
WELSH STATUTORY INSTRUMENTS

2002 No. 812 (W.92)

**SOCIAL CARE, WALES
CHILDREN AND YOUNG PERSONS, WALES**

The Child Minding and Day Care (Wales) Regulations 2002

		<i>16.00 on 21 March</i>
<i>Made</i>	- - - -	<i>2002</i>
<i>Coming into force</i>	- -	<i>1st April 2002</i>

The National Assembly for Wales makes the following Regulations in exercise of the power conferred on it by sections 79C and 104(4) of the Children Act 1989⁽¹⁾:

**PART I —
GENERAL**

Citation, commencement and application

1.—(1) These Regulations may be cited as the Child Minding and Day Care (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply in relation to persons who act as child minders or provide day care on relevant premises in Wales.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires—

“the Act”(“*y Ddeddf*”) means the Children Act 1989;

“appropriate office”(“*swyddfa briodol*”) means—

(a) if an office has been specified under paragraph (2) in relation to any relevant premises, that office;

(b) in any other case, any office of the National Assembly;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

(1) 1989 c. 41; section 79C was inserted by section 79 of the Care Standards Act 2000 (c. 14).

“national minimum standards” (“*safonau gofynnol cenedlaethol*”) means the standards set out in the statements of national minimum standards;

“open access play provision” (“*darpariaeth chwarae mynediad agored*”) means the provision of day care which does not require

- (a) a prior arrangement by the registered person to provide such care; or
- (b) that children are escorted by a parent or other responsible person to and from the relevant premises;

“organisation” (“*corff*”) means a body corporate;

“person in charge” (“*person sy'n gyfrifol*”) means in relation to day care the individual appointed by the registered person as the person in charge of providing actual day care on the premises;

“registered person” (“*person cofrestredig*”) means a person registered under Part XA of the Act as a child minder or a provider of day care;

“relevant child” (“*plentyn perthnasol*”) means a child in relation to whom a registered person acts as a child minder or, as the case may be, to whom day care is provided by a registered person;

“relevant premises” (“*safle perthnasol*”) means premises on which a registered person acts as a childminder or, as the case may be, day care is provided by a registered person;

“responsible individual” (“*unigolyn cyfrifol*”) has the meaning given to it in regulation 4;

“statements of national minimum standards” (“*datganiadau safonau gofynnol cenedlaethol*”) means the statements of national minimum standards described in Schedule 1 which were made by the National Assembly on the date of making of these Regulations;

“statement of purpose” (“*datganiad o ddiben*”) means the statement compiled in accordance with regulation 3(1).

(2) The National Assembly may specify an office controlled by it as the appropriate office in relation to relevant premises situated in a particular area of Wales.

(3) In these Regulations a reference—

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(4) In these regulations, unless the contrary intention appears, references to employing a person include employing a person whether or not for payment, and whether under a contract of service, a contract for services or otherwise than under a contract, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

Statement of purpose

3.—(1) The registered person shall compile in relation to the child minding or provision of day care for which the person is registered, a statement on paper (“the statement of purpose”) which shall consist of—

- (a) a statement of aims and objectives;
- (b) a statement as to the age-range, sex and number of children for whom care is intended to be provided by the registered person and as to the range of needs that the person intends to meet;

- (c) a statement as to the facilities and services to be provided or made available to relevant children;
 - (d) a statement as to the activities to be provided and as to the language or languages through which the activities will be provided; and
 - (e) a statement of the terms and conditions upon which care is provided to relevant children when the registered person acts as a child minder or provides day care, as the case may be.
- (2) Subject to paragraph (3) the registered person shall ensure that he or she acts as a child minder or day care is provided, as the case may be, in a manner which is consistent with the statement of purpose.
- (3) Nothing in paragraph (2) or in regulation 20 shall require or authorise the registered person to contravene or not comply with—
- (a) any other provision of these Regulations; or
 - (b) the conditions for the time being in force in relation to the registration of the registered person under Part XA of the Act.
- (4) The registered person shall—
- (a) keep under review, and, where appropriate, revise the statement of purpose; and
 - (b) whenever practicable notify the appropriate office of the National Assembly of any such revision at least 28 days before it is to take effect.

