

# Childcare on domestic premises

A childcare factsheet

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Childcare on domestic premises is a type of childcare that came into force on 1 September 2008. The purpose is to make clear the difference between childminding, where up to three childminders or assistants may work together at any one time in the home, and provision where four or more childminders or assistants are involved in caring for children in the home. This is known as childcare on domestic premises.

This factsheet explains what it is and answers basic questions.

**Age group:** 0–18

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The Childcare Act 2006 says childcare is 'any form of care for a child, including education or any other supervised activity'.

Most childcare providers caring for children under age eight must register with us unless the law says they do not need to.

We register childcare providers on the following two registers.

- The Early Years Register
- The Childcare Register

Childminders normally have to be registered if they care for at least one child for more than two hours in any one day, but this is not always the case. The rules set out in law on when you don't have to be registered are covered in *Registration not required*, which is available from our website ([www.ofsted.gov.uk/resources/080134](http://www.ofsted.gov.uk/resources/080134)).

## Childminders

The law says you are a childminder if you care for children in the home for reward. Reward means payment in money, gifts or services. This is usually your own home, but it can be someone else's home. It will not normally be the home of any of the children you care for. However, you must register as a childminder if you look after the children of three sets of parents at any one time in any or all of the parents' homes.

A childminder can work with two other people at any one time. They may be your assistants, other childminders or a combination of the two. You may work with more than two people during a working week, but there must never be more than three of you working together at any one time.

## Childcare on domestic premises

If you (or your organisation) care for children on domestic premises with at least three other carers or assistants at any one time, you must do the following:

- If you care for children in the early years age group (from birth up until 1<sup>st</sup> September following their fifth birthday), you must register on the Early Years Register as a childcare provider on domestic premises.
- If you care for children in the age group from 1 September after their fifth birthday up to age eight, you must register on the compulsory part of the Childcare Register as a childcare provider on domestic premises.
- If you care for children aged between birth and 18 and you do not have to register, you can choose whether to register on the voluntary part of the Childcare Register as a childcare provider on domestic premises.

## Registration type

If you regularly provide childcare on domestic premises with at least three other people then you need to register as a childcare provider on domestic premises. If you work with three or more other people as a one-off occurrence and it is not your normal pattern of care, you are **not** required to register as childcare on domestic premises.

It is possible to retain a registration for childcare on domestic premises when on some days there are four people working together and on other days there are not as a regular pattern of working. This saves you having to keep changing registration. However, if you retain your registration in this way, you must meet the legal requirements for childcare on domestic premises at all times. For example, this means you must have a manager who holds at least a full and relevant level 3 qualification.

The requirements relating to the Early Years Register are set out in the document *Statutory Framework for the Early Years Foundation Stage* <http://www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs>.

The requirements relating to the Childcare Register are set out in the *Guide to registration on the Childcare Register*, which is available from our website ([www.ofsted.gov.uk/resources/120084](http://www.ofsted.gov.uk/resources/120084)).

If on arriving to complete an inspection of childcare on domestic premises inspectors find that less than four people are working together, they will carry out the inspection as normal and make sure you meet all the requirements for childcare. If on a frequent and regular basis you have fewer than four people working together, for example, you only ever have three people working every Friday; inspectors should advise you of your options. Childcare providers on domestic premises, who operate with less than four people working together on some days, may on these days:

- retain their registration as a childcare provider and continue to meet the requirements for that type of care
- register individually as childminders and pay the relevant application fees
- hold two registrations as a childminder and childcare provider on domestic premises; this will involve two fees and two inspections

If childcare is provided on non-domestic premises, the registered provider is responsible for checking employees, volunteers and anyone else who lives or works on those premises. For domestic premises, we will carry out the checks for everyone because this type of registration is likely to involve family members. It is not appropriate for people to carry out checks on their own relatives.

## Inspection

### Before the inspection

The inspections are carried out with no notice in line with the guidance in *Conducting early years inspections*.

Occasionally, you may indicate during the phone call prior to inspection that you work with three or more other people. If an inspector believes that you require registration as childcare on domestic premises, and you do not currently hold such a registration, the inspection will not go ahead. Instead the inspector will refer you to this fact sheet and inform the National Business Unit in Ofsted. The National Business Unit will contact you to discuss your application to register as a provider of childcare on domestic premises. If you need to register as this type of childcare, and you do not do so, you may be committing an offence as you will not be registered for the type of childcare that you are providing.

### The inspection visit

Inspectors must make sure that your provision complies with the requirements for registration for childcare, rather than childminding. In particular, you must meet the ratio and qualification requirements for childcare, which are:

- **Early Years Register**  
the manager must hold at least a full and relevant level 3 qualification; and half of all other staff must hold at least a full and relevant level 2 qualification
- **compulsory part of the Childcare Register**  
at least half of all persons caring for the children have a relevant qualification at a minimum of level 2 and the manager has a relevant qualification at a minimum of level 3
- **voluntary part of the Childcare Register**  
at least one person has a qualification at a minimum of level 2 in an area of work relevant to the childcare or has successfully completed training in the core skills.

