provision where a registered provider wants to share provision with a school nursery or reception class, for example, or a children's centre wants to offer a crèche or stay and play sessions that might share space with registered early years provision. There is more information on shared provision in the factsheet: *Registering school-based provision*.⁶⁷ The inspector should check that the applicant has fully considered that all parts of the premises used for childcare are safe, secure and suitable for their purpose, and will need to reassure themselves that the applicant's assessment of the risks, and their proposals for managing the risks, are acceptable. The inspector should first ask the applicant about what risks they have identified and how they propose to minimise them before undertaking any check of the premises to make sure the applicant understands the requirement to assess risks and is able to do so without prompting. The emphasis is on the applicant to demonstrate that they have identified risks and steps to eliminate them; the inspector should not point out risks that the applicant has not identified for themselves, nor should they offer advice about how to deal with any risks.
173. Where the inspector has to draw the applicant's attention to a number of risks or hazards, even if these are easily remedied, the inspector must consider whether the applicant has fully demonstrated that they can meet the requirements relating to premises. If the applicant has not covered all relevant risks and identified steps to deal with them, then the inspector should record this in their evidence and should normally recommend that registration is refused.
174. The inspector does not have to ask the applicant about parts of the premises that they are not intending to use for childcare and which cannot be accessed by children being cared for. However, if the applicant says that the upstairs bedrooms are out of bounds but children could access them by going to the bathroom on their own, then the inspector will need to question further about any risks to children from accessing these parts of the premises. The inspector must have a reason to insist on looking at other parts of the premises not used or accessed by children, for example a concern about the risk to children or the suitability of the person. The inspector must not set conditions that relate to areas of the premises that the applicant has indicated they do not intend to use for childcare.

⁶⁷ *Factsheet: Registering school-based provision*, Ofsted, 2012; www.ofsted.gov.uk/resources/080291.

175. The inspector should consider the impact on children relating to:

- available space for each child (and the applicant's assessment of the maximum number of children to be cared for)
- how space will be organised to meet the children's needs, for example for quiet and more active activities
- heating, ventilation, light and the general state of repair and cleanliness
- access to outdoor play (not necessarily on the premises), including the arrangements for outdoor play where there is no dedicated outdoor space on the premises
- whether there are suitable and sufficient toilet and nappy changing facilities
- whether the rooms used for childcare will be for the applicant's sole use during the hours of operation; where the setting will have to share the kitchen or toilets with other users of the premises, inspectors will need to consider the proposed arrangements for ensuring the safety of the children
- vehicles used as domestic premises must be registered as childcare
- vehicles used as a playbus. If care is only offered from the playbus and not in conjunction with any separate premises, we only need to register the vehicle once, and not at each location it may operate from. Providers will need to demonstrate how they ensure children are appropriately supervised and kept safe while using facilities in public areas, such as toilets in community or shopping centres. The inspector should discuss with the applicant how they intend to carry out a risk assessment at each location to ensure children's safety, and judge the competency of the applicant in assessing risks. If the playbus also uses additional premises at a location such as a community centre then a separate registration is required.

176. The inspector should explore with the applicant their approach to ensuring the safety of any equipment that the applicant intends to use with the children, including:

- toys and play materials
- safety equipment
- equipment to assist children, for example cots, high chairs and buggies
- equipment to help with transport, for example car seats.

177. Equipment should be of suitable design and condition, and help to provide a stimulating environment for children. It is not necessary for the applicant to have a full range of equipment at the time of the visit. However, they must be able to demonstrate how they will obtain sufficient equipment to meet the needs of the children they may care for. Where not all equipment is in place, the inspector should record this in their registration visit evidence, so that the regulatory decision-maker can consider whether this needs to be included in

the 'Information for the next inspection' box of the Regulatory Support Application.

178. In certain circumstances, it may be necessary for a childcare applicant to obtain planning permission, for example where premises are new or have not been used for childcare previously; or a childminding applicant may need planning permission to operate a business from their home. Applicants may also require confirmation from their local authority building control department that any building work has been carried out to a satisfactory standard. The inspector should make it clear to the applicant at the registration visit that the requirements of the Early Years Foundation Stage must be read alongside other legal requirements, and that the applicant is responsible for making sure that their premises comply with planning and building control regulations.
179. The inspector should make it clear to the applicant that, where appropriate, the applicant must comply with the requirements of their local authority environmental health department and local fire authority. Fire authorities will not routinely check all premises where a childcare application has been made. For settings on non-domestic premises, they will usually check new buildings or buildings where there has been a change of use of premises.
180. Ofsted has a protocol with the fire service, which sets out the requirements in relation to fire safety and, in particular, that childcare on domestic premises is treated in line with childcare on non-domestic premises, as the additional numbers of people on domestic premises are likely to pose a higher risk than traditional childminding. The protocol with fire authorities does not require Ofsted to wait until there is a fire safety inspection before granting registration.
181. The Early Years Foundation Stage requires providers to have appropriate fire detection and control equipment (for example a fire alarm, smoke detectors, fire extinguishers and fire blankets) which are in working order. It does not specify exactly which appliances must be in place. Applicants will need to decide which equipment best meets their situation and demonstrate to the inspector how they will keep children, themselves and any staff/adults safe in the event of a fire. Applicants are expected to follow any advice provided by fire safety officers as they are the experts.
182. The inspector should consider how the applicant has reviewed and assessed the fire safety arrangements, for example:
- equipment such as fire extinguishers, fire blankets and smoke detectors
 - procedures for emergency evacuation of the premises
 - whether fire exits are clearly marked and fire doors are unobstructed.
183. Environmental health officers will not visit prior to registration as there would normally be no operating food business to inspect. It is the responsibility of the provider to ensure they have up-to-date information on environmental health requirements and legislation, and that they meet these requirements.

Safeguarding and welfare requirements: documentation

184. The inspector should check that the applicant has, or will have, in place the policies, procedures and records that the Early Years Foundation Stage requires. These are contained within the Early Years Foundation Stage Statutory Framework but are also set out in the factsheet *The requirements of the Early Years Register*.⁶⁸
185. If the applicant intends to use a motor vehicle for transporting the children in their care, the inspector must see a valid insurance and a MOT certificate (where applicable) for each vehicle, and the driving licences of each person driving the vehicle(s). Inspectors should record the documents seen in their evidence.

Safeguarding and welfare requirements: suitable people

186. Registered childcare providers on non-domestic premises (not childminders or childcare providers on domestic premises) are responsible for determining that the staff they employ, and others who live or work on the premises where childcare takes place, are suitable. The inspector should assess whether the systems the applicant has, or will have, in place are good enough to ensure that the employee is suitable to work or be in regular contact with children.
187. The inspector should check the applicant's decision-making process for suitability, including whether he or she has, or will have, robust procedures for:
- recruitment by following proper application and selection procedures
 - obtaining an enhanced Criminal Records Bureau disclosure and the associated identity check, including compliance with the Criminal Records Bureau's guidance⁶⁹
 - obtaining details of employment history, references and any other necessary checks, such as an employee's physical and mental health
 - ensuring continuing suitability.

There is more guidance in the *Guide to registration on the Early Years Register: childcare providers on domestic and non-domestic premises*.

Safeguarding and welfare requirements: staff qualifications

188. The Early Years Foundation Stage requires childminder applicants to have completed a local authority approved training course which helps them understand and implement the Early Years Foundation Stage before they can

⁶⁸ *Factsheet: Requirements of the Early Years Register*, Ofsted, 2012; www.ofsted.gov.uk/resources/080162.

⁶⁹ Available from the Criminal Records Bureau website: www.homeoffice.gov.uk/agencies-public-bodies/crb/.

register. As part of the application form, applicants will be asked to confirm whether they have already met this requirement or the dates of the course they are booked to attend. In either event, inspectors must see proof of attendance at such a course. They should endeavour to see evidence that the course was local authority approved, for example by checking the course certificate, but if this is not apparent they should accept the proof offered.

189. The inspector should also see and make a note in their evidence of any certificates of childcare qualifications held by the applicant if he or she intends to work directly with children. If these are not sufficient, for example if the person intends to manage the childcare and does not have a full and relevant level 3 qualification, the inspector must recommend refusing registration.
190. Where childminding applicants only apply to be on the voluntary part of the Childcare Register, the inspector must also check that they have the common core or a level 2 qualification before they can be registered on the voluntary part of the Childcare Register. They do not have six months after registration to gain this. Childcare providers on non-domestic premises must meet the qualification requirements for childcare providers and not childminders and must hold these at the point of registration. Where childminding applicants also apply to be on the Early Years Register or the compulsory part of the Childcare Register we accept that pre-registration training covers the common core and no separate requirement is necessary.
191. The childminder applicant or at least one person in group settings **must** have attended local authority approved first aid training at the point of registration. The inspector must see proof of a first aid qualification. Where a childminder applicant indicates that they intend to leave an assistant in sole charge of children, then the inspector will also need to see proof that the assistant has a valid first aid certificate. The inspector should record details of all certificates in their evidence. A childminder may not leave an assistant in sole charge of children for more than two hours in any day. If an applicant indicates they intend to do so, they must be advised that this is not possible under the requirements of the Early Years Foundation Stage and if they want to put in place such arrangements, the assistant must register separately as a childminder.
192. Where the applicant is not able to provide evidence of qualifications or first aid training at the pre-registration visit, the inspector must advise the applicant of their options, which include either withdrawing or Ofsted refusing registration. Normally the inspector should have checked this information when arranging the visit but where the applicant has indicated that training is complete when the visit is arranged but cannot provide proof during the visit the inspector must follow the guidance in paragraphs 163 -164.