PART II — REGISTERED PERSONS

Registered person — suitability

- 4.—(1) A person shall not act as a child minder or provide day care unless the person is suitable to look after children under the age of eight.
- (2) A person is not so suitable unless the person—
- (a) is an individual who acts as a child minder alone or who provides day care alone or in partnership with one or more persons, and satisfies the requirements set out in paragraph (3); or
 - (b) in the case of a person providing day care, is an organisation and—
 - (i) the organisation has given notice to the appropriate office of the National Assembly of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the provision of such day care; and
 - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that the person—
- (a) is of suitable integrity and good character to look after children under the age of eight;
 - (b) is physically and mentally fit to look after children under the age of eight; and
 - (c) full and satisfactory information or documentation, as the case may be, is available in relation to the person—
 - (i) except where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;

(ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2.

(4) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997⁽²⁾ has not been brought into force.

(5) A person is not suitable to act as a child minder or provide day care if—

- (a) the person has been adjudged bankrupt or sequestration of the person's estate has been awarded and (in either case) the person has not been discharged and the bankruptcy order has not been annulled or rescinded; or
- (b) the person has made a composition or arrangement with the person's creditors and has not been discharged in respect of it.

Registered person — general requirements

5.—(1) The registered person shall, having regard to

- (a) the statement of purpose, the number and needs (including any needs arising from disability) of the relevant children, and
- (b) the need to safeguard and promote their welfare,

act as a child minder or provide day care (as the case may be) with sufficient care, competence and skill.

(2) Where a registered person acts as a child minder or is an individual providing day care, the registered person shall undertake from time to time such training as is appropriate to ensure that he or she, as the case may be, has the experience and skills necessary for acting as a child minder or providing day care, as the case may be.

(3) Where the registered person is an organisation providing day care it shall ensure that the responsible individual undertakes such training as is appropriate to ensure that he or she has the skills necessary for providing day care.

Notification of offences

6.—(1) Where the registered person or the responsible individual is convicted of any criminal offence whether in Wales or elsewhere, the person convicted shall forthwith give notice in writing to the appropriate office of the National Assembly of—

- (a) the date and place of the conviction,
- (b) the offence of which the person was convicted, and
- (c) the penalty imposed on the person in respect of the offence.

(2) Where the registered person is charged with any offence in respect of which an order may be made under Part II of the Criminal Justice and Court Services Act 2000⁽³⁾ the person shall forthwith give notice in writing to the appropriate office of the National Assembly of the offence charged and the date and place of charge.

(2) 1997 c. 50. Sections 113 and 115, as amended have not yet been brought into force. See further the footnotes to paragraph 2 of Schedule 2 to these Regulations.

(3) 2000 c. 50.

PART III — WELFARE AND DEVELOPMENT OF RELEVANT CHILDREN

Promotion of welfare

7.—(1) The registered person shall act as a child minder or provide day care, as the case may be, in such a way as to—

- (a) promote and make proper provision for the welfare of relevant children; and
- (b) make proper provision for the care, education, supervision and, where appropriate, treatment, of relevant children.

(2) The registered person shall, for the purpose of providing care to relevant children and making proper provision for their welfare, so far as practicable, ascertain and take into account their wishes and feelings.

(3) The registered person shall make suitable arrangements to ensure that while relevant children are under the care of the person—

- (a) their privacy and dignity is respected;
- (b) due regard is paid to their sex, religious persuasion, racial origin, cultural and linguistic background and any disability affecting them.

Food provided for children

8.—(1) The registered person shall ensure, where food is provided to relevant children by the registered person, that

- (a) they are provided with food which—
 - (i) is served in adequate quantities and at appropriate intervals;
 - (ii) is properly prepared, wholesome and nutritious;
 - (iii) is suitable for their needs and meets their reasonable preferences; and
 - (iv) is sufficiently varied; and
- (b) any special dietary need of a relevant child which is due to the child's health, religious persuasion, racial origin or cultural background is met.

(2) The registered person shall ensure that relevant children are provided with access to fresh drinking water at all times while they are under the care of the person.

