

Registration of childcare providers from September 2008

Ofsted will be using two new childcare provider registers from September 2008. This document introduces them, explains the new arrangements for registration and highlights exemptions to registration.

Age group: 0–17

Published: April 2008

Reference no: 080043

From September 2008 there will be new arrangements for registering with Ofsted as a childcare provider.

In April 2007 we launched the voluntary part of the Childcare Register for childcare providers.¹ From 1 September 2008 this will be joined by:

- the Early Years Register
- the compulsory part of the Childcare Register.

The Early Years Register

You must register on the Early Years Register if you care for children from birth to the 31 August following their fifth birthday, unless you are not required to register your care; this is known as 'exempt from registration'.² This age group is referred to in this leaflet as the 'early years age group'.

The 31 August following a child's fifth birthday marks the end of the Early Years Foundation Stage (EYFS).³ The EYFS sets the standards for learning, development and care for children from birth to the end of the stage: providers on the Early Years Register and schools must deliver it.

The Childcare Register

Compulsory part

From September 2008 you must register on the compulsory part of the Childcare Register if you care for children from the 1 September following their fifth birthday up to the age of eight, unless you are exempt from registration.⁴ This is usually six- and seven-year-olds, but could include some five-year-olds. This age group is referred to in this leaflet as the 'later years age group'.

Voluntary part

You can choose to register if you want to provide care that does not fall into the categories set out above. This includes:

- home-based care in the home of the child (nannies)⁵
- activity-based settings such as sports coaching or tuition⁶

¹ *Guide to registration on the voluntary part of the Childcare Register*, available from www.ofsted.gov.uk/publications/070052.

² *The Childcare (Exemption from Registration) Order 2008* sets out those who are exempt from registration.

³ The EYFS website is www.standards.dcsf.gov.uk/eyfs/.

⁴ *The Childcare (Exemption from Registration) Order 2008* sets out those who are exempt from registration.

⁵ Please see the section on exemptions from compulsory registration for more information.

⁶ As above.

- short-term care such as crèches⁷
- care that is only for children aged eight to under 18.

Childcare

For the first time the law defines childcare as any form of care for a child including education or any other supervised activity.⁸ It excludes from this definition:

- education provided by a school for children not in the early years age group
- any form of health care for children
- care provided by relatives
- fostering arrangements
- care provided in any of the following:
 - a children's home
 - a care home
 - a hospital in which a child is a patient
 - a residential family centre
 - a young offender institution or secure training centre.

If you only provide for care for any child or young person in these categories then registration is not required.

Information for day-care providers

From 1 September 2008 there are some changes to the definitions we currently use for day care. The Childcare Act 2006 introduces new categories of 'early years' and 'later years' provision on domestic and non-domestic premises.⁹ The current categories of day care – sessional care, full day care, crèches and out of school care – will no longer apply.

If you are an early years childcare provider and you care for children up to the 31 August following the child's fifth birthday, you must register on the Early Years Register and deliver the EYFS.

If you are a later years childcare provider and you care for children from the 1 September following their fifth birthday up to the age of eight, you must register on the compulsory part of the Childcare Register and meet its requirements.

If you are a childcare provider and you care for children from age eight to under 18, or provide care for younger children for which you are exempt from registration then you may choose to register on the voluntary part of the Childcare Register and meet its requirements.

⁷ Please see the section on exemptions from compulsory registration for more information.

⁸ The Childcare Act 2008 Section 18.

⁹ The Act is available from www.opsi.gov.uk/acts/acts2006/ukpga_20060021_en_1.

Exemptions from compulsory registration

There are also changes in the definition of care that will become exempt from compulsory registration on the Early Years Register and the compulsory part of the Childcare Register. From 1 September 2008 you are exempt from compulsory registration if you:

- care for individual children for two hours or less each day even if your provision is open for longer than this period. One example is a crèche attached to an adult learning centre where the crèche may be open all day but parents leave children for less than two hours while they take part in an adult learning session.
- care for children for four hours or less each day and the care is for the convenience of parents who intend to remain on the premises where the provision occurs or within its immediate locality. In this type of provision there is no long-term commitment to provide care for children; examples include a shoppers crèche or a crèche attached to a sports centre or an exhibition where children do not attend every day.
- provide an open access scheme for children not in the early years age group. An open access scheme allows children to leave the provision unaccompanied. Childminders who care for children in the later years age group are not allowed to offer open access provision.
- provide home education for a child who is of compulsory school age under a home education arrangement and the care you give is incidental to the education you provide. A home education arrangement is where a child of compulsory school age receives full time education not in a school, and is partly or wholly educated by someone who is not the child's parent.
- provide care for children in a hotel or guest house between 6pm and 2am and you care for the children of no more than two clients at the same time (baby sitting arrangements).
- provide care only between the hours of 6pm and 2am on domestic premises (baby sitting arrangements). Domestic premises can be your own home or someone else's home, but not the home of the parents of the child.
- provide care for children of two sets of parents wholly or mainly in either or both of the sets of parents' homes. Registration as a childminder is required if you look after the children of three sets of parents in any or all of the parents' homes.
- operate from a particular premises for 14 days or less in any year and you notify us in writing at least 14 days prior to starting the provision.
- provide no more than two types of activity from the following list:
 - school study support or homework support
 - sport

