

Day-care

Guide to registration for day-care providers

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Introduction

1. This guidance provides you with information about registration.¹ It will help you decide whether to apply and what processes your application will go through before Ofsted can decide whether you are suitable to be registered as a day-care provider.
2. The registration process looks at your ability and personal suitability to provide day care for children under eight years old and the suitability of your premises to do this.² Once you are registered, Ofsted will continue to assess your ability and suitability to provide day care through regular inspections. These will take place at least once every three years.

Why are day-care providers registered?

3. Ofsted registers day-care providers to:
 - protect children
 - ensure that day-care providers meet the National Standards³
 - ensure that day-care providers provide good outcomes for children that keep children healthy and safe and ensure that they enjoy and achieve and make a positive contribution
 - promote high quality in the provision of care and learning
 - provide reassurance for parents.
4. If you intend to offer day care on particular premises for less than six days in any period of 12 months, you are not required to register, but you must notify Ofsted in writing before you start providing care on those premises.

Activity-based provision

5. If you intend to offer a service where the primary purpose is a recreational activity such as dance or drama or subject-based instruction or tuition, you may not have to register. You should contact the helpline on **08456 404040** to check if you need to register.

Who needs to register as a day-care provider?

6. Day care is care provided at any time (day or night) for children under the age of 8 on premises other than domestic premises where the period (or total of periods) in any day during which the children are looked after on the premises exceeds two hours.⁴
7. There are some exceptions from registration.⁵ Day care provided at the following establishments does not normally need to be registered with Ofsted if the care provided is an integral part of the establishment's activities:

¹ More information about Ofsted can be found on the Ofsted website at www.ofsted.gov.uk. This is a practical guide to registration and not authoritative legal advice.

² Part XA and schedule 9A of the Children Act 1989 (as inserted by the Care Standards Act 2000) contains the full legal definitions of who needs to register as a day-care provider.

³ The National Standards are minimum standards set by the government which all providers must meet. Annex A gives information on how to obtain the National Standards for the type(s) of care you want to provide.

⁴ It is an offence if a person without reasonable excuse provides day care without being registered (Part XA of the Children Act 1989 (s79D(6))).

⁵ These exemptions and exceptions are in schedule 9A of the Children Act 1989. You should contact Ofsted if you think that you might need to register.

- a children's home
- a care home
- a hospital (where the children are looked after as patients)
- a residential family centre.

Day care in schools⁶

8. We need to register all schools that provide day care for children under eight as part of the school's activities. This includes day care provided in independent schools and care provided in maintained schools under the provisions made in the Education Act 2002. This act allowed governing bodies to provide extended activities including day care.

Children's centres

9. Children's centres offer education and care for babies and children up to school age and other children and family services. A children's centre is not necessarily a building that provides the whole range of services. It may be part of a network, or have a core centre and satellites, for example in a rural area or a large urban area. It may be based in a school (nursery, primary or extended school), a health centre or a private or voluntary day-care provision.

What types of day care need to be registered?

10. The National Standards identify four different types of day care. You will need to decide which type(s) of day care you wish to provide before you apply for registration. You may provide more than one type of care on each premises.

Full day care

11. This includes facilities that provide day care for children under eight for a continuous period of four hours or more in any day in premises which are not domestic premises, for example day nurseries and children's centres, and some family centres.

Sessional day care

12. This includes facilities that provide day care for children under eight for a session which is less than a continuous period of 4 hours in any day in premises which are not domestic premises. Where two sessions are offered in any one day, individual children must not attend more than five sessions a week. There must be a break between sessions with no children in the care of the provider.
13. This is intended to cover provision which offers children part-time care and the opportunity to engage in activities with their peer group, for example playgroups.

Crèches

14. This includes facilities which provide occasional care for children under eight on particular premises on more than 5 days a year. These facilities need to be registered where the care provided is for more than two hours a day, even where individual children attend for shorter periods. Some are in permanent premises and provide care for children while parents are engaged in particular activities, for example shopping or sport.
15. These include mobile crèches, facilities established on a temporary basis to care for children while their parents are involved in time-limited activities, for example a conference or exhibition.

⁶ *Statutory Instrument 2003 No 1992 The Day Care (Application to Schools) (England) Regulations 2003.*

Out-of-school care

16. This includes facilities that provide day care for children under eight which operate during one or more of the following periods:
 - before school
 - after school
 - during the school holidays.
17. The total care provided must be for more than two hours in any day and for more than five days a year.
18. The main purpose of the provision is to look after children in the absence of their parents. This type of care can include children from three years old as well as children over eight, for example summer camps, holiday play schemes (short-term provisions operating for six weeks or less in any one year), breakfast clubs and after-school clubs.
19. Open-access schemes are included. These may be permanent or short-term schemes and generally cater for older children. However, children aged five to seven may attend. The main purpose of the provision is to provide supervised play opportunities for children in a safe environment in the absence of their parents.

Who is the registered person?

20. The registration system required by part XA of the Children Act 1989 uses the concept of the **registered person**. 'Person' covers both individuals and organisations, such as companies, partnerships and committees. The registered person has overall responsibility for the provision of childcare and is legally responsible for ensuring compliance with the National Standards, regulations and any conditions imposed by Ofsted. Registered persons do not have to work with children or be involved in the day-to-day organisation of the day care.
21. Ofsted recognises that some organisations that wish to register as day-care providers do not provide childcare as their main purpose. For example, a manufacturing company may wish to provide a day nursery for its employees. In these circumstances Ofsted will accept an application for registration from the most senior person in the organisation with delegated, clearly identifiable and direct responsibility for managing, planning and monitoring the childcare. An application made by an organisation which does not have childcare as its main purpose should **not** list details of all the people who make up the registered person such as directors, school governors, partners or committee members.
22. For all organisations that provide childcare as their main purpose, an application for registration must be made by someone who is part of the registered person such as a company director, a partner or a chairperson of a committee.
23. An application made by an organisation whose main purpose is to provide childcare should include the details of all directors, school governors, partners, and committee members. Organisations will also be asked to identify the chairperson, secretary and treasurer, or people in comparable positions.
24. If you are not sure that you require registration please telephone the Ofsted helpline on **08456 404040**. Annex A identifies contacts who can provide you with information, advice and assistance.