Safeguarding and welfare requirements: staff:child ratios

193. The inspector must always check the applicant's understanding of the number and ages of children they may care for, using appropriate scenarios to test their understanding. The inspector should not expect childminder applicants to have a full understanding of all the exceptions they might use but they must know the normal ratios that they will work to. The inspector may use the factsheet *The numbers and ages of children that providers on the Early Years and Childcare Registers may care for* as the basis for their questioning.⁷⁰
194. The inspector will need to tailor questions according to the size and type of provision but potential questions may include:

Group childcare applicants

- What assessment have you made about how many children you can care for in different age groups?
- What would the ratio of adults:children be if you employed a qualified teacher, early years professional or a person holding another level 6 qualification to work directly with the children?
- What if the qualified teacher wasn't working directly with the children – what ratios would you need to apply then?
- Supposing you have a 17 year old volunteer working in your setting – would you be able to count this person in the ratios?
- What ratios apply if you are caring for children aged under two?

Childminder applicants

- What do you understand to be the maximum number of children you can care for at any one time?
- What if you have three children under five years old and a parent of a three-year old child asked you to look after her child on a full-time basis? Would it be different if the parent only wanted you to look after her child before and after school?
- Supposing you already care for one baby aged nine months, and the parent of another baby aged six months asked you to care for her baby too – would this be acceptable?

Meeting the learning and development requirements

195. All applicants to Early Years Register must be able to demonstrate that they meet, or will meet, all the learning and development requirements of the Early

⁷⁰ *The numbers and ages of children that providers on the Early Years and Childcare Registers may care for*, Ofsted, 2012; www.ofsted.gov.uk/resources/120117.

Years Foundation Stage. These are wide-ranging and difficult to evidence without children present. The inspector must use the questions in *Preparing for your registration visit* and refer to *Development matters in the Early Years Foundation Stage* to assess whether the applicant understands what to provide for children's learning; how to assess where children are in their learning and development; how to plan for next steps in learning; and how children learn. The inspector should take care to use appropriate language and adjust questions where applicants are not fully familiar with some of the terminology of the Early Years Foundation Stage. Nevertheless the applicant must be able to demonstrate:

- their knowledge and understanding of the seven areas of learning and development
- how they will plan and deliver the educational programmes across these areas
- how they will assess children's starting points and their progress they make and that they know and understand the requirement for a progress check at age two.
- how they will help children make progress towards the early learning goals
- how they will help children become effective learners who are ready for school.

196. An applicant will be unsuitable for registration if he or she:

- has too little knowledge of the areas of learning or how they apply to his or her childcare service
- cannot convincingly demonstrate, through discussions about their proposed practice, how they will assess children's starting points and what they will do to help them progress
- is reluctant to accept that they must deliver the learning and development requirements
- has a lack of understanding of how children learn through play
- does not understand that planning and assessment are necessary to meet children's needs and help them progress; and/or
- has limited understanding of inclusive practice and partnership working.

197. Where the inspector judges that the applicant does not meet the learning and development requirements, they must refuse registration. The inspector should not take into account that the applicant may be able to do further work to improve their knowledge after they have begun looking after children. If applicants need a period of time to understand and embed the learning and development requirements into their practice, then they will not be ready to deliver the Early Years Foundation Stage. The registration visit is usually the last step in the registration process, and applicants must be able to demonstrate that they can deliver the learning and development requirements immediately they are registered, which will usually be within days of the registration visit.

Applicants who are applying for exemption, or who are exempt, from the learning and development requirements

198. The law⁷¹ enables the Secretary of State for Education to grant exemptions to providers, in certain circumstances, from all or some of the learning and development requirements set out in the Early Years Foundation Stage. It also enables early years providers to exempt individual children from all or part of the learning and development requirements in certain circumstances. No exemptions from any of the welfare requirements of the Early Years Foundation Stage are allowed as these deal with fundamental issues of child safety.
199. The exemption regulations that will apply from September 2012 are still to be agreed and this section will be updated once the regulations are in place.

Applicants who propose to educate children in their home language

200. Applicants must be able to demonstrate that they or any assistants or employees have a sufficient grasp of English to ensure the well-being of the children in their care. Inspectors should check that they will be able to summon emergency help where necessary; that they keep the required records in English⁷² as well as in their home language; and that they can read and understand instructions in English, such as safety instructions, information on administering medication or on food allergies.
201. The applicant must be able to demonstrate that he or she will be able to support children to develop their **communication and language skills** in English. We will refuse registration if they are unable to do so.

Getting the registered person right

202. The National Business Unit will check the application to make sure that it is completed properly and is consistent with guidance. During the registration visit the inspector **must** check again that the right person has made the application, using the information in Part 1 and Annex B and the guides to registration. The applicant or his/her nominee must understand the legal responsibilities of their role. In particular, where the applicant is an organisation, the inspector must ask the organisation's representative about their understanding of their role within the organisation and how they intend to ensure that the manager will be able to deliver all of the requirements of the Early Years Foundation Stage.
203. If there is some doubt about the correct applicant, the inspector may find it helpful to ask the following questions:

⁷¹ The Early Years Foundation Stage (Exemptions from Learning and Development Requirements) Regulations 2008: www.legislation.gov.uk/ukxi/2008/1743/contents/made.

⁷² Paragraphs 1.8 and 3.25 of the Statutory Framework for the Early Years Foundation Stage; <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2012>.

- Which people will make up the organisation that is to provide the childcare?
- Who will have the main/lead responsibility in relation to the childcare?
- Who will recruit and pay the staff who will work in the childcare provision?
- Who will make the decisions about how the childcare is run, for example in terms of its opening hours, the age group it covers and how much parents pay?
- Who will determine the educational programme that the childcare will offer, and who will make the decisions about how the childcare will meet the welfare and learning and development requirements of the Early Years Foundation Stage?
- To whom will the manager of the childcare setting report?
- Who will account for the income and expenditure that is associated with the childcare provision?

204. Where the inspector needs further help in identifying the correct legal entity, they should initially contact their early years helpdesk for advice on how this should be taken forward, including whether the inspector should withdraw from the registration visit. The helpdesk may contact the regulatory decision-maker in the National Business Unit for further advice if necessary.

205. Where the inspector believes an application has been made incorrectly they should tell the individual. The inspector should say that someone from Ofsted will telephone them to discuss their application in more detail and withdraw from the registration visit. The inspector should include in their report of the registration visit the information they have gathered about the registered person issue, so that the National Business Unit can pursue this separately with the applicant.

206. On receipt of this information from the inspector, the National Business Unit should contact the applicant for a discussion about who will be the registered person for the provision. The National Business Unit can use the questions outlined above to clarify who will be the registered person for the childcare. If the National Business Unit is in any doubt, they should contact the EY-Childcare mailbox for advice, including legal advice.

207. The inspector must also check the accuracy of the information sent to them as part of the registration visit to make sure that Ofsted has the correct details of the individuals associated with the application. The inspector should check the details of any individuals associated with an application aged 16 or over related to applications using the table on page 20 of this guidance. If at the visit the inspector finds any individuals who are not known to Ofsted, or any individuals known to Ofsted who have yet to complete a declaration and consent form (EY2), he or she should remind the applicant that Ofsted cannot make a registration decision until we are sure these individuals are suitable. The inspector must also consider why the applicant had not notified us of these individuals on the application form and whether there was any intent to mislead Ofsted at that point. If the inspector believes the applicant did omit important

information from the application, he or she should take it up with the compliance, investigation and enforcement team.

208. The inspector must also check and confirm that the applicant has applied to be registered on the correct registers. Where he or she believes the applicant has applied to the wrong register or wishes to extend their application to a different register, they must contact the regulatory decision-maker in the National Business Unit who will decide whether a new application and fee is needed; or ask the applicant to put in writing any requested changes to the application. If necessary, the National Business Unit will update the relevant flags on the Regulatory Support Application to indicate which of the registers the applicant will be registered on. The National Business Unit will advise whether the registration visit should continue where an application is made to the wrong register.
209. The inspector must confirm in their evidence that they have checked the applicant, those associated with the registration and the registers.
210. It is an offence to make a false or misleading statement in an application. If it appears, from either the registration visit or from other evidence considered as part of the suitability decision, that someone has done so, the National Business Unit should seek advice from the compliance, investigation and enforcement team on how to deal with this.

Childcare provided on a school site

211. Establishing the correct registered person for provision made by a school or on a school site is particularly difficult. The inspector should refer to the factsheet *Regulating school-based provision* to help them decide if the provision is made directly by the school or another body. In particular, where there is a management committee in place it may be difficult to decide who is actually providing the childcare. For example, if the childcare provision is registered to a separate management committee of the school, but the committee is made up entirely of school governors, this is likely to mean that the school governing body is effectively responsible for the childcare.
212. The inspector should follow the questions in paragraph 204 to help them make decisions about whether it is the school or another organisation providing the childcare.
213. If the answers to these questions suggest that the wrong organisation has applied to register to provide the childcare, the inspector should advise the headteacher and follow the steps set out above to get this put right.

