



## **CHILDREN AND FAMILIES (WALES) MEASURE 2010**

### **Guidance for applicants to register a day care service for children under 12 years old**

[Mae'r fflurflen hwn hefyd ar gael yn Gymraeg](#)/This document is also  
available in Welsh

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## **Introduction**

### **Definition of day care**

Day care is when a person looks after children under the age of 12 years on premises other than domestic premises.

### **The requirement to register**

The law requires persons wishing to provide a day care service to be registered. The exceptions to this are as follows:

- If the total period of care in any one day does not exceed two hours
- If the total period of care is provided on fewer than 6 days in any calendar year and CIW has been notified in writing before the first occasion in that year
- If the carer is already registered under Part 2 of the Care Standards Act 2000 to provide care to children looked after in a children's home
- If the care is provided to a child accommodated in a registered care home, in a hospital as a patient or in a residential family centre, or the care is provided on the provider's behalf, as a part of the activity of any of these establishments
- If the care only takes place between the hours of 6pm and 2am at a hotel, guest house or other similar establishment for a child staying there, and the person providing the care does so for no more than two different clients at the same time
- If the care is provided at a school and is incidental to the provision of education

If the carer is providing coaching or tuition in sport, performing arts, arts and crafts, school study, homework support, religious or cultural study and the care is incidental to that provision. This exclusion does not apply where the children are below the age of 5 years and attend for more than four hours a day, or the person offers coaching or tuition in more than two of the above activities.

## **Care Inspectorate Wales (CIW)**

### **Who we are and what we do**

In Wales, child minding and the provision of day care for children under the age of 12 years are regulated by CIW on behalf of the Welsh Ministers.

CIW encourages the improvement of social care, early years and social services by regulating, inspecting and reviewing services and providing

professional advice. We aim to raise standards, improve quality, promote best practice and inform people about social care.

**A person can only be registered to provide day care if:**

- the applicant, and every other person looking after children on any premises where they are likely to be providing a day care service, are suitable to look after children under the age of 12 years.
- the premises where they will provide day care are suitable and safe
- the applicant, and any other persons resident or working in their same household, are not disqualified from registration
- the applicant has the knowledge and resources needed to provide a good quality of service
- CIW is satisfied that all the requirements for registration in the Child Minding and Day Care (Wales) Regulations 2010 have been met and are likely to continue to be met.

# How to register a day care service for children under the age of 12 years

## 1. Availability of application to register forms

Application forms are available from our website [www.careinspectorate.wales](http://www.careinspectorate.wales)

If you are unable to access the web site copies can be obtained by calling the number below:

**0300 790 0126**

## 2. The legislation that underpins the registration of day care services

Before completing your application you must familiarise yourself with the legislation below:

- Part 2 of the Children and Families (Wales) Measure 2010
- The Child Minding and Day Care (Wales) Regulations 2010
- The Child Minding and Day Care (Disqualification) (Wales) Regulations 2010
- The Child Minding and Day Care (Wales)(Amendment) Regulations 2016
- National Minimum Standards for Regulated Child Care

You need to be aware that from 1 April 2016 the Children and Families (Wales) Measure 2010, the Child Minding and Day Care Regulations and the National Minimum Standards for Regulated Childcare will be amended. You can [find out how these changes may affect you by looking on the CIW website.](#)

## 3. Completing the application form

**Please note:** this application form is available both in hard copy and electronically.

If you are using the electronic version please save to your computer and type in the relevant information. Then print out the form, complete and sign where indicated, and ask your GP to complete the Medical Reference. Finally, attach any additional documentation and submit to CIW in accordance with the guidance below.

**The application form is divided into two distinct parts:**

- **Part 1** requests information about you, the care you want to provide, your premises and the people who will work for you.
- **Part 2** requests information that will evidence your understanding of the principles and requirements in the regulations (The Child Minding and Day

Care (Wales) Regulations 2010), and the National Minimum Standards for Regulated Child Care (NMS). Copies of these are available on the CIW web site (details above).

- **An additional questionnaire** is included which must be completed by the proposed 'registered person'. The answers you give will inform CIW's assessment of your suitability to carry out the role and responsibilities of a 'registered person.' (Appendix 3)

The application form must be completed by the person who has overall responsibility for the service and who is applying to CIW to become the 'registered person'.

- In the case of more than one applicant applying to register at the same time, each individual must complete Part 1 in relation to themselves. The information relating to the service can be completed once and signed by all applicants.
- In the case of an applicant organisation (ie a body corporate such as a limited company, a limited liability partnership or an unincorporated association) the application will be completed by the person nominated as the responsible individual in accordance with Regulation 2(1).