25. The following table sets out the main categories of organisations that provide day care. The table identifies:

- the registered person (including descriptions)
- who makes and signs the application
- who will be checked as part of the registration process
- who will be named on the certificate.

Registered person	Description	Application signed by	Ofsted carries out checks on	Name on the certificate
Individual	The sole owner of a provision.	Individual	Individual	Individual
Companies set up to provide childcare	Companies are legally constituted, have a company name, are registered with Companies House and have a company registration number.	A director or directors on behalf of the company	All directors	Company name and registered number
Companies whose prime purpose is not to provide childcare	Companies are legally constituted, have a company name, are registered with Companies House and have a company registered number.	*Person responsible for childcare on behalf of the company	*Person responsible for childcare	Company name and registered number
Statutory body	An organisation where the main purpose of that organisation is provided for under legislation, that is, a local authority or school governing body.	*Person responsible for the childcare on behalf of the statutory body	*Person responsible for childcare	Statutory body and, in the case of schools, the name of the school
Formal partnerships providing childcare	A formal partnership holds a separate legal identity from the individuals that make up that partnership. They are legally constituted, and have a partnership name.	A partner or partners on behalf of all partners or the firm	All partners	Firm name or 'partners of...' or each partner's name
Informal partnerships providing childcare	An informal partnership is where two or more individuals act together without a legally constituted agreement. This form of partnership does not have a separate legal identity of its own. The registered person is each of the individuals making up the informal partnership.	A partner or partners on behalf of all partners or the firm	All partners	Firm name or 'partners of...' or each partner's name
Charities set up to provide childcare	Charitable bodies may be charitable trusts, unincorporated associations or limited companies. Registered charities hold a registered charity number.	A trustee, director or chairperson on behalf of the charity	All trustees or all committee members or all directors	Charity name and registered charity number
Charities whose prime purpose is not to provide childcare	Charitable bodies may be charitable trusts, unincorporated associations or limited companies. Registered charities hold a registered charity number.	*Person responsible for the childcare on behalf of the charity	*Person responsible for childcare	Charity name and registered charity number

Registered person	Description	Application signed by	Ofsted carries out checks on	Name on the certificate
Committee providing childcare that is not a registered charity	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.	Chairperson on behalf of the committee	All committee members	Committee of [name of day care]
Children's centres	It is not always clear who the registered person is. Accountability may be shared across different agencies or providers. Children's centres may have more than one Children Act registration if there are separate premises providing day care, and you will need to decide who the registered person is for each Children Act registration.			
Other organisations		A responsible person representing the organisation	Determined on an individual basis	Determined on an individual basis

*This person must be the most senior person in the organisation who has delegated, clearly identifiable and direct responsibility for managing, planning and monitoring the childcare.

26. Please note that the registered person must have a secure postal address where Ofsted will serve legal documents such as a certificate of registration. Where the registered person is an organisation, the address should be the registered company or charity address, the business address or the address of the statutory body. If the registered person is an individual, or an organisation without a separate business address, this could be their home address.

Nominated person

27. Where the registered person is an organisation, you should nominate a person to represent the organisation in dealings with Ofsted. He or she will be interviewed on behalf of the organisation during the registration process. Normally this would be a committee member, partner, director or someone in a comparable position. Ofsted will send all legal documents and correspondence to the nominated person at the organisation address.

Where the prime purpose of an organisation is not the provision of childcare, the most senior person with delegated, clearly identifiable and direct responsibility for planning and monitoring the childcare is the nominated person.

Manager or person in charge

28. The **manager or person in charge** is the person who has actual day-to-day responsibility for the provision of day care. The registered person and the manager may be the same person, but in many cases the registered person may not want to deliver the day-to-day care or may not have the aptitude, skill or experience to do so. In such cases he or she must appoint a manager to take control of the day-to-day delivery of childcare.

Requirements for registration

What will Ofsted look at when deciding whether to register?

29. Before you can be registered you will have to demonstrate to Ofsted that:
- every person looking after children on the premises where you provide day care is suitable to look after children under the age of eight
 - every person living or working on the premises where you provide day care is suitable to be in regular contact with children under the age of eight
 - the premises, including any equipment, are suitable for looking after children under the age of eight
 - you comply with the National Standards, regulations and any conditions of registration imposed by Ofsted.

How does Ofsted decide if people are suitable?

30. Ofsted carries out a number of checks on all people making up the registered person, and the manager. Ofsted will interview the registered person and manager during the registration process. This is explained later in this booklet.

What are the National Standards?

31. The 14 National Standards represent a baseline of quality below which no provider may fall. Each standard describes a particular quality outcome, for example 'safety'. They are accompanied by a set of supporting criteria which show how each outcome may be achieved. The 14 Standards are the same regardless of the type of care you provide. However, the underpinning criteria are distinctive to the type of provision.
32. You need to demonstrate to Ofsted how you will meet the National Standards before you can be registered. To help you, Ofsted has produced *Guidance to the National Standards*. Annex A contains information on how to obtain a copy of the National Standards and accompanying guidance relevant to the type of day-care service you want to provide.

