



Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru
Care and Social Services Inspectorate Wales



Gwasanaethau Gwybodaeth i Deuluoedd
Family Information Services

**Protocol between
Care and Social Services Inspectorate Wales**

and

Family Information Services

Protocol between Care and Social Services Inspectorate Wales and Family Information Services in Wales

Section 1 Introduction

1.1 Purpose

1.1.1 This protocol sets out the working arrangements between Care and Social Services Inspectorate Wales (CSSIW) and Family Information Services (FIS) by:

- establishing the legal basis for CSSIW regulatory duties,
- explaining how CSSIW will carry out those duties, and
- explaining how CSSIW and FIS will work together

1.2 Legal Position

1.2.1 On 01 April 2002, changes came into force in the legal framework regulating childminding and day care for children under 8 years in Wales. Part XA of the Children Act 1989, as introduced by Part VI of the Care Standards Act 2000 (the Act), transferred responsibilities for regulation from local authorities to the Welsh Assembly Government (WAG). The functions were carried out through the Care Standards Inspectorate Wales until 01 April 2007 when the functions were transferred to Care and Social Services Inspectorate Wales (CSSIW).

1.2.2 The same part of the Act provides for WAG to make regulations and national minimum standards for under 8's day care and childminding. The regulations and standards do not override the need for childminders and day care providers to comply with all other legislation enforced by a range of other authorities.

1.2.3 CSSIW has the statutory responsibility for ensuring that childminders and providers of day care for young children are suitable and that they continue to comply with regulations and standards. The CSSIW has a range of powers to carry out these regulatory responsibilities. The CSSIW may:

- grant, refuse, suspend or cancel registration,
- impose, remove or vary conditions of registration,
- grant or refuse requests for variations, and
- prosecute providers for specific offences under the Act and Regulations.

1.2.4 Local authorities retain – subject to The Childcare Act 2006 (Provision of Information) (Wales) Regulations 2008 and Welsh Assembly Government Circular 13/2008 "Guide to Local Authorities: Childcare Act 2006" - statutory responsibilities such as giving information on the availability of children's day care and childminding, training childcare workers, assisting children in need and working with other agencies to protect children from abuse.

1.2.5 CSSIW sets out working relationships with local authorities and other agencies through protocols.

1.2.6 CSSIW and FIS in Wales fully endorse and adhere to the Data Protection Principles as set out in the Data Protection Act 1998. Both parties regard the lawful and correct treatment of personal information as very important to fulfilling their functions and to maintaining the confidence of all individuals who come into contact with them. Both parties will share information only where this is in line with Data Protection legislation.

1.2.7 CSSIW and FIS are obliged to act in a way which is compatible with the Human Rights Act 1998. The parties will share information only where this is in line with Human Rights legislation.

1.2.8 CSSIW will keep all protocols under review and revise them in agreement with FIS as and when necessary.

1.3 Regulations and National Minimum Standards for Child Minding and Day Care

1.3.1 The Childminding and Day Care (Wales) Regulations 2002 as amended by the Care Standards Act 2000 and the Children Act 1989 (Regulatory Reform and Complaints) (Wales) Regulations 2006 are the relevant regulations.

1.3.2 There are six different sets of National Minimum Standards made by the Welsh Assembly Government that came into force on 1st April 2002– one for each type of service:

- Full day care
- Sessional day care
- Crèches
- Out of school care
- Childminders
- Open access play provision

1.3.3 .These standards specify the outcomes expected for children and their parents and show what each provider must achieve in order to meet each standard. They are in eight sections:

- Choice of service
- Planning for individual needs and preferences
- Quality of life and learning
- Quality of care and treatment
- Staffing
- Conduct and management of the service
- Complaints and protection
- The physical environment

1.3.4 Annexes set out the additional requirements where there is provision for example for overnight care, or for children under two years of age.

1.3.5 CSSIW applies a proportionate approach to regulation, matching the provider's statement of purpose to the regulatory framework that takes account of the needs of the service user. CSSIW will make reference to the standards when making decisions about registration, carrying out inspections and considering enforcement action.

1.4 Specific Legal Context of Family Information Services

1.4.1 Section 27 of the Childcare Act 2006 broadens the existing duty on local authorities to provide information about childcare and related services. Local authorities will need to ensure availability of, or sign-posting to, comprehensive information for parents of children and young people aged up to 20 on local services provided and sign-posting to national sources of help. Information will need to be accessible to fathers as well as mothers; to disadvantaged and excluded groups; and to parents for whom English is not the first language.

1.5 Definition of a Family Information Service

1.5.1 A Family Information Service provides information and guidance on the full range of childcare services, resources and issues led by the needs of children and their families, carers, employers, professionals and local and national government and their agencies.

1.6 Roles and responsibilities of Family Information Services

1.6.1 The Welsh Assembly Government recognises that FIS are fundamental in making childcare information accessible. FIS ensure that parents and other enquirers receive good quality information and guidance about childcare and early years education and about pre-registration and training courses in early years and childcare in accordance with national minimum quality standards.

