

2005 No. 2300

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Day Care and Child Minding (Inspection) (England)
Regulations 2005**

<i>Made</i> - - - -	<i>16th August 2005</i>
<i>Laid before Parliament</i>	<i>26th August 2005</i>
<i>Coming into force</i> - -	<i>3rd October 2005</i>

In exercise of the powers conferred on the Secretary of State by sections 79Q(2), (3) and (5A) and 79R(3)(c) and (3A) of the Children Act 1989(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Day Care and Child Minding (Inspection) (England) Regulations 2005 and shall come into force on 3rd October 2005.

(2) The Day Care and Childminding (Inspections) (Prescribed Matters) (England) Regulations 2001(b) and the Day Care and Childminding (Inspections) (Prescribed Matters) (England) (Amendment) Regulations 2005(c) are revoked.

Interpretation

2. In these Regulations—

“year” means the period of 12 months commencing on 1st August;

“the 1989 Act” means the Children Act 1989; and

“parent”, in relation to a child, includes any person who has parental responsibility for him or has care of him.

Intervals for inspection

3. The Chief Inspector shall inspect—

(a) any child minding provided in England by a registered person; and

(b) any day care provided by a registered person on any premises

by 1st August 2009 and, following that inspection, shall thereafter inspect such child minding or day care within 3 years from the end of the year in which the last inspection took place.

(a) 1989 c.41; sections 79Q and 79R were inserted by section 79(1) of the Care Standards Act 2000 (c.14) and amended by sections 53 of and paragraphs 3 and 4 of Schedule 7 to the Education Act 2005 (c.18).

(b) S.I. 2001/2745.

(c) S.I. 2005/482.

Notification of an inspection

4.—(1) Where a registered person has been notified of the fact that any child minding provided by him is to be inspected under section 79Q of the 1989 Act he shall, for the purposes of section 79Q(5A) of that Act, take such steps as are reasonably practicable to notify parents of children attending his provision of that fact.

(2) Where a registered person has been notified of the fact that any day care provided by him on any premises is to be inspected under section 79Q of the 1989 Act he shall, for the purposes of section 79Q(5A) of that Act, take such steps as are reasonably practicable to notify of that fact those parents of children attending his provision—

- (a) who have given him their name and address; and
- (b) whose children have attended the provision for at least—
 - (i) 12 weeks in the 12 month period preceding the date of the inspection; and
 - (ii) a 2 hour period twice in every such week.

Destination of reports

5.—(1) For the purposes of section 79R(3)(c) of the 1989 Act there is prescribed as an authority to whom the Chief Inspector shall send a copy of the report the local authority for the area in which the child minding or day care which is the subject of the report is provided.

(2) For the purposes of section 79R(3A)(b) of the 1989 Act, the registered person must take such steps as are reasonably practicable to provide a copy of the report to—

- (a) those parents whom he is required to notify of an inspection under regulation 4 within 5 working days of receipt; and
- (b) any person, including any person to whom they have previously provided a copy, who asks for one, provided that any fee charged under regulation 6 is first paid.

(3) In this regulation “working day” means any day which is not a Saturday, a Sunday or a public holiday.

Fees for provision of copies

6. Where a registered person is required to provide a copy of the report under regulation 5(2)(b) he may charge a fee not exceeding the cost of supply.

16th August 2005

Beverley Hughes
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact with modifications the Day Care and Child Minding (Inspections) (Prescribed Matters) (England) Regulations 2001 as amended. The Regulations:

- (a) re-enact the interval at which the Chief Inspector shall inspect child minding and day care;
- (b) re-enact the requirement on the Chief Inspector to send a copy of the report to the local authority;
- (c) introduce a new requirement for registered persons, where they have been notified of an inspection themselves, to notify parents;
- (d) introduce a new requirement for registered persons to send parents a copy of the report; and
- (e) introduce a new requirement for registered persons to provide any person with a copy of the report, if asked, on payment of a fee not exceeding the cost of supply.

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