Change of ownership

214. If the application is a change of ownership from an existing registered provision, the regulatory decision-maker will decide whether we need additional information (for example because there is a cause for concern), or that we do

not, in this case, need to follow the full registration process. The National Business Unit will alert the inspection service provider when they send through the registration visit for allocation.

Checking identity

215. As part of the checking process, Ofsted sends applicants and other individuals an identity verification form (IVR) which allows Ofsted to verify the identity of all those associated with the application who it is required to check. This identity verification process forms part of the application for a Criminal Records Bureau check. Ofsted will send the applicant the relevant forms, on receipt of the childcare application, including guidance for completion. The applicant should return both the completed identity verification form and Criminal Records Bureau application, known as a disclosure application form (DAF), to Ofsted. We will check they have been completed correctly, countersign them and forward them to the Criminal Records Bureau on the applicant's behalf. However, inspectors must also always check the identity of the applicant at the registration visit so that we can satisfy ourselves that the applicant and those connected with the registration are who they say they are and that they are not seeking to hide information that may prove they are unsuitable to be in contact with children.
216. The range of documents we accept to support proof of identity and changes of name are similar to those required by the Criminal Records Bureau and other government departments to prove identity. We do not insist on any particular piece of evidence but, overall, inspectors need to see a range of information to satisfy us. The identity documents must show proof of the applicant's current name and any other names used. One should preferably be photographic identification such as a current passport or a new-style photo driving licence. If the applicant does not have photographic identification, the inspector will need to see his or her full birth certificate.
217. If the applicant has changed his or her name by marriage, deed poll, adoption, statutory declaration or any other means, inspectors need to see evidence of this change, for example a marriage certificate or decrees.
218. In addition, the inspector will need to see two pieces of evidence confirming the current address, for example:
- a utility bill (gas, landline telephone, electricity)
 - a credit card, bank or mortgage statement
 - any recent communication from the local authority or a government agency such as the Department for Work and Pensions (DWP).
219. The inspector should record evidence of the identity documents seen at the registration visit. If a person refuses to provide evidence of their identity the inspector should record this in their evidence and recommend refusing registration. The National Business Unit will consider refusing registration, in

discussion with the compliance, investigation and enforcement team as necessary.

Criminal Records Bureau disclosure application forms

220. The National Business Unit will have carried out Criminal Records Bureau checks on all those associated with the application before the registration visit takes place.
221. If, during the visit, the applicant or other individual asks the inspector to sign their Criminal Records Bureau disclosure application form the inspector must tell them that they cannot do so. The applicant or individual must arrange for this to be signed in line with the procedures that we sent them when we acknowledged their application to register. The inspector should explain that we do not normally register the applicant until all checks are carried out.

Concerns about compliance with the Childcare Register requirements

222. Providers applying to join the Early Years Register may also be applying to join the Childcare Register. During the registration visit, inspectors do not need to check that an applicant is also meeting, or will meet, all the requirements of the Childcare Register. However, if it becomes clear during the registration visit that the provider is unlikely to comply with the requirements of the Childcare Register then the inspector must note this in their evidence, so that the regulatory decision-maker in the National Business Unit can consider this potential non-compliance when deciding on the applicant's application to join the Childcare Register.

Other concerns raised during the registration visit

223. During the registration visit the inspector may encounter a number of issues that might raise concerns. These might include:
- obvious health problems that were not mentioned in the pre-registration material provided to the inspector
 - regular visitors to the premises who cannot be checked as part of the registration process but who may be on the premises when children are being looked after
 - evidence of hobbies or pursuits undertaken by the applicant which might have the potential to be harmful to young children, for example firearms on the premises.
224. Where the inspector identifies any issues that might cause concern, they must ensure that they:
- discuss these with the applicant in full during the registration visit
 - record full details of these discussions in their evidence.

225. If any of the checks carried out in connection with a registration disclose evidence of health concerns, including drug or alcohol misuse, the inspector must investigate these further. They must:

- withdraw to seek further advice from the early years helpdesk if necessary
- refer them to the regulatory decision-maker in the National Business Unit who will obtain further advice and checks including with Ofsted's medical adviser
- discuss the issues with the applicant face to face, returning to question them further where necessary
- record in their evidence full information so that qualified professionals can decide on any additional tests or interviews and whether the information is consistent with the patient and GP declarations in the health declaration booklet. When coming to a decision on medical suitability, the medical adviser will carry out a full review of all information and make the decision based on:
 - the accuracy of the self-declaration
 - information from checks from other sources including from the inspector
 - appropriate additional tests or medical interviews from a range of sources.

226. Occasionally, it may be helpful to hold a case conference between the medical adviser, the regulatory decision-maker, the compliance, investigation and enforcement team and the inspector, including the outsourced inspector, if necessary. Any such requests should be made through the National Business Unit who manages the contract with Ofsted's medical advice provider.

227. Given the importance of the information that will be gained during the registration visit, it is essential that the inspector follows any advice from the National Business Unit or the compliance, investigation and enforcement team on the lines of questioning that need to be adopted before the visit to discuss the suspected or declared substance misuse. The inspector should devise a plan for the visit that ensures they can collect enough information to deal with the matters raised by the medical adviser, the regulatory decision-maker or the compliance, investigation and enforcement team.

228. The inspector must ensure that the questions they ask will draw out enough information to allow proper consideration of suitability. The inspector must also look for any physical signs of drug or alcohol misuse during the visit and pass on full details of their interview with the applicant to the National Business Unit who will ensure that relevant issues are passed to the medical adviser so that he or she can make a proper assessment of medical suitability.

Conditions of registration

229. A condition is a restriction on a provider's registration, or gives the provider permission to do certain things. Conditions of registration apply at all times a

person is providing childminding or childcare and a breach of conditions of registration, without reasonable excuse, is an offence.

230. *The Statutory Framework for the Early Years Foundation Stage* sets out the requirements that providers must meet at all times and, for this reason, we only impose conditions when it is absolutely necessary to do so because the matter covered by the condition is not an explicit requirement of the Early Years Foundation Stage. The majority of applicants will not have any conditions. Only in very rare circumstances, such as on advice from an applicant's GP that a medical condition will not allow the applicant to lift children, will we restrict the registration. In these cases the inspector should consider what age children the applicant might care for and restrict the registration to children of an age where lifting them is not required.
231. Where an inspector judges that a condition is necessary as a result of the registration visit, they should discuss this with the applicant or nominated person and make a recommendation in their evidence including the proposed wording for the condition and clear reasons why they are recommending imposing the conditions. The regulatory decision-maker will agree the conditions as part of the review of the application before making the registration decision.
232. Those writing or reviewing conditions must make sure the conditions follow on from the stem '*The childminder*' or '*The registered person*'. They should write them clearly and unambiguously so that the provider is left in no doubt about what they must do, using phrases such as 'must' or 'must not'. The National Business Unit is responsible for making sure conditions are checked for spelling and grammar, and that the details on the certificate of registration are correct.

Registration visit recommendation

233. At the end of the registration visit the inspector must review all the evidence and the information provided by Ofsted relating to checks and make one of the following registration recommendations:

- suitable (proceed to registration)
- not suitable (refuse registration).

Writing the paragraph of factual information about the setting

234. Before giving feedback, unless the recommendation is 'not suitable', the inspector should draft the paragraph of factual information about the setting. The report template for early years inspections gives guidance on what this paragraph should contain.

Giving feedback at the end of the registration visit

235. The inspector must give feedback at the end of the registration visit and include the provisional recommendation. If, rarely, the inspector needs to withdraw to

seek advice before giving feedback, they should explain briefly that they are seeking advice and will return to give feedback at a later stage.

Recommendation: proceed to register

236. During feedback the inspector should:

- thank the applicant
- invite note taking
- agree the detail of the paragraph in the registration evidence on 'Information about the setting' wherever possible
- give the registration recommendation
- set out any proposed conditions of registration which, if agreed by the regulatory decision-maker, will appear on their certificate
- make sure applicants are clear about what happens next, including the process for the final decision on registration to be made by Ofsted, taking all matters into account.

Recommendation: refuse registration

237. Where the recommendation is to refuse registration the inspector should:

- tell the applicant that, on the basis of their registration visit, they will be recommending that the applicant is not suitable for registration
- explain the reasons for their recommendation and that this recommendation is subject to review by Ofsted
- explain that if their application to register is refused, they will be advised in writing of their right to object to, and appeal against, Ofsted's decision to refuse registration
- explain that the objection and appeal process gives them the opportunity to provide additional evidence
- tell the applicant that they may withdraw their application if they wish to do so
- explain that if we refuse their application to register and any objections to or appeals against the decision are unsuccessful, they will be disqualified from registration in the future unless Ofsted agrees to waive their disqualification.

238. The inspector must submit the registration evidence and recommendation as final in line with the key performance indicators for registration.

