

The numbers and ages of children that childminders may care for

A childcare factsheet

Introduction

This factsheet sets out our policy and understanding of the law about the numbers and ages of children you may care for when registered on the Early Years and Childcare Registers.

The maximum numbers and ages of children that you may legally care for are set out in Appendix 2 of the *Statutory Framework for the Early Years Foundation Stage* (<http://nationalstrategies.standards.dcsf.gov.uk/node/151379>). This says you may care for a maximum of six children under the age of eight. Three of these may be in the early years age group¹ and one may be aged under one. The law allows us to limit the numbers and ages of children you may care for and in some circumstances allows us to decide on exceptions to these.

Although the law restricts the numbers and ages of children that you may care for when registered on the Early Years Register and compulsory part of the Childcare Register, there is no such restriction if you are registered on the voluntary part of the Childcare Register. However if you are registered on both the voluntary part of the Childcare Register and the Early Years Register and/or the compulsory part of the Childcare Register, we will take into account all of the children you are responsible for when deciding on the maximum number of children you are allowed to care for. This includes those you care for as part of your registration on the voluntary part of the Childcare Register.

Deciding on numbers of children

We decide on the numbers and ages of children you may care for during the interview we hold with you before we decide if you can be registered. Once we have registered you, you can ask for a change to these at any time but you can never go above the maximum number set out in the law. This is six children under the age of eight.

¹ The early years age group refers to children aged from birth to 31 August after a child's fifth birthday.

We set out the numbers and ages of children on your certificate of registration that you must display at all times you are childminding. This allows parents to see how many children you may care for. The numbers and ages of children are set out in a 'condition of registration'. A condition either restricts what you can do as a childminder or gives you permission to do something. It is a legal rule and the law gives you the right to object to what we decide and appeal against our decision to an external tribunal (<http://www.carestandardtribunal.gov.uk>).

We usually allow you to have the maximum number of children we can, but the following factors may limit the numbers and ages you can care for:

- whether there are any other children under eight years of age who you regularly care for, including your own children, any foster children, children of relatives, or any other child you look after regularly without payment
- any children aged eight and over who you regularly care for, and whether this affects the space available to younger children or the time you can spend with them
- whether any children or adults regularly present, including those you provide a childminding service for, have additional needs that require you to give extra care
- the space available for childminding (space requirements are set out on p. 35 of the *Statutory Framework for the Early Years Foundation Stage*)
- whether you have children of your own or children who you care for regularly aged under one
- any health or other difficulties you might have that prevent you from caring for some children (such as difficulties in lifting).

Changing your condition of registration

If your circumstances change, you can ask to change the condition of registration relating to the numbers and ages of children you can care for. This may be because you think you can have more children, for example when one of your own children reaches the age of eight; or because you think you should have less children, for example because you have just had a baby.

We call this type of request a 'variation' to your conditions of registration. We ask that you make it in writing as it is part of a formal legal process. We have a form for you to complete to make sure you give us the right information. It is available at: [http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Application-to-vary-or-remove-conditions-of-registration/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Application-to-vary-or-remove-conditions-of-registration/(language)/eng-GB).

We must either agree to your request to change your condition of registration or refuse it. If we agree we will normally just send you a new certificate of registration

with the changed condition on it. If we refuse the request then we will send you legal letters called notices of intention and decision. These tell you about our decision and why we have made it. They also set out your legal rights if you don't agree with our decision, including how to object or appeal against it. There is more information on this at [www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare/Compliance-investigation-and-enforcement-handbook/Objections-representations-and-appeals/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare/Compliance-investigation-and-enforcement-handbook/Objections-representations-and-appeals/(language)/eng-GB).

If you are asking to have extra children you must not start taking them until we have agreed you can do so and you have received a registration certificate with the new condition of registration on it.

When you make request to us for more children we may do any or all of the following before we decide whether or not to agree to it:

- review your registration history with us, including any complaints made about you and the outcome of your last inspection
- inspect your childminding service if you have not previously had an inspection or have not been inspected recently
- ask you for more information in writing or through a telephone call
- visit you to assess whether you are able to care for more children
- carry out further checks, especially if we have restricted numbers because of a medical condition.

