



Department  
for Education

# **A guide for childminder agencies**

**A guide for organisations establishing and  
operating as a childminder agency**

**July 2017**

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# Summary

## About this guidance

This is non-statutory guidance from the Department for Education. It outlines the legal requirements for anyone wanting to register as a childminder agency. It also provides steers on matters which, although not legal requirements, anyone wanting to operate a childminder agency will wish to consider. This document replaces the version published by the Department for Education in September 2014.

## Expiry or review date

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

## Who is this guidance for?

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

- local authorities;
- childminders and childminder assistants;
- childcare providers on domestic premises<sup>1</sup>;
- 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 and/or carers.

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1. In this document, "childcare provider on domestic premises" refers to provision by a group of four or more persons where at least half of that provision is on domestic premises but which is not childminding by virtue of sections 96(5) and (9) of the Childcare Act 2006.

## What legislation does this guidance refer to?

This guidance refers to the Childcare Act 2006, as amended by: section 84 of, and Schedule 4 to, the Children and Families Act (“the 2014 Act”) and sections 76 and 77 of, and Schedule 2 to, the Small Business, Enterprise and Employment Act 2015 (“the 2015 Act”). It also refers to a number of sets of regulations under Parts 1 and 3 of the Childcare Act 2006 as amended by the 2014 and 2015 Acts. These regulations are listed in Annex A.

The **2014 Act** amended 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. The 2006 Act now:

- 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.

The **2015 Act** amended Part 3 of the Childcare Act 2006 to allow early years and later years childminders and childcare providers on domestic premises registered with Ofsted or a childminder agency to operate out of approved non-domestic premises for up to half their time while still registered as a childminder; and enable registered childcare providers (including childminders and childcare providers on domestic premises) who operate out of more than one premises to register those settings via a single registration application (instead of completing multiple registration applications) and/or to add additional premises to an existing registration. Amendments to regulations under Part 3:

- i. make it a requirement of registration that each of the non-domestic premises out of which a provider is to operate are approved by Ofsted or a childminder agency before provision is provided there<sup>2</sup>; and
- ii. make it an offence to provide childcare on non-domestic premises that have not been so approved by Ofsted or a childminder agency<sup>3</sup>

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<sup>2</sup> In respect of early years providers see paragraph 11A of Schedule 1 and paragraph 14A of Schedule 2 to the Childcare (Early Years Register) Regulations 2008, as inserted by the Childcare (Miscellaneous Amendments) Regulations 2015. In respect of later years providers see paragraph 8A of Schedule 1 and paragraph 11A of Schedule 2 to the Childcare (General Childcare Register) Regulations 2008, as inserted by the Childcare (Miscellaneous Amendments) Regulations 2015.

<sup>3</sup> See regulation 7B of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008 as inserted by the Childcare (Miscellaneous Amendments) Regulations 2015.

# Introduction

## The purpose of childminder agencies

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

As well as the formal legal requirements around registration, quality assurance and Continuous Professional Development (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 National Insurance (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 liaise with local authorities as to the delivery of free early education places and manage the funding on their behalf. They may also help parents to access other forms of government support towards the cost of childcare, such as tax credits<sup>4</sup>.

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.

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 the SENCO role<sup>5</sup>; and link registered childminders with other early education and childcare related

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4. 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, 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.

5. [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).

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.

Agencies might also help to arrange insurance cover for their childminders, providing: options for public liability insurance cover for childminders (e.g. the appropriate insurance to cover all premises from which they operate, whether domestic or non-domestic premises); 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?**

Any organisation able to meet the registration requirements will be able register with Ofsted as a childminder agency. We expect that some will be 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 will agencies be funded?**

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.

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 EYFS. They may also market pre-registration training in the EYFS and perhaps first aid training to prospective independent childminders and other providers.

### **Where childminder agencies might choose to operate**

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

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 qualifications<sup>6</sup>.

## How childminder agencies will be inspected

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 (at whichever premises the childminding is being delivered when the inspection is arranged) 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 has published information about the [inspection framework](#) for childminder agencies on its website.

## Support available to establish an agency

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](#) has produced material which may be of use to those interested. Potential agencies may also be eligible for the [Childcare Business Grant Scheme](#).

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6. The National College for Teaching and Leadership set the [criteria for the Early Years Educator](#) (Level 3) qualifications.



## Section 1 – How to register as a childminder agency

Any person or organisation wanting to register as a childminder agency, either for the purposes of the Early Years Register or the General Childcare Register<sup>7</sup> 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.**

Find out more about how to [register as a childminder agency](#), including fees and what to do if registration application is refused.

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7. 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.

## Section 2 – Registering childminders and others with the agency

Childminder agencies are, like Ofsted, able to register - whether on domestic only or both domestic and non-domestic premises - childminders, childminder assistants and childcare providers on domestic premises on the Early Years Register<sup>8</sup> and Part A of the General Childcare Register<sup>9</sup>. Please see section 2.4 for process around registering providers on additional non-domestic premises.

