

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

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**361**

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## What do we mean by...?

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

### Applicant

A person who applies for registration as a childminder or childcare provider.

### Childcare Act 2006

The law that sets out:

- duties on local authorities to improve outcomes for children and 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 high quality integrated learning, development and care for children from birth to the 31 August following their fifth birthday.

### Childminder<sup>1</sup>

A person who is registered to look after one or more children to whom they are not related on domestic premises for reward.<sup>2, 3</sup>

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 required; however, if they provide care for

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<sup>1</sup> For further information about registering as a childminder, see our *Guide to registration on the Early Years Register: childminder*, Ofsted, 2012; [www.ofsted.gov.uk/resources/120082](http://www.ofsted.gov.uk/resources/120082).

<sup>2</sup> There is more information about reward in our factsheet *Childminding between friends*, Ofsted, 2012; [www.ofsted.gov.uk/resources/100108](http://www.ofsted.gov.uk/resources/100108).

<sup>3</sup> Please refer to the definition of domestic premises on page 7.

one child aged under eight for an hour before school and provide care for a **different** child aged under eight for an hour and a half after school then registration is not required.

### **Childcare providers on domestic premises<sup>4</sup>**

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 from birth to 17 years.

The register has two parts:

- 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 or by contacting your local family information service.<sup>5</sup>

### **Department for Education (DfE)**

The government department responsible for the Childcare Act 2006 and the regulations that underpin it.

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<sup>4</sup> Please refer to the definition of domestic premises on page 7.

<sup>5</sup> *Guide to registration on the Childcare Register*, Ofsted, 2012; [www.ofsted.gov.uk/resources/120084](http://www.ofsted.gov.uk/resources/120084).

This includes Ofsted's responsibilities for regulating and inspecting childcare and early education. The Department for Education is also responsible for the Early Years Foundation Stage, which underpins our inspections of registered early years provision.

### **Domestic premises**

Any premises 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.

### **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 that all providers must meet for the provision of young children's safeguarding and welfare and their learning and development, as well as good practice guidance. 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.<sup>6, 7</sup>

### **Early years providers**

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

### **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 register on the Early Years Register:

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<sup>6</sup> The *Statutory framework for the Early Years Foundation Stage* is available on the Department for Education website at: [www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs](http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs).

<sup>7</sup> The Foundation Years website is available at: [www.foundationyears.org.uk/early-years-foundation-stage-2012/](http://www.foundationyears.org.uk/early-years-foundation-stage-2012/).

- 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 school<sup>8</sup>
- childcarers, such as childminders, day nurseries, pre-schools and private nursery schools, which provide for children in the early years age group.

For more information about registration on the Early Years Register please look on our website or contact your local family information service.<sup>9</sup>

## **Early years settings**

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

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

## **Enforcement**

The action we take when a provider does not meet the requirements for registration.

## **Home childcarers**

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

## **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 we take in some cases following receipt of information to establish whether a registered provider continues to meet the requirements for registration or whether an unregistered person is providing childminding or childcare for which registration is required.

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<sup>8</sup> 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.

<sup>9</sup> For more information, see the National Association of Family Information Services website: [www.nafis.org.uk/index.php?option=com\\_comprofiler&task=userslist&listid=2&Itemid=73](http://www.nafis.org.uk/index.php?option=com_comprofiler&task=userslist&listid=2&Itemid=73)

## Later years provision

The provision of childcare for children from the 1 September following their fifth birthday to the day they reach the age of 18.

## Ofsted

We are an independent, non-ministerial government department, which is responsible for the inspection of a range of education and children's services, and for the inspection and regulation of registered early years and childcare provision. Our full title is the Office for Standards in Education, Children's Services and Skills. For more information about us visit our website: [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

## Registered person

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

## Regulation

This covers registration, inspection, investigation and enforcement.

## Self-evaluation form

An optional form that we provide to help those on the Early Years Register records the outcomes of their evaluation of their provision.

Inspectors will discuss how providers evaluate their provision during inspection, whether or not they choose to use the Ofsted form. The early years self-evaluation form is available on our website or on request by telephoning **0300 123 1231**.<sup>10</sup>

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<sup>10</sup> *Early years self-evaluation form*, Ofsted, 2012; [www.ofsted.gov.uk/resources/120332](http://www.ofsted.gov.uk/resources/120332).

## Introduction

1. This guidance provides you with information about registration on the Early Years Register. It is not authoritative legal advice.
2. It will help you decide whether to apply for registration. It explains what processes your application will go through before we can decide whether you are suitable to be registered as a childcare provider on the Early Years Register.
3. The registration process looks at your ability and suitability to deliver the Early Years Foundation Stage.<sup>11</sup> The Early Years Foundation Stage is a comprehensive framework that sets the standards for learning, development and care of children from birth to 31 August following a child's fifth birthday, known as the early years age group. Once you are registered, we will continue to assess your ability and suitability to provide childcare through regular inspections. There is more information on inspection in our booklet *Are you ready for your inspection?*<sup>12</sup>
4. The guidance also includes information on the Childcare Register to help you decide if you want to be placed on this register as well as the Early Years Register.

## Childcare providers on domestic or non-domestic premises

5. A childcare provider on non-domestic premises cares for individual children in premises that are not someone's home. These premises can range from converted houses to purpose-built nurseries, and are usually known as day nurseries, private nursery schools, pre-schools and before and after school clubs for children in the early years age group.
6. A childcare provider on domestic premises works with three or more other people in a home. This may be their own home or someone else's home, but is not usually the child's home. Such a provider may employ the other people as assistants or staff members, or work in partnership with them.
7. If you intend to provide care on domestic premises and will work with no more than two other people at any time, you should apply to register as a childminder.

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<sup>11</sup> The Childcare Act 2006 contains the full legal definitions of who needs to register as a childcare provider.

<sup>12</sup> *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](http://www.ofsted.gov.uk/resources/120085) or by telephoning 0300 123 1231. We send a copy of this booklet to all newly registered providers with their certificate of registration.

You should read the *Guide to registration on the Early Years Register: childminder* before submitting your application. This is available from our website.<sup>13</sup>

8. Depending on the information you have given us about your service and its times and days of opening, we may identify your service in our published materials as a particular type of childcare, for example a nursery or pre-school. You may identify yourself differently, and it will not affect your registration, as we will register you as childcare on domestic or non-domestic premises.

## **Why childcare providers on domestic or non-domestic premises are registered**

9. We register childcare providers to:

- protect children and keep them safe
- ensure that providers meet the requirements of the Early Years Register
- ensure that they contribute to children's well-being; that is, they promote children's good health and safety; help them develop the skills and attributes to be successful in their later life; and make sure children enjoy what they do and achieve well in relation to their starting points<sup>14</sup>
- promote high quality in the provision of care and learning and development
- provide reassurance to parents.

## **Who needs to register as a childcare provider on domestic or non-domestic premises**

10. We register childcare providers who provide care in England. We cannot register childcare provision that operates in another country, including Wales and Scotland.

11. Applicants must have the right to work in the UK. If you are not sure whether you have the right to work in the UK, you should contact the UK Border Agency for advice at [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk) or by telephoning 0870 606 7766.