The registration decision

239. The registration decision is crucial because registration is the gateway that allows the individual(s) to have unsupervised access to children, including very young children who cannot speak for themselves. In making that decision, we must be mindful of the fact that, at registration, it is up to the applicant to

demonstrate to us that they are suitable for registration; it is not up to us to prove them unsuitable.

240. We must take great care to ensure we only grant registration in cases where we are satisfied that the person meets all relevant requirements; and that we have enough information from the checks we carry out to make an affirmative decision. Where the person has not satisfactorily demonstrated their suitability to us, taking into account all the information we have obtained during the registration process, we **must** refuse that person's application.
241. The regulatory decision-maker in the National Business Unit will normally make the overall decision on whether or not to grant registration. In doing so, they will review the application, all checks, memos, registration comments and the evidence leading to the recommendation by the inspector, as well as the way the registration details are captured on the Regulatory Support Application. They must:
- check the data we have recorded on the applicant and others connected with the registration to make sure this is accurate and recorded in the right place
 - make sure any links with other provision registered to that provider are in place
 - carry out a final scrutiny of all the factors that led to the decision
 - record an audit trail to show this has been done.
242. The decision must normally be made within **five** working days of receiving the information and evidence and recorded on the 'Manage registration decision' screen on the Regulatory Support Application. Where the regulatory decision-maker continues to have concerns about an individual they should identify what further information or checks are necessary before making the decision and take steps to obtain this further information. These steps may include:
- referring any health concerns identified by the inspector during the registration visit to Ofsted's medical advisers
 - asking for additional checks
 - putting the application 'on hold'
 - referral to the compliance, investigation and enforcement team for interviews under the cause for concern process.
243. Where no concerns are recorded but there is a delay with a specific check, such as a reference, the regulatory decision-maker can, exceptionally, still make an overall decision to register. The regulatory decision-maker should record this in registration comments.
244. Where there have been concerns and these are now resolved, the regulatory decision-maker makes the decision to register but this must be signed off by a senior officer in the compliance, investigation and enforcement team. The

senior officer must sign off the decision to register and record this in the Regulatory Support Application.

245. When the regulatory decision-maker records the overall registration decision as 'register' the Regulatory Support Application will initiate the following actions:

- a task for the National Business Unit to send a letter granting registration and the certificate of registration (including links to *The requirements of the Early Years Register*; the *Guide to completing the online self-evaluation form*, the *Are you ready for your inspection?* booklet and the poster for parents)^{73, 74, 75, 76}
- set the inspection deadline and prompt dates – the deadline is seven months after the decision date; the prompt date is 12 weeks before the deadline date. The regulatory decision-maker can change the prompt date if they require the inspection to be carried out at an earlier date.

246. Where the regulatory decision-maker makes the decision to refuse registration, they must refer the case to the compliance, investigation and enforcement team. The compliance, investigation and enforcement team, in conjunction with the regulatory decision-maker, will make the final decision based on the inspector's recommendation to refuse registration. The compliance, investigation and enforcement team will review the registration process and sign off the decision to refuse registration, in line with the decision-making matrix. The review may include checking the evidence from the registration visit and any suitability checks. It may be carried out by either the principal officer or the senior officer in the compliance, investigation and enforcement team, in line with the decision-making matrix. The compliance, investigation and enforcement team must sign off the refusal on the Regulatory Support Application and ensure that the reasons for refusal are recorded. The senior officer must sign off and record the reason for the refusal in the Regulatory Support Application in the 'Reason for refusal' text box. The National Business Unit will send out the notice of intention to refuse registration.

247. Depending on the issue, the National Business Unit or the compliance, investigation and enforcement team sends the notice of intention to refuse by **recorded delivery** to the applicant with a copy of the *How to object* leaflet.⁷⁷ If the applicant objects to the notice of intention to refuse, refer to the objections process set out in the *Compliance, investigation and enforcement*

⁷³ *Requirements of the Early Years Register*, Ofsted, 2012; www.ofsted.gov.uk/resources/080162

⁷⁴ *Early years online self-evaluation form (SEF) and guidance for providers delivering the Early Years Foundation Stage*, Ofsted, 2012; www.ofsted.gov.uk/resources/080104.

⁷⁵ *Are you ready for your inspection: A guide to inspections of provision on Ofsted's Childcare and Early Years Registers*, Ofsted, 2012; www.ofsted.gov.uk/resources/120085.

⁷⁶ *Poster for parents: childcare*, Ofsted, 2011; www.ofsted.gov.uk/resources/poster-for-parents-childcare.

⁷⁷ *How to Object: Guidance for childminders and childcare providers*, www.ofsted.gov.uk/resources/120238.

*handbook: childminding and childcare.*⁷⁸ If no response or objection is received within **14 days** the National Business Unit or the compliance, investigation and enforcement team sends out a 'Notice of decision to refuse' letter by **recorded delivery** to the applicant, including the *How to appeal* leaflet.⁷⁹

Note: Overall registration decision

Straightforward registration with no concerns about the suitability of individuals – the inspector makes the registration recommendation and the regulatory decision-maker makes the overall registration decision in the 'Manage registration decision' screen, having reviewed all the information.

Registration following resolved concerns – the inspector makes the registration recommendation and the regulatory decision-maker makes the overall registration decision in the 'Manage registration decision' screen. If the issue was serious and the compliance, investigation and enforcement team are involved, the senior officer in the compliance, investigation and enforcement team signs off the decision in the 'Manage registration decision' screen.

Refusal of registration – the inspector makes the registration recommendation and the regulatory decision-maker makes the refusal decision in the 'Manage registration decision' screen. If the issue was serious and the compliance, investigation and enforcement team are involved, the senior officer in the compliance, investigation and enforcement team signs off the decision in the 'Manage registration decision' screen, which may follow a full review of the registration evidence and checks.

Part 4. Applications made by existing registered providers

248. The law requires those who submit an application to provide childcare to supply certain information. This is set out in The Childcare (Early Years Register) Regulations 2008 and the Childcare (General Childcare Register) Regulations 2008 as amended.⁸⁰ This information is intended to help us ensure that those providing care for children are suitable to do so.

249. People already known to us as registered providers often choose to expand their business, for example by applying to register a new setting or by buying an existing business. Registered providers also change the premises they use for childcare. We should make the process of registration as simple as possible

⁷⁸ *The compliance, investigation and enforcement handbook: childminding and childcare*, Ofsted, 2012; www.ofsted.gov.uk/resources/ciehandbook.

⁷⁹ *How to make representations and appeals*, Ofsted 2011; www.ofsted.gov.uk/resources/110041.

⁸⁰ The Childcare (Early Years Register) Regulations 2008: www.legislation.gov.uk/uksi/2008/974/contents/made; as amended in 2012; <http://www.legislation.gov.uk/uksi/2012/939/contents/made> and the Childcare (General Childcare Register) Regulations 2008: www.legislation.gov.uk/uksi/2008/975/contents/made as amended in 2012; <http://www.legislation.gov.uk/uksi/2012/1699/contents/made>.

for these people as we already hold much of the existing information required in an application. We should not require the applicant to supply information already in our possession. However, our processes for registering these applicants should make sure we take account of all the information we hold on them, particularly where there are open actions or information relating to concerns raised by parents and others; or a poor inspection history.

250. If an organisation has multiple provisions, it is essential that they are assigned to the same organisational identity on the Regulatory Support Application. This will ensure that we make appropriate links in all our regulation and inspection work between different settings owned by the same provider. For example, information received about non-compliance with staff ratios at a number of different settings owned by the same provider might suggest that the provider is unable or unwilling to ensure that sufficient, qualified staff are in place at their settings. If we can make such links, it will help us to identify where we require the provider to take action to ensure that all their provision meets the requirements of the Early Years Foundation Stage.
251. It is not always straightforward to make decisions about when registration is required where registered providers change their legal entity or buy existing businesses. Annex B, 'Registered persons for childcare provision on domestic and non-domestic premises' sets out the main categories of registered person for childcare.

Circumstances where a new application is required

An existing registered person (organisation or sole trader) wishes to set up a new setting not previously registered for childcare

252. We require an application and fee for each new setting not previously registered for childcare. The applicant needs to complete an application form in full for each new childcare setting on domestic and non-domestic premises.

A registered childminder who chooses to work with three or more other adults at the same time on domestic premises

253. We require a new application and fee to register as childcare on domestic premises.

A childminder who wishes to provide childminding at new domestic premises or with up to two other childminders or assistants at the same time

254. This does not require a new application.

An existing registered person (organisation or sole trader) acquires one or a number of already registered settings

255. We require a new application and fee for each registered setting an existing registered provider buys or acquires. However, where this involves an organisation or sole trader buying a number of existing settings then we do not require a full application form for each one. Instead, the organisation can complete one application form in full for all the settings covered by the acquisition and supplement this with a list of all the settings covered by the acquisition. They must include information about any differences that apply to any particular setting. Where a chain is acquiring a number of existing settings, the National Business Unit and inspectors should liaise with Ofsted's national provider scheme manager, for example to ensure that the acquisition or merger is reflected in arrangements for carrying out head office audits of providers on the national provider scheme. We will take legal advice where necessary to ensure that company mergers and acquisitions are correctly processed.

