

Requirements for the voluntary part of the Childcare Register

Age group: 0–17

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Introduction

This information leaflet describes the requirements set out in regulations for the voluntary part of the Childcare Register.¹ If providers choose to be included on this register they must meet these requirements at all times when providing childcare.

The requirements cover the following:

- welfare of the children being cared for
- arrangements for safeguarding the children
- suitability of persons to care for or be in regular contact with children
- qualifications and training
- suitability and safety of premises and equipment
- how the childcare provision is organised
- procedures for dealing with complaints
- records to be kept
- providing information to parents
- providing information to Ofsted
- public liability insurance
- the certificate of registration.

The law allows Ofsted to carry out inspections to check that providers comply with these requirements.

All childcare providers must also comply with other relevant legislation including that covering health and safety, disability discrimination, food hygiene, fire and planning requirements.

Welfare of the children being cared for

All providers must ensure that:

- children receiving childcare are kept safe from harm
- at least one person who is caring for children has an appropriate first aid qualification
- they do not use corporal punishment.

All providers except home childcarers must ensure that:

- no person caring for children, or living or working on the premises where the childcare is provided, uses corporal punishment.

¹ The Childcare (Voluntary Registration) Regulations 2007 Part 3 Regulation 8(1):
www.opsi.gov.uk/si/si2007/20070730.htm.

Childminders and home childcarers must:

- be present at all times on the premises while care is being provided.

Other childcare providers must ensure that:

- at least two suitable persons are present on the premises at all times
- at least one of these persons must be the registered person or someone employed by them.²

All providers except home childcarers must ensure that:

- no person smokes, or consumes or is under the influence of drugs (including medication that may have an adverse effect on the individual's ability to provide childcare) or alcohol:
 - on the premises at any time while childcare is provided, or
 - in the presence of a child receiving childcare.

Home childcarers:

- must not smoke, or consume or be under the influence of drugs (including medication that may have an adverse effect on their ability to provide childcare) or alcohol while providing childcare.

Arrangements for safeguarding children

All providers except home childcarers must:

- keep and implement a written statement of procedures to be followed for the protection of children, intended to safeguard the children being cared for from abuse or neglect
- ensure that no individual who is unsuitable to work with children has unsupervised access to a child receiving childcare.³

Home childcarers must:

- ensure they are familiar with issues of child protection and procedures to safeguard children from abuse or neglect.

² It is the responsibility of the registered person to ensure that anyone working with children is suitable by obtaining an enhanced Criminal Records Bureau (CRB) check.

³ An individual is not suitable to work with children unless the registered person is satisfied that a satisfactory enhanced CRB check has been obtained in respect of that individual.

Suitability of persons to care for, or be in regular contact with, children

All providers must have effective systems to ensure that the registered person and any person caring for, or in regular contact with children:

- is suitable to work with children which must include obtaining an enhanced CRB check⁴
- is of integrity and good character
- has skills and experience suitable for the work
- is physically and mentally fit for the work.

Qualifications and training

All providers must ensure that:

- at least one person who is caring for children on the premises has successfully completed training in the core skills as set out in the document 'Common Core of Skills and Knowledge for the Children's Workforce'. You can find more information about the core skills at www.everychildmatters.gov.uk/deliveringservices/commoncore/

Suitability and safety of premises and equipment

All providers must ensure that:

- the premises and equipment used for the purposes of the childcare are safe and suitable for that childcare
- a child is unable to leave the premises unsupervised except where the childcare is open access childcare, or in the case of older children, where the registered person has agreed with the parent of the child that they may leave the provision unaccompanied
- no one can enter the premises without the knowledge of a person who is caring for children on the premises.

All providers except home childcarers must:

- ensure that the premises are safe for the provision of childcare
- undertake a risk assessment of the premises and equipment:
 - at least once in each calendar year, and
 - immediately, where the need for an assessment arises
- ensure that all necessary measures are taken to minimise any identified risks.

⁴ Childminders will not be able to obtain CRB checks for members of their household or assistants.

Home childcarers must:

- advise parents/guardians/carers of any health and safety risks.

How the childcare provision is organised

All providers except home childcarers must:

- make arrangements with other childcare providers or with parents for occasions on which the registered person is not able to provide childcare.

All providers must ensure that:

- children's behaviour is managed in a suitable manner
- where older and younger children are together, the behaviour of children over the age of eight years does not have a negative effect on the younger children.

