



Department
for Education

Childminder agencies: a step-by-step guide

**Departmental advice for organisations
establishing a childminder agency**

September 2014

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Summary

About this departmental advice

This is non-statutory advice from the Department for Education. It outlines the legal requirements for anyone wanting to register as a childminder agency¹. It also provides steers on matters which, although not legal requirements, anyone wanting to operate a childminder agency will wish to consider.

Expiry or review date

This advice will be kept under review and updated when necessary.

Who is this advice for?

This advice is for anyone interested in establishing a childminder agency. It will also be of interest to organisations and individuals who may either find themselves working with or wishing to use the services of childminder agencies in due course. This includes:

- local authorities;
- childminders and childminder assistants;
- other childcare providers on domestic premises;
- other early years providers, including nurseries and other pre-school establishments;
- national early years organisations;
- schools;
- academies (including free schools);
- independent schools;
- children's centres; and
- parents/carers

¹ This advice refers to the Childcare Act 2006, as amended by section 84 of, and Schedule 4 to, the Children and Families Act ("the 2014 Act"). It also refers to a number of sets of regulations under Parts 1 and 3 of the Childcare Act 2006, which have either been made in the exercise of new powers conferred by the 2014 Act or amended to account for childminder agencies. These regulations are listed in **Annex A**.

Main points

Currently anyone wishing to offer childcare provision is obliged to register with Ofsted (unless they are exempt). Section 84 of, and Schedule 4 to, the 2014 Act amends Part 3 of the Childcare Act 2006 to enable anyone wishing to offer childcare on domestic premises, who would otherwise be obliged to apply to register with Ofsted, to register instead with a childminder agency. Specifically the 2014 Act:

- i. provides for childminder agencies, which must be registered with Ofsted on the early years register or Part A of the general childcare register;
- ii. enables Ofsted to impose conditions on and inspect childminder agencies;
- iii. enables Ofsted to take enforcement action in respect of unregistered persons who are holding themselves out as childminder agencies; and
- iv. enables prospective childminders and certain other providers of childcare on domestic premises to apply to register with a childminder agency as an alternative to making an application to Ofsted.

Introduction

The purpose of childminder agencies

1. The Government wants to see more high quality childcare places available for parents. It wants these places to be provided by a range of providers – schools, private and voluntary day care establishments, and childminders. The availability of quality childcare can make a difference to both children in terms of their education outcomes and to their parents by enabling them to work and create a better standard of living for their families. Home based childcare delivered by childminders is a choice that many parents want and value. Childminder agencies are designed to help increase the number of childminders entering the profession and deliver improved quality.

The services that agencies might provide

2. As well as the formal legal requirements around registration, quality assurance and CPD, agencies will also be able to offer a range of other services to childminders and parents. For example, they may, in agreement with their childminders, provide invoicing services, manage parental fees on behalf of childminders; administer paperwork for tax and NI contributions on behalf of childminders and/or their assistants and/or arrange accountancy services for childminders. Agencies may also be able to help childminders apply to provide free early education places and manage the funding on their behalf, and help parents check their eligibility for and use their tax credits² with agency registered childminders.

3. Agency websites will provide support for parents when trying to find a childminder by setting out: the childminders on the agency's books; the age group(s) they work with; and the days and hours they provide childcare. They may also be able to help 'match' parents with a childminder who has vacancies to suit their working pattern. Where a complaint has been made or a dispute arisen, or in circumstances where a childminder is ill or unable to work, a childminder agency may be able to offer alternative cover.

4. Agencies may want to support prospective childminders in meeting all mandatory pre-registration training requirements, including those set out in the Statutory Framework for the Early Years Foundation Stage (EYFS); consult with childminders on the need for other forms of support and information they might require, e.g. facilitating access to a Special Educational Needs Coordinator (SENCO) or helping their childminders carry out

² Subject to the will of Parliament, in future eligible parents will also be able to make payments through the Tax-Free Childcare system to qualifying childminders who are agency registered. In addition and once in place, parents will be able to use the childcare element of their Universal Credit with agency registered childminders. Agencies will be well placed to advise childminders and parents about these matters.

the SENCO role³; and link registered childminders with other early education and childcare related resources in the locality, for example schools, children's centres, Family Information Services, libraries and playgroups. They may also want to provide their childminders with: a dedicated co-ordinator with experience of childminding/early years; toys and equipment, or other materials to be used by childminders; and updated training which builds on the minimum requirements to ensure knowledge of childminders is current, including repeat training, for example in paediatric first aid and safeguarding children.

5. Agencies might also help to arrange insurance cover for their childminders, providing: options for public liability insurance cover for childminders; a range of cover options tailored to their circumstances; insurance against sickness; and options for car insurance. In cases where an agency directly employs its childminders, they may also be able to facilitate sickness and holiday pay schemes.

Who can be a childminder agency

6. Any organisation able to meet the registration requirements will be able register with Ofsted as a childminder agency. We expect that some will be long experienced in childcare, e.g. existing nurseries or schools, whilst others may be new entrants, drawing in expertise as needed. In addition, local authorities, children's centres and private enterprises may want to establish an agency.

How agencies will be funded

7. Agencies will be independent of Government and self-funded. Agencies will be able to charge childminders they register and/or parents who use their services. It is for agencies to set their charges and for childminders and parents to agree to pay these but, of course, an agency's viability will depend on the nature and quality of services and the value for money they offer parents and their childminders.

8. In addition, agencies may also look to provide services to others, for example independent childminders registered with Ofsted but who want to buy a package of CPD support around changes to the Early Years Foundation Stage (EYFS). They may also market pre-registration training in the EYFS and perhaps first aid training to prospective independent childminders and other providers.

³ The special educational needs and disability code of practice provides more information on area SENCOs, the SENCO role and SEN in the early years (including what role agencies might play – see chapter 5). The Code is available: www.gov.uk/government/publications/send-code-of-practice-0-to-25

Where childminder agencies might choose to operate

9. As with anyone who sets up a nursery or pre-school establishment, this is one of the key things we would expect potential agencies to analyse – geography may be a key test of business viability. Agencies could operate on a very local or a large, regional basis. Agencies will want to consider whether there is a potential pool of prospective childminders to attract or existing childminders to support, whether there is unmet parental demand in the area for childminding services and whether there is scope for links to be made with other providers in the area (e.g. a school or nursery) to provide a package of joined up support for parents and children.

Partners that childminder agencies will wish to work with

10. Agencies will, in some instances, need to work with a range of partners, including: schools, local authorities, Ofsted, other childminder agencies, child protection agencies; children's centres; and nurseries/nursery chains. Agencies may also want to work with colleges and other training providers in arranging access to CPD opportunities, including the new Early Years Educator qualifications⁴.

How childminder agencies will be inspected

11. Newly registered agencies should be prepared for an inspection by Ofsted at any time after registration. The cycle of Ofsted's inspection of agencies will be set out by the Secretary of State in a letter to the Chief Inspector. From the point of registration, agencies must retain information that will allow Ofsted to inspect and make judgements about the agency. As part of an agency's inspection, Ofsted will visit a sample of its registered childminders' homes to assess the quality of support being offered by the agency. These childminders will not be graded by Ofsted or receive separate inspection reports. Ofsted will publish information about its inspection framework for childminder agencies on its website at: <http://www.ofsted.gov.uk>.

Support available to establish an agency

12. Like any new business a range of support is available for anyone interested in setting up a childminder agency. The Department for Education's strategic partner – the Children's Partnership – has produced material which may be of use to those interested and this is available on their website at: <http://www.foundationyears.org.uk/child-minders>.

⁴ The National College for Teaching and Leadership has consulted on and published new criteria for Level 3 qualifications. Using these criteria Awarding Organisations are developing higher quality Early Years Educator qualifications, to be delivered from September 2014. Further information can be found at: <https://www.gov.uk/government/publications/early-years-educator-level-3-qualifications-criteria>.

Section 1 – How to register as a childminder agency

1.1 Any person or organisation wanting to register as a childminder agency, either for the purposes of the Early Years Register or the General Childcare Register⁵ or both, must submit an application for registration to Ofsted. **Agencies will not be able to operate until they are registered with Ofsted. The agency is responsible for assessing the suitability of staff employed or contracted to work for the agency, including carrying out appropriate pre-employment checks. Only when an agency is registered with Ofsted will they themselves be able to register childminders.**

Getting registered with Ofsted

1.2 Prospective agencies must submit an application to Ofsted. Ofsted's registration process will be based on the childminder agency provisions contained in the Childcare Act 2006 and accompanying regulations⁶. An application for registration must:

- be accompanied by the required fee;
- be accompanied by evidence that the appropriate checks for each person connected or involved with the application have been carried out with the [Disclosure and Barring Service](#)⁷;
- give consent for Ofsted to run checks with the appropriate local authority on each person connected or involved with the application;
- demonstrate that the agency is familiar with the Early Years Foundation Stage and/or the provisions of the General Childcare Register Regulations before applying⁸; and
- be accompanied by a 'statement of purpose'.

1.3 Ofsted will undertake a pre-registration visit to a prospective agency where they will go over the application and accompanying paperwork. Only when this is conducted and paperwork verified will Ofsted make a decision on a registration application.

⁵ The General Childcare Register is split into two parts: the 'compulsory' part (part A); and the 'voluntary' part (part B). Agencies can only register on Part A.

⁶ The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014 set out the main requirements for registration and the information which must accompany an application for registration as a childminder agency. See **Annex A** for further information.

