

Early years and childcare registration handbook

Guidance for the registration of early years and childcare provision in England, under the Childcare Act 2006, and its associated regulations

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Introduction

1. This guidance sets out Ofsted’s policy on registering early years and childcare provision in England. This handbook does not include guidance on registering with a childminder agency. ‘The Childminder agency handbook’ can be found at: www.gov.uk/government/publications/childminder-agency-regulation-guidance-for-agencies-and-ofsted-staff.

Part 1: Before registration

General information

2. Anyone who cares for children under the age of eight **for more than two hours a day** in England must register with Ofsted unless they are exempt, as detailed in Annex A of this handbook. It is an offence to provide such childcare without being registered or on premises that have not been approved.
3. There are two registers:
 - **the Early Years Register** – for providers caring for children aged from birth to 31 August following their fifth birthday; providers on this register must meet the ‘Statutory framework for the Early Years Foundation Stage’¹
 - **the Childcare Register**, which has two parts:
 - Part A: Compulsory – for providers caring for children from 1 September after the child’s fifth birthday up until their eighth birthday
 - Part B: Voluntary – for providers caring for children aged eight and over, and other providers who are exempt from compulsory registration, such as nannies.
4. The registration requirements and the processes will differ depending on the type of childcare provided and the ages of the children looked after.

Type of childcare	Definition
Childminding	<p>Childminding is provided on domestic premises where up to a maximum of three people work together at any one time. They look after one or more children to whom they are not related, for reward.</p> <p>‘Domestic premises’ means premises which are wholly or mainly a private dwelling.</p> <p>It does not count as childminding if it is the home of one of the children being cared for, unless the care is for more than two different families at the same</p>

¹ ‘Statutory framework for the early years foundation stage’, Ofsted, 2014; www.gov.uk/government/publications/early-years-foundation-stage-framework.

	time. A childminder can spend up to 50% of their time working on approved non-domestic premises under their childminding registration.
Childcare on domestic	Childcare on domestic is where there are four or more people working together, for example four childminders, or two childminders and two assistants, or one childminder and three assistants. These providers can spend up to 50% of their time working on approved non-domestic premises.
Childcare on non-domestic premises	This is where childcare is provided on premises which are not somebody's home, for example in purpose-built premises, village halls, school premises. Such childcare normally includes nurseries, pre-/after-school clubs and holiday clubs.
Home childcarer (sometimes known as a nanny or au pair)	Home childcarers care for children from birth upwards in the child's own home. Home childcarers may care for children from two different families at the home of one of the families. If more than two families use the care at the same time, then it is classed as childminding.

Ages of children being cared for	Type of register
Birth to 31 August after their fifth birthday	The Early Years Register
From 1 September after their fifth birthday up to their eighth birthday	The compulsory part of the Childcare Register
Eight years and over	The voluntary part of the Childcare Register
Children from birth up to age 17 where the provision is exempt from registration	The voluntary part of the Childcare Register

5. Providers may need or wish to register on one, all, or any combination of the registers and their parts. Part two of this handbook provides information about registering on both registers.
6. Childminders and childcare on domestic premises providers can offer care on approved non-domestic premises for up to 50% of the time. Part two of this handbook gives more information about how Ofsted defines 'up to 50% of the time'.
7. An organisation or sole trader that provides childcare from multiple premises must register all their settings under a single registration with Ofsted. Once

registered, a provider can apply for approval to add settings to that registration at any time.

8. All applicants who wish to register with Ofsted should first contact their local authority for information and advice. Local authorities are under a legal duty to provide such advice to applicants.

Providers who are exempt from registration

9. Most providers caring for children under eight years old must register with Ofsted or as applicable, a childminder agency, unless the law states otherwise. These exemptions are set out in the Childcare (Exemptions from Registration) Order (SI 2008/ No 979)² and are summarised in Annex A. Providers who are exempt from compulsory registration may still apply to register on the voluntary part of the Childcare Register.

Who can and cannot apply for registration

10. Applicants for registration must be aged 18 or over and have the right to work in the United Kingdom. Further information on the right to work in the UK is available from the UK Border Agency.³ They must also undergo a Disclosure and Barring Service (DBS) check.
11. Applicants will register either as individuals or as an organisation. In either case, once registered they are referred to as 'the registered person'. Part two of this handbook provides further information on the types of registered person and their responsibilities.
12. Ofsted will refuse applicants for registration if they are **disqualified**, for example if they are barred from working with children, have been refused registration in the past or had their registration cancelled (other than for non-payment of fees), or if they live in the same household as someone who is disqualified. It is an offence to provide childminding or childcare while disqualified. It is also an offence to be directly concerned in the management of a childcare or early years provision if disqualified or to employ a disqualified person. Applicants may be able to apply to Ofsted to waive their disqualification in some circumstances. The 'Early years compliance handbook'⁴ contains further information about disqualification.
13. An academy, maintained or independent school that provides education or care for children aged two and over are exempt from registration.⁵

² www.legislation.gov.uk/uksi/2008/979/made.

³ www.bia.homeoffice.gov.uk.

⁴ www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted

⁵ At least one child in the early years provision must be a pupil of the school. For further guidance on this area see 'Registering a school based provision', available at: www.gov.uk/government/publications/factsheet-childcare-registering-school-based-provision.

14. Childminders and other childcare providers who are already registered with a childminder agency cannot also register with Ofsted.
15. Applicants cannot register if they only care for a child or children who is/are related to them for whom they have responsibility, including any foster children i.e. they are the child's parent, grandparent, aunt, uncle, brother or sister (whether full blood or half blood, or by marriage or civil partnership), or a step parent.
16. Applicants cannot register if they provide care as part of the provider's activities in 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.

The registers

The Early Years Register

17. To be registered on the Early Years Register, all applicants must demonstrate that they:
 - meet all the **safeguarding and welfare** and the **learning and development requirements** of the 'Statutory requirements for the Early Years Foundation Stage'⁶, unless they are exempt
 - ensure that every person looking after children on the premises where childcare is provided is suitable to look after young children
 - ensure that every person living or working on the premises where and when childcare is provided is suitable to be in regular contact with young children
 - pay the relevant application fee.

Details of the requirements for the Early Years Register, including exemption from learning and development, are provided at Annex B.

The Childcare Register

18. Before applying for registration on the Childcare Register, all applicants must:
 - make a declaration that they meet, or will meet at registration, requirements relating to people, premises and provision as set out in Annex C: Registration requirements for the Childcare Register
 - give consent to Ofsted to carry out checks on the suitability of all relevant people connected with the application to work or be in regular contact with children
 - pay the relevant application fee.

⁶ www.gov.uk/government/publications/early-years-foundation-stage-framework.

Charges applying to registration

19. Applicants must pay a fee for applying to register, and for the approval of any additional premises. Once registered, providers must pay an annual fee on the anniversary of the registration or the approval of additional or different premises. The Government decides on the fee amounts and the current fees are set out below. Childminders and childcare on domestic providers do not need to pay an additional fee to operate on non-domestic premises for up to 50% of the time.
20. Organisations or sole traders running more than one setting under a single registration must pay approval and annual fees for each setting where childcare is provided.
21. Ofsted cannot refund fees, even where the applicant withdraws their application to register, for approval of premises, where Ofsted refuses to grant registration and/or approval for additional or different premises, or if the applicant is disqualified from providing childcare.
22. If providers are applying to register, or are already registered, on the Early Years Register, they do not need to pay an additional fee to join the Childcare Register. However, if a provider is already registered on the Childcare Register and wishes to join the Early Years Register, they must make a separate application and pay the application fee.
23. Childcare providers on domestic or non-domestic premises pay a reduced fee of £35 for the Early Years Register if they work for less than three hours a day, or less than five days a week, or less than 45 weeks a year. This applies to both the application and annual fee.
24. Providers of childcare on domestic or non-domestic premises who registered on or before 1st September 2008 on the Early Years Register will continue to pay the £50 level of annual fee until 1 September 2017, unless the government changes this policy before then.

Type of Childcare	Early Years Register	Childcare Register Compulsory or voluntary	Both Registers
Fee levels are the same for : application/approval/annual⁷			
Childminder	£35	£103	£35
Childcare on domestic	£220	£114	£220
Childcare on non-domestic	£220	£114	£220
Home Childcare	-	£103 (voluntary only)	-

⁷ The level of fees are correct at the date of publication and may be subject to change in the future.

Part 2: Registration

25. Registration allows an individual or organisation to provide care for children. It is Ofsted's responsibility to ensure that only those who are suitable and ready to provide childcare are registered. If Ofsted has concerns about an applicant's suitability, registration will be refused unless those concerns have been resolved to Ofsted's satisfaction. It is an offence to knowingly make a false or misleading statement in an application to register.