12. You must register on the Early Years Register if you intend to provide care at any time (day or night) for the early years age group and you intend to look after at least one individual child on the premises for a period of more than two hours in any day, unless any of the circumstances described below apply to you.<sup>15</sup>

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<sup>13</sup> *Guide to registration on the Early Years Register: childminder*, Ofsted, 2012; [www.ofsted.gov.uk/resources/120082](http://www.ofsted.gov.uk/resources/120082).

<sup>14</sup> *Framework for the regulation of provision on the Early Years Register*, Ofsted, 2012; [www.ofsted.gov.uk/resources/120288](http://www.ofsted.gov.uk/resources/120288) and *Framework for the regulation of provision on the Childcare Register*, Ofsted, 2012; [www.ofsted.gov.uk/resources/120338](http://www.ofsted.gov.uk/resources/120338).

<sup>15</sup> It is an offence if a person without reasonable excuse provides childcare without being registered (Childcare Act 2006, section 34(5)).

13. You cannot register if you provide childcare for the early years age group at the following establishments and it is an integral part of the establishment's activities:

- a children's home
- a care home
- a hospital (where the children are looked after as patients)
- a residential family centre
- a young offender institution or secure training centre.

14. There are other circumstances in which you are not required to register with us. These are set out in the *Registration not required* factsheet on our website.<sup>16</sup>

## Early years provision in academies, maintained and independent schools<sup>17</sup>

15. If you are a school or academy that directly provides the Early Years Foundation Stage as part of its activities for children aged three and over, and **at least one child is a pupil of the school**, then you do not need to register on the Early Years Register.

16. Registration is required where schools directly provide the Early Years Foundation Stage for children aged under three, or where the provision does not include any children who are pupils of the school, or where the provision is not part of the school's activities. The only exception is where schools accept two-year-old children at the beginning of the school term in which they reach the age of three, known as 'rising threes'. For the purposes of registration these children may be counted as three years of age.

Some examples:

- an independent school takes children into its kindergarten in the term in which the children are three; the children are pupils of the school who move into reception class at age four: registration is not required
- a secondary school provides a nursery for the children of staff, pupils and the local community: registration is required as no children attending are pupils of the school
- a maintained nursery wants flexibility to offer places to children aged from two years and six months upwards, where families are identified as in need: registration is required as children are under three and are not 'rising threes'.

17. If a school works in partnership with another provider who is independent of the school, for example to provide wraparound care or extended services, which

<sup>16</sup> *Registration not required*, Ofsted, 2012; [www.ofsted.gov.uk/resources/080134](http://www.ofsted.gov.uk/resources/080134).

<sup>17</sup> The Childcare Act 2009, section 34(2) and The Childcare (Exemptions from Registration) Order 2008, regulation 9. This section also applies to academies.

includes care for pupils of the school, then in most cases the provider will need to register. Much will depend on the partnership arrangements and where overall responsibility for the provision lies. When deciding if registration is required we consider aspects such as:

- who is accountable for the childcare
- who employs the staff and pays their wages
- who is responsible for the premises and if there is a lease agreement for their use
- who is responsible for policies and procedures when making decisions about registration.

18. If a school has a contract with another provider to use part of the school premises to provide a separate, discrete service then registration is required for the other provider.

19. You can obtain further information from our factsheet on registering school-based childcare provision. This is available on our website.<sup>18</sup>

## Childcare for older children

20. As well as the Early Years Register we administer the Childcare Register, which has a compulsory and a voluntary part. Schools **cannot** register on either part of the Childcare Register where they provide care for children as part of their activities and where at least one child is a pupil of the school. However, schools must meet the requirements of the register where they provide childcare for children from the end of the foundation stage up to the age of eight, whether or not they are registered with Ofsted.<sup>19</sup>

21. You **must** register on the compulsory part of the Childcare Register if you want to provide care for children from the 1 September following their fifth birthday up to the age of eight, unless you are exempt from registration.

22. If you want to care for children aged eight and over, you may **choose** to register on the voluntary part of the Childcare Register.

23. You may also **choose** to be on the voluntary part of the Childcare Register in most cases where you offer services for younger children for which registration is not required. For example, you may want to offer sports coaching for children aged from three upwards for three hours a day. For sports coaching of this length of time for children aged three and over you do not need to register on the Early Years Register but may wish to apply to register on the voluntary part of the Childcare Register.

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<sup>18</sup> *Childcare: registering school-based provision*, Ofsted, 2012; [www.ofsted.gov.uk/resources/080291](http://www.ofsted.gov.uk/resources/080291).

<sup>19</sup> Childcare Act 2006, section 59 (1)(b).

24. If you offer care for two hours or less in a day you **cannot** normally register on either part of the register. The only exception is that you may register on the voluntary part of the Childcare Register if the care you provide is immediately before or after a school day, for example if you provide a breakfast club for one and a half hours immediately before school.

25. It is helpful if you decide whether or not you need to register on the Childcare Register before applying for registration on the Early Years Register. The application form for the Early Years Register includes a section where you can apply to register on the Childcare Register without completing a separate form or paying an additional fee.

26. You can obtain a copy of the requirements of registration on the Childcare Register from our website.<sup>20</sup> You should read these if you want to apply for registration on the Childcare Register as well as the Early Years Register.

## The registered person

27. The registration system for childcare on domestic and non-domestic premises uses the concept of a '**registered person**'. 'Person' used in this context means both individuals and organisations. Examples of organisations are given in the table in paragraph 38.

28. The registered person has overall responsibility for the provision of childcare and is legally responsible for ensuring compliance with the requirements of the Early Years Register or Childcare Register, regulations and any conditions of registration that we impose. Where we have to take action against a registered person who fails to meet the requirements set out in law, this can include taking action against individual members of an organisation, such as the committee members. It is important that those people who make up the registered person have a full understanding of the requirements and responsibilities of their role and the implications arising from it. Each individual must understand and feel confident about their role before accepting such a position.

29. During the registration visit, the proposed registered person must provide sufficient evidence that they understand the requirements of the Early Years Foundation Stage and associated regulations. This does not mean that they must have a detailed and thorough knowledge of how their intended provision will deliver all the requirements of the Early Years Foundation Stage, as this will normally be the role of their appointed manager. However, the proposed registered person must ensure that they have sufficient knowledge and understanding of the requirements to ensure that they can appoint a manager who is suitably qualified, experienced and knowledgeable about the requirements of the Early Years Foundation Stage to

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<sup>20</sup> *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2012; [www.ofsted.gov.uk/resources/080143](http://www.ofsted.gov.uk/resources/080143).

deliver all of them. In addition to requirements relating to children in the setting, the Early Years Foundation Stage places particular responsibilities on providers in relation to matters such as staff recruitment and training, qualifications, how to safeguard children, supervision and support, and it is essential that the registered person can fulfil these responsibilities in relation to the manager they appoint. The manager of the setting will support the registered person in the delivery of the Early Years Foundation Stage, but the registered person is responsible for the overall provision.

30. Registered persons do not have to work with children or be involved in the day-to-day organisation of the childcare, or have childcare as the main purpose of any business they run.

31. The registered person must have a secure postal address where we can serve legal documents such as certificates of registration. Where the registered person is an organisation this should be the head office or main business address. Where the registered person is an individual, or an organisation without a separate secure business address, we will accept the home address of the individual applicant or of a person who has the authority to represent the organisation.

