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Guidance

Childminder agencies: registration and suitability

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Childminder agencies and the law

Childminder agencies are required to register with Ofsted and to be inspected by us. Registration allows an individual or organisation to operate as a childminder agency. It is our responsibility to ensure that only those who are suitable and ready to operate as an agency are registered.

A childminder agency must not operate without being registered and must meet a set of requirements. Ofsted can take action against childminders who use childminder agency and you may be prosecuted if you do so.

A childminder agency is required by law to:

- maintain a statement of purpose that reflects how the agency meets the requirements for registration
- provide information and training, including, where appropriate, their capacity to deliver the Early Years and Childcare Qualification (Level 3) or the Early Years Foundation Degree (EYFD) vocational framework and the Childcare Register requirements, as applicable
- ensure that the quality of the service provided by the agency, including, where appropriate, their capacity to support and monitor childminders registered with the agency
- support the training and development of childminders
- quickly access the standard of care being delivered by the childminders registered by the agency

The legal basis for registration

Ofsted inspects childminder agencies under the Childcare Act 2006 (the Act), as amended by the Childcare and Children's Act 2015. The Act establishes the requirements for registration and inspection. The Act also sets out the duty for regulating childminder agencies in England. It gives HMCI responsibility for regulating childminder agencies and requires us to keep a register of agencies. It also gives us the power to take enforcement action where agencies fail to meet the requirements we set being met.

The Act and secondary legislation set out the requirements with which childminder agencies must comply and against which we regulate them. Childminder agencies must also comply with other statutory requirements, for example employment and data protection.

There are 4 aspects to Ofsted's regulation of childminder agencies. These are:

- registering agencies
- inspecting registered agencies
- checking their agencies meet the legal requirements for registration
- taking enforcement action when or agency does not meet the legal requirements for registration

The purpose of regulation is to:

- make sure that agencies meet and continue to meet the requirements for registration
- give childminders and parents an expert and independent assessment through the inspection report, if they wish an agency is performing so that they can make informed choices
- provide information to the Secretary of State for Education and to Parliament
- promote the improvement of agencies and the early years and childcare sector as a whole

Disqualification

You cannot be registered as a childminder agency if you're disqualified, for example if you:

- you've been found guilty with criminal
- you've been found guilty of an offence that was serious or a survey or childminder relevant or unsuited to childminders as did the because your have been sent on part
- you have had a childminder agency registration refused or cancelled in the past

Ofsted can cancel a childminder agency registration does not disqualify you from applying to work with children.

A list of the matters that have a bearing on individual from registering as a childminder agency is provided in The Childcare (Disqualification) and Childcare (Early Years Provision) Free of Charge (England) Amendment (Amendment) Regulations 2018.

It is an offence to operate a childminder agency or be involved in managing a childminder agency if you are disqualified. It is also an offence to employ a disqualified person. Managers can also be disqualified from being involved in childcare in some circumstances.

If we discover that you are disqualified and have applied for Ofsted to consider you with an application to register as a childminder agency, we cannot consider your registration until you have applied for and been granted a waiver.

The registers

There are four registers: the Early Years Register and the Childcare Register. Which one you register your agency on depends on whether you choose to register your agency childminders or later years childminders. You may need or want to be on both registers.

The Early Years Register

The Early Years Register is a register of those that provide childcare for children in the early years age group (children aged from birth until 31 August after their fifth birthday).

If a provider is registered on the Early Years Register, they may be referred to as an early years childminder, for example an early years childminder or early years childminder agency.

The Childcare Register

The Childcare Register is the those that provide childcare for children from 1 September after their fifth birthday up to the age of 8 and over.

This register has 2 parts:

- a compulsory part, for those who want to care for one or more children living their own homes for up to the age of 8 and all those registered as other childcare providers
- a voluntary part, for those who are not eligible for compulsory registration, those who choose not to care for children aged 8 and over and those providing childcare for 2 hours (usually mornings)

If a provider is registered on the Childcare Register only, they may be referred to as a later years provider, for example a later years childminder or later years childminder agency.

Which registers to apply for

If you run a childminder agency that only registers childminders who provide childcare for children in their own homes for children aged 8 and over, you must apply for the Childcare Register. If you run a childminder agency that only registers childminders who provide childcare for children in their own homes for children aged 0 to 5, you must apply for the Early Years Register.

If you run a childminder agency that only registers childminders who care for children in their own homes for children aged 0 to 8 and over, you must register on both the Childcare Register and the Early Years Register.

