



Department
for Education

A guide for childminder agencies

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

October 2021

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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 July 2017.

Expiry or review date

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

Who is this guidance for?

This guidance is for organisations operating as a childminder agency and 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. This includes:

- local authorities
- childminders and childminder assistants
- childcare providers on domestic premises¹
- 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
- parents and/or carers.

¹ In this guidance, "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 (“the 2006 Act”), 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 regulations under Parts 1 and 3 of the 2006 Act as amended by the 2014 Act and 2015 Act. These regulations are listed in **Annex A**.

The **2014 Act** amended Part 3 of the 2006 Act 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 the Chief Inspector to impose conditions on and inspect childminder agencies
- iii. enables the Chief Inspector to take enforcement action in respect of unregistered persons who are falsely representing that they are 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 2006 Act 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 there², and
- ii. make it an offence to provide childcare on non-domestic premises that have not been so approved by Ofsted or a childminder agency³.

² 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.

³ 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 to provide the best start in life and help parents to work. It wants these places to be provided by a range of providers – schools, private and voluntary day care establishments, and childminders. The availability of high-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. Childcare delivered by childminders in their own home 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 are also 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, Universal Credit or Tax-Free Childcare⁴.

Agency websites may 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 [Early Years Foundation Stage \(EYFS\) statutory framework](#); consult with childminders on the need for other forms of support and information they might require, for example facilitating access to a Special Educational Needs Coordinator (SENCO) or helping their childminders carry out the SENCO role⁵; and link registered childminders with other early education and childcare related resources in the locality, for example schools, children's centres, Family Information

⁴ Eligible parents are able to make payments through the Tax-Free Childcare system to qualifying childminders who are agency registered. In addition, parents are able to use the childcare element of their Universal Credit with agency registered childminders. Agencies may be able 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 early years (including what role agencies might play – see chapter 5 of the code).

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, for example 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 is able register with Ofsted as a childminder agency. Some may be experienced in childcare, for example existing nurseries or schools, whilst others may be new entrants, drawing in expertise as needed. In addition, local authorities, children's centres and private enterprises may want to establish an agency.

How agencies are funded

Agencies are independent of government and self-funded. Agencies are 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. However, 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 who want to buy a package of CPD support around changes to the EYFS. Agencies may also market pre-registration training in the EYFS and 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 may operate on a national basis or in a more local or 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 (for example 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 Early Years qualifications⁶.

How childminder agencies are inspected

Ofsted carries out the first inspection of a newly registered agency within 12 months of the date that it registers its first childminder⁷. The cycle of Ofsted's inspection of agencies is set out by the Secretary of State in a letter to the Chief Inspector⁸. 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 guidance](#) for childminder agencies on its website.

Resources available to establish an agency

A number of organisations took part in the childminder agency trials from summer 2013 until spring 2014. The trials offered an opportunity for those involved to explore various elements of the childminder agency model. Learning from the trials helped to inform the development of the policy and helped to shape the regulations. Key learning from the trials was captured in a short report, [Childminder Agency Trial Evaluation](#), which is aimed at those interested in setting up a childminder agency. Additional information and resources for anybody interested in setting up, or registering with, a childminder agency is available on the [Foundation Years website](#).

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

⁷ See [Inspection of childminder agencies: requirements for Ofsted](#)

⁸ See [Childminder agency inspection requirements for Ofsted](#)

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 Register⁹ or both, must submit an [application for registration to Ofsted](#). **Agencies are not 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 the agency 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.

⁹ 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. Further information about the Early Years Register and General Childcare Register is available on the [Ofsted’s childcare registers website](#).

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 Register¹⁰ and Part A of the General Childcare Register¹¹. Please see section 2.4 of this guidance for the 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**¹² 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 registration¹³. Where an individual is disqualified from registration, an agency is not able to register them and should instead refer them to Ofsted to whom the individual may be able to apply to have the disqualification waived¹⁴.

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. Agencies may arrange or provide some of the pre-registration training, for example training in the EYFS and paediatric first aid training.