Making an application to register

26. Applicants must apply to register online at <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>.⁸ The application forms contain guidance notes throughout to help the applicant to complete the required sections. Ofsted's online service is managed via the Government Gateway, which is a secure system to protect the data and information provided. Applicants must sign up for a Government Gateway account so that they can communicate and transact securely via email with Ofsted.
27. Ofsted carries out a series of checks on applicants and other individuals connected with the application to register on either register. All applicants and anyone associated with the application must give Ofsted their consent to carry out those checks.
28. Before submitting their application to Ofsted, all applicants and any other individuals connected with the application must complete a Disclosure and Barring Service (DBS) check online. They are also required to join the DBS update service: www.gov.uk/dbs-update-service.
29. Ofsted's DBS checks are processed by Capita. The website provides guidance on how to apply for a check and assists with any related questions. Applicants must only use this service if they wish to apply for the childcare roles as set out in this guidance.
30. Information on who must provide a DBS certificate is provided under Annex B for registrations on the Early Years Register and Annex C for the Childcare Register. A list of who Ofsted checks is provided under Annex D.
31. Applicants must have a DBS certificate number and have registered with the update service within 19 days from the date the DBS application number was issued to them. Ofsted will not accept any application without a DBS certificate number or confirmation that the applicant has subscribed to the update service.

⁸ If anyone has any problem with accessibility to the application forms, they should contact Ofsted for assistance.

32. Ofsted can only undertake criminal record checks through the DBS route. However, where the applicant has made any voluntary disclosures, Ofsted may request further information about the disclosures, which may include questions about spent convictions. If applicants already hold a DBS check through another organisation, this check must be an enhanced DBS with list checks. In many cases, individual checks are transferable but Ofsted retains the right to request new checks where it deems this necessary.
33. Through the DBS check Ofsted determines whether the individual:
- has a criminal conviction or caution that will disqualify them from registering as a childcare provider
 - is barred from working with children, because they are on the list held by the Independent Safeguarding Authority
 - has any other conviction or caution that would make them unsuitable to work with children
 - has lived outside the United Kingdom in the past five years.
34. If the applicant or any other person connected with the application has lived abroad in the past five years they must tell us the countries they have lived in on the application form or declaration and consent form.
35. Where there is no reciprocal arrangement with the country of residence, we require extra evidence of people's suitability. The types of evidence we require depend on the person's history and what they can supply to demonstrate their suitability.
36. A certificate of good conduct is the most common form of evidence we require where people have lived abroad. We need a certificate of good conduct from the embassy of every country in which the person has resided.
37. We do not require such a certificate where:
- a person is a refugee
 - a person is a UK resident who has been working or travelling abroad, for example on a gap year
 - a person has travelled extensively and has not remained in any country for sufficient time to establish a history.
38. Where we cannot obtain a certificate, we must consider what other information is available. These might include:
- a reference from 'a person of good standing in their community' in the country in which they lived, such as a doctor or lawyer
 - employer references, particularly those relating to childcare
 - evidence to support any work permit.

39. Under the European Union (EU) Services Directive, applicants from other EU countries are entitled to apply to register with Ofsted before leaving their home country. Such people can apply through our online system from their home country. In the case of childcare providers other than childminders, it may be that one or more of the people who make up the registered person live abroad, even though the organisation running the childcare is established in England.
40. Under the EU Services Directive, we are not required to set aside our normal registration processes, including carrying out relevant checks and conducting registration and suitable person interviews.
41. Ofsted will also carry out a check with the local authority children's services department to see if the applicant, or others connected with the registration, are known to them in connection with care orders or other information that might bring into doubt their suitability to work, or be in regular contact, with children.
42. For applicants to the Early Years Register, Ofsted carries out a health check on the applicant and others associated with the application. This is to identify whether there are any causes for concern about their health that might affect their suitability to look after, or be in contact with, children. Health checks will routinely be carried out on:
 - all applicants for registration as a childminder
 - all childcare applicants who intend to work directly with children as part of the staff ratios.
43. A health check may also be carried out on a childminder assistant or a staff member on domestic premises if there are concerns about his or her health.
44. Ofsted carries out a 'known to Ofsted' check to establish whether the applicant and/or any individual connected with the application for registration was previously known to Ofsted in any capacity associated with the provision of childcare. If it becomes clear that there were previous concerns about the person's suitability Ofsted will take these into account in deciding whether to grant or refuse the application to register. Information on how Ofsted manages previous concerns is available in the 'Early years compliance handbook'.⁹
45. For applicants to the Early Years Register who have lived or worked on a United Kingdom military base overseas, Ofsted has protocols in place with the Ministry of Defence setting out arrangements for conducting checks. These allow us to check that there are no issues relating to a person's time at a military base overseas that might impact on their suitability to care for children.

⁹ www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted

46. Where the registered person is an organisation, it must appoint a 'nominated individual' who will be responsible for all matters relating to the registration and who will act on behalf of the organisation in its dealings with Ofsted. The nominated individual must be a member of the organisation's governing body. This person cannot be the appointed manager, unless the manager is also a member of the governing body¹⁰.
47. There are three categories of registered person.
- **Individual.** The sole owner of a provision. S/he is solely responsible and accountable for the provision and s/he must sign the application form
 - **Organisations whose sole or main purpose is provision of childcare.** The organisation is accountable for the registration and the application must be signed by a member of the organisation's governing body. In some instances, this person may also be the nominated individual.
 - **Organisations whose sole or main purpose is not the provision of childcare.** The organisation is accountable for the registration and the application must be signed by the most senior person in the organisation who has delegated, clearly identifiable and direct responsibility for managing, planning and monitoring the childcare, on behalf of the organisation. In some instances, this person may also be the nominated individual.
48. Examples of 'organisations' include formal or informal partnerships, a body corporate such as a limited company or an unincorporated association, such as a registered charity or a school governing body.
49. **Applicants for childminding** may apply either as an individual or as an organisation (e.g. Jenny Smith or Jenny Smith trading as SuperStars (Ltd)) but for registration purposes will be treated as an individual registered person. Childminding applicants only need to make one application regardless of the number of domestic premises they work from, but must notify Ofsted of all premises used. Childminders who work together (often known as co-childminders) must each make a separate application. Childminders who use assistants may only leave assistants alone with children for up to two hours a day with parental permission. If they wish to leave children alone with assistants for longer periods, the assistants must register as childminders in their own right.
50. Childminding applicants who, at the point of registration or at any time during their active registration, wish to work on non-domestic premises for up to 50%

¹⁰ A member of an organisation's 'governing body' is responsible and accountable for the governance of that organisation. This does not apply to members, the organisations such as shareholders, who only have voting and attendance rights.

of their time, must apply to Ofsted for approval of the suitability of the non-domestic premises, using the application form on the website.¹¹

51. Applicants must first have their childminding registration confirmed before Ofsted will assess the suitability of additional non-domestic premises. However, applicants may apply for childminding registration and for approval of non-domestic premises at the same time. Applicants must meet the requirements related to the non-domestic premises as detailed in Annexes B and C. They must also continue to meet all requirements for childminding while operating on the non-domestic premises.
52. **Applicants for childcare on domestic premises, where there are more than three people working together** may apply as individuals or as an organisation. However, they must meet the requirements for this type of care at all times, not the requirements for childminding. This includes meeting the qualification requirements for group care and appointing a manager before registration is granted. Please refer to the 'Statutory framework for the Early Years Foundation Stage'¹², to Annex B for Early Years Register requirements and Annex C for Childcare Register requirements.
53. If any person providing childcare on domestic premises decides instead to hold a registration as a childminder for any days they operate with fewer than four people on the same premises, they may do so. They must apply again to register as a childminder. These people must pay two fees and have separate inspections and inspection reports. The law does not permit them to act as a childminder and childcarer on domestic premises on the same premises at the same time.
54. We aim to register applicants for childminding within 12 weeks and childcare providers within 25 weeks. We may put an application 'on hold' where there is a delay that is caused by the applicant but we can only put an application on hold once. Putting an application on hold allows us to stop the process for a maximum of 16 weeks in exceptional circumstances. After this period, an applicant must either continue with their application or withdraw their application.
55. The reasons why an application can be put on hold are:
 - short-term illness, injury or hospitalisation for surgery
 - moving premises (childminding)
 - death in the family
 - significant building work or planning difficulties
 - pregnancy

¹¹ <https://online.ofsted.gov.uk/OnlineOfsted/default.aspx>

¹² www.gov.uk/government/publications/early-years-foundation-stage-framework.

- personal circumstances – where an applicant informs us that they are unavailable for a visit, for example because they are on holiday, or where they are experiencing personal difficulties such as divorce
- training – they have not been able to complete training and or a first aid course because the training course was cancelled
- staffing – because the applicant for childcare on domestic or non-domestic premises has not yet appointed a manager
- disqualification waiver applied for.

Applying the 'up to 50% of time' rule

56. Childminders and childcare on domestic premises providers must decide for themselves how they will divide their care between domestic and non-domestic premises. As long as providers do not exceed the 50% rule, they will be acting in line with the requirements of their registration. For example, they may choose to operate from both domestic and non-domestic premises on a daily basis. Alternatively, they may choose to operate between both types of premises on a weekly, monthly or yearly basis. Whichever way they choose to operate, they must be clear as to how they divide the care between each type of premises at the point of application to work from non-domestic premises as part of their childminding registration. If they want to work on non-domestic premises for more than 50% of their time, they will need to make a separate application to register as childcare on non-domestic premises.
57. Ofsted will ask for a written statement on how providers will divide their time and it is this statement against which Ofsted will regulate to ensure that providers do not exceed the 50% of time when providing care on non-domestic premises.
58. If providers exceed the 50% of time providing care on non-domestic premises under their childminding/on domestic registration they will be committing an offence unless they hold a separate registration. For information about outcomes of non-compliance please refer to Ofsted's 'Early years compliance handbook'.
59. Should Ofsted not approve the suitability of non-domestic premises under the 50% time rule, childminders and childcare on domestic premises providers must not offer care on those premises. They may still offer childminding/childcare on domestic premises under their childminding registration.