Is there a charge for applying?

33. There is a fee to apply for registration. The amount is set by the government. Details of the current fee are enclosed separately in the application pack.

Is there anything that could prevent me from becoming a day-care provider?

34. Certain circumstances disqualify you from registering as a day-care provider. You **may** be disqualified from registration if you, or a person who works with you and cares for children, or who lives and works on the premises where you provide childcare, have been:
- convicted or charged with an offence against a child
 - convicted or charged with certain offences against an adult (for example, murder, kidnapping, rape, indecent assault, assault occasioning actual bodily harm)
 - listed on the Protection of Children Act (PoCA) list of persons considered unsuitable to work with children⁷
 - listed on the Department for Children, Schools and Families (DCSF) List 99 of people who are not considered fit and proper persons to work with children

⁷ There is a Department of Health guide to The Protection of Children Act 1999. This is available on the DCSF's website at www.dcsf.gov.uk/publications/pdf/childprotect.pdf.

- made the subject of a disqualifying order
 - refused registration previously or have had a registration cancelled.
35. A full list of all the circumstances that disqualify you from registering is available in The Child Minding and Day Care (Disqualification) (England) Regulations 2005. If you think that you, or a person you are considering employing, may be disqualified, you can talk to Ofsted confidentially by telephoning **08456 404040**.
36. If you are disqualified from registration you can ask Ofsted to consider waiving the disqualification so that you may still apply to be registered as a day-care provider. Please get in touch with Ofsted if you wish to apply for a waiver.
37. It is an offence if you employ a person to look after children who you know is disqualified from working with children. If you want to employ someone who is disqualified, or discover that someone you employ is disqualified then you must tell Ofsted. The person must apply to Ofsted to have the disqualification waived. Ofsted will make a decision about whether to waive the disqualification but will not make the employment decision. If Ofsted decides to waive the disqualification, as an employer you must still carry out the required vetting to make a decision that the person is suitable to work or be in contact with children.
38. Ofsted cannot waive a disqualification for people who are included on the PoCA list.

Are any other agencies involved?

The local authority

39. Your local authority provides you with support, advice and training through the registration process. Ofsted works closely with your local authority to help your registration proceed smoothly. Some local authorities provide pre-registration briefing sessions for prospective applicants. These sessions will help you to decide whether you wish to apply and provide more information about the support and advice they offer. Local authorities also make sure that appropriate training, including first aid training, is available for you to complete.

Environmental health

40. You should seek advice from your local authority environmental health department to ensure that you are aware of and comply with your legal obligations under the Health and Safety at Work Act 1974, the Food Safety Act 1990 and all associated legislation.

Fire safety

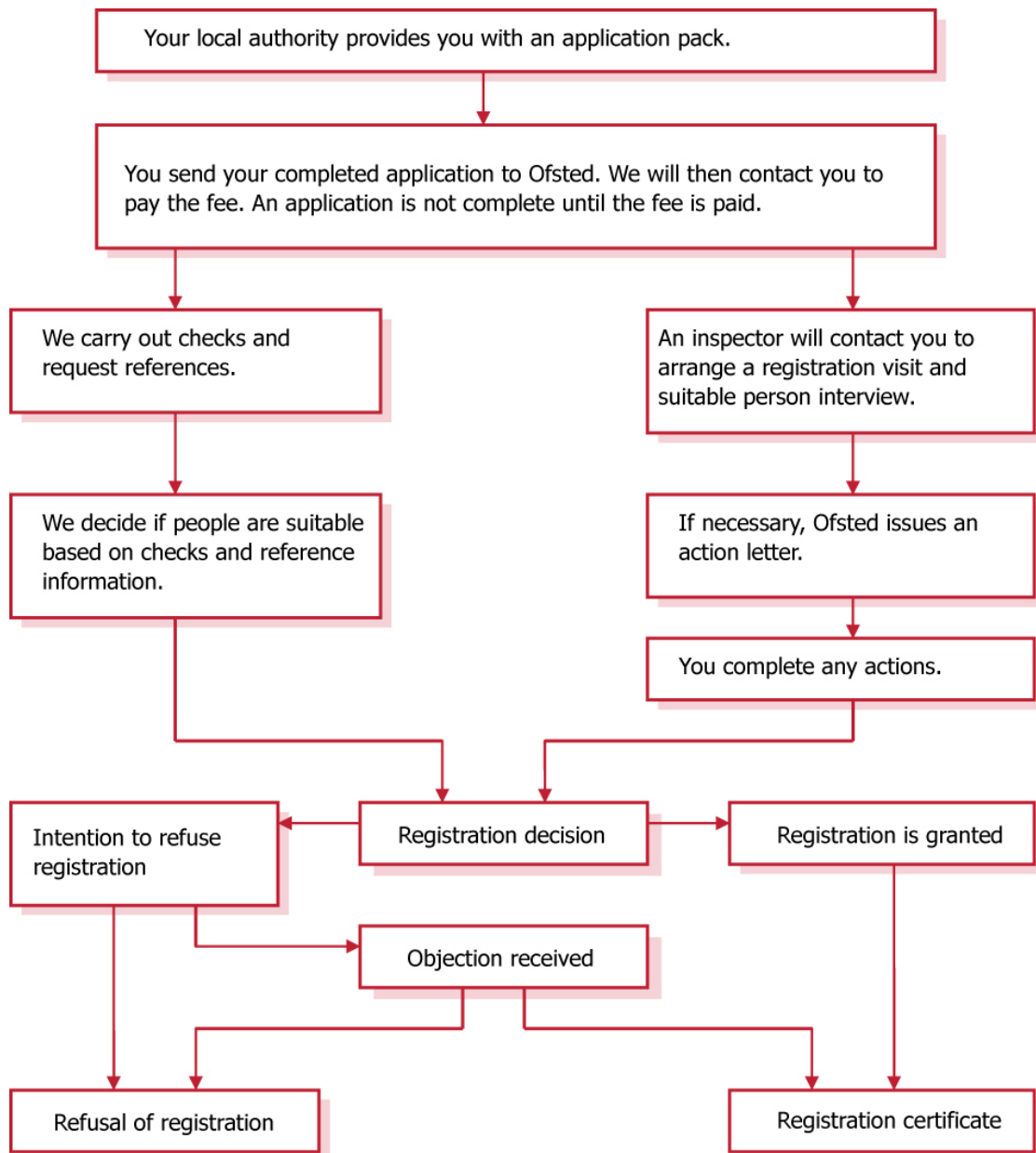
41. You can seek advice and general information on fire safety matters from your local fire authority. Ofsted may notify your local fire authority of your application. Your fire authority may then contact you to arrange an inspection. You will have to meet any recommendations made by your fire authority.

