

CYPA 2001 s.67 & 98

CHAPTER 6 REGISTRATION OF DAY CARE AND CHILDMINDING

THE REGISTRATION PROCESS

- 1 The Department will use the Day Care Standards for under eights (published by the Isle of Man DHSS) (Social Services Division) in April 2003, for the registration and inspection of different types of facilities under the Act.
- 2 The Act places responsibility to register day care providers and childminders squarely on the Department of Health and Social Security. However, the knowledge and detailed responsibilities involved cut across many departments of Government. Consultation with other Departments is an integral part of the process.
- 3 The system is designed to provide:
 - a systematic approach to registration so that applications are dealt with quickly and efficiently,
 - staff responsible for processing applications and assessing standards of care with appropriate training and adequate support,
 - applicants with comprehensive information about the process, including the time it will take and what is expected of them.

AN INTER-DEPARTMENTAL PROCESS

- 4 The following officers and Departments of Government will be involved in the process:
 - The Department's Advocate,
 - The Education Department,
 - Libraries, Recreation and Leisure,
 - Planning,
 - Fire Service,
 - Environmental Health, Food Safety and Health and Safety,
 - The Police.

The Department's Advocate

- 5 The Advocate is closely involved in setting up the registration system to include agreed procedures for seeking legal advice.

The Education Department

- 6 The Department may seek the advice of the Education Department if there is, or purports, to be an educational element in the service provided by an applicant for registration. This is particularly

important in the case of services used by 3 and 4 year olds. In assessing the fitness of the person proposing to run a private nursery school (whether called by that name or not) the registration officer will have regard to educational matters before granting registration.

7 The educational element is important too where the primary purpose is to care for children for the length of the adult working day. Children attending these facilities should be able to develop an appropriate range of skills in preparation for full time education.

8 Before registering someone as a fit person the Department will satisfy itself about the person's understanding of child development, how children learn and what activities can enhance the process. Where necessary they will seek advice from the Education Department.

9 Services used by school age children may have a less specific educational focus but the programme of activities should be broadly complementary to the school curriculum. This may require advice on the educational aspects of recreational activities.

Libraries, Recreation and Leisure

10 These services provide play opportunities used by young children. They are a useful source of advice which the Department will seek as appropriate.

Planning

11 The Department recommends that intending day care providers contact the Planning Department at an early stage to discuss the planning implications of their proposals. For its own part it will establish working arrangements to clarify and, where necessary, reconcile the objectives of the two departments.

Fire Service

12 The Department will normally consult the fire service before granting registration. The fire service will base its advice about fire safety on an inspection of the premises.

Environmental Health, Food Safety and Health and Safety

13 Environmental Health Officers and the Health and Safety Inspectorate are valuable sources of advice on food hygiene, food safety and various aspects of health and safety. The registration officers will continue to maintain an effective working relationship with them. Annex C contains brief notes on planning matters, fire regulations, food safety and health and safety issues.

The Police

14 The Department will check with the police that those who apply to work with children have no relevant criminal background. Childminders and other adults in the household and people working in day care establishments are included among those to whom the

arrangements apply. The Department, in conjunction with the police, will keep the arrangements under review so as not to cause undue delay to the rest of the process.

IMPLEMENTATION

Timescales

- 15 The Department will seek to reach decisions on the following timescales from receipt of the completed application form:
- childminders and providers of sessional day care (playgroups, out of school clubs) - 3 months,
 - full day care services - 6 months.

If there is likely to be a delay the Department will inform the applicant of the fact and the reasons and when a decision is likely to be made.

Implications for Departmental staff

- 16 The Department will review the workload and training implications of the new Act for its staff working in the field of registration and inspection of services for under 8s. The issues to be considered in the review (inter alia) will be:
- the time limits for completion of the process set out in the previous paragraph,
 - number and type of existing facilities on the Island,
 - the likely rate and type of new applications,
 - the average number of visits required to complete the process for different types of application,
 - the average amount of administrative work associated with an application,
 - an allowance for dealing with more complex applications,
 - the volume of enquiries (as opposed to applications),
 - support to registered persons,
 - inspection,
 - the administrative support, monitoring and evaluation required by the service.

WHO NEEDS TO REGISTER?

- 17 The word *person* in law covers natural persons and corporate bodies such as companies, organisations charities and incorporated committees. There are two categories of person who need to register:
- a childminder who looks after one or more children aged under 8 for reward on domestic premises.

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- a person who provides day care or supervised activities on non-domestic premises for one or more children aged under 8. Separate registration is necessary for a person who provides a day care service in more than one place.