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 assure themselves of the childminder's or childminder assistant's¹⁵ suitability, including their

¹⁰ For full registration requirements see The Childcare (Early Years Register) Regulations 2008 (as amended).

¹¹ For full registration requirements see The Childcare (General Childcare Register) Regulations 2008 (as amended)

¹² 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.

¹³ Further information about what may disqualify someone from providing childcare is available in [Ofsted's early years compliance handbook](#)

¹⁴ See [Applying to waive disqualification: early years and childcare providers](#) on Ofsted's website.

¹⁵ 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).

capacity to deliver the requirements of the EYFS. There are a number of things that agencies will need to satisfy themselves of as part of the application process, in particular that the childminder or assistant has:

- completed training which helps them to understand and implement the EYFS
- provided a completed Disclosure and Barring Service (DBS) application form in respect of themselves and each person¹⁶ connected with their application
- completed, or have a date within eight weeks from applying to complete (but must be complete by the date of registration) a paediatric first aid course¹⁷ appropriate to the age of the children to be cared for¹⁸
- 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 GP¹⁹
- provided details of, and contacted, their referees, and
- paid any required application fee²⁰.

In addition, agencies will want to assure themselves 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 guidance). This visit is a key part of the registration process and enables 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
 - 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

¹⁶ 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).

¹⁷ Providers are responsible for identifying and selecting a competent training provider to deliver their PFA training. Training is available from a wide range of providers including: those who offer regulated qualifications; or the Voluntary Aid Societies (St John Ambulance, the British Red Cross and St Andrew's First Aid who together are acknowledged by the Health and Safety Executive (HSE) as one of the standard-setters for currently accepted first aid practice for first aid at work training courses); or those who operate under voluntary accreditation schemes; or one that is a member of a trade body with an approval and monitoring scheme; or those who operate independently of any such accreditation scheme. The Register of Regulated Qualifications may help providers identify PFA providers, which is available at: <http://register.ofqual.gov.uk/qualification>. It may also be helpful to refer to HSE's guidance about choosing a first aid training provider, which is available at: www.hse.gov.uk/pubns/geis3.htm

¹⁸ PFA training must be renewed every 3 years

¹⁹ It is for agencies to decide the process but they may want to be aware of [Ofsted's health declaration form](#).

²⁰ Fees for childminders and others to register with agencies should be agreed between both parties. It is for agencies to decide if they want to charge fees as part of the registration process or in some other way, for example as an ongoing deduction from fees that a parent may pay via the agency for using the childminder.

- check any policies and procedures (for example 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 of this guidance.

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 (for example the manager must hold an approved level 3 qualification and at least half of all other staff must hold at least an approved level 2 qualification²¹).

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 application²², 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.

Information about checking and approving the suitability of non-domestic premises is available in section 2.4 of this guidance. Agencies must have arrangements in place to conduct background checks on the childminder with the local authority or local authorities

²¹ As defined by the Department for Education on the [early years qualifications list](#) on GOV.UK. These qualification requirements do not apply to childminders.

²² 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 will include spouses, children, lodgers and volunteers etc.

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 of this guidance.

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 assure themselves 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 2008²³
- 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 guidance. 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 of this guidance.

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

²³ Information about the General Childcare Register requirements is available on [Ofsted's registration requirements page](#) on GOV.UK.

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 providers 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 premises²⁴.

2.5 Certificates

Assuming an applicant is successful in his/her application, agencies are required²⁵ to issue a certificate. This will set out:

- 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

²⁴ 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.

²⁵ See Section 7A of The Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008

- 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

As part of their registration processes, agencies are 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 service²⁶ 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 are 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 (for example 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 of this guidance) 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 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

²⁶ Further information about the [DBS update service](#) is available on GOV.UK.

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 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

Regulations²⁷ 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 in each year of registration, 16 hours of which must comprise CPD²⁸. In relation to later years childminders registered with an agency, agencies must provide them with 10 hours of practice support in each year of registration, 8 hours of which must comprise CPD²⁹.

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 (that is, 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 (for example

²⁷ The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014.

²⁸ See paragraph 14 of Schedule 1 to The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014.