Planning permission and building control

42. You can seek advice on planning permission from your local planning department. You must ensure that you obtain any necessary planning permission and that the local authority building control department is satisfied with the standard of any building work undertaken.

How to apply

43. The flowchart shows the steps of the application process. Ofsted aims to complete the registration process within 25 weeks of receiving an application. A number of stages in the process depend on information from other agencies and action that you need to take. These may cause delays that are outside Ofsted's control.



Where can I get an application pack?

44. You should contact your local authority for information and advice about:
- obtaining an application pack
 - pre-registration briefing sessions
 - training
 - any other aspect of advice and support that the local authority and its Children's Information Service (CIS) make available.
45. Application packs are also available on the Ofsted website (see annex A for details).

46. You can obtain copies of the National Standards and *Guidance to the National Standards* from your local authority. You should read these documents carefully before deciding whether or not to apply.
47. Some criteria relating to the National Standards remind you that you need to comply with the requirements of other agencies. These include: environmental health and food safety regulations, planning and building control regulations and local fire authority fire safety requirements. You should ensure that you are able to meet these requirements.

The application pack

48. The application pack contains:
 - application form (DC1)
 - declaration and consent form (DC2)
 - notification to Ofsted form (DC3)
 - health declaration booklet
 - checklist
 - envelopes to return the forms
 - leaflet on fees
 - this booklet.

Application form (DC1)

49. This form asks for information about the registered person and the premises on which you intend to provide day care. It also asks for details of how you intend to organise your childcare. We ask the registered person to sign an agreement on how we will use the information you provide.

Declaration and consent form (DC2)

50. You should arrange for each person who makes up the registered person or is the most senior responsible person as identified in the table on pages 8–9 to complete a declaration and consent form unless they have already completed one for Ofsted. This form asks for consent to carry out a series of checks and for Ofsted to use the information from these checks to determine each person's suitability.
51. The DC2 form asks for a self-declaration about criminal records and other matters of suitability to work with or be in contact with children.
52. It also asks for consent to pursue checks with:
 - a) directors of social services (social service records, child protection register)
 - b) a general practitioner or other medical professional (including a second medical opinion by a medical practitioner appointed on behalf of Ofsted, if necessary)
 - c) Criminal Records Bureau, including details of spent convictions normally exempt from disclosure under the Rehabilitation of Offenders Act 1974
 - d) PoCA list and DCSF List 99
 - e) Soldiers, Sailors, Airmen and Families Association (SSAFA) Forces Help
 - f) referees
 - g) previous employers.

53. Ofsted may carry out any or all of these checks.
54. We use information from these checks to decide if you are suitable to become a day-care provider. Ofsted may also carry out any further checks it thinks are necessary to establish your suitability. These could include checks with, for example, the probation service or the NSPCC.
55. The manager or person in charge must also complete a DC2 form, filling in the additional sections about qualifications and experience.

Health declaration booklet

56. This form must be completed by:
 - the manager or person in charge
 - the registered person if he or she is also the person in charge or is working directly with children and he or she has not already completed one within the last three years.
57. The form asks for information about the person's current and past health so that Ofsted can determine his or her mental and physical suitability to care for children. The person in charge and the registered person should complete section 1 of the health declaration booklet and take it to their doctor so that they can verify the information provided. The doctor may charge you a fee for providing this information. The doctor will send the booklet back to Ofsted's medical advisers in the envelope provided.

Other people connected with the registration after the initial application

Notification to Ofsted (DC3)

58. At the point of application, you may not have appointed your manager, or know everyone who may be connected with your registration. You should use the DC3 form to notify Ofsted of any changes of manager or the registered person, where this is an organisation, after you have completed and returned the application. These people may also have to complete DC2 forms. This form asks for their consent to carry out a series of checks and for Ofsted to use the information from those checks to determine their suitability.

Completing the application pack

59. Make sure that you and others associated with your registration complete all forms as fully as possible. You can contact Ofsted for advice on completing the forms on **08456 404040**. You may obtain extra copies of forms from your local authority or our website. (Details are given in annex A.)
60. If the forms are not completed fully it could lead to your application being delayed or, in extreme cases, to the registration being refused. Ofsted may return your application if it has not been completed satisfactorily.
61. **Please note that you are guilty of an offence if you knowingly make a statement which is false or misleading in an application.**
62. Ofsted will process any personal information we hold about you in accordance with the law and, in particular, the Data Protection Act 1998. Under this Act you can request in writing to see any information Ofsted holds about you.
63. Ofsted provides information about childcare providers to local authorities so they can fulfil their role in relation to children's services. Ofsted may supply information about childcare providers

to other government departments and local authority departments, for example environmental health.