256. In all cases we must make the following clear.

- The buyer cannot provide childcare until registration is complete.
- The seller remains responsible for childcare until he or she resigns the registration in writing. Where continuity of care for children is an issue, the existing registered person must not resign their registration until the new registration takes effect (the date on the certificate). If they wish to resign before the new applicant is registered, then the provision must stop operating until the new applicant is granted registration; we cannot allow a setting in these circumstances to continue to operate without registration, even if it may disrupt the parents' arrangements for childcare.

257. We do not need, in all cases, to carry out a full assessment of the premises or to recheck individuals connected with the registration if:

- there are no changes to the premises and there were no concerns about the premises at the last inspection
- the registered person is already suitable in respect of other provision
- there are no open compliance cases in respect of the provision being sold and/or any provision held by the purchaser
- the purchaser has a good track record with Ofsted; any compliance issues are minor and swiftly dealt with
- there is no change of manager at the premises where childcare is provided.

258. In these cases, the regulatory decision-maker will need to assess the application and decide if further assessment of premises or additional checks on individuals needs to be undertaken. We must still decide on whether or not to grant the registration. This means that we still need to make an assessment as to the suitability of the person applying and their ability to meet the relevant

requirements. In reaching a decision on registration in these circumstances, the regulatory decision-maker must take into account the full range of information that Ofsted holds about the existing legal entity. This will include amongst other things:

- the inspection judgement(s) given at the last inspection, particularly where a setting or settings have been judged as inadequate
- previous information about concerns associated with new legal entity, including where there has been either a high number of notifications of concern, or a number of notifications of concern about the same matters
- the provider's approach to responding to any regulatory issues in the past, for example whether they have shown a willingness to meet actions set in order to bring about improvement.

259. The regulatory decision-maker should take these matters into account and decide whether we should undertake a new registration visit, including an interview with the applicant. Where there is evidence of recent poor performance, whether in relation to information about concerns, inspection reports or other communications with Ofsted, the regulatory decision-maker should arrange for the relevant visit to take place. They should either allocate this to the appropriate inspection service provider or, where concerns are significant, to the compliance, investigation and enforcement team. In these cases, the regulatory decision-maker should record their reasons for requesting the additional visit/interview on the Regulatory Support Application and should make sure that they provide relevant information to the inspector when allocating the application for a visit.

260. Acquiring existing provision means that there is a new published history of that provision on Ofsted's website. We also retain the existing published history for a period of three years, although there will be no explicit link to the new legal entity.

Changes of legal entity

261. Where an organisation changes its legal entity, for example where committee-run provision becomes a registered company or when an existing company number changes, we require new applications and application fees for each registered setting. This also applies where individual owners become limited companies, other than childminders where we continue to register the individual as a childminder.

262. We should follow the process for acquiring new provision when an organisation changes its legal entity. As above, where this involves an organisation or sole trader buying a number of existing settings then we do not necessarily require a full application form for each one.

263. Where changes involve an already registered company, as a rule of thumb, a new application is only required when the company number changes.

264. As with acquisitions and mergers, although we may not need to undertake a full application process where a company entity changes, we must still decide on whether or not to grant the registration. This means that we still need to make an assessment as to the suitability of the person applying and their ability to meet the relevant requirements. In reaching a decision on registration in these circumstances, the regulatory decision-maker will want to take into account the full range of information that Ofsted holds about the existing legal entity as set out in paragraphs 283–285.
265. Our guidance to applicants on registration makes it clear that all those making up the registered person, or acting as the nominated person, should 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. We should not normally ask for a new EY2 form when there is a change of legal entity in these circumstances, unless there are other causes for concern.⁸¹ However, where the person has not completed an EY2 form within the last three years, and/or they have had a break of more than three months since their last involvement in childcare, we should ask them to complete an EY2 form and carry out the range of checks, following the usual guidance and process for obtaining checks.
266. As in paragraph 260, changing a legal entity means that there is a new published history of that provision on Ofsted's website. From early 2011 we hope to retain the existing published history for a period of three years, although there will be no explicit link to the new legal entity.

Childcare on domestic and non-domestic premises moving to new childcare premises

267. Where a registered childcare provider on domestic or non-domestic premises changes the premises on which childcare is provided, the registered person must apply and pay an application fee for registration at the new premises and, at an appropriate point, resign their registration in respect of the old premises. This is because the registration of childcare provision is in respect of particular premises. The National Business Unit will notify the inspection service provider when allocating the visit that the new application relates only to a change of premises.
268. The new registration cannot take effect until registration is granted. This is the case even where such changes of premises are temporary and short term, due to problems at the main premises, unless the problems are very short-term and

⁸¹ Declaration and consent form for all individuals connected with a registered provision (form EY2), Ofsted, 2012; www.ofsted.gov.uk/resources/form_EY2.

the provider can claim the 14-day exemption from registration at the new premises.⁸²

269. Where there are issues of continuity of care for children attending the setting, the applications should be prioritised. However, continuity of care is not on its own a sufficient reason to allow care to operate without registration. It is an offence to provide childcare without registration and Ofsted cannot condone such action.
270. The regulatory decision-maker will need to assess the application. In all cases there should be a premises visit but the regulatory decision-maker should also assess if additional checks on individuals need to be undertaken. We must still decide on whether or not to grant the registration. This means that we still need to make an assessment as to the suitability of the person applying and their ability to meet the relevant requirements. In reaching a decision on registration in these circumstances, the regulatory decision-maker must take into account the full range of information that Ofsted holds about the existing legal entity.
271. As in paragraph 260, moving premises means that there is a new published history of that provision on Ofsted's website, therefore we retain the existing published history for a period of three years, although there will be no explicit link to the new legal entity.
272. The provider may, if the move is a temporary one, also choose to retain registration at the previous premises. This will help any move back to those premises.

Childminders moving house

273. This is not a new registration and is dealt with in Part 5: Changes to registration.

Guidance on the application process

274. The National Business Unit should identify from the application form that this is an existing registered provider and should assess whether the person(s) involved in the application(s) are already known to Ofsted. They should check the registration history for the provider and whether the suitability decisions are already in place for these people.
275. Where we have already completed checks on the applicant in respect of a previous application or registration within the past three years, the applicant does not need to complete the declaration and consent form. We should not carry out checks again unless we have concerns about the applicant. For further guidance on deciding whether or not a new Criminal Records Bureau

⁸² *Factsheet: registration not required*, Ofsted, 2012; www.ofsted.gov.uk/resources/080134.

check is required, please see the factsheet: *childcare - Criminal Records Bureau (CRB) checks for those providers who register with Ofsted.*⁸³

276. When allocating the registration(s), the National Business Unit should notify the inspection service provider that this is an existing registered provider, identifying, wherever possible, the target opening dates. The National Business Unit and inspectors should follow the guidance in paragraphs 283–285 on applications from an existing registered provider. We should use the target date as a date to work towards when completing the registration. Where there are no significant changes we should be able to complete registration in well under 25 weeks.
277. The National Business Unit should also check if there are other significant changes identified in the application, for example changes in ages of children or hours of operation. The National Business Unit should notify the inspection service provider of any significant changes that might affect registration.
278. Where there are no concerns, the registration visit should concentrate on the provider's approach to ensuring that the new premises are safe, including the steps that the provider has taken to identify and minimise or eliminate any risks. There is no need to carry out a full inspection of all the outcomes unless the new application changes the way in which the applicant meets these.
279. The inspector must record in their evidence any points arising from an inspection of the new premises and discussion with the registered person and/or any other individual nominated by the applicant. The inspector must make sure the applicant is aware of any outstanding actions and recommendations, and any conditions of registration.
280. It may not be necessary to carry out a full registration visit. Where there are no significant changes to people working on the premises, or to the manager or other aspects of the provision, the inspector should, as a minimum, interview the applicant about the intentions for the nursery, the policies and procedures the applicant wishes to put in place, and how these are different from what is already in place, before granting registration. The applicant may refer to their manager for detailed knowledge of the implementation of the requirements, but they must demonstrate sufficient understanding of the requirements in order to appoint a suitable manager and monitor their work. The inspectors should also discuss with the applicant any issues identified by the National Business Unit, for example any points carried forward from the last inspection.
281. The National Business Unit will normally produce the registration certificate with any conditions of registration that apply to the currently registered provider, unless there are good reasons for changing these. Where the inspector believes

⁸³ Factsheet: *childcare - Criminal Records Bureau (CRB) checks for those providers who register with Ofsted, Ofsted, 2012; www.ofsted.gov.uk/resources/090103.*

that there is reason to change conditions of registration they should record this in their evidence with recommendations for any proposed change.

Circumstances where a new application is not required

Acquiring a company and running it under the existing company name

282. Sometimes an organisation acquires a company and chooses to continue to run it as that company, so the registered company name and registered company number remain the same and it continues to trade under the existing company name. In these circumstances we do not require a new application (or applications) as the existing company remains liable as the registered person.

283. In these circumstances the individuals making up the registered person may change. We must ask the organisation buying the company to notify Ofsted of any changes to the individuals making up the registered body. All new individuals must complete a declaration and consent form. New individuals we check are:

- those making up the organisation providing childcare, such as committee members, partners and directors
- the nominated person representing the provider.

Changes of name and registered addresses

284. Sole traders or organisations may decide to change their name, or change the registered address (the address where we serve legal notices, not the address of the childcare premises). As the registered person remains the same, neither of these actions results in a new application for registration.