### The report

The **description of the setting** section will explain the nature of the provision telling the reader that this is childcare on domestic premises. It should also make reference to where a registered person holds a registration as both a childminder and childcare provider, including brief details of when the childcare on domestic premises registration applies.

## **Inspections where the provider holds registrations as both a childminder and a childcare provider on domestic premises**

Where the two types of care take place on the same premises, the two inspections will, wherever possible, be carried out at the same time. If they take place on different premises then inspectors will carry out two separate visits.

Where inspections take place at the same time, inspectors will need to collect separate evidence for each inspection type to support their inspection judgements, but they do not need to repeat any relevant evidence in both. They should cross-reference the evidence to the relevant unique reference number for the other registration.

Inspectors should check your understanding of the different requirements for each registration and make judgements on the basis of that understanding.

## **Some questions and answers**

### **Question 1**

#### **I am a registered childminder and think I need to register to provide childcare on domestic premises. What should I do?**

If you intend to work with three or more people at any one time, you will need to make a new application. You must give us details of the current registration when making a new application. You must also make any necessary adjustments to the childcare you provide, to make sure you work in line with the requirements for childcare on domestic premises (see pages 2 and 3).

### **Question 2**

#### **Do I have to have specific qualifications to provide childcare on domestic premises?**

The qualification you need depends on which register you are on.

- **For the Early Years Register**

Managers and supervisors must hold at least a full and relevant level-3 qualification. And, at least half of all other staff must hold at least a full and relevant level-2 qualification.

- **For the compulsory part of the Childcare Register**

The manager must have at least a level-3 qualification in a relevant area of work, and at least half of all other people providing care must have at least a level-2 qualification in a relevant area of work.

### **For the voluntary part of the Childcare Register**

At least one person who is caring for children on the relevant premises has a qualification at a minimum of level 2 in an area of work relevant to the childcare, or successfully completed training in the core skills.

You can get more information about qualifications relating to the Early Years Register from the *Statutory Framework for the Early Years Foundation Stage*, <http://www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs>. More information about qualifications relating to the Childcare Register is included in the *Guide to registration on the Childcare Register*, which is available from our website ([www.ofsted.gov.uk/resources/120084](http://www.ofsted.gov.uk/resources/120084)).

Your local authority has a duty to provide information, advice and training to childcare providers. Their contact details will be in the telephone directory, or you can get them from Directgov website: <http://www.direct.gov.uk/en/DI1/Directories/Localcouncils/index.htm>.

### **Question 3**

**We are a group of four registered childminders who want to provide childcare together from the same domestic premises. What do we need to do to register?**

You need to decide how you want to organise your childcare; for example:

- **You can choose one of you to be the registered person and the others to be employees or assistants.**  
In this case the registered person is responsible for keeping to the requirements of registration.
- **You could form a company, partnership or informal association such as a committee. This means that you would all be responsible for the registration.**  
In this case you would need to choose one of you to be the nominated person to act as your representative to us. Please note that the law says that this person will not have any more responsibility for the registration than the other people. You would all be responsible for keeping to the rules of registration.

You must read and understand the requirements of registration on pages two and three. The requirements state that, for both the Early Years and Childcare Registers, you must have a manager. You do not need to employ another person to do this – it can be one of you.

#### Question 4

**I am a childminder who employs five assistants, but only three of us work together at any one time. Do I have to register for childcare on domestic premises?**

No. You only have to register for childcare on domestic premises if there are four or more carers working together at any one time. If you organise it so that no more than three people are working together at any one time (including you) you can keep your childminder registration. But you must keep within these limits at all times unless you also want to register as childcare on domestic premises.

#### Question 5

**We are two people who are not childminders and we want to provide childcare in our house. We want to employ at least two other people to care for children, including our own. Can we do this? We do not want to use just one person as a nanny.**

If you want to employ two people to work with you to care for children and the four of you will all work together with the children at any one time, you can register for childcare on domestic premises.

You will not be able to register as childcare on domestic premises unless four people work together to care for children at any one time. If there are three or less of you working together, at least one of you must apply for registration as a childminder. This person could employ others to work as assistants, or each carer can register as a childminder individually. You would not be able to register for them.

#### Question 6

**I am a registered childminder and employ four assistants. Usually only three of us work together, but I provide care for children with disabilities and some of them need one-to-one care. Sometimes, four of us have to work together. Do I have to register as childcare on domestic premises?**

Yes. If four or more of you (childminders or assistants) provide childcare on domestic premises at any one time, you must register for childcare on domestic premises. If you want to, you can keep your childminding registration for times when there are fewer than four of you working together, but you must pay fees for both registrations.