32. The registered person may give their consent for certain documents to be sent electronically. In order for notices to be sent electronically the registered person must provide an address suitable for this purpose. This cannot be a generic email address such as info@nursery.com because the information that we send through this route could be personal information, for example relating to a check that we have carried out on the registered person. The email must be confidential and only accessible to the registered person or their nominated person.

## **Applying for registration**

33. If you are an individual who wishes to provide childcare you must make the application yourself. You cannot get another person to do this for you. This is the case whether you intend to provide the childcare on domestic or non-domestic premises.

34. For organisations that intend to provide childcare as their main purpose, an application for registration must be made by someone who is part of the registered person such as a company director, a partner or a chairperson of a committee. An application made by an organisation whose main purpose is to provide childcare should include the details of all the people who make up the registered person such as directors, school governors, partners and committee members. This includes situations where two or more people want to apply to provide childcare together on domestic premises.

35. We recognise that some organisations that may apply to register as childcare providers do not provide childcare as their main purpose. Examples include: a local authority; a company that wants to provide a nursery for its employees' children; a college that wants to provide childcare for the children of its students. In these circumstances we will accept an application for registration from the most senior

person in the organisation with delegated, clearly identifiable and direct responsibility for managing, planning and monitoring the childcare (known as the **nominated person**). An application made by an organisation that does not have childcare as its main purpose should **not** list details of all the people who make up the registered person such as directors, school governors, partners or committee members.

36. If you are registering as a childcare provider and you are buying an existing registered provision or changing your legal entity, then you must tell us about this on your application, so that we may, wherever possible, arrange for a changeover between registrations so that there is no gap in registration. This makes sure there is continuity of care for children.

37. If you are not sure if you require registration, or who should complete an application, please contact us on **0300 123 1231**. Annex C identifies other sources of information and advice.

38. The following table identifies:

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

Registered person	Description	Application signed by	Ofsted carries out checks on	Name on the certificate
Individual	The sole owner of a provision.	Individual	Individual	Individual
Companies set up to provide childcare	Companies are legally constituted, have a company name, are registered with Companies House and have a company registration number.	A director or directors on behalf of the company	All directors	Company name and registered number and registered charity number where applicable

Registered person	Description	Application signed by	Ofsted carries out checks on	Name on the certificate
Companies whose prime purpose is not to provide childcare	Companies are legally constituted, have a company name, are registered with Companies House and have a company registered number.	Person responsible for childcare on behalf of the company*	Person responsible for childcare*	Company name and registered number and registered charity number where applicable
Statutory body	An organisation where the main purpose of that organisation is set out in legislation; for example a local authority or school governing body.	Person responsible for the childcare on behalf of the statutory body*	Person responsible for childcare*	Statutory body and, in the case of schools, the name of the school
Partnerships providing childcare	A partnership is where two or more individuals act together to provide the childcare. The registered person is each of the individuals making up the partnership. Partnerships can be formally constituted under a legal agreement, or informal.	A partner or partners on behalf of all partners or the firm	All partners	The name of the partnership or each partner's name
Committee providing childcare	Committees are not constituted in law and are informal associations/groups. Each individual in the committee is considered as the registered person and is equally responsible and accountable for the provision. The committee includes everyone who is part of the committee on the date that Ofsted takes any action in connection with the registration.	Chairperson on behalf of the committee	All committee members	Committee of [name of childcare provision] and registered charity number where applicable

Registered person	Description	Application signed by	Ofsted carries out checks on	Name on the certificate
Other organisations		A responsible person representing the organisation	Determined on an individual basis	Determined on an individual basis

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

## The nominated person

39. If you are an organisation applying to provide childcare on domestic or non-domestic premises, you should nominate a person to represent the organisation in its dealings with us. Normally this should be a committee member, partner, director or someone in a comparable position. They will be interviewed on behalf of the organisation during the registration process. We will send all legal documents and correspondence to the nominated person at the organisation's address.

40. 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.

41. The organisation must ensure that the nominated person has a full and thorough understanding of their role in terms of representing the organisation in relation to the registered childcare provision. In particular, they must have a good understanding of the requirements for registration and associated regulations and provide evidence of this to inspectors. As set out above, if they are involved in the recruitment and continuing employment of the manager of the setting (for example if they act as the manager's line manager on behalf of the organisation), they will also need to understand their responsibilities in relation to the manager.

42. Where inspectors have concerns about the nominated person's knowledge and understanding of the requirements, Ofsted will tell another senior person in the organisation that the nominated person does not have the relevant knowledge. The organisation may appoint another nominated person. Unless the nominated person holds the required knowledge about registration we will refuse registration. Nominated people may change during the lifetime of a registration and Ofsted will check that registered providers continue to understand their responsibilities and appoint suitable people to represent them to Ofsted at inspection.

43. In some cases organisations change frequently after registration, for example where provision is run by a committee made up of parents and other community members. The organisation must make sure that new members are fully appraised of their roles and responsibilities in relation to the childcare and can deliver these effectively. Where whole membership of an organisation changes, for example when an entire committee changes, the outgoing members will be expected to ensure that there is continuity with the new committee in relation to understanding their roles and responsibilities.

## **The manager**

44. The manager is the person who has actual day-to-day responsibility for the provision. The registered person and the manager may be the same person, but in many cases the registered person may not want to deliver the day-to-day care or may not have the qualifications to do so. In such cases they must appoint a manager to take control of the day-to-day delivery of childcare. This applies to childcare provision on both domestic and non-domestic premises.

45. The registered person as the employer must decide on the suitability of the manager to work or be in regular contact with children and on their capacity to act as a manager of registered provision. This includes making sure they hold appropriate qualifications and have the experience and knowledge to hold such a position. Where inspectors have concerns about the manager's knowledge and understanding of the requirements they will tell the registered person.

46. We cannot grant registration until the registered person has appointed a manager whom they believe to be suitable to carry out that role. At the first inspection, we will test the manager's knowledge and understanding of the requirements of the Early Years Foundation Stage.

47. For childcare on non-domestic premises, the individual or organisation that appoints the manager must decide on their suitability to be in regular contact with children through carrying out a Disclosure and Barring Service check and any other checks as necessary. For childcare on domestic premises where the applicant does not intend to manage the provision directly Ofsted will discuss with the applicant the arrangements for managing the provision including how to obtain checks on the proposed manager.

48. If you provide childcare on non-domestic premises, you may wish your manager to carry out business with us on your behalf, for example to complete and submit a self-evaluation form. We need to hold details about your manager in these cases so that we make sure we are carrying out business with the right person. If this is what you want to happen you must obtain the consent of your manager for Ofsted to hold these details and confirm this to us by completing and returning form EY3 (see paragraph 85).

## **The requirements for registration on the Early Years Register**

### **Deciding about registration**

49. Before you can be registered you will have to demonstrate to us that:

- every person looking after children on the premises where you provide childcare is suitable to look after children in the early years age group
- every person living or working on the premises where you provide childcare is suitable to be in regular contact with children in the early years age group
- the premises, including any equipment, are suitable for looking after children in the early years age group
- you meet or will meet all the safeguarding and welfare and learning and development requirements of the Early Years Foundation Stage, all regulations and any conditions of registration that we impose.