⁷ Information about the Disclosure and Barring Service can be found at: <https://www.gov.uk/disclosure-barring-service-check/overview>

⁸ Only those agencies seeking registration on the Early Years Register will need to be familiar with the EYFS, whereas those applying for registration on Part A of the General Childcare Register will need to know about the General Childcare Register Regulations. An agency applying for registration on both registers will need to demonstrate an understanding of both.

1.4 If successful in their application, an agency will be issued with a certificate by Ofsted. This will demonstrate that the agency is registered with Ofsted on either the Early Years Register or the General Childcare Register or both. Ofsted may also set conditions on an agency's registration.

1.5 Ofsted say more about the application process and associated arrangements for agencies in guidance they have produced. This is available on the Ofsted website at: www.ofsted.gov.uk.

Ofsted fees for childminder agencies

1.6 The initial registration fee and ongoing annual fee for childminder agencies with Ofsted is set out in regulations⁹ and has been set at £220. This will be kept under review.

What to do if a registration application is refused

1.7 Where Ofsted refuses an agency's application for registration then the agency has a right to appeal against the decision to an independent external body, the [First-tier Tribunal \(Health, Education and Social Care Chamber\)](#)¹⁰. Ofsted guidance says more about this and associated processes.

⁹ The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014

¹⁰ Advice on how to appeal can be found at: <http://www.justice.gov.uk/tribunals/care-standards>.

Section 2 – Registering childminders and others with the agency

2.1 Childminder agencies will, like Ofsted, be able to register childminders; childminder assistants and other providers of childcare on domestic premises (i.e. groups of four or more adults who look after children in someone’s home at the same time) in the Early Years Register¹¹ and Part A of the General Childcare Register¹²:

- the **Early Years Register** is a register of people and organisations who care for children in the early years age group (children aged from birth until 31 August after their fifth birthday); and
- Part A of the **General Childcare (or Later Years) Register**¹³ is for people who want to look after older children (from 1 September after their fifth birthday up to the age of eight).

2.2 Agencies must ensure that anyone seeking registration – be it as a childminder, a childminder assistant or group provider on domestic premises - or anyone associated with their application (including someone with whom they live) is not disqualified from registration¹⁴. Where an individual is disqualified from registration an agency will not be able to register them and should instead refer them to Ofsted to whom the individual may be able to apply to have the disqualification waived.

2.3 Most childminders registering with agencies will wish to care for children in the early years age group as well as older children, and hence will have to be registered on both the Early Years Register and the General Childcare Register. Agencies should have clear arrangements in place for any childminder and other providers seeking registration with them, including guidance and advice on how to complete an application. Some agencies will decide to arrange or provide some of the pre-registration training, for example training in the Early Years Foundation Stage and paediatric first aid training.

¹¹ Full registration requirements are set out in The Childcare (Early Years Register) Regulations 2008 (as amended).

¹² Full registration requirements are set out in The Childcare (General Childcare Register) Regulations 2008 (as amended).

¹³ In relation to the General Childcare Register, this is split into the ‘compulsory’ part (Part A) and the ‘voluntary’ part (Part B). Agencies can register childminders and other providers for the purposes of Part B provided the childminder or provider is already registered with the agency on the Early Years Register and/or Part A of the General Childcare Register.

¹⁴ Further information about what may disqualify someone from providing childcare can be found in section 5.1 of Ofsted’s Compliance, investigation and enforcement handbook: childminding and childcare the at: www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook-childminding-and-childcare

Application by a childminder or childminder assistant for registration on the Early Years Register

2.4 In considering applications from prospective childminders, agencies will want to ensure themselves of the childminder's or childminder assistant's¹⁵ suitability, including their capacity to deliver the requirements of the EYFS. There are a number of things that agencies will need to satisfy themselves of as part of the application process, in particular that the childminder or assistant has:

- completed training which helps them to understand and implement the EYFS;
- provided a completed Disclosure and Barring Service (DBS) application form in respect of themselves and each person connected with¹⁶ their application;
- completed, or have a date within eight weeks from applying to complete, a first aid course that covers infants and young children;
- understood that the registration process will involve a range of checks on them, those who live with them and those they employ;
- given consent for a health declaration check to be carried out with their GP¹⁷;
- provided details of and contacted their referees; and
- paid any required application fee¹⁸.

2.5 In addition, agencies will want to be assured that the childminder has suitable premises and equipment for looking after children in the early years age group. Agencies will do this through a pre-registration visit to a childminder's home. This visit will be a key part of the registration process and enable an agency to:

- check the childminder's identity, premises and equipment;
- see the childminder's and others' DBS disclosure;
- interview the childminder to assess:

¹⁵ Childminder assistants are not normally required to be registered in their own right but are required to do so where the childminder with whom they are working proposes to leave them to look after children unsupervised for more than two hours.

¹⁶ DBS checks must be carried out on every person of 16 and over living or working at the premises from which the childminder will be operating. This includes spouses, children, lodgers and volunteers. See 'The Childcare 'Early Years Register' Regulations 2008' (as amended).

¹⁷ It will be for agencies to decide the process here but they may want to be aware of Ofsted's process at: <http://www.ofsted.gov.uk/resources/childcare-registration-form-health-declaration-booklet>.

¹⁸ Fees for childminders and others to register with agencies should be agreed between both parties. It will be for agencies to decide if they want to charge fees as part of the registration process or in some other way, e.g. as an ongoing deduction from fees that a parent may pay via the agency for using the childminder.

- the childminder's suitability to operate as an early years provider;
- the childminder's ability to deliver all of the requirements of the Early Years Foundation Stage with which they must be familiar;
- how the childminder will help children to make good progress with their learning and development while they are in their care;
- how the childminder will meet safeguarding and welfare requirements; and
- check any policies and procedures (e.g. accident and injury policy, admissions policy, sick child policy), and check their risk assessment.

2.6 Agencies must have arrangements in place to conduct background checks on the childminder with the local authority or local authorities where the person has lived in the five years prior to making their application for registration, and with Ofsted. Agencies must also check with any agency with whom the childminder has been registered previously. More is said about how to contact local authorities in section 7.

Application by a childcare provider operating from domestic premises for registration on the Early Years Register

2.7 As noted at paragraph 2.1, where groups of four or more adults work together to look after young children in someone's home, they are required to register as other early years providers and meet the requirements that apply to such providers. This includes ensuring that they comply with the EYFS requirements that relate to group childcare establishments (e.g. the manager must hold a full and relevant level 3 qualification and at least 50% of adults caring for staff must hold a full and relevant level 2 qualification).

2.8 Agencies will, therefore, need to be satisfied that the childcare provider has:

- demonstrated that every person looking after children on the premises where they provide childcare is suitable to look after children in the early years age group;
- demonstrated that every person aged 16 or over who is living or working on the premises where they provide childcare is suitable to be in regular contact with children in the early years age group;
- provided written consent for a health check to be carried out on the manager of the provision and everybody who intends to work directly with children with their GPs;

- provided a completed application for a Disclosure and Barring Service (DBS) check for the applicant and, where necessary, the manager and each person connected with their application¹⁹; and
- paid any applicable fee.

2.9 Agencies must carry out a pre-registration visit to an applicant's premises as part of their assessment of whether the applicant meets the registration requirements. This is to ensure that the premises, including any equipment, are suitable for looking after children in the early years age group. Agencies must have arrangements in place to conduct background checks on the childminder with the local authority or local authorities where the person has lived in the five years prior to making their application for registration, and with Ofsted. Agencies must also check with any agency with whom the childminder has been registered previously. More is said about how to contact local authorities in section 7.

Application by a childminder or a childcare provider on domestic premises for registration on the General Childcare Register

2.10 The requirements for registration on the General Childcare Register are similar to those applicable to registration on the Early Years Register, with the main difference being that applicants do not have to have completed training in the EYFS. Agencies will want to ensure that applicants for registration have:

- made a declaration that they meet, or will meet when starting to care for children, all the requirements of the Childcare Register²⁰;
- given consent that they and all those connected with the application to register have given permission for the agency to carry out checks to see if everyone is suitable to work or be in regular contact with children;
- if applying as a childminder demonstrated that they have a current first aid certificate and have completed a relevant childminder training course, or if applying to provide other childcare on domestic premises demonstrated that someone working with children has a current first aid certificate;
- applied for a criminal records check with the Disclosure and Barring Service; and

¹⁹ Full requirements are set out in Schedule 2 Part 1 of 'The Childcare 'Early Years Register' Regulations 2008' (as amended). These include that DBS checks must be carried out on every person of 16 and over living or working at the premises from which the provider will be operating. This includes spouses, children, lodgers and volunteers.

²⁰ Information about these requirements is available in the Ofsted factsheet *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2012; www.ofsted.gov.uk/resources/080143; or *Requirements for the Childcare Register: childminders and home childcarers*, Ofsted, 2012; www.ofsted.gov.uk/resources/080161.

- paid any applicable fee.

2.11 Agencies must carry out a pre-registration visit to an applicant's premises as part of their assessment of whether the applicant meets the registration requirements. Agencies must have arrangements in place to conduct background checks on the childminder with the local authority or local authorities where the person has lived in the five years prior to making their application for registration, and with Ofsted. Agencies must also check with any agency with whom the childminder has been registered previously. More is said about how to contact local authorities in section 7.