Single application for registration of multiple settings

60. Providers of childcare on domestic and non-domestic premises, who wish to provide childcare at multiple premises, must apply to register the entire provision under a single registration and complete one application form using the online application facility. At the point of application, they must have at least one premise that meets the requirements for the provision of childcare.

61. Where the applicant is an organisation, which also operates **separate legal entities** that provide childcare, the organisation must apply to register each separate legal entity. Each legal entity will then be treated as the registered person. A 'legal entity' is an association, corporation, partnership, proprietorship, trust, or individual that has legal standing in the eyes of the law.¹³
62. On application, multiple-setting applicants must provide details of any additional premises which are ready to be used for the provision of childcare as well as information relating to all relevant people, including details of the nominated individual for the registration where applicable. Once Ofsted grants registration, which will include approval of the premises, Ofsted will process the application for approval of any additional premises. All correspondence relating to the registration will be sent to the nominated individual at the registered person's business address either electronically or by post.
63. Providers may apply for approval to add additional or different premises to their single registration at any time, using the online application system. There is no limit to the number of additional premises which can be added.

Applications for registration on both registers

64. Applicants wishing to register on the Early Years Register may choose to be placed on the Childcare Register as well. They may choose to do so at application or at any time after registration on the Early Years Register is granted. They will only pay one application fee – for the Early Years Register.
65. A person who is registered on the Childcare Register only, and wishes to join the Early Years register, must make a separate application to join the Early Years Register and pay a separate fee. This is because the law requires Ofsted to operate a more stringent registration and regulation system for those looking after the youngest children.
66. Providers who wish to change which parts of the Childcare Register they are on should contact the Ofsted contact centre on 0300 123 1231 for guidance.

How Ofsted assesses suitability for registration on the Early Years Register

67. The registration process for new applicants to the Early Years Register involves a detailed online application, suitability checks, interviews and visits to premises.

¹³ A legal entity has legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions.

The registration visit

68. The registration visit is an important part of the registration process. It will normally take place once all checks are complete but may take place earlier. During the registration visit the inspector must:
- check that the application has been made correctly
 - check the applicant's identity (this **must** be a full-face identity check so applicants must ensure that the face is clearly visible) and qualifications where appropriate, including for childminders, and evidence that they have completed a training course and first aid training
 - interview the applicant or their nominee and assess their suitability to provide childcare, and to deliver the Early Years Foundation Stage, including both the safeguarding and welfare requirements and the learning and development requirements
 - check that the applicant's risk assessment is sufficient to assure that the equipment and resources, such as high chairs, cots, buggies and car seats, are safe and suitable for children
 - check that the applicant has fully considered that all parts of the premises used for childcare are safe, secure and suitable for their purpose
 - be confident by the end of the visit that the applicant's assessment of the risks, and their proposals for managing the risks, are acceptable.
69. If the applicant has changed his or her name by marriage, deed poll, adoption, statutory declaration or any other means, inspectors need to see evidence of this change, for example a marriage certificate or decree absolute.
70. The inspector should record evidence of the identity documents seen at the registration visit. If a person refuses to provide evidence of their identity, the inspector should record this in their evidence and recommend refusing registration.
71. In addition, the inspector will need to see two pieces of evidence confirming the current address, for example:
- a utility bill (gas, landline telephone, electricity)
 - a credit card, bank or mortgage statement
 - any recent communication from the local authority or a government agency such as the Department for Work and Pensions (DWP).
72. In the case of childminders, the registration visit may be deferred in exceptional circumstances, for example if, at the point of contact, the childminder has not yet completed the required first aid training because this has been cancelled or postponed. In such instances, the registration will be put on hold until the training has been completed. Registration applications will not normally be held open for longer than six weeks pending completion of training. If the training is

not due for completion within this timescale, the applicant will be able to withdraw their application, otherwise we will refuse it.

73. The legislation defines 'premises' for childcare as being 'any area or vehicle', so childcare can take place in outdoor settings such as woodlands, providing there is a defined area that is for the sole use of the children. If care is only offered from a play bus and not in conjunction with any separate premises, the vehicle will only be registered once, and not at each location it may operate from. If the play bus also uses additional premises at a location such as a community centre then a separate registration is required. 'Sole use of premises' means that the premises are used solely for children in the early years age group or for older children where the provision is also registered on the Childcare Register.
74. During the registration visit, the inspector must be satisfied that the applicant has identified any risks associated with the premises and equipment, and knows what they need to do to reduce or eliminate these risks. This also applies to areas that are out of bounds, but where children could access them, such as bedrooms. If the applicant has not covered all relevant risks and identified steps to deal with them, then the inspector must record this in their evidence and will normally recommend that registration is refused.
75. The inspector must consider the impact on children relating to:
 - available space for each child (and the applicant's assessment of the maximum number of children to be cared for)
 - how space will be organised to meet the children's learning, development and welfare needs
 - heating, ventilation, natural light and the general state of repair and cleanliness
 - access to outdoor play (not necessarily on the premises), including the arrangements for outdoor play where there is no dedicated outdoor space on the premises
 - whether there are suitable and sufficient toilet and nappy-changing facilities
 - whether arrangements for settings sharing facilities such as the kitchen or toilets with other users of the premises are suitable for ensuring the safety of the children.
76. It is not necessary for the applicant to have a full range of equipment at the time of the visit. However, they must be able to demonstrate how they will obtain sufficient equipment to meet the needs of the children they may care for and the inspector must record this in their registration visit evidence.
77. Registered childcare providers on non-domestic premises are responsible for determining that the staff they employ, and others who live or work on the premises where childcare takes place, are suitable. The inspector must check

the applicant's decision-making process for suitability, including whether he or she has, or will have, robust procedures for:

- recruitment by following proper application and selection procedures
 - obtaining an enhanced Disclosure and Barring Service check and the associated identity check, including compliance with the Disclosure and Barring Service's guidance¹⁴
 - obtaining details of employment history, references and any other necessary checks, such as an employee's physical and mental health.
78. The inspector must see and record in their evidence certificates of childcare qualifications held by the applicant if he or she intends to work directly with children. If these are not sufficient, the inspector must recommend refusing registration.
79. Childcare providers on non-domestic premises must meet the qualification requirements for childcare providers set out in the 'Statutory framework for the Early Years Foundation Stage'¹⁵ and must hold these at the point of registration.
80. The childminder applicant or at least one person in group settings must have successfully completed first aid training at the point of registration. The inspector must see proof of a first aid qualification. Where a childminder applicant indicates that they intend to leave an assistant in sole charge of children, then the inspector will also need to see proof that the assistant has a valid first aid certificate. The inspector must record details of all certificates in their evidence.
81. The inspector must always check the applicant's understanding of the number and ages of children they may care for, using appropriate scenarios to test their understanding.
82. During the visit, inspectors will make sure that:
- the premises being visited are safe and suitable for children
 - the registered person and staff concerned with the registration deliver the educational programmes to help children learn and develop
 - all of the requirements of the 'Statutory framework for the Early Years Foundation Stage' are met, or will be met when caring for children.
83. In relation to the learning and development requirements, the applicant must be able to demonstrate:

¹⁴ www.gov.uk/government/organisations/disclosure-and-barring-service.

¹⁵ www.gov.uk/government/publications/early-years-foundation-stage-framework.

- their knowledge and understanding of the seven areas of learning and development
 - how they will plan and deliver the educational programmes across these areas
 - how they will assess children's starting points and the progress they make and that they know and understand the requirement for a progress check at age two
 - how they will help children make progress towards the early learning goals
 - how they will help children become effective learners who are ready for school.
84. All applicants for the Early Years Register must read the requirements of the 'Statutory framework for the Early Years Foundation Stage' alongside other legal requirements. For example, the applicant is responsible for making sure that their premises comply with planning and building control regulations and they must comply with the requirements of their local authority environmental health department and local fire authority. Ofsted has a protocol with the fire service that sets out the requirements in relation to fire safety. In particular that childcare on domestic premises is treated in line with childcare on non-domestic premises, as the additional numbers of people on domestic premises are likely to pose a higher risk than traditional childminding.
85. The inspector must consider how the applicant has reviewed and assessed the fire safety arrangements, for example:
- equipment such as fire extinguishers, fire blankets and smoke detectors
 - procedures for emergency evacuation of the premises
 - whether fire exits are clearly marked and fire doors are unobstructed.
86. If the applicant intends to use a motor vehicle for transporting the children in their care, the inspector must see valid insurance and MOT certificates (where applicable) for each vehicle, and the driving licences of each person driving the vehicle(s). Inspectors should record the documents seen in their evidence.
87. During the interview, inspectors may also pursue other issues that may have been identified from checks, other matters that the applicant has declared in their application documents and any matters that the inspector encounters during the visit. Some examples of such matters may include obvious health problems that were not mentioned in the application form and health check, regular visitors who may be on the premises when children are being looked after, or evidence of hobbies or pursuits that might be potentially harmful to young children. In the case of childminding, the inspector may need to speak to other members of the household.
88. If at the visit the inspector finds any individuals who are not known to Ofsted, or any individuals known to Ofsted who have yet to complete a declaration and

consent form, he or she should remind the applicant that Ofsted cannot make a registration decision until we are sure these individuals are suitable. The inspector must also consider why the applicant had not notified us of these individuals on the application form and whether there was any intent to mislead Ofsted at that point. If the inspector believes the applicant did omit important information from the application, he or she should record this in their evidence so that it can be taken into account in making the decision on registration.