Registration not required

285. Some childcare providers do not need to register their services. These are covered in the factsheet *Registration not required*.⁸⁴ Providers may choose to register on the voluntary part of the Childcare Register if they are able to meet its requirements. There is more information on this in the *Guide to registration on the Childcare Register*.⁸⁵

286. The law that sets out our responsibilities is the Childcare Act 2006 and linked regulations. The specific order setting out exemptions from compulsory registration is the Childcare (Exemptions from Registration) Order 2008 (2008 No. 979).

⁸⁴ *Registration not required*, Ofsted, 2012; www.ofsted.gov.uk/resources/080134.

⁸⁵ *Guide to registration on the Childcare Register*, Ofsted, 2012; www.ofsted.gov.uk/resources/120084.

Part 5. Changes to registration

287. After a provider has registered with us, they or we may decide to make changes to their registration. This part sets out how we deal with changes to registration. Annex D sets out the most commonly requested changes.

288. A provider may request changes through:

- telephone calls to Ofsted
- written requests to Ofsted
- emails and electronic transactions
- requests to inspectors at inspection.

289. We require some requests to be made in writing. This is so we can be clear about the details of what the provider is asking, how they propose to manage the change and so that we have a written record if they choose to object to or appeal against our decision in relation to the request.

290. We may need to carry out checks, interviews or inspections after receiving information, and issue a new certificate of registration. In all cases we must update the Regulatory Support Application with all requests for change and our reasons for agreeing or refusing them, to create a secure audit trail.

291. We also may decide to make changes to someone's registration. This may occur where we receive information that a provider is not complying with the requirements for registration; or because we decide to impose, vary or remove conditions of registration as a result of an inspection or other visit.

292. Where the registered person informs the inspector of changes, the inspector must inform the National Business Unit of the data change. If the change relates to the registered provider (for example a change of company name) and the inspector is unsure whether the legal entity will remain the same, the inspector should ask for advice including whether to continue with the visit.

293. If the changes require new/additional checks to be carried out, for example where a child living on the premises reaches the age of 16, the inspector must inform the National Business Unit as soon as the visit is complete and not wait until the submission of the inspection outcome. If the changes relate to other matters, for example a change in mobile contact number or email address, the inspector should inform the National Business Unit at the time they submit the registration or inspection outcome through the data transfer process.

294. The inspector should inform the National Business Unit of the request by the agreed system of data exchange and record in their evidence their recommendation for agreement and any recommendation for a variation to the conditions of registration. There is no fee charged for this process, unless it involves a new application to be made.

Change of register

295. The inspector may discover at inspection that a person is on the wrong register or a person may request that they join a different register.

Registering on the Early Years Register

296. If a person is on the Childcare Register (either or both parts), and wishes to register as an early years provider, the inspector must tell the provider that they need to make a new application. The provider may complete the application online, download an application form from Ofsted's website (www.ofsted.gov.uk) or obtain information about how to apply from their local Family Information Service. We cannot add a provision to the Early Years Register without the provider completing an application form and the Early Years Register registration process, which includes paying the application fee.

297. If an existing provider says they want to join the Early Years Register during an inspection, the inspector should normally complete the inspection or other visit they are making, contacting the helpline if they need further advice. The inspector should seek advice from the compliance, investigation and enforcement team if, during the visit, they find that the provider is already caring for children from the early years age group and is not registered on the Early Years Register.

Registering on the voluntary part of the Childcare Register

298. If a person is registered on the compulsory part of the Childcare Register and they wish to be registered on the voluntary part, we can add this. The inspector should inform the National Business Unit of the recommendation through their evidence. The National Business Unit should send the provider the requirements for registration on the voluntary part of the Childcare Register at the same time as issuing a new certificate of registration.

Registering on the compulsory part of the Childcare Register

299. If a person is registered only on the voluntary part of the Childcare Register and wishes to be registered on the compulsory part, the inspector should inform the National Business Unit of the recommendation through their evidence. The National Business Unit should send the provider the requirements for registration on the Childcare Register. The provider must confirm to Ofsted in writing that they will meet all of the requirements for registration on the compulsory part of the Childcare Register but do not have to pay an additional fee. When they have confirmed that they meet requirements the National Business Unit will send out a new certificate of registration.

Childminders changing address

300. Childminders are registered to care for children on domestic premises. Although their registration certificate includes the address on which they intend to

provide childminding, if they move house they do not need to make a new application to Ofsted. They must notify Ofsted of their new address as soon as possible and in all cases within 14 days of it taking place.

301. The regulatory decision-maker, taking into account all the information we know about the childminder, will decide whether to bring forward an inspection or schedule a further inspection, or to allow the childminder to start caring for children at the new premises without a need to inspect. We should bring forward an inspection or schedule a further one where:

- we have not carried out an inspection since the childminder's registration or within the current inspection cycle
- we have received concerns since the last inspection that may call into question the childminder's suitability
- there were actions or recommendations given at the last inspection or at any other time in respect of premises
- the childminder notifies us of the move later than 14 days after it took place.

302. In all cases we must issue a certificate of registration before the childminder can care for children at the new address. The National Business Unit should:

- record the decision in the Regulatory Support Application
- bring forward the inspection where necessary
- make a note for the inspector to carry out a full assessment of the premises at the next inspection in the field 'Comment for next visit'
- update the childminder's address on the Regulatory Support Application
- send letter EYL1117 with the new registration certificate, telling the childminder to carry out a risk assessment of their new premises and to identify and deal with any risks before commencing childminding.

303. The childminder must assess the risks of their new premises in line with the requirements of the Early Years Foundation Stage. Their risk assessment does not need to be in writing or submitted to the National Business Unit, as the childminder must continue to meet the requirements of the Early Years Foundation Stage at all times. However, the childminder's risk assessment should identify areas that need to be regularly checked, when, and by whom, and how any identified risks will be removed or minimised. Inspectors must carry out a full assessment of the premises at the next inspection.

Home childcarers changing address

304. Home childcarers must inform us if they change their own address and must inform us in advance of any address where they will be working. The National Business Unit should update the Regulatory Support Application with the new setting address. The setting address is not shown on the certificate.

305. Some home childcarers may work at several settings, for example if they work for an agency. The regulations say they must still keep us informed of every setting at which they work, so we need to record what they have told us. When the setting address changes frequently, the National Business Unit should record the addresses in the 'Registration comments' section of the Regulatory Support Application and show the address where they are currently working most often as the primary setting address.

Requests to vary or remove conditions of registration

306. Registered providers on the Early Years and Childcare Registers may apply to Ofsted to vary their conditions of registration. They may make such a request directly to the inspector during a visit, or by telephone or in writing to the National Business Unit. Business process BP006 sets out the steps to be taken (the chart is available at the same webpage as this document www.ofsted.gov.uk/publications/100165).

Variation requests made during a visit

307. In most cases, providers will not have conditions on their registration. However, where a provider does have a condition and requests that it is removed or varied during a visit, the inspector will need to form a view, taking into account the guidance in this handbook and the inspection guidance, as to whether or not we should grant their request to vary conditions. The inspector will need to record in their evidence the reasons for the request to remove or vary conditions and their recommendation as to whether or not the request should be granted. The regulatory decision-maker will decide, on receipt of the inspector's evidence, whether or not to grant the removal or variation request, or whether further information is required from the registered person before a decision can be made. Where further information is required, the regulatory decision-maker will arrange for the National Business Unit to write to the provider requesting the further information necessary.

Request to vary conditions of registration made other than during a visit

308. Where a provider requests removal of, or a variation to, their conditions of registration other than as part of a visit by an inspector, the National Business Unit will ask them for full information about their request. Once the registered person provides the further information required, the regulatory decision-maker will consider their request and decide whether or not to grant the variation.

Considering and deciding on variation requests

309. The regulatory decision-maker will need to decide, on the basis of all the evidence and information to hand, whether or not the variation request can be granted. A provider has a right to object if we refuse their request to vary their conditions and, for this reason, it is essential that the regulatory decision-maker keeps a full record on Regulatory Support Application of the reasons for their decision.

310. Where we propose to vary or remove conditions of registration, either at the provider's request or as part of our own decision, we must issue a notice of our intention to vary or remove the condition. Under the normal rules for notices of intention, the change cannot take effect until 14 days has passed since the issue of the notice of intention. However, we can waive this 14-day period if the provider notifies us that they do not wish to object to the change in conditions. In the case where a provider has asked for a condition to be varied or removed and we agree to the change, the National Business Unit will ask the provider to confirm in writing that they do not wish to object. When this is confirmed, we can issue the notice of decision to vary or remove the condition, and the new registration certificate, at the same time.
311. In some cases, the regulatory decision-maker will be able to make a decision on whether to grant the variation on the basis of paper information alone. However, in some cases we must carry out a visit before making a decision on the variation request. Where a visit is required, the National Business Unit will allocate this to the relevant inspection service provider.
312. If we intend to refuse a request to vary conditions of registration, we must do so through a proper legal process, which includes issuing a notice of intention to refuse. The provider may object to our notice of intention. If we decide to go ahead with the refusal, we must issue a notice of decision and the provider then has rights of appeal.
313. Where the regulatory decision-maker is intending to refuse a request to vary conditions, they must discuss the case with the compliance, investigation and enforcement team in terms of the wording of the notice. Where the provider subsequently objects to the refusal, the compliance, investigation and enforcement team will handle the case.

