

# THE OFSTED CHILDCARE REGISTER – A CONSULTATION PAPER

July 2006

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# THE OFSTED CHILDCARE REGISTER: A CONSULTATION PAPER

## INTRODUCTION

1. This document invites comments on proposals for the establishment of the Ofsted Childcare Register as provided for under part 3 of the Childcare Bill currently before Parliament. In particular, it sets out the Government's thinking on the requirements that providers must meet in order to be placed on the register and the arrangements for checking that they continue to meet those requirements over time.

2. The consultation document on the proposals in the Childcare Bill – issued in summer 2005 – discussed options for a later years register, administered by Ofsted, to cover provision for children aged 5 and over and identified the sort of requirements that would operate under it. Following that consultation, Ministers decided to make it compulsory for private and voluntary sector settings that provide for children from the start of compulsory school age up to the age of 8 to be registered. The consultation document on the Bill can be accessed at

<http://www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1362>

3. Since then, further thinking relating to the development of the Ofsted Childcare Register has also been made public as part of papers produced to support Parliament's deliberations on provisions within the Childcare Bill. These papers can be accessed at [www.surestart.gov.uk](http://www.surestart.gov.uk).

## STRUCTURE OF THIS DOCUMENT

4. The structure of the consultation document is as follows:

- **Executive summary** – this summarises the main points of the consultation and lists the questions
- **Part 1** sets out the rationale for the Ofsted Childcare Register and explains who *must* be registered, who *can* apply to be registered and who *cannot* be registered.
- **Part 2** sets out details of the proposed requirements, the process for application, the inspection and enforcement arrangements and the costs and fees.
  - SECTION 1: The Requirements
  - SECTION 2: The Process for Joining
  - SECTION 3: Checking compliance - inspection
- **Annex A** sets out the requirements by type of provider
- **Annex B** sets out a summary table of the requirements

## HOW TO RESPOND

5. The closing date for this consultation, and by which all responses should be submitted, is **29 September 2006**.
6. Responses can be submitted online at [www.dfes.gov.uk/consultations/](http://www.dfes.gov.uk/consultations/).
7. Alternatively, they can be submitted by email to [OCR.consultation@dfes.gsi.gov.uk](mailto:OCR.consultation@dfes.gsi.gov.uk), or by post to:

OCR consultation  
CSLD  
Department for Education and Skills  
Ground floor, Caxton House  
Tothill Street  
London SW1H 9NA

## ADDITIONAL COPIES

8. Electronic versions are available at <http://www.dfes.gov.uk/consultation/>.

## REGULATORY IMPACT ASSESSMENT

9. We have produced a partial regulatory impact assessment (RIA) setting out estimates of the costs and benefits of the proposals within this consultation paper. The figures are provisional and we welcome comments on them. The partial RIA is published alongside this document and is available at <http://www.dfes.gov.uk/consultation/>.

## CONFIDENTIALITY

10. Your response may be made public by the DfES. If you do not want all or part of your response or name to be made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.
11. The DfES will handle any personal data you provide in accordance with the Data Protection Act 1998.

## EXECUTIVE SUMMARY OF PROPOSALS AND QUESTIONS

### Background

- The Government, through the Childcare Bill, is reforming the regulation and inspection regime for childcare. Ofsted will administer two registers: the early years register for provision for children up to the age of 5, and the Ofsted Childcare Register for children aged 5 and over<sup>1</sup>.
- Unless exempt from compulsory registration<sup>2</sup> providers who care for children aged 5 to 7 will have to be registered. Providers of childcare to children aged 8 or over and provision otherwise exempt from registration such as nannies and short-term occasional care will be able to be registered. Maintained and independent schools will not be able to join the Ofsted Childcare Register but will be issued with guidance advising them to have regard to its requirements.
- The Ofsted Childcare Register will help ensure, in a way that is proportionate and tailored to different types of provider, that registered childcare is safe and suitable and will enable parents to claim financial support for the childcare through the Working Tax Credit and employer-supported childcare schemes.

### Section 1: The Requirements

- Some requirements will have to be demonstrated by providers before they can be registered; alongside these, others will have to be met after registration. Some of the requirements vary according to the type of provider and whether they must be registered compulsorily or may choose to do so voluntarily. These variations are explained in section 1 and summarised in Table 1 in annex A.
- Suitable People – adults must be suitable to look after or have access to children. There must be a safeguarding children policy in place. Whilst working directly with children, practitioners must not smoke or be under the influence of alcohol or any other substance which may affect their ability to care for children. Staffing ratios, qualification and first aid requirements must be met.
- Suitable Premises – premises, furniture and equipment must be safe and suitable for children, an up-to-date health and safety risk assessment must be in place and acted upon, and the provider must have public liability insurance.
- Suitable Provision - the provision must be delivered for at least 2 hours a day or join up with the school day in order to support working parents effectively. A back-up plan must be in place in case provision cannot be made. The provider must also have a complaints procedure in place. Provision must be accessible and inclusive; promote anti-discriminatory practice and cultural diversity; and take account of the needs of the child. Adults caring for children must be able to manage their behaviour positively and physical punishment, including shaking, must not be used. The registered person must display the registration certificate and provide parents with information about the OCR, the role of Ofsted, and the provider's own policies. Providers must also inform parents about the activities that children will undertake.

<sup>1</sup> Legally, the Ofsted Childcare Register covers children from 1 September after a child's fifth birthday

<sup>2</sup> The exemptions from compulsory registration will be defined in a statutory instrument and we will consult on the definitions before bringing the order into force.

- Information to be supplied by providers on registration – applicants will have to supply personal and address details, employment history, information about criminal convictions and cautions. Applicants will have to undergo an enhanced CRB disclosure application and confirm that systems are in place to ensure staff have been checked. We propose that the applicant will have to provide evidence that he or she or at least one of the practitioners has a valid first aid certificate. The applicant will also have to provide guarantees that the registration requirements have been met and the ongoing requirements will be met.

*Question 1: Do the requirements strike the right balance between providing reassurance that the provision will safeguard children and give them a good experience and being proportionate and manageable for the provider?*

*Question 2: Does the proposed treatment of compulsorily and voluntarily registered providers make sense and provide sensible flexibility?*

*Question 3: Which of the options on staffing ratios is most appropriate?*

*Question 4: Do you support the intention behind the requirement about reliability? Does this pose any practical problems?*

*Question 5: Does the information being requested with the application provide a good sense of how the provider measures up against the requirements?*

## **Section 2: The Process for Joining**

- Applications will be online but an alternative means to apply will also be available so no-one is denied access. Through the application form and verification procedures Ofsted will have the option of requesting further information.

- Following initial registration, all registered providers will have to demonstrate or confirm each year that they continue to meet the requirements.