Certificates

2.12 Assuming an applicant is successful in his/her application, agencies will be required to issue a certificate. This will set out:

- the name of the registered provider;
- the date of registration;
- whether the provider is registered as an early years provider, a later years provider or as a provider of childcare who is registered on a voluntary basis;
- whether the provider is registered as a childminder or as a provider of childcare other than childminding;
- where the provider is registered as a provider of childcare other than childminding (eg. a childminder working with three or more other childminders or assistants), the address of the premises in respect of which that provider is registered;
- the name, address, telephone number and Ofsted registration number (unique reference number – URN) of the childminder agency issuing the certificate.

Additional requirements for registration with an agency

2.13 Agencies will, as part of their registration processes, be able to specify additional requirements in relation to the registration of a childminder or other applicant. Agencies may, for example, require all those who seek registration with them to join the [on-line DBS update service](#)²¹ with such a requirement potentially being in the best interests of an agency and a childminder (e.g. being on the on-line update service may make it easier for childminders to move their registration, and be cheaper and more timely in the long run). There may be other requirements individual agencies will require of providers that choose to register with them. Agencies will be able to attach such requirements to either

²¹ Further information about DBS update service can be found at: <https://www.gov.uk/dbs-update-service>

or both a childminder's registration and/or as part of any contractual relationship they enter into with their childminders.

Registration with only one agency or Ofsted

2.14 A childminder (or other provider of childcare on domestic premises) can only be registered with one agency or Ofsted at any one time. However, a childminder or provider may submit an application for registration with another agency or Ofsted whilst registered with an agency. Likewise, a provider may submit an application to an agency whilst registered with Ofsted.

2.15 In considering such applications, the agency in receipt of an application (or Ofsted) will have to carry out the necessary checks – including with the other agency (or Ofsted) - and must ensure that the provider has either terminated their registration or had their registration cancelled (see Section 6) before they finally register them. Close working between agencies and/or Ofsted should ensure that there is no break in a provider's registration and, therefore, no gap in the operation of their childcare business.

2.16 For business reasons, some childminders may wish to work with a number of agencies. For example, several agencies may operate in or around the area. In such cases, the childminder will need to choose the agency they wish to register with but may, subject to the contractual terms of their relationship with that agency, have contractual arrangements in place with other agencies to provide services for them as well.

Non-registration by an agency

2.17 Childminder agencies may choose whether or not to register childminders and other providers. Where an agency refuses to register a childminder, the decision cannot be appealed and the childminder should instead seek registration with another agency or Ofsted. An agency is free to decide, therefore, that they do not wish to register a childminder for business reasons, such as lack of interested parties in that area. A refusal of registration by an agency is not necessarily indicative of a person's suitability to operate as a childminder. Where an application is refused, the childminder will be able to seek alternative registration with Ofsted or another childminder agency.

Section 3 – Practice support, continuous professional development and the quality assurance of registered childminders

3.1 Agencies will be responsible for monitoring and driving up the quality of childcare delivered on domestic premises. They will have to ensure that the childminders and others registered with them provide the best quality early education and childcare for each child they support. Agencies will need to have in place effective arrangements to assure the quality of their registered childminders.

3.2 A key objective for enabling the establishment of childminder agencies is to further improve the quality of childminders and children's outcomes. The Government wants to help childminders to access support and training from a variety of sources, including childminder agencies and local authorities as well as other professional bodies and training providers.

Practice support and continuous professional development

3.3 Regulations²² define practice support as any training, advice or assistance which supports a registered provider in the running of that provider's childcare practice (this may include training, advice or assistance provided by an agency during a quality assurance visit). The same regulations also define CPD as any training or other activity which is designed to enable a registered provider meet the requirements of either the Early Years Foundation Stage or, in the case of later years childminders, the requirements of Schedule 3 of the General Childcare Register. Within these definitions it is up to agencies and childminders to discuss and agree what form practice support and CPD should take.

3.4 It is a registration requirement that agencies will provide each early years childminder registered with them with 20 hours of practice support, 16 hours of which must comprise continuous professional development (CPD). In relation to later years childminders registered with an agency, agencies must provide them with 10 hours of practice support, 8 hours of which must comprise CPD.

3.5 Where a childminder is registered on both the early years and later years registers, then an agency need only provide the hours required for early years purposes – i.e. the agency does not need to provide 30 hours practice support (20 hours plus 10 hours). Practice support may include support provided by an agency in the context of a quality assurance visit.

²² See provisions in The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014

3.6 Practice support could be the agency working with a childminder to ensure that they have relevant materials in relation to the learning and development requirements (e.g. maths, language and speech development) and welfare requirements of the EYFS to assist with their practice. It could also include support around specific issues such as: safeguarding; health and safety; risk assessment; invoicing; and support on a particular matter that has arisen, e.g. advice on a child that is showing signs of neglect or displaying some signs of having special educational needs.

3.7 Agencies have some flexibility in how they meet the requirement to offer practice support so, for example, when an agency provides a training session or on-line learning programme for all their childminders this could count towards them meeting the requirements. Agencies may want to arrange regular support sessions to form part of a registered childminder's support (and perhaps their CPD). These sessions might enable childminders to meet other providers, share their experiences and reflect on their practice. It will, however, be for agencies and childminders to determine the precise form of support in a way that works best for them. Agencies will need to be able to access records on the support provided to each registered childminder.

Type and form of continuous professional development

3.8 CPD is a combination of approaches, ideas and techniques that can help people develop their professional skills. Agencies will want to focus on CPD that benefits childminders but should also work to ensure that the CPD benefits the parents and children they work with. Agencies should be clear about how any CPD activity can support the achievement of even higher outcomes for the children in the care of their registered childminders.

3.9 Agencies and childminders are free to agree what form the CPD should take. CPD should include both formal and informal activity, including accredited structured CPD but also peer-to-peer support. This means that CPD can include: one-off training courses; conference attendance; peer support from colleagues; practice and policy briefings; and preparing for quality assurance/inspection. Agencies should ensure that any CPD is provided by a person(s) with the appropriate skills and expertise, either an employee or agent used by the agency.

3.10 Provided they meet the minimum requirements agencies will be free to offer a differentiated level of CPD dependent on each childminder's own development needs, including those that the childminder has been encouraged and supported to identify themselves. Agencies will also want to consider a range of topics for CPD, e.g. early education and childcare; safeguarding and welfare; special educational needs; speech; language and communication development. There should be an ongoing focus on the childminder's delivery of the EYFS – where appropriate. Agencies will also want to ensure that CPD that a childminder undertakes is reflected on through evaluation,

perhaps during quality assurance visits that the agency may make or through support meetings.

Recording practice support and continuous professional development

3.11 Agencies will want to record the practice support and CPD provided to each registered childminder and review the childminder's learning over the previous 12 months with them. This will help set development objectives for the coming year. Reflecting on the past and planning for the future in this way can make development more methodical and easier to measure.

Quality assurance visits by agencies to their childminders

3.12 Regulations²³ state that in their first year of registration, an agency must conduct a minimum of two visits per year (at least one of which should be unannounced²⁴) to each early years childminder's home to assess the standard of care and early education being delivered. Thereafter, agencies have to conduct a minimum of one visit per year but may conduct more if they wish, eg. if they have concerns about the quality of a childminder. Agencies must conduct a minimum of one visit per year to each later years childminder's home.

3.13 Following a visit, the agency must produce a written report of the visit and a copy of this must be made available to the childminder who is the subject of the report, and to the parents of any child receiving registered childcare provision from them. Agencies are not required to share these reports with prospective parents but may choose to do so on request, as it may assist parents in their selection of a childminder. Agencies will have to detail these arrangements in their 'statement of purpose' when registering with Ofsted.

3.14 It will be for agencies to determine the shape and content of their quality assurance arrangements. However, for early years childminders, this must include an assessment against delivery of the EYFS learning and development and EYFS welfare requirements, including around safeguarding. It will be for agencies to determine if they want to rate or grade providers who are registered with them and, if so, what scale or system they use.

²³ The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014

²⁴ By 'unannounced' we mean with as little notice as possible, for example a phone call to the childminder a day or two before.

Quality assurance staff employed by an agency

3.15 All staff making quality assurance visits to childminders' homes must have an enhanced DBS check.

3.16 When deploying staff to quality assurance roles agencies need to do so in the knowledge that the individual's work will be assessed as part of Ofsted's inspection of the agency. Agencies should ensure that quality assurance staff are able to apply their knowledge and expertise in ways that enable them to work effectively with and support childminders registered with the agency.

3.17 The Government is not requiring quality assurance staff employed by agencies to have particular qualifications and believes that the specific qualifications and skills of their staff is for agencies to determine. However, when deploying individuals to particular roles, including quality assurance, agencies will want to consider carefully if there is a need for staff to have a number of the following:

- a relevant qualification, e.g. a level 3, a degree and/or equivalent professional qualification;
- a minimum number of years' successful and relevant experience;
- a minimum number of years' successful and substantial management experience in the relevant area;
- substantial knowledge and relevant experience of the Early Years Foundation Stage and/or the provisions of the General Childcare Register Regulations;
- a wide range of experience within the relevant area, for example in more than one institution.

Section 4 – How Ofsted will inspect childminder agencies and, where necessary, cancel an agency’s registration

4.1 Agencies will be subject to inspection by Ofsted. The legislation covering childminder agencies provides that these inspections will make three key judgements, these being:

- the effectiveness of the agency’s arrangements for assuring itself of the quality of the care and education provided by childminders registered with it;
- the quality and standards of the services offered by the childminder agency to childminders registered with it; and
- the quality of leadership and management of the childminder agency.