All providers must ensure that the childcare is accessible and inclusive by:

- taking all reasonable steps to ensure that the needs of each child, relating to their childcare, are met
- not refusing to provide childcare or treat any child less favourably than another child by reason of the child's:
 - race
 - religion or belief
 - home language
 - family background
 - gender, or
 - disability or learning difficulty⁵
- taking all reasonable steps to enable children with disabilities to have access to the premises.⁶

Procedures for dealing with complaints

All providers except home childcarers must:

- have a written statement of procedures to be followed in relation to complaints which relate to the requirements of the Childcare Register and which a parent makes in writing or by email
- ensure that each complaint is fully investigated

⁵ Within the meaning of section 312(2) of the Education Act 1996: available from www.opsi.gov.uk/acts/acts1996/1996056.htm.

⁶ In compliance with the duty in section 21 of the Disability Discrimination Act 1995: available from www.opsi.gov.uk/acts/acts1995/1995050.htm.

- keep a written record, for a period of two years, of these complaints including the outcome of the investigation and the action the provider took in response.
- inform the parent who made the complaint (in writing or by email if the parent requests this) of the outcome of the complaint, within 20 days of the date the complaint was made
- make available to Ofsted, on request, a summary of complaints made in relation to the requirements during the past 12 months and the action that was taken as a consequence
- produce for Ofsted, on request, a list of such complaints made during the previous two years.

Records to be kept

All providers except home childcarers and those providing open access childcare must keep records of the following and retain them for a period of two years:

- the name, home address and date of birth of each child who is looked after on the premises
- the name, home address and telephone number of a parent/guardian/carer of each child who is looked after on the premises
- a daily record of the names of the children looked after on the premises and their hours of attendance.

All providers except home childcarers must keep records of the following and retain them for a period of two years:

- accidents which involve the children being cared for occurring on the premises where childcare is provided
- any medicine administered to any child who is cared for on the premises, including the date and circumstances and who administered it, including medicine which the child is permitted to self-administer, together with a record of a parent/guardian/carer's consent
- the name, home address and telephone number of every person living or working on the premises on which childcare is provided (or the part of the premises where the childcare is held, in the case of premises such as community/leisure centres, where only parts of the premises are used for childcare).

Providing information to parents

All providers except home childcarers must make the following information available to parents:

- information about the activities the children will undertake
- a statement to tell parents that the childcare is open access (where applicable)

- copies of the written statements of safeguarding procedures and complaints procedures.

All providers must make the following information available to parents:

- information about the registration system for the voluntary part of the Childcare Register
- Ofsted's address.

Providing information to Ofsted

All providers must inform Ofsted of changes of circumstance as soon as they can (no later than 14 days after the change occurs).

Home childcarers who cannot provide details of the address where they will be providing childcare on their application form should advise Ofsted of the address before caring for children.

Changes to premises and provision

All providers must inform Ofsted of the following:

- a change to the address of the premises where they are providing childcare.
- a change in the type of childcare they provide, for example if someone is registered as a childminder, and starts to care for a child or children in the home of the child (this is called home childcare).

Changes to people

All providers must inform Ofsted of the following:

- any change to the provider's name, address or telephone number
- any significant event which is likely to affect the suitability of the registered person or any person caring for children on the premises, such as any offences or orders that may disqualify them
- where the registered person is not an individual:
 - any change to the name or address of the organisation
 - any change of nominated person
 - the appointment of, or any change of manager.

Matters affecting the welfare of children

All providers must inform Ofsted of the following:

- any incident of food poisoning affecting two or more children in the provider's care
- any serious accident or injury to, or the death of any child while receiving childcare

- any serious accident or injury to, or the death of, any other person on the premises on which childcare is provided
- any allegation of serious harm to, or abuse of, a child committed by any person looking after children at the premises (whether that allegation relates to harm or abuse committed on the premises or elsewhere), or by any person, where the allegation relates to harm or abuse occurring on those premises.

Please note: home childcarers are only required to report the above events if they occur while the registered person is providing childcare.

Public liability insurance

All providers must have:

- valid public liability insurance while providing care.

The certificate of registration

All providers except home childcarers must:

- display the certificate of registration on the premises on which childcare is provided
- display any notice of suspension of registration.

Home childcarers must:

- show the certificate of registration to a parent on request.