You are not permitted to register a childminder agency only on the voluntary part of the Childcare Register. This is because any childminders who only want to join the voluntary part of the Childcare Register cannot do this through an agency. They must register directly with Ofsted.

Before you apply

Before applying to register your childminder agency, you will need to:

- identify the agency's registered person and registered individuals where applicable
- appoint a nominated individual if the registered person is an organisation
- develop a statement of purpose that sets out the agency's overall aims and objectives
- obtain appropriate Disclosure and Barring Service (DBS) certificates for everyone who will be part of the application

Registered person

The registered person is the individual or organisation that is legally responsible for operating the childminder agency. This means that:

- for a childminder agency run by an individual, owner, the individual owner will be the registered person
- for a childminder agency run by an organisation, for example a company, the organisation will be the registered person

Registered individuals

Where the registered person is an organisation, all the organisation's main purpose is to operate a childminder agency, the organisation's directors and other organisation are the registered individuals. They may need to register with Ofsted individually as part of the application process.

- for a company set up solely or mainly to run childminder agencies, everyone listed by Companies House as the director or company secretary is a registered individuals and must be included in the application
- for a partnership set up solely or mainly to run childminder agencies, all the partners will be registered individuals and must be included in the application
- for a committee set up solely or mainly to run childminder agencies, all committee members will be registered individuals and must be included in the application

If an organisation is not set up with the main purpose of operating childminder agencies, only the nominated individual will need to register with Ofsted.

Nominated individual

Where the registered person is an organisation, a nominated individual must be appointed to represent the organisation in its dealings with Ofsted. The nominated individual must be a member of the organisation's governing body or other this. Responsibilities include:

- take responsibility for dealing with matters relating to the agency's application to register with Ofsted, and its subsequent registration
- oversee (either alone or with other members of the management of the agency) the information provided to Ofsted in the application process and will receive all legal documents relating to the application

The nominated individual must have a full and thorough understanding of the agency within the childminder agency, as well as a full understanding of the requirements for the agency's registration. The nominated individual must also understand the requirements of the statutory framework for the EYFS and for the Childcare Register.

Statement of purpose

Each childminder agency is required to have and maintain a statement of purpose that accurately depicts the service provided at any given time. All staff employed at the childminder agency and childminders must have the attitude, skills and knowledge to carry out their duties effectively.

You can find more information on what the statement of purpose must include in the Department for Education's (DfE) guidance for childminder agencies.

We will use the statement of purpose, and any information we obtain from checks carried out as part of the application, to help evaluate the registered person's suitability to operate a childminder agency.

Circumstances where a new application is not required

We do not require a new application if an individual or organisation acquires a childminder agency that is already registered with Ofsted and decides that the registered person, registered individuals and the name of the childminder agency (the registered agency is purchased and the name is) continue to operate the agency under the same company.

In these circumstances, the people making up the registered person are likely to change, so the change of registered individuals guidance should be followed.

If a registered person changes their registered address, this will be a change of registered person. This is because the registered person remains the same but an application for registration. This is because the registered person remains the same but the address at which the agency is registered changes. This is a change of registered person which is 30 days. This is a that we can issue a new certificate or update the address for legal correspondence when necessary.

Who is registered and who makes the application?

The following table identifies:

- the registered person (including descriptions)
- who makes and signs the application
- who will be checked as part of the registered person

Registered person	Description	Application signed by	Who checked as part of the registered person
Individual	The sole owner of an agency	Individual	Individual
Company	Companies are incorporated and separate legal entities. Have a company name, and registered with Companies House. Have a company number and company registration number.	An officer of the company	Company secretary, directors, applicants, and any other officers
Partnership	An organisation where the two purposes of their organisation is and is established. Is a business and authority is where partnership	The person or partnership registered with Companies House	The person or partnership registered with Companies House
Partnership	A partnership is where two or more individuals or organisations are in business together. Partnership agreement is a document that sets out the rights and responsibilities of the partners. Partnership agreement is not required by Companies House	Partners	The person or partnership registered with Companies House
Committee	Committees are not constituted if a group are not a formal organisation. Each individual in the committee is responsible for the registered person and is equally responsible for the management of the agency. Committee is not a formal organisation and is not constituted with Companies House	A committee. Be sure that all members are aware of the application	The person or partnership registered with Companies House
Other	Unincorporated bodies and NFPs like the above organisations, charities, and other organisations.	A corporate person. The person who is the director of the organisation	The person who is the director of the organisation

What to provide when you apply

An application to register a childminder agency is only complete if it includes:

- an application form (EY01)
- a declaration and consent form (EY02) for each individual listed in the EY01 application form (including those who are registered individuals and those who participate) that meet Ofsted's requirements for all individuals who are part of the application
- a statement of purpose

We will not accept an application that does not include all the required information. Incomplete applications will be returned and complete applications will be processed. Ofsted will advice on what is required for the application to be accepted.