4.2 Agencies must retain information that will allow Ofsted to inspect and make judgements about the agency. As part of an agency’s inspection, Ofsted will visit a sample of its registered childminder’s homes to assess the quality of support being offered by the agency. These childminders will not be graded by Ofsted or receive separate inspection reports.

4.3 Following an inspection of an agency, Ofsted will make a report on its findings, and these reports will be made publically available on the Ofsted website so that childminders and parents can access them and judge the quality of agencies. Agencies may choose to use these reports as part of their marketing to, and communications with, parents and childminders.

4.4 Newly registered agencies should be prepared for an inspection by Ofsted at any time after registration. In terms of frequency of inspections, the Secretary of State will set this out in a letter to the Chief Inspector. However, Ofsted will also be able to inspect agencies at other times – for example, in order to investigate complaints against the agency.

4.5 Ofsted will develop a discrete inspection framework for agencies and this, and other information about their inspection of agencies, will be published on their website at: www.ofsted.gov.uk.

Cancellation of an agency’s registration by Ofsted

4.6 Ofsted will be able to cancel a childminder agency’s registration. The amended Childcare Act 2006 sets out that the Chief Inspector must cancel the registration of a person registered as an early years childminder agency or a later years childminder

agency if it appears to the Chief Inspector that the person has become disqualified from registration by regulations under section 76A of the Childcare Act 2006²⁵.

4.7 In addition, the Chief Inspector may cancel the registration of a person registered under Chapter 2A or 3A of the amended Childcare Act 2006 as an early years childminder agency or a later years childminder agency if it appears to the Chief Inspector—

- that the prescribed requirements for registration which apply in relation to the person's registration under Chapter 2A or 3A have ceased, or will cease, to be satisfied;
- that the person has failed to comply with a condition imposed on the registration under Chapter 2A or 3A;
- that the person has failed to comply with a requirement imposed by regulations under Chapter 2A or 3A;
- that the person has failed to comply with a requirement imposed by this Chapter, or by regulations under Chapter 2A or 3A; or
- that the person has failed to pay a prescribed fee.

4.8 The amended Childcare Act 2006 also sets out the procedures and timescales the Chief Inspector must follow in order to move to cancel an agency's registration. Ofsted guidance gives more detail about its procedures here and this can be found on their website at: www.ofsted.gov.uk.

What to do if your registration as an agency is cancelled by Ofsted

4.9 Where Ofsted cancels an agency's registration then the agency may exercise its right to appeal to the [First-tier Tribunal \(Health, Education and Social Care Chamber\)](#). Ofsted guidance gives more details about these processes, see: www.ofsted.gov.uk.

Effect of Ofsted cancellation of agency registration on childminders registered with the agency

4.10 The effect of cancellation of the registration of a childminder agency on a childminder registered with that agency at the point of cancellation is that the childminder will be registered in the relevant register maintained by the Chief Inspector. For example, a childminder who was registered with an agency on the early years register at the point

²⁵ The Childcare (Childminder Agencies) (Miscellaneous Amendments) Regulations 2014 amend the Childcare (Disqualification) Regulations 2009, thereby setting out the grounds for disqualification from registration as a childminder agency.

an agency's registration was cancelled would move to be registered on the early years register with Ofsted. This would mean that the childminder would be subject to Ofsted inspection.

4.11 However, where a childminder does not wish to be registered with Ofsted then they can give written confirmation of this to the Chief Inspector. In addition, the childminder will not be registered in the relevant register if it appears to the Chief Inspector that the childminder is disqualified from registration under section 75 of the Childcare Act 2006.

Voluntary removal of registration with Ofsted by a childminder agency and the implications for registered providers and parents

4.12 An agency may, at any time, choose to end its registration with Ofsted – on either the early years register or Part A of the General Childcare Register or both (as the case may be). The only circumstances in which an agency will not be able to do this are where the agency is under either a notice of intention to cancel or a decision to cancel from the Chief Inspector.

4.13 In order to terminate its registration with Ofsted, the agency must give notice to the Chief Inspector. Ofsted guidance says more about this process, see: www.ofsted.gov.uk.

4.14 Alongside giving notice to Ofsted, an agency should alert its registered childminders of its intention to relinquish its registration with Ofsted. This will then give childminders the opportunity to make an application for registration elsewhere (with either Ofsted or another childminder agency).

4.15 In addition, an agency will want to notify any local authorities in which it or its registered childminders operate so as to ensure that the local authorities can take any appropriate action, e.g. cease routing early education funding through the agency or make alternative provision for children placed with childminders registered with that agency.

4.16 Agencies will also want to notify the parents of any children placed through the agency, giving them time to make any alternative childcare arrangements.

Section 5 – Taking enforcement action against childminders

5.1 Agencies will have two main enforcement powers against childminders (and others) they register:

- cancellation of registration; and
- suspension of registration.

Cancellation of a childminder's registration

5.2 Regulations²⁶ set out when and how a childminder agency may cancel a childminder's registration with that agency. Specifically they set out that the agency must cancel the registration of a person registered on the Early Years Register or the General Childcare register if it appears to the agency that the person has become disqualified from registration by regulations under section 75 of the Childcare Act 2006²⁷.

5.3 In addition, an agency may cancel the registration of a person registered in the Early Years Register or the General Childcare Register on other grounds, for example if it appears to the agency that the registration requirements have ceased to be satisfied or that the person has failed to comply with any other requirement imposed by regulations under the relevant Chapter of the Childcare Act 2006.

5.4 An agency will also be able to cancel the registration of a provider on business grounds, i.e. if the agency no longer wishes to work in a particular geographical area or if it needs to rebalance the number of type of childminders on its register but, in all cases, must follow the procedures set out in regulations.

5.5 Agencies are expected to have a clear policy (reflected in their statement of purpose) on how they will bring action which they should make available to providers seeking to register or already registered with them.

Suspension of a childminder's registration

5.6 Regulations²⁸ set out when and how a childminder agency may suspend a childminder's registration with that agency. In keeping with action which the Chief Inspector can bring against providers registered with Ofsted, the only ground for

²⁶ The Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014

²⁷ The Childcare (Disqualification) Regulations 2009 set out the grounds of which childminders are disqualified from registration.

²⁸ This is provided for by amended provisions within the Childcare Act 2006, specifically sections 69A (2) (a) and (b). See the Childcare (Childminder Agencies) (Cancellation etc) Regulations 2014

suspension is reasonable belief of 'risk of harm' to a child. This need not necessarily be direct harm caused by the action of a childminder and could instead include an inaction by a childminder which creates a risk of harm through an unsafe practice or part of the provider's premises.

5.7 The regulations also set out the procedures and timescales for agencies to move to suspend a childminder's registration. Agencies must act in accordance with these regulations and will be expected to have a clear policy (reflected in their statement of purpose) on how they will bring action which they should make available to providers seeking to register or already registered with them.

5.8 As regulations set out, a childminder must not practise whilst they are suspended. Agencies will be responsible for ensuring that this remains the case. Regulations are clear that a provider that does provide childminding whilst suspended commits an offence which may ultimately be prosecuted and, if found guilty, the provider may be fined.²⁹

5.9 In the most serious cases, an agency may decide to cancel a childminder's registration following a period of suspension.

What to do if your registration with an agency is cancelled or suspended by the agency

5.10 Where an agency cancels the registration of a childminder then that childminder does not have a right of appeal to the First-tier Tribunal (Health, Education and Social Care Chamber) but will be able to seek alternative registration with Ofsted or another childminder agency – facilitated by the period of notice that the agency must give, as set out in regulations.

5.11 If, however, an agency suspends a childminder's registration then the childminder may exercise their right to appeal to the [Tribunal \(Health, Education and Social Care Chamber\)](#). This is because suspension carries an immediate loss of livelihood and it is important that agency decisions in this area are checked by an independent body – as is the case when Ofsted suspends a provider. Agencies should set out childminders' rights of appeal against suspension in relevant guidance they produce and make this freely available to providers.

Termination of registration with an agency by a childminder

5.12 Regulations³⁰ set out that a childminder may, at any time, choose to end its registration with an agency – signalling that they wish to be removed from the Early Years Register or (as the case may be) from Part A or Part B of the General Childcare Register. The only circumstances in which an agency will not be able to terminate a childminder's registration are where the childminder is:

²⁹ See the Childcare (Childminder Agencies) (Cancellation etc) Regulations 2014

³⁰ See the Childcare (Childminder Agencies) (Cancellation etc) Regulations 2014

- under a 'notice of intention cancel' their registration by their agency;
- under a 'notice of decision to cancel' their registration by their agency; or
- subject to 'suspension' procedures by their agency.

5.13 A childminder may choose to terminate their registration if they are no longer active or practising, or simply to enable them to seek registration with another agency or Ofsted.

5.14 Regulations set out that a childminder needs to give notice of their wish to terminate their registration to the agency with whom they are registered, and the agency must take action to honour the childminder's request within a specified period of time. Agencies should have clear guidance and procedures on these matters.

Childminders not complying with the Early Years Foundation Stage

5.15 All providers registered on the Early Years Register have to comply with the requirements of the Early Years Foundation Stage (EYFS)³¹. Agencies will similarly be responsible for ensuring that those registered with them comply with EYFS requirements, and will want to consider both how to support childminders to do so and also what action to take against childminders who are failing to comply and when to take it.

5.16 This may see agencies issuing something akin to a warning notice or notice to improve to childminders perhaps in the form of a letter (which could be e-mailed to the childminder) which could outline the agency's concerns and contain proposals for addressing these, e.g. a childminder should attend a workshop on the EYFS. However, agencies will want to develop arrangements that work best for them and their childminders. Where ultimately, after the provision of support from an agency, a childminder does not improve then an agency may move to cancel that childminder's registration.