64. Ofsted may give information to parents who have, or have had, a child looked after by a childcare provider. We will give information to social services departments or the police should there be any concerns about the well-being of children in a provider's care.⁸
65. Ofsted publishes inspection reports on its website. These reports contain information about any complaints made about childcare providers.
66. The DCSF requires Ofsted to provide these details to help local authority agencies and the Children's Information Service to organise information, training and advice for parents and providers.

What happens next?

67. Ofsted will:
 - acknowledge your application
 - return it to you or telephone you for more information if you have not provided enough details
 - send you details of how to obtain criminal records disclosures from the Criminal Records Bureau (CRB) for:
 - yourself
 - anyone else making up the registered person
 - the manager or person in charge.
 - begin to carry out checks
 - arrange for an inspector to visit you.

Contacting the Criminal Records Bureau

68. Ofsted will send you the forms to do this on receipt of your completed application form.

How can I prepare for the inspector's visit?

69. The inspector's role during the visit is to:
 - check your identity by looking at personal documents
 - sign your CRB form(s) and those for other persons making up the registered person or the manager
 - check that the premises are safe and suitable for children
 - view the equipment that you intend to use
 - assess your suitability to provide day care through an interview
 - assess how many children you may be registered to care for.
70. It may be necessary to make more than one visit during the registration process.

⁸ *The Childminding and Day Care (Disclosure Functions) (England) Regulations 2004 require Ofsted to disclose certain information in particular circumstances to parents, childcare organisations, other government departments, local authorities and the police.*

71. The National Standards and the *Guidance to the National Standards* will help you to prepare for these visits. Reading through the standards and guidance will help you to identify anything you need to show the inspector.
72. By using both booklets, you will be able to prepare for the registration visit and for the day-care service you wish to provide. Before the visit the inspector will telephone you to confirm the date of the visit and make sure you have all the necessary documents to hand.

What documents do I need?

Identity documents

73. You must provide documents that prove your current name and any other names you have used. One should preferably be photographic ID such as a current passport or a new-style driving licence. If you do not have photographic ID, the inspector will need to see your full birth certificate.
74. If you have changed your name by marriage, deed poll, adoption, statutory declaration or any other means you need to provide evidence of this change, for example a marriage certificate or decrees.
75. In addition, you will need to provide two pieces of evidence confirming your current address, for example:
 - a utility bill (gas, telephone, electricity)
 - a credit card, bank or mortgage statement
 - any recent communication from your local authority or a government agency such as the Department for Work and Pensions (DWP).

Additional documentation

76. If you intend to work with children and have any childcare qualifications, the inspector will ask to see any certificates you have. If you already hold a current first aid certificate covering infants and young children you should have this available. The inspector may also ask to see such documents for staff members you intend to employ.
77. If you intend to use a motor vehicle for transporting the children you care for, you will need to show the inspector driving licences, valid insurance documents and an MOT certificate (where applicable) for each vehicle and person driving the vehicle.
78. The National Standards give information about the written records you will need to keep as a provider of day care. If you have prepared any in advance you may wish to show the inspector.
79. If you have produced any written information for parents to read about the childcare that you intend to provide, you may also wish to show the inspector this.

What about my premises?

80. The inspector will want to see all the rooms that you intend to use for day care. He or she will check to see if you have minimised risks for children by making sure that:
 - children cannot leave the premises
 - you take appropriate safety measures, taking into account the age and stage of development of the children.

What equipment will the inspector want to see?

81. The inspector will need to see any furniture, equipment or toys you intend to use with young children, such as:
- safety equipment
 - equipment to assist children
 - equipment to help with transport
 - toys and materials for children to play with.

Suitable person interview

82. The inspector will discuss aspects of **all** the National Standards with the registered person or their nominee, and with the person in charge of the day-to-day care. The discussion will relate to the type of provision that you are applying to set up. You will have to explain how you will meet the National Standards. You will be asked how you will keep children safe when they are in your care, how you have identified any possible risks to health and safety, and what you have done to minimise those risks. You must also demonstrate how you will keep children in the best possible health and how you will help children develop and achieve.
83. The inspector will ask you how you will meet the needs of a range of children, including any with special needs, and how you will help all children to feel valued and make a positive contribution.

Outcome of the visit

84. Before leaving, the inspector will tell you about anything that needs to be done before Ofsted can grant your registration. If necessary, Ofsted will set actions for you to complete within a set timescale. The inspector will also tell you about any conditions that may be imposed on your registration including the number of children you may care for. If all other checks are complete the inspector may also be able to tell you the registration decision. This may be:
- to register you as a day-care provider
 - to register you as a day-care provider only when you have completed any actions that are to be made
 - to refuse registration.

What are conditions of registration?

85. Ofsted may grant your registration subject to certain conditions. Conditions are restrictions to your registration such as the maximum number and ages of children that you may care for. We discuss any conditions with you during your registration visit. If registration is granted, conditions are set out on your certificate of registration. You must comply with the conditions at all times.

What happens after the registration visit?

Action letter

86. You may get an 'action letter' that details the work you must do to meet the National Standards and gives a date for completing them. You must complete the actions before you can be registered. An inspector may visit to check the actions you have taken.