Arrangements for the protection of children

9.—(1) The registered person shall draw up and implement a written policy which—

- (a) is intended to safeguard relevant children from abuse or neglect; and
- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

(2) The procedure under paragraph (1)(b) shall in particular provide for—

- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in relation to a relevant child;
- (b) the prompt referral to the local authority for the area in which the relevant premises are situated, of any allegations of abuse or neglect affecting a relevant child;
- (c) written records to be kept of any allegation of abuse or neglect, and of the action taken in response;

- (d) consideration to be given in each case to the measures which may be necessary to protect relevant children following an allegation of abuse or neglect;
- (e) a requirement for any persons working with relevant children to report any concerns about the welfare or safety of a child to one of the following—
 - (i) the registered person;
 - (ii) a constable;
 - (iii) a person responsible for exercising the functions of the National Assembly under Part XA of the Act;
 - (iv) an officer of the local authority for the area in which the relevant premises are situated, or
 - (v) an officer of the National Society for the Prevention of Cruelty to Children;
- (f) arrangements giving persons working with relevant children, access at all times and in an appropriate form, to information which would enable them to contact the local authority for the area in which the relevant premises are situated, or the appropriate office of the National Assembly concerning the welfare or safety of such children.

(3) In this regulation “child protection enquiries” means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the Act relating to the protection of children.

Behaviour management, discipline and restraint

10.—(1) No measure of control, restraint or discipline which is excessive, unreasonable or contrary to paragraph (5) shall be used at any time on relevant children.

(2) The registered person shall, in accordance with this regulation, draw up and implement a written behaviour management policy setting out—

- (a) the measures of control, restraint and discipline which may be used on the relevant premises; and
- (b) the means whereby appropriate behaviour is to be promoted on those premises.

(3) Subject to paragraphs (6) and (7) of this regulation, only such measures of control, restraint and discipline as are provided for in the said behaviour management policy shall be used on relevant children.

(4) The registered person shall keep under review and where appropriate revise the behaviour management policy and notify the appropriate office of the National Assembly of any such revision within 28 days.

(5) Subject to paragraph (6), neither the following measures nor a threat to use one or more of them shall be used on relevant children—

- (a) any form of corporal punishment;
- (b) (subject to the provision of any court order relating to contact between the child and any person) any restriction on a child’s contact or communication with his or her parents;
- (c) any punishment relating to the consumption or deprivation of food or drink;
- (d) any requirement that a child wear distinctive or inappropriate clothes;
- (e) the use or withholding of medication or medical or dental treatment as a disciplinary measure;
- (f) the intentional deprivation of sleep;
- (g) any intimate physical examination of a child;
- (h) the withholding of any aids or equipment needed by a disabled child;

- (i) any measure which involves—
 - (i) any child in the imposition of any measure against any other child; or
 - (ii) the punishment of a group of children for the behaviour of an individual child.
- (6) Nothing in this regulation shall prohibit—
 - (a) the taking of any action by, or in accordance with the instructions of, a registered medical or dental practitioner which is necessary to protect the health of a child;
 - (b) the taking of any action immediately necessary to prevent injury to any person or serious damage to property.

Health needs of children

- 11.**—(1) The registered person shall promote and protect the health of relevant children.
- (2) In particular the registered person shall ensure that—
 - (a) each child is provided with such individual support as may be required in the light of any particular health needs or disability of the child; and
 - (b) at all times, at least one person caring for relevant children has a suitable first aid qualification.

Hazards and safety

- 12.** The registered person shall ensure that—
 - (a) all parts of the relevant premises to which relevant children have access are so far as reasonably practicable free from hazards to their safety;
 - (b) any activities in which relevant children participate are so far as reasonably practicable free from avoidable risks; and
 - (c) unnecessary risks to the health or safety of relevant children are identified and so far as possible eliminated.

Use and Storage of Medicines

- 13.**—(1) The registered person shall make suitable arrangements for the safekeeping of any medicine on relevant premises.
- (2) In particular the registered person shall ensure, subject to paragraph (3), that—
 - (a) relevant children are prevented from having unsupervised access to any medicine;
 - (b) any medicine which is prescribed for a relevant child is administered as prescribed, to the child for whom it is prescribed, and to no other child; and
 - (c) a written record is kept of the administration of any medicine to a relevant child.
- (3) In this regulation, “prescribed” means—
 - (a) ordered for a patient for provision to them—
 - (i) under or by virtue of section 41 of the National Health Service Act 1977⁽⁴⁾; or
 - (ii) as part of the performance of personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997⁽⁵⁾; or

(4) 1977 c. 49.

(5) 1997 c. 46.

- (b) in a case not falling within sub-paragraph (a), prescribed for a patient under section 58 of the Medicines Act 1968⁽⁶⁾.

Complaints

14.—(1) The registered person shall prepare and follow a written procedure for considering complaints made by or on behalf of relevant children.