- The **Early Years Register** is a register of people and organisations that care for children in the early years age group (children aged from birth until 31 August after their fifth birthday).
- Part A of the **General Childcare (or Later Years) Register**<sup>10</sup> is for people who want to look after older children (from 1 September after their fifth birthday up to the age of eight).

Agencies must ensure that anyone seeking registration – be it as a childminder, a childminder assistant or a childcare provider on domestic premises – or anyone associated with their application (including someone with whom they live) is not disqualified from registration<sup>11</sup>. 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.

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 EYFS and paediatric first aid training.

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8. For full registration requirements see: The Childcare (Early Years Register) Regulations 2008 (as amended).

9. For full registration requirements, see: The Childcare (General Childcare Register) Regulations 2008 (as amended).

10. 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 if the childminder or provider is already registered with the agency on the Early Years Register and/or Part A of the General Childcare Register.

11. 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"](#).

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

In considering applications from prospective childminders, agencies will want to ensure themselves of the childminder's or childminder assistant's<sup>12</sup> 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 DBS application form in respect of themselves and each person<sup>13</sup> connected with their application;
- completed, or have a date within eight weeks from applying to complete but by the date of registration, a paediatric first aid course appropriate to the age of the children to be cared for;
- 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 GP<sup>14</sup>;
- provided details of and contacted their referees; and
- paid any required application fee<sup>15</sup>.

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 domestic premises (information about checking the suitability of non-domestic premises is available in section 2.4 of this document). 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:
  - the childminder's suitability to operate as an early years provider;
  - the childminder's ability to deliver all of the requirements of the EYFS with which they must be familiar;

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12. Childminder assistants are not normally required to be registered (except where the childminder with whom they are working proposes to leave them to look after children unsupervised for more than two hours).

13. DBS checks must be carried out on every person of 16 and over living or working at the domestic premises from which the childminder will be operating (including spouses, children, lodgers and volunteers) and every other person looking after children for whom the childminding is being provided (whether on domestic or non-domestic premises). See: The Childcare (Early Years Register) Regulations 2008 (as amended).

14. It will be for agencies to decide the process here but they may want to be aware of [Ofsted's Health declaration booklet](#).

15. 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.

- 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.

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 information about how to contact local authorities is available in section 7.

## **2.2 Application by a childcare provider on domestic premises for registration on the Early Years Register**

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 for group childcare establishments (e.g. the manager must hold a full and relevant level 3 qualification and at least 50% of adults caring for children must hold a full and relevant level 2 qualification<sup>16</sup>).

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 other person aged 16 or over who is living or working on domestic premises where childcare is provided 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 DBS check for the applicant and, where necessary, the manager and each person connected with their application<sup>17</sup>; and
- paid any applicable fee.

Agencies must carry out a pre-registration visit to an applicant's domestic premises as part of their assessment of whether the applicant meets the registration requirements. This is to

ensure that the domestic premises, including any equipment, are suitable for looking after children in the early years age group.

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<sup>16</sup> As defined by the National College for Teaching and Leadership.

<sup>17</sup> 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.

Information about checking and approving the suitability of non-domestic premises is available in section 2.4 of this document. 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 information about how to contact local authorities is available in section 7.

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

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 General Childcare Register Regulations 2008<sup>18</sup>;
- given consent for the agency to carry out checks on all those connected with the application to ensure that they are 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 as a childcare provider on domestic premises, demonstrated that someone working with children has a current first aid certificate;
- applied for a criminal records check with the DBS; and
- paid any applicable fee.

Agencies must carry out a pre-registration visit to an applicant's domestic premises as part of their assessment of whether the applicant meets the registration requirements.

Information about checking and approving the suitability of non-domestic premises is available in section 2.4 of this document. 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 information about how to contact local authorities is available in section 7.

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18. Information about these requirements is available in the Ofsted factsheets, Requirements for the Childcare Register: childcare providers on [non-domestic or domestic premises](#) and Requirements for the Childcare Register: [childminders and home child carers](#).

## **2.4 Application by a childminder or another early years childcare provider on domestic premises to operate from non-domestic premises**

Where an early years or later years childminder or childcare provider on domestic premises wishes to operate from non-domestic premises, they must seek – and have received – approval from their agency before they can provide childminding from each of the proposed non-domestic premises. Like Ofsted, childminder agencies must decide whether or not to approve additional premises as suitable. Where an agency refuses to approve the additional premises, the decision cannot be appealed and the childminder should continue to operate from their approved premises only.

Agencies will need to have systems in place to enable childminders and childcare providers on domestic premises to complete a single registration application covering all their premises and/or to add additional premises to an existing registration.

Childminders and childcare provider are required to comply with the EYFS (whether on domestic or non-domestic premises). Therefore, agencies will want to be assured that the proposed non-domestic premises are suitable such as they meet the welfare requirements of the EYFS and the regulatory regime governing the activities of later years providers, as appropriate. Like Ofsted, however, an agency may take a risk based approach to decide if it needs to visit each non-domestic site. For example using its knowledge of the childminder (where the childminder is well known to, and trusted by, the agency) and the childminder's own risk assessment of the premises.