89. Where the inspector identifies any issues that might cause concern, they must ensure that they:
- discuss these with the applicant in full during the registration visit
 - record full details of these discussions in their evidence.
90. If any of the checks carried out in connection with a registration disclose evidence of health concerns, including drug or alcohol misuse, the inspector must investigate these further. They must:
- discuss the issues with the applicant face to face, returning to question them further where necessary and record in full the evidence. When coming to a decision on medical suitability, the medical adviser will carry out a full review of all information and make the decision based on:
 - the accuracy of the self-declaration
 - information from checks from other sources including from the inspector
 - appropriate additional tests or medical interviews from a range of sources.
91. The registration visit will contribute important evidence for the overall decision on registration. It is important that the applicant has a full understanding of the requirements and responsibilities of their role and the implications arising from it and is ready for the visit. The inspector will not normally make more than one registration visit. At the time of the arranged visit, the applicant is making a statement that they are ready for registration.
92. All applicants must be able to demonstrate that they or any assistants or employees have a sufficient grasp of English to ensure the well-being of the children in their care. Inspectors should check that they:
- will be able to summon emergency help where necessary
 - keep the required records in English, as well as in their home language¹⁶

¹⁶ Paragraphs 1.8 and 3.25 of the 'Statutory Framework for the Early Years Foundation Stage 2012', Department for Education; www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2012.

- can read and understand instructions in English, such as safety instructions, information on administering medication or on food allergies.
93. The applicant must be able to demonstrate that he or she will be able to support children to develop their communication and language skills in English. We will refuse registration if they are unable to do so.
 94. Where **the applicant is an organisation**, the registration visit and interview will take place with the nominated individual who represents the organisation. The inspector must ensure that the nominated individual fully understands the legal responsibilities of their role. It is the responsibility of that organisation to ensure that the nominated individual can satisfy the inspector of their understanding of the requirements for registration, including showing that they understand the 'Statutory framework for the Early Years Foundation Stage', otherwise Ofsted will refuse registration. This does not mean that the nominated individual must have a detailed and thorough knowledge of how the provision will deliver all the requirements of the Early Years Foundation Stage as this will normally be the role of their appointed manager. However, the nominated individual is still accountable for meeting the requirements for registration. They must be able to demonstrate that they will be able to assess for themselves that the manager is running the setting in line with the Early Years Foundation Stage requirements. The interview will draw out how these responsibilities are delegated and inspectors will judge whether the arrangements are suitable and sufficient.
 95. Providers applying to join the Early Years Register may also be applying to join the Childcare Register. During the registration visit, inspectors do not need to check that an applicant is also meeting, or will meet, all the requirements of the Childcare Register. However, if it becomes clear during the registration visit that the provider is unlikely to comply with the requirements of the Childcare Register, then the inspector must note this in their evidence, so that this can be taken into account when deciding on the applicant's application to join the Childcare Register.
 96. Inspectors will use agreed systems to record evidence, including how they have pursued any causes for concern or other issues that need to be covered at the registration visit. Such evidence will be used to support the registration recommendation.
 97. At the end of the registration visit, the inspector will make the **registration recommendation** of **suitable or not suitable** for registration based on the evidence gathered during the visit, plus the information contained in the checks carried out. The inspector will advise the applicant or the nominated individual of their recommendation during the feedback session. Ofsted will make the final decision on registration after all matters have been taken into account.

98. The inspector must give feedback at the end of the registration visit and include the provisional recommendation. If, rarely, the inspector needs to withdraw to seek advice before giving feedback, they must explain this briefly.
99. When coming to a decision about the suitability of an individual where there are offences or other information that give cause for concern, Ofsted must consider the:
 - seriousness of the offence or other information
 - accuracy of the person's self-disclosure on the application form
 - nature of the appointment, including levels of supervision
 - age of the individual at the time of the offence or other information
 - length of time that has elapsed since the offence or other information
 - relevance of the offence or information to working or being in regular contact with children.
100. The inspector must ensure that the questions they ask will draw out enough information to allow proper consideration of suitability. The inspector must also look for any physical signs of drug or alcohol misuse during the visit and record full details of their interview with the applicant so that this can be considered as part of the assessment of medical suitability.
101. Where the inspector judges that the applicant does not meet all the requirements of the Early Years Foundation Stage, they must recommend refusing registration. The inspector should not take into account that the applicant may be able to do further work to improve their knowledge after they have begun looking after children. If applicants need a period of time to understand and embed the requirements into their practice, then they will not be ready to deliver the Early Years Foundation Stage.
102. Where the recommendation is to **refuse registration**, the inspector should:
 - tell the applicant that, on the basis of their registration visit, they will be recommending that the applicant is not suitable for registration
 - explain the reasons for their recommendation and that this recommendation is subject to review by Ofsted
 - explain that if their application to register is refused, they will be advised in writing of their right to object to, and appeal against, Ofsted's decision to refuse registration
 - explain that the objection and appeal process gives them the opportunity to provide additional evidence
 - tell the applicant that they may withdraw their application if they wish to do so

- explain that if we refuse their application to register and any objections to or appeals against the decision are unsuccessful, they will be disqualified from registration in the future, unless Ofsted agrees to waive their disqualification.
103. If the recommendation is 'not suitable', the applicant may choose to withdraw the application to register on the Early Years Register at this stage and this will stop the registration process. The inspector must document the reasons for the withdrawal.
104. Where individuals associated with the application are not suitable, the applicant must decide and demonstrate how they will deal with this as it will affect their own suitability. If the applicant continues to include people Ofsted deems unsuitable, Ofsted will consider refusing registration. Should applicants pursue the registration and Ofsted refuses registration because the applicant has not met all the necessary requirements, this will automatically disqualify the applicant from providing childcare in the future.

The registration decision

105. The registration decision is crucial because registration is the gateway that allows the individual(s) to have unsupervised access to children, including very young children who cannot speak for themselves. In making that decision, Ofsted will be mindful of the fact that, at registration, it is up to the applicant to demonstrate that they are suitable for registration; it is not up to Ofsted to prove them unsuitable. Where the person has not satisfactorily demonstrated their suitability, taking into account all the information obtained during the registration process, Ofsted **must** refuse that person's application.
106. The regulatory decision-maker will normally make the overall decision on whether or not to grant registration. In doing so, they will review the application, all checks, memos, registration comments and the evidence leading to the recommendation by the inspector, as well as the way the registration details are captured on the Regulatory Support Application. The decision will normally be made within **five working days** of receiving the information.
107. Ofsted will advise any refusal through sending a 'notice of intention' to refuse registration. This is a legal document that sets out why the registration is refused. Applicants have a right to object and must indicate that they wish to do so within 14 days of the date of the notice. If, despite the objection, Ofsted decides to refuse registration, this will be confirmed through sending a 'notice of decision'. Applicants may appeal against the decision to an independent external body, the Health, Education and Social Care Chamber First-Tier Tribunal, within three months of the date of the notice decision. Applicants cannot withdraw an application once a 'notice of intention' to refuse registration has been served. However, this does not affect the applicant's right to make an

objection or to appeal against Ofsted's decision. Further information on the appeal process is provided in Ofsted's 'Early years compliance handbook'.¹⁷

108. If the recommendation is **suitable**, Ofsted will send the applicant a registration certificate together with information about the next steps.

How Ofsted assesses suitability for registration on the Childcare Register

109. Applicants for the Childcare Register, compulsory and voluntary parts, make a declaration on the application that they meet, or will meet, all the requirements of the Childcare Register in relation to people, premises and provision. These requirements are set out in Annex C.
110. Applicants must submit the required DBS checks with their application, which Ofsted will verify. Ofsted will also undertake all other required checks, including a check of local authority children's services department records for the applicant, and all connected with the application. When all the required checks have been completed and indicate no concerns, Ofsted will review the application information to ensure that:
- the application was made correctly
 - the applicant has declared that they meet or will meet all requirements
 - the applicant has a current first aid certificate (childminders and home childcarers) or at least one person working with children has a current first aid certificate (childcare on domestic or non-domestic premises)
 - the applicant has completed a childminder training course or provided dates when a course will be completed (childminders on the compulsory part of the Childcare Register only).
 - there is a manager in place where it is childcare on domestic or non-domestic premises
 - no information has been overlooked.
111. Where Ofsted has identified a cause for concern, or the applicant has lived abroad in the last five years, Ofsted will carry out further checks, including contact with the applicant or others connected with the registration if necessary. Ofsted may also carry out an interview with the applicant or others connected with the registration. This may be done through a telephone call or through a visit, depending on the nature of the concern.
112. On completion of this review, if registration is granted Ofsted will issue a registration certificate to the registered person. Where individuals associated with the application are not suitable, the applicant must decide and

¹⁷ www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted

demonstrate how they will deal with this as it will affect their own suitability. If the applicant continues to include people Ofsted deems unsuitable, Ofsted will consider refusing registration.