5.17 In addition, a breach of some of the welfare requirements by an agency registered childminder amounts to a criminal offence, liable on conviction before a magistrates' court to a fine. The offences are:

- using corporal punishment against a child; and
- failing to notify the childminder agency of certain events and failing to provide the agency with certain information within a specified timeframe.

5.18 Regulations³² specify that proceedings in relation to these offences may only be taken by the Chief Inspector. However, an agency must work to support and provide information to the Chief Inspector as required.

³¹ The welfare requirements set out in the Early Years Foundation Stage are underpinned and given effect to by The EYFS (Welfare Requirements) Regulations 2012

³² The EYFS (Welfare Requirements) Regulations 2012

Section 6 – Keeping children safe from harm

6.1 The welfare and safeguarding of children is paramount. As set out in sections 1 and 2 of this advice, a childminder agency will be responsible for assessing the initial and ongoing suitability of its staff and its registered childminders. A childminder agency will have an important role in addressing any safeguarding concerns that arise in relation to its staff, its registered childminders and those living or working on the childminder's premises. This section sets out the responsibilities of a childminder agency and its childminders, and outlines how an agency should deal with concerns that are raised with it either directly or via another body.

6.2 In dealing with concerns about a child's welfare or safety, all childminder agencies should follow the objectives set out in the document 'Working together to safeguard children'³³. 'Working together to safeguard children' identifies the role that childminders and childcare providers play in the lives of children; includes guidance on inter-agency working to protect the welfare of children; and sets out the roles and responsibilities of Local Safeguarding Children Boards (LSCBs). Some organisations that set up childminder agencies may also be subject to statutory duties to safeguard and promote the welfare of children and to have regard to relevant statutory guidance such as 'Keeping children safe in education'³⁴.

Responsibilities and role of an agency

6.3 An early years childminder agency must be familiar with and must ensure that its early years childminders meet the EYFS welfare requirements.³⁵ A later years childminder agency must be familiar with and must ensure that its later years childminders meet the requirements set out in Schedule 3 to the Childcare (General Childcare Register) Regulations 2008³⁶ in exercising its functions in relation to its childminders. An agency registered on both registers should, of course, be familiar with the requirements of both registers and must ensure that its childminders meet the requirements of the relevant register. A childminder agency must set out, in its statement of purpose³⁷, its procedures for safeguarding and promoting the welfare of the children who are cared for by its registered childminders.

³³ 'Working together to safeguard children' can be found at:

<https://www.gov.uk/government/publications/working-together-to-safeguard-children>.

³⁴ Keeping children safe in education - <https://www.gov.uk/government/publications/keeping-children-safe-in-education>.

³⁵ See regulations 4 and 5A of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012.

³⁶ See regulations 7 and 8A of the Childcare (General Childcare Register) Regulations 2008.

³⁷ See The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014 which set out that an agency must provide a copy of its Statement of Purpose to Ofsted when seeking registration, and outline what this must contain.

6.4 Whilst a childminder agency does not have a statutory responsibility for child protection matters or a duty or power to investigate complaints of this nature against its registered childminders, an agency does have a statutory responsibility in terms of deciding whether a childminder that is registered with it remains suitable for registration. In practice, this means that a childminder agency will need to conduct its own investigation to establish if a childminder that is being investigated by a child protection agency is still suitable to look after children or decide whether or not it is appropriate to suspend or cancel the childminder's registration (see section 5 for advice on cancellation and suspension of a childminder's registration).

6.5 A childminder agency will be expected to work together with local statutory children's services agencies and LSCBs. An agency will have a duty to disclose specified information to local child protection services and other relevant bodies to protect children from harm or neglect under section 84A of the Childcare Act³⁸; and, where the relevant conditions are met, a separate duty under section 14B of the Children Act 2004 to supply LSCBs with any information that they may require for the purpose of carrying out any of their functions such as Serious Case Reviews.³⁹

6.6 A childminder agency should designate an agency employee to take lead responsibility for 'safeguarding' matters. This person might take responsibility for:

- ensuring that its registered childminders act in accordance with the guidance and procedures of the relevant Local Safeguarding Children Board (LSCB), and act in liaison with local statutory children's services agencies, and with the LSCB;
- providing support, advice, training and guidance on any specific safeguarding issues to childminders, as required; and
- liaising and sharing information with local statutory children's services agencies, and with the LSCB.

Responsibilities and role of childminders

6.7 The establishment of childminder agencies does not change the fundamental safeguarding and welfare requirements in relation to childminders. These are set out, for early years providers, in the Early Years Foundation Stage (Welfare) Requirements Regulations 2012 and the Early Years Foundation Stage Statutory Framework 2014 and, for later years providers, in the Childcare (General Childcare Register) Regulations 2008, which make clear that childminders must take the lead responsibility for ensuring the

³⁸ The 'supply and disclosure of information' provisions in The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014 refer, and more is said about these provisions in section 7 of this advice.

³⁹ Section 14B of the Children Act 2004: Supply of Information Requested by LSCBs
<http://www.legislation.gov.uk/ukpga/2004/31/section/14B>.

safeguarding of children in their care. For example, if childminders have concerns about children's safety or welfare, it is their responsibility to notify those agencies with statutory responsibilities such as local children's social care services, and in emergencies, the police. However, childminders registered with a childminder agency will be required to report serious accidents or injury of a child within their care to the agency rather than Ofsted.

Dealing with concerns about a child's welfare

6.8 If agency staff have concerns about a child they should raise these with the childminder agency's designated safeguarding lead. These concerns could range from a low level need for early help, to a more significant need for services to help the child maintain a satisfactory level of health or development (including a disability or special educational need), or a concern about maltreatment (either at home or involving childminders or other staff members.) Further advice on assessing need and providing help is set out in Chapter 1 of 'Working together to safeguard children'.

6.9 Anyone who has concerns about a child's welfare should make a referral to local authority children's social care. If, at any point, there is a risk of immediate serious harm to a child a referral should be made to children's social care without delay. The flowchart at **Annex B** provides an illustration of what action should be taken when there are concerns that a child has suffered or is likely to suffer harm.

Dealing with allegations against an agency registered childminder

6.10 Where a childminder agency is alerted to child protection concerns which relate to a childminder or a person living or working on premises where childminding takes place, the childminder agency should refer the matter to the local authority designated officer (LADO) or, where the LADO or their deputy is not available, the local authority duty officer. The childminder agency should also take appropriate action to ensure the children cared for by the registered childminder are kept safe. For example:

- the agency may require that a childminder prevents a person working or being present at the establishment where childcare takes place, and monitor the situation;
- the agency may suspend a childminder's registration if they reasonably believe that the continued provision of childcare by the childminder to any child may expose such a child to a risk of harm (see Section 5 for advice on suspension of a childminder's registration);
- in some cases, the agency may take steps to cancel the childminder's registration (see Section 5 for advice on cancellation of a childminder's registration); and

- in cases which involve a child who has suffered harm or is likely to suffer harm the childminder agency should follow the procedure set at 6.9 above, which explains the action that a childminder agency should take in respect of the child.

6.11 If, after reviewing the information, the LSCB member agency (e.g. the local authority or the police) decides that it does not need to carry out an investigation, it will tell the childminder agency of its decision. This should not stop the childminder agency from investigating a registered childminder's compliance with the prescribed welfare requirements and if new information, indicating a possible child protection concern, emerges from the investigation, the childminder agency should make a new referral to the local authority.