- performing arts
- arts and crafts
- religious, cultural or language study.

This exemption only applies if you care for children who are aged three and over; and children aged under five do not attend for more than four hours in any one day. Any care provided is incidental to the activity (it is not the main focus of your provision).

If you believe you are exempt from compulsory registration then you must fill in the form attached to your letter and tell us why you think you are exempt.¹⁰ You may still choose to join the voluntary part of the Childcare Register.

Information for childminders

There are some changes to the definition of childminding from September 2008.

Childminding is still where an individual person cares for children on domestic premises for reward. This is normally your own home: it can be someone else's home, providing it is not the home of one of the children for whom you care.¹¹ Reward can be either payment or other services in exchange for care.

The main change is if you work as a childminder with other people, including assistants or childminders. If you work on your own or with two people on domestic premises then you are still a childminder. But if you work with more than two people then you need to read the section below.

Childcare on domestic premises

The definition of domestic premises remains as above. But if you provide childcare or work with three or more people on domestic premises after 1 September 2008 then the Childcare Act says that you are either an early or later years childcare provider or both: you are not a childminder.

Some examples of this are:

- a childminder who employs three or more assistants to work with them.
- three or fewer childminders who work on the same premises and employ assistants to help them which makes the number of persons who work together four

¹⁰ This document was sent to childcare providers with a covering letter and form. Copies are available from our webpage: www.ofsted.gov.uk/tbc.

¹¹ Unless you look after children from more than two families at the home of one or more of the families: please telephone us on 08456 404040 to check if you are not sure if this applies to you.

If you fall into this category you must meet the requirements for childcare providers rather than childminders. You should check the welfare requirements in the *Statutory Framework for the Early Years Foundation Stage* and the requirements for the Childcare Register to make sure you follow the ones for early or later years providers and not for childminders, as there are some differences. Your local authority can help you do this.¹²

No children on roll

The law states that from 1 September 2008 we have the power to remove from the Early Years or the compulsory part of the Childcare Register, childminders who have not cared for children for a period of three years by either not transferring registration or cancelling registration.¹³

We will not transfer you on to the Early Years Register or the compulsory part of the Childcare Register as a childminder if our records show that you have not cared for children under eight years since August 2005 or before.

Information for schools

From September 2008 there are changes to the requirements for registration for both maintained and independent schools.

You do not need to register with Ofsted if you provide the EYFS for pupils at the school who are aged three and upwards. If you are a school which admits pupils who have not reached the age of three, but will do so before the expiry of their first term in school (known as 'rising threes'), you may count them as if they are three years old.

If you are a school you must register your early years provision if it is:

- for children aged from birth to under three years (excluding 'rising threes' as described above)
- only for children who are not pupils of the school: this includes early years provision in a separate, discrete part of the school such as a nursery for staff members and the community, where the school also has pupils in the early years age group, for example in a reception class.

In all cases, whether or not registration is required, the school must deliver the EYFS, including all wrap around care for children in the early years age range.

¹² For contact details visit www.direct.gov.uk/en/DI1/Directories/Localcouncils/index.htm.

¹³ Section 68(3)and(4) of the Childcare Act 2006.

If you are a school you cannot register on either the compulsory or voluntary parts of the Childcare Register. However, you must meet the requirements of registration if you provide wrap around care for children not in the early years age group.

Where can I get help?

Closer to September 2008 our website www.ofsted.gov.uk will have information on how we will register and inspect those providers delivering the EYFS and the requirements for those on the Childcare Register.

Your local authority children's services department will give you advice and support about the EYFS and the Childcare Register. Its telephone number will be in your local directory. You can also use the Directgov A-Z:
www.direct.gov.uk/en/DI1/Directories/Localcouncils/index.htm.

For further information about the EYFS visit:

- www.standards.dcsf.gov.uk/eyfs/
- www.surestart.gov.uk/improvingquality/frameworks/foundationstage/.