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Guidance

Framework for the regulation of providers on the Childcare Register

Updated 1 November 2024

Applies to England

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Introduction

This framework gives an overview of the regulatory system for anyone applying to register on the Childcare Register (see the [‘Definitions’ section](#)) and for anyone who is already registered on it.

This framework is not for anyone applying to register or already registered on the Early Years Register, or anyone registered on both the Early Years and Childcare Registers. If this is the case for you, see our separate [registration guidance](#).

The legislation

The legal basis for regulation

The [Childcare Act 2006 \(the Act\)](#) establishes His Majesty's Chief Inspector of Education, Children's Services and Skills (HMCI) as the authority for the regulation and inspection of childcare provision in England. The Act gives HMCI responsibility for the registration and inspection of providers that are registered on the Childcare Register and the responsibility for enforcement, if it appears that legal requirements are not being met.

Ofsted regulates and inspects certain types of provision registered on the Childcare Register only. These are set out in the ['Definitions' section](#). For clarity, we will refer to childminders, providers on domestic and non-domestic premises and nannies (home childcarers) throughout this document.

Ofsted uses its regulatory powers to inspect providers on the Childcare Register. This includes a power of entry under [section 77 of the Act](#) to determine whether a provider is complying with its conditions or requirements of registration.

The requirements that providers must comply with (according to the type of provision) are set out in the Act and associated regulations. This includes [The Childcare \(General Childcare Register\) Regulations 2008](#), as amended.

Providers must also comply with other legal obligations. These may include:

- employment laws
- anti-discriminatory legislation
- health and safety legislation
- data collection regulations
- duty of care

Providers should use independent legal advice to ensure their compliance with these requirements.

Ofsted's regulatory role

There are 3 aspects to Ofsted's regulation of providers on the Childcare Register. These are:

- [registering applicants](#), including checking that applicants are suitable to care for or be in regular contact with children
- carrying out compliance inspections to check that providers continue to meet the ongoing legal [requirements for registration](#)
- taking enforcement action when requirements for registration are not being met or when provision that requires registration is operating without being registered

The purposes of regulation

The purposes of regulation are to:

- ensure that children who attend registered childcare provision are cared for by adults who are suitable to provide childcare
- confirm that registered providers continue to satisfy the [requirements for registration](#)
- provide information to the Secretary of State for Education and to Parliament about registered childcare provision

The Childcare Register

The [Childcare Register](#) has 2 parts.

The compulsory part (Part A)

Providers must register on this part if they care for one or more children from 1 September following their fifth birthday until they reach their eighth birthday for a

period (or total period) of more than 2 hours in any one day. However, if a [registration exemption](#) applies, providers do not have to register.

The voluntary part (Part B)

Providers that do not have to register, such as those that provide care for children aged 8 or over or those who are exempt from compulsory registration, may choose to register voluntarily. Providers who are exempt from compulsory registration can offer childcare for children of any age (subject to any exemption requirements), but the exemption must cover all of their childcare provision. Examples include nannies (home childcarers), crèches, activity-based provision such as sports coaching, and childcare that is incidental to a home education arrangement.

Providers on the voluntary part of the register must care for a particular child or children for 2 or more hours in any one day or provide childcare for a period ending at the start of normal school hours, or beginning at the end of normal school hours.

Registration and the law

It is a criminal offence to provide childcare that requires registration without being registered. Ofsted may take enforcement action in line with our [early years and childcare enforcement policy](#) against any person who provides this form of unregistered childcare. This includes those providers that must join the compulsory part of the Childcare Register. We are also able to serve an enforcement notice requiring an individual to stop providing unregistered childminding.

Providers registered on the voluntary part of the Childcare Register can provide their service without registration and may continue to provide it if they resign from the register or we cancel their registration.

Registration

When we receive an application to register, we will consider whether the applicant meets, and is likely to continue to meet, the registration requirements of [The Childcare \(General Childcare Register\) Regulations 2008](#).

The process of registration on the Childcare Register involves basic suitability checks for those connected with the registration. In applying for registration, applicants agree that they will meet, and continue to meet, the requirements for registration once they are registered. Details of the registration process are available

in the [collection of guidance documents for registering to provide childcare services in England](#).

The application process will usually take up to 10 weeks but may take longer, depending on the content and timeliness of the information that we receive when carrying out checks.

Before applying

Local authorities provide information, advice and training to childcare applicants. Applicants should contact their local authority for pre-registration advice before they complete an application form for registration with Ofsted. You can find further information in our pre-registration briefings for [childminders](#) and [childcare providers](#).