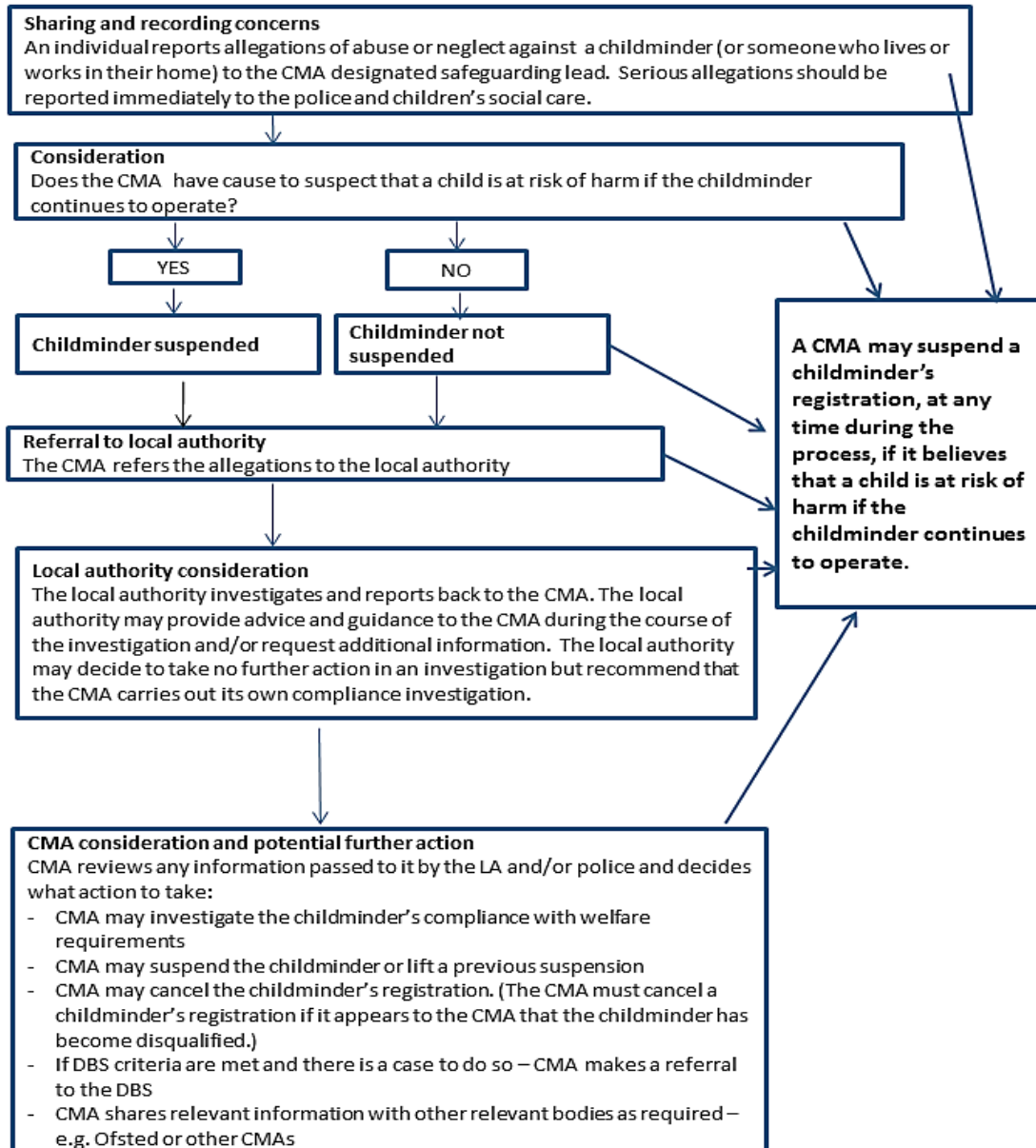
6.12 Following the outcome of a child protection investigation, the lead Local Safeguarding Children Board member agency will ensure that information is passed to the childminder agency to assist it in making a decision about the registered person's continued ability to meet the prescribed requirements for registration. This information may include a recommendation on the need for the childminder agency to provide information to the Disclosure and Barring Service (DBS) about a childminder who has been found unsuitable to work with children. If relevant DBS criteria are met and there is a case to do so a childminder agency should make a referral to the DBS.⁴⁰

6.13 The flowchart below provides an illustration of what action should be taken by a childminder agency when there has been an allegation against an agency registered childminder or someone who lives or works in their home. It is intended to show the role of the agency as part of the whole process. References to action by the local authority are for illustrative purposes only.

⁴⁰ Disclosure and Barring Service – <https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>

Action when there are allegations against an agency registered childminder

This diagram illustrates what action should be taken by the childminder agency (CMA) in respect of a childminder when there are allegations of abuse or neglect against the childminder or someone who lives or works in their home. References to action by the LA are for illustrative purposes only.



6.14 A childminder agency should make every effort to reach a conclusion on all cases of allegations bearing on the safety and welfare of children. If an agency decides to cancel a childminder's registration before an investigation has been completed, this should not prevent an allegation being fully investigated and, where appropriate, the childminder agency making a referral to the DBS.

6.15 Sometimes, the LSCB member agency may decide to take no further action in an investigation, but recommend that the childminder agency carries out a compliance investigation to make sure that the childminder is meeting the prescribed requirements of registration, ensuring that children's welfare is safeguarded. If, following an investigation, the childminder agency believes that a childminder is no longer meeting the prescribed requirements for registration it may take steps to cancel the registration (see section 5 for advice on cancellation of a childminder's registration).

Dealing with allegations against a member of staff

6.16 A childminder agency should report any allegations against its staff members to the LADO, for example allegations that a member of staff has:

- behaved in a way that has harmed a child, or may have harmed a child;
- possibly committed a criminal offence against or related to a child; or
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children.

6.17 A childminder agency should ensure that its procedures for dealing with allegations provide effective protection for children as well as effective support to the employee facing the allegation. In cases which involve a child who has suffered harm or is likely to suffer harm the childminder agency should follow the procedure set out at 6.9 above.

6.18 An agency should also be aware that an allegation about a staff member in a quality assurance role could ultimately lead to the individual being disqualified from working for the agency in a role that could involve them entering childminders' homes; and that it would be an offence for the agency to continue to employ them in such a role⁴¹.

⁴¹ The Childcare (Childminder Agencies) (Miscellaneous Amendments) Regulations 2014 amend the Childcare (Disqualification) Regulations 2009, thereby setting out the grounds on which a person is disqualified from registration as a CMA. Section 76B of the Childcare Act 2006 sets out the consequences of disqualification from registration as a CMA.

Section 7 – Childminder agencies and interaction with providers, parents and other bodies/agencies

7.1 A childminder agency's core business will be the registration, support and quality assurance of registered providers. This will, as per sections 2 and 6 of this advice, see agencies conducting a number of checks on prospective childminders (and agency staff) and working with other organisations. This section says a little more about other matters that agencies will need to be familiar with, their responsibilities and the other organisations they will need to work with in support of these.

Supplying and disclosing information

7.2 Agencies will have to work with a number of other bodies, including:

- local authorities (e.g. to assist in the provision of information to parents)⁴²;
- parents (to assist in their selection of a childcare provider);
- Ofsted and other childminder agencies (to assist in the registration and assessment of suitability of prospective providers);
- Her Majesty's Revenue and Customs (HMRC) (for tax credit purposes)⁴³;
- Department for Work and Pensions (DWP) (for Universal Credit purposes); and
- to various other prescribed persons/organisations (to protect children from harm or neglect).

7.3 Agencies will, therefore, have to both share information and seek information from other bodies. The Childcare Act 2006⁴⁴ and regulations⁴⁵ set out when they must share information (i.e. when they register or cancel/suspend/terminate a childminder's registration) and what type of information (e.g. name, address, date of registration etc) agencies must share with each organisation or person.

7.4 A key example of when an agency will have to supply information is when they tell a relevant local authority contact that they have either registered, moved to cancel or actually cancelled a childminder's registration, suspended a childminder's registration, or agreed to terminate a childminder's registration by agreement/at the request of the childminder. This is intended to help local authorities with their duties around sufficiency

⁴² Local authorities (LA) will have their own arrangements for receiving and sharing information. To establish a point of contact, agencies should contact the relevant LA asking for the Early Years Team or similar. All LA details can be found at: <https://www.gov.uk/find-your-local-council>.

⁴³ Subject to the will of Parliament, Tax-Free Childcare will be introduced from September 2015 and agencies will be expected to share information to support this.

⁴⁴ See Section 83A (as amended)

⁴⁵ The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014

and quality of childcare, plus information they may provide to parents. Agencies will also have to share similar information with HMRC in order to help facilitate tax credits processes, and in due course with DWP for Universal Credit purposes. Local authorities and HMRC will, therefore, hold information about childminders and which agency (or Ofsted) they are registered with but this will only mirror what happens currently.

7.5 Agencies will not have to share information on childminders they register with Ofsted as a matter of course but must do so when requested by Ofsted, e.g. for Ofsted to sample childminders as part of their inspection of the agency.

7.6 In terms of seeking and receiving information, regulations and this ‘advice’ set out that agencies must – when considering an application for registration from a childminder – contact Ofsted to see if the childminder is known to them and if there are any reasons that Ofsted may know of for the agency to consider not registering the childminder (e.g. evidence to suggest that the childminder may be disqualified from registering). Contact details for Ofsted are provided in **Annex D** of this advice. In addition, agencies must contact the relevant local authority or local authorities where the person has lived in the five years prior to making their application for registration to check if the childminder is known to them and again to check if there are reasons for the agency to consider not registering the childminder (e.g. evidence to suggest that the childminder may be disqualified from registering).

7.7 Agencies will, as part of the reference taking process, need to check with another agency with whom a childminder may have previously been registered, and seek references from that agency and/or previous employers.

7.8 This information sharing and receiving sits alongside the checks set out in section 2. The sharing of information may also be of benefit to agencies and their childminders, e.g. a local authority Family Information Service may use the information to refer parents who are looking for a childminder to an agency. It is intended to help agencies to not register people who should not be working with children and, of course, to protect children from such people.

7.9 Agencies should familiarise themselves with these requirements and put arrangements in place for the information to be able to flow to the relevant organisation or person. Agencies may want to familiarise themselves with arrangements that Ofsted has in place⁴⁶, and of the requirements and provisions of the [Data Protection Act 1998](#)⁴⁷ and [Freedom of Information Act 2000](#)⁴⁸. Agencies will, in particular, want to consider how to securely transfer data and information to other agencies.

⁴⁶ <http://www.ofsted.gov.uk/resources/protocols-between-ofsted-and-other-organisations-relation-childcare>

⁴⁷ <https://www.gov.uk/data-protection/the-data-protection-act>

⁴⁸ http://ico.org.uk/for_organisations/freedom_of_information/guide

Early education funding for two-, three- and four-year-olds

7.10 Local authorities have duties under the Childcare Act 2006 to secure sufficient childcare for working parents in their area (section 6 of the Childcare Act 2006) and funded early education for two-, three- and four- year-old children in their area (section 7 of the Childcare Act 2006).