113. Should Ofsted decide to refuse registration, a 'notice of intention to refuse' will be sent to the applicant. If no response or objection is received within 14 days of the notice, a 'notice of decision to refuse registration' will be sent, together with information on how to appeal.

Applications for approval of additional premises by registered providers

114. Registered providers of childcare on non-domestic and domestic premises (except childminding) who wish to add or change premises they use for childcare, must apply to Ofsted for approval of the suitability of additional premises and pay the approval fee before childcare is provided from the new premises. It is an offence to operate from non-approved premises.
115. Registered childminders and childcare on domestic premises applicants wishing to also provide childcare on non-domestic premises for up to 50% of their time, must apply to Ofsted for approval of the suitability of the non-domestic premises.
116. Domestic childcare providers wishing to operate on non-domestic premises full time, must apply for a new childcare on non-domestic premises registration.
117. In both circumstances, because the 'registered person' is already known to Ofsted and much of the necessary information is already held, the approval process is simpler. As with a new registration, Ofsted will advise the applicant if approval has been granted once it has undertaken the necessary checks, which may include an approval visit.
118. Ofsted will take account of all information held on the existing registration. Should there be any unresolved actions that were set by Ofsted during a previous inspection, or information relating to concerns raised by parents and others, or a poor inspection history, Ofsted will undertake a risk assessment to decide whether it is necessary to undertake an approval visit by an inspector.
119. For new applicants, where there is no previous history, Ofsted will assess the need for any approval visit to additional premises during the registration process however it is likely that an approval visit will be undertaken in most circumstances.
120. Where an organisation has common policies in place for all its settings, the inspector should focus on ensuring that these are understood and will be implemented for that setting. During approval visits, inspectors must focus on checking that the setting, rather than the organisation as a whole, can deliver all the elements of the Early Years Foundation Stage. This includes the setting's plans for children's learning and development.

121. The inspector must be satisfied that the registered person or their nominated individual has all the necessary arrangements in place at the setting in relation to people, premises and provision so that the setting is ready to provide early years provision as soon as approval is granted. The inspector will need to assess whether the setting meets all the requirements in relation to premises as set out in the Early Years Foundation Stage and check that all parts of the premises used for childcare are safe, secure and suitable for that purpose. Considerations about setting specific arrangements must also include whether the child protection arrangements in that particular local authority are clearly understood, how the setting will ensure that there are adequate and appropriate resources, that risks have been identified and that appropriate plans are in place to minimise them. The inspector should also check that the information required by Ofsted with regard to setting staff qualifications and training is complete and/or whether there have been any changes to personnel since registration . If setting staff are on site during the visit, the inspector must also test communication and language skills in English.
122. Should Ofsted decide not to grant approval, this decision will be communicated to the registered person by letter together with details of the appeal process.

Circumstances where a new registration is required

123. Where a registered childminder chooses to work with three or more other adults at the same time on domestic premises, a new registration is required. This requires a new application and fee to register as childcare on domestic premises.
124. Where an existing registered person (organisation or individual) acquires one or a number of already registered provisions which have a separate or different legal entity to the existing registered person, a new registration is required. In these circumstances, each separate legal entity must submit a new application for registration. Where the legal entity consists of multiple settings, the single registration application process will apply.
125. For mergers and acquisitions of existing childcare provision, childcare cannot be provided on the new premises until registration of the new legal entity and approval of the premises has been granted. The 'seller' remains responsible for childcare until they resign the registration in writing. Where continuity of care for children is an issue, the existing registered person may wish to consider not resigning their registration until the new registration takes effect, which is from the date on the new certificate. If they wish to resign before the new applicant is registered, the provision must stop operating. Ofsted may need to take legal advice to ensure that company mergers and acquisitions are correctly processed.
126. Ofsted will not need to carry out a full assessment of the premises or re-check individuals connected with the registration if:

- there are no changes to the premises and there were no concerns about the premises at the last inspection
 - the registered person is already suitable in respect of other provision
 - there are no open compliance cases in respect of the provision being sold and/or any provision held by the purchaser
 - the purchaser has a good track record with Ofsted.
127. Where there is evidence of recent poor performance, Ofsted will undertake an assessment of all the information it holds and may undertake a new registration visit.
128. Acquiring existing provision means that there is a new published history of that provision on Ofsted's website. The existing published history will be retained for a period of three years, although there will be no explicit link to the new legal entity unless it is a re-registration.
129. Changes to legal entity, such as committee-run provision becoming a registered company or when an existing registered company number changes, must make a new application and pay the relevant approval fee/s for each setting. This also applies where individual owners (other than childminders) become limited companies.
130. Where Ofsted has completed checks on the applicant within the past three years, it will not carry out checks again unless there have been concerns or changes to people connected with the provision. The registration visit will normally concentrate on checking that the new premises are safe and how the provision may or may not be different from what is already in place.

Circumstances where a new registration is not required

131. Where a registered person acquires a company and that company retains the registered person's company number and continues to trade under the existing company name, Ofsted does not require a new registration application. If the individuals making up the registered person change, the registered person must notify Ofsted of such changes and all new individuals must complete a declaration and consent form to enable Ofsted to check suitability of those making up the organisation providing childcare, including the nominated individual representing the registered person.
132. Where sole traders or organisations change their name or the registered address (the address where Ofsted sends legal documents) and the registered person remains the same, a new application for registration is not required.

Part 3: After registration

133. Once Ofsted has granted registration, the registered person will receive a registration certificate. Under single registration, a separate certificate will also

be provided to each setting. For childminders and childcare on domestic who operate on non-domestic premises for up to 50% of the time, only one certificate will be provided but this will contain the details of both sets of premises.

134. Providers registered on the Early Years Register must advise Ofsted of any changes as set out in the 'Statutory framework for the Early Years Foundation Stage' either in advance but no later than 14 days after the event occurs.
135. Providers registered on the Childcare Register, must advise Ofsted of any changes to information related to people, premises or provision. The requirements of the Childcare Register and the information which applicants must provide to Ofsted are detailed under Annex C.
136. All registered providers must pay an annual fee for continuing the registration. Ofsted will cancel the registration of a provider who does not pay their annual fee. Where an organisation that runs more than one setting has not paid their annual fee for one or more of their settings, any cancellation will apply to the whole registration and will include all their settings.
137. Registered providers must continue to demonstrate that they are suitable to look after children for the whole time they are registered. Ofsted monitors this through:
 - regular inspections
 - visits by inspectors to follow up any concerns received
 - repeat or additional checks where information is received that brings suitability into question
 - review of self-evaluation forms if completed.
138. Once a provider is registered on the Early Years Register, Ofsted carries out regular inspections to evaluate the overall quality and standards of the early years provision, in line with the principles and requirements of the 'Statutory framework for the Early Years Foundation Stage'. Ofsted will normally inspect providers within 30 months of their registration and at least once in every inspection cycle thereafter. Information on how Ofsted inspects providers on the Early Years Register is provided in the 'Early Years inspection handbook'.¹⁸
139. Providers registered on the Childcare Register are inspected on a 10% sample basis each year, using a proportionate and risk based approach. Childminders and childcare on domestic premises who operate on non-domestic premises for up to 50% of the time will have their provision inspected at either of the premises depending on where they are operating at the time the inspection is arranged. Information on how Ofsted inspects providers registered on the

¹⁸ www.gov.uk/government/publications/early-years-inspection-handbook-from-september-2015.

Childcare Register is provided in the guidance 'Conducting Childcare Register inspections'.¹⁹

140. Information on how Ofsted regulates providers on both registers is provided in the 'Early years compliance handbook'.²⁰
141. Ofsted publishes information related to registered providers on its website. Information on what is published is included in the framework documents the 'Common inspection framework'²¹ and 'Framework for the regulation and inspection of providers on the Childcare Register'.²²
142. Registered providers wishing to resign their registration must advise Ofsted either online in the self-service section on Ofsted's website²³, by calling the contact number on 0300 123 1231, or by advising an inspector during a visit. Ofsted will confirm the resignation and remove the registered person from the relevant register.

Further information

143. Further information about registration is available on Ofsted's website or via the contact centre on 0300 123 1231.

¹⁹ www.gov.uk/government/publications/conducting-childcare-register-inspections.

²⁰ www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted

²¹ www.gov.uk/government/publications/common-inspection-framework-education-skills-and-early-years-from-september-2015.

²² www.gov.uk/government/publications/framework-for-the-regulation-of-provision-on-the-childcare-register.

²³ online.ofsted.gov.uk/onlineofsted/Default.aspx.

Annex A: Registration not required

The Childcare Act 2006 says childcare is 'any form of care for a child, including education or any other supervised activity'.

Most childcare providers caring for children under eight years old must register with Ofsted or as applicable, a childminder agency, unless the law says they do not need to.

The next section outlines when providers are not required to register on either the Early Years Register or on the compulsory part of the Childcare Register.