Checks

87. Ofsted will not make a registration decision until we have results from all the checks we carry out.

Registration

88. When a childcare inspector has completed the registration visit and all the checks are complete, the inspector will decide whether registration should be granted or refused. If registration is granted, you will be sent a registration certificate. If registration is refused, you will be sent a notice of Ofsted's intention to refuse.

Intent to refuse registration

89. If Ofsted decides that you do not qualify for registration, we will tell you that we intend to refuse registration in a letter called a 'notice of intention' to refuse your application. This is a legal document that gives the reasons for refusal.

Objection and appeal

90. You have the opportunity to object to Ofsted's refusal to register. You must tell Ofsted you intend to do this within 14 days of the date of the notice of intention, otherwise we will confirm our refusal decision in writing. This letter is called a 'notice of decision'. You then have the right to appeal to the Care Standards Tribunal, an independent body, within 3 months of the date that you receive the notice and decision. We will send you information about how to object and appeal if we intend to refuse registration.

The registration certificate

91. The registration certificate is your proof of registration. This certificate states your registration number, your name as the registered person, the name and address of the day care, the type(s) of day care and any conditions that apply to your registration.
92. It is a condition of registration that you display the certificate. If you lose, damage or destroy your certificate, you will need to get a replacement. There is a fee for this service. For the current amount, please refer to the details in your application pack.
93. Once you have received your registration certificate you can begin providing day care.
94. Your certificate is a legal document and will remain valid until:
- you have any of the conditions of registration changed, added or removed either as a result of a request by you or because Ofsted decides to make the changes
 - Ofsted cancels your registration
 - you resign your registration.

Withdrawing your application

95. At any time during the registration process you may change your mind about continuing your application to register as a day-care provider. You must tell Ofsted in writing if this is what you decide in order to stop the registration process. If you do not tell Ofsted that you want to withdraw your application then we will continue the process and may have to refuse your registration. Refusing registration is a serious step as it disqualifies you from providing childcare in the future. Please note the application fee is non-refundable.

96. You cannot withdraw an application if Ofsted has already served you with a notice of intention to refuse your registration. This does not affect your right to make an objection or an appeal about Ofsted's decision.

What do I need to tell Ofsted about once I am registered?

97. There are certain things that you must tell Ofsted about once you are registered.⁹ You must tell Ofsted about:

Changes to premises, facilities and provision

98. This includes any change to the:
- address of the premises
 - facilities to be used for day care on the premises that may affect the space available to children and the level of care available to them
 - hours during which day care is provided, which mean that you wish to provide overnight care
 - type of childcare category applicable to the provision (for instance, if you want to extend sessional care to full day care).

Changes to people and their suitability

99. This includes changes to:
- the manager or person in charge
 - the name or address of the registered person
 - the committee or corporate or unincorporated body whose prime purpose is to provide day care, any person who is a member of that body and, where the day care is provided by a partnership, committee or corporate or unincorporated body whose prime purpose is not the provision of day care, any person who has delegated, clearly identifiable and direct responsibility for the provision of day care, where the day care is provided by a partnership
 - the name or registered number of the company, where day care is provided by a corporate body
 - the name or registered number of the charity, where day care is provided by a registered charity
 - the name of the body that provides the day care, where the day care is provided by a committee, partnership or unincorporated body.
100. You must tell Ofsted of any new person's date of birth, full name, any former names or aliases used by them and their full address.
101. You must also tell Ofsted of any change to the name or home address of any of the types of people mentioned above.
102. You should inform Ofsted at the earliest opportunity of any changes or proposed changes. Where it is not possible to notify Ofsted in advance, you must let Ofsted know of the change as soon as you can (and no later than 14 days after the event occurs).

⁹ These are set out in *The Day Care and Child Minding (National Standards) (England) Regulations 2003* No 1996.

103. You must tell Ofsted if any of the following situations occur:

- any food poisoning affecting two or more children looked after on the premises, meningitis or other notifiable disease
- any serious accident or injury to, or serious illness of, or the death of, any child while in the care of a registered person
- any serious accident or injury to, or serious illness of, or the death of, any other person on the premises
- any allegations of serious harm against, or abuse of, a child by any person looking after children on the premises (whether that allegation relates to harm or abuse committed on the premises or elsewhere), or by the registered person or any person living, working or employed on the premises
- any other significant event which is likely to affect the suitability of the registered person or any person caring for the children on the premises, such as offences or orders that might disqualify them.

What records must I keep on the premises where I will care for children?

104. You must keep records of the following:¹⁰

1. the name, home address and date of birth of each child who is looked after on the premises
2. the name, home address and telephone number of a parent of each child who is looked after on the premises (a)
3. the name, home address and telephone number of the registered person and every other person living or employed on the premises
4. the name, home address and telephone number of any person who will be in regular unsupervised contact with the children looked after there
5. a daily record of the names of the children looked after on the premises, their hours of attendance and the names of the people who looked after them (a) (b)
6. a record of accidents occurring on the premises (a)
7. a record of any medicinal product administered to any child on the premises, including the date and circumstances of its administration, by whom it was administered, including medicinal products which the child is permitted to administer to themselves, together with a record of a parent's consent (b)
8. a statement of the procedure to be followed in the event of a fire or accident
9. a statement of the procedure to be followed in the event of a parent failing to collect a child or of a child being lost
10. a statement of the procedure to be followed where a parent has complained about the service provided by the registered person
11. a statement of the arrangements in place for the protection of children, including

arrangements to safeguard the children from abuse or neglect and procedures to be followed in the event of allegations of abuse or neglect

12. a written complaints procedure including Ofsted's address and telephone number
13. a record of any complaints for a period of ten years.