The agency will continue to be responsible for checking the suitability of childminders and every other person looking after children for whom the childminding is being provided (whether on domestic or non-domestic premises). However, the agency will not be responsible for checking the suitability of people living or working (but not looking after children) on non-domestic premises, for example site staff and/or expected members of the public. Childminders and childcare providers on domestic premises must continue to take all reasonable steps to prevent unauthorised persons entering the premises (or the part of the premises) in which children are being cared for.

Childminders and childcare providers on domestic premises can decide how to demonstrate to their agency that they are spending no more than half their time working from non-domestic premises. If they wish to operate from non-domestic premises for more than half their time they must register as a childcare provider on non-domestic premises<sup>19</sup>.

## **2.5 Certificates**

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

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19. A "childcare provider on non-domestic premises" means provision on premises which are not somebody's home (for example, a nursery, pre- and after-school clubs or holiday clubs etc.) that must be registered through Ofsted. Please see sections 34(1) and 53(1) of the 2006 Act.

- the name of the registered provider;
- the registered person's principal postal address;
- (i) the address of the domestic premises where the registered person provides childminding, and (ii) the address of approved premises which are non-domestic premises;
- 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 (for example a childcare provider on domestic premises);
- where the provider is registered as a provider of childcare other than childminding, the address of the approved premises;
- the name, address, telephone number and Ofsted registration number (unique reference number) of the childminder agency issuing the certificate

## 2.6 Additional requirements for registration with an agency

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<sup>20</sup> with such a requirement potentially being in the best interests of an agency and a childminder. 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 or both of a childminder's registrations as part of any contractual relationship they enter into with their childminders.

## 2.7 Registration with only one agency or Ofsted

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

In considering such applications, the new registering body in receipt of the new application (e.g. the agency or Ofsted) will have to carry out the necessary checks – including with the existing registered body - 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.

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

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20. Further information about [DBS update service](#).

contractual terms of their relationship with that agency, have contractual arrangements in place with other agencies to provide services for them as well.

## **2.8 Non-registration by an agency**

Childminder agencies may choose whether or not to register childminders and other providers. 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. So, 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**

Agencies are responsible for monitoring and driving up the quality of childcare delivered by providers registered with them. They 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.

One of the government's key objectives in establishing childminder agencies is to further improve the quality of childminders and children's outcomes. We want 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.

### **3.1 Practice support and continuous professional development**

Regulations<sup>21</sup> 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 Continuous Professional Development (CPD) as any training or other activity which is designed to enable a registered provider meet the requirements of either the EYFS 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.

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 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.

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.

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.

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

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.

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.

### **3.2 Type and form of continuous professional development**

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.

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.

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 for 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.

### **3.3 Recording practice support and continuous professional development**

Agencies should also have in place systems to record and regularly review the practice support and CPD provided to each registered provider. This will help them set development

objectives for the future. Reflecting on the past and planning in this way can make development more methodical and easier to measure.

### **3.4 Quality assurance visits by agencies to their childminders**

Regulations<sup>22</sup> 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 unannounced<sup>23</sup>) to each early years childminder's home (main premises) 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. This could be because they have concerns about the quality of a provider or wish to check any registered non-domestic premises. Agencies must conduct a minimum of one visit per year to each later years childminder's home (main premises).

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 or carers 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.

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 learning and development and welfare requirements of the EYFS, including safeguarding. It will be for agencies to determine how they want to rate or grade providers who are registered with them and, if so, what scale or system they use.

### **3.5 Quality assurance staff employed by an agency**

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

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.

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:

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

23. "Unannounced" means with as little notice as possible, for example a phone call to the childminder 1-2 days before.

- 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 EYFS and/or the provisions of the General Childcare Register Regulations; and
- a wide range of experience within the relevant area (e.g. in more than one institution).

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

### 4.1 Inspection of CMAs

Agencies are subject to inspection by Ofsted. The legislation covering childminder agencies provides that after conducting an inspection, Ofsted must report on:

- the quality and standards of the services offered by the childminder agency to providers registered with it,
- the quality of leadership and management in the childminder agency, and
- the effectiveness of the arrangements of the childminder agency for assuring itself of the quality of the care and education provided by the providers registered with it.

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 (at whichever premises the childminding is being delivered when the inspection is arranged) to assess the quality of support being offered by the agency. These childminders will not be graded by Ofsted or receive separate inspection reports.

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.

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<sup>24</sup>. However, Ofsted is also able to inspect agencies at other times, for example to investigate complaints against the agency.

Ofsted has published the [CMA Inspection Handbook](#), which can be found alongside other information for agencies on [www.gov.uk](http://www.gov.uk).