Prospective applicants need to know the ongoing [requirements they must meet](#). These are set out in the pre-registration briefing for [childminders](#) or [childcare providers](#) wishing to register on the Childcare Register only.

All applicants, including childminders and nannies, must make sure they meet the requirements, including those [relating to training and first aid](#) before they start.

People disqualified from providing registered childcare or working in registered childcare provision

The law disqualifies some people from registering as a childminder or childcare provider. See the [guidance on how to tell if you might be disqualified](#). You can also find further information on disqualification in the [early years and childcare enforcement policy](#).

In some cases, people who are disqualified may be able to register by [applying to Ofsted to waive their disqualification](#).

Making an application

A person who wishes to register as a childminder with domestic premises, a

childminder without domestic premises, a nanny or a group provider on the Childcare Register must apply to Ofsted, giving all the information required. It is an offence to knowingly make a false or misleading statement in an application.

Group provision refers to childcare on domestic premises and childcare on non domestic premises.

Applicants must use our [online application form](#).

An application is not complete without all of the following:

- a completed online application form
- an application fee
- Disclosure and Barring Service (DBS) certificates for all those connected to the application

The fees are set by the Department for Education. These are outlined in the Childcare (Fees) Regulations 2008, as amended.

Childminders who work on domestic premises and nannies do not have to make new or separate applications if they move house. They also do not need to make a new or separate application if they wish to care for children from more than one set of domestic premises. However, they must tell us in writing if they change the addresses where they provide childminding. They must do this in advance if possible or as soon as reasonably practicable. If you need to tell us about a change such as a change in your address please use enquiries@ofsted.gov.uk.

Childminders without domestic premises must gain approval for any premises they wish to work from. They must do this in advance.

Childminders who work on domestic premises may also ask to be a nanny as part of their childminder registration. They can ask to do this at any point after their application has been accepted. Childminders without domestic premises can apply for a separate registration to be a nanny.

If childminders work together or employ assistants to help them, and the number of people assisting with the provision of childcare or working with children at any one domestic premises exceeds 4, then the law says this is not childminding. Anyone working like this must register as childcare on domestic premises, which is a group provision and must comply with group provision requirements. The applicant may apply to register as an individual, a partnership or any other organisational arrangement that wishes to provide the childcare.

Applications for registration on more than one register

If you are not registered on any register yet, you only have to pay one fee for your application, even if you are applying to join more than one register.

If you are already registered on the Early Years Register, you can choose to also join either part of the Childcare Register at any time at no additional cost. To add an existing registration to the Childcare Register, email enquiries@ofsted.gov.uk from the email address linked to your registration to request this. You will need to specify which part(s) you want to join.

If you are only registered on the Childcare Register and want to join the Early Years Register as well, you must make a separate application and pay an application fee.

To apply to register on the Early Years Register, you must understand and apply the [Statutory requirements of the early years foundation stage](#), follow the [guidance](#) and submit an application form. We carry out different checks for these applications, including a registration visit.

Carrying out checks

We carry out checks on all applicants to join the Childcare Register and on the other people the applicant has identified as being connected with the registration on the application form. These checks help us to decide whether everyone involved is suitable to care for or be in regular contact with children.

Each person involved in an application agrees to Ofsted carrying out these checks. They also give consent for the local authority to share any information about them that is relevant to our decision on their suitability.

If you have applied to provide childminding or childcare on domestic premises, we will carry out checks on you and all the relevant individuals involved in your application. This includes every person caring for children and every person aged 16 and over who is living or working on the premises where you will provide childminding and/or childcare.

If you have applied to provide childminding without domestic premises, we will carry out checks on you and all the relevant individuals involved in your application. This includes every person aged 16 and over providing or assisting with childcare.

If you have applied to provide childcare on non-domestic premises, the range of checks we carry out will depend on whether:

- your sole or main purpose is to provide childcare, or
- your organisation has a different purpose but also wishes to provide childcare (for example, it is a manufacturing company that wants to run a nursery for its employees' children on site)

The range of checks we carry out will also depend on whether you must register with us on the Childcare Register or whether you have chosen to do so. The individual or organisation applying for registration is responsible for ensuring that anyone working on the premises where childcare is provided is suitable for the role they hold.

There is more information about those we check in the [childminders and childcare providers registration manual](#).

The registration decision

For people who are only applying to join the Childcare Register, we do not routinely carry out an interview or a registration visit. On occasion, we may interview applicants, either by telephone or in person, if concerns have been raised about their suitability.