(2) The procedure shall, in particular, provide for arrangements for the procedure to be made known to—

- (a) relevant children;
- (b) their parents; and
- (c) persons working for the registered person.

(3) A copy of the procedure shall be supplied on request to any of the persons mentioned in paragraph (2).

(4) The copy of the procedure supplied under paragraph (3) shall include—

- (a) the name, address and telephone number of the appropriate office of the National Assembly; and
- (b) details of the procedure (if any) which has been notified to the registered person by the National Assembly for the making of complaints to it relating to the provision of care by child minders or day care providers.

(5) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated.

(6) The registered person shall, within 28 days after the date on which the complaint is made, or such shorter period as may be reasonable in the circumstances, inform the person who made the complaint of the action (if any) that is to be taken.

(7) The registered person shall ensure that a written record is made of any complaint, the action taken in response and the outcome of the investigation.

(8) The registered person shall supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action that was taken in response to each complaint.

PART IV —

STAFFING

Staffing

15. The registered person shall ensure that there is at all times, having regard to—

- (a) the statement of purpose and the number and needs (including any needs arising from any disability) of the relevant children, and
- (b) the need to safeguard and promote their health and welfare,

a sufficient number of suitably qualified, skilled and experienced persons looking after the relevant children.

(6) 1968 c. 67. Section 58 has been amended by section 1 of the Medicinal Products Prescription by Nurses Act 1992 (c. 28).

Suitability of Workers

- 16.—(1) The registered person shall not—
- (a) employ under a contract of employment a person to look after relevant children unless that person is suitable to do so;
 - (b) allow a volunteer to look after relevant children unless that person is suitable to do so;
 - (c) allow any other person to work in a part of the relevant premises in circumstances in which he or she will be in regular contact with relevant children unless he or she is suitable to look after such children.
- (2) For the purposes of paragraph (1), a person is not suitable to look after relevant children unless—
- (a) The person is of suitable integrity and good character to do so;
 - (b) the person has the qualifications, skills and experience necessary for the work he or she is to perform;
 - (c) the person is physically and mentally fit for the work he or she is to perform; and
 - (d) full and satisfactory information or documentation, as the case may be, is available in relation to the person in respect of—
 - (i) except where paragraph (3) applies, each of the matters specified in paragraphs 1 to 6 of Schedule 2;
 - (ii) where paragraph (3) applies, each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2.
- (3) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(7) has not been brought into force.
- (4) The registered person shall ensure that—
- (a) any offer of employment to, or other arrangement about working in the relevant premises made with or in respect of, a person described in paragraph (1) is subject to paragraph (2)(d) being complied with in relation to that person; and
 - (b) unless paragraph (5) applies, no such person starts work in the relevant premises until such time as paragraph (2)(d) has been complied with in relation to that person.
- (5) Where the following conditions apply, the registered person may permit a person to start work in the relevant premises notwithstanding paragraph (4)(b)—
- (a) The registered person has taken all reasonable steps to obtain full information in respect of each of the matters listed in Schedule 2 in respect of that person, but the enquiries in relation to any of the matters listed in paragraphs 3 to 6 of Schedule 2 are incomplete;
 - (b) full and satisfactory information in relation to that person has been obtained in respect of—
 - (i) the matter specified in paragraph 1 of Schedule 2; and
 - (ii) unless paragraph (3) applies, the matter specified in paragraph 2 of that Schedule; or
 - (iii) where paragraph (3) applies, the matter specified in paragraph 7 of that Schedule;
 - (c) in the reasonable opinion of the registered person the circumstances are exceptional; and
 - (d) pending receipt of, and being satisfied with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his or her duties.

(7) See the footnote to regulation 4(4).

(6) The registered person shall ensure that any person working in the relevant premises who does not fall within paragraph (1) is appropriately supervised while the relevant children are present.

Employment of Staff

17.—(1) The registered person shall operate a disciplinary procedure which, in particular—

- (a) provides for the suspension, and the taking of other action short of suspension, in relation to an employee where appropriate in the interests of the safety or welfare of relevant children; and
- (b) provides that the failure on the part of an employee to report an incident of abuse, or suspected abuse of a relevant child to an appropriate person is a ground on which disciplinary proceedings may be instituted.

