

Registering childcare providers

Ofsted registers providers on one of two registers, the Early Years Register and the Childcare Register. This document introduces the arrangements for registration and highlights exemptions to registration.

Age group: 0–17

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From September 2008 Ofsted holds two registers for those wishing to provide childcare or early years provision. These are the early Years Register and the Childcare Register, which has two parts, a compulsory part and a voluntary part.

The Early Years Register

You must register on the Early Years Register if you care for children from birth to the 31 August following their fifth birthday, unless you do not have to register your care. This age group is referred to in this leaflet as the 'early years age group'. Some providers do not have to register because they provide care that is exempt from registration. We have set out these exemptions in a leaflet called *Registration not required* available www.ofsted.gov.uk/publications/080134.

The 31 August following a child's fifth birthday marks the end of the Early Years Foundation Stage. The Early Years Foundation Stage sets the standards for learning, development and care for children from birth to the end of the stage. All providers on the Early Years Register and schools must deliver it. You can find the Early Years Foundation Stage at www.standards.dcsf.gov.uk/eyfs.

The Childcare Register

Compulsory part

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

Voluntary part

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

- home-based care in the home of the child (nannies)
- activity-based settings such as sports coaching or tuition
- short-term care such as crèches; and
- care that is only for children aged eight to under 18.

(Please see the section on 'Exemptions from compulsory registration' on page 4 for more information.)

Definition of childcare

The law (section 18 of the Childcare Act) defines childcare as any form of care for a child including education or any other supervised activity. It does not include:

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

If you only provide care for any child or young person in these categories, you cannot register with us.

Exemptions from compulsory registration

You are exempt from compulsory registration in the following circumstances.

- If you care for individual children for two hours or less each day even if you provide care for longer than this period. One example is a crèche attached to an adult learning centre where the crèche may be open all day but parents leave children for less than two hours while they take part in an adult learning session.
- If you care for children for four hours or less each day and the care is for the convenience of parents who plan to stay on the premises where you provide childcare or within the immediate locality. In this type of provision there is no long-term commitment to provide care for children. Examples of this care include a shoppers' crèche or a crèche attached to a sports centre or an exhibition where children do not go every day.
- If you provide an open-access scheme for children not in the early years age group. An open-access scheme allows children to leave your setting without supervision. Childminders who care for children in the later years age group are not allowed to offer open-access provision. You cannot offer this type of provision for children in the early years age group.
- If you provide home education for a child who is of compulsory school age under a home education arrangement and the care you give is incidental to the education you provide. A home-education arrangement is where a child of compulsory school age receives full-time education not in a school, and is partly or totally educated by someone who is not the child's parent.
- If you provide care for children in a hotel or guest house between 6pm and 2am and you care for the children of no more than two clients at the same time (babysitting arrangements).

- If you provide care only between 6pm and 2am on domestic premises (babysitting arrangements). Domestic premises can be your own home or someone else's home, but not the home of the parents of the child.
- If you provide care for children of two sets of parents totally or mainly in either or both of the sets of parents' homes. However, you need to register as a childminder if you look after the children of three sets of parents in any or all of the parents' homes.
- If you operate from a particular premises for 14 days or less in any year and you tell us in writing at least 14 days before you start to provide care.
- If you provide no more than two types of activity from:
 - school study support or homework support
 - sport
 - performing arts
 - arts and crafts; or
 - religious, cultural or language study.

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

If you are exempt from compulsory registration, you may still choose to join the voluntary part of the Childcare Register.

Information about childcare on non-domestic premises

You need to apply to provide childcare on non-domestic premises if you intend to provide care for at least one child for a period or total of periods of more than two hours in any one day on premises such as purpose-built nurseries, church halls, community centres, spare classrooms in a school and so on. You should apply in this category if you want to care for children in either the early years or the later years age group, or both.

If you want to care for children up to 31 August after their fifth birthday you must register on the Early Years Register and deliver the Early Years Foundation Stage.

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

If you want to care for children from age eight to under 18, or provide care for younger children for which you are exempt from registration, you can decide whether to register on the voluntary part of the Childcare Register and meet its requirements.

Information about childminding

Childminding is where one person cares for children on domestic premises for 'reward'. This is normally your own home. However, it can be someone else's home, as long as it is not the home of one of the children you care for. Reward can be either payment or other services in exchange for care. This applies unless you look after children from more than two families at the home of one or more of the families – please phone us on 0300 123 1231 to check if you are not sure if this applies to you. Childminders can work on their own or with up to other childminders or assistants at any one time.

As with childcare on non-domestic premises you may choose to be on one or both registers. You need to meet the requirements for childminding rather than childcare where these are different.

Information about childcare on domestic premises

You need to apply to provide childcare on domestic premises if you want to provide childcare where four or more people work together caring for children on any one day. Some examples of this are:

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

As above you may choose to be on one or both of the registers. If you intend to provide this type of care you must meet the requirements for childcare providers rather than childminders. You should check the welfare requirements in the *Statutory Framework for the Early Years Foundation Stage* and the requirements for the Childcare Register to make sure you follow the ones for early or later years providers and not for childminders, as there are some differences. Your local authority can help you do this. For contact details visit

www.direct.gov.uk/en/D11/Directories/Localcouncils/index.htm.

Information about home childcarers

If you want to be a home childcarer such as a nanny you can choose to apply on the voluntary part of the Childcare Register. Home childcarers look after the children of no more than two families in the homes of one or both families. If you look after the children from three families then you must register as a childminder even if the care is provided at one or all of the children's houses.

You need to make sure you meet the requirements for home childcarers on the voluntary part of the Childcare Register.

Information for schools

Maintained and independent schools do not need to register with us if they provide the early Years Foundation Stage for pupils at the school who are aged three and upwards. If you are a school which admits pupils who have not reached the age of three, but will do so before the end of their first term in school (known as 'rising threes'), you may count them as if they are three years old.

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

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

In all cases, whether or not you need to register, the school must deliver the Early Years Foundation Stage, including all care outside of the school day (wrap-around care) for children in the early years age range.

If you are a school, you cannot normally register on either the compulsory or the voluntary part of the Childcare Register. You can only register on this register if you provide childcare for children who are not pupils of the school. However, you are expected to meet the requirements for registration on the Childcare Register if you provide wrap-around care for children not in the early years age group whether or not they are pupils of the school.

Where can I get help?

We have information in the childcare section of our website (www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare) on how we will register and inspect those providers delivering the Early Years Foundation Stage and the requirements for those on the Childcare Register.

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

For more information about the Early Years Foundation Stage visit:

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

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Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA

T: 0300 123 1231
Textphone: 0161 618 8524
E: enquiries@ofsted.gov.uk
W: www.ofsted.gov.uk

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