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Guidance

Childminder agencies: registration and suitability

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Childminder agencies and the law

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

A childminder agency must not operate without being registered and must meet a range of legal requirements. It is an offence to falsely represent that you are a childminder agency and you may be prosecuted if you do so.

A childminder agency is required by law to:

- maintain a statement of purpose that reflects how the agency meets the requirements for registration
- ensure a childminder's suitability, including, where appropriate, their capacity to deliver the statutory requirements of the early years foundation stage (EYFS) statutory framework and/or the Childcare Register requirements, as applicable
- ensure the suitability of all those working in the agency, including, where appropriate, their capacity to support and monitor childminders registered with the agency
- support the training and development of childminders
- quality assure the standard of care being delivered by the childminders registered by the agency

The legal basis for regulation

Ofsted inspects childminder agencies under the Childcare Act 2006 (the Act), as amended by the Children and Families Act 2014. The Act establishes Her Majesty's Chief Inspector of Education, Children's Services and Skills (HMCI) as the authority for regulating childminder agencies in England. It gives HMCI responsibility for registering and inspecting childminder agencies on the Early Years Register and the Childcare Register and for carrying out enforcement action where it appears that legal requirements are not being met.

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

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

- registering agencies
- inspecting registered agencies

- checking that agencies meet the legal requirements for registration
- taking enforcement action when an agency does not meet the legal requirements for registration

The purpose of regulation is to:

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

Disqualification

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

- you're barred from working with children
- you have had a childcare registration, for example as a nursery or childminder, refused or cancelled in the past (unless we did this because your fees were not paid)

Refusal or cancellation of a childminder agency registration does not disqualify you from applying to work with children.

A full list of the matters that could disqualify an individual from registering as a childminder agency is provided in The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

It is an offence to operate a childminder agency or be involved in managing a childminder agency if you're disqualified. It is also an offence to employ a disqualified person. However, an individual can apply to Ofsted to waive their disqualification in some circumstances.

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

The registers

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

The Early Years Register

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

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

The Childcare Register

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

This register has 2 parts:

- a compulsory part, for those who want to care for one or more children following their fifth birthday up to the age of 8 and all those registered as later years childminder agencies
- a voluntary part, for those who are not eligible for compulsory registration, those who want to look after children aged 8 and over and those providing care in the child's home (usually nannies)

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

Which registers to apply for

If you run a childminder agency that only registers childminders who provide childcare for at least one child in the early years age group and care for children for more than 2 hours in any one day, you must register on the Early Years Register.

If you run a childminder agency that only registers childminders who care for children from 1 September following their fifth birthday up to the age of 8, you must register on the Childcare Register.

If you run a childminder agency that registers childminders who care for children of mixed ages, including the early years age group and, at times, the later years age group, you must register on both the Childcare Register and the Early Years Register.

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

Before you apply

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

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

Registered person

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

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

Registered individuals

Where the registered person is an organisation, and the organisation's main purpose is to operate childminder agencies, the individuals legally responsible for that organisation are the registered individuals. They may need to register with Ofsted as part of the agency's application. For example:

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

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

Nominated individual

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

- take responsibility for dealing with matters relating to the agency's application to register with Ofsted, and its subsequent registration
- oversee (either alone or with others) the management of the agency. This person will be interviewed during the registration process and will receive all legal documents and correspondence.

The nominated individual must have a full and thorough understanding of their own role within the childminder agency, as well as a full understanding of the requirements for registration and, depending on the registers the agency wishes apply for, the requirements of the statutory framework for the EYFS and/or the Childcare Register.

Statement of purpose

Each childminder agency is required to have and maintain a statement of purpose that accurately depicts the service provided at any given time. All staff employed at the agency must understand its contents and how the details within it apply on a daily basis in different situations.

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

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

Circumstances where a new application is not required

We do not require a new application if an individual or organisation acquires a childminder agency already registered with Ofsted and decides that the registered person will remain the same, for example if a company running a registered childminder agency is purchased and the new owner(s) continue to operate the agency under the same company.