²⁹ See paragraph 15 of Schedule 1 to The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014.

maths, language and speech development) and welfare requirements of the EYFS to assist with their practice.

It could also include support around specific issues such as: safeguarding; health and safety; risk assessment; invoicing; and support on a particular matter that has arisen, for example 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 visits. 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 are 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, for example early education and childcare; safeguarding and welfare; special educational needs; speech; and 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

Regulations³⁰ state that for every year of registration, an agency must conduct a minimum of one quality assurance visit per year (which must be unannounced³¹) to each early years childminder's home (main premises) to assess the standard of care and early education being delivered. However, agencies may conduct additional visits each year, which can be announced or unannounced, and at any time. This could be because they have concerns about the quality of a provider or wish to check any registered non-domestic premises.

Where an agency carries out a single quality assurance visit in the first year of an early years provider's registration, they should carry out the second quality assurance visit within 18 months from the date of the first visit. In these circumstances – where an agency carries out a single quality assurance visit in the first year – note that the second visit must take place during the second year of the provider's registration as an agency must conduct a minimum of one quality assurance visit in each subsequent year³² as set out above.

Agencies must also 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 should also make these reports available to Ofsted upon request for inspection. 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 is for agencies to determine the shape and content of their quality assurance arrangements. However, for early years childminders, this must include an assessment against delivery of the learning and development and welfare requirements of the EYFS, including safeguarding. It is 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.

³⁰ The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014 (as amended).

³¹ "Unannounced" means with as little notice as possible, for example a phone call to the childminder 1-2 days before.

³² Agencies are legally required to conduct a minimum of one quality assurance visit in each year of registration as set out in The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014.

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

- a relevant qualification (for example 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 (for example in more than one institution).

Section 4 – How Ofsted inspects childminder agencies and, where necessary, cancels 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 must³³ 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 publicly available on [Ofsted’s inspection reports 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 has set this out in a letter to the Chief Inspector³⁴. However, Ofsted is also able to inspect agencies at other times, for example to investigate complaints against the agency.

Ofsted has published the [childminder agencies: inspection guidance](#), which is available alongside other information for agencies on GOV.UK.

4.2 Cancellation of an agency’s registration by Ofsted

Ofsted can cancel a childminder agency’s registration. Section 69B(1) of the 2006 Act 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 become disqualified from registration by regulations under section 76A of the 2006 Act.

³³ See section 51E of the Childcare Act 2006

³⁴ See [Childminder agency inspection requirements for Ofsted](#).

In addition, under section 69B(2) of the 2006 Act, the Chief Inspector may cancel the registration of a person registered under Chapter 2A or 3A of the 2006 Act as an early years or a later years childminder agency respectively if it appears to the Chief Inspector that:

- the prescribed requirements for registration which apply in relation to the person's registration under Chapter 2A or 3A have ceased, or will cease, to be satisfied
- 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 2006 Act also sets out the procedures and timescales the Chief Inspector must follow to move to cancel an agency's registration. Ofsted's guidance³⁵ 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)³⁶. Ofsted guidance³⁷ gives more details about these processes.

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

The effect of Ofsted cancellation of the registration of a childminder agency or 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 registered with Ofsted and subject to regulation and inspection by Ofsted. However, where a childminder does not wish to be registered with Ofsted, they can give written confirmation of this to Ofsted. In addition, the childminder will not be registered on the relevant register if it appears to Ofsted that the childminder is disqualified from registration under section 75 of the 2006 Act.

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 resign its registration with Ofsted in either the early years register or Part A of the General Childcare Register or both. The only circumstances

³⁵ See [Ofsted regulation and inspections of childminder agencies](#)

³⁶ See [First-tier Tribunal \(Care Standards\)](#)

³⁷ See [Ofsted's early years compliance handbook](#)

in which an agency will not be able to do this is when a notice of intention to cancel or a notice of decision to cancel has been issued from the Chief Inspector.

Ofsted must be notified by the agency if it wishes to resign its registration. Ofsted guidance³⁸ 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.

³⁸ See '[After registration' guidance](#) on Ofsted's website.

Section 5 – Taking enforcement action against childminders

Agencies 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

Regulations³⁹ 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 2006 Act⁴⁰.