- Providers who care only for children aged 7 and over and nannies will be able to be registered on the Ofsted Childcare Register from April 2007. Providers who care for children aged 5-7 will continue to be registered by Ofsted under Part 10A of the Children Act 1989 until September 2008. At this point those who are already on the existing under 8s register (and who care for children aged 5-7) will also transfer automatically onto the Ofsted Childcare Register, unless they fall into a category which is no longer required to be registered. Any new providers caring for children 5-7 must be registered on the Ofsted Childcare Register from September 2008. Providers who care for children across both the early years register and the Ofsted Childcare Register will be able to join both and the process will be straightforward.

- Homecarers (nannies and childminders looking after children only aged 7 and over) who have already been approved through the Childcare Approval Scheme will also transfer automatically to the Ofsted Childcare Register at a date to be agreed. After this time, new homecarers will only have the option of joining the Ofsted Childcare Register.

*Question 6: Do these application processes require appropriate information and evidence?*

*Question 7: Are these the right arrangements for the transition to the Ofsted Childcare Register?*

### **Section 3: Checking compliance – inspection**

- Around 10% of childcare providers registered on the Ofsted Childcare Register will be inspected each year (those who are also on the early years register will be picked up through the early years inspection). Some of these inspections will be triggered by complaints or concern and the rest selected on a random basis.
- Inspections will verify that providers are complying with both the registration and ongoing requirements.
- Providers not meeting the registration or ongoing requirements can be removed from the register. For those that are required to be registered in order to operate this means that they will have to close. The police, Health and Safety Executive or other appropriate authority will be notified if providers are found to be in breach of child protection, health and safety or other legislation.
- Local authorities will provide support for providers in getting registered on and meeting the requirements of the Ofsted Childcare Register.
- Childcare provided directly by schools on school premises for pupils aged 3 and over will not be able to be registered after September 2008 (until then such provision will continue to have to be registered under Part 10A of the 1989 Act). However, schools will receive guidance indicating that they should have regard to the requirements of the Ofsted Childcare Register. School inspections will cover provision made by the school for such pupils on the school site.

*Question 8: Do these arrangements effectively balance proportionality and the need for robust processes?*

*Question 9: Are these the right arrangements for schools?*

## PART 1 – THE RATIONALE

12. The Government's ten year strategy for childcare – *Choice for parents, the best start for children* – sets out a commitment to rationalise and simplify the complex and confusing arrangements that currently exist for childcare. The consultation document on the Childcare Bill published in summer 2005 outlined proposals designed to achieve this.

13. Currently, childcare provision for children under the age of eight, including that in schools, is required to be registered by Ofsted and comply with a range of standards and regulations. Separately, nannies and carers for children in their own home can apply to the Childcare Approval Scheme, managed by an independent company under contract to the Department for Education and Skills. However, these combined arrangements appear confusing to parents and are not the most effective way of administering arrangements to identify provision that has met a certain suitability and quality threshold. Indeed, each of these arrangements applies a different set of standards.

14. The Childcare Bill, which was introduced into Parliament on 8 November 2005, will introduce a new, reformed regulation and inspection system for childcare, creating two distinct regulatory frameworks:

- one for children up to the age of 5 – the early years register (which is underpinned by the Early Years Foundation Stage) and
- one for children aged 5 and over – the general childcare register (to be known as the Ofsted Childcare Register).

## PRINCIPLES UNDERPINNING THE OFSTED CHILDCARE REGISTER

15. The key aims in developing the Ofsted Childcare Register are to:

- help ensure children are cared for in safe and suitable provision and engaged in worthwhile activities, so that parents are reassured about the childcare they choose; and to
- secure a process for doing so that is proportionate, within the context of the Gershon review of public sector efficiency and the Hampton review of regulatory inspections and enforcement, in order to make the best use of available resources, directing them to where they are needed most.

16. The Ofsted Childcare Register will set out requirements which are designed to provide some key standards of safety, security and suitability. Providers who are registered will have to meet these requirements. Registration therefore provides a level of reassurance for parents - if their child attends a registered setting, he or she is likely to be safe and properly cared for.

17. The requirements that will underpin the Ofsted Childcare Register will be based around 3 broad areas – *the people, the premises and the provision*. A summary of the proposed requirements is set out and discussed in more detail in part 2.

## WHO WILL BE ELIGIBLE?

18. Private and voluntary sector providers who offer childcare for children aged 5 to 7 years old *will be required* to join the Ofsted Childcare Register. Provision for children aged 8 and over, as well as provision for younger children for whom registration will not be compulsory – for example, nannies and short-term occasional care – will be able to join the Ofsted Childcare Register on a *voluntary* basis.

	Compulsory Registration	Voluntary Registration
<b>Domestic Premises</b>	<ul style="list-style-type: none"> <li>Childminders looking after children aged 5-7</li> </ul>	<ul style="list-style-type: none"> <li>Nannies</li> <li>Childminders looking after children aged 8 and over</li> </ul>
<b>Other Premises</b>	<ul style="list-style-type: none"> <li>Childcare providers looking after children aged 5-7</li> </ul>	<ul style="list-style-type: none"> <li>Childcare providers looking after children aged 8 and over</li> <li>Exempted short-term occasional care or activity based care for all ages</li> </ul>

## SCHOOLS

19. Under the provisions of the Childcare Bill, any childcare provided directly by a school's governing body and on the school site for pupils of the school over the age of 3 *will no longer be able* to be registered by Ofsted (after September 2008). Such provision will be inspected as part of the normal school inspection arrangements and parents will still be able to claim financial support through Working Tax Credit and employer-supported childcare schemes.

20. It is important to note under the arrangements set out above that:
- where schools collaborate across a cluster of local schools, childcare provision would be inspected during the normal school inspection of the 'host' school, so long as some of that school's own pupils participated in the provision;
  - any childcare a school provides that is not available to any of its own pupils will be required to be registered, because the normal school inspection is concerned only with the facilities which a school makes available for its own pupils;
  - any childcare a school provides off the school site will be required to be registered, because the main school inspection may not take account of provision off the school site;
  - where third parties provide childcare for children under the age of 8 on school sites, they will continue to be required to be registered. Only

provision for which governing bodies are directly responsible will be covered by the school inspection system;

- although registration is not compulsory for provision for children aged 8 and over, where schools make arrangements with third party providers to make provision on school sites, we will ask them to make arrangements only with those providers who have joined the Ofsted Childcare Register on a voluntary basis. Registration will signal to schools and parents that provision has met agreed requirements;
- wherever possible, inspections of registered extended services will take place at the same time as the main school inspection.

### Extended Schools

21. The number of schools delivering the extended services core offer will continue to grow over the coming years with the eventual aim of achieving the targets of half of all primaries and a third of all secondaries by 2008 and all schools by 2010. As outlined in the Extended School Prospectus published in June 2005 we also expect many schools to enter into partnership with private and voluntary sector providers. A diverse childcare market will facilitate sustainability of provision and ensure the needs of individual children, parents and schools are met.