(2) For the purposes of paragraph (1)(b), an appropriate person is the registered person, a person responsible for the exercise of functions of the National Assembly under Part XA of the Act, an officer of the local authority for the area in which the relevant premises are situated, a constable or an officer of the National Society for the Prevention of Cruelty to Children.

(3) The registered person shall ensure that all employees who look after relevant children—

- (a) receive appropriate training, supervision and appraisal; and
- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

PART V —

RECORDS AND INFORMATION

Keeping of records

18.—(1) Subject to paragraph (2), the registered person shall—

- (a) maintain and, whilst relevant children are being cared for by the registered person, keep at the relevant premises, records in relation to the matters specified in Schedule 3;
- (b) preserve every entry in the records specified in paragraphs 1 to 9 of that Schedule for a period of three years from the date on which the last entry was made; and
- (c) make the records available for inspection by the National Assembly at its request.

(2) A registered person who provides day care by means of open access play provision is not required to keep the records specified in paragraphs 5, 6 (in so far as hours of attendance are concerned) and 9 of that Schedule.

(3) Where a registered person ceases to act as a child minder or to provide day care, the registered person shall ensure that the records maintained in accordance with paragraph (1) are kept securely and shall make them available for inspection by the National Assembly at its request.

Provision of Information

19.—(1) A registered person shall notify the appropriate office of the National Assembly of the occurrence of any of the events set out in Schedule 4 and shall at the same time provide the National Assembly with any information specified in that Schedule in respect of that event.

(2) Notification shall be made—

- (a) where it is reasonably practicable to do so, in advance of the event occurring, and

(b) in all other cases as soon as reasonably practicable, but not later than 14 days after the event has occurred.

(3) The registered person shall without delay notify the parent of a relevant child of any significant incident affecting the child's welfare and shall make the records maintained in accordance with regulation 18, in so far as they relate to a relevant child, available for inspection by that child's parent unless to do so is not reasonably practicable or would place the child's welfare at risk.

(4) The registered person shall provide the National Assembly upon its request with such information as it may require about the provision of care to relevant children, including financial information and confirmation of insurance cover in respect of liability which may be incurred by the registered person in respect of death, injury, public liability, damage or other loss.

PART VI — PREMISES

Fitness of Premises

20.—(1) The registered person shall not use premises for child minding or the provision of day care, as the case may be, unless they are in a location and of a physical design and layout, which are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall ensure that all parts of the relevant premises used by children are—

- (a) adequately lit, heated and ventilated;
- (b) secure from unauthorised access;
- (c) suitably furnished and equipped;
- (d) of sound construction and kept in good structural repair externally and internally;
- (e) clean and reasonably decorated and maintained; and
- (f) equipped with what is reasonably necessary, and adapted as necessary, in order to meet the needs arising from the disability of any relevant child.

(3) The registered person shall ensure that the relevant premises are kept free from offensive odours and shall make suitable arrangements for the disposal of general and clinical waste.

(4) The registered person shall ensure that when care is provided in indoor premises there are available on the relevant premises for use by relevant children in conditions of appropriate privacy—

- (a) a sufficient number of wash basins supplied with hot and cold running water, and
- (b) a sufficient number of lavatories which are suitable for relevant children,

for the number and sex of relevant children.

(5) The registered person shall ensure that where food is provided in indoor premises there are suitable and sufficient facilities and equipment for the preparation storage and consumption of food on the relevant premises.

Fire Precautions

21.—(1) The registered person shall, in relation to relevant premises—

- (a) take adequate precautions against the risk of fire, including the provision of fire prevention and detection equipment;
- (b) provide adequate means of escape in the event of a fire;
- (c) make adequate arrangements—

- (i) for detecting, containing and extinguishing fires;
 - (ii) for giving warnings of fires;
 - (iii) for evacuation in the event of a fire;
 - (iv) for the maintenance of all fire prevention and detection equipment; and
 - (v) for reviewing fire precautions, and testing fire prevention and detection equipment, at suitable intervals;
- (d) make arrangements for persons working with relevant children on relevant premises to receive suitable training in fire prevention;
- (e) ensure by means of fire drills and practices at suitable intervals, that the persons working with relevant children, and, so far as practicable, the relevant children, are aware of the procedure to be followed in case of fire; and
- (f) consult with the fire authority about the matters described in sub-paragraphs (a) to (e).
- (2) In this regulation “fire authority” means the authority discharging in the area in which the relevant premises are situated, the functions of fire authority under the Fire Services Act 1947(8).