### 4.2 Cancellation of an agency’s registration by Ofsted

Ofsted can cancel a childminder agency’s registration. The Childcare Act 2006 sets out that the Chief Inspector must cancel the registration of a person registered as an early years or a later years childminder agency if it appears to the Chief Inspector that the person has

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<sup>24</sup> You can find the SoS [current letter](#).

become disqualified from registration by regulations under section 76A of the Childcare Act 2006<sup>25</sup>.

In addition, the Chief Inspector may cancel the registration of a person registered under Chapter 2A or 3A of the Childcare Act 2006 as an early years or a later years childminder agency if it appears to Ofsted 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;
- the person has failed to comply with a condition imposed on the registration under Chapter 2A or 3A;
- the person has failed to comply with a requirement imposed by regulations under Chapter 2A or 3A;
- the person has failed to comply with a requirement imposed by Chapter 5, or by regulations under Chapter 2A or 3A; or
- the person has failed to pay a prescribed fee.

The 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<sup>26</sup> gives more detail about its procedures.

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

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)<sup>27</sup>. Ofsted guidance<sup>28</sup> gives more details about these processes.

### **4.4 Effect of Ofsted cancellation of agency registration on childminders registered with the agency**

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 automatically be registered on the relevant register maintained by Ofsted. For example, a childminder who was registered with an agency on the early years register at the point an agency's registration was cancelled would move to be registered in the early years register with Ofsted. This would mean that the childminder would be subject to Ofsted inspection.

However, where a childminder does not wish to be registered with Ofsted then they can give written confirmation of this to Ofsted. In addition, the childminder will not be registered in the

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

26. See the documents relating to [Ofsted inspections of childminder agencies](#).

27. See [Information on first-tier tribunals](#).

28. See [Information on Ofsted's](#) website for further guidance.

relevant register if it appears to Ofsted that the childminder is disqualified from registration under section 75 of the Childcare Act 2006.

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

An agency may, at any time, choose to end its registration with Ofsted in either the early years register or Part A of the General Childcare Register or both. 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 notice of decision to cancel from the Chief Inspector.

Ofsted must be notified by the agency if it wishes to terminate its registration. Ofsted guidance<sup>29</sup> provides more information about this process.

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).

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, for example cease routing early education funding through the agency or make alternative provision for children placed with childminders registered with that agency.

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

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29. [Ofsted guide to registering as a CM or CMA.](#)

## Section 5 – Taking enforcement action against childminders

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

- cancellation of registration; and
- suspension of registration.

### 5.1 Cancellation of a childminder's registration

Regulations<sup>30</sup> 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 2006<sup>31</sup>.

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.

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.

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.

### 5.2 Suspension of a childminder's registration

Regulations<sup>32</sup> 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 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. Unlike Ofsted, however,

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

31. The Childcare (Disqualification) Regulations 2009 set out the grounds for disqualification from registration.

32. 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.



a childminder agency can only suspend registration generally (and not in relation to particular premises).

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.

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<sup>33</sup>.

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

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

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.

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)<sup>34</sup>. 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.

### **5.4 Termination of registration with an agency by a childminder**

Regulations<sup>35</sup> 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 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:

- 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.

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33. See: The Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014

34. See [tribunals care-standards](#).

35. See: The Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014

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.

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.

## **5.5 Childminders not complying with the Early Years Foundation Stage**

All providers registered on the Early Years Register have to comply with the requirements of the Early Years Foundation Stage<sup>36</sup> (EYFS). Agencies are responsible for ensuring that those registered with them comply with EYFS requirements, and will want to consider: how to support childminders to do so; and what action to take against childminders who fail to comply, and when to take it.

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 would outline the agency's concerns and contain proposals for addressing these (such as requirement that a childminder should attend a workshop on the EYFS). However, agencies will want to develop arrangements that work best for them and their providers. 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.

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.

Regulations<sup>37</sup> specify that proceedings in relation to these offences may only be taken by Ofsted. However, an agency must notify Ofsted if they believe an offence has been committed and provide any support or information as required.

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36. The EYFS requirements are underpinned by The Early Years Foundation Stage (Learning and Development Requirements) Order 2007 and The Early Years Foundation Stage (Welfare Requirements) Regulations 2012.

37. The EYFS (Welfare Requirements) Regulations 2012.

## Section 6 – Keeping children safe from harm

The welfare and safeguarding of children is paramount. As set out in sections 1 and 2 of this guidance, 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.

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'<sup>38</sup>. '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'<sup>39</sup>.

### 6.1 Responsibilities and role of an agency

An early years childminder agency must be familiar with and must ensure that its early years childminders meet the EYFS safeguarding and welfare requirements<sup>40</sup>. 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 2008<sup>41</sup> 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 purpose<sup>42</sup>, its procedures for safeguarding and promoting the welfare of the children who are cared for by its registered childminders.

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

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38. See [working-together to safeguard children](#).

39. See [keeping children safe in education](#).

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

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

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

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 guidance on cancellation and suspension of a childminder's registration).

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 Act<sup>43</sup>; 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<sup>44</sup>.

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 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.