Paying the fee

105. Regulations require registered persons to pay Ofsted a fee at prescribed times. For the current amount, please refer to the application pack. Ofsted will cancel the registration of anyone who does not pay their fee when it is due. Ofsted will tell registered persons when their fee is due.

Use of corporal punishment

106. You must not give corporal punishment to a child or allow other people who look after children or live and work on the premises to give corporal punishment.

Continuing registration

107. You must continue to demonstrate your suitability to be a day-care provider throughout the time that you are registered. Ofsted monitors this through:
- regular inspections
 - other visits, for example to follow up any concerns we receive about the service you provide
 - repeating or carrying out additional checks where we receive information that brings your suitability into question or that of your manager as set out in paragraphs 53–55.
108. If an Ofsted inspector visits you, always check their identity. All Ofsted inspectors carry identification and authorisation documents that include the inspector's photograph and details of rights of entry.

What is an inspection?

109. After your registration, an Ofsted childcare inspector will inspect you at least once every three years. The inspector will judge the quality of the childcare you provide. There is more information about inspection in the booklet *Are you ready for your inspection?* You will be sent a copy of this booklet with your registration certificate. It is also available on Ofsted's website.

What other visits might be made?

110. Ofsted may visit at other times, for example:
- to check on actions given at an inspection
 - to consider a request by you to change the conditions of your registration

¹⁰ These are set out in *The Day Care and Child Minding (National Standards) (England) Regulations 2003 No 1996*.

(a) This is not required for open-access schemes.

(b) Every entry in these cases must be kept for a period of two years from the date on which the entry is made.

- because something about your registration has changed, for example you have extended your premises
 - because we have received a complaint from a parent or other person that brings your suitability to provide childcare into question.
- 111.** You do not receive a report from these visits. You will receive a letter that sets out the outcomes of the visit. This may include actions or recommendations. Following a visit arising from concerns we will tell you about any enforcement action we intend to take. In extreme cases this may include prosecution and/or cancellation of your registration. Where necessary, we may issue a notice of intention to vary, add or remove conditions applying to your registration or to cancel registration. You have the right to object or appeal against any notice that Ofsted issues.
- 112.** Inspectors can:
- enter your day-care premises at all reasonable times
 - inspect and take copies of any records kept by a day-care provider
 - seize and remove any document or other material that may be used as evidence of failure to comply with the law or the National Standards
 - take measurements, photographs or make recordings
 - interview you in private
 - interview another adult in private if they consent.
- 113.** If you prevent an inspector carrying out any of the above you are committing an offence.

What should I do if I no longer wish to be registered as a day-care provider?

- 114.** If you no longer wish to be registered as a day-care provider, you need to resign your registration. This must be done in writing. You should send a letter of resignation to Ofsted or ask Ofsted for a form to complete. Ofsted will confirm receipt of your resignation.
- 115.** You may not resign if you have been served with a notice of intention or a notice of decision to cancel your registration or if you are waiting for the outcome of an appeal to the Care Standards Tribunal.
- 116.** Resigning as a day-care provider does not affect any future application you wish to make to provide childcare.

Annex A. Where can I get further information?

Ofsted

Ofsted can advise you on the regulations and requirements of registration. There are also useful information and forms available on the Ofsted website:

www.ofsted.gov.uk/about/childcare. Ofsted's helpline is **08456 404040**.

Your local authority

Your local authority can provide you with details, support and advice about any training that they offer and any information that they provide. You can obtain details of your local authority contact from the telephone directory or from Ofsted at the above number. The DCSF lists local authority websites:

www.dcsf.gov.uk/localauthorities/index.cfm?action=authority

Children's Information Service (CIS)

Your local CIS can provide you with information about existing childcare services in your local area. You can obtain details of your local CIS from Childcare Link, telephone number: 08000 960296, or website: www.childcarelink.gov.uk.

You should read a copy of the following documents (applicable to the type of service you want to provide), available from your local authority, before making an application:

The National Standards for under 8s, full day care/sessional day care/out of school care/crèches

You will have to demonstrate that you meet the standards set out in this document before Ofsted can register you. The National Standards may be obtained from your local authority or viewed on the DCSF website: www.dcsf.gov.uk.

Full day care/sessional day care/out of school care or crèches: guidance to the National Standards

These contain guidance on the 14 National Standards and good practice information. They may be obtained from your local authority or the Ofsted website: www.ofsted.gov.uk/about/childcare.

Annex B. Assessing the suitability of day-care staff: a change to Ofsted's role

Introduction

Until October 2005, Ofsted was responsible for deciding on the suitability of all day-care staff to work with children. Ofsted was also responsible for deciding that those who live or work on premises where day care is provided, for example cooks or caretakers, were suitable to have regular contact with children. This duplicated the proper responsibilities of the day-care provider in making sure that their employees were suitable for their particular job roles, and that the children in their care were protected from those who were unsuitable to be in contact with them. As part of Ofsted's process we routinely carried out checks on those people working for day-care providers or living on the premises. From October 2005 Ofsted no longer carries out these checks.

A new law came into place on 3 October 2005 that removed Ofsted's responsibility to make the decision about suitability. The registered day-care provider will remain responsible for ensuring that those in their employment, or living and working on the premises, are suitable to look after or be in contact with children, and this responsibility is being clarified in the law so that Ofsted can check that the provider is operating properly.¹¹ These changes only apply to members of staff working in day care, or who live or work on the premises where day care is provided. They do **not** apply to:

- the applicant for registration
- any changes to the registered person where this is an organisation, for example a committee
- the manager or person in charge of providing day-to-day care.

