

Committee-run registered childcare

A childcare fact sheet

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 unless the law says they do not need to.

We register childcare providers on the following two registers.

- The Early Years Register
- The Childcare Register

Introductory reading is in *Registering childcare providers from September 2008*, which is on our website (www.ofsted.gov.uk/publications/080043).

Introduction

Many pre-schools, holiday playschemes, out-of-school clubs and other types of childcare are run by committees that often involve parents. This factsheet has important information about the roles and responsibilities of committee members who provide childcare.

The registered person

Each registered childcare provision has what the law calls a registered person. The registered person can be either one person or an organisation that is responsible overall for the childcare. The registered person is responsible, for making sure the provision keeps to the requirements of the Early Years Register or Childcare Register, any legal regulations and any conditions of registration we impose.

If registered childcare is run by a committee, the committee is the registered person. If we decide to take action against a registered person who fails to meet their legal requirements, this can include taking action against individual committee members of the organisation.

The nominated person

We expect all organisations, including committees, to choose one person – the nominated person – to represent the organisation when dealing with us. If the organisation is a committee, we expect a member of the committee to be the nominated person. This prevents us from having to speak to all committee members separately whenever we need to get in touch. The nominated person is responsible for making sure the whole committee knows important information about the registration. However, the committee as a whole will still be responsible for the registration, not the nominated person.

Applying to provide childcare

The chairperson or another appropriate person will represent you and sign the application to register. For registration on the Early Years Register we interview the nominated person to see if you, as a committee, know and understand your responsibilities in relation to the Early Years Foundation Stage. We also check that all committee members are suitable to provide childcare by carrying out a check with the Criminal Records Bureau and with local-authority children's services departments. We only grant registration if all members of the committee are suitable and the nominated person can show that you can meet the requirements for registration.

What if the committee changes?

For registration on the Early Years Register and the compulsory part of the Childcare Register, we make a decision about whether each committee member is suitable to have contact with children. You must let us know about **any** changes to your membership, not just changes to the chair, secretary and treasurer. Each new committee member must send a declaration and consent form to us to allow us to carry out the checks we need to on their suitability, unless we have already carried out these checks within the last three years. (See note 1 below.) There is more information about suitability checks in the 'Who do we check?' section below.

If the whole committee resigns, for example at its annual general meeting (AGM), and a new committee is elected, we do not treat this as a new application. As the registration is still in the name of the committee, the registration can continue while we check new members.

If all the members of a committee resign and no new committee members come forward at the AGM, we make decisions about registration continuing on a case-by-case basis. Clearly we cannot allow childcare to continue where there is no registered person. However, we need to understand what, if any, the future arrangements are for childcare to continue before we make any decision about the registration.

Note 1: Form EY2 for the Early Years Register and form CR2 for the Childcare Register.

What if the committee is not properly constituted?

It is not our role to make sure that committees are properly constituted in line with the arrangements for the organisation, or Charity Commission rules. We accept that a committee is made up of the elected members who are in their posts at whatever time we decide to take any action. Our registration certificates make this clear.

Can the setting's manager or supervisor be the registered person?

The registered person is the individual or organisation responsible in law for the registration, and against whom we would take any action if necessary. Normally the registered person:

- 'owns' the childcare provision and its assets
- is responsible for appointing and paying staff; and
- is responsible for the childcare premises, including any contractual arrangements for renting them.

If a manager or supervisor applies for registration or already holds this, we need to confirm that they are responsible as an individual for the above. We then call this 'childcare run by an individual' and we would take any action needed against the individual. There may still be a committee, for example to raise funds, but they would have no responsibility for meeting the childcare registration requirements as this responsibility lies with the registered provider.

What if we think the registered person or person applying is not correct?

If we discover on the registration visit, at inspection, or at other times that an application to provide childcare, or the registration is not correct, we make arrangements to correct this.

If someone applies incorrectly, we tell them why we believe this to be the case and ask them to agree to our decisions. We need a written statement to accompany the original application showing the change, signed by the person who made the original application and the person with the authority to make a new application.

If we discover, during an inspection, that the registered person is not correct, we explain to the person providing the care that they must apply to us for registration and send us an application form (EYO). Wherever possible we try not to disrupt the care provided for children, but we must make sure that the childcare is provided in line with the law.

Who do we check?

If you are applying to be registered on the Early Years Register and the **compulsory** part of the Childcare Register, we carry out checks on all committee members, including any change of committee members. We also check the day-to-day manager or supervisor of the childcare. We use the information from these checks to decide whether the committee is qualified to provide childcare, and the manager is suitable to manage the setting and work or be in regular contact with children. For all these people, we need the relevant declaration and consent form, dated within the last three years, before we carry out checks. (See note 2 below.) Committee members who work with children must also have a health check. Your GP may charge a fee for this service.

For childcare provided on non-domestic premises, registered only on the **voluntary** part of the Childcare Register, we carry out checks on the nominated person and the manager. For registration on the voluntary part of the Childcare Register, the nominated person must make sure that all committee members are suitable to have contact with children. This must include getting an enhanced CRB check.

If childcare takes place on non-domestic premises, we do not check the suitability of any staff member, anyone who lives or works on the premises where the childcare is provided, or parents who are not part of the committee who may have regular access to children. You (the committee) are responsible for carrying out the appropriate checks and making sure that only suitable people have contact with children.

For childcare on domestic premises we check the childcare staff and any person aged 16 or over living or working on the premises.

What if the committee members change during the registration process? Does this delay registration?

We must make decisions on a case-by-case basis. If we have made suitability decisions for most of the committee, but one person is still waiting for a check, there is no reason why we would not go ahead with the registration as long as the rest of the committee understand what would happen if we find that person unsuitable (see below).

What if a member of the committee is not suitable?

As part of the application process or during a change of committee after registration, we may discover that a committee member is not suitable. If the person is disqualified from providing childcare, they can apply for a 'waiver'. But if we refuse the waiver or we have other information that makes them unsuitable, we will explain

Note 2: Form EY2 for the Early Years Register and form CR2 for the Childcare Register.

this to them and ask them to resign from the committee. If they refuse, we explain that we must share the decision about suitability with the committee (but not our reasons for the decision).

We share our decision with the nominated person (or another officer, on the committee, if we believe the nominated person is not suitable) and explain that they must get the person involved to resign or we may have to refuse or cancel registration.

More information from Ofsted

There is more information about registration on our website (www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare). If you are not sure whether you have to register for childcare on domestic premises, please contact us on 0300 123 1231.

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

Some childcare providers don't need to register their services and you can find out about the circumstances where providers do not have to register in our childcare factsheet: *Registration not required* (www.ofsted.gov.uk/publications/080134). This is also part of the *Guide to registration on the Childcare Register* (www.ofsted.gov.uk/publications/080032).

The law that sets out our responsibilities is the Childcare Act 2006 and linked regulations. The specific order setting out exemptions from compulsory registration is the Childcare (Exemptions from Registration) Order 2008 (2008 No. 979) (www.opsi.gov.uk/si/si2008/uksi_20080979_en_1). The references to regulations and our policy on registration and inspection are included in our *Framework for the regulation of those on the Early Years and Childcare Registers* (www.ofsted.gov.uk/publications/080024).

More information

Your local family information service (FIS) will help you. You can get their contact details from www.familyinformationservices.org.uk/contactcis/england/index.htm, or from your telephone directory.

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