## **6.2 Responsibilities and role of childminders**

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 EYFS and, for later years providers, in the Childcare (General Childcare Register) Regulations 2008. These make clear that childminders must take the lead responsibility for ensuring the 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.

## **6.3 Dealing with concerns about a child's welfare**

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

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43. See: The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014. There is also information about these provisions in section 7 of this guidance.

44. See: [Section 14B of the Children Act 2004](#).

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 guidance on assessing need and providing help is set out in Chapter 1 of 'Working together to safeguard children'.

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. Further [Government guidance](#) on what to do if you're worried a child is being abused can be found on [www.gov.uk](http://www.gov.uk).

## **6.4 Dealing with allegations against an agency registered childminder**

Where a childminder agency is alerted to child protection concerns which relate to a childminder or a person living or working on the domestic premises or a person employed by the childminder to look after children on non-domestic 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 guidance 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 guidance 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.

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. 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.

Following the outcome of a child protection investigation, the lead LSCB 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 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<sup>45</sup>.

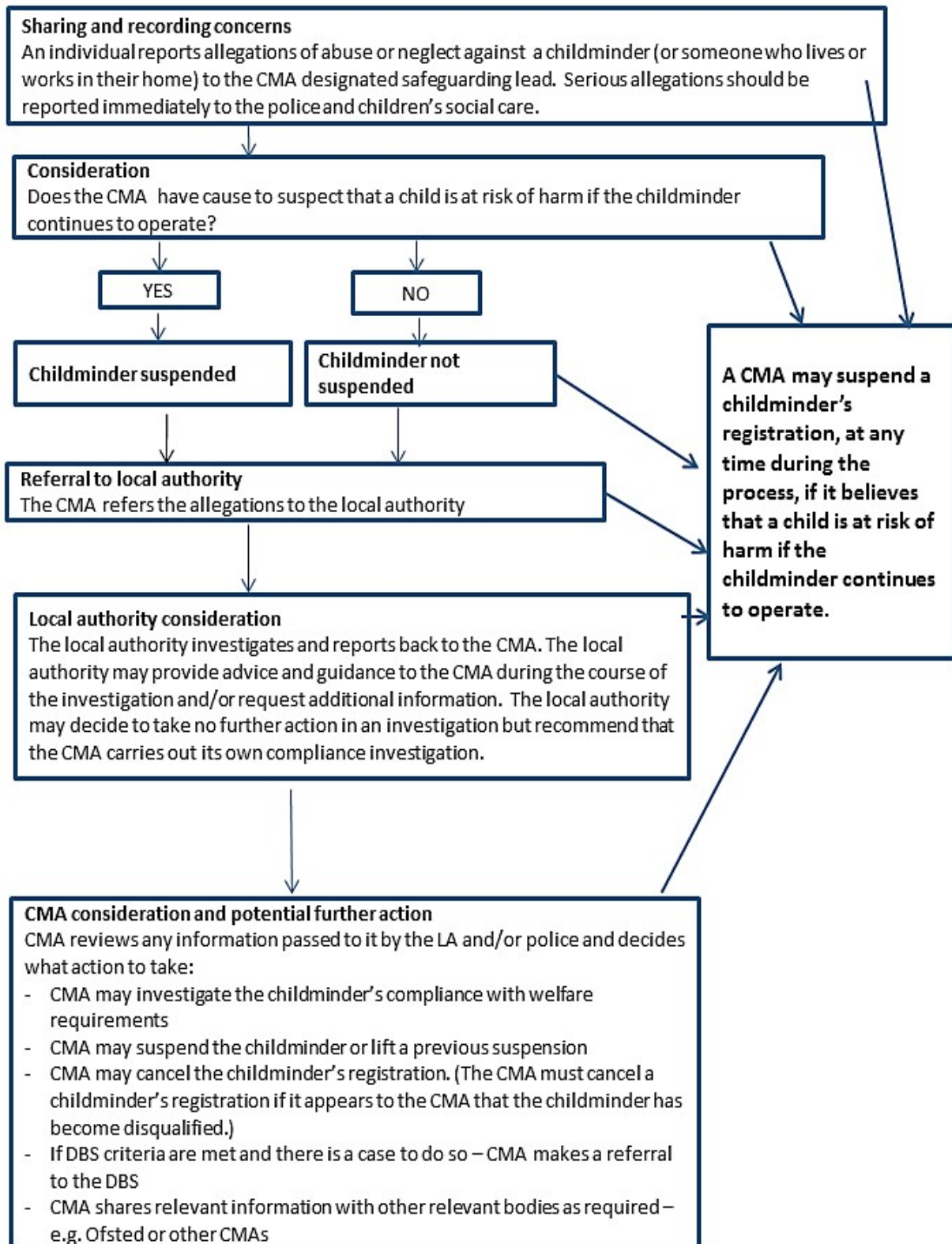
The flowchart below provides an illustration of what action should be taken by a childminder agency when there has been an allegation against an agency registered childminder or someone who lives or works in their home or cares for children on their approved non-domestic premises. It is intended to show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

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45. Please see [DBS 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.