PART VII — MISCELLANEOUS

Compliance with regulations

22. Where there is more than one registered person in respect of the provision of day care to relevant children on the same premises, anything which is required under these regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Standards

23.—(1) The registered person shall have regard to the national minimum standards set out in the statement of national minimum standards which relates to the type of care provided by the registered person.

(2) Any allegation that the registered person has failed to comply with paragraph (1) is to be taken into account in the exercise by the National Assembly of its functions under Part XA of the Act and in proceedings under that Part of the Act.

Offences

24. A registered person who, without reasonable excuse, contravenes or otherwise fails to comply with the requirements of regulations 3 to 21 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁹⁾.

21 March 2002 (16.00)

D. Elis-Thomas
The Presiding Officer of the National Assembly

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 2(1)

STATEMENTS OF NATIONAL MINIMUM STANDARDS

- “National Minimum Standards for Child Minders”
- “National Minimum Standards for Full Day Care”
- “National Minimum Standards for Out of School Care”
- “National Minimum Standards for Creches”
- “National Minimum Standards for Sessional Care”
- “National Minimum Standards for Open Access Play Provision”

SCHEDULE 2

Regulations 4 and 16

INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO ACT AS OR WORK FOR CHILD MINDERS OR PROVIDERS OF DAY CARE

1. Proof of identity including a recent photograph.
2. Either—
 - (a) where the certificate is required for a purpose relating to section 115(5)(e) of the Police Act 1997 (registration under Part XA of the Children Act 1989) **(10)** or the position falls within section 115(3) of the Police Act 1997**(11)**, an enhanced criminal record certificate issued under section 115 of that Act in respect of which less than three years have elapsed since it was issued; or
 - (b) in any other case, a criminal record certificate issued under section 113 of that Act in respect of which less than three years have elapsed since it was issued,including , where applicable, the matters specified in section 113(3A) or (3C) or 115(6A) or (6B) of that Act**(12)**.
3. Two written references, including a reference from the last employer, if any.
4. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.
5. Documentary evidence of any relevant qualification.
6. A full employment history, together with a satisfactory written explanation of any gaps in employment.
7. Details of any criminal offences—
 - (a) Of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974**(13)** and

(10) Section 115(5)(e) is amended by section 116 and paragraph 25 of Schedule 4 to the Care Standards Act 2000.

(11) A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18.

(12) Sections 113(3A) and 115(6A) are added to the Police Act 1997 by section 8 of the Protection of Children Act 1999 (c. 14) on a date to be appointed and amended by section 104 and 116 of, and paragraph 25 of Schedule 4 to, the Care Standards Act 2000 on a date to be appointed. The amendment under paragraph 25 has been brought into force in relation to England only. Sections 113(3C) and 115(6B) are added to the Police Act 1997 by section 90 of the Care Standards Act 2000 on a date to be appointed.

(13) 1974 c. 53.

which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(14); or

- (b) In respect of which the person has been cautioned by a police officer and which, at the time the caution was given, the person admitted.

SCHEDULE 3

Regulation 18

RECORDS TO BE MAINTAINED

1. The name, address and telephone number of the registered person, the responsible individual and every other person living, working or employed on the relevant premises.
2. The name, home address and telephone number of any other person who will regularly be in unsupervised contact with the relevant children.
3. The name, home address, date of birth and sex of each relevant child.
4. In respect of each relevant child, the name, address and telephone number of a parent.
5. In respect of each relevant child, the name and address of the registered medical practitioner with whom the child is registered.
6. A daily record of the names of the relevant children, their hours of attendance and the names of the persons who looked after them.
7. A record of accidents, serious illness and other significant events occurring on the relevant premises which affected the welfare of relevant children.
8. A record of any medicinal product administered to a relevant child on the relevant premises, including the date and circumstances of its administration, by whom it was administered, including medicinal products which the child is permitted to administer to himself or herself, together with a record of a parent's consent.
9. Any special dietary or health needs or allergy of any relevant child.
10. A statement of the procedure to be followed in the event of a fire or accident.
11. A statement of the procedure to be followed where a parent has a complaint about the service provided by the registered person.
12. A statement of the arrangements in place for the protection of relevant children, including arrangements to safeguard the children from abuse or neglect and procedures to be followed in the event of allegations of abuse or neglect.
13. A statement of the procedure to be followed in the event of a relevant child being lost or not collected.

