



Department for
Education and Employment



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Dept of Health Local

Authority Circular No: (99)2

Registration and Inspection of Childminders – Advice and Good Practice

Summary of contents

Recommended good practice in registering and inspecting childminders and other day care providers under Part X of the Children Act 1989. Local Authorities must by law take account of this guidance in reviewing their practices and procedures.

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Subject area:

Registration and inspection of day
care services under Part X of the
Children Act 1989, with
particular reference to
childminders.

Date of issue:

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Expiry date:

Related documents:

The Children Act 1989 Part X
Local Authority Social Services Act
1970 – Section 7
The Children Act Guidance and
Regulations Vol. 2 – Family
Support, Day Care and
Educational Provision for Young
Children
Local Authority Circular (93) 1
Local Authority Circular (94) 23
Home Office Circular 47/93
Early Years Development and
Childcare Planning Guidance
1999-2000
Working Together Under the
Children Act 1989

Superseded documents:

*This Circular is guidance. It
should not be treated as a
complete and authoritative
statement of the law.*



Department for
Education and Employment

Introduction

1. This circular, issued under Section 7 of the Local Authority Social Services Act 1970 gives guidance on good practice in relation to Part X of the Children Act 1989, particularly the regulation of childminders. However, many of the issues are equally relevant across the field of day care regulation. The circular should not be seen in isolation but read alongside other relevant circulars and guidance. It is issued jointly by the Department for Education and Employment and the Department of Health in response to concerns raised following a number of recent incidents involving the safety and in one case the death of a child in a day care setting.
2. Local Authorities must take account of this guidance in drawing up their policies and procedures for regulation and in discharging their duties under Part X of the Children Act. Those involved in regulating childminding and day care should also be aware of how their activities relate to services for children in need and the investigation of child protection issues (under Sections 17 and 47 of the Children Act). In carrying out their regulatory duties, local authorities must be rigorous and must continue to be vigilant in ensuring that children are adequately protected.
3. Local authorities must review their policies and procedures for regulating childminding and day care and their child protection arrangements in the light of this circular. They must ensure that all relevant staff in the authority are aware of its implications.

Establishing the applicant's identity and fitness to care for children

4. Local authorities must take all reasonable steps to establish the identity of an applicant for registration under the Children Act and verify their fitness to provide day care. Local authorities must not rely on one single method of checking identity as all have their limitations. The use of a variety of means to build up a complete picture of the applicant is the best way of reducing risk. Local authorities must take account of the points given below in setting policies on how an applicant's identity and fitness will be determined:
 - ensure that applicants know how seriously the authority will treat failure to disclose information at application stage if it later comes to light. This can be done both verbally and using formal declarations printed on application forms which are signed by the applicant;
 - ensure that application forms require all names and aliases by which applicants have been known and all addresses lived at over a defined time period;
 - ask the applicant to provide documents such as passport, birth certificate, marriage certificate, divorce papers or driving licence. These should be actual documents rather than photocopies. Authorities should however bear in mind that some applicants may not have some of this documentation e.g. if they have come from another country;
 - police checks are only as good as the information provided in the request - this should include the date of birth and all names used by the applicant, and should also apply to other adults in their household (where local agreements exist, this also applies to other day care services - Home Office Circular 47/93, paragraph 7-9 refers);
 - consider whether to verify any qualifications claimed;
 - ask applicants about their employment history and account for any gaps;
 - follow up references in writing. Authorities may wish to consider stating what issues need to be covered in their request for a reference;
 - ask former employers about the reason employment ended, particularly the most recent employer, and any before a significant gap in employment;
 - check the Department of Health Consultancy Index (this includes names from DfEE's List 99);
 - ensure that a system for checking other local authority held information (such as a social services client database or child protection register) is in place and understood by all relevant officers.

Medical information

5. One element of an applicant's fitness to care for children is their physical and mental health. Local authorities should review their procedures to ensure that:

- there is an adequate medical interpretation of the assessment of whether the applicant's health and medical history is consistent with the demands of caring for children;
- due account has been taken of the risks involved in accepting a self declaration without reference to an applicant's GP;
- it is clear to applicants that all relevant information must be declared;
- their systems take account of the fact that people with disabilities may apply. These systems should be vetted to eliminate the possibility of any disability discrimination.