22. Extended schools are central to the Government's drive to raise standards in schools and ensure the best outcomes for children. A combined approach of childcare, study support and other activities will encourage children's development outside of the classroom and therefore support their levels of attainment. The effective and proportionate registration and inspection of such provision is also key to securing these aims and it is on this basis we have developed these proposals for the Ofsted Childcare Register.

### **BENEFITS FOR PROVIDERS OF MEMBERSHIP OF THE REGISTER**

23. Registration on the Ofsted Childcare Register will indicate that providers have met nationally agreed safety and suitability requirements. This will be a signal to parents that they can confidently leave their children in the care of the registered provider. Parents will be able to differentiate clearly between providers which have been through a process and signed up to these requirements and those that have not.

24. There will also be other benefits to joining the register – only registered provision will be eligible for financial support through Working Tax Credit and employer supported childcare schemes (for children within the ages specified by Working Tax Credit or employer-supported childcare scheme rules); schools will be advised to partner only with registered providers to establish extended services; and the information provided by local authorities will distinguish between providers that are registered and those that are not.

## LINKS BETWEEN THE EARLY YEARS REGISTER AND THE OFSTED CHILDCARE REGISTER

25. Some providers who are registered (or are planning to be registered) on the new early years register (once this is operational) may also wish to care for older children. They will also be able to join the Ofsted Childcare Register – and will have to if they care for children up to the age of 7. The process for dual registration will be straightforward. Although the registration process will be different for the two registers, the requirements for the Ofsted Childcare Register will be broadly incorporated in the requirements for the new early years register. If a provider has met the requirements for joining the early years register, and requests also to be registered on the Ofsted Childcare Register, the provider will be placed on the Ofsted Childcare Register automatically. The provider will not have to go through a separate application process or pay a separate or additional fee.

26. However, if a provider is registered on the Ofsted Childcare Register and wishes to be registered on the new early years register, the provider will have to demonstrate he or she is meeting the requirements of the early years register. This will mean going through a separate application process and paying the fee to join the early years register. This is because there are specific requirements on the new early years register which relate to provision for younger children and to the delivery of the Early Years Foundation Stage. Moreover, the requirements for the early years register broadly incorporate the requirements for the Ofsted Childcare Register.

## COSTS AND FEES

27. The intention is to operate the Ofsted Childcare Register at full cost recovery.

28. There is considerable value in joining the Ofsted Childcare Register and the Government considers it appropriate that providers pay a reasonable fee for registration and to confirm annually that they are continuing to meet the requirements. This fee would also include a contribution towards the cost of inspections and investigating complaints.

29. The Government has sought to balance necessary rigour to safeguard children against unnecessary burdens on what we recognise are, in the majority of cases, small businesses. The Regulatory Impact Assessment accompanying this document sets out the order of costs involved in the registration of one provider based on these proposals.

30. Decisions about the actual level of fees to be charged both for initial registration and for on-going registration will be considered as part of a wider review of fees. The Government does not wish fees to act as a disincentive. We will therefore, as part of the review, consider the impact of registration fees on different types of provider, the impact on the affordability of childcare if the costs were passed on to parents, and whether or not differentiated fee rates should apply. We will consider whether there should be different fee

rates for providers who have to be registered compulsorily and for providers who work as individuals – childminders and nannies – compared to group provision.

## TIMETABLE

31. The voluntary part of the Ofsted Childcare Register will begin in April 2007 for new applicants caring for children solely over the age of 7 and nannies. New providers who care for children aged 5-7 will continue to be registered by Ofsted under Part 10A of the Children Act 1989 until September 2008.

32. The compulsory part of the Ofsted Childcare Register will begin in September 2008. At this point new providers who care for children aged 5-7 must join the Ofsted Childcare Register. Also at this time, those caring for children aged 5-7 who are already on the existing under-8s register will transfer automatically to the Ofsted Childcare Register, unless they are otherwise exempted.

33. Arrangements for the transition of providers currently registered are discussed in more detail on pages 22 and 23.

## NEXT STEPS

34. Following the completion of this consultation, regulations putting the Ofsted Childcare Register in place will be drawn up. Ofsted will then put in place the processes needed for voluntary registration to commence in April 2007. The Government response to this consultation towards the end of 2006 will cover the details of the regulations and registration.

## PART 2 – THE PROPOSALS

### SECTION 1: THE REQUIREMENTS

#### REGISTRATION REQUIREMENTS AND ONGOING REQUIREMENTS GOVERNING ACTIVITY

35. There are two sets of requirements providers must meet in order to join and remain on the Ofsted Childcare Register. The first set relates to the requirements providers must meet when they apply to join the register and must continue to meet whilst they are on the register. These are the registration requirements. In relation to some of these requirements providers will need to supply evidence with the application to demonstrate that they meet them. The second set relates to requirements the provider will have to meet (in addition to the registration requirements) once he or she is registered and delivering care for children. These are the requirements which govern activity and are established in recognition that not all aspects of the provision will be in place at the time of registration, particularly for new providers – for example, staff may not have all been recruited.

36. The requirements will focus on key factors relating to the *people* running the provision, the *premises* in which the provision operates and the *provision* itself. The Government believes that, when taken together, these will provide a strong sense of whether the provision is suitable, safe and secure. The intention is that the requirements will apply to all providers, although there may be differentiation in the way in which they apply to different types of provider.

37. For example, the Government recognises that, because of the age of the children and the length of time they may attend the provision, it may be appropriate for there to be tighter requirements for provision that is compulsorily registered than that which is registered voluntarily. Provision that is in the child's own home will also need to be treated differently (the requirements in question are marked by an asterisk below with particular issues highlighted). Table 1 in annex A at the end of this paper sets out a summary of the requirements by type of provider.

38. Below are set out under each of the key headings of *people*, *premises* and *provision* the requirements we propose providers should meet. The discussion covers the requirements as a whole but Table 2 in annex B at the end of this paper summarises which requirements relate to registration and which to ongoing activity.

Para	REQUIREMENTS
<b>PEOPLE</b>	
40-41	The adults who look after children or who have unsupervised access to children are suitable to do so
42	Registered person must ensure that a safeguarding policy is in place and implemented
43	Registered person must ensure that he/she or at least one member of staff has a valid first aid certificate. At least one person with the valid first aid certificate must always be present when children are at the setting.
44	Practitioners must not smoke or be under the influence of drugs or alcohol when caring for children
45-47	Registered person must meet the prescribed qualification requirements
48-57	Registered person must meet any prescribed staffing ratios
<b>PREMISES</b>	
58	The premises both indoors and outdoors (including furniture and equipment) must be safe and suitable for the children attending
59-60	Registered person must carry out and document a health and safety risk assessment and act on any findings to minimise risks. This must be updated at least once a year and immediately in response to new risks.
61	Registered person must have public liability insurance
<b>PROVISION</b>	
62-64	To effectively support working parents, the provision must be delivered for 2 hours or more a day or join up with the school day; and the registered person must ensure that a back-up plan is in place and discussed with parents so that if planned activity cannot take place, alternative arrangements operate so that parents are not left to make their own childcare arrangements at short notice
65	Registered person must inform parents about the range of activities children will undertake while attending the provision and how this will support their development
66	Registered person must provide parents with information about: <ul style="list-style-type: none"> <li>- OCR requirements and standards;</li> <li>- Provider's own policies and procedures; and</li> <li>- Ofsted's role and contact details</li> </ul>
67-68	Registered person must have an effective complaints policy in place and available to parents on request. Parents must be informed of its existence and how to make a complaint. A record of complaints and their outcomes must be kept and updated, and made available to parents and to Ofsted
69	Provision must be accessible and inclusive, promote anti-discriminatory practice and cultural diversity; and take into account the needs of the child. A written inclusion policy must be in place and acted upon
70	Adults must be able to manage children's behaviour positively and effectively and must not use physical punishment, including shaking
71-73	Registered person must display registration certificate