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

If a registered person changes their registered address (the address where we serve legal notices) or the name of their childminder agency, this does not require a new application for registration. This is because the registered person remains the same. You should notify us of these changes by email as soon as they occur, and in any case within 14 days. This is so that we can issue a new certificate or update the address for legal correspondence when necessary.

Who is registered and who makes the application?

The following table identifies:

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

Registered person	Description	Application signed by	Main purpose running childminder agency – Ofsted checks	Main purpose not running childminder agency – Ofsted checks
Individual	The sole owner of an agency.	Individual	Individual	Individual

Company	Companies are legally constituted and separate legal entities, have a company name, are registered with Companies House, and have a company registration number.	An officer of the company	All company officers	The person applying to be the nominated individual
Statutory body	An organisation where the main purpose of that organisation is set out in legislation, for example a local authority or school governing body.	The person applying to be the nominated individual	Not applicable	The person applying to be the nominated individual
Partnership	A partnership is where two or more individuals act together to provide the agency. The registered person is each of the individuals making up the partnership. Partnerships can be formally constituted under a legal agreement, or informal.	A partner on behalf of all partners in the firm	All partners	The person applying to be the nominated individual
Committee	Committees are not constituted in law and are informal associations/groups. Each individual in the committee is considered as the registered person and is equally responsible and accountable for the provision. The committee includes everyone who is part of the committee on the date that Ofsted takes any action in connection with the registration.	A committee member on behalf of the committee	All committee members	The person applying to be the nominated individual
Other organisations	Any organisation that does not fit into the above categories, for example charitable incorporated organisations	A responsible person representing the organisation	Everyone making up the governing body of the organisation	The person applying to be the nominated individual

What to provide when you apply

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

- an application form CMA1
- a declaration and consent form CMA2 for each individual listed in the CMA1
- photocopies or good-quality digital photographs/scanned copies of DBS certificate(s) that meet Ofsted's requirements for all individuals who are part of the application
- a statement of purpose

We will not accept an application that does not include all the required information. Incomplete applications will be returned to the individual owner or nominated individual with advice on what is required for the application to be accepted.

Applications made by existing registered childcare providers

An applicant already known to Ofsted may choose to expand their business by setting up a childminder agency. In such cases, we still require submission of a full application, including a CMA1 form, CMA2s for all individuals associated with the application, a statement of purpose, any required DBS certificates, and payment of an application fee.

How we process your application

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

Once we have processed your application, we will:

- acknowledge receipt and advise of any action you need to take
- request the necessary suitability checks for each individual
- ask you to pay the application fee
- chase outstanding checks on a regular basis
- arrange for an inspector to visit you once it is deemed appropriate to do so, usually after we have completed all the checks and received payment of your fee

We aim to complete the registration process within 16 weeks; in some cases, we may be able to complete this more quickly. However, as we depend on information from other agencies, there may be delays that are outside our control.

Fees

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

Suitability checks

When you apply to register a childminder agency, we will carry out a series of checks on everyone associated with the application. This includes contacting your relevant local authority children's services department. We may carry out other checks if we judge it necessary to determine an individual's suitability.

All applicants must use the declaration and consent form CMA2 to allow us to carry out these checks and make a decision on the applicant's suitability.

Disclosure and Barring Service

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

- state that it is for the child workforce
- be in the individual's current legal name
- either have been obtained through Ofsted's DBS application website and issued within the 3 months before we received your complete application, or be registered with the DBS Update Service

You can apply for a DBS check through Ofsted's DBS application website. Unless you are registered with the DBS Update Service, we will only accept an Ofsted DBS certificate within 3 months of the date it was issued. Because of this, we strongly recommend that you sign up to the Update Service to keep your certificate up to date.

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

Applicants who have previously lived abroad

If you or anyone connected with the application have lived abroad in the last 5 years, the countries you or they lived in must be declared in the application. We may need extra evidence of suitability depending on the country or countries. The types of evidence we need will depend on the person's history and what they can supply to show their suitability.

A certificate of good conduct is the most usual form of evidence we need in this situation. We need a certificate of good conduct for every country where the person has lived. You can find out more about checks for overseas applicants.