#### Question 7

**I am a childminder who works with two other childminders, so there are usually three of us. However, we sometimes have childcare students working on placements with us as part of their training, which means that**

**there are four of us on the premises at the same time. Will we have to register to provide childcare on domestic premises?**

It depends on whether or not the student placement is counted in your ratios. If the three of you work with a student on a work placement, you can remain individually registered as childminders as long as the student is not employed as an assistant and is not counted in the ratios. Students on long term placements and volunteers aged over 17 may be included in the staff:child ratios if the provider is satisfied they are competent and responsible. If you decide to include a student in your ratios on this basis, then you will need to register as childcare on domestic premises.

**Question 8**

**Will Ofsted need to carry out an assessment before we can be registered to provide childcare on domestic premises?**

You will need to make an application and pay an application fee. We will carry out an assessment on what we already know about you and the people providing the care, especially if you are already registered as a childminder. After this, we will carry out any necessary checks. For applications to the Early Years Register, we will carry out a pre-registration visit, even if you are already registered as a childminder. This is to make sure you know about and can meet the slightly different requirements for childcare on domestic premises. If you apply only to join the Childcare Register to provide childcare on domestic premises, we will not normally carry out a visit, but will still complete the necessary checks.

**Question 10**

**Must there always be two members of staff on duty?**

No. If a provider is registered on the Early Years Register only they are not required to have two people on the premises at all times; however, there must always be a level 3 working directly with the children. If you are registered on the Childcare Register (or both) as 'childcare on domestic premises', there must always be two adults on duty on the premises at any time when children are there.

**Question 11**

**Is a staff member able to go on a school run?**

Yes, you may allow staff members to take a child or children to school or collect them from school as long as you make sure you continue to meet the requirements of the register(s) you are on. For example, ratio requirements.



## Question 12

### **Do I have to have a separate room for babies?**

No, it is up to you how you organise your provision so long as it is in line with the requirements. The *Statutory Framework for the Early Years Foundation Stage* says that where a provider has a separate room for children under two, the member of staff in charge of that room must have suitable experience of working with under twos. If you only provide care for a small number of children, you may decide whether you need a separate baby room, as long as you meet the overall legal requirements in relation to ratios, space and staff qualifications and experience.

## Question 13

### **Will there have to be a staff room?**

The Early Years Foundation Stage says there must be an area in group settings for staff to take breaks away from areas used by children. This need not necessarily be a separate room, but it must be a discrete area of the premises, which is away from the areas used by children.

## Question 14

### **Will I need planning permission to provide childcare on domestic premises?**

This is a matter for your local planning departments. The requirements for registration do not have greater priority than, or replace, other legal responsibilities that you must still meet. You should check with your planning department if you are in any doubt or you have a specific question about your premises.

## Question 15

### **How will Ofsted and my local authority handle my personal information if I am registered as a provider of childcare on domestic premises?**

We will handle your personal information in line with the Data Protection Act 1998. This means that where you are providing childcare on domestic premises, we must get your permission to publish your name and address on our website. If you do not give your consent, we will not publish your name and address but we will publish your inspection report, showing only your URN. Local authorities are responsible for making sure that they handle your information in line with the Data Protection Act 1998.

## Question 16

**Will I be supported by the local authority childcare development team that currently supports childcare providers in non-domestic settings, or by a childminding support worker? What if I offer both types of provision?**

Local authorities have a duty to provide information, advice and training to registered childminders and childcare providers in their area. Your local authority will decide how to support the types of provision in your area.

## 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](http://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](http://www.ofsted.gov.uk/resources/120084)).

Some childcare providers do not need to register their services. You can find out about the circumstances in which registration is not needed in our childcare factsheet: *Registration not required* ([www.ofsted.gov.uk/resources/080134](http://www.ofsted.gov.uk/resources/080134)). This is also part of the *Guide to registration on the Childcare Register* ([www.ofsted.gov.uk/resources/120084](http://www.ofsted.gov.uk/resources/120084)).

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 (2008 No. 979) ([www.opsi.gov.uk/si/si2008/uksi\\_20080979\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080979_en_1)). 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](http://www.ofsted.gov.uk/resources/120288)) and the *Framework for the regulation of provision on the Childcare Register* ([www.ofsted.gov.uk/resources/120338](http://www.ofsted.gov.uk/resources/120338)).

## Further information

Your local family information service (FIS) will help you. You can get their contact details from [www.familyinformationservices.org.uk/index.php?option=com\\_comprofiler&task=userslist&listid=7&Itemid=72](http://www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=userslist&listid=7&Itemid=72), or from your telephone directory.

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