Variation requests that raise causes for concern

314. The regulatory decision-maker may need to take advice from the compliance, investigation and enforcement team if there is any information from the request to vary conditions that raises a cause for concern, for example if, in a request to remove a condition relating to the care of babies, it becomes apparent that the registered person has an underlying health problem that is the reason why the condition was set.

Variation requests from newly-registered providers when no post-registration inspection has been carried out

315. We cannot normally grant a request to vary conditions of registration where we have not yet carried out a post-registration inspection. This is because, at that point, we have not seen the provider caring for any children. It is therefore difficult for us to judge whether or not they will be able to meet any new conditions. This situation should be rare as most registrations will be granted without the need for a condition.

316. However, in these cases the National Business Unit should explain to the provider that we cannot make a decision on their variation request until we have carried out a post-registration inspection. The National Business Unit should liaise with the scheduling team to ensure that the post-registration inspection is carried out as soon as possible. They will need to ensure that the information that goes forward to the inspection service provider makes it clear that the inspector will need to consider the variation request as part of the post-registration inspection. The inspector will need to record their evidence and recommendation as to whether or not the request should be granted in line with the advice above.
317. Where a person makes a request to vary their registration, we are under a legal duty to consider and decide upon that request and to inform the provider of our decision. If it is not possible for a post-registration inspection to be arranged within 14 days, we must formally refuse the request for a variation, using the notice of intention process.

Change of nominated person or manager

318. We carry out checks on a nominated person where that person changes. We do not carry out a suitable interview process where there is a change of manager or nominated person.

Nominated persons

319. The registered person is responsible for identifying a person to represent them to Ofsted and for notifying Ofsted of that person. They may use form EY3 to do so. The National Business Unit must arrange for the individual to complete and return a declaration and consent form (EY2) and instigate checks on that person. We do not routinely request new checks if Ofsted has carried out checks in the last three years, unless there has been a gap in the person's employment or there are other reasons to repeat the checks.
320. If all checks are complete and suitable the regulatory decision-maker will make the overall suitability decision and send letters EYL152 to the provider and EYL1067 to the individual. The regulatory decision-maker will make the suitability decision on Regulatory Support Application if they decide the person's checks make them unsuitable.
321. Any suitability concerns arising from checks are escalated to the regulatory decision-maker. If we decide that the proposed new nominated person is unsuitable, we must inform the registered person of this, through contacting one of the individuals who makes up the registered person. This should be a senior person in charge of the organisation, for example a director if the organisation is a company or the chair of the committee if the organisation is a committee. We should inform the individual concerned that on the basis of the checks we have carried out, we have judged the new nominated person as unsuitable, and make it clear that they need to put steps in place to nominate

another person to act on their behalf. The regulatory decision-maker should consult with the compliance, investigation and enforcement team in relation to unresolved causes for concern about the way the organisation has dealt with the nominated person's unsuitability.

322. The registered provider is responsible for establishing whether the person is able to represent the organisation appropriately to Ofsted including demonstrating how the provision meets and will continue to meet the requirements for registration. We check this at inspection.

Managers

323. The employer is responsible for determining the suitability of managers. The registered person must arrange checks on the manager to establish their suitability to work or be in regular contact with children. They must also ensure that the manager understands their role and the requirements of the Early Years Foundation Stage.
324. Although registered providers are responsible for determining suitability and undertaking checks on their managers they must inform Ofsted when the manager changes. If the registered person wishes their manager to have dealings with Ofsted on their behalf, for example to complete the self-evaluation form, they must complete and submit for EY3 giving the consent of the manager for us to hold their name and date of birth on our system. Inspectors will interview the manager at inspection to check their understanding of the statutory framework and their role in implementing its requirements.

Annex A. Decision-making matrix: registration

| Type | Judgement | Recommendation | Decision ⁸⁶ |
|-------------------------------------|---------------------------------------|--------------------------------|---|
| Registration visit interview | Suitable | Inspector | Regulatory decision-maker (B1) |
| | Suitable with actions | Inspector | Regulatory decision-maker (B1) |
| | Not suitable | Inspector | Refers to the compliance, investigation and enforcement team |
| Suitability decision | | | |
| Medical check | Suitable (check clear) | National Business Unit (B3) | Regulatory decision-maker (B1) |
| | Suitable (information identified) | National Business Unit (C1) | National Business Unit (C1) |
| | Not suitable – registered provider | Regulatory decision-maker (B1) | Refer to the compliance, investigation and enforcement team |
| | Not suitable – manager of childcare | Regulatory decision-maker (B1) | Refer to the compliance, investigation and enforcement team |
| Criminal Records Bureau check | Suitable (check clear) | National Business Unit (C1) | National Business Unit (C1) |
| | Suitable (information identified) | National Business Unit (C1) | Regulatory decision-maker (B2 or B1) or refer to the compliance, investigation and enforcement team |
| | Not suitable (information identified) | Regulatory decision-maker (B1) | Refer to the compliance, investigation and enforcement team |
| Local authority check | Suitable (check clear) | National Business Unit (C1) | National Business Unit (C1) |
| | Suitable (information identified) | Regulatory decision-maker | Regulatory decision-maker (B2 or B1) or refer to the compliance, investigation and enforcement team |
| | Not suitable (information | Regulatory decision- | Refer to the compliance, |

⁸⁶ Where there is a reference to the compliance, investigation and enforcement team, the decision must be made in line with the decision-making chart in the *Compliance, investigation and enforcement handbook*, Ofsted, 2012; www.ofsted.gov.uk/resources/ciehandbook.

| Type | Judgement | Recommendation | Decision ⁸⁶ |
|---|--|--------------------------------------|--|
| | identified) | maker (B1 or B2) | investigation and enforcement team |
| Known to Ofsted check | Suitable (check clear) | National Business Unit (C1) | National Business Unit (C1) |
| | Suitable (information identified) | Regulatory decision-maker (B2 or B1) | Regulatory decision-maker (B2 or B1) or refer to the compliance, investigation and enforcement team |
| | Not suitable (information identified) | Regulatory decision-maker (B1) | Refer to the compliance, investigation and enforcement team |
| Premises checks | Suitable (check clear) | Inspector | Regulatory decision-maker (B1) |
| | Suitable (premises issue) | Inspector | Regulatory decision-maker (B1) |
| | Not suitable (premises issue) | Inspector | Regulatory decision-maker (B1) – consider referral to the compliance, investigation and enforcement team |
| Individual suitability – other association | Suitable (no information received on any checks) | National Business Unit (C1) | Regulatory officer (B2) |
| | Suitable with resolved concerns, for example about alcohol/ drugs misuse | Inspector | Regulatory decision-maker refers to the compliance, investigation and enforcement team |
| | Not suitable | Inspector | Regulatory decision-maker refers to the compliance, investigation and enforcement team |
| Premises suitability | Suitable | Inspector | Regulatory decision-maker (B1) |
| | Not suitable | Inspector | Regulatory decision-maker refers to the compliance, investigation and enforcement team |
| Registration | Register | Inspector | Regulatory decision-maker |

| Type | Judgement | Recommendation | Decision ⁸⁶ |
|-----------------|--|---|---|
| decision | Register (following resolved concerns) | Inspector or regulatory decision-maker (B1) | Regulatory decision-maker (B1) or refer to the compliance, investigation and enforcement team if already involved |
| | Refuse – requirements not met | Inspector or compliance, investigation and enforcement professional | Compliance, investigation and enforcement team senior officer |
| | Refuse – process incomplete, for example Criminal Records Bureau disclosure application forms not received | National Business Unit (C1) | Regulatory decision-maker (B1) |

Annex B. Registered persons for childcare provision on domestic and non-domestic premises

There are three categories of registered person for childcare on domestic and non-domestic premises:

- individual – the sole owner of a provision
- organisations whose prime purpose is to provide childcare
- organisations whose prime purpose is not to provide childcare.

Individuals

Where the registered person is an individual, that person must sign the application. He/she is solely responsible and accountable for the provision.

Organisations whose prime purpose is to provide childcare

The application must be signed by a responsible person or persons representing the organisation, for example:

- a director or directors on behalf of a company
- a partner or partners on behalf of all partners in a formal or informal partnership
- a trustee, director or chairperson on behalf of a charitable body
- the chairperson or a committee member on behalf of a committee.

Organisations whose prime purpose is not to provide childcare

The application must be signed by the most senior person in the organisation who has delegated, clearly identifiable and direct responsibility for managing, planning and monitoring the childcare, on behalf of the organisation.

The main types of organisation

Companies: companies are legally constituted, have a company name, are registered with Companies House and have a company registration number.

Statutory bodies: a statutory body is an organisation where the main purpose of that organisation is provided for under legislation, for example a local authority or school governing body.

Formal partnerships: a formal partnership holds a separate legal identity from the individuals that make up that partnership. Formal partnerships are legally constituted and have a partnership name.