### **Deciding on suitability**

50. We carry out a number of checks on:

- all individuals who make up the registered person and/or the nominated person
- where applicable, all people employed to care for children on domestic premises
- where applicable, all people aged 16 and over who live or work on any domestic premises where childcare is provided.

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

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

52. You can find information on how to assess the suitability of these people, including how to obtain a Disclosure and Barring Service check for them, in Annex B of this document.

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

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

54. We will contact you, or other people connected with your application, where we need additional evidence. If you are not able to supply sufficient evidence we may have to refuse your registration, as we cannot be sure you are suitable to provide childcare or work with children. If other people connected with the registration do not supply sufficient information or are not suitable we will tell you so, but we cannot give you the details of why they are not suitable. You must then decide whether or not to proceed with the application. We will refuse registration if you allow, or intend to allow, someone whom we consider not suitable to have access to children.

55. We will also take into account any other information that we hold about you. This will include information that relates to a previous registration you might have held, such as information about complaints.

56. We will interview the proposed registered person, or their nominated person, during the registration process. This is explained later in this booklet.

## Charges for applying

57. There is a fee to apply for registration and an annual fee is payable each year on the anniversary of your registration. The amount is set by the Government. You can find information about fees on our website.<sup>21</sup> There is only one fee to pay if you apply to register on the Early Years Register and also want to be on the compulsory or voluntary part of the Childcare Register.

## Things that prevent you from becoming a childcare provider

58. Certain circumstances disqualify you from registering as a childcare provider. You **may** be disqualified from registration if you, or a person who lives with you, or a person who works with you and cares for children, or who lives and works on the premises where you provide childcare, have been:

- found to have committed a relevant offence against a child<sup>22</sup>

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<sup>21</sup> *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](http://www.ofsted.gov.uk/resources/120236).

<sup>22</sup> 'Found to have committed' means a person has been: a) convicted of an offence; b) found not guilty of an offence by reason of insanity; c) found to be under a disability and to have done the act charged against them in respect of such an offence; or d) on or after 6 April 2007, given a caution in respect of an offence by a police officer after admitting that offence. A person is found to have committed an offence that is 'related to' an offence if that person has been found to have committed

- subject to an order or determination removing a child from your care or preventing a child from living with you
- found to have committed certain offences against an adult (for example, murder, kidnapping, rape, indecent assault, assault causing actual bodily harm)
- charged with certain offences against an adult, or an offence that is related to an offence, and had a relevant order imposed
- included on the list of those who are barred from working with children held by the Independent Safeguarding Authority<sup>23</sup>
- made the subject of a disqualifying order
- refused registration as a childcare provider previously or have had registration cancelled, other than cancellation for non-payment of the fee for continued registration after 1 September 2008<sup>24</sup>
- refused registration as a provider or manager of children's homes or have had registration cancelled.

59. A full list of the circumstances that disqualify you from registering is available in the Childcare (Disqualification) Regulations 2009.<sup>25</sup> If you think that you, or a person you are considering employing, may be disqualified, you can talk to us confidentially by contacting **0300 123 1231**.

60. If you are disqualified from registration you can, in some cases, ask us to consider waiving the disqualification so that you may still apply to be registered as a childcare provider. Please get in touch with us if you wish to apply for a waiver.

61. It is an offence to employ a person to look after children who you know is disqualified from working with children. If you want to employ someone who is disqualified, or discover that someone you employ is disqualified, then you must tell us. The person must apply to us to have the disqualification waived. We will make a decision about whether to waive the disqualification but will not make the employment decision. If we decide to waive the disqualification, as an employer you must still carry out the required vetting to make a decision on whether the person is suitable to work or be in contact with children.

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an offence of: a) attempting, conspiring or incitement to commit that offence; or b) aiding, abetting, counselling or procuring the commission of that offence (The Childcare (Disqualification) Regulations 2009). 'Given a caution' includes a reprimand or warning for an offence (Childcare Act 2006, section 75(6)).

<sup>23</sup> The Independent Safeguarding Authority is set up under the Safeguarding Vulnerable Groups Act 2006.

<sup>24</sup> From 6 April 2007 this applies to those providers whose registration on the voluntary part of the Childcare Register was cancelled solely for non-payment of the fee for continued registration.

<sup>25</sup> The Childcare (Disqualification) Regulations 2009 are available from:

[www.legislation.gov.uk/uksi/2009/1547/contents/made](http://www.legislation.gov.uk/uksi/2009/1547/contents/made).

62. We cannot waive a disqualification for most people who are included on the list of people barred from working with children held by the Independent Safeguarding Authority.<sup>26</sup> The only exception to this is where the disqualification relates to someone who lives with anyone who makes up part of the registered person. In these cases we may waive disqualification if it is appropriate to do so.

## **Other agencies**

63. As well as Ofsted, other agencies may be involved in your registration. You must meet the requirements of other legislation that Ofsted is not responsible for, including employment laws, anti-discriminatory legislation, health and safety legislation, data protection regulations and duty of care.

## **Environmental health**

64. You should seek advice from your local authority environmental health department to ensure that you are aware of, and comply with, your legal obligations under the Health and Safety at Work Act 1974, the Food Safety Act 1990 and all associated legislation.

## **Fire safety**

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

## **Planning permission and building control**

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

## **The application process**

67. We aim to complete the registration process within 25 weeks of receiving an application. Your application is not complete until we have received all relevant forms, including declaration and consent forms (EY2), from everyone associated with the application, and confirmation that you have your Disclosure and Barring Service disclosure for everyone who is named in your application. A number of stages in the process depend on information from other agencies and action that you need to take. These may cause delays that are outside our control.

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<sup>26</sup> Further information about the Independent Safeguarding Authority is available from: [www.isa.gov.org.uk](http://www.isa.gov.org.uk).

## Before applying

68. You should contact your local authority family information service before applying to Ofsted. Some local authorities offer pre-registration briefing sessions for prospective applicants. Local authorities must provide you with information about:

- training, including first aid training
- advice and support that the local authority and its family information service make available
- the requirements of the Early Years Foundation Stage.

They may also help you to obtain and complete application forms.

69. You must always read the Early Years Foundation Stage **before** applying to make sure you are able to meet its requirements. You should not apply unless you think you will be able to do so as we will not be able to register you if you cannot meet the requirements.

## Making an application

70. You can apply online on our website<sup>27</sup> through the Ofsted online portal. This is the quickest and easiest way to apply. You will only need to complete the sections that relate to your provision. There are guidance notes to help you through the process.

71. Access to Ofsted's online services is managed via the Government Gateway. This is a secure system to protect the data and information you give us, and is used by a number of government departments, such as Her Majesty's Revenue and Customs.

72. To apply online you must first sign up for a Government Gateway account, if you do not already have one. You may already have such an account if, for example, you complete your tax return online. Anyone may sign up for a Government Gateway account, either via the Ofsted online portal or through a visit to any other government website that uses the Gateway.

73. Once you have an account, you can access a range of Ofsted services including an online application for the Early Years and Childcare Register.