## PEOPLE

### Suitability of the people

39. The person who is registering must be suitable to care for children. This means he or she will have to have an enhanced CRB check that shows there is nothing in his or her background that makes him or her unsuitable to look after children. If the provision is on non-domestic premises, the provider will also have to ensure that systems are in place to secure enhanced CRB checks for all staff that he or she employs in a paid or voluntary capacity who have access to children.

40. If the provision is made by a childminder, the childminder will also have to confirm that other people aged 16 and over in the household, including any assistants that are employed, are to the best of their knowledge suitable to have unsupervised access to children. Unless the childminder is satisfied that household members are suitable, he or she must make sure that they do not have unsupervised access. Once the provisions of the Safeguarding and Vulnerable Groups Bill are enacted, subject to the will of Parliament, we also plan to require people aged 16 and over living in the childminder's house to have an enhanced CRB check and be subject to monitoring through the vetting and barring scheme that will be set up under this legislation.

### Safeguarding children policy

41. The provider will have to have in place an effective safeguarding children policy and ensure that the provision is in line with the local safeguarding children board policy. Staff should be appropriately trained and be able to spot and act on signs of abuse.

### First aid qualification

42. The provider must ensure that at least one of the members of staff supervising children at any time holds a valid first aid certificate. This must be less than three years old, appropriate for the age of children cared for and cover dealing with emergencies, resuscitation, shock, choking and anaphylactic shock.

### Smoking, Drugs and alcohol

43. The provider will have to ensure that when working directly with children, he/she and all other staff must not smoke or be under the influence of alcohol or any other substance which may affect their ability to care for children. Practitioners taking medication which they believe may affect their ability to care for children should seek medical advice.

### Qualifications

#### *Qualifications requirements for **compulsorily** registered provision (for those who care for children aged 5-7)*

44. We propose that for provision on domestic premises which must be

registered – childminders – the registered person must take a local authority-approved childminder’s pre-registration course within 6 months of registration.

45. For provision on non-domestic premises, the requirements will be that:

- the manager has at least a level 3 qualification appropriate to the post
- supervisors hold level 3 qualification appropriate to the post
- at least 50% of other staff hold level 2 qualification appropriate to the post
- all staff have induction training – health and safety, child protection
- trainees under 17 are supervised at all times (and not counted in staffing ratios)

*Qualification requirements for **voluntarily** registered provision (those who care for children over the age of 7 or are exempt from registration)*

46. For provision which can choose to be registered, we propose that the requirement should be that the registered provider (on domestic premises) and/or an appropriate number of staff has to have training and/or qualifications in the common core of skills<sup>3</sup>.

Staffing -Ratios\*

47. We propose that provision which is registered compulsorily must adhere to prescribed adult:child ratios.

48. We do not believe that it is appropriate or practical to set ratios for all provision that is registered on the Ofsted Childcare Register. Given the range and variety of provision that can choose to be registered, identifying a set of ratios to cover every type of eligible activity would lead to a high degree of complexity and the potential for arbitrary dividing lines. The nature of the activity and the age of the child are factors in deciding a suitable ratio and they interact to compound the difficulty. For example, older children will tend to require less supervision generally but if the activity involves elements of risk there may need to be closer supervision, regardless of the age of the children. An arbitrary ratio could place unnecessary and costly burdens on a provider. We have therefore decided that adult: child ratios should apply only to provision that has to register compulsorily. This maintains the link to the current position whereby provision that has to be registered works to a set staffing ratio.

*Staffing ratios for non-domestic premises*

49. In determining the ratio that should apply it is important to recognise both the proposed split between the early years register and the Ofsted

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<sup>3</sup> The common core skills and knowledge are under 6 headings: effective communication and engagement with children, young people and families; child and young person development; safeguarding and promoting the welfare of the child; supporting transitions; multi-agency working; sharing information

Childcare Register and the age of the children involved. Under the Bill, provision for children from birth to the start of compulsory school age will deliver the Early Years Foundation Stage (EYFS). The Government is currently consulting on the ratios that should apply under the EYFS. If it is appropriate to establish a ratio of 1 adult to 13 children in provision for 3-5 year olds when a person qualified to level 6 is involved, it could be said to be counter-intuitive to have a less generous ratio for 6 and 7 year olds. Childcare will generally be wrapped around the school day and children will be experiencing it for shorter periods (holidays aside). We need to balance this against the fact that these are still relatively young children and they may need greater supervision than the 8s and overs, and that fewer staff may not be able to cope as well over longer periods such as holidays.

50. Options are:

- to continue with a ratio of 1 adult to 8 children aged 5 to 7
- to relax this to 1 adult to 13 children
- to provide a degree of flexibility by linking the ratio to the type of provision – for example, provision that was more free flow and less structured (play-based activities or an outing, say) might require a ratio of 1:8, whereas provision which was more structured around study support, say, would be suitable for a ratio of 1:13

51. The last option presents helpful flexibility but could prove difficult to monitor, especially if a provider offers a range of activities which cover both free flow play and more structured provision.

52. For registration purposes there needs to be some clarity so that Ofsted can take a judgement about what type of activity formed the provider's core. Where provision covers both free flow and structured activities, Ofsted could register the provider for two sets of ratios. It would then be for the registered person to ensure that the appropriate ratios were applied. If someone raised a concern about a child's safety, Ofsted would have to determine which ratio applied and whether sufficient staff were present, which may be difficult to establish. Alternatively, this flexibility could be linked to qualifications – for example, to the presence of a qualified teacher.

53. The Government would welcome thoughts on which option is most appropriate and why.

#### *Staffing ratios for domestic premises*

54. The Government does not consider that the current ratio of 1 adult to 6 children (and a maximum of 6 children) that applies to childminders who look after children under the age of 8 requires change.

55. We propose that a nanny would only be able to look after the children of two families otherwise she would be classified (and have to be registered) as a childminder and would have to meet the prescribed ratio for

childminders<sup>4</sup>.