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.

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 guidance on cancellation of a childminder's registration).

## **6.5 Dealing with allegations against a member of staff**

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.

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.

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 role<sup>46</sup>.

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46. The Childcare (Childminder Agencies) (Miscellaneous Amendments) Regulations 2014 amend the Childcare (Disqualification) Regulations 2009, and set out the grounds for disqualification from registration as a childminder agency. Section 76B of the Childcare Act 2006 sets out the consequences of disqualification from registration as a childminder agency.



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

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 guidance, 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.

### 7.1 Supplying and disclosing information

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

- local authorities (LAs) (e.g. to assist in the provision of information to parents)<sup>47</sup>;
- 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 credits purposes<sup>48</sup>;
- Department for Work and Pensions (DWP) for Universal Credit purposes; and
- to various other prescribed persons and organisations to protect children from harm or neglect.

Agencies will, therefore, have to both share information and seek information from other bodies. The Childcare Act 2006<sup>49</sup> and regulations<sup>50</sup> 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.

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 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

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47. LAs will have their own arrangements for receiving and sharing information. To establish a point of contact, agencies should contact the Early Years Team (or similar) at the [relevant LA](#).

48. Tax-Free Childcare will be launched from early 2017 and agencies will be expected to share information to support this.

49. Section 83A (as amended).

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

about childminders and which agency (or Ofsted) they are registered with but this will only mirror what happens currently.

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.

In terms of seeking and receiving information, regulations and this 'guidance' 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 guidance. 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).

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.

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.

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 place<sup>51</sup> and of the requirements and provisions of the Data Protection Act 1998<sup>52</sup> and Freedom of Information Act 2000<sup>53</sup>. Agencies will, in particular, want to consider how to securely transfer data and information to other agencies.

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

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-year olds and all three- and four- year-olds children in their area (section 7 of the Childcare Act 2006).

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51. Please see [Ofsted protocols](#) .

52. Please see [Information on Data Protection Act](#) .

53. Please see [Freedom of Information Act](#) 2000.

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 inspection outcome available to local authorities as part of agreed Ofsted/local authority information sharing arrangements. Agencies will have to provide the relevant local authority with a range of information about the childminders they register. This will help local authorities discharge their section 6 and section 7 duties under the Childcare act 2006<sup>54</sup>. Information should include:

- 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.

### **7.3 Early Years Pupil Premium**

The early years pupil premium is paid to providers, including childminders, by the local authority for each eligible child<sup>55</sup>. Providers can choose how they spend the extra funding to improve the outcomes of the eligible children. Childminders who are registered with childminder agencies may choose to pool their early years pupil premium with other childminders in the agency to buy shared resource, for example access to training, specialist support etc. Childminder agencies are in a good position to facilitate this if the childminders in their agency decide to pool their funding.

### **7.4 Childminders providing food to children in their care**

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 service<sup>56</sup>. 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 application for registration. It will also mean that local food safety officers can inspect childminders as necessary.

### **7.5 Care to Learn**

The Care to Learn scheme<sup>57</sup> is a scheme aimed at young parents who are undertaking a publicly-funded study programme. The scheme provides childcare support to all young parents in England who are under 20 when they start the course, to ensure they can complete their education in, for example, schools, sixth forms in schools, and sixth form colleges. The scheme can provide help towards childcare costs and associated travel.

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

55. Please see the [LA funding information](#).

56. Further information about [childminders and food safety](#)

57. Please see, the information about [Care to Learn](#) and the Care to Learn [online application](#).

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 online applications for Care to Learn will reflect this, including ensuring that the details of the childminder and childminder agency they are registered with are recorded, but agencies will need to work with the Student Bursary Support Service (SBSS) to help verify claims, i.e. provide evidence of their Ofsted registration and details of childcare requirements via the SBSS portal.

## 7.6 Armed forces personnel and their relatives

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.

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, accredited by the Ministry of Defence, who agencies may need to work with.

## 7.7 Complaints handling

Regulations<sup>58</sup> 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.

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.

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

## 7.8 Early Years Census

The early years census, carried out each January, is a statutory collection of data from all early years providers who receive government funding for any two-, three- or four-year-olds, including childminders<sup>59</sup>. From January 2015, childminder agencies have been required to submit returns to local authorities on behalf of childminders registered with them. Agency registered childminders will have to issue a Fair Processing Notice to parents to tell them that data about their child/children will be shared with their agency as well as with the local authority. On a practical level, agencies will need to consider how they build census returns to local authorities into their overall processes for receiving data from childminders and sharing data with local authorities. Please see further [guidance on the census](#).

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59. Early years providers who do not receive government funding do not take part in this census.

## 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.

**The Childcare Act 2006 (as amended)** - Part 3 of the Act makes provision about the registration, 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. It was also amended by the Small Business, Enterprise and Employment (SBEE) Act 2015 to enable childminders and childcare providers on domestic premises to operate from suitable non-domestic premises, and complete a single registration in respect of multiple premises.