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 2006 Act.

An agency is also able to cancel the registration of a provider on business grounds (for example 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). However, in all cases, the agency must follow the procedures set out in regulations⁴¹. That is, where an agency proposes to cancel a provider’s registration they must first issue a “notice of intention” where the period of notice is not less than 14 days beginning with the date the notice is given followed by the actual “decision notice”, after hearing representations from the provider. The cancellation of the registration cannot take effect until at least 28 days after the decision notice.

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.

³⁹ The Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014.

⁴⁰ The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 set out the grounds for disqualification from registration (see Part 2 in particular).

⁴¹ See regulation 4 of [The Childcare \(Childminder Agencies\) \(Cancellation etc.\) Regulations 2014](#)

5.2 Suspension of a childminder's registration

Regulations⁴² 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, 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 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.

As regulations set out, a childminder must not practise whilst they are suspended. Agencies are 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 fined⁴³.

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). However, they are 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 (as outlined in section 5.1 of this guidance).

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)⁴⁴. 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.

⁴² 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.

⁴³ See The Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014

⁴⁴ See [First-tier Tribunal \(Care Standards\)](#). See also Regulation 9 of The Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014.

5.4 Termination of registration with an agency by a childminder

Regulations⁴⁵ 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 is not able to terminate a childminder's registration is 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.

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 Stage⁴⁶ (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.

⁴⁵ See Regulation 5 of The Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014

⁴⁶ 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.

Regulations⁴⁷ 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.

⁴⁷ 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 is responsible for assessing the initial and ongoing suitability of its staff and its registered childminders. A childminder agency has 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 guidance set out in [Working together to safeguard children](#). 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 partners to work together, and with other agencies, to safeguard and promote the welfare of all children in a local area. 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](#).

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 requirements⁴⁸. 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 2008⁴⁹ 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 purpose⁵⁰, 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 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

⁴⁸ See regulations 4 and 5A of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012

⁴⁹ See regulations 7 and 8A of the Childcare (General Childcare Register) Regulations 2008

⁵⁰ 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's registration (see section 5 for guidance on cancellation and suspension of a childminder's registration).

Agencies are expected to work together with local statutory children's services agencies and safeguarding partners where they have been identified as a relevant agency by the published safeguarding arrangements under section 16E(3) of the Children Act 2004 ("the 2004 Act")⁵¹. An agency has 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 2006 Act⁵²; and, where the relevant conditions are met, a separate duty under section 16H(2) of the 2004 Act to supply safeguarding partners with any information that they may require for the purpose of enabling or assisting the performance of their functions including, under section 16N (Information) of the 2004 Act, and carrying out any of their functions such as Local Child Safeguarding Practice Reviews under section 16F of the 2004 Act⁵³.

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 multi-agency safeguarding arrangements, and act in liaison with local statutory children's services agencies and with the safeguarding partners
- 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 safeguarding partners.

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 are required to report serious accidents, illness or injury of a child within their care to the agency rather than Ofsted.

⁵¹ Paragraph 18 of The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018 provides that 'Relevant agency' status extends to persons registered under Chapter 2, 2A, 3 or 3A of Part 3 of the Childcare Act 2006.

⁵² 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.

⁵³ See section 16F of the [Children Act 2004](#)

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 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 guidance⁵⁴ on what to do if you're worried a child is being abused is available on 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 out at 6.3 above, which explains the action that a childminder agency should take in respect of the child.

If, after reviewing the information, the safeguarding partners (for example the local authority or the police) decide that they do not need to carry out an investigation, they should tell the childminder agency of their 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

⁵⁴ See [Child abuse concerns: guide for practitioners](#)

from the investigation, the childminder agency should make a new referral to the local authority.