Providers do not have to register with Ofsted in the following cases:

1	If they care for children who are aged eight and over.
2	If they provide care where a child does not stay with them for more than two hours a day, even if the childcare service is open for longer than two hours.
3	If they only care for a child or children aged under eight who they are related to. A relative means a grandparent, aunt, uncle, brother or sister of a child (or half-brother or sister) or someone they are related to through marriage or civil partnership.
4	If they care for children aged under eight on domestic premises as a childminder without receiving any payment or reward for the services. Domestic premises can be their own home or someone else's home.
5	If they only care for a child or children as a: <ul style="list-style-type: none"> ■ local authority foster carer ■ foster carer with whom the child has been placed by a voluntary organisation ■ foster carer who fosters the child privately.
6	If they are a local authority approved foster carer, providing childcare for another child already placed with any local authority approved foster parent.
7	If they only care for the children of one or more friends in their own home or someone else's home: <ul style="list-style-type: none"> ■ if no money or payment changes hands ■ for three hours or less per day, and some payment is made. <p>Payment is defined as a 'payment of money or money's worth' but does not include the provision of goods or services; it means payment for or towards the costs involved in the childcare, such as a contribution to heating and lighting, or paying for food or repairs to the place where the childminding happens.</p>
8	If they provide care for children in their own home. This includes caring for children of up to two sets of parents completely or mainly in one or both sets of parents' homes. However, they need to register as a childminder if they look after the children of three sets of parents in any or all of the parents' homes.

9	If they only provide care between 6pm and 2am on domestic premises (babysitting arrangements). Domestic premises can be their own home or someone else's home.
10	If they are providing a home-education arrangement where a child of school age receives full-time education outside school, and is partly or completely taught by a person other than a parent of the child. Care provided to the child is incidental to (not the main focus of) the education offered.
11	<p>If they provide no more than two activities from the following list:</p> <ul style="list-style-type: none"> ■ school study support or homework support ■ sport ■ performing arts ■ arts and crafts ■ religious, cultural or language study. <p>This only applies if they care for children who are aged three and over, and do not care for children aged under five for more than four hours in any one day.</p> <p>There is further information about this type of provision below.</p>
12	<p>If they provide care as part of their organisation's activities in any of the following places:</p> <ul style="list-style-type: none"> ■ a children's home ■ a care home ■ a hospital in which a child is a patient ■ a residential family centre ■ a young offenders institution or secure training centre ■ a residential holiday scheme for disabled children.
13	If they are a school or academy that provides education or care for children aged two and over, where at least one child being cared for is a pupil of the school.
14	If (excluding childminders) they care for children under eight for four hours or less each day and the care is for the convenience of parents who plan to stay on the premises where they are providing care or within the immediate area. This type of provision has no long-term commitment to provide care for children – for example, a shoppers' crèche, a crèche attached to a sports centre or adult learning centre, or an exhibition – and covers services where children do not necessarily attend every day. There is further information about this type of provision below.
15	If they provide an open-access scheme ²⁴ for children who are not in the early years age group ²⁵ . However, if they also offer provision for children in the early years age

²⁴ An open access scheme offers play-based provision for children in the later years age group only, that is, from 1 September following their fifth birthday. This type of provision is exempt from registration.

²⁵ The early years age group is children aged from birth until the 31 August following their fifth birthday who go to early years settings that deliver the Early Years Foundation Stage.

	group who attend for more than two hours in any one day, they must register on the Early Years Register and meet its requirements. Childminders are not allowed to provide an open access scheme for children under eight.
16	If (excluding childminders) they care for children under eight from specific premises for 14 days or less in any year, and they let Ofsted know in writing at least 14 days before starting the service.
17	If they care for children between 6pm and 2am in hotels, guest houses or similar places. The care is for children of no more than two different clients, staying at the same place at the same time (babysitting arrangements).
18	If they wish to operate from an open space or other area with no building (for example as a forest school) they must still register with Ofsted unless they meet one or more of the exemption criteria outlined above in numbers 1–17.

Further information on items 11 and 14

Providing no more than two activities (11)

This exemption applies where the main purpose of what providers intend to offer is to give instruction or tuition in the activities, such as football coaching or art classes. Ofsted would not necessarily expect all those working with children to be specialist coaches, but it would expect them to have particular skills in the activities they were providing that would help children get better at them. For example, Ofsted would make a distinction between sports and physical activity for children. If providers offer a bouncy castle or activities like racquets and balls, bikes or roller skates for children to choose from then Ofsted would normally decide that these offered children physical exercise rather than being a sports activity. Similarly, the provision of pens, paints and paper does not fall under the exemption for arts and crafts. Ofsted looks for specific tuition or coaching to help children improve their skills.

Providers cannot claim this exemption where the main purpose of what they provide is childcare for working parents. Clearly if children are present for longer periods of time, Ofsted would expect them to have a break or rest time or if children are disabled or have special educational needs, Ofsted would expect them to have their needs met. But this must not be the main reason that the scheme or club exists. There is no reason why the specific care needs of disabled children or those with special educational needs cannot be met by attending sessions where the prime purpose is instruction. Those providing such activities may wish to give extra support and instruction to disabled children and those with special educational needs, or make arrangements for them to have their own carer present with them.

Care where parents remain in the immediate area (14)

The law sets out that this type of provision does not need to register with Ofsted, but it does not explain what is meant by the immediate area. Ofsted interprets this as meaning 'premises where care is provided and where parents can be summoned immediately'. Examples include crèches in a college where parents are taking part in adult learning classes, in a sports centre where parents are playing sports, or in a

purpose-built shopping centre in enclosed premises. There are two separate exemptions that apply to crèches.

Exemption one, if:

- the crèche offers services for a particular child for four hours or less per day
- the provision is offered to parents or carers as a convenience
- there is no longer-term commitment
- the parents or carers intend to remain on the premises.

Exemption two, if:

- the crèche is operating for 14 days or less in a year at a particular premises
- the provider has notified Ofsted at least 14 days in advance of the first day they want to operate from a particular premises.

In each of these exemptions, **all of the criteria** need to be satisfied for the crèche to be exempt. If any part of the criteria is not met, the crèche will not be exempt and registration is required. It is important that inspectors and administrators ask sufficient questions to ensure that the crèche meets all the criteria before advising the provider that they do not need to register. For example:

- a mobile crèche that offers full daycare for children at different venues **is not exempt** under the first exemption, because children stay for longer than four hours. The provision **may be exempt** if it only operates from each venue for no more than 14 days per year, as long as the provider has notified Ofsted in advance
- a crèche where parents can leave their children while they undertake work or training **is not exempt** under the first criteria. This is because it is offering a longer-term commitment to parents so they can undertake work or training
- a crèche that operates from different venues, but has failed to notify Ofsted at least 14 days in advance of operating at each venue, **is not exempt** under the second exemption. It is only exempt if it has notified Ofsted in advance.

Annex B: Registration requirements for the Early Years Register

This guidance should be read in conjunction with the detailed requirements for registration as provided for in the Childcare Act 2006²⁶ and in supporting regulations The Childcare (Early Years Register) regulations 2008²⁷ and The Childcare (Early Years and General Childcare Register) (Common Provisions) regulations 2008²⁸, as amended.

General requirements

- All childcare providers who are registered on the Early Years Register **must deliver the Early Years Foundation Stage (EYFS)**²⁹, which is the statutory framework for the early education and care of children in the early age group.
- The **EYFS**, which is produced by the Department for Education (DfE), includes requirements for the provision of young children's safeguarding and welfare, and their learning and development, which all providers on the Early Years Register must meet. It also provides guidance on good practice.
- Providers may apply to the DfE for **exemption** from elements of the learning and development requirements in certain circumstances. Where exemptions are granted, Ofsted will disregard those elements when deciding whether to grant registration. Out-of-school provision and holiday clubs will be exempt from learning and development requirements for those children that attend reception or nursery classes.
- There is no exemption from the safeguarding and welfare requirements as these deal with child safety.

Additional requirements for childminders registering on the Early Years Register

Childminder applicants must:

- complete a health declaration questionnaire
- complete a course designed to enable them to meet the EYFS learning and development and welfare requirements. Details of courses, information and advice are available from local authorities
- have an appropriate first aid qualification

²⁶ www.legislation.gov.uk/ukpga/2006/21/contents.

²⁷ www.legislation.gov.uk/uksi/2008/974/contents/made,
www.legislation.gov.uk/changes/affected/uksi/2008/974.

²⁸ www.legislation.gov.uk/uksi/2008/976/contents/made,
www.legislation.gov.uk/changes/affected/uksi/2008/976.

²⁹ www.gov.uk/government/publications/early-years-foundation-stage-framework.

- provide an application for an enhanced DBS with list checks for themselves and any persons associated with the application
- carry out an assessment to identify any risks to the health or safety of children arising from relevant premises, equipment and activities to be provided on those premises
- demonstrate that every person who is looking after children on the relevant premises where childminding is provided is suitable to care for young children, and provide an application for an enhanced DBS check in respect of every person
- where those premises are domestic premises, demonstrate that every person over the age of 16 who lives, works or is to work (whether as an employee or on a voluntary basis), on the premises where, and at the time when, childminding is provided, is suitable to be in regular contact with young children. They must also provide an application for an enhanced DBS check in respect of every person. This requirement does not apply where those premises are non-domestic under the 50% rule. Please refer to Part 2 of this handbook for definition of the 50% rule
- have the suitability of each non-domestic premises approved by Ofsted before early years childminding is provided there.