Assistance and advice can be sought from the Family Information Service on **0300 123 7777**; at [findyourfis.daycaretrust.org.uk/kb5](http://findyourfis.daycaretrust.org.uk/kb5) / [findyourfis/home.page](http://findyourfis/home.page) and/or development workers employed by the umbrella organisations for the day care sector.

All questions should be answered in full with supporting evidence given where appropriate in order for CIW to make judgements as to your suitability to operate a service for children under 12 years of age. You must provide CIW with the names and addresses of two individuals who can provide references for you.

Full information regarding the person in charge of the setting should be given along with information regarding staffing.

It is a requirement of registration that the following checks are undertaken:

- **A Disclosure and Barring Service (DBS) Certificate:**

Applicants are required to present a current DBS certificate (ie.no older than three months since date of issue) to support your application. This must be the original certificate and not a copy.

Your DBS certificate must be the original certificate and no more than three months old since the date of issue.

Where possible you should obtain one via your employer or umbrella body. Where this is not possible you may contact Care Inspectorate Wales on **0300 7900 126** and an advisor will give you details about how to do this.

[Guidance for Applicants](#) is available and this will provide you with step-by-step guidance on completing your form.

**Important:** From April 1 2018 all applicants will be required to meet the cost of their DBS application.

### **The DBS Update Service:**

For an annual subscription you can have your DBS Certificate kept up-to-date and take it with you from job to job within the same workforce area and where the same type and level of check is required. The benefits to you are:

- It can save you time compared with having to repeatedly renew your certificate.
- You can take your certificate from job to job within the same workforce area.
- You are in control of your DBS certificate.

[Further information](#) on the Disclosure and Barring Update Service is also available.

**If you already subscribe to the Update Service** and have an enhanced DBS certificate that relates to the [workforce area](#) you are applying for and where the same level of check is required, then CIW will accept your certificate. Those who are registered to the Update Service will be required to present their DBS certificate to CIW and give permission to allow CIW access to carry out a status check on their DBS certificate via the Update Service. The DBS guidance on our website [www.careinspectorate.wales](http://www.careinspectorate.wales) will tell you how to do this.

- **Medical references:** These are undertaken on the registered person (where applicable, the responsible individual) and person in charge and must be submitted as part of the application. **You must obtain a medical reference from your GP.** A template for this reference is attached to your application form as Appendix 1. (You may be charged by your GP for this service.) If you are unable to obtain this reference you must explain why and submit instead a signed medical declaration about your physical and mental fitness to operate a day care service.
- **Consent form authorising CIW to contact Local Authority Social Services Departments:** Where the application is made by an individual, CIW will carry out a check with social services to validate

information that you have provided and to ensure that you are not disqualified from registration. A copy of this form is attached to your application form as Appendix 2. You may photocopy this form for completion by others in your household or request additional copies from your CIW office.

- **Checks on staff:** the applicant is responsible for undertaking the required checks on all staff before they start their employment.
- **Working as a food business operator.** You will need to register with your local authority environmental health department. Further information about how to register and contact your local authority environmental health department (including a model registration form) is available on the “Enforcement Essentials” pages of the Food Standards website [www.food.gov.uk](http://www.food.gov.uk)
- **Certificate of insurance:** A registered provider of day care must have a certificate of insurance in respect of liability which may be incurred by them in respect of death, injury, public liability, damage or other loss occurring in relation to their service. You should submit a copy of this with your application.
- **Declaration:** Please ensure that you as the applicant sign and date the declaration at the end of Part 2 of the application before submitting the application to CIW. Applications from organisations should be signed by the responsible individual.

#### **4. Submitting your application**

When you have completed the application form in full you should bring your application to your local regional CIW office. There is a checklist at the end of the form to make sure you have attached all the required information for your application to be accepted by CIW.

CIW cannot accept incomplete applications. If your application is incomplete or you bring supporting documentation that is incorrect, you will be asked to resubmit or return with the correct documentation.



## Processing your application

Inspectors will use the legislation listed at 2 above to determine your application.

### a. How CIW will handle your information

We process any personal and/or sensitive information we hold about you fairly and lawfully, and we only ask for such information where it is necessary for us to carry out our role. For more information about how we process your personal data, and your rights in relation to this, please see our Privacy Notice at <https://careinspectorate.wales/how-we-use-your-information>, or contact us for a paper copy.