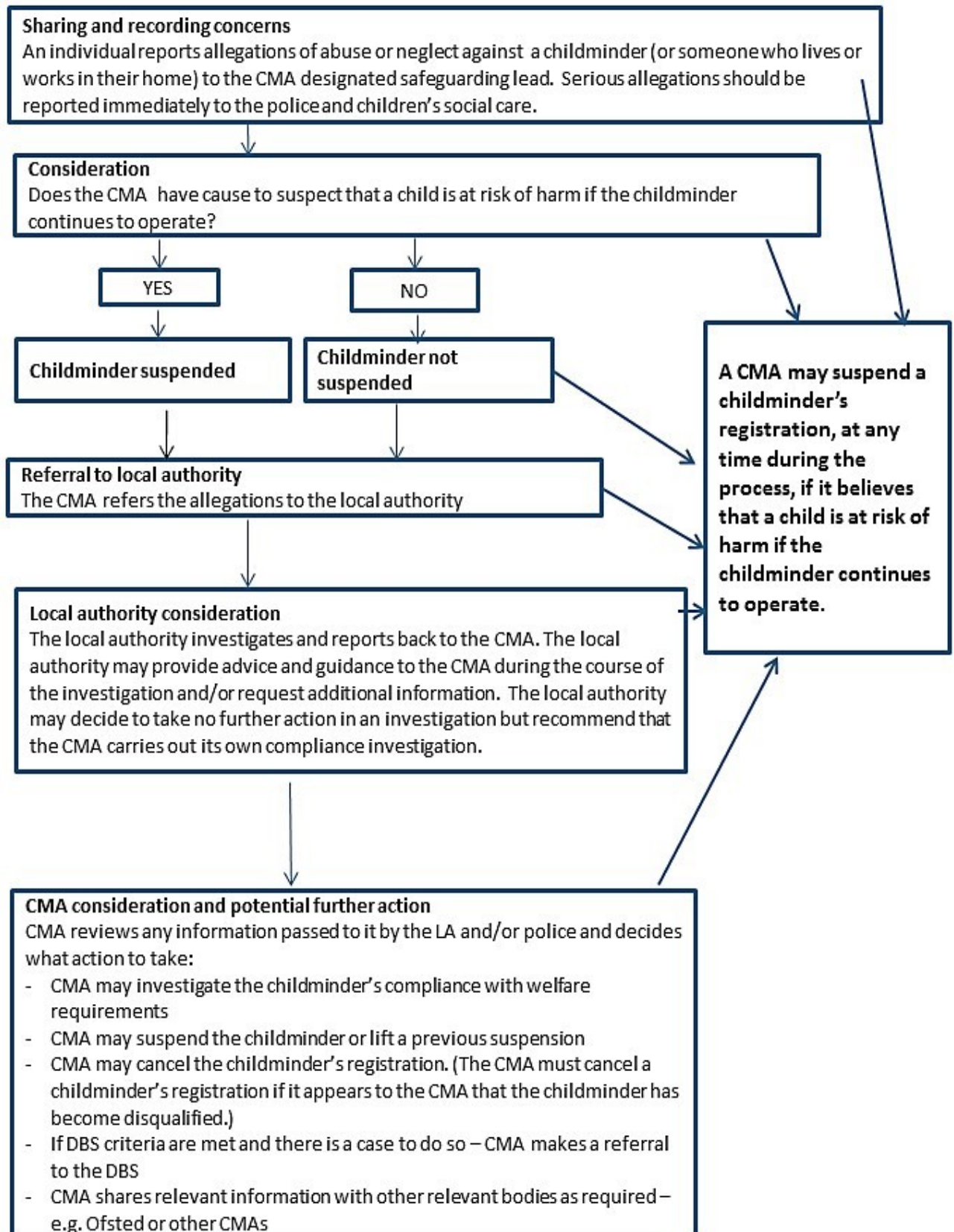
Following the outcome of a child protection investigation, the investigating body should ensure that information is passed to the childminder agency to assist it in making a decision about the registered person's continued ability to meet the prescribed requirements for registration. This information 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 DBS⁵⁵.

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.

⁵⁵ See [DBS referral form and guidance](#)

Action when there are allegations against an agency registered childminder

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



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 local authority 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 agency 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 6.3 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 role⁵⁶.

⁵⁶ The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 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 is 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 need to be familiar with, their responsibilities and the other organisations they need to work with in support of these.