Informal partnerships: an informal partnership is where two or more individuals act together without a legally constituted agreement. This form of partnership does

not have a separate legal identity of its own. The registered person is each of the individuals making up the informal partnership.

If an informal partnership has a name, such as 'Busy Bees', we may register it under this name. This means that if partners change we do not have to make changes to the registration certificate. If there is no group name, we must list each of the individuals making up the partnership on the registration certificate.

Where the prime purpose of the partnership is the provision of childcare we will hold information on all the partners separately, as applicants are required by legislation to inform Ofsted of the names of the individuals that make up a partnership.

Charities: charitable bodies may be charitable trusts, unincorporated associations or limited companies. Registered charities hold a registered charity number.

Committees that are not registered charities: committees are not constituted in law, and are informal associations/groups. Each individual making up that committee is considered as the registered person and is equally responsible and accountable for the provision. 'The committee' means whoever is serving on the committee at the date Ofsted takes any action in connection with the registration.

There are some other types of organisation that are legal entities, such as **industrial and provident societies** and **community interest companies**. In many cases, these will also be registered charities, in which case we will treat them as such. We will record them on our systems as a 'charity' and refer to the members of the organisation 'trustees'. Where such organisations are not a registered charity, we will record them as a committee and call the individuals that make up the registered body committee members.

Trading names: if the organisation has a trading name then we will record this on their registration certificate. We will refer to the organisation as 'XX, trading as YY'. If the organisation doesn't have a trading name, we will list on the registration certificate all the individuals who make up the registered person.

Note on Sure Start children's centres

In the case of children's centres there are a range of governance models and accountability may be shared across different agencies or providers. Children's centres which operate on more than one site will require a separate registration for each of the premises on which childcare is provided. There may be a different registered person for each registration.

Annex C. Early Years Register telephone checklist and document request

Questions/points to include in your phone call to the applicant to arrange the registration visit:

- Introduce yourself and make sure you are speaking to the applicant or their nominee.
- Explain the reason for your phone call and check that it is a convenient time to talk.
- Agree the venue, date and time for the registration visit and give an indication of the length of the visit.
- Give information about the purpose and process of your visit.
- Ask the applicant (where applicable) if the manager will attend for part of the visit.
- Give information about any colleagues who will join you on the day.
- Check if there are any factors you need to consider such as building work, holidays and so on.
- Ask, if applicable, whether children will be present during the interview.
- You must explain that during the visit the applicant must demonstrate to you how he or she meets or will meet the safeguarding and welfare and the learning and development requirements of the Early Years Foundation Stage. Emphasise that the applicant needs to understand and be able to demonstrate how they will put the Early Years Foundation Stage into practice.
- Check that the applicant has received the guidance booklet *Preparing for your registration visit*,⁸⁷ included as part of the application pack. Explain that the applicant can prepare for your visit by working through the questions in the booklet.
- Advise the applicant to assess/identify any risks associated with the premises as required under the *Statutory Framework for the Early Years Foundation Stage*, section 3, paragraph 3.63 – risk assessment.⁸⁸
- Ask if there are any special factors for you to take into consideration, for example a disability with hearing, sight and so on.
- Ask if there any significant changes since the applicant submitted the application form to Ofsted.

⁸⁷ *Childcare registration form for the Early Years Register*: Preparing for your registration visit, Ofsted, 2012; www.ofsted.gov.uk/resources/120151.

⁸⁸ *Statutory Framework for the Early Years Foundation Stage*: <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2012>.

- Clarify any directions you need to the address where the visit will take place.
- Ask if the applicant has any questions.
- If you need to ring again, check a convenient time.
- During your phone call, ask the applicant to make a note of any documents you will need to see. You may wish to refer the applicant to the factsheet *The requirements of the Early Years Register*.⁸⁹ These include:
 - the applicant’s birth certificate
 - proof of any name changes such as a marriage certificate (if applicable)
 - proof needed for verification of identity
 - documents related to using a vehicle (if applicable) driving licence, MOT certificate and insurance
 - any written policies, or procedures required by the Early Years Foundation Stage and associated regulations
 - for childminder applicants, confirmation that they have completed their local authority approved training or have dates when they are due to attend. Tell them the visit will not take place unless training is completed.

⁸⁹ Factsheet: Childcare – Requirements of the Early Years Register, Ofsted, 2012; www.ofsted.gov.uk/resources/080162.

Annex D. Changes to registration details

The table below identifies where changes can be made to registration details without undertaking additional checks, and where such a change needs additional action. It includes information on where a visit may have to stop until we have completed that action.

| Change to registration details | Action required – existing registered provider | Action required – applicant for registration |
|---|--|--|
| Changes to contact details – such as email and home/mobile telephone number | Inspector informs Ofsted of required change – National Business Unit updates provider’s details. | Inspector informs Ofsted of required change – National Business Unit to update provider’s details. |
| Change of name – for example, following marriage/deed poll | Inspector informs Ofsted of required change – National Business Unit to update provider’s details. | If the change of name occurred before the application was submitted and they did not notify Ofsted of this information, the inspector must inform Ofsted of the additional information. The National Business Unit will refer to the compliance, investigation and enforcement team the failure to disclose the information, if necessary. The National Business Unit will ensure checks have taken place relating to the change of name. If the change occurred after application, such as following marriage, the inspector must inform the National Business Unit of the change of details. The National Business Unit will update provider’s details in all cases. |

| Change to registration details | Action required – existing registered provider | Action required – applicant for registration |
|---|--|--|
| Difference in spelling of names, or omission of names, on information presented to the inspector by the applicant/registered person compared to information provided to the inspection service provider from Ofsted | Inspector informs Ofsted of required change – new forms may need to be completed and sent to Ofsted. Discussion relating to the omission of details to Ofsted will need to take place – advice from the National Business Unit may be required. National Business Unit will update provider’s details. | Inspector informs Ofsted of required change – the National Business Unit updates the Regulatory Support Application. We may ask for new forms to be completed and sent to Ofsted. We may need to discuss the omission of details and take advice from the National Business Unit for visit to continue. |
| Change of address following house move | Inspector informs Ofsted of required change – National Business Unit to update provider’s details. | Inspector informs Ofsted of required change – National Business Unit to update provider’s details. |
| Date of birth of existing children, already recorded on Regulatory Support Application – if a child has reached the age of 16 we must send a EY2/CR2 and obtain a CRB check | Inspector informs Ofsted of required change – National Business Unit to update provider’s details and send EY2/CR2 if appropriate. | Inspector informs Ofsted of required change – National Business Unit to update provider’s details and send EY2/CR2 if appropriate. However, we may delay making a registration decision while we receive completed checks of a person aged 16 and over if other information raises concerns about the person. In other cases, we may grant registration and will act on any information we receive that suggests the person is not suitable, on receipt of checks. |
| New member of household aged 16 years or over | Inspector asks registered person to download and arrange for completion of EY2/CR2 Inspector to inform the National Business Unit of change of household member – National Business Unit to note on the Regulatory Support Application and await completed form. If this is not received after 14 days send EY2/CR2 form as required. | Inspector to inform National Business Unit of change in household member – National Business Unit to record on system and send EY2/CR2. However, we may delay making a registration decision while we await completed checks, if other information raises concerns about a person. In other cases, we may grant registration and will act on any information we receive that suggests the person is not suitable, on receipt of checks. |

| Change to registration details | Action required – existing registered provider | Action required – applicant for registration |
|---|---|--|
| New member of household aged under 16 years | Inspector informs Ofsted of required change – National Business Unit to update provider’s details. | Inspector informs Ofsted of required change – National Business Unit to update provider’s details. |
| Change to conditions of registration | Inspector informs Ofsted of requested change – recommendation to National Business Unit through the data transfer process. | N/A – Recommendation for conditions made following registration visit. |
| Re-wording of conditions to ensure consistency with Ofsted policy | Inspector updates conditions information and sends through data transfer process. | N/A |
| Alterations to premises – such as extension | Inspector updates setting details prior to submission of inspection evidence through the data transfer process. | Inspector updates setting details prior to submission of registration evidence through the data transfer process. |
| Resignation from either register, including both parts of the Childcare Register | If this happens at inspection the inspector should provide the resignation request form to the registered person to complete and submit to the National Business Unit. The inspector should contact the National Business Unit prior to submission of their evidence, to inform them of the resignation and, where appropriate, the register that the resignation relates to. The National Business Unit will send a resignation confirmation letter. | N/A |
| Withdrawal of application from either register and both parts of the Childcare Register | N/A | The inspector should contact the National Business Unit prior to submission of the registration evidence to inform them of the withdrawal of the application and, where appropriate, the register that the withdrawal relates to. The National Business Unit will send a withdrawal confirmation letter. |

| Change to registration details | Action required – existing registered provider | Action required – applicant for registration |
|---|--|--|
| Incorrect registered person/applicant (identified from visit or other information obtained) | The inspector should include in their evidence submitted through the data transfer process that the registered person is incorrect. The regulatory decision-maker will need to contact the provider to make enquiries as to who should be the registered person, using the guidance set out in paragraphs 203–207 above. | The inspector should include in their evidence submitted through the data transfer process that the registered person is incorrect. The regulatory decision-maker will need to contact the provider to make enquiries as to who should be the registered person, using the guidance set out in paragraphs 203–207 above. |