Why we made these changes?

Although Ofsted was responsible for making a decision about a person's suitability to work with or be in contact with children, we did not make the decision about employment. That was clearly the responsibility of the registered provider. The change allows registered providers to make the decision about employment based on a full range of information available to them and not dependent on a separate decision by Ofsted.

When making a decision about the suitability of individuals, Ofsted was not allowed to share detailed information arising from checks, for example from the Criminal Records Bureau (CRB). This caused potential conflict as occasionally Ofsted held information that indicated an individual was not suitable but could not tell the employer why. In addition, employers often entered into an employment contract with an individual before receiving Ofsted's decision.

What this means for you

As the registered provider, you are responsible for having in place suitable vetting processes to safeguard children in your care. You must have in place rigorous vetting and recruitment procedures that make sure that those who work for you or who work or live on the premises

¹¹ *Part XA of the Children Act 1989, as amended by the Children Act 2004, section 79B(4)(a) requires the registered person to make adequate arrangements to ensure that: (i) Every person (other than himself and the responsible individual) looking after children on the premises is suitable to look after children under the age of 8; and (ii) every person (other than himself and the responsible individual) living or working on the premises is suitable to be in regular contact with children under the age of 8.*

where you provide day care are suitable for both employment and to work or be in regular contact with young children. You need to undertake any necessary checks that provide you with sufficient information on which to base your employment decision. One of those checks must be a check against police records and the relevant lists held by the Department for Education and Skills, through the Criminal Records Bureau.

When making your decision, you should carefully consider any information that is revealed about a person as a result of any check. When considering such matters you may wish to think about:

- what information the individual disclosed
- the circumstances surrounding the event
- the person's level of involvement in the event
- the age of the person at the time of the event
- previous and subsequent good character
- any other mitigating circumstances.

Where you are not able to carry out such checks, for example because you do not have the authority to check those who live on the premises, you must make sure that they cannot have unsupervised access to children.

Applying for CRB disclosures

All people who work directly with children must have an Enhanced CRB Disclosure. To obtain this, you will need to:

- use an organisation contracted by the Department for Children, Schools and Families (DCSF) to process subsidised checks on your behalf
- use another organisation, registered by the CRB, which will process a check with the CRB on your behalf – such organisations may charge a fee for this service; or
- register with the CRB as a body authorised to carry out checks; this option is normally only available to large organisations which carry out a large number of checks.

Ofsted will send details of how to obtain CRB checks for day-care staff from an organisation contracted by the DCSF when acknowledging receipt of an application to provide childcare.

Persons who are disqualified

Some people are not allowed to work with children because they are disqualified from doing so. It is an offence to employ someone who you know is disqualified from working with children.

Some of the things that disqualify people from working with children are:

- convictions or charges of an offence against a child
- convictions or charges of certain offences against an adult (for example murder, kidnapping, rape, indecent assault, assault occasioning actual bodily harm)
- being on the Protection of Children Act list of persons considered unsuitable to work with children
- being on the DCSF List 99 of people who are not considered to be fit and proper persons to work with children

- being made the subject of a disqualifying order¹²
- being made the subject of an order where a child has been removed from his/her care or been prevented from living with him/her
- Living on the same premises as another individual who is disqualified for one of the above reasons.

If you think that someone you are considering employing has a conviction that may disqualify them from working with children, you can talk confidentially to Ofsted by calling our helpline on **08456 404040**. You can find out more about the details of what disqualify people from working with children in the regulations relating to disqualification. A full list of all the circumstances that disqualify people from working with children is available in The Child Minding and Day Care (Disqualification) (England) Regulations 2005.

People who are disqualified may still sometimes work with children by applying for a waiver from Her Majesty's Chief Inspector (HMCI). If you want to employ someone who is disqualified, or discover that someone you employ is disqualified then you must tell Ofsted. The person must apply to Ofsted to have the disqualification waived. Ofsted will make a decision about whether to waive the disqualification but will not make the employment decision. If Ofsted decides to waive the disqualification, as an employer you must still carry out the required vetting to make a decision that the person is suitable to work or be in contact with children.

Ofsted cannot waive a disqualification for people who are included on the Protection of Children Act list.

What Ofsted looks for

Although Ofsted itself no longer assesses the suitability of day-care staff, we will assess how well you make decisions about the suitability of your staff during our regular inspections of day-care providers. As part of the inspection, the childcare inspector will look for evidence that you have secure procedures for vetting and recruiting staff and that any person who has not been vetted is never left alone with the children.

All those who apply for registration from 3 October 2005 must undertake full checks on all proposed staff and make a judgement on suitability prior to registration being granted. Ofsted will continue to make the decision about whether the applicant and manager are suitable to work with children. Ofsted will not make the employment decision about the manager.

During the registration process, or at inspection, the childcare inspector may ask you to provide evidence of:

- an enhanced CRB disclosure, including the number and date of issue following the CRB code of practice on handling disclosures
- references
- full employment history
- qualifications
- interviews
- medical suitability

¹² *Criminal Justice and Court Services Act 2000, section 33 empowers a senior court (Crown court and above) to make an individual the subject of a disqualification order if, in its opinion, the convicted individual will continue to be a risk to children.*

- any other checks you have undertaken.

The inspector may also ask individual members of staff for sight of their Enhanced Disclosure.

When asking for evidence of the above, inspectors will not determine the suitability of members of staff working for you. However, if we are not satisfied that you are acting in accordance with the National Standards and other legal requirements in relation to the recruitment and vetting of staff, we will assess your continued qualification to provide day care. If necessary we will take action to safeguard the welfare of children.