Exceptions to the numbers and ages of children

In some circumstances you may care for more children in the early years age group providing you do not exceed the maximum number of six children at any one time. Before the first time you do this, you must let us know what you want to do and ask if we will change your condition of registration.

Working with assistants or other childminders

If you work with one or more assistants or in partnership with other childminders this may allow you to increase numbers to a maximum of six children aged under eight for each adult caring for the children. However, some of the factors listed above, such as the space available, may limit the total number. There are also other things that might prevent you doing this that are not part of your registration as a childminder, such as your local authority's rules for planning permission to run a business. It is wise to check these with your local planning department and to check that your public liability insurance allows you to have extra children before deciding to ask us.

You must always tell us if you intend to work with an assistant or another childminder even if you don't want to care for more children. There is more information about working with assistants available at

<http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Factsheet-childcare-Childminders-using-assistants/%28language%29/eng-GB>.

Caring for children aged four and five in full-time education

If you care for children aged four and five who are in full-time education, either before or after school or in the school holidays, you may count them as older than the early years age group. This allows you to have extra children in the early years age group but no more than six children in total.

You should write and ask us for a special condition on your certificate before the first time you do this. The condition allows you to increase the numbers of children in the early years age group by the number of children aged four and five in full-time education.

The reason we have decided it should be on all certificates is to prevent circumstances where parents or inspectors think that childminders without the condition in place are in breach of their conditions of registration. As we set the numbers and ages of children in a condition of registration for all childminders to give clarity to childminders and parents, we believe that including the additional condition, where needed, is also necessary.

Once you have this condition of registration you do not have to tell us about each time this happens.

If it is your own child, a foster child or relative's child who is in full-time education then you do not have to have this condition. Instead you need to ask us to increase the number of children you may have in the early years age group. This is because other children you are responsible for, such as your own children, are not included in the number of children on your certificate. However, we do reduce the number you can care for as a childminder by the number of your own children or any other children you are responsible for such as foster children or grandchildren.

Caring for two babies aged under the age of one

The Early Years Foundation Stage allows you to care for two babies under the age of one where you can demonstrate you can meet and reconcile the individual needs of all the children being cared for. The Early Years Foundation Stage does not allow you to care for more than two babies under one. If you wish to do this, you must work with an assistant or another childminder.

We will not allow you to care for two babies when first registered unless you already have extensive experience of caring for more than one baby at a time.

In all cases, before making plans to care for two babies under the age of one, you will need to write to us with full details of how you will plan your day, meet the needs of all the children you care for and make best use of your space and resources. When deciding whether to agree to your request we will consider:

- the length of time you are providing care
- whether your furniture and equipment is sufficient for two babies
- how you will deliver the learning and development requirements of the Early Years Foundation Stage to all the children you care for and help them make the best possible progress
- how you organise your day so that all children get enough of your time.

You may still normally only look after a total of three children in the early years age group. It is unlikely we will agree to you having more children in the early years age group. Once we have agreed your request we will give you a condition of registration agreeing to two babies under the age of one. You do not have to make a further request to us the next time this happens providing you still have this condition of registration.

Here are examples of childminders who have asked to care for two babies aged under one.

Example 1

This new childminder has considerable experience of looking after babies. She was previously a qualified nursery nurse, who worked in the baby room of a large day nursery. She has produced full but flexible plans showing how she will make best use of the childminding day and adapt her model to meet individual children's needs. She would like the flexibility to care for two babies should she be asked and we agreed she could do so.

Example 2

This experienced childminder is bilingual and has been approached by two sets of parents who want their babies brought up in a bilingual environment. The childminder particularly enjoys looking after babies and does not want to care for any other children. She has set this out in her plan. We agreed to her request for two babies.

Example 3

This registered childminder was asked to take baby twins in addition to caring for a child of two. Her own children are aged six and seven and she has to take them to and from school. She has set out in her plan that she will use these school runs for the minded children to be out in the fresh air as part of their outdoor play. She has a double buggy but it is a long walk for the two-year-old and involves crossing two

very busy roads. It is unlikely that there will be any real outdoor learning happening on these occasions because of the need for close supervision. She had no other plans for outdoor play. We refused the request because we did not believe that the needs of the two-year-old were properly met.