**The Childcare (Miscellaneous Amendments) Regulations 2015 – Amendments made by** these regulations allow childminders to provide up to half of their provision on non-domestic premises, and allow childcare providers to register multiple premises in a single registration process. They also: enable Ofsted and childminder agencies to approve and register non-domestic premises and add additional premises to an existing registration; enable Ofsted to suspend registration generally or in relation to particular premises; and make it an offence for a providers to provide childminding provision from premises (e.g. non-domestic premises) that have not been approved by Ofsted or a childminder agency.

**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 Ofsted 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. These regulations were amended (by the Childcare (Miscellaneous Amendments) Regulations 2015) to include, within the information agencies are requirement to share with others, information about approval of non-domestic premises.

**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 Ofsted (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 Ofsted 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 Ofsted 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. These regulations were amended (by the Childcare (Miscellaneous Amendments) Regulations 2015) to extend the requirements relating to, and information about, non-domestic premises used by childminders and childcare providers on domestic premises.

**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 Ofsted 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. These regulations were amended (by the Childcare (Miscellaneous Amendments) Regulations 2015) to extend the requirements relating to, and information about, non-domestic premises used by childminders and childcare providers on domestic premises.

**The Childcare (Supply and Disclosure of Information) (England) Regulations 2007 (as amended)** - These regulations make provision for the disclosure of certain information by Ofsted. They set out the information about registered childcare providers and childminder agencies that Ofsted 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 Ofsted may make available for certain purposes, such as to assist parents or prospective parents in choosing a childcare provider. These regulations were amended (by the Childcare (Miscellaneous Amendments) Regulations 2015) to include the disclosure of information about non-domestic premises used by childminders and childcare providers on domestic premises.

**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. These regulations were amended (by the Childcare (Miscellaneous Amendments) Regulations 2015) to include the provision of information about non-domestic premises used by childminders and childcare providers on domestic premises.

**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. These regulations were amended (by the Childcare (Miscellaneous Amendments) Regulations 2015) to: change the content of registration certificates; require the “relevant person” (in this case, the agency) to decide whether to approve additional premises as suitable for childminding; and make it an offence to provide provision on premises that have not been approved by the relevant person.

**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.

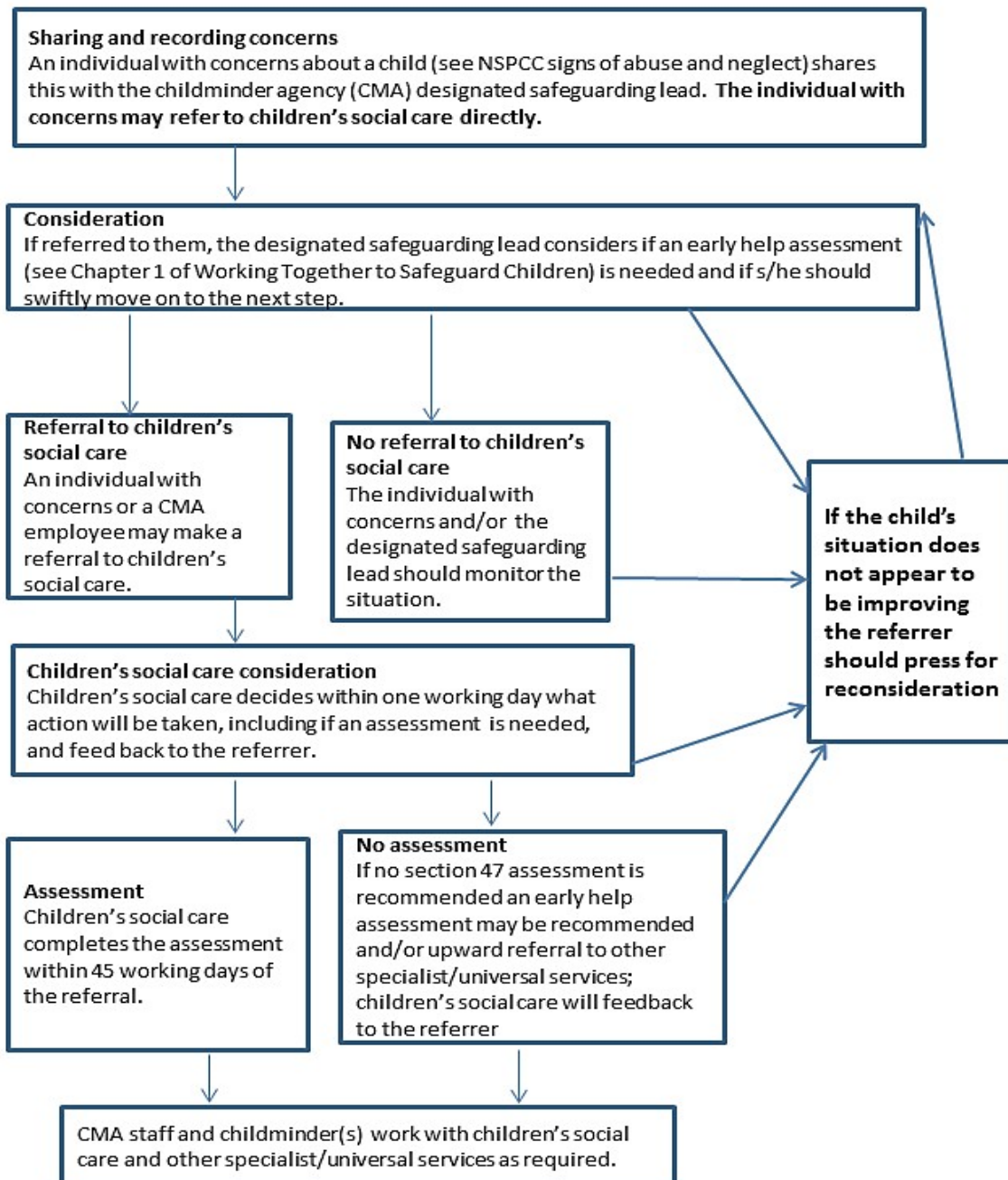
**Early Years Foundation Stage (Welfare Requirements) Regulations 2012 (as amended)** - These regulations set out that Ofsted and childminder agencies are to have regard to EYFS Safeguarding and Welfare requirements, and are able to take into account alleged failure on the part of an early years provider to meet those requirements. These regulations also specify the welfare requirements that early years providers have to meet. These regulations were amended (by the Childcare (Miscellaneous Amendments) Regulations 2015) to include requirements about demonstrating the suitability of additional, non-domestic premises used by childminders and childcare providers on domestic premises.