6. Authorities should make sure that the applicant is aware of the process to be followed. This in itself can deter false declarations. Authorities should also bear in mind the need for a speedy service. Any fees charged for medical reports or examinations are normally the responsibility of the applicant.

Information for potential childminder applicants and training of childminders

7. Local authorities are strongly recommended to develop a pre-registration briefing programme (on a variety of days/times to assist those with family commitments) for prospective childminders. This can be a cost effective and timely means of explaining both the demands and the rewards of childminding. Many authorities already have such a programme and it is welcomed both by registration officers and childminder applicants. The briefing should be available frequently enough so it does not delay those wishing to put forward applications. There are targets for processing childminder registration applications set out in The Children Act 1989 Guidance and Regulations, Volume 2 - Family Support, Day Care and Educational Provision for Young Children (paragraph 7.19).

8. It is helpful to involve experienced registered childminders in briefing sessions so that they can share their experience first hand. As well as a formal element, the briefing should allow time for informal discussions with registration and inspection staff, where prospective childminders can seek advice openly and without prejudice. Briefing can be delivered by a variety of means including discussions, videos, presentations and printed material. It should include:

- the purpose of the Children Act;
- information about the local authority's requirements and expectations for good quality child care;
- advice and guidance on the registration process including the need for disclosure of all relevant information;
- an explanation of the role of registration and inspection officers and any local authority development workers;
- other sources of information and support including voluntary sector organisations;
- an outline of the skills and knowledge required to be a childminder and in particular, the needs of children in relation to physical, intellectual, emotional and social development;
- recognition of the commitment needed for this responsible and demanding role;
- information about how working at home can effect family life;
- the need to keep financial and other records e.g. accident and incident reports;
- information about the current local demand for child care.

9. First aid training which focuses on the needs of babies and young children is also strongly recommended. In some authorities this is a registration requirement. Voluntary associations will be able to deliver this training.

10. There should be appropriate and accessible induction courses for newly registered childminders and information about more advanced courses for others. The induction should

cover:

- the creation of a safe and healthy environment for young children;
- helping children settle in and daily routines;
- meeting children's physical, intellectual, emotional and social needs;
- child development and suitable play activities;
- raising awareness of equal opportunities and an introduction to special needs;
- managing children's behaviour;
- caring for very young children and babies;
- dealing with stress (including a reference to appropriate sources of support for childminders);
- avoiding isolation by using facilities for carers and children in the local community;
- the business side of childminding including record keeping, costs and charges, tax and National Insurance, insurance, filling vacancies, voluntary sector membership organisations;
- working with parents, introductions, contracts, respecting parents choices and sharing information;
- record keeping for accidents, incidents and child development;
- child protection including awareness of the issues involved, the local authority's expectations of childminders in protecting children from abuse, and good childminder practice with regard to child protection;
- information about and an encouragement to attend further professional training, including opportunities arising from the Qualifications and Curriculum Authority's (QCA) consultation on a framework for childcare and play work qualifications and training.

11. Many local authorities buy in childminder training from national voluntary organisations and local training providers. Others have developed courses of their own in partnership with local childminders. Local authorities should note that the QCA consultation will have implications for all involved with child care and play work training once the results are known.

12. Authorities will wish to explore what funding methods are available to support training. TECs have some £4 million in 1998-1999 and £7 million in 1999-2000 available for training child care workers. Additionally, for 1999-2000, some £44 million has been allocated through Early Years Development and Childcare Partnerships for activity to implement their Early Years Development and Childcare Plans. Section B1 and Appendix E of the *Early Years Development and Childcare Planning Guidance 1999-2000* give advice on accessing a wide range of funding sources to support the development of childcare more generally (available from DfEE publications centre Tel. 0845 602 2260 - quote ref. EYDCPG).

Development and Training for registration and inspection staff

13. Development and training for registration and inspection staff are an important means of providing a high quality service. Local authorities should adopt a comprehensive in-service training and staff development programme to ensure that registration and inspection staff are able to demonstrate, as a minimum, knowledge and skills in the following areas:

- the purpose and principles of regulation;
- the role of the registration and inspection officer;
- the supporting legislation and guidance;
- an understanding and knowledge of how children grow and develop;
- the skills required, including:
 - interviewing techniques to encourage people to disclose all relevant information;
 - information gathering and decision making;
 - communication;
 - negotiating and influencing.
- assertiveness training;
- interpersonal skills;
- the authority's own policies and guidelines;

- awareness of child protection issues;
- liaison with other local authority interests including the Early Years Development and Childcare Partnership and Registration and Inspection Units (where these are separately located).
- liaison with other inspectors e.g. Planners, Fire Officers, Registered Nursery Inspectors Environmental Health;
- enforcement;
- complaints mechanisms;
- the role of and support offered by the voluntary sector.