1.6.2 FIS should take account of the need for access via personal visit, telephone, web site or email. It should be well sign-posted from the main information services of the local authority, such as libraries, telephone switchboards, and the authority's main web site. Through use of an answering service, it should provide 24 hour cover. On the website, a search for "childcare" should lead to the Family Information Service. There should be links to the Assembly web site and to other local Family Information Services, especially those that are within the immediate travel to work area. It is very important that web services are regularly reviewed to ensure that up to date information is provided.

1.6.3 FIS will maintain close contact both with the relevant regional office of CSSIW and local childcare providers to gain the most up to date and wide information on each registered provider.

1.6.4 FIS should also provide assistance to persons interested in providing day care or becoming childminders. They should provide information in outline on the requirements of registration, and in the case of prospective childminders, give information about the financial support that is available through childminder start-up grants and explain that CSSIW provides briefing sessions. They should provide sign-posting to sources of new business support. They should also provide relevant information to persons looking for training in early education, childcare or playwork.

Section 2 Working Arrangements

2.1 What CSSIW will do for Family Information Services

2.1.1 CSSIW will provide FIS with electronic information on all registered providers monthly. This will include details of newly registered providers and providers who have been removed from the register.

2.1.2 Information on registered settings will be given to the public in keeping with CSSIW's open reporting policy. Registration certificate numbers will not be given to the public.

2.1.3 CSSIW will provide FIS, within one working day, details of any providers whose registration it proposes to cancel or suspend. CSSIW will also inform FIS of any successful prosecutions of providers. This early notification will enable:

- FIS to take immediate action to avoid advertising the services of, or providing information on, cancelled provision and providers
- FIS to inform their Early Years Development and Childcare Partnership (EYDCP) and departments within their local authority of any suspension, cancellation, or successful prosecution of a provider by CSSIW
- FIS and EYDCPs to assist parents in finding suitable alternative provision.

2.1.4 .Where parents or carers approach CSSIW for information about the availability of childcare services, CSSIW will provide information available in its Directory of Regulated Services and advise the parent or carer to approach the local FIS for more help in choosing a suitable local service.

2.1.5 CSSIW will advise any childminding or day care applicants to contact their FIS or local authority for information about pre-registration sessions, and advice about training, or any other support that the local authority and EYDCP offer.

2.1.6 CSSIW regional offices will answer, within one working day if possible, any legitimate queries from FIS. Any queries involving the home address of the childminder or any provider must be made in writing (post or e-mail). CSSIW cannot release the information until it is confirmed that the request has come from FIS. CSSIW cannot disclose to the public the addresses of registered individuals, including childminders, to ensure their safety. CSSIW may provide details of providers to other government departments and local authorities and organisations, for example, to the Welsh Assembly Government and to child protection services.

2.1.7 CSSIW will provide copies of inspection reports on Under 8's Day Care Services to FIS on request in line with 2.1.6.

2.1.8 CSSIW will provide individual FIS with a supply of copies of any informative material produced, for example information leaflets for providers and parents.

2.2 What Family Information Services will do for CSSIW

2.2.1 FIS will redirect to the relevant regional offices any parents or others who have a concern or complaint about a childcare provider or their provision. If the person with the complaint or concern does not want to make another telephone call, FIS will take the details of the caller and will write a brief summary of the complaint on the complaint/concern referral form. This will be sent by fax to the regional office. CSSIW will then contact the complainant.

2.2.2 FIS will also refer written complaints on registration issues to CSSIW's regional offices and inform the complainant that this has been done.

2.2.3 In dealing with requests from parents/carers for a change of day care provider, FIS need to be alert to the reasons for the request and any underlying concerns and inform the relevant CSSIW regional office.

2.2.4 FIS may issue to parents, people wishing to start childcare services and other enquirers any informative material that CSSIW produces.

2.2.5 FIS will include appropriate, previously agreed, information about CSSIW in their own advertising material. FIS will also inform the users of their services about the CSSIW website: www.cssiw.org.uk

2.2.6 FIS will help CSSIW publicise the fact that parents who decide to use day care services should be encouraged to place their child only with a registered provider and should ask at the first visit to see the registration certificate.

2.2.7 FIS will remind providers of their duty to inform CSSIW of any plans for expansion of provision, change in use of premises, development of existing services, staff changes and changes in the numbers or ages of children being cared for.

2.2.8 FIS will update their own information systems with any changes to the registered details of providers within five working days of receiving the information from CSSIW. FIS should note in their own information systems, within one working day, any cancellations, decisions to cancel, successful prosecutions and suspensions.

2.2.9 FIS will inform CSSIW if they become aware of any provision that is operating without registration and of any registered providers who appear to be operating outside the conditions of their registration.

2.2.10 FIS will refer any queries received from the media about provision where CSSIW has taken enforcement action to the Welsh Assembly Government's Press Office.

2.3 What Family Information Services will do as part of the functions retained by the local authority

2.3.1 Where local authorities choose to do so, FIS will provide to existing providers, and to those seeking registration as childminders or day care providers, information about any pre-registration sessions and advice about training being organised by the local authority and the EYDCP.

2.4 What CSSIW cannot disclose to Family Information Services

2.4.1 CSSIW will not be able to disclose to FIS any information or evidence gathering activity that might compromise the regulatory process or any possible enforcement action.

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