The *for reward* criterion does not apply in the case of a person providing day care in non domestic premises.

18 The legislation requires the Department to register all day care services including those run by other departments. The facilities must conform to the normal requirements Facilities managed by the Department must also be registered and conform. The 'registered person' should be the Department concerned. If effect, however, many government provided services will be exempted - see paragraph 202.

19 The term 'day care' covers:

- day nurseries,
- playgroups,
- permanent crèches in shopping centres, leisure centres, or educational establishments,
- temporary crèches set up for conferences, exhibitions etc.,
- out of school clubs,
- holiday play-schemes,
- adventure playgrounds,
- childminding and nannies in certain circumstances.

Exemptions

20 The following people are excluded from the definitions:

- a relative of the child including parents, grandparents, brothers and sisters, uncles and aunts, step-parents,
- someone with parental responsibility under the Act,
- a foster parent in respect of a foster child - but they must register for any other children,
- a person employed by the parent to look after the child mainly in the child's home,
- a person employed by two sets of parents to look after the children of both of them in the home of one or other of the children,

Someone employed by more than two sets of parents for this purpose is required to register as a childminder.

- a person looking after children in a children's home; a residential care home, a nursing or mental nursing home, a

	<p>health service hospital or a school.</p> <p>21 The list in the previous paragraph is comprehensive but note the following riders.</p> <ul style="list-style-type: none"> • "School" does not include private nursery schools which are required to register, • A person using part of a building exempted by definition who is not employed by the organisation providing the main service must register, • A day care service within an exempted institution which is not an integral part of it <i>even if the person responsible is employed by the institution</i> must register.
	<p><i>An example of either of the previous two cases might be a crèche in a hospital.</i></p>
<p>CYPA 2001 s.63(1)(b) and (8)</p>	<p>Exemptions by timescale</p> <p>22 Day care facilities which are used on fewer than six days in a year are exempt from registration. However in all cases the organiser must notify the Department before providing the facility for the first time. The information must include the location, the numbers and age range of the children, numbers of staff and the opening hours. The Department will keep a record of such notifications and they may decide to visit the premises from time to time to satisfy themselves about the suitability of the premises and the facility.</p> <p>23 The Definition "day care" is limited to a facility providing care for more than 2 hours in a day. This applies irrespective of the time spent in a day care or supervised activity or with a childminder by an individual child. So facilities such as crèches which are open throughout the day must register, even though individual children are likely to attend for less than 2 hours.</p>
<p>CYPA 2001 s.65</p>	<p>REGISTRATION CRITERIA</p> <p>24 The Day Care Standards for under eights set out standards under the following headings:</p> <ul style="list-style-type: none"> • Suitable persons, • Child ratios, • Suitable premises, • Safety, • Health and welfare, • Food and drink, • Care, learning and play, • Equal opportunities,

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- Behaviour,
- Working in partnership with parents and carers,
- Child protection,
- Records, policies and procedures,
- Babies and children under 2,
- Overnight care.

The criteria detailed in the Standards documents will be those used by the Department as the benchmarks for registration and inspection.

REGISTRATION REQUIREMENTS

- 25 The Department have discretion to impose requirements under the Act either in general or in relation to an individual application. The registration document will always specify for each facility:
- number of children,
 - maintenance and safety of the premises and equipment,
 - maintenance of records,
 - notification of changes,
 - numbers of staff (day care providers only).

RECORDS

- 26 Registered persons will be required in conditions of registration to keep the following records:
- names and addresses of children attending or being looked after,
 - names and addresses of staff (in the case of day care providers) or assistants (in the case of child-minders),
 - in the case of childminders names of people living or likely to be living in the house,
 - names of the members of the Board of Directors, management committee or group (in the case of day care providers).
- 27 The records about the child must include:
- age/date of birth,
 - name and surname by which the child is known and birth name (if different),
 - address,
 - names of parents/guardians, those with parental responsibility and include places of work and contact numbers,

- emergency telephone numbers,
- information about health problems or conditions including medication,
- information about disabilities,

For childminders:

- details about other adults in the house including the immediate family, any lodgers or subtenants, or live-in employees.

An assistant employed by a childminder is not required to register under the Act. However, the childminder must notify the Department if they intend to employ an assistant.

Notification of changes

- 28 Registered day care providers must notify changes in the numbers of staff and any significant changes in the type of day care they provide.

For example a pre-school facility may decide to offer an after school service for school age children. A playgroup which is open for two mornings a week may decide to open on a third morning. An all day nursery may decide to extend its service into the early evening for the convenience of working parents.