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

- is a refugee
- is a UK resident who has been working or travelling abroad, for example on a gap year
- has travelled extensively and has not remained in any country long enough to establish a history

If a certificate of good conduct is required but the applicant is able to demonstrate that this cannot be obtained, we will consider what other information is available. Types of other information might include:

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

- evidence to support any work permit

If an applicant lived abroad on a British military base, we may ask them to complete an application for a Soldiers, Sailors, Airmen and Families Association Forces check and/or a Polaris Children's Services check, or to provide other evidence of their suitability, depending on the location of the base.

Applicants who currently live abroad

There is nothing to prevent you from applying to register a childminder agency if you live abroad. In these cases, you must identify a nominated individual who is resident in this country so that we can carry out checks on that person. You would still need to be able to provide evidence of your suitability for your country of residence, for example through a certificate of good conduct, plus for any other countries you have lived in during the last 5 years. If this includes the UK then a DBS check would be required, in which case you should refer to the DBS unusual addresses guide.

People previously known to Ofsted

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

Re-checking people who are registered with Ofsted

We do not routinely repeat checks on people who are already registered with us. However, we have the right to re-check an individual if we have concerns about whether they continue to meet the requirements for registration, including suitability. We may also ask them to supply us with a new DBS certificate if we do not have evidence of an existing one (or a Criminal Records Bureau (CRB) certificate, the DBS's predecessor) on record, or to complete additional checks that may be required if they are changing role.

Checks on agency staff

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

The DfE has guidance for childminder agencies, which includes information about the checks. You may choose to take up additional checks to the ones set out in the regulations if you wish, but you must complete all the checks that are required in the regulations.

The registration visit

Once we have processed your application and payment of the fee has cleared, an inspector will arrange a registration visit. This will normally happen once all the necessary checks are complete but could happen earlier. It may take place at any premises or office you may have in relation to the agency or at any of Ofsted's offices.

The registration process is the same for a childminder agency that wishes to register on the Early Years Register and/or the Childcare Register. However, the questions asked by the inspector will differ dependent on which register you apply for. This is because the requirements that the childminders have to meet vary depending on the age of the children.

Documents to show the inspector

At the visit, the inspector must check the identity of anyone present who is part of the registered person, plus the nominated individual where the registered person is an organisation. We need to satisfy ourselves that we have a complete history of your names and addresses so that we can be confident we have carried out all other checks effectively, such as with local authority children's services departments.

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

Document type	Examples
Photo ID	Passport or driving licence
Proof of address (2 pieces of evidence)	Gas, electricity, water or council tax bill, or a letter from a government agency, credit card, bank, or mortgage statement
Proof of any name changes	Marriage certificate or decree absolute
Employment history	CV or details of where you have worked
DBS certificates	Certificates for everyone involved

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

Registration requirements

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

- your understanding of the registration requirements for childminder agencies
- your knowledge of the EYFS and/or the Childcare Register requirements, depending on which registers you wish to be placed on
- your recruitment procedures and how you ensure that agency staff are suitable for the roles that they undertake
- the systems in place to ensure your childminders are suitable, qualified and suitably experienced to work with children, and that they can effectively meet the requirements of the appropriate registers
- the systems in place to monitor the quality of your childminders
- how these systems and procedures relate to the service your agency intends to provide as set out in your statement of purpose
- you and your staff's understanding of your statement of purpose and how you will apply its content to situations and circumstances that may occur during the daily operation of the childminder agency

Pausing your application

You may ask us to put your application on hold. We can do this for up to 16 weeks in exceptional circumstances, but we will usually only do it once.

Situations when we are likely to put your application on hold are:

- short-term illness, injury or hospitalisation for surgery
- death in the family
- significant building work or planning difficulties
- pregnancy

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

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

The registration decision

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

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

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

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

After registration

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

Annual fee

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

Checks on childminders

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

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

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

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

Inspections

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

We monitor this through regular inspections.

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

Compliance and enforcement

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

Keeping Ofsted informed

Registration of first childminder

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

Quarterly updates

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

The four quarters are as follows:

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

Childminder registration log

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

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

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

Change of legal entity

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

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

Change of nominated individual

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

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

Change to the registered individuals

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

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

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

Closure of a childminder agency

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

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

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

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