Additional requirements for other early years providers registering on the Early Years Register

In addition to the general requirements, other early years providers registering on the early years register must:

- appoint an individual to manage the early years provision (the manager)
- demonstrate that the manager is suitable to care for young children
- obtain an enhanced DBS with list checks or, in the case of childcare on domestic premises, provide an application for this in respect of the manager
- demonstrate that at least one person who is to care for children for whom the early years provision is to be provided on the relevant premises has an appropriate first aid qualification
- where the applicant is a partnership, body corporate, or unincorporated association applying to provide childcare on domestic or non-domestic premises, nominate an individual ('the nominated individual') to represent the organisation in its dealings with Ofsted relating to the registration. The nominated individual must be a partner, director, secretary, other officer or member of the governing body of the organisation. The nominated individual may also act as the manager of the provision as long as he or she is a member of the governing body
- demonstrate that the nominated individual is suitable to be in regular contact with young children and **where the sole or main purpose of the organisation is not the provision of childcare**, the corporate applicant

must provide an application for an enhanced DBS check in respect of the nominated individual

- **where the sole or main purpose of the organisation is the provision of childcare**, demonstrate that every person who is a partner in, or a director, secretary, other officer or member of the governing body is suitable to be in regular contact with young children and provide an application for an enhanced DBS with list checks in respect of every such person.

Information that must be provided about the applicant before registration on the Early Years Register

Where the **applicant is an individual**, they must provide their full name, any alias and former name, date of birth, address and telephone number.

Where the **applicant is a partnership, body corporate or unincorporated association**, they must provide:

- the name, address and telephone number of the applicant
- the body corporate or charity registered number
- the full name, any alias and former name, date of birth, address and telephone number of the nominated individual
- where the sole or main purpose of the applicant is the provision of childcare, the full name, any alias and former name, date of birth, address and telephone number of every person who is a partner in, or a director, secretary, other officer or a member of the governing body of the applicant.
- details about any criminal convictions and cautions of the applicant and the nominated individual, including the:
 - date of the offence
 - nature of the offence
 - place at which the offence was committed and either
 - name of the court by or before which the person was convicted, the date of the conviction and the penalty imposed, or
 - date of the caution.

Where the applicant is a provider of childcare on domestic premises, they must provide:

- the full name and any alias and former name, date of birth and address of every person who is to care for the children for whom the early years provision is to be provided
- the full name and any alias and former name, date of birth and address of every person aged 16 and over who works, or is to work, (whether as an

employee or on a voluntary basis), on the relevant premises where, and at the time when, childminding is provided

- the full name and any alias and former name and date of birth of every person aged 16 and over who lives on the relevant premises.

Information that must be provided about the early years provision that the applicant proposes to provide

The applicant must provide:

- the address of the relevant premises. Under single registration for multiple setting providers, this must be the address of the registered person where Ofsted will send all legal documents and the address(es) of all individual-setting premises that operate childcare
- a description of the relevant premises, including a description of why the relevant premises are considered to be suitable for the early years provision
- the days on which, and hours during which, the early years provision is to be provided
- the number of children for whom it is to be provided, and their ages.

Annex C: Registration requirements for the Childcare Register

The table below describes the requirements for childcare as set out in regulations for both parts of the Childcare Register (compulsory and voluntary). Where requirements are common across all types of providers, these are recorded across the table and where a requirement does not apply this is indicated by N/A. Applicants wishing to be included on either part of the register must meet these requirements at all times when providing childcare.

Childminders and home childcarers			Childcare providers on non-domestic or domestic premises	
Ofsted ref	Requirement	Which part of the Register	Requirement	Which part of the Register
CR1.1	Childminders/home childcarers/the registered person must ensure that children receiving childcare are kept safe from harm.		Both parts	
CR1.2	Every person caring for children is alert to any indications that a child may be suffering from harm.	Compulsory	The registered person must ensure that every person caring for children is alert to any indications that a child may be suffering from harm.	Both parts
CR1.3	Childminders and home childcarers must ensure that they have an appropriate first aid qualification.	Both parts	The registered person must ensure that at least one person caring for children has an appropriate first aid qualification.	Both parts
CR1.4	Childminders/home childcarers/the registered person must ensure that they do not use corporal punishment.		Both parts	
CR1.5	The registered person must ensure that no person caring for children, or living or working on the relevant premises where childcare is provided, uses corporal punishment.	Both parts	The registered person must ensure that no person caring for, or in regular contact with, children, or living or working on the relevant premises where childcare is provided, uses corporal punishment.	Both parts
CR1.6	Childminders and home childcarers must ensure that they are present on the premises at all times when	Both parts	N/A	

	childcare is being provided, unless for a maximum of two hours per day a childminding assistant is present and the parents or carers of the child have given their consent for the child to be left with the assistant.			
CR1.7	N/A		The registered person must ensure that a sufficient number of persons is present at all times on the relevant premises to ensure the safety and welfare of the children for whom the childcare is provided. At least one person must be the provider, manager, or a person who works for the provider caring for the children.	Both parts
CR1.8	N/A		The registered person must ensure that there is no fewer than one person caring for every 30 children.	Compulsory
CR1.9	Childminders/the registered person must ensure that neither they or any other person smokes, or consumes or is under the influence of drugs (including medication that may have an adverse effect on the individual's ability to provide childcare) or alcohol in or on the relevant premises at all times while childcare is provided, when children are or about to be present, or in the presence of a child receiving childcare.			Both parts
CR1.10	Home childcarers must not smoke, or consume or be under the influence of drugs (including medication that may have an adverse effect on their ability to provide childcare) or alcohol while providing childcare.	Voluntary	N/A	
CR1.11	The registered person must be aged 18 or over and ensure that any person aged under 17 caring for children is supervised at all times by a person aged 18 or over.	Both parts	The registered person must ensure that any person aged under 17 caring for children is supervised at all times by a person aged 18 or over.	Both parts

CR1.12	For every six children for whom the childminding is provided, at least one person providing care must be aged 18 or over.	Compulsory	N/A	
Arrangements for safeguarding children				
CR2.1	Childminders must keep and implement a written statement of procedures to be followed for the protection of children, intended to safeguard the children being cared for from abuse or neglect.	Both parts	The registered person must keep and implement a written record of policies and procedures to be followed for the protection of children, intended to safeguard the children being cared for from abuse or neglect.	
CR2.2	Home childcarers must ensure that they are familiar with issues of child protection and procedures to safeguard children from abuse or neglect.	Voluntary	N/A	
CR2.3	Childminders must ensure that any person having unsupervised contact with children is suitable to be in regular contact with children and an enhanced Disclosure and Barring Service check has been obtained through Ofsted in respect of that person.	Both parts	The registered person must ensure that no individual who is unsuitable to work with children has unsupervised access to a child receiving childcare.	Both parts
CR2.4	Childminders/the registered person must train all staff on the written statement of procedures to be followed to safeguard children from abuse or neglect			Compulsory
CR2.5	Childminders must have particular responsibility for ensuring the welfare	Compulsory	The registered person must designate a lead practitioner to have particular responsibility for ensuring the welfare and safety of the children.	Compulsory

	and safety of the children.		The lead practitioner must be the provider, the manager or any person who cares for children.	
CR2.6	Childminders must attend child protection training to enable them to identify and act on any indications that a child may be suffering from harm.	Compulsory	The lead practitioner must be responsible for ensuring the safety and welfare of children. They must attend child protection training to enable them to identify and act on any indications that a child may be suffering from harm.	Compulsory
CR2.7	Childminders must provide support and guidance in relation to child protection matters to any person who cares for children.	Compulsory	The lead practitioner must be responsible for ensuring the safety and welfare of children. They must provide support and guidance in relation to child protection matters to any person who cares for children.	Compulsory
CR2.8	Childminders must liaise with any local Safeguarding Children Board and Director of Children's Services as appropriate.	Compulsory	The lead practitioner must liaise with any local Safeguarding Children Board and Director of Children's Services as appropriate.	Compulsory
Suitability of persons to care for, or be in regular contact with children				
CR3.1	Childminders must have effective systems to ensure that any person caring for children is suitable to work with children. This must include obtaining an enhanced Disclosure and Barring Service check through Ofsted.	Both parts	The registered person must have effective systems to ensure that they, the manager and any person caring for, or in regular contact with, children and any person who lives or works on the premises where childcare is provided (including on a voluntary basis) is suitable to work with children. This must include obtaining an enhanced Disclosure and Barring Service check through Ofsted.	Both parts
CR3.2	Childminders must have effective systems to ensure that any person caring for children has sufficient	Compulsory	The registered person must have effective systems to ensure that the registered person, the manager and any person caring for, or in regular	Compulsory

	command of the English language to ensure the welfare and safety of the children being cared for.		contact with, children has a sufficient command of the English language to ensure the welfare and safety of the children being cared for.	
Qualifications and training				
CR4.1	Childminders/the registered person must provide or secure the provision of any training that is necessary to ensure that all staff have suitable skills and experience to care for children.			Compulsory
CR4.2	Childminders and home childcarers must have successfully completed a qualification at a minimum of level 2 in an area of work relevant to childcare, or training in the common core skills.	Voluntary	The registered person must ensure that at least one person has successfully completed a qualification at a minimum of level 2 in an area of work relevant to the childcare, or training in the common core skills.	Voluntary
Suitability and safety of premises and equipment				
CR5.1	Childminders must ensure the relevant premises and equipment used for the purposes of the childcare are safe and suitable for that childcare.	Both parts	The registered person must ensure that the relevant premises, including overall floor space, outdoor spaces and equipment used for the purposes of the childcare are safe and suitable for that childcare.	Both parts
CR5.2	Childminders must ensure that a child is unable to leave the relevant premises unsupervised.	Compulsory	The registered person must ensure that a child is unable to leave the relevant premises without a person who is caring for children on those premises becoming aware of the child leaving.	Compulsory
CR5.3	Childminders must ensure that a child is unable to leave the relevant premises unsupervised except where the child is aged eight or over and the	Voluntary	The registered person must ensure that a child is unable to leave the relevant premises unsupervised except where the childcare is open-access childcare, or where the child is aged eight	Voluntary