Child Protection

14. Local authorities must ensure that they have in place policies and procedures relating to childminders which address the need to protect children from harm. These should include:

- training for childminders on how to recognise potential signs of abuse or neglect in children, how to act when abuse or neglect is suspected and the importance of keeping appropriate records. The responsibility for providing a safe environment should also be covered;
- rigorous vetting procedures to prevent unsuitable people becoming childminders (see paragraph 4);
- thorough and effective inspections and training for inspectors on child protection issues (see paragraph 13);
- agreed procedures for quick and decisive action when abuse or neglect by childminders or others is alleged or suspected, including what information can be given to users.

Good co-operation within and between agencies - social services, health, education, the police, probation and the voluntary sector - is an essential prerequisite for safeguarding the welfare of children. Government statutory guidance on inter-agency working to protect children is contained in *Working Together Under the Children Act 1989*. This publication is currently being updated and will be reissued in mid-1999. Within this framework, local child protection policies and procedures are agreed and disseminated by Area Child Protection Committees.

What parents need to know

15. Authorities must ensure that sufficient information is available to enable parents to make an informed choice about childcare. Guidance is given in section B4 of the *Early Years Development and Childcare Partnership Planning Guidance 1999-2000*.

16. It is good practice to make sure parents know that childminders are inspected annually so they can ask childminders to show them inspection reports. Local authorities should consider what steps can be taken to raise parental awareness of the inspection process.

17. It can be difficult to decide how to deal with unproven complaints in inspection reports as, by their very nature, no firm conclusion has been reached. While doubt may remain in some instances, in others, a clean bill of health will have been given. Authorities should consider adding a section headed 'Contacts with local authority since last inspection' to inspection reports. This would allow authorities to record that they had cause to get in touch with the childminder. Parents could then probe this area with the childminder. The local authority should also record positive outcomes of discussions with childminders and positive feedback from parents.

The value of feedback

18. Feedback from parents is a valuable source of information for registration and inspection staff on the quality of care provided. Complaints which could lead to a breach of registration conditions are an especially valuable early warning system for authorities. The potential for such feedback can be lost if parents who are unhappy with a particular childminder simply

remove their child and do not get in touch with the local authority. Authorities should therefore publicise the mechanisms for giving positive feedback and making complaints about day care providers. It is recommended that all parents and childminders are given this information in a leaflet.

19. Authorities must ensure that any complaint from a parent about the quality of care is taken seriously. They should inform childminders and parents of how complaints will be investigated, what the target time scale is, keep all parties informed about how the investigation is progressing and finally, what conclusions are reached. It can be difficult for an aggrieved parent to hear that their view is not upheld or that the childminder will continue to be registered, but authorities should nevertheless explain the position. Authorities should ensure that they take an impartial and even handed approach when handling complaints of a malicious nature.

20. Local authorities should consider the value of encouraging childminders to keep records of attendance over a defined period of time (e.g. since the last inspection) and how to build this into their childminding procedures. Such practice enables greater breadth of feedback and a full investigation to take place in the event of any serious incident. Many authorities supply childminders with purpose designed record forms prepared by voluntary organisations.

Inspections

21. An annual inspection is required under the Children Act. A number of authorities have found there is real benefit, both for them and for the childminder, in not waiting until a year from registration before making the first inspection. Local authorities should consider whether the first inspection could be carried out after say, three months from the commencement of childminding. This can provide an opportunity for a discussion about how to handle any unexpected or emerging difficulties, before issues become critical.

22. However, a sudden move to this pattern of inspection would have an impact on both local authority resources and on childminders who would have to pay their first inspection fee earlier than they might have expected. We therefore recommend that authorities phase in earlier first inspections as resources and forward planning allow. Childminders should be kept informed of the authority's intention.

23. Many authorities have found unannounced visits a valuable practice when routinely built in to their procedures. They have also been welcomed by day care providers as a way of maintaining and improving standards and the quality of care.