SCHEDULE 4

Regulation 19

EVENTS TO BE NOTIFIED TO THE NATIONAL ASSEMBLY

- 1.—(1) In the case of child minding, a change of the following persons—
- (a) any person looking after children on the relevant premises, or

(14) S.I. 1975/1023. Relevant amendments have been made by S.I. 1986/1249, S.I.1986/2268 and S.I.2001/1192.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) any person living or employed on those premises.

(2) The information to be provided is the new person's date of birth, full name, and former names or aliases and home address.

2.—(1) In the case of day care, a change of the following persons—

- (a) any person in charge,
- (b) anyone looking after children on the relevant premises,
- (c) anyone living or working on those premises (provided that persons are not to be treated as working on the premises for the purposes of this paragraph if none of their work is done in the part of the premises in which children are looked after or if they do not work on the premises at times when children are looked after there), and
- (d) where the day care is provided by a partnership, committee or corporate or unincorporate body, the Chairman, Secretary, Treasurer (or person holding a comparable position in the organisation).

(2) The information to be provided is the new person's date of birth, full name, any former names or aliases used by them and home address.

3. Any change in the name or home address of the registered person or those persons described in paragraph 1(1) or paragraph 2(1)(a) to (c).

4. Any change in the type of care provided by a registered person.

5. Any change in the address of the relevant premises.

6. In the case of day care, any change in the facilities to be used for day care on the relevant premises, including changes to the number of rooms, their functions, the numbers of lavatories and washbasins, any separate facilities for adult workers and access to the premises for cars.

7. Any change in the hours during which day care or child minding is provided.

8. The outbreak at the relevant premises of any infectious disease which in the opinion of any registered medical practitioner attending a child or other person at the premises is sufficiently serious to be so notified or of any serious injury to, or serious illness of, or the death of, any child or other person on the premises.

9. Any allegations of serious harm against a child committed by any person looking after relevant children at the premises, or by any person living, working or employed on the premises, or any abuse alleged to have taken place on the premises.

10. Any other event which may affect the suitability of the registered person to look after children or the suitability of any person living, working or employed on the premises to be in regular contact with children.

11. Any other significant event which is likely to affect the welfare of any child on the premises.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations are made under Part XA of the Children Act 1989 (“the 1989 Act”) and apply to persons who act as child minders or provide day care on premises situated in Wales. Part XA provides for the registration and inspection of child minders and day care providers in Wales by the National Assembly for Wales. It also contains powers enabling the National Assembly to make regulations governing the activities of such persons. The regulations come into force on 1st April 2002.

Regulation 3 provides for a statement of purpose to be compiled by registered persons consisting of the aims and objectives and other relevant matters about the service to be provided for children under the care of the registered person.

Part II (regulations 4 to 6) makes provision about the suitability of persons acting as child minders and day care providers and requires information to be available in relation to the matters specified in Schedule 2. Where a day care provider is an organisation it must nominate a responsible individual in respect of whom the information must be available. Regulation 5 imposes general requirements about the provision of care by registered persons and as to training. Regulation 6 requires offences and being charged for certain offences to be notified to the National Assembly.

Part III makes provision about the welfare and development of relevant children under the care of registered persons and in particular about the promotion of the welfare of such children, the provision of food and the provision and implementation of child protection and behaviour management policies. Regulation 10 contains provisions prohibiting corporal punishment and other measures against such children. Regulations 11 to 13 make provision about the promotion of the health of relevant children, as to their safety and concerning the storage and administration of medicines. Regulation 14 requires a complaints procedure to be prepared and followed by registered persons.

Part IV makes provision about the numbers, qualifications, experience and suitability of those working for registered persons including provision about the information which is required in relation to workers before they may work for child minders or day care providers.

Part V provides for the keeping of records and the provision of information to parents of relevant children under the care of child minders or day care providers and to the National Assembly.

Part VI makes provision about the fitness of premises on which care is provided, equipment and facilities provided at the premises and about fire precautions.

Part VII deals with miscellaneous matters. In particular regulation 23 requires registered persons to have regard to national minimum standards for the different settings described in Schedule 1 and provides that any allegation that a registered person has failed to have regard to the relevant standards is to be taken into account by the National Assembly in the exercise of its functions under Part XA of the 1989 Act and in proceedings under that Part of the Act. Regulation 24 provides for offences for contravention of or non-compliance with certain regulations.