- 29 Childminders must notify changes or in the number of assistants and changes of people living in the premises. They should also inform the Department about major alterations to the premises and if they cease to work as a childminder.

Variation, addition or cancellation of requirements

- 30 The Department may follow up information about changes with action appropriate to it such as a police check or a visit. If they are satisfied that the person and premises still meet the fitness and suitability criteria, a revised certificate will be issued. But the power to vary requirements is not confined to notified changes: matters highlighted during an inspection may also produce a change in the requirements.

THE REGISTER

- 31 The Department will maintain a register of childminders and people who provide day care services. The register is to provide information about the day care services and childminders to parents and other interested parties such as employers.
- 32 The register will be compiled so that childminders, sessional day care facilities such as playgroups and out of school clubs, and full day care facilities such as day nurseries can be identified separately. It will identify the agency, voluntary organisation or company which runs

the facility, and the service it provides.

- 33 Each entry will include the name, address, telephone number and number of places.

Publicity

- 34 Enquirers need to be able to find out easily where they may consult the register. Notices about where it is available should be displayed in such places as clinics, doctors' surgeries, health centres, hospitals, leisure and community centres and libraries.

- 35 Information for intending childminders and day care providers will make clear the advantages of registration such as access to other services as well as reminding them that it is an offence not to be registered.

APPLICATIONS FOR REGISTRATION

- 36 Applications for registration must be made on the Department's application form which, includes the following information:
- the name of "person" applying,
 - a list of the Board of Directors, officers and members of the committee or group (where apposite),
 - the address where it is proposed to look after the children and the address for correspondence,
 - the type of service to be provided,
 - in case of day care to be provided on non domestic premises, the proposed number and age range of children,
 - experience of providing day care or supervised activities and relevant qualifications,
 - references,
 - health information,
 - criminal convictions,
 - the names of staff members,
 - the names of other people living on the premises,
 - the names of other adults in the household (in the case of childminders).

The notes of guidance explain how the application will be dealt with: the arrangements for checking the criminal background, visiting the applicant and the documentation which should be enclosed.

Refusal of application to register

- 37 The Department may refuse to register on any of three grounds:
- the person who intends to care for the children is not fit to do so; or is disqualified by regulation (in which case the

<p>CYPA 2001 s.66 Summary Jurisdiction Rules 2002</p>	<p>43 Indications of seriously inadequate care might be:</p> <ul style="list-style-type: none"> • signs of uncaring neglect such as a child being left in dirty nappy for extended periods, inadequate clothing, cold rooms, inappropriate restraint or child left unattended, • grossly inappropriate types of activity and play opportunities, • failure to recognise and respond sensitively to child's religious, racial, cultural and linguistic needs, • gross lack of emotional and physical warmth. <p>Emergency cancellation</p> <p>44 In case of emergency the Department may apply to the court to cancel a registration immediately; to vary an imposed requirement; or to remove or impose a requirement. The application must be accompanied by a written statement of reasons. Notice of the application of one day is required to be given to the registered person. The court must be satisfied that a child is suffering or likely to suffer significant harm. The Department are responsible for serving notice of the order and a copy of the written statement of reasons on the (de)registered person.</p>
<p>CYPA 2001 Schedule 7 Para 5 CYPA 2001 s.68.</p>	<p>Appeals</p> <p>45 If the Department intends to:</p> <ul style="list-style-type: none"> • grant or refuse registration, • cancel registration, • impose or vary any registration conditions, <p>it must give at least 21 days notice to the applicant or registered person of their intention to do so with details of conditions of any grant of registration. It must provide the reasons for the decision and offer an opportunity to object. The intention must be reviewed in the light of any objections they receive. If it decides to pursue the action in spite of the objections they must notify the person in writing. The person then has the right of appeal to a court.</p> <p>46 The Department will consult those with an interest before publishing procedures for handling objections fairly and in a way which respects equal opportunities.</p>
<p>CYPA 2001 s.65(8) & 64(3)</p>	<p>OFFENCES</p> <p>47 The offence of looking after children whilst disqualified from registration, carries a maximum penalty of up to six months imprisonment or a fine up to £5,000 or both. This also applies to someone who knowingly looks after children when someone else in the household is disqualified; but it is a defence in that case to show that there were no reasonable grounds for believing that the person</p>

	was disqualified.
48	The offence of looking after children aged under 8 whilst unregistered carries a maximum penalty of a fine up to £5,000.