74. You can also download the application form from the Ofsted website or ask us for an application form to complete. We will help you to complete your application if you have problems with either of these methods of applying. You can telephone for help on **0300 123 1231** or write to us at Ofsted's National Business Unit, Piccadilly

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<sup>27</sup> <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>.

Gate, Store Street, Manchester M1 2WD. You can also ask your local authority for help.<sup>28</sup>

## The application

75. The application forms consist of:

- the main application form for registration as a childcare provider (EYO)
- declaration and consent forms (EY2)
- notification to Ofsted form (EY3)
- the health declaration booklet.

There is further guidance that will help you complete the application process, including:

- a checklist of things you must complete
- Early Years Register: preparing for your registration visit
- a leaflet on fees
- Requirements for the Childcare Register: childcare providers on domestic or non-domestic premises
- this guidance.

### Application form (EYO)

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

### Declaration and consent form (EY2)

77. You should arrange for each person who makes up the registered person or is the most senior responsible person (nominated person), as identified in the table at paragraph 38, to complete a declaration and consent form unless they have already completed one for us within the past three years and not had an employment break of more than three months since their last involvement with registered childcare. This form asks for consent to carry out a series of checks and for us to use the information from these checks to determine each person's suitability.

78. The form asks for a self-declaration about criminal records and other matters of suitability to work with or be in contact with children.

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<sup>28</sup> Local authorities have responsibility for providing advice and support to applicants and childcare providers.

79. It also asks for consent to pursue checks with:

- directors of children's services (children's service records, child protection register)
- a general practitioner or other medical professional, including a second medical opinion by a medical practitioner appointed on behalf of Ofsted, if necessary
- the Disclosure and Barring Service, including details of spent convictions normally exempt from disclosure under the Rehabilitation of Offenders Act 1974
- the Independent Safeguarding Authority
- the Soldiers, Sailors, Airmen and Families Association (SSAFA) Forces Help
- referees
- previous employers.

80. We may carry out any or all of these checks. We may also carry out any further checks we think are necessary to establish a person's suitability. These could include checks with, for example, the probation service or the National Society for the Prevention of Cruelty to Children.

81. Where the childcare is provided on domestic premises, all people aged 16 and over who live or work on the premises where childcare is provided, and all people who work directly with the children, must also complete a declaration and consent form.

82. We use information from these checks to decide if each person connected with an application is suitable to work or be in contact with children in the early years age group.

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

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

- **'OFSTEDP'** - for those applying for or linked to a new EY application for registration. This includes individuals who make up the registered person, individuals living or working on domestic premises where the childcare is provided who are aged 16 and over, and also on childcare assistants.
- **'OFSTEDA'** - for those applying to be associated to a provision that is already registered. This includes if there is a change to those living or working on the premises. For example if there is a change of assistants on domestic premises or if there is a change to people living or working on the domestic premises where childcare is provided, such as where someone living in the household turns 16.

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

### **Health declaration booklet**

85. This booklet must be completed by:

- the registered person if they are working directly with children as part of the staff ratio and they have not already completed a booklet within the past three years. This includes members of a committee that provides childcare who work as part of the staff ratio. Committee members do not have to complete the booklet if they work with children on an occasional basis on a parent rota and do not form part of the staff ratio.

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

### **Notification to Ofsted form (EY3)**

87. At the point of application, you may not have appointed everyone who makes up the registered person, or appointed your manager, or know everyone who will care for children or live and work on the domestic premises where you intend to provide care. You must use the notification form, EY3, to tell us of any new people connected with your registration after you have completed and returned the application. Some of these people may also have to complete declaration and consent forms. This is explained further on the EY3 form. You must have appointed a manager before we can grant your registration and you must let us know when you have done so.

### **Completing the application pack**

88. Make sure that you and others associated with your registration complete all forms as fully as possible. The guidance notes that accompany the form should help you. You can also contact us for advice on completing the forms on **0300 123 1231**. You may obtain extra copies of forms from our website or, if you have applied online, each person may also complete the declaration and consent forms online.

89. If the forms are not completed fully we cannot start to process your application. We may return your application if it has not been completed satisfactorily.

90. **Please note that you are guilty of an offence if you knowingly make a statement which is false or misleading in an application.**

## **What happens next**

91. We will:

- acknowledge your application
- return it to you or telephone you for more information if you have not provided enough details
- ask you to download and complete additional declaration and consent form(s) if these are needed for all relevant people associated with your application where we are responsible for checking their suitability
- ask you to pay the non-refundable application fee
- provide you with your Capita Organisation Reference number
- ask you to contact Capita to apply for your Disclosure and Barring Service disclosure for yourself and everyone else connected with your application where Ofsted is responsible for determining their suitability, unless Ofsted already holds such a check
- begin to carry out checks, once we receive your completed application
- arrange for an inspector to visit you.

92. Before the visit, the inspector will telephone you to confirm the date of the visit and make sure you have all the necessary documents to hand. Registration may be granted very soon after the visit so you must have everything prepared by this point, including your premises. You should not proceed with the visit unless you have everything in place.

93. Please note that whenever an Ofsted inspector visits you, you should always ask to see their proof of identity. All our inspectors carry identification and authorisation documents that include the inspector's photograph and details of rights of entry.

## **Preparing for the inspector's visit**

94. The inspector's role during the visit is to:

- check your identity by looking at personal documents
- check your premises and equipment
- interview you to assess your suitability to register as a childcarer and your ability to ensure the delivery of the Early Years Foundation Stage
- assess what you intend to put into place and monitor practice that helps children feel secure and make good progress in their learning and development in line with the Early Years Foundation Stage
- assess how you will meet the safeguarding and welfare requirements of the Early Years Foundation Stage, including how you identify and manage any risks to children

- assess your ability to put the requirements of the Early Years Foundation Stage into practice.

95. You must be familiar with the *Statutory framework for the Early Years Foundation Stage* before this visit. You may also wish to refer to associated resources such as the publication *Development matters*. Reading through the framework and guidance will help you to identify anything you need to show the inspector.

96. We also have a guidance booklet: *Early Years Register: preparing for your registration visit* that you may find useful in helping you answer questions. It sets out a number of areas the inspector will cover so that you can think about how you intend to deliver your childcare service and how you will demonstrate this to the inspector when they visit.

97. It may be necessary to make more than one visit during the registration process. If you are unable to demonstrate to the inspector that you have fully understood and can deliver the requirements of the Early Years Foundation Stage, we will refuse your application.

## Documents

98. For individual applicants who are not part of an organisation you must provide identity documents that prove your current name and any other names that you have used. One document should preferably be photographic identity such as a current passport or a photographic driving licence with the associated counterpart. If you do not have photographic identity, the inspector will need to see your full birth certificate.

99. If you have changed your name by marriage, deed poll, adoption, statutory declaration or any other means you need to provide evidence of this change, such as a marriage certificate or decrees.

100. In addition, you will need to provide two pieces of evidence to confirm your current address, such as:

- a utility bill (gas, telephone, electricity)
- a credit card, bank, mortgage or benefit statement such as child allowance
- any recent communication from your local authority or a government agency such as the Department for Work and Pensions.

## Additional documentation

101. If you intend to work with children and have any childcare qualifications, the inspector will ask to see any certificates you have. You will need to provide original documents; we cannot accept photocopies as evidence of qualifications and completed training. Inspectors may also ask to see proof of qualifications for staff members.