Applications made by existing registered childcare providers

An applicant already known to Ofsted may choose to expand their business by setting up childminder agencies. Ofsted will use information it already holds to inform its decision including LCHN form. LCHNs, for all individuals associated with the proposed statement of purpose, any required DBS certificates, and payment of an application fee.

How we process your application

When we receive your application, we will first review it to check that it is complete. Incomplete applications will be returned and complete applications will be processed.

Once we have processed your application, we will:

- acknowledge receipt and advise of what you need to take
- let you know if your application is complete
- let you know the application fee
- check outstanding checks have been
- arrange for an inspector to visit you once it is deemed appropriate to do so, usually after we have completed all the checks and received payment of fees

We aim to complete the registration process within 18 weeks. In some cases, we may be unable to do this if we need to wait for or chase up further information from other agencies. Here may be delays that are outside our control.

Fees

You will need to pay an application fee. Once we have received and processed your complete application, we will send you an invoice with instructions on how to pay.

Suitability checks

When you apply to register a childminder agency, we will carry out a series of checks on the registered person and those who will be part of the application process to ensure authority children's services department. We may carry out other checks if we judge it necessary to determine an individual's suitability.

All applicants must pass the application and consent form (EY02) to allow us to carry out these checks and make a decision on the applicant's suitability.

Disclosure and Barring Service

A DBS certificate is required for all applicants. We will need to get this before you submit your application. Each DBS checks must:

- state that it is for the child minder
- be in the individual's current legal name
- be issued by the Disclosure and Barring Service (DBS) application website and issued within the 3 months before we received your complete application, or be registered with the DBS Update Service

We will use the DBS checks through Ofsted's DBS application website. Unless you are registered with the DBS Update Service, we will only accept an Ofsted DBS application if it is submitted by the applicant. If you are registered with the Update service, we recommend that you sign up to the Update Service to keep your certificate up to date.

If you already have a DBS check that was not obtained through Ofsted's DBS application website, it must meet the above requirements in order to be acceptable as part of the agency application.

Applicants who have previously lived abroad

If you or anyone connected with the application have lived abroad in the last 5 years, the countries you or they lived in must be declared in the application. We may need additional information from the relevant overseas authorities. We may also need to seek evidence we need about the person's history and what they can supply to show their suitability.

A certificate of good conduct is the most usual form of evidence we need in this situation. We need a certificate of good conduct for every country where the person has lived. You can find more details of how to request a certificate.

We do not need a certificate of good conduct if the person:

- is a UK citizen
- is a UK resident who has been living in the country long enough, for example on a year
- has travelled extensively and has not remained in any country long enough to establish a history

If a certificate of good conduct is required but the applicant is able to demonstrate that it is not available, we may consider other and other information available. Such other information might include:

- a reference from 'a person of good character in their community' in the country in which you lived, such as a doctor or lawyer
- employer references, particularly relating to childcare
- evidence to support any work ground

If an applicant lived abroad in a British military base, we may ask them to complete an application for a British Forces Overseas Criminal Record Check (Service Police Crime Bureau) or Naval Criminal Bureau, or to provide other evidence of their suitability, depending on the location of the base.

Applicants who currently live abroad

There is nothing to prevent you from applying to register a childminder agency if you live abroad. We may need to make arrangements to visit you and your agency in the country or that we can carry out checks on that person. You would still need to be able to provide evidence of your suitability for your country of residence, for example a certificate of good conduct. We may need to make arrangements for a visit to take place during the last 3 years. We will include the UK time (GMT) that we have to respond, in which case you should refer to the DBS annual reference table.

People previously known to Ofsted

We carry out a check of our database for every individual who is associated with the application. This enables us to identify whether someone was previously known to or registered with Ofsted or connected with the provision of a childminder agency, childcare or children's social care.

Re-checking people who are registered with Ofsted

We do not routinely repeat checks on people who are already registered with us. However, we have the right to check an individual if we have concerns about whether they are suitable to be registered. We may also need to check an individual if they do not also use their to supply us with a new DBS certificate. Fee do we have evidence of an existing one (e.g Criminal Records Bureau (CRB) certificate, the DBS (enhanced) or Scottish or Northern Ireland equivalent) that we may be required if they are staying only.