7.1 Supplying and disclosing information

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

- local authorities (LAs) (for example to assist in the provision of information to parents)⁵⁷
- 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 or Tax-Free Childcare purposes⁵⁸
- Department for Work and Pensions (DWP) for Universal Credit purposes, and
- various other prescribed persons and organisations to protect children from harm or neglect.

Agencies, therefore, have to both share information and seek information from other bodies. The 2006 Act⁵⁹ and regulations⁶⁰ set out when agencies must share information (for example when they register or cancel, suspend or terminate a childminder's registration) and what type of information (for example name, address, date of registration etc.) agencies must share with each organisation or person.

A key example of when an agency has 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 in agreement with and/or at the request of the childminder. This is intended to help local authorities with their duties around sufficiency of childcare, plus information they may provide to parents or providers under sections 12 and 13 of the 2006 Act respectively. Agencies also have to share similar information with HMRC to help facilitate tax credits and Tax-Free Childcare processes, and with DWP for Universal

⁵⁷ 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 local authority](#).

⁵⁸ Eligible parents are able to make payments through the Tax-Free Childcare system to qualifying childminders who are agency registered and agencies are expected to share information to support this.

⁵⁹ Section 83A (as amended).

⁶⁰ The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014 (as amended).

Credit purposes. Local authorities and HMRC will, therefore, hold information about childminders and which agency (or Ofsted) they are registered with.

Agencies do not have to share information with Ofsted on a regular basis about the providers that each agency registers. However, they must do so when requested by Ofsted, for example 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 (for example evidence to suggest that the childminder may be disqualified from registering). Full details are provided in the relevant form on Ofsted's website⁶¹. 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 (for example 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 of this guidance. The sharing of information may also be of benefit to agencies and their childminders, for example 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 place⁶² and of the requirements and provisions of the Data Protection Act 2018⁶³ and the General Data Protection Regulation⁶⁴ (GDPR) and Freedom of Information Act 2000⁶⁵. Agencies will, in particular, want to consider how to securely transfer data and information to other agencies.

⁶¹ See [Childminder agencies: registration and suitability](#)

⁶² See [Childcare protocols between Ofsted and other organisations](#)

⁶³ See [Information on Data Protection Act](#)

⁶⁴ See [Guide to the General Data Protection Regulation](#)

⁶⁵ See [Guide to Freedom of Information](#)

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

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

To help local authorities meet their duties Ofsted is able to share agency registration/contact details with local authorities. Ofsted publishes agency details and their inspection reports on its website, and makes inspection outcomes 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 2006 Act⁶⁶. Information should include:

- if an agency has childminders registered with it
- the number of places that an agency's childminders offer
- the age ranges the agency's childminders work with
- whether the agency's childminders deliver funded early education places, and
- the agency's 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. 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, and 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 are responsible for informing local authorities if childminders that register with them plan to provide food as part of their childminding service⁶⁷. 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 scheme⁶⁸ is a scheme aimed at young parents who are undertaking a publicly-funded study programme. The scheme provides childcare support to all young

⁶⁶ See 83A of The Childcare Act 2006, and The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014.

⁶⁷ See [childminders and food safety](#).

⁶⁸ See [Care to Learn](#) website for guidance and online applications.

parents in England who are under 20 when they start the course, to ensure they can complete their education (for example in schools, sixth forms in schools, and sixth form colleges). The scheme can provide help towards childcare costs and associated travel.

Childminders are often used by young parents for childcare whilst they are studying and childminders registered with agencies (as well as with Ofsted) can support parents under the Care to Learn scheme. However, agencies will need to work with the Student Bursary Support Service⁶⁹ (SBSS) to help verify claims (for example 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 is important for childminder agencies and accredited Ministry of Defence (MOD) organisations to work together to share information to facilitate this. There are 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 (MOD), who agencies may need to work with.

7.7 Complaints handling

Regulations⁷⁰ 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 must detail their complaints procedure in their 'statement of purpose' when they seek to register with Ofsted.

⁶⁹ See [Student Bursary Support Service](#)

⁷⁰ 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, including childminders, who receive government funding for any two-, three- or four-year-olds⁷¹. 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 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. Further [guidance on the early years census](#) is available on GOV.UK.