	parent of the child has agreed that they may leave the provision unaccompanied.		or over and the parent of the child has agreed that they may leave the provision unaccompanied.	
CR5.4	Childminders/the registered person must ensure that no one can enter the relevant premises without the knowledge of a person who is caring for children on the relevant premises.			Both parts
CR5.5	Childminders/the registered person must take all necessary measures to minimise any risks to the health or safety of the children and staff in their care.			Both parts
CR5.6	Home childcarers must advise parents/guardians/carers of any health and safety risks.	Voluntary	N/A	
CR5.7	Childminders/the registered person must ensure that there are suitable facilities for the preparation of food where food is provided.			Compulsory
CR5.8	Childminders/the registered person must ensure that any food and drink provided is properly prepared, wholesome and nutritious.			Compulsory
CR5.9	Childminders/the registered person must ensure that children have access to drinking water.			Compulsory
CR5.10	Childminders/the registered person must have a sufficient number of toilet and hand-washing facilities suitable for the use of children.			Compulsory
CR5.11	Childminders/the registered person must provide access to a secure outdoor space, or where this is not practicable, reasonable arrangements must be made for activities to take place outdoors.			Compulsory
How the childcare provision is organised				
CR6.1	Childminders/the registered person must make arrangements with other childcare providers or with parents for occasions on which the childminders/registered person is not able to provide childcare.			Both parts
CR6.2	Childminders/the registered person must ensure that children's behaviour is managed in a suitable manner.			Both parts
CR6.3	Childminders/the registered person must ensure that the childcare is accessible and inclusive by not refusing to provide childcare or treat any child less favourably than another child by reason of the child's:			Both parts

	<ul style="list-style-type: none"> ■ race ■ religion ■ home language ■ family background ■ gender ■ disability and/or special educational needs. <p>Childminders/the registered person must take all reasonable steps to ensure that disabled children have access to the relevant premises.</p>	
Procedures for dealing with complaints		
CR7.1	Childminders/the registered person must have a written statement of procedures to be followed in relation to complaints which relate to the requirements of the Childcare Register and which a parent makes in writing or by email.	Both parts
CR7.2	Childminders/the registered person must ensure that each complaint is fully investigated.	Both parts
CR7.3	Childminders/the registered person must keep a written record, for a period of three years, of these complaints including the outcome of the investigation and the action the provider took in response.	Both parts
CR7.4	Childminders/the registered person must inform the parent who made the complaint (in writing or by email if the parent requests this) of the outcome of the complaint, within 28 days of the date of the complaint was made.	Both parts
CR7.5	Childminders/the registered person must make available to Ofsted, on request, a summary of complaints made in relation to the requirements during the past 12 months and the action that was taken as a consequence.	Both parts
CR7.6	Childminders/the registered person must produce for Ofsted, on request, a list of complaints made during the previous three years.	Both parts

Records to be kept			
CR8	Childminders/the registered person must keep records of the following and retain them for a period of two years: <ul style="list-style-type: none"> ■ the name, home address and date of birth of each child who is looked after on the relevant premises ■ the name, home address and telephone number of a parent/guardian/carer of each child who is looked after on the relevant premises ■ a daily record of the names of the children looked after on the relevant premises and their hours of attendance ■ accidents which occur on the relevant premises where childcare is provided ■ any medicine administered to any child who is cared for on the relevant premises, including the date and circumstances and who administered it, including medicine which the child is permitted to self-administer, together with a record of a parent/guardian/carer's consent ■ the name, home address and telephone number of every person living or working on the relevant premises on which and when childcare is provided (or part of the premises where the childcare is held, in the case of premises such as community/leisure centres, where only parts of the premises are used for childcare). 		Both parts
Providing information to parents			
CR9.1	Childminders/the registered person must make the following information available to parents: <ul style="list-style-type: none"> ■ information about the activities the children will undertake ■ copies of the written statements of safeguarding procedures and complaints procedures. 		Both parts
CR9.2	N/A	The registered person must make the following information available to parents:	Voluntary

		<ul style="list-style-type: none"> ■ a statement to tell parents that the childcare is open access. 	
CR9.3	<p>Childminders, home childcarers and the registered person must make the following information available to parents:</p> <ul style="list-style-type: none"> ■ information about the registration system for the Childcare Register ■ Ofsted's address. 		Both parts
Providing information to Ofsted			
CR10	<p>Childminders/the registered person must inform Ofsted of changes to circumstance as soon as possible and no later than 14 days after the change occurs.</p>		Both parts
Changes to premises and provision			
CR11	<p>Childminders/the registered person must inform Ofsted of any change:</p> <ul style="list-style-type: none"> ■ to the registered address where Ofsted sends all legal documents ■ to the address of any premises where they are providing childcare ■ in the type of childcare they provide. For childminders for example, if someone is registered as a childminder and starts to care for a child or children in the home of the child, thereby becoming a home childcarer. For non-domestic/domestic providers, a change to the days and hours that children are cared for. 		Both parts
Changes to people			
CR12.1	<p>Childminders/the registered person must inform Ofsted of the following:</p> <ul style="list-style-type: none"> ■ any change to their name, address or telephone number 		Both parts

	<ul style="list-style-type: none"> ■ any significant event that is likely to affect their suitability or that of any person caring for children on the relevant premises, such as any offences or orders that may disqualify them ■ the name, date of birth, address and telephone number of any person aged 16 or over working or living on the premises where and when childcare is provided. This does not apply to the non-domestic premises under the 50% rule unless those persons are connected to the provision of childcare. 		
CR12.2	N/A	<p>The registered person must inform Ofsted of:</p> <ul style="list-style-type: none"> ■ the appointment of a new manager of childcare on domestic or non-domestic premises ■ changes to the nominated individual. 	Both parts
CR12.3	N/A	<p>Where the main purpose is childcare, the registered person must inform Ofsted of:</p> <ul style="list-style-type: none"> ■ the name, date of birth, address and telephone number of any partner, director, senior officer or other member of the governing body. 	Compulsory
Matters affecting the welfare of children			
CR13	<p>Childminders/the registered person must inform Ofsted of the following:</p> <ul style="list-style-type: none"> ■ any incident of food poisoning affecting two or more children in the provider's care ■ any serious accident or injury to, or the death of, any child while receiving childcare ■ any serious accident or injury to, or the death of, any other person on the relevant premises on which childcare is provided ■ any allegation of serious harm to, or abuse of, a child committed by any person looking after 		Both parts

	<p>children on the relevant premises (whether that allegation relates to harm or abuse committed on the relevant premises or elsewhere), or by any person, where the allegation relates to harm or abuse occurring on those relevant premises.</p> <p>Note: Home childcarers are only required to report the above events to Ofsted if they occur while they are providing childcare.</p>			
Insurance				
CR14.1	Childminders and home childcarers must be covered by their own personal liability insurance, which may be incurred for death, injury, public liability, damage or other loss.	Both parts	The registered person must be covered by liability insurance, which may be incurred for death, injury, public liability, damage or other loss.	Both parts
Certificate of registration				
CR15.1	<p>Childminders/the registered person must:</p> <ul style="list-style-type: none"> ■ display the certificate of registration in the relevant premises on which childcare is provided ■ display any notice of suspension of registration. 			Both parts
CR15.2	<p>Home childcarers must:</p> <ul style="list-style-type: none"> ■ give a copy of the certificate of registration to a parent on request ■ show any notice of suspension to the parent of each child who is provided with childcare. 	Voluntary	N/A	

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

Annex D: Who Ofsted checks

Provision type	Persons checked
Childminder	Applicant (the registered person).
	Every person aged 16 and over living on the premises.
	Every person aged 16 and over working on the premises during any time that childcare is being provided including volunteers.
	If applying to operate under the 50% of the time rule on non-domestic premises, every person looking after children where the childminding is being provided.
Home child carers Voluntary Register only (such as nannies)	Applicant (the registered person).
Childcare on domestic premises	Applicant (the registered person).
	Every person aged 16 and over living on the premises.
	Every person aged 16 and over, including managers and volunteers, working on or due to work on the premises during any time that childcare is being provided.
	If applying to operate under the 50% of the time rule on non-domestic premises, every person looking after children where the childcare is being provided.
Childcare on non-domestic premises	Applicant (the registered person).
	Nominated individual. This is the person who is responsible for dealing with matters relating to the applicant's application for registration, the subsequent registration and oversees (either alone or jointly with others) the management of the early years provision.
	Where the applicant is a partnership, body corporate or unincorporated association whose sole or main purpose is the provision of childcare, every person who is a partner, or a director, secretary and other officer(s) or member(s) of the governing body.
	Where the applicant is a partnership, body corporate or unincorporated association whose sole or main purpose is not childcare , the nominated individual.