Checks on agency staff

As a childminder agency, you are responsible for carrying out checks and having systems in place to ensure yourself of the suitability of the manager and all staff employed to work within the agency.

The DfE has guidance for childminder agencies, which includes information about the checks you need to make on your staff. Some of these checks are not part of our regulatory if you wish, but you must complete all the checks that are required in the regulations.

The registration visit

Once we have processed your application and payment of the fees has cleared, an inspector will contact you to arrange a visit. The inspector will carry out any necessary checks on complete but could happen earlier. In the process of visiting or at a premises or office you may have in relation to the agency or at any of Ofsted's offices.

The inspector will need to see the following documents, which we will request in advance. The Early Years Register is the Childcare Register, depending on the registration you are applying for. The inspector will be dependent on which register you apply for. This is because the requirements that the childminders have to meet vary depending on the age of the children.

Documents to show the inspector

At the visit, the inspector must check the identity of anyone present who is part of the registered person, plus the nominated individual where the registered person is an organisation. We will need to see a passport or other photo ID, such as a driving licence, name and addresses so that we can be confident we have contacted the right checks effectively, such as with local authority children's services departments.

Each individual who identity needs to be checked must provide the following documents:

Nominated part	Examples
Photo ID	Passport or driving licence
Proof of address (Current)	Gas, electricity, water or council tax bill, a number from a government agency, credit card, bank, or mortgage statement
Proof of address (Previous)	Mortgage or tenancy agreement
Employment history	CV or details of where you have worked
DBS certificate	Certificate for everyone involved

If the required documents are not made available, the inspector will not able to proceed with the registration visit. This could result in the application being refused.

Registration requirements

During the registration visit, the inspector will interview you, or the registered person, or your nominated individual to check you are suitable to operate a childminder agency. This will include evaluating:

- your understanding of the statutory requirements for childminder agencies
- your understanding of the Early Years Foundation Stage and the requirements, depending on which register you wish to be placed on
- your recruitment procedures and how you ensure that agency staff are suitable for working with children
- the systems in place to ensure your childminders are suitable, qualified and suitably experienced to work with children, and that they can effectively meet the requirements of the statutory framework
- the systems in place to monitor the quality of your childminders
- how these systems and procedures relate to the service your agency intends to provide, and how you will monitor and evaluate it
- you and your staff's understanding of your statement of purpose and how it will apply to contact to situations and circumstances that may occur during the daily operation of the childminder agency

Pausing your application

You may ask us to pause your application at least. We can do this for up to 6 weeks in exceptional circumstances, but we will usually only do it once.

Situations where we are likely to pause your application are:

- short-term illness, injury or hospitalisation for surgery
- bereavement
- a family emergency, such as a fire or flooding

- pregnancy
- personal circumstances – if you are unavailable for a visit, for example because you are on holiday, or if you are experiencing personal difficulties
- you have applied for a disqualification waiver

After a 16-week period, we will contact you to see if you wish to either continue with your application or withdraw your application. We will refuse your application if we do not receive sufficient information to confirm that you satisfy the requirements for registration.

The registration decision

The inspector will record evidence throughout the visit, including how they have pursued any causes for concern or other issues or specific lines of enquiry with you.

The inspector will review all their evidence when making the registration decision. The inspector will advise you of the outcome. This will normally be within a week after the registration visit.

If we approve your registration, we will send you a registration certificate and information about next steps. We aim to register you within 16 weeks from the date we receive your completed application.

If you cannot show us that you are suitable to be registered, we may refuse your application. If so, we will send you a 'notice of intention' to refuse. If you do not respond to this within 14 working days of the notice date, we will send a 'notice of decision' to refuse registration and information on how to appeal.

After registration

Once registered, you can make use of the Ofsted registered childminder agency logo. Childminder agencies should follow our logo guidance carefully and not edit the logo in any way.

Annual fee

You need to pay an annual fee for each registration. You will receive an invoice around 30 days before your annual payment date. If you do not pay your annual fee, we may take steps to cancel your registration.

Checks on childminders

Your childminder agency is responsible for carrying out checks on all childminders that apply to register with you.

Regulations set out that agencies must contact Ofsted for information when considering an application for registration from a childminder. This is to see if the childminder is known to Ofsted and if there is any information that the agency should consider, when deciding whether to register the childminder.