⁷¹ 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 need to be aware of. All the legislation listed below can be accessed and downloaded free of charge via www.legislation.gov.uk.

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 for up to half their time using their childminder registration, and to complete a single registration in respect of multiple 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.

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.

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 (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 have to meet the same registration requirements whether they are registered with Ofsted or with a childminder agency. These regulations have 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, for example 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.

Childcare (Early Years and General Registers) (Common Provisions) Regulations 2008 (as amended) – 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 (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.

The Childcare (Childminder Agency) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014 (as amended) – These regulations outline the requirements that childminder agencies have to meet 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. 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 required to share with others, information about approval of non-domestic premises. These regulations were also amended by The Childcare (Childminder Agencies) (Registration, Inspection and Supply and Disclosure of Information) and Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) (Coronavirus) (Amendment) Regulations 2021 to reduce (from two to one) the 'minimum' number of quality assurance visits that childminder agencies are required to carry out in the first year of each of their early years providers' registration.

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 (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 (for example non-domestic premises) that have not been approved by Ofsted or a childminder agency.

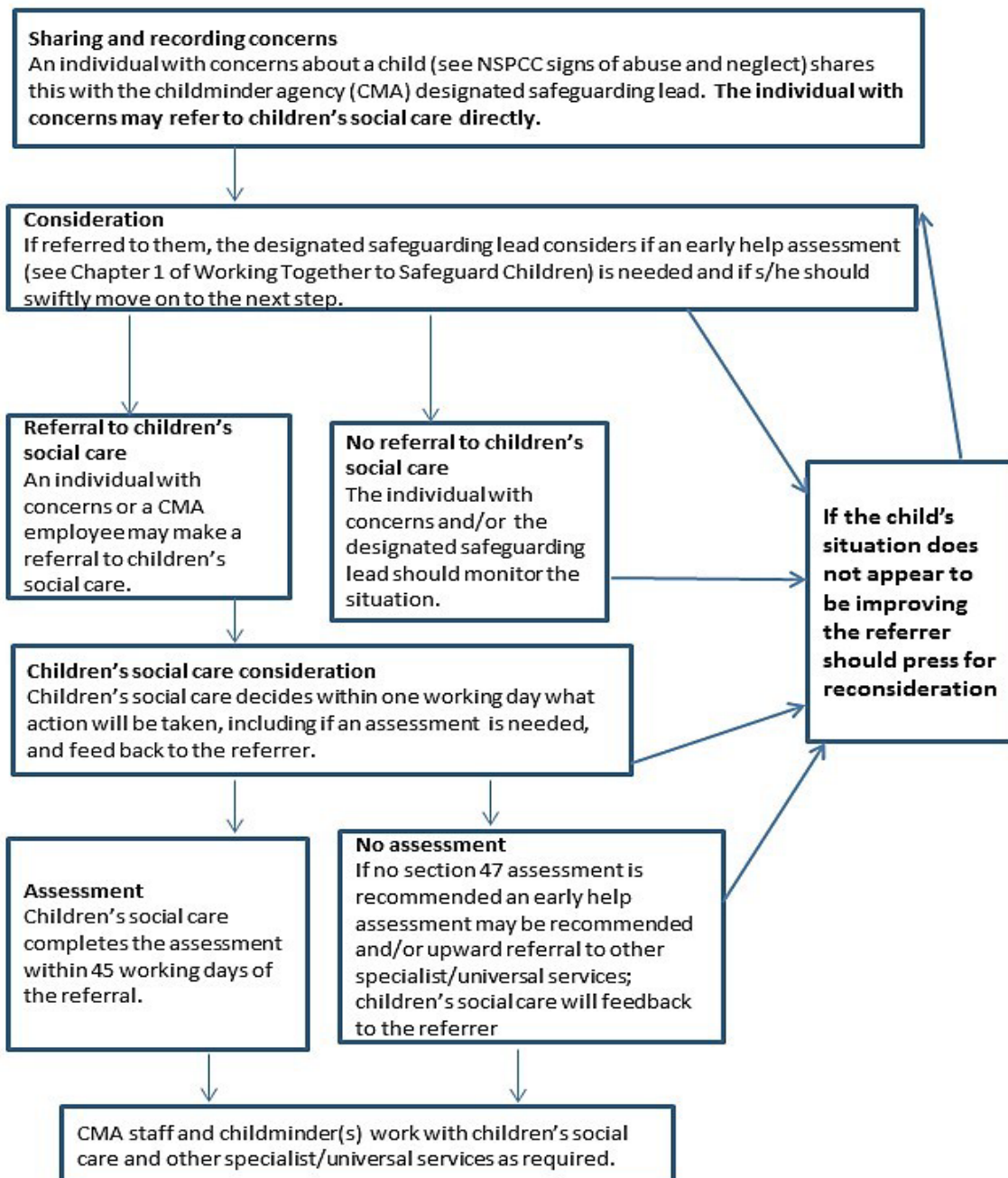
The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 – These regulations set out the orders, determinations, offences and other grounds which result in disqualification from

