

Committee-run registered childcare

A childcare factsheet

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 and are either registered on the Early Years Register, the Childcare Register or both registers.

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 that the provision meets the requirements of the Early Years Register or Childcare Register, any legal regulations and any conditions of registration we impose.

The requirements of the Early Years Register are mainly found within the Statutory Framework for the Early Years Foundation Stage (EYFS). The requirements for the Childcare Register are set out in our factsheet for providers of childcare providers on non-domestic and domestic premises.¹ There is information on how to find these documents at the end of this factsheet.

If registered childcare is run by a committee, the committee is the registered person. Each person making up a committee must understand their responsibilities in taking up such a role. 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, called 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

¹ *Childcare – Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2012; www.ofsted.gov.uk/resources/080143.

nominated person. This prevents us from having to speak to all committee members separately whenever we need to get in touch.

The organisation must ensure that the nominated person has a full and thorough understanding of their role and is able to represent the organisation in relation to the registered childcare provision. In particular, they must have a good understanding of the requirements the committee must meet and be able to demonstrate this to inspectors. The nominated person is responsible for making sure the whole committee knows about the requirements for registration and their responsibility for meeting them. The committee as a whole is responsible for the registration, not the nominated person.

Applying to provide childcare

For both the Early Years Register and the Childcare Register, the application should normally be made by the nominated person on behalf of the committee. We carry out checks on a number of people connected with the registration (see below) before we can grant registration.

For the Childcare Register, the nominated person must confirm that the committee will meet the requirements for registration. We do not normally interview the nominated person or visit the premises unless we have concerns arising from the checks we carry out (see below).

For registration on the Early Years Register,² we interview the nominated person to see if the committee knows and understands its responsibilities in relation to the EYFS. Although we do not expect the nominated person to have a detailed understanding of how children learn and develop, unless they are working directly with children, we do expect all applicants to understand how to appoint appropriately qualified and suitable staff, including a manager, who will have such detailed knowledge. We will not grant registration unless the nominated person can show that the committee can meet the requirements for registration.

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. This includes checks with the Criminal Records Bureau and local authority children's services departments. We use the information from these checks to decide whether the committee is suitable to provide childcare. For all these people, we need the relevant declaration and consent form dated before we carry out checks.³ Committee members who work with the children in the registered provision must also have a health check. Your GP may charge a fee for this service.

² You can apply online through the Ofsted website: www.ofsted.gov.uk/resources/080015.

³ Form EY2 for the Early Years Register www.ofsted.gov.uk/resources/080011 and form CR2 for the Childcare Register www.ofsted.gov.uk/resources/cr2_20090057.

For childcare provided on non-domestic premises, registered only on the **voluntary** part of the Childcare Register, we carry out checks only on the nominated person. The nominated person must make sure that all committee members, the manager or supervisor of the childcare provision, any other staff and anyone who lives or works on the premises where the childcare is provided are suitable to work or be in regular contact with children. The committee is responsible for carrying out the appropriate checks and making sure that only suitable people have contact with children. This must include getting a Criminal Records Bureau check for each person.

For childcare on domestic premises, we check the committee as set out above but in addition we check all the childcare staff including the manager or supervisor 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 make our 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, if there are no other issues relating to suitability, 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 may be able to apply to Ofsted to waive their disqualification. If we refuse the waiver or we have other information that makes them unsuitable, we will explain this to them and ask if they intend 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 we may have to refuse or cancel registration if the person involved remains part of the registered person.

Changes to the committee after registration

The nominated person must tell us if there are any changes to committee members, including their own role, and not just changes to the main officers such as 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 necessary checks on their suitability. There is more information about suitability checks in the 'Who we check' section above.

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, 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.

If at any time during the registration the nominated person changes, we carry out checks on this person like any change of committee member. The committee as the registered person must make sure that the nominated person has a suitable understanding of the requirements for registration to carry out that role. We will check this understanding at inspection. If the inspector finds the nominated person is not suitable this will affect the inspection judgements and may affect the overall registration of the setting.

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.

Can the manager or supervisor take over as the registered person?

A manager or supervisor may only be the registered provider if they are directly responsible for the childcare provision. They cannot just take on this role if the committee is the organisation that is responsible. Normally the registered person:

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

If a manager or supervisor applies for or already holds registration, they must confirm that they are responsible as an individual for the above. We 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.

May committee members' children attend the provision if they help out?

Sometimes committee members help at the childcare provision, for example to provide cover for absent staff or on a rota system. If they wish to bring their own children with them, their own children then form part of the childcare provision arrangements. This is because the committee member cannot be there as a parent to their own child at the same time as helping to care for other children. The committee must make sure the childcare provision continues to meet all the requirements of the Early Years and/or Childcare Register including requirements about the number and ages of children attending and space requirements.

More information from Ofsted

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 provider on domestic or non-domestic premises* (www.ofsted.gov.uk/resources/120083) and on the Childcare Register in the *Guide to registration on the Childcare Register* (www.ofsted.gov.uk/resources/120084).

Some childcare providers don't need to register their services. 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/resources/080134).

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 (www.legislation.gov.uk/ukxi/2008/979/contents/made). The references to regulations and our policy on registration and inspection are included in our *Framework for the regulation of provision on the Early Years Register* (www.ofsted.gov.uk/resources/120288)

More information

Your local family information service (FIS) will provide you with information linking you with your community. You can get their contact details from the telephone directory or from: <http://www.daycaretrust.org.uk/pages/about-fis.html>.

The Statutory Framework for the Early Years Foundation Stage is available from the Department for Education website:

www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs or the Foundation Years website: www.foundationyears.org.uk/quality-provision/early-years-foundation-stage-framework/.

The *Requirements for the Childcare Register for childcare providers on non-domestic and domestic premises* factsheet is available on the Ofsted website:
www.ofsted.gov.uk/resources/080143.

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects registered childcare and children's social care, including adoption and fostering agencies, residential schools, family centres and homes for children. It also inspects all state-maintained schools, non-association independent schools, pupil referral units, further education, initial teacher education, and publicly funded adult skills and employment-based training, the Children and Family Court Advisory Support Service (Cafcass), and the overall level of services for children in local authority areas.

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