The duty to sharing specific information between childminder agencies and Ofsted is outlined in the Childcare Act 2006 and other regulations. Information-sharing is reciprocal and is necessary to provide both Ofsted and registered childminder agencies with information that will help protect children from harm or neglect.

To check if a childminder applicant is known to Ofsted, an agency should complete and submit a ['Known to Ofsted'] application form. You will need to complete one form for each childminder applicant.

Inspections

Once registered you must continue to show that you are meeting the requirements of registration as set out in the guidance for childminder agencies.

We monitor this through regular inspections.

You can find out more about inspections in childminder agencies: inspection guidance.

Compliance and enforcement

Our early years and childcare compliance handbook provides more information about what will happen if you do not meet the requirements of registration.

Keeping Ofsted informed

Registration of first childminder

Please notify Ofsted when your agency registers its first childminder. This is so that we can establish when your agency should have its first and subsequent inspections. You can notify us online through the following link: childminder agency: data notification.

Quarterly updates

Once your agency has registered its first childminder, you will need to begin providing us with quarterly updates of the number of childminders registered, applications in progress, and if you have suspended or cancelled any registrations. You can make these notifications online through the following link: childminder agency: data notification.

The four quarters are as follows:

- Quarter 1 – 1 January to 31 March
- Quarter 2 – 1 April to 30 June
- Quarter 3 – 1 July to 30 September
- Quarter 4 – 1 October to 31 December

Childminder registration log

When a childminder agency is due an Ofsted inspection, we will ask it to provide us with a list of the childminders that are currently, and were previously, registered with that agency.

We provide a template childminder registration log that agencies can use to maintain an up-to-date log of registered childminders. They can then provide us with this immediately when we notify them that an inspection is due.

It is not mandatory to use this template, but an agency should be able to supply Ofsted with the required information for each registered childminder, by email and at short notice.

Change of legal entity

A registered childminder agency may change its legal identity. For example, a sole proprietor may decide to set up a registered company to run the agency, or the company responsible for the agency may change to one with a different company number.

In these cases, the registered person must notify Ofsted that the agency plans to change its legal entity, and we require new application forms and fees for each registered childminder agency. The new registration would need to be granted before the new legal entity can begin running the agency. The same process is followed for an application to change the legal entity as for an application made by a new childminder agency, and we consider the new application alongside any information we currently hold.

Change of nominated individual

If there is a change of nominated individual, the new nominated individual must notify Ofsted of their appointment by completing and submitting a declaration and consent form CMA2. Ofsted will acknowledge receipt of the completed form and request any checks required to determine the applicant's suitability for the role. This process will require the new nominated individual to complete a short questionnaire and telephone interview. Once we have made a decision on the nominated individual's suitability, we will write to them and to the registered person to inform them of the outcome.

The registered person is responsible for ensuring that a new nominated individual completes and submits their CMA2 declaration and consent form to Ofsted as soon as possible. We will check this at inspection.

Change to the registered individuals

An organisation whose main purpose is to run childminder agencies must inform Ofsted as soon as possible if there are any changes to the registered individuals making up the registered person, for example, company directors joining or leaving a company. Where the registered person is a partnership in the name of the partners, for example 'Ms B Jones and Mr A Smith Partnership', a change to the partners would mean the creation of a new partnership or a change to another type of registered person. This would be a change of legal entity and would require an application to register the new registered person.

For organisations other than partnerships in the name of the partners:

- If a registered individual leaves the organisation, the individual who has left or the nominated individual should contact Ofsted to notify us of the change so that we can update our records.
- If a new registered individual joins the organisation, they must notify Ofsted of their appointment by completing and submitting a declaration and consent form CMA2. Ofsted will acknowledge receipt of the completed form and request any checks required to determine the applicant's suitability for the role. Once we have made a decision on their suitability, we will write to them and to the nominated individual to inform them of the outcome.
- The registered person is responsible for ensuring that any new registered individual completes and submits their CMA2 form to Ofsted as soon as possible. We will check this at inspection.

Closure of a childminder agency

If a registered childminder agency permanently ceases to operate, the owner or nominated individual must notify Ofsted and request resignation of the registration. You can do this by emailing Childminder.Agencies@ofsted.gov.uk.

Resigning as a childminder agency does not affect any future application you may wish to make to provide childcare or to run a childminder agency.

You need to consider how and when you will inform the childminders registered with you, and the parents who use the services, that you intend to resign your registration. Childminders registered with you will not be able to operate unless they register with another agency or choose to register with Ofsted.

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