Where the application and any checks are complete and it appears that the requirements for registration are satisfied, we will grant registration and issue a certificate of registration.

Certificate of registration

The certificate sets out:

- the date of registration
- the unique reference number (URN)
- the register(s) the provider is now registered on
- the specific provider type
- the name of the registered person

- the address(es): for childminders, and childminders without domestic premises, this is the address(es) at which childminding may take place, and for nannies, this is their principal postal address
- any conditions that apply to the registration

Childminders, childminders without domestic premises and group provision must display their certificate when providing childcare on the Childcare Register.

Childminders, childminders without domestic premises, group provision registered only on the Early Years Register and nannies should show their certificate on request.

Conditions of registration

For those on the Childcare Register, we impose, vary or remove conditions under [section 58 of the Childcare Act 2006](#). For those on the Voluntary Childcare Register, we do this under [section 66 of that Act](#).

We have the power to impose conditions at the point of registration. We will not impose, at this stage, a condition that replicates a legal requirement. If we are not satisfied that an applicant is able to meet the requirements for registration, we must not register them (as per sections [54](#), [55](#), [62](#) and [63](#) of the Act).

We serve a notice of intention setting out the reasons for the action proposed. The provider may [object](#). However, if these objections are not upheld, we then serve a notice of decision. The provider may [appeal](#).

We publish a provider's conditions of registration on the certificate. You can find more information about how and when we impose conditions in our [enforcement policy](#).

Refusing registration

Where we propose to refuse registration, we send the applicant a notice of our intention to refuse the application. The applicant has a right to [object to our notice](#). We consider any objections made.

If we decide to take the step to refuse registration, we send the applicant a notice of

our decision. Applicants have a right to appeal to the Tribunal against this decision. We send details of how to do this with the notice. You can find more information in our [how to object](#) and [how to appeal](#) guidance.

Withdrawing an application

Those applying to join the compulsory part of the Childcare Register may withdraw their application at any stage up to the service of a notice of intention to refuse registration. Applicants may not withdraw their application after that point unless we agree they can do this.

Applicants may withdraw their application to join the voluntary part of the Childcare Register at any stage. They can continue to provide childcare that does not require compulsory registration.

Telling Ofsted about changes

By law, childcare providers must keep their details up to date and tell us about any of the following:

- changes to where they are working
- changes to contact details
- any significant event that might affect suitability to look after children
- [serious childcare incidents](#) (this must be notified as soon as possible but at the latest within 14 days)

Inspection

Ofsted's agreement with the government is to inspect 1 in 10 providers on the Childcare Register each year. We select which providers to inspect on a proportionate and risk basis rather than following a prescribed inspection cycle.

Our [guidance on carrying out Childcare Register inspections](#) sets out the full inspection process for those registered on the Childcare Register.

Compliance and enforcement

How we act on information

From time to time, we receive complaints or other information about providers that suggests they may not be meeting the ongoing requirements of the Childcare Register. The [early years enforcement policy](#) provides guidance about how we respond to the different types of information that we receive.

In most cases, we will carry out a compliance inspection to make sure that the provider continues to meet requirements and remains suitable for registration.

If the concern does not prompt an immediate inspection, we may refer it back to the provider to take action and follow this up with them at their next inspection. We may also consider the information as part of any further risk assessment we carry out.

We may also gather further information before inspection in cases where the information involves other agencies, such as the police or child protection services.

Raising actions

If, at inspection, we find that a registered person is not meeting the ongoing requirements for registration, we may set the provider actions that explain what the provider must do and by when. These actions are included in the inspection letter.

Enforcement

We may take enforcement action using our regulatory powers when:

- registered persons are failing to meet the ongoing requirements of the Childcare Register or conditions of registration
- an unregistered person is providing childminding or other childcare that requires registration

The types of enforcement action we can take against a provider that breaches the

requirements of the Childcare Register include:

- refusing a registration
- refusing approval of additional or different premises
- imposing or varying conditions of registration
- raising an action
- suspending a registration
- cancelling a registration

We take a consistent and proportionate approach to enforcement. We will consider each case individually before deciding what enforcement action to take, in line with the principles of our [early years and childcare enforcement policy](#).

We suspend registration if we reasonably believe that the continued provision of childcare by the registered person to any child may expose the child to a risk of harm. You can find more information about suspension in our [enforcement policy](#) and in the guidance about [suspending a childcare provider](#).