102. You must show the inspector a current, valid first aid certificate, including infants and young children, for someone who is going to work with children.

103. You must also show the inspector any documents you have relating to staff recruitment, including a record of Disclosure and Barring Service checks. Annex B gives information about staff recruitment.

104. If you intend to use a motor vehicle for transporting the children you care for, you will need to show the inspector driving licences, valid insurance documents and an MOT certificate (where applicable) for each vehicle and person driving the vehicle.

105. The *Statutory framework for the Early Years Foundation Stage* contains information about the written records you will need to keep as a provider of childcare. You must draft all required policies and procedures in advance as the inspector will ask to see these at the registration visit.

## **Your premises**

106. The inspector will want to see all the rooms that you intend to use for childcare and any outdoor space. He or she will check to see if you have minimised risks for children by making sure that:

- children cannot leave the premises or outdoor area unsupervised
- you assess risks and take appropriate safety measures, taking into account the age and stage of development of the children
- the premises are a suitable learning environment for children.

## **Outings**

107. Inspectors must be confident about your knowledge and processes for outings and the system to make sure that only children whose parent/carer has given their written consent are permitted to go on outings. You must ensure that a risk assessment of hazards and potential hazards is undertaken for all outings. The assessment of risk must include the action taken to remove or minimise those risks. The assessment must also include consideration for the adult:child ratios that will ensure children will be kept safe while on an outing.

## **What equipment will the inspector want to see?**

108. The inspector will need to see any furniture, equipment or toys you intend to use with young children, such as:

- safety equipment
- equipment to assist children
- equipment to help with transport
- toys and materials for children to play with.

109. You will need to explain to the inspector how you will organise your premises and equipment to help you deliver the Early Years Foundation Stage and how you will provide opportunities for daily outdoor play.

### **Suitable person interview**

110. The inspector will discuss **all** aspects of the Early Years Foundation Stage with the registered person or their nominee. The discussion will relate to the type of provision that you are applying to set up. You will have to explain how you will deliver the Early Years Foundation Stage, including its safeguarding and welfare and the learning and development requirements. Working through the questions in the *Early Years Register: preparing for your registration visit* booklet included in your application pack will help you think about how you will meet these.

111. You will be asked how you will provide for children's learning and development in the three prime areas of learning: communication and language; physical development; and personal, social and emotional development, and in the four specific areas of learning: literacy; mathematics; understanding the world; and expressive arts and design. You will need to show how you have identified any possible risks to health and safety, and what you have done to minimise those risks, and your processes for vetting any staff or other people who have regular contact with children.

112. You will need to show how the educational programmes you intend to have in place will help children make progress towards the early learning goals set out in the *Statutory framework for the Early Years Foundation Stage*. You may want to think about how you will plan activities and play opportunities to meet children's individual needs, observe what they do and assess their progress. The inspector will ask you how you will meet the needs of a range of children, including any with learning difficulties and disabilities and any that might have English as an additional language, and how you will help all children to feel valued and make a positive contribution.

113. You will need to provide evidence of good recruitment procedures including how you vet staff. There is more information in Annex B. You will need to explain how you employ your staff and the process you undertake to ensure all staff are suitable and have the necessary qualifications and experience to work with children at your setting. There are various roles that must be allocated to a named person such as a key worker and a safeguarding lead. You will need to show how you have made these appointments and keep those with additional responsibilities up to date.

114. It is important that you recruit a suitably qualified and experienced manager, particularly if childcare is not the primary purpose of your organisation. This person will manage the day to day running of the setting supported by a named deputy. The *Statutory framework for the Early Years Foundation Stage* requires the manager to have at least two years' experience working in an early years setting or other appropriate experience.

115. As the provider, you are ultimately responsible for the recruitment of all staff and the learning and development and the safety of children who attend the setting.

## **Outcome of the visit**

116. At the end of the visit the inspector will tell you about the next steps in the registration process, including their judgement about your readiness for registration. If the inspector thinks you are not ready, you may choose to withdraw your application to register at this stage (see section below). Once we have completed the registration visit we will notify you of our registration decision as soon as possible. The decisions we can make are to:

- register you as a childcare provider
- refuse registration.

## **Conditions of registration**

117. Conditions of registration restrict what you might do (for example, in certain circumstances we may not allow you to care for babies). In most cases, we will not set conditions on your registration. This is because the Early Years Foundation Stage sets out the requirements you must meet at all times whilst registered with Ofsted. However, there may be occasions where we have to set conditions due to the specific circumstances of your service. If we grant registration with conditions we will set these out on your certificate of registration that you must display to parents. You must comply with those conditions at all times. It is an offence not to do so, unless you have a reasonable excuse.

## **After the registration visit**

### **Checks**

118. We will not make a registration decision until we have results from all the checks we carry out or from those we have asked you to carry out.

### **Registration**

119. When an inspector has completed the registration visit and all the checks are complete, we will decide whether registration should be granted or refused. If registration is granted, we will send you a registration certificate. We will also tell you how to obtain information to help you manage your registration, including about the inspection process.

### **Refusing registration**

120. If we are going to refuse your application, we will first write to you to let you know that this is our intention. We do this in a letter called a notice of intention. This is a legal document that sets out the reasons why we intend to refuse registration. You have a right to object to our intention to refuse registration. You must tell us you intend to do this within 14 days of the date on the notice of intention and we will

tell you how to do this in the letter we send you. If you do object, we will consider your objections and then write again to tell you whether or not we still decide to refuse registration.

121. If you do not object, or if after you object we still decide to refuse registration, we send you a second letter called a notice of decision, which gives our final decision to refuse registration. Refusal of registration is a serious step that disqualifies you from providing childcare in the future.

122. You have the right to appeal against our decision to an independent external body, the Health, Education and Social Care Chamber First Tier Tribunal, within three months of the date that we send the notice of decision. We will send you a leaflet on how to object and appeal if we intend to refuse registration.<sup>29</sup>

## **The certificate of registration**

123. The certificate of registration is your proof of registration. This certificate states your registration number, the date of registration, your name as the registered person, the name and address of the childcare provision, the register or registers on which you are registered and any conditions that apply to your registration.

124. Once you have received your certificate of registration you can begin providing childcare.

125. Your certificate is a legal document and will remain valid until:

- any of the conditions of registration are changed, added to or removed, either as a result of a request by you or because we decide to make the changes
- we cancel your registration
- you resign your registration.

126. It is a legal requirement of the Early Years Foundation Stage that you display the certificate. If you lose, damage or destroy your certificate you will need to get a replacement. There is a fee for this service. For the current amount, please refer to the leaflet available on our website.<sup>30</sup>

127. You must have a secure postal address where we can serve legal documents such as certificates of registration. You may also give your consent for certain documents to be sent electronically. In order for notices to be sent electronically you must provide an address suitable for this purpose. This cannot be a generic email that may be shared with other members of the household, such as [jonesfamily@london.com](mailto:jonesfamily@london.com), because the information that we send through this route

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<sup>29</sup> *Compliance, investigation and enforcement handbook: childminding and childcare*, Ofsted, 2012; [www.ofsted.gov.uk/resources/ciehandbook](http://www.ofsted.gov.uk/resources/ciehandbook).