#### Staffing: minimum number of adults present\*

56. Provision which is made on non-domestic premises (compulsorily and voluntarily registered) must ensure that a minimum of two adults caring for children are on the premises at all times when children are present.

### PREMISES

#### Premises are safe and secure

57. There will be a general requirement on registered providers to ensure that the premises in which they operate are organised so as to ensure that children are safe and secure. This will include both indoor and outdoor space and equipment and furniture. In order to meet this, we would expect providers to take reasonable steps to minimise hazards; prevent people whose suitability has not been checked from gaining unsupervised access to children; and ensure children cannot leave the premises unaccompanied (unless the provision is open access for older children). This requirement will be supported by two specific requirements.

#### Health and safety risk assessment\*

58. The registered person will have to carry out and document a health and safety risk assessment to identify any potential hazards and action to be taken to minimise them. This risk assessment will have to be updated each year and immediately in response to new risks. This assessment must cover risks associated with electricity and gas; furniture, equipment and toys; stairs; hot appliances; kitchen and food preparation; water hazards (for example, ponds and pools); fire safety; outings and trips; pets and other animals, and the security of the premises so that children cannot wander off unsupervised, or that unsuitable adults cannot gain access to children.

59. Nannies will not be expected to carry out a formal health and safety assessment but will be expected to advise parents of any health and safety risks.

#### Public liability insurance\*

60. We propose that all providers (except nannies) who are registered on the Ofsted Childcare Register will have public liability insurance (PLI) as a signal of their responsibility and liability. This is not new – under the current national standards, this is one of the supporting criteria. For the Ofsted Childcare Register, we plan to make it a main requirement. We consider it appropriate to include this requirement under the new regime and to extend it to all providers. While this would not of itself protect or safeguard children, it demonstrates that a provider takes his or her responsibility seriously and, in the case of a serious incident, may provide the child and his or her parents

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<sup>4</sup> The definition would be included in the exemptions order referred to in footnote 2.

with access to some compensation.

## PROVISION

### Reliability\*

61. In order to support working parents effectively, the registered person will have to ensure that the provision lasts for 2 hours or more or joins up with the school day as part of an extended service to deliver a continuous period of at least 2 hours. It is important if parents are to plan with confidence that they can rely on the provision. The registered person will therefore also have to ensure there is a back-up plan so that if a planned activity cannot take place, alternative arrangements operate so that parents are not left to make their own childcare arrangements at short notice. For example, if a particular activity is not able to run on a particular day, the provider has plans in place to accommodate the children in another activity running on the same site, perhaps redeploying or bringing in additional staff.

62. The plan should also cover issues such as securing emergency staff if they are needed; having prior arrangements with schools, community centres, etc to take children to temporarily if the provider's premises cannot be used; keeping parents' telephone numbers to hand so that they can be contacted and made aware of the situation; what to do if parents cannot be reached; and have details of the local authority and other local providers so that parents can be sign-posted to alternative provision if the provision is affected long-term. Where emergency staff or alternative premises are employed the provider must ensure that these also meet the requirements of the Ofsted Childcare Register.

63. A key objective of the Government's 10 year childcare strategy is to give parents a genuine choice on how to balance work and family life. Provision that parents can rely on will give them greater confidence to plan and the Government believes that requiring providers to have a back-up plan for such eventualities will support this objective.

### Information about the provision

64. The provider will have to provide parents with information about the content of the provision – that is, the menu of activities in which the children will participate so that parents can see how this contributes to their child's development.

### Information for parents

65. The provider will also have to provide information on the Ofsted Childcare Register and its standards, his or her own policies and procedures, and Ofsted's role and contact details.

### Complaints policy\*

66. The provider must put in place a clear and accessible complaints policy. When they take up a place, parents must be informed of this policy

and made aware of how to complain, and the policy must be made available to them on request. The provider must keep a record of complaints received and their outcomes and a summary of complaint must be made available on request. The provider must also ensure that, if requested, Ofsted is provided with a list of complaints received in any specified period and their outcomes.

67. This requirement will not apply to nannies for whom complaints will be covered by the contract with parents.

#### Accessibility and inclusion

68. The registered provider must have and implement a written policy to ensure that the provision is accessible and inclusive, is anti-discriminatory, promotes cultural awareness and considers the needs of the child. As part of this, providers will be expected ensure children are treated fairly and equally and that there is support for children with learning difficulties and/or disabilities. Providers should make their policy on accessibility and inclusion available to parents and others.

#### Managing behaviour

69. Adults who care for children must be able to manage children's behaviour positively and effectively. The current national standards prohibit physical punishment by day care providers and childminders looking after children up to the age of 8. We propose to carry this forward to the Ofsted Childcare Register and apply it to all providers that are registered. Therefore, all providers who apply to be registered will have to sign up to this.

#### Displaying the registration certificate\*

70. The registered person will have to display the registration certificate in a way that it can easily be seen. This will enable parents, prospective parents, staff, inspectors and others to know immediately that the provision has been registered.

71. We would not expect the nanny to display the registration certificate. However, we would expect her to show it to the parents as part of her interview or references, and to explain to parents about the Ofsted Childcare Register and its requirements.

72. If the registration certificate is lost or destroyed, Ofsted will be able to replace it but will charge a fee for doing so.

*Question 1: Do the requirements strike the right balance between providing reassurance that the provision will safeguard children and give them a good experience and being proportionate and manageable for the provider?*

*Question 2: Does the proposed treatment of compulsorily and voluntarily registered providers make sense and provide sensible flexibility (ratios, qualifications)?*

*Question 3: Which of the options on staffing ratios is most appropriate?*

*Question 4: Do you accept the intention behind the requirement about reliability? Does this pose any practical problems?*

## THE INFORMATION THAT PROVIDERS WILL HAVE TO SUPPLY WITH THEIR APPLICATIONS

73. The application process will require information about the applicant and the nature of the provision – for example, name, date of birth, contact details and address of the applicant (and similar details of the provision if different), employment history, criminal convictions and cautions, opening times, ages catered for, number of places offered and type of provision made available. The precise details of the information that Ofsted will require in each case will be set out in regulations, although Ofsted will have the power to ask for other information as well. Some of the information collected through the application process will be provided to local authorities so that they can carry out the childcare assessment required under clause 11 of the Bill, and their duty to provide information under clause 12, and this will also be set out in regulations. These regulations will also allow Ofsted to share specified information to other parties in particular circumstances (for example, Her Majesty's Revenue and Customs for the purpose of verifying a claim for Working Tax Credit where childcare costs are included).

74. The applicant provider must supply evidence that there is nothing in their background that makes him or her unsuitable to care for children. They will do this by completing an enhanced CRB disclosure application. Depending on what is disclosed, there may be some follow-up action to clarify information. The application will not progress further until this check has been carried out and the person has been judged suitable. The provider (on non-domestic premises) will also have to confirm that systems are in place to ensure all staff employed are CRB checked. Childminders will have to confirm that people aged 16 and over living in their household will not have unsupervised access to children unless the childminder is satisfied the household member is suitable.