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 orders, determinations and offences which give rise to disqualification from registration as a childcare provider does not give rise to disqualification from registration as a childminder agency. These regulations replaced the Childcare (Disqualification) Regulations 2009, which were previously amended by the Childcare (Childminder Agencies) (Miscellaneous Amendments) Regulations 2014.

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

General

Further information about [childminder agencies on the Foundation Years website](#)

Ofsted guidance for registering on the [early years and general childcare register](#)

Information about [free education and childcare for two-year-olds](#)

Information about [15 hours free education and childcare for three- and four-year-olds](#).

Information about [30 hours free childcare for three- and four-year-olds](#)

Information about the [Early Years Pupil Premium](#)

Information about [children with special educational needs and disabilities \(SEND\)](#)

Top ten things to know about [Tax-Free Childcare scheme](#)

Section 1 – How to register as a childminder agency

Information about [the required Disclosure and Barring Service \(DBS\) checks](#).

Section 2 – Registering childminders with the agency

Guidance for [childminder agencies registering with Ofsted](#)

Information on [becoming a registered early years or childcare provider](#)

Ofsted's application form to seek [approval to operate from non-domestic premises](#)

Further information about the [Disclosure and Barring Service \(DBS\)](#)

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

Link to [find your local council](#)

Information about [Ofsted's childcare protocols with other organisations](#)

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

Annex D – Useful contacts for childminder agencies

Organisation	Contact details	Helping with
Ofsted	Ofsted, 5 th floor, Piccadilly Gate Manchester, M1 2WD Email: childminder.agencies@ofsted.gov.uk	Enquiry point for agencies who want to raise queries with Ofsted about childminders or providers seeking to register with an agency.
Defence Children Services (DCS), Ministry of Defence	Email: rc-dcs-hq-mailbox@mod.gov.uk	Directorate within the MOD responsible for carrying out delivery functions, including delivery of education and childcare overseas in MOD settings.
Armed Forces Families and Safeguarding ⁷² (AFFS), Ministry of Defence	Email: people-affs-mailbox@mod.gov.uk	Directorate within the MOD responsible for all policies relating to service families, children and safeguarding.
All enquiries regarding the inspection and regulation of early years and childcare for the Ministry of Defence	Defence Children Services Head Office Trenchard Lines, Upavon Wiltshire, SN9 6BE <ul style="list-style-type: none"> For Cyprus contact: eybis.coord@modschools.org For rest of the world contact: dcyp.row@modschools.org 	All enquiries regarding the registration of childminders in overseas Commands in Western Europe and the rest of the world (ROW), including: information sharing to assist moves by military personnel or their relatives between regulatory authorities.
All enquiries regarding the registration of childminders in overseas commands.	Please use the DCS Mailbox address: rc-dcs-hq-mailbox@mod.gov.uk	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. For example, contacting the appropriate services for information held that may impact on an applicant's ability to childmind, such as domestic violence or other information that is held similar to that of a local authority children's services department.

⁷² DCS and AFFS were introduced following a restructure of [Directorate Children & Young People](#) at MOD.



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