<sup>30</sup> *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](http://www.ofsted.gov.uk/resources/120236).

could be personal information. The email must be confidential and only accessible to you as the registered person.

## Withdrawing your application

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

129. Please note that the application fee is non-refundable.

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

## What you need to tell us about once you are registered

131. The things you must tell us about are set out in the *Statutory framework for the Early Years Foundation Stage*. You should inform us at the earliest opportunity of any changes or proposed changes that may affect your childminding. Where it is not possible to notify us in advance, you must let us know of the change as soon as you can and no later than 14 days after the event occurs. You can also find details in our factsheet, *Records, policies and notification requirements of the Early Years Register*.<sup>31</sup>

## The records, policies and procedures you must keep

132. The *Statutory framework for the Early Years Foundation Stage* sets out the records, policies and procedures that you are required to keep. You can also find further details in our factsheet *Records, policies and notification requirements of the Early Years Register*<sup>32</sup>

133. You must keep records on site unless you have a prior agreement with us to keep them off site, for example because there is no secure on-site storage. Where you keep them off site they must be easily available to inspectors whenever they ask to see them.

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<sup>31</sup> <http://www.ofsted.gov.uk/resources/factsheet-childcare-records-policies-and-notification-requirements-of-early-years-register>

<sup>32</sup> <http://www.ofsted.gov.uk/resources/factsheet-childcare-records-policies-and-notification-requirements-of-early-years-register>

## Corporal punishment

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

## Paying the annual fee

135. Regulations require registered people to pay us a fee, on an annual basis, for registration to continue. For the current amount, please refer to our website.<sup>33</sup> We will tell you when the fee is due. We will cancel your registration if you do not pay the fee when it is due. If you are registered on the Early Years Register you do not have to pay an additional fee for registration on the compulsory or voluntary part of the Childcare Register.

## Continuing registration

136. You must continue to demonstrate your suitability to be a childcare provider throughout the time that you are registered. We monitor this through:

- regular inspections
- other visits, for example to follow up any concerns we receive about the service you provide
- repeating or carrying out additional checks including asking you to carry out another criminal records check where we receive information that brings your suitability into question, as set out in paragraphs 38 and 50-56
- if you choose to do so, your completed self-evaluation form.

137. We expect you to reflect on your practice and consider how you might improve on what you do. Once you are registered, we make available a self-evaluation form to help you do this. You should complete this online if possible. You will be given more information about this with your certificate of registration. If you complete your self-evaluation in another way using a different form you need not complete another one for Ofsted.

138. Whenever an inspector visits you, always check their identity. All our inspectors carry identification and authorisation documents that include the inspector's photograph and details of our rights of entry.

## Inspection

139. We will normally inspect you within seven months of your registration. At this first inspection the inspector will want to have a detailed discussion with your

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<sup>33</sup> *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](http://www.ofsted.gov.uk/resources/120236).

appointed manager, to test their knowledge and understanding of the Early Years Foundation Stage and to see in practice how they deliver its requirements to meet the needs of all children. Where practicable, we will give you, or your nominee, an opportunity to be present during the inspection.

140. We will then inspect you at regular intervals, at least once every three to four years. The inspector will judge the quality of the childcare you provide and write a report. We will send you the report and publish a copy on our website. There is more information about inspection in the booklet *Are you ready for your inspection?* This is available on our website.<sup>34</sup>

## Other visits

141. We may visit at other times, for example:

- to check on actions given at an inspection
- to consider a request by you to change the conditions of your registration
- because something about your registration has changed, for example you have extended your premises
- because we have received information from a parent or other person that raises concerns about whether you meet the requirements for registration.

142. You do not receive a report from these visits but we may send you a letter that sets out the outcome(s) of the visit where this is appropriate. This may include actions and/or recommendations to bring about improvement.

143. Following a visit arising from concerns, we will tell you about any enforcement action we intend to take. In extreme cases this may include prosecution and/or cancellation of your registration. Where necessary, we may issue a notice of intention to vary, add or remove conditions applying to your registration or to cancel registration. You have the right to object or appeal against any notice that we issue. We publish the outcomes of all investigations where we, or you, take action to ensure you meet requirements.

144. Inspectors can:

- enter your childcare premises at any reasonable time
- inspect and take copies of any records kept by a childcare provider
- seize and remove any document or other material that may be used as evidence of failure to comply with the law or the requirements of the Early Years Foundation Stage
- take measurements, photographs or make recordings
- interview you in private

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<sup>34</sup> *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](http://www.ofsted.gov.uk/resources/120085).

- interview another adult in private if they consent.  
If you prevent an inspector carrying out any of the above you are committing an offence.

## **How we use information related to your registration**

145. We will process any personal information we hold about you in accordance with the law and, in particular, the Data Protection Act 1998. Under this Act you can request in writing to see any information we hold about you.

146. We may get information about you from others, for example when we carry out checks, or we may give information to them. We will only do so in accordance with the law. We may check information we receive about you with what is already in our records. This can include information provided by you as well as by others such as other government departments and agencies. We will not give information about you to anyone unless the law permits us to do so.

147. We have a duty to provide information about childcare providers to local authorities, so they can fulfil their role in relation to childcare services in their area, and to Her Majesty's Revenue and Customs in relation to tax credits. We may supply information about childcare providers and applicants for registration to inspection service providers who undertake registration and inspection visits on behalf of the Chief Inspector or other government and local authority departments, for example environmental health.

148. We will also give information to our inspection service providers who, by law, are permitted to carry out registration processes on behalf of Ofsted.

149. We may also give information to parents who have, or have had, a child looked after by a childcare provider, in response to a written request.

150. We will give information to children's services departments or the police if there are any concerns about the well-being of children in a provider's care.

## **Publication of name, address and telephone number**

151. We publish information related to your registration on our website: [www.ofsted.gov.uk](http://www.ofsted.gov.uk). We also publish the name and address of your provision if you provide childcare on non-domestic premises, any conditions of registration, inspection reports and letters, survey letters and monitoring letters. We publish the name and addresses of childcare on domestic premises where they give their consent for us to do so. Letters relating to inspection are removed from our website 12 months after the date of inspection.

152. For childcare on domestic premises, the occupier of the home must give their consent for their contact details to be made public. They may do this on the application form or by accessing details on our website at a later stage. You do not

have to give consent for Ofsted to publish your details if you choose not to, but it may help parents to make contact with you more easily if you do so.

## Resigning registration

153. If you no longer wish to be a registered provider, you need to resign your registration. You must let us know by telephone or in writing that you intend to resign. We will write to you to confirm receipt of your resignation. You should not assume that we have taken you off the register, for example if you do not pay the annual fee. If you do not pay the fee, we will cancel your registration if you do not tell us you want to resign.

154. If you have **not** looked after children between your inspections you may wish to resign. At the inspection you should tell the inspector of your decision to resign before the inspection begins and complete the resignation request form. You can download this form from the Ofsted website or ask your inspector for a hard copy. If you have not looked after children between inspections and have no children on your register we will cancel your registration. For further information, please see our factsheet *Inspecting registered providers with no children on roll or no children present at the time of the inspection*.<sup>35</sup>

155. You may not resign if you have been served with a notice of intention to cancel your registration unless we give you permission to do so. You cannot resign your registration if we have served you with a notice of decision to cancel your registration or if you are waiting for the outcome of an appeal to the Health, Education and Social Care Chamber First Tier Tribunal.