### b. Checks undertaken by CIW

CIW is required to undertake a number of checks to evidence your suitability to provide day care. We will:

- make checks on your identity
- view your original DBS certificate
- check on your physical and mental health
- take up at least two references for you and the person in charge, one of which should be from your last employer; we may contact your referees directly to validate the references or seek further information
- check your record of work since leaving school. This will include any periods of study, unpaid work and any qualifications undertaken and any gaps in your work record. Where you have worked previously with children, CIW may also check the reasons why you left this employment
- check with previous employers, as necessary, to establish what relevant skills and experience you have
- check our own records to see if you have ever had registration in relation to a children's home, child minding or the provision of day care refused or cancelled. We may also carry out checks with other regulators
- assess the suitability of your Statement of Purpose and your policies and procedures.

### c. What happens when there is a criminal background?

- Where a DBS certificate contains relevant information, we will contact the individual concerned, in confidence. We will then consider the information and its impact on the application. Having a conviction or caution does not necessarily mean they cannot provide a service. It may mean however, that the information disqualifies the applicant from providing day care

(unless CIW grants a specific waiver); or that CIW consider granting registration subject to specific or that the application is refused. In deciding what action to take, CIW will take account of the nature of the information and the relevant circumstances

- Please note it is an offence to knowingly make a statement in an application which is false or misleading. Failure to fully and accurately complete an application may result in the application being refused or subsequently cancelled.

#### **d. Premises visit**

When all the checks for yourself and the person in charge are complete, you will be contacted by an inspector to arrange a suitable time to visit your premises to undertake an inspection known as a 'site visit'.

The inspector will check to see that you have sufficient control over the premises to sustain your service there and maintain the safety of the children you care for, both inside and outside the property.

To do this the inspector will:

- check the suitability of the premises and outdoor spaces where day care is to be provided, identifying any hazards and ensuring suitable safety measures are in place
- ensure that the building, the services supplied and the appliances used are regularly inspected and maintained
- check that you have followed, or are committed to following, the advice provided in the fire safety guidance
- check that your arrangements for providing first aid are satisfactory and that your plans for responding to an emergency are well thought out
- consider how you intend to securely store your records.
- the inspector will calculate and agree with you how many children you will be able to look after.

#### **e. Discussion about your application**

CIW may invite you to attend an interview to discuss your application to:

- ensure you understand your responsibilities as a registered person operating a day care service
- look at how you intend to assess and introduce children into your care, and the activities and experiences you intend to provide for them
- evaluate how you will promote and make proper provision for the welfare of the children you care for
- look at how you intend to select and assess any employees, check the records you must keep about them and how you will supervise their work
- ask how you will manage, monitor and develop the quality of your service and how you will involve parents and children in that process.

## **f. Being approved to provide a day care service**

When CIW has completed their assessment of your application, a report is presented to the Registration Manager who will make the final decision on registration. If you are approved, a certificate of registration will be issued to you and you can start providing your day care service.

CIW must refuse to register an applicant who is disqualified from providing day care on the premises. A person is disqualified if they, or anyone living or working in their household, is disqualified as a result of any of the matters specified in the Child Minding and Day Care (Disqualification) (Wales) Regulations 2010, and have not been granted a waiver.

If the intention is to refuse your application, you will be issued with a Notice of Intention to Refuse Registration in respect of which you have 28 days in which to make any oral or written objections before a decision is finally made.

If you choose not to make any objections or, after consideration of any objections you make, CIW decide to refuse to grant you registration, you will be issued with a Notice of Decision to Refuse Registration. The law provides a three month period within which you may appeal to the First-tier Tribunal against such a decision notice. The tribunal website can provide more information [www.carestandardtribunal.gov.uk](http://www.carestandardtribunal.gov.uk).

## **g. Staying registered**

You must at all times work within the conditions set out on your certificate. If anything changes you must tell CIW. A notification form has been developed by CIW to assist you in this. Copies are available on our website [www.careinspectorate.wales](http://www.careinspectorate.wales) or directly from your CIW regional office. If in any doubt, talk to an inspector at a CIW office.

## **h. Quality assurance**

You will need to establish a system for monitoring, reviewing and improving the quality of care you give to children and how you intend to improve your service each year. This review must be done annually and you must prepare and make available a report. (Regulation 16)

## **i. Inspections**

All CIW inspections of your day care service will be unannounced. The frequency of your inspections will be determined by us – normally we will inspect every other year (every year in the case of nursery provision), but we may increase the frequency and scope of our inspections where we need to or where we have concerns