75. The applicant provider will, where appropriate, need to provide details of the number of staff (and full time equivalent staff) that are or will be employed. Where the provision has to be registered compulsorily, this information will be matched against the number of places offered to determine whether it meets the prescribed ratios.

76. We also propose that the applicant provider will have to provide evidence that he or she or at least one of the practitioners has undertaken an appropriate first aid course. This is likely to be checked at the same time as the applicant's identity is verified.

77. In addition, the Government envisages that the applicant will have to provide a guarantee confirming that the registration requirements have been met and the on-going requirements will be met and that the necessary systems and procedures will be in place before children attend.

*Question 5: Does the information being requested with the application provide a good sense of how the provider measures up against the requirements?*

## SECTION 2: THE PROCESS FOR JOINING

### NEW PROVIDERS

78. The process will require providers to complete an application form providing the information required and supplying any supporting documentation where appropriate – as identified in section 1. There will be no automatic pre-registration visit. However, Ofsted will retain the right to request additional information or to inspect the premises if it considers this is necessary in order to satisfy itself that the provision meets the requirements. Once Ofsted is satisfied that the provider has met the registration requirements, it will register the provider and issue a registration certificate. Providers who are refused registration – or who, once registered, have the registration cancelled – will be able to appeal against this decision to the Care Standards Tribunal.

79. In order to ensure a streamlined and cost-effective process, applicants will be encouraged to complete the application form – other than the CRB checking process – online. However an alternative version will be available so that no provider is denied access.

80. Providers who are required to join the register will have to confirm annually that they are continuing to meet the requirements in order to remain registered. Providers who are able to choose to join the register will be required to renew their registration each year. The application process for both compulsorily registered and voluntary registered providers is likely to be the same, even though some of the requirements will apply slightly differently – for example, ratios and qualifications.

*Question 6: Do these application processes require appropriate information and evidence?*

### PROVIDERS THAT ARE ALREADY REGISTERED – TRANSITIONAL ARRANGEMENTS

#### [Transition - Providers on the current under-8s register](#)

81. Providers who are currently registered by Ofsted under Part 10A of the Children Act 1989 and who care for children aged 5-7<sup>5</sup> will transfer automatically onto the Ofsted Childcare Register in September 2008, unless they fall into a category which is no longer required to be registered.

82. New providers who care for children aged 5-7 will continue to be registered by Ofsted under Part 10A of the Children Act 1989 until September 2008, after which time they will have to apply to be registered on the Ofsted Childcare Register.

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<sup>5</sup> Legally, this covers children aged between 1 September following the child's 5<sup>th</sup> birthday and the child's 8<sup>th</sup> birthday

### Transition – Childcare Approval Scheme

83. The Childcare Approval Scheme (CAS) enables nannies providing care in the child's home and childminders looking after children solely over the age of 7 on other domestic premises to be approved so that the care they provide may give parents access to financial support through the Working Tax Credit or employer-supported childcare vouchers.

84. Our intention is that the CAS should continue to approve carers meeting its criteria for a period of time after the voluntary part of the Ofsted Childcare Register becomes operational. At this stage applicants will be able to join either scheme.

85. After this period – which is to be determined – ends all new applicants will need to join the Ofsted Childcare Register and therefore meet its requirements. We will make arrangements for all carers whose CAS approval is still current at the end of this transitional period either to be transferred to the Ofsted Childcare Register or remain on the CAS until their approval expires.

86. We will be regularly publishing updates on the CAS website – [www.childcareapprovalscheme.co.uk](http://www.childcareapprovalscheme.co.uk) – and will be writing later this year to all carers who are approved under CAS with more details about the transition.

### Transition - Quality assurance schemes

87. The “Over 7s Quality Assurance (QA) Scheme” enables providers who meet the requirements of an accredited quality assurance scheme to be approved so that the care they provide may give parents access to financial support through Working Tax Credit or employer-supported childcare vouchers.

88. In discussion with the organisations running accredited schemes, we will be agreeing a short period of time when both the QA Schemes and Ofsted Childcare Register are running together in order to enable providers to join the Ofsted Childcare Register and ensure continuity of eligibility to tax credit support. After this period ends, participation in the accredited QA schemes will no longer be linked to eligibility for tax credit support.

89. We intend to write to all providers who are affected by this change in autumn 2006.

<p><i>Question 7: Are these the right arrangements for the transition to the Ofsted Childcare register?</i></p>
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### SECTION 3: CHECKING COMPLIANCE – INSPECTION

90. The Government believes that inspection of provision registered on the Ofsted Childcare Register should be carried out proportionately on the basis of risks to children rather than automatically to a pre-determined cycle. This proportionate response includes the prospect of a randomly selected inspection.

91. The majority of registered providers will look after children for shorter periods wrapped around the school day. We recognise that during holidays children will attend settings for a longer day – often as long as 10 hours. We also recognise that the wraparound period across the year amounts to a reasonable length of time. However, we do not consider this in itself requires a system of automatic inspection. In addition to the initial registration, providers will each year need to confirm that they are still meeting the requirements. Ofsted will at any time be able to request evidence that they are meeting the requirements, and will carry out a number of inspections randomly. These measures will help to ensure that the standards are and continue to be adhered to.

92. We believe that we should direct resources for inspection to where they are needed most and where they can have the greatest impact.

#### LEVEL OF INSPECTION

93. We propose that a proportion of providers are inspected are carried out each year. This proportion will amount to around 10% of providers registered on the Ofsted Childcare Register. This approach is in line with moves more widely across the public and private sector to streamline inspections and use them in a more targeted way. Some of these inspections will be triggered by complaints or concerns that are raised with Ofsted about providers failing to meet any of the Ofsted Childcare Register requirements. Ofsted will judge each complaint it receives against the requirements and, as now, will decide whether this can be dealt in correspondence or whether it requires a visit. Given the unpredictable nature of complaints, this could mean that some providers are inspected more than once in the year.

94. The remainder of the inspections – we envisage the majority – will be based on a random selection of providers. The prospect of unannounced spot checks will provide a strong incentive for compliance. Otherwise providers face being removed from the register and losing the associated benefits – eligibility for financial support through the Working Tax Credit and employer-supported childcare schemes, links to schools for extended services, information to parents that will clearly show the provider is not registered by Ofsted.

#### INSPECTION FRAMEWORK

95. The DfES and Ofsted are currently working together to develop the inspection framework for the Ofsted Childcare Register. We envisage that this will focus on checking that the provider complies fully with the registration and on-going requirements and ensuring that these are being met. Although a visit may be triggered by a complaint or concern in relation to one particular

aspect of the Ofsted Childcare Register requirements, the inspection is likely to look at how well the provider is addressing all the other requirements. Inspections will, as appropriate, involve a combination of reviewing documentation, checking premises (where appropriate) and interviewing staff. Following a visit, we would expect Ofsted to give the provider feedback, including, where appropriate, any actions it considers need carrying out. In the case of a complaint, this feedback would also be sent to the complainant.