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

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<sup>35</sup> *Inspecting registered providers with no children on roll or no children present at the time of the inspection*, Ofsted, 2012; [www.ofsted.gov.uk/resources/080173](http://www.ofsted.gov.uk/resources/080173).

## Annex A: Registration on the Childcare Register

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

Any applicant who **only** wants to apply for the Childcare Register should read the *Guide to registration on the Childcare Register*<sup>36</sup> and the *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*.<sup>37</sup>

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

The Childcare Register is not linked to the delivery of the Early Years Foundation Stage. The definitions at the start of this guide will help you understand more about this register.

### Registration on the Early Years Register and the Childcare Register – your inspection and certificate

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

We will inspect your compliance with the requirements of the Childcare Register at the same time that we carry out the inspection of the Early Years Foundation Stage. We will include a statement of your compliance with the requirements of the Childcare Register in that report.<sup>38</sup>

We may also carry out a separate inspection of compliance with the requirements of the Childcare Register if we receive information about your childcare provision that relates to the requirements of registration on the Childcare Register or any conditions we may have imposed on your registration for that register. If we do this, we will send you a letter either confirming that you were meeting your requirements for registration or detailing what you must do in order to remain registered. We will publish this letter on our website, in addition to your early years inspection report, within 20 days of the end of the inspection and send a copy to your local authority and to the person who made the complaint.

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<sup>36</sup> *Guide to registration on the Childcare Register*, Ofsted, 2012; [www.ofsted.gov.uk/resources/120084](http://www.ofsted.gov.uk/resources/120084).

<sup>37</sup> *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2012; [www.ofsted.gov.uk/resources/080143](http://www.ofsted.gov.uk/resources/080143).

<sup>38</sup> There is more information about inspection of the Early Years Foundation Stage in *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](http://www.ofsted.gov.uk/resources/120085).

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

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

### **Childcare on domestic premises**

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

### **Childcare provision on non-domestic premises**

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

### **What this means for you**

The applicant/registered provider on non-domestic premises is responsible for having suitable vetting processes in place to safeguard children. You must have in place rigorous vetting and recruitment procedures that make sure that those who work for you or who work or live on the premises where you provide childcare are suitable for both employment and to work or be in regular contact with young children. You need to undertake any necessary checks that provide you with sufficient information on which to base your employment decision. One of those checks must be a check with the Disclosure and Barring Service, which will include a check against the list of people who are barred from working with children.

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

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

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

## Applying for Disclosure and Barring Service disclosures

All people who work directly with children must have an enhanced Disclosure and Barring Service disclosure certificate and a check of barred status with the Independent Safeguarding Authority. To obtain this, you will need to:

- contact Capita, they are the organisation that will undertake all DBS checks on Ofsted's behalf. All checks will be processed online through the Capita website. You can access information on how to apply for a check on the Capita website:  
<http://ofsteddbapplication.co.uk>.
- register with the Disclosure and Barring Service as a body authorised to carry out checks; this option is normally only available to large organisations which carry out a large number of checks.

If Ofsted is responsible for carrying out your suitability checks, then you must use Capita. Capita will answer all queries that relate to how DBS checks are processed or any problems with accessing the online application. Applicants should go to:  
<http://www.capitarvs.co.uk/guidance-on-completing-an-online-disclosure-application-form-self-employed>

## Applicants can email Capita on: [dbb.enquiries@capita.co.uk](mailto:dbb.enquiries@capita.co.uk) Persons who are disqualified

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

We have set out some of the things that disqualify people from working with children in paragraphs 58–62.

If you think that someone you are considering employing has a conviction that may disqualify them from working with children, you can talk confidentially to us by calling our helpline on **0300 123 1231**. You can find out more about the circumstances that disqualify people from working with children in the regulations relating to disqualification.<sup>39</sup>

People who are disqualified may still sometimes work with children by applying for a waiver from the Chief Inspector. If you want to employ someone who is disqualified,

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<sup>39</sup> The Childcare (Disqualification) Regulations 2009:  
[www.legislation.gov.uk/uksi/2009/1547/contents/made](http://www.legislation.gov.uk/uksi/2009/1547/contents/made).

or discover that someone you employ is disqualified then you must tell us. The person must apply to us to have the disqualification waived. We will make a decision about whether to waive the disqualification but will not make the employment decision. If we decide to waive the disqualification, as an employer you must still carry out the required vetting to make a decision that the person is suitable to work or be in contact with children.

We cannot normally waive a disqualification for anyone who you intend to employ if they are included on the list of people who are barred from working with children held by the Independent Safeguarding Authority.<sup>40</sup> The only exception to this is where the disqualification relates to someone who lives with anyone that makes us the registered person. In these cases we may waive disqualification if it is appropriate to do so.

## What we look for

We will assess how well you make decisions about the suitability of your staff during our regular inspections of childcare providers. As part of the inspection, the childcare inspector will look for evidence that you have secure procedures for vetting and recruiting staff and that any person who has not been vetted is never left alone with the children. We have published further information about our policy on Disclosure and Barring Service checks on our website at [www.ofsted.gov.uk/resources/090103](http://www.ofsted.gov.uk/resources/090103).

All those who apply for registration must undertake full checks on all proposed staff and make a judgement on suitability prior to registration being granted. We will make the decision about whether the applicant is suitable to work with children. During the registration process, or at inspection, the inspector may ask you to provide evidence of:

- an enhanced Disclosure and Barring Service disclosure, including the number and date of issue following the Disclosure and Barring Service code of practice on handling disclosures
- references
- full employment history
- qualifications
- interviews
- medical suitability
- any other checks you have undertaken.

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

When asking for evidence of the above, inspectors will not determine the suitability of members of staff working for you. However, if we are not satisfied that you are

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<sup>40</sup> Further information about the Independent Safeguarding Authority is available from: [www.isa.gov.org.uk/](http://www.isa.gov.org.uk/).

acting in accordance with the requirements of the Early Years Foundation Stage and other legal requirements in relation to the recruitment and vetting of staff, we will assess your continued suitability to provide childcare. If necessary we will take action to safeguard the welfare of children.

## Annex C: Further information

### Ofsted

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

Our helpline is **0300 123 1231**.

### Your local authority

Your local authority can provide you with details, support and advice about any training that they offer and any information that they provide. You can obtain details of your local authority contact from the telephone directory or from us on the above number. The National Association of Family Information website lists local authority websites.<sup>41</sup>

### **You must read a copy of the Early Years Foundation Stage before making an application.**

You will have to demonstrate that you meet its requirements before we can register you. The Early Years Foundation Stage documents may be obtained from your local authority or from the Department for Education<sup>42</sup> and Foundation Years<sup>43</sup> websites.

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41 The National Association of Family Information website is available at: [www.daycaretrust.org.uk/nafis](http://www.daycaretrust.org.uk/nafis).

42 The Department for Education website: [www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs](http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs).

43 The Foundation Years website: [www.foundationyears.org.uk/early-years-foundation-stage-2012/](http://www.foundationyears.org.uk/early-years-foundation-stage-2012/).