7.11 To help local authorities meet their duties we are providing for Ofsted to be able to share agency registration/contact details with them (we expect Ofsted to publish agency details and their inspection reports on their website, and make these gradings available to local authorities as part of agreed Ofsted/local authority information sharing arrangements) and for agencies to have to provide the relevant local authority with a range of information about the childminders they register. This will ensure that local authorities and agencies understand matters around: if an agency has childminders registered with it; the number of places that an agency's childminders offer; the age ranges their childminders work with; whether their childminders deliver funded early education places; and their childminders' hours of operation. This will help local authorities discharge their section 6 and section 7 duties.⁴⁹

Early Years Pupil Premium

7.12 A consultation on the Early Years Pupil Premium and funding for two year olds ran from 25 July until 22 August 2014.⁵⁰ The consultation document included proposals that, where a childminder is registered with a childminder agency, the local authority should pay the Early Years Pupil Premium alongside other funding for the early education funded place; and it suggested that childminders registered with childminder agencies may wish to pool the Early Years Pupil Premium funding together in order to purchase additional support for all of them. The results of the consultation will be available in due course.

Childminders providing food to children in their care

7.13 Childminder agencies, like Ofsted, will be responsible for informing local authorities if childminders that register with them plan to provide food as part of their childminding service⁵¹. This will help childminders to register with the environmental health service or local authority as a food business without the need to fill in a separate

⁴⁹ See Section 83A of The Childcare Act 2006 and The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014.

⁵⁰ The Early Years Pupil Premium consultation document can be accessed at:

<https://www.gov.uk/government/consultations/early-years-pupil-premium-and-funding-for-2-year-olds>

⁵¹ Further information on childminders and food safety can be found at: <http://www.food.gov.uk/business-industry/caterers/startingup/childminders/>

application for registration. It will also mean that local food safety officers can inspect childminders as necessary.

Care to Learn

7.14 The Care to Learn scheme⁵² is a scheme aimed at young parents who are undertaking a publicly-funded study programme in, for example, schools, sixth forms in schools, and sixth form colleges. The scheme can provide help towards childcare costs and associated travel while a young parent studies. The young parent must be aged under twenty at the start of their course. The scheme is available for publicly-funded education in England.

7.15 Childminders are often used by young parents for childcare whilst they are studying and it is important that childminders registered with agencies can still support parents under the Care to Learn scheme. Guidance and application forms for Care to Learn will reflect this, including ensuring that the details of the childminder and childminder agency they are registered with are recorded on forms, but agencies will need to work with the Learner Support Service (LSS) to help verify claims, i.e. respond to requests from the LSS signalling if a childminder is registered with the agency.

Armed forces personnel and their relatives

7.16 From time to time armed forces personnel and their families move around. It will be important for childminder agencies and accredited Ministry of Defence (MOD) organisations to work together to share information to facilitate this. There will be two specific circumstances where childminder agencies and accredited MOD organisations should work together:

- the MOD and its accredited organisations should look to share information with agencies to enable registration of childminders previously registered in overseas commands that move to England; and
- agencies should look to share information with the MOD accredited organisations to enable registration of childminders who were previously registered either in England or in overseas commands, and who move between the English or overseas locations.

7.17 The sharing of information could extend to suitability checks on anyone applying to register with an agency as a childminder. **Annex D** lists contact details in organisations

⁵² General information about Care to Learn can be found at: <https://www.gov.uk/care-to-learn/overview>. Guidance and application forms can be found at: <https://www.gov.uk/government/publications/care-to-learn-application-form-and-guidance>

accredited by the Ministry of Defence at the time of writing who agencies may need to work with.

Complaints handling

7.18 Regulations⁵³ set out that agencies must establish a written procedure for considering complaints made by:

- all registered providers of the agency; and
- parents who have a child in the care of a provider registered with the agency.

7.19 Agencies will need to ensure that, wherever possible, all complaints are responded to within 28 days, beginning with the date on which the complaint was made, and that a written record is kept of all complaints and any steps taken by the agency to resolve them. Agencies will have to detail their complaints procedure in their 'statement of purpose' when they seek to register with Ofsted.

⁵³ The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014

Further information

Annex A – List of regulations and explanation

The following list is intended to highlight the key legal provisions which childminder agencies will need to be aware of. All of the legislation listed below can be accessed and downloaded free of charge on: <http://www.legislation.gov.uk/>.

The Childcare Act 2006 (as amended) - Part 3 of the Act makes provision about the regulation and inspection of childcare provision in England. It was amended by the Children and Families Act 2014 to enable childminder agencies to register with the Chief Inspector (Ofsted) and, once registered, to be able to register childminders themselves.

The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014 - These regulations outline the requirements that childminder agencies will have to meet in order to register with the Chief Inspector, the information that must be submitted with an application for registration and the applicable fees for registration. They also outline the content of certificates of registration to be issued to agencies by the Chief Inspector and who should be informed when an agency is to be inspected by the Chief Inspector. Finally, these Regulations also set out the information which childminder agencies are required to share about their registered providers and the circumstances in which childminder agencies may make information about their registered providers available for certain purposes.

The Childcare (Childminder Agencies) (Cancellation etc) Regulations 2014 - These regulations set out the effect on a registered provider if a childminder agency's registration is cancelled by the Chief Inspector (the circumstances in which the Chief Inspector may cancel an agency's registration are set out on the face of the amended Childcare Act 2006.) They also set out the circumstances in which a childminder agency may suspend a provider's registration, the procedure an agency must follow if it wishes to cancel a provider's registration and arrangements for a provider to terminate its registration with an agency.

The Childcare (Early Years Register) Regulations 2008 (as amended) - These regulations set out the registration requirements for early years providers and the information which must be included with an application for registration. Childminders and other providers of childcare on domestic premises will have to meet the same registration requirements whether they are registered with the Chief Inspector or with a childminder agency. These regulations have recently been amended (by the Childcare (Welfare and Registration Requirements) (Amendment) Regulations 2014) to make clear that, where a prospective childcare provider is required to provide certain information or documents as part of the registration process, an applicant who seeks registration in one of the registers maintained by the Chief Inspector will provide that information to the Chief

Inspector, and an applicant who seeks registration with a childminder agency will provide that information to the agency.

The Childcare (General Childcare Register) Regulations 2008 (as amended) - These regulations set out, amongst other things, the information and registration requirements for providers of childcare for children between the ages of five and eight in Part A of the General Childcare Register or with a childminder agency. The regulations include a requirement for applicants to provide the Chief Inspector or a childminder agency with applications for enhanced DBS checks. They also set out the requirements which govern the activities of later years providers. Those requirements are the same whether a provider is registered in the General Childcare Register or with a childminder agency. Both the Chief Inspector and childminder agencies are required to have regard to these requirements in the exercise of their functions and may take into account allegations that a provider has failed to comply with the requirements, e.g. when deciding to cancel a registration.

The Childcare (Supply and Disclosure of Information) (England) Regulations 2007 (as amended) - These regulations make provision for the disclosure of certain information by the Chief Inspector. They set out the information about registered childcare providers and childminder agencies that the Chief Inspector is required to share with third parties such as local authorities, the Secretary of State and child protection agencies. They also specify the information which the Chief Inspector may make available for certain purposes, such as to assist parents or prospective parents in choosing a childcare provider.

The Childcare Act 2006 (Provision of Information to Parents) (England) Regulations 2007 (as amended) - These regulations set out the information that local authorities must make available to parents and prospective parents about providers registered under Part 3 of the Childcare Act 2006. They have been amended by The Childcare (Childminder Agencies) (Miscellaneous Amendments) Regulations 2014. Following those amendments local authorities are required to provide the same information in respect of childcare providers who are registered with a childminder agency as they would be required to provide in respect of childcare providers who are registered in one of the registers maintained by the Chief Inspector.

Childcare (Disqualification) Regulations 2009 - These regulations set out the orders, determinations, offences and other grounds which result in disqualification from registration as a childcare provider under Chapter 2, 3 and 4 of Part 3 of the Childcare Act 2006. They list offences and orders in relation to children that disqualify persons from becoming a provider. They also provide for the Chief Inspector to waive disqualification in certain circumstances. The regulations have been amended by the Childcare (Childminder Agencies) (Miscellaneous Amendments) Regulations 2014. By virtue of those amendments, the orders, determinations and offences which give rise to disqualification from registration as a childcare provider will also give rise to

disqualification from registration as a childminder agency. Similarly, the power of the Chief Inspector to waive disqualification will also extend to disqualification from registration as a childminder agency.

Childcare (Early Years and General Registers) (Common Provisions) Regulations

2008 - These regulations have been amended by the Childcare (Childminder Agencies) (Miscellaneous Amendments) Regulations 2014, in particular to set out the requirements as regards the contents of certificates of registration issued to a childcare provider by a childminder agency.