## ENFORCEMENT

96. Ofsted will have enforcement powers over settings. Where providers who are required to be registered fail to meet the requirements, Ofsted may set actions for the provider to improve within a certain timescale. If children are at serious risk, other action will be possible. Regulations will specify the circumstances in which a registration can be suspended, pending an investigation, and Ofsted will also be able to cancel a registration, which would mean the provision would have to close. Where providers who have chosen to join voluntarily do not meet the requirements, Ofsted will have similar powers to suspend or cancel registration, in which case they would no longer be recognised as an Ofsted-registered provider. They will then not qualify to enable parents to access tax credits or be able to link with extended schools. Providers will be able to appeal to the Care Standards Tribunal against all the key enforcement decisions by Ofsted, and the detail of these arrangements will be set out in regulations.

97. Like the current disqualification regulations under Part 10A of the Children Act 1989, regulations will also set out the offences, cautions and other matters that would lead to automatic disqualification from registration, and the circumstances in which a person would be able to apply to Ofsted to have such disqualification waived. We are carefully considering what adjustments may be necessary.

## SUPPORT FOR PROVIDERS

98. The Government recognises that providers may need support to meet the requirements of the Ofsted Childcare Register. The duty on local authorities under clause 13 of the Bill to provide information, advice and training will complement Ofsted's registration and inspection role. Local authorities will support providers to help them meet the Ofsted Childcare Register requirements. They will, for example, be able to support providers in preparing for registration and in complying with any feedback provided by Ofsted during inspection. We are confident that this holistic approach will ensure there is a clear focus on the safety and security of children, as well as enabling providers to raise the quality of what they are offering.

<p><i>Question 8: Do these arrangements effectively balance proportionality and the need for robust processes?</i></p>
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## SCHOOLS

99. Childcare provision made directly by a school's governing body (including an independent school) for pupils aged 3 and over on the school premises will not be able to join the Ofsted Childcare Register.

100. The case for this was made in the consultation document on the Bill. The criteria for registration on the Ofsted Childcare Register relate to safety of the provision and therefore the child. Schools will already be addressing many of these criteria in delivering their main educational activity and the provision itself will be covered by the school inspection framework, especially in the way this takes into account the extended services. The Government believes that it is important to ensure proportionality and build on existing arrangements rather than to require schools to go through a separate registration process.

101. However, although schools have systems in place to safeguard children, it will be important to be sure that standards are maintained for childcare and other extended services provided by the school outside the school day and in the holidays. We believe that it is important that schools are aware, and have regard to, the standards of the Ofsted Childcare Register and take them into account as part of the preparation for a school inspection through the self-evaluation processes that are already in place. There is already scope for childcare and extended services to be captured in the Self Evaluation Form (SEF) and through school inspections where it is provided to pupils at the school.

102. We therefore propose to issue statutory guidance to schools about the Ofsted Childcare Register. This guidance will advise governing bodies to work with registered providers when looking to develop their programme of extended services. It will also include information and advice about the Ofsted Childcare Register requirements and how schools can build these into their self-evaluation process through declarations that the requirements are being met and appropriate supporting evidence.

103. In addition, parents will be able to complain to Ofsted if they have concerns about a school's provision of childcare. The Government proposes that where Ofsted receives such complaints, Ofsted should consider what action to take in much the same way as it would if it received complaints about school standards. A school which has received complaints of a serious nature concerning its childcare or extended services provision could be identified by Ofsted for early inspection. The DfES will also work with the Independent Schools Inspectorate to ensure that it takes a similar approach when inspecting provision provided by those independent schools which it inspects.

*Question 9: Are these the right arrangements for schools?*

**ANNEX A: REQUIREMENTS BY TYPE OF PROVISION**

	<b>Compulsory registration</b>	<b>Voluntary registration</b>
<b>All providers</b>	<ul style="list-style-type: none"> <li>• The person who is registered must have an enhanced CRB check</li> <li>• Have in place an effective written safeguarding children policy</li> <li>• At least one of the supervising members of staff holds a first aid certificate</li> <li>• Effective behaviour management, including no physical punishment</li> <li>• A written policy to ensure provision is accessible and inclusive</li> <li>• Provide parents with information about the content of the provision</li> <li>• Provide parents with information about the OCR, the provider's own policies and Ofsted contact</li> </ul>	
<b>Domestic premises</b>	<p><u>Childminders for children aged 5-7</u></p> <ul style="list-style-type: none"> <li>• Confirm all people aged 16 and over in household will not have access to children unless childminder is satisfied they are suitable</li> <li>• Ratios</li> <li>• Qualifications</li> <li>• Premises are safe and secure</li> <li>• Health and safety risk assessment is undertaken</li> <li>• Possesses public liability insurance</li> <li>• Displays registration certificate/letter</li> <li>• Complaints policy in place</li> <li>• Provision is reliable</li> </ul>	<p><u>Nannies</u></p> <ul style="list-style-type: none"> <li>• Works with no more than children of two families</li> <li>• Informs parents about health and safety</li> <li>• Shows parents registration certificate</li> </ul> <p><u>Childminders for children aged 8 &amp; over</u></p> <ul style="list-style-type: none"> <li>• Qualifications</li> <li>• Premises are safe and secure</li> <li>• Health and safety risk assessment is undertaken</li> <li>• Possesses public liability insurance</li> <li>• Displays registration certificate/letter</li> <li>• Complaints policy in place</li> <li>• Provision is reliable</li> </ul>
<b>Other premises</b>	<p><u>Childcare providers looking after children aged 5-7</u></p> <ul style="list-style-type: none"> <li>• Provider must ensure enhanced CRB checks for all staff</li> <li>• Ratios</li> <li>• Minimum of 2 adults caring for children at all times children are present</li> <li>• Qualifications</li> <li>• Premises are safe and secure</li> <li>• Health and safety risk assessment undertaken</li> <li>• Possess public liability insurance</li> <li>• Displays registration certificate letter</li> <li>• Complaints policy in place</li> <li>• Provision is reliable</li> </ul>	<p><u>Childcare providers looking after children aged 8 &amp; over</u></p> <ul style="list-style-type: none"> <li>• Provider must ensure enhanced CRB checks for all staff</li> <li>• Minimum of 2 adults caring for children at all times children are present</li> <li>• Qualifications</li> <li>• Premises are safe and secure</li> <li>• Health and safety risk assessment undertaken</li> <li>• Possess public liability insurance</li> <li>• Displays registration certificate letter</li> <li>• Complaints policy in place</li> <li>• Provision is reliable</li> </ul> <p><u>Short-term occasional care for all ages</u></p> <ul style="list-style-type: none"> <li>• Provider must ensure enhanced CRB checks for all staff</li> <li>• Ratios for under 8s</li> <li>• Minimum of 2 adults caring for children at all times children are present</li> <li>• Qualifications</li> <li>• Premises are safe and secure</li> <li>• Health and safety risk assessment undertaken</li> <li>• Possess public liability insurance</li> <li>• Displays registration certificate letter</li> <li>• Complaints policy in place</li> <li>• Provision is reliable</li> </ul>