More than three children in the early years age group

The maximum number of children that childminders can look after takes into account the ability of one person to care for children and provide the best support for their development. However, we recognise that in exceptional circumstances it may be in children's best interests to be with their brothers and sisters who are already with a childminder, or to remain with the same childminder where circumstances may change the number of children the childminder can care for.

It is only in certain time-limited arrangements for particular children that we may agree that you may care for more than three children in the early years age group. We will only consider such requests for time-limited arrangements involving:

- siblings where one child from a family is already with you
- continuity of care for children already with you.

We will not allow this type of request:

- at the point of registration or before a first inspection
- for siblings that are not already with you where you do not have sufficient spaces to take them on. In very exceptional circumstances we may consider this if we judge that you are suitable and the local authority can confirm that there are no other available local places with another childminder.

You must make a separate request for each time-limited arrangement by writing to us and telling us which children you are making the request for, with full details of how you intend to meet their needs. We will only allow you to care for the additional children in the early years age group that are named on the variation request. We will not allow you to have this condition permanently applied to your registration.

The condition only applies until one of the following happens:

- one of the children named in your variation is either four or five and starts full-time schooling
- the oldest child with you is no longer in the early years age group
- one or more children leave your care.

Here are some examples of childminders who want to care for more than three children in the early years age group.

Example 1

This registered childminder is already caring for three children in the early years age group. The mother of one of the children, aged three, has recently given birth and wants to place the baby with his brother. This means that the childminder would then have four children aged under five. The childminder is keen to look after the baby and is confident that her plans to look after four children aged under five will work, especially as two children are at pre-school for five mornings each week. The arrangement is for six months until the oldest child she is currently looking after starts reception class. We grant the request for the six-month period.

Example 2

This registered childminder cares for three children in the early years age group. The parent of one of the children, a two-year-old who is with the childminder from 8am until 2pm, asks if she can extend the hours until 6pm. This is because her work pattern has changed and she must work full time for the next three months. This would mean that for three days a week the childminder would have four children under the age of five, as she currently looks after a three-year-old for three days between 3pm and 5pm. The parents of both children are keen to maintain continuity of care for their children who are both very settled with the childminder. The childminder realises that she needs extra equipment and must change her daily routine so that most of her outings take place when she does not have four children. She borrows extra resources from the childminder resource centre. We grant the request for the three-month period

Example 3

This registered childminder knows she has one place becoming available in the next month. She takes a call from a family with two children in the early years age group who want full-time places. She would really like the additional income and has heard she could have four children in the early years age group. She applies for a variation and we ask her to provide additional evidence that there are no other places available for the family in her local area. The local authority confirms that there are spaces available at a number of other childminders and we refuse the request as there are no continuity of care issues for the family involved.

More information from Ofsted

There is more information on the requirements for registration on the Early Years Register in the *Guide to registration on the Early Years Register: childcare providers on non-domestic or domestic premises* (www.ofsted.gov.uk/publications/080017) and on the Childcare Register in the *Guide to registration on the Childcare Register* (www.ofsted.gov.uk/publications/080032).

There is more information about working with assistants in *Childminders using assistants* available at: <http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Factsheet-childcare-Childminders-using-assistants/%28language%29/eng-GB>.

You can find out more information on the Childcare Register requirements in *Requirements for the Childcare Register: childminders and home childcarers*, available at: <http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Factsheet-childcare-Requirements-for-the-Childcare-Register-childminders-and-home-childcarers>.

The form for you to complete to ask us to vary or remove your conditions of registration is available at: [http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Application-to-vary-or-remove-conditions-of-registration/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Application-to-vary-or-remove-conditions-of-registration/(language)/eng-GB).

You can find out more information about our objections and appeals process at: [www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare/Compliance-investigation-and-enforcement-handbook/Objections-representations-and-appeals/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare/Compliance-investigation-and-enforcement-handbook/Objections-representations-and-appeals/(language)/eng-GB).

Further information

The *Statutory framework for the Early Years Foundation Stage* is available from: (<http://nationalstrategies.standards.dcsf.gov.uk/node/151379>).

Your local family information service can provide help with childcare vacancies available locally. You can get their contact details from: www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=userslist&listid=7&Itemid=72, or from your telephone directory.

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