Early Years Foundation Stage (Learning and Development Requirements) Order

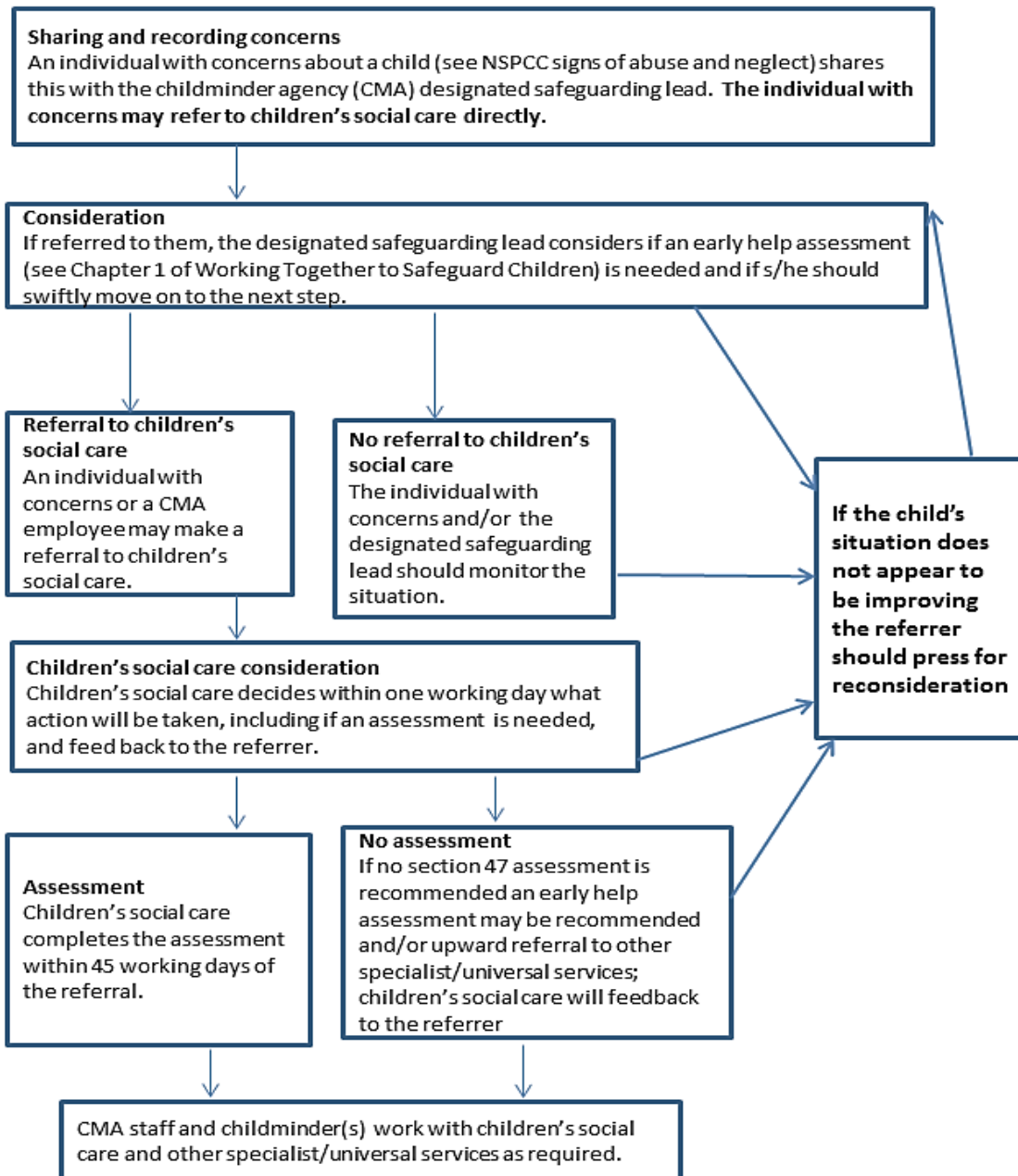
2007 (as amended) - This order sets out that the Chief Inspector and childminder agencies are to have regard to EYFS Learning and Development requirements, and are able to take into account an alleged failure on the part of an early years provider to meet those requirements. This order also specifies the learning and development requirements that early years providers have to meet.

Early Years Foundation Stage (Welfare Requirements) Regulations 2012 (as

amended) - These regulations set out that the Chief Inspector and childminder agencies are to have regard to EYFS Welfare requirements, and are able to take into account alleged failure on the part of an early years provider to meet those requirements. These regulations also specify the welfare requirements that early years providers have to meet.

Annex B – Action to be taken when a child has suffered or is likely to suffer harm

The diagram below illustrates what action should be taken and who should take it when there are concerns about a child. If, at any point, there is a risk of immediate serious harm to a child a referral should be made to children’s social care immediately. **Anybody can make a referral.**



Annex C – Further Sources of Information

The following links are intended complement links in footnotes and to help agencies locate further information which may be relevant to their work as an agency.

General

Childminder agencies page on GOV.UK website

www.gov.uk/government/policies/improving-the-quality-and-range-of-education-and-childcare-from-birth-to-5-years/supporting-pages/childminder-agencies

Further information on childminder agencies

www.foundationyears.org.uk/child-minders/

Ofsted guidance for registering on the Early Years Register

www.ofsted.gov.uk/resources/guide-registration-early-years-register

Ofsted guidance for registering on the General Childcare Register

www.ofsted.gov.uk/resources/guide-registration-childcare-register

Information about the Early Years Foundation Stage

www.gov.uk/government/policies/improving-the-quality-and-range-of-education-and-childcare-from-birth-to-5-years/supporting-pages/early-years-foundation-stage

Information about free early education for two-,three- and four-year-olds

www.gov.uk/free-early-education

Information about the Early Years Pupil Premium

www.gov.uk/government/consultations/early-years-pupil-premium-and-funding-for-2-year-olds

Information about Special Educational Needs, including changes from September 2014

www.gov.uk/children-with-special-educational-needs/overview

Information about the Early Years Census

www.gov.uk/government/collections/early-years-census

Information about tax credits

www.gov.uk/browse/benefits/tax-credits

Information about Tax-Free Childcare scheme

www.gov.uk/government/policies/improving-the-quality-and-range-of-education-and-childcare-from-birth-to-5-years/supporting-pages/tax-free-childcare-scheme

Information about the Data Protection Act

www.gov.uk/data-protection/the-data-protection-act

Information about the Freedom of Information Act
ico.org.uk/for_organisations/freedom_of_information/guide

Introduction

SEN code of practice
www.gov.uk/government/publications/send-code-of-practice-0-to-25

Early years educator level 3 qualification criteria
www.gov.uk/government/publications/early-years-educator-level-3-qualifications-criteria

Section 1 – How to register as a childminder agency

Disclosure and barring service website
www.gov.uk/disclosure-barring-service-check/overview

Advice on how to appeal to the First-tier Tribunal
www.justice.gov.uk/tribunals/care-standards

Section 2 – Registering childminders and other with the agency

Ofsted's Compliance, investigation and enforcement handbook
www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook-childminding-and-childcare

Ofsted's Health Declaration Booklet
www.ofsted.gov.uk/resources/childcare-registration-form-health-declaration-booklet

Ofsted factsheet Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises, Ofsted, 2012
www.ofsted.gov.uk/resources/080143

Ofsted factsheet: Requirements for the Childcare Register: childminders and home childcarers, Ofsted, 2012
www.ofsted.gov.uk/resources/080161

Further information about Disclosure and Barring Service update service
www.gov.uk/dbs-update-service

Section 6 – Keeping children safe from harm

Working together to safeguard children
www.gov.uk/government/publications/working-together-to-safeguard-children

Keeping children safe in education
www.gov.uk/government/publications/keeping-children-safe-in-education

Section 14B of the Children Act 2004: Supply of Information Requested by LSCBs www.legislation.gov.uk/ukpga/2004/31/section/14B

DBS referral form and guidance

www.gov.uk/government/publications/dbs-referrals-form-and-guidance

Section 7 – Childminder agencies and interaction with providers, parents and other bodies and agencies

Find your local council website

www.gov.uk/find-your-local-council

Ofsted's protocols with other organisations

www.ofsted.gov.uk/resources/protocols-between-ofsted-and-other-organisations-relation-childcare

Early Years Pupil Premium Consultation

www.gov.uk/government/consultations/early-years-pupil-premium-and-funding-for-2-year-olds

Information on childminders and food safety

www.food.gov.uk/business-industry/caterers/startingup/childminders/

General information about Care to Learn

www.gov.uk/care-to-learn/overview

Guidance and application forms for Care to

Learn www.gov.uk/government/publications/care-to-learn-application-form-and-guidance

Annex D – Useful contacts for childminder agencies

Organisation	Contact details	Helping with
<p>British Forces Early Years Service: Inspecting and regulating early years and childcare for the MOD</p>	<p>Director BFEYS HQ BFG BFPO 140 Tel: 0049 521 9254 2668 Email: BFG-HQ-G1-BFEYS-Dir@mod.uk</p>	<p>All enquiries regarding the registration of childminders in overseas Commands in Western Europe, including: information sharing to assist moves by military personnel or their relatives between regulatory authorities.</p>
<p>Soldiers, Sailors, Airmen and Families Association: Forces Help</p>	<p>Principal Social Worker SSAFA Queen Elizabeth House 4 St Dunstan's Hill London EC3R 8AD Tel: 020 7463 9229 Email: deborah.t@ssafa.org.uk</p>	<p>All enquiries regarding the registration of childminders in overseas Commands other than Western Europe, including: information sharing to assist moves by military personnel or their relatives between regulatory authorities; and conducting vetting checks on service personnel who have lived overseas i.e. SSAFA will contact the appropriate services for information held</p>

Organisation	Contact details	Helping with
		that may impact on an applicant's ability to child mind such as domestic violence or other information that is held similar to that of a LA children's services department.
Directorate Children & Young People, (DCYP), Ministry of Defence.	Policy Dept DCYP Portacabin 8 Office 10 Trenchard Lines Upavon Wilts SN9 6BE Tel: 01980 615566 Email: DCYP-DCYP-Mailbox@mod.uk	Directorate within the MoD responsible for all matters of policy relating to Service children and young people.
Ofsted	Email: Childminder.Agencies@ofsted.gov.uk or The application team (childminder agencies) Ofsted 5 TH Floor Piccadilly Gate Manchester M1 2WD	Enquiry point for agencies who want to raise queries with Ofsted about childminders or providers seeking to register with them.



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