## ANNEX B: SUMMARY OF PROPOSED REQUIREMENTS

		<u>Will be checked during inspection</u>		
<u>BASIC INFORMATION</u>	<u>Criterion / Standard</u>	<u>Information to be supplied with the application</u>	<u>Registration requirements</u>	<u>Requirements governing activity</u>
	<u>Personal details</u>	The registered person must provide their name and that of the setting (if different)		The registered person must inform Ofsted of any changes
	<u>Address</u>	The registered person must provide their address and that of the setting (if different)		The registered person must inform Ofsted of any change in address (their own or the setting if different) [NB: group settings that change address must re-register - as the premises are registered]
	<u>Length of provision</u>	The registered person must state how long the provision is available for, when it starts and when it ends	1. The provision must be provided for 2 hours or more or join up with the school day	
			2. The registered person must have a back-up plan to cope with instances when planned activity cannot take place	
	<u>Age groups</u>	The registered person must state the age groups that are eligible to attend the setting		The registered person must inform Ofsted of any changes in the age groups that are eligible to use the setting
	<u>Type of provision</u>	The registered person must give a brief description of the sort of provision offered		The registered person must inform Ofsted of any change in the nature or type of provision being offered
	<u>Number of places</u>	The registered person must state how many places are available		

<u>PEOPLE</u>	<u>PEOPLE</u>	The registered person must ensure that adults who look after children or who have access to children are suitable to do so. Until the registered person is satisfied that any person is suitable, he or she must make sure that such persons do not have unsupervised access.		
	<u>Suitability</u>	1. The registered person must complete an enhanced CRB check	1. The registered person is suitable to care for and work with children	1. The registered person must have in place and implement an effective safeguarding children policy
	-	2a. <u>Non-domestic premises</u> : the registered person must confirm that systems are in place to ensure that staff employed have been cleared through an enhanced CRB check	2a. <u>Non-domestic premises</u> : the registered person has a system for ensuring that all staff employed by them have been cleared, through an enhanced CRB check, as suitable to care for and work with children	2. The registered person must ensure that the provision keeps children safe from harm and operates in line with the local safeguarding children board policy: all staff are appropriately trained; and staff can spot & act on signs of abuse
	-	2b. <u>Domestic premises (excluding nannies)</u> : the registered person must confirm that people aged 16 and over living in their household will not have unsupervised access to children unless the childminder is satisfied the household member is suitable.	2b. <u>Domestic premises (excluding nannies)</u> : the registered person must ensure that, until she is satisfied that any person aged 16 or over living in the household is suitable, such persons do not have unsupervised access	
	<u>Ratios</u>	The registered person must state how many staff are employed.		Compulsorily registered: the registered person must ensure that the provision operates at a ratio of X adult to Y children in <i>non-domestic premises</i> , and X adult to Y children in <i>domestic premises</i>
			For all provision on non-domestic premises: the registered person must ensure that at least 2 adults caring for children are on the premises at all times when the provision is being delivered and are deployed effectively	
<u>First aid</u>	The registered person must provide evidence of a relevant and valid first aid qualification that is appropriate for the age of children cared for and covers dealing with emergencies, resuscitation, shock, choking and anaphylactic shock.	The registered person must ensure that at least one member of staff caring for children holds a valid first aid qualification that is appropriate for the age of children cared for and covers dealing with emergencies, resuscitation, shock, choking and anaphylactic shock.	The registered person must ensure that at least one member of staff with a relevant and valid first aid qualification is always present on the premises	

	<u>Qualifications</u>	-	-	<p><u>Compulsorily registered</u>  <i>Domestic premises</i> – childminders: the registered person must take a local authority-approved childminder’s pre-registration course within 6 months of registration.</p> <p><i>Non-domestic premises</i></p> <ul style="list-style-type: none"> <li>• the manager has at least a level 3 qualification appropriate to the post</li> <li>• supervisors hold level 3 qualification appropriate to the post</li> <li>• at least 50% of other staff hold level 2 qualification appropriate to the post</li> <li>• all staff have induction training – health and safety, child protection</li> <li>• trainees under 17 are supervised at all times (and not counted in staffing ratios)</li> </ul> <p><u>Voluntarily registered</u>  The registered provider and/or an appropriate number of staff has to have training in the common core of skills</p>
	<u>Smoking, alcohol and other substances</u>	-	-	Whilst working directly with children, practitioners must not smoke or be under the influence of alcohol or any other substance which may affect their ability to care for children. of drugs or alcohol and do not smoke in the presence of children
<u>PROVISION</u>	<u>PROVISION</u>	The registered person must ensure that provision is safe and suitable and that it actively promotes the inclusion of all children; and that parents and carers receive clear information.		
	<u>Content – activities</u>	-	-	The registered person must provide parents with information about the menu of activities that children will participate in so that parents can see how this contributes to their development
	<u>Complaints</u>	-	The registered person must ensure that a clear and accessible complaints policy has been drawn up	1. The registered person must ensure that an effective complaints policy is made available to all parents and includes information on how to make a complaint.

				2. The registered person must ensure that a proper record of complaints and outcomes is kept and updated, that details of each complaint and its outcome are retained for 10 years, and that a summary of the record is made available to parents on request.
				3. The registered person must ensure that, on request, he/she provides Ofsted with a list of complaints made and their outcomes in any specified period
	<u>Accessibility &amp; inclusion</u>	-	-	The registered person must ensure that the provision is accessible and inclusive, promotes anti-discriminatory practice and cultural diversity and takes account of the needs of the child
	<u>Corporal punishment</u>	-	-	The registered person must ensure that adults are able to manage children's behaviour positively and effectively and ensure that neither he/she nor any staff administer corporal punishment
	<u>Registration certificate</u>	-	-	The registered person must put the current registration certificate on display so that it can be seen clearly by all parents
	<u>Information for parents</u>	-	-	The registered person must provide parents with the following information about the provision: * OCR requirements and standards * details of policies and processes of the setting * Ofsted's role and contact details
<u>PREMISES</u>	<u>PREMISES</u>	The registered person must ensure that the premises, both indoors and outdoors (including the furniture and equipment) are suitable and safe for the children attending		
	<u>Insurance</u>	-	-	The registered person must ensure that public liability insurance is in place
	<u>Health &amp; safety</u>	-	The registered person must have drawn up a full risk assessment of the premises and have developed an action plan with timescales identifying any necessary action to be taken to minimise identified risks	The registered person updates their risk assessment of the premises and takes any actions necessary to secure the safety of children and adults using the premises at least annually and immediately in response to new risks.