Carrying out our work

All inspectors and other staff carrying out regulatory and inspection work will have identification that they must show providers before entering their premises. If you have concerns about an inspector's identity, please [contact us](#).

You can find out more about [conduct during Ofsted inspections](#).

Quality assurance

We monitor the quality of our work through a range of quality assurance arrangements.

In the rare event that we need to gather additional evidence to secure an inspection outcome, we may judge an inspection and/or inspection report to be incomplete, in line with our [guidance on gathering additional evidence to secure an incomplete inspection outcome](#). If this happens, we will notify the provider that the inspection is incomplete and that a further visit may be necessary to make sure that enough

evidence is gathered to secure the inspection outcome.

All registered providers will be invited to complete a post-registration or post-inspection survey.

Complaints about Ofsted

We welcome comments and suggestions about our work. From time to time, we also receive complaints. You can find more information in our [complaints guidance](#).

Definitions

Here is an explanation of some of the terms used in this framework and in our other early years and childcare guidance.

Childminder

Childminders care for children in their own or someone else's home for payment or reward. They can spend some of their time caring for children at approved non-domestic premises.

Childcare does not count as childminding if it takes place in the home of one of the children being cared for unless the care is for more than 2 different families at the same time.

Childminders can work alone or with up to 3 other childminders or assistants at any one time. Each childminder working at a particular address must apply for registration. If 5 or more adults will be working with children at any one time, the provision must be registered as childcare on domestic premises (see definition below).

Childminders only need to apply to register once, even if they work from a number of different homes. However, they must tell us about all of the homes where they will work.

Childminder without domestic premises

Childminders without domestic premises care for children on non-domestic premises, such as a village hall or school, only.

Childcare does not count as childminding if it takes place in the home of one of the children being cared for unless the care is for more than 2 different families at the same time.

Childminders without domestic premises can work alone or with up to 3 other childminders or assistants at any one time. Each childminder working at a particular address must apply for registration. If 5 or more adults will be working with children at any one time, the provision must be registered as childcare on non-domestic premises. See the definition below.

Childminders without domestic premises only need to apply to register once, even if they work from a number of different premises. However, they must gain approval for each premises before looking after children from them.

Childcare providers on domestic premises

This is when 5 or more people provide care or assist in caring for children on domestic premises at the same time.

Childcare on domestic premises is a group provision and must comply with the requirements of group provision.

If 5 or more people look after children at any time, they are providing childcare on domestic premises, not childminding, and must be registered for this.

Childcare providers on non-domestic premises

These are registered providers that care for children on premises that are not someone's home. These premises can range from converted houses to purpose-built nurseries, schools and community centres and are usually known as day nurseries, private nursery schools, pre-schools and before- and after-school clubs.

Childcare Register

This is a register of providers that are registered by Ofsted to care for children from birth to 17 years.

The register has 2 parts.

Providers must register on the compulsory part if they care for 1 or more children aged from the 1 September following their fifth birthday until they reach their eighth birthday.

Providers can register on the voluntary part if they are not eligible for compulsory registration. They may look after children aged 8 and over or they may meet the requirements of an exemption from compulsory registration and look after children of any age (subject to the requirement of the exemption). Exempt provision includes nannying (home childcarer), activity-based provision, creches and open-access childcare.

Domestic premises

These are any premises that are wholly or mainly used as a private dwelling: that is, someone's home. A home is defined as where someone lives outside any work or study. This means they normally have meals there, sleep there and spend their leisure time there.

Non-domestic premises

These are any premises or vehicle that are not used wholly or mainly as a private dwelling: that is, not someone's home.

Early years age group

This age group is defined as children aged from birth until the 31 August following their fifth birthday. This stage of their lives is also known as the early years foundation stage.

This age group is referred to in legislation as ‘young children’.

Early years foundation stage framework (EYFS)

The [early years foundation stage framework](#) includes requirements related to young children’s safeguarding and welfare, and their learning and development, which all providers must meet.

The EYFS framework must be delivered by all schools and early years settings that are registered on the Early Years Register.

Early Years Register

All providers who care for children of early years age must register on the Early Years Register unless they are [exempt](#).

You can find more information about registration on the Early Years Register and exempt providers in our guide to [becoming a registered early years or childcare provider in England](#).

Home childcarer

Home childcarers are nannies or au pairs. We refer to home childcarers as nannies for simplicity. They are a person aged 18 or over who cares for children, aged from birth to 17 years, of no more than 2 families at any one time, wholly or mainly at the home of one of the children.

Registered person

An individual or organisation that is registered to provide childcare.

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