## 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

DfE strategic partner has produced further information on [childminder agencies](#)

Ofsted guidance for registering on the [Early Years and General Childcare Register](#)

Information about the [Early Years Foundation Stage](#)

Information about [free early education](#) for two-, three- and four-year-olds.

Please see information about the [Early Years Pupil Premium](#).

Please see information about [Special Educational Needs](#), including changes from September 2014.

Information about the [Early Years Census](#).

Top ten things to know about [tax-free childcare scheme](#).

Information about the [Data Protection Act](#).

Information about the [Freedom of Information Act](#)

### Introduction

Please see information on the [SEN code of practice](#)

[Early years educator](#) level 3 qualification criteria information.

### Section 1 – How to register as a childminder agency

Please see the disclosure and barring service for [information on the required DBS checks for CMAs](#).

Please see further guidance on how to [appeal to the First-tier Tribunal](#).

### Section 2 – Registering childminders with the agency

Please see the [Childminder agency handbook](#).

Please see Ofsted's [Health Declaration Booklet](#).

Please see general information on [becoming a registered early years or childcare provider](#) in England.

Please see the information Childcare providers: [EYA approval to operate from non-domestic premises](#)

Please see further information about the [Disclosure and Barring Service](#).

## **Section 6 – Keeping children safe from harm**

Please see the statutory guidance on [Working together to safeguard children](#)

Please see the statutory guidance for schools and colleges on safeguarding children and safer recruitment :[Keeping children safe in education](#)

Section 14B of the Children Act 2004: [Supply of Information Requested by LSCBs](#).

Please see the [DBS referral form and guidance](#).

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

Please see the link to [find your local council](#).

Please see the [Ofsted's protocols](#) with other organisations.

Please see the Government response to the consultation on [early years pupil premium and funding for 2-year-olds](#).

Please see information on [childminders and food safety](#).

Please find the overview about [Care to Learn](#).

Please find guidance and application forms for [application forms for Care to Learn](#).

## Annex D – Useful contacts for childminder agencies

Organisation	Contact details	Helping with
British Forces Early Years Service: Inspecting and regulating early years and childcare for the MOD	Director BFEYS HQ GSC G1 BFPO 140 Tel: 0049 2161 472 4644 Email: <a href="mailto:GSG-G1-BFEYS-Dir@mod.uk">GSG-G1-BFEYS-Dir@mod.uk</a>	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.
Soldiers, Sailors, Airmen and Families Association: Forces Help	Principal Social Worker SSAFA Queen Elizabeth House 4 St Dunstan's Hill London EC3R 8AD Tel: 020 7463 9229 Email: <a href="mailto:deborah.t@ssafa.org.uk">deborah.t@ssafa.org.uk</a>	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 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: <a href="mailto:dcyp-dcyp-mailbox@mod.uk">dcyp-dcyp-mailbox@mod.uk</a>	Directorate within the MoD responsible for all matters of policy relating to Service children and young people.

Organisation	Contact details	Helping with
Ofsted	Email: <a href="mailto:Childminder.Agencies@ofsted.gov.uk">Childminder.Agencies@ofsted.gov.uk</a> Or The application team (childminder agencies) Ofsted 5TH 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.



Department  
for Education

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write to Information Policy Team, The National Archives, Kew, London, TW9 4DU

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