

**ANGUS COUNCIL**

**SOCIAL WORK COMMITTEE.....27 MAY 1997**

**INSPECTION OF CHILDMINDERS  
- PART X, CHILDREN ACT 1989**

**REPORT BY THE DIRECTOR OF SOCIAL WORK**

**ABSTRACT**

This report sets out proposed procedures to be followed by the Director of Social Work regarding the cancellation of the registration of childminders where:

- a) facilities are not made available for inspection and/or
- b) inspection fees are not paid within the agreed timescale.

**1 RECOMMENDATION**

It is recommended that the Social Work Committee:

- 1 Notes and approves the proposed procedures set out in this report.

**2 INTRODUCTION**

Registration

Persons who act as childminders in domestic premises for children under eight are required to register with the local authority in terms of the Children Act 1989.

Inspection Visits

Section 76 of the Children Act 1989 Act gives local authorities a statutory power (which they must exercise at least once a year with regard to all premises) to inspect domestic premises where childminding takes place.

The main purposes of inspection are:

- to enable the local authority to be satisfied that services are being provided to an acceptable standard and children are appropriately cared for;

- to provide reassurance to parents about the involvement of the local authority;
- to ensure that the facilities provided are consistent with the information held on the register;
- to encourage day care providers and childminders to raise standards.

#### Inspection Fees

In terms of Schedule 9 of the Children Act 1989 Act, a prescribed fee is payable to the local authority for the annual inspection which has to be paid within 28 days of the inspection being carried out.

### **3 PROCEDURE FOR CANCELLATION OF REGISTRATION**

#### **A. Failure to allow Inspection**

The process currently adopted is that notification of inspection to the registered childminder is confirmed on form CM20 (Appendix 1) following an earlier telephone call to establish a mutually convenient date. If the childminder is not contactable by telephone then form CM20 is sent by Recorded Delivery.

Should the childminder fail to keep this appointment, a second letter is sent offering another date (Appendix 2). This correspondence alerts the childminder to the serious consequences of an inspection visit failing to take place. Where these letters and telephone calls do not enable an inspection visit to be made then the Council cannot discharge its statutory obligation to inspect at least once per annum.

The 1989 Act only permits cancellation in certain circumstances including where the person has contravened or failed to comply with requirements imposed on their registration (Section 74(1)(c)(i) and 2(c)(i) of the Act.)

It is therefore proposed an explicit condition of registration, intimated to the prospective childminder that the Council shall be enabled to exercise their power of inspection at any reasonable time and that failure to comply with this could then be held to be a ground for cancellation of registration in terms of Section 74(1)(c)(i) or (2)(c)(i) as detailed above.

In the event of the earlier efforts proving fruitless a final third letter (Appendix 3) would be sent by Recorded Delivery giving at least 14 days notice of the Council's intention to cancel registration and advising childminders of the rights of appeal accorded in these circumstances.

Should no objections be lodged, confirmation of cancellation of registration would be issued to the childminder by the Director of Social Work. However, the cancellation would not be effective until the 21 day period allowed for appeal had expired, or until the appeal had been disposed of.

**B. Failure to pay the Annual Fee**

The position here is more straightforward. Section 74(1)(c)(ii) or 2(c)(ii) of the Act provides that the local authority can at any time cancel the registration of any person where that person fails to pay the annual fee within 28 days of the Inspection.

The process suggested is as follows:-

A letter is issued in terms of Appendix 4 which serves as a reminder to the childminder of the non-payment of the fee and the consequences thereof.

If the fee remains unpaid, then a letter is issued by Recorded Delivery in terms of Appendix 5 on the expiry of the 28 day period giving at least 14 days notice of the Council's intention to cancel registration and advising the rights of appeal accorded to childminders in these circumstances. Should no objection be lodged, confirmation of cancellation would be sent to the childminder by the Director of Social Work. Again, cancellation would not be effective until expiry of the 21 day period allowed for appeal or until the appeal is disposed of.

#### 4 REFERENCE TO PREVIOUS GUIDANCE

Committee Report 206/96 outlined the proposals for the operation of the registration and inspection of day care providers and for the setting up of decision making structures regarding the registration of providers.

This report makes reference to a role for the Social Work Case Sub Committee in situations where a consideration of the decision by members would be appropriate, typically where the applicant is not in agreement with the recommendations concerning registrations, conditions attached to registrations or proposed deregistrations.

Consultation with the Department of Law and Administration confirms that the adoption of the use of these letters (in the manner outlined above), does not contravene the terms of Committee Report 206/96. However, where objections are received following notification of the Council's intention to cancel registration, then it would be

appropriate for the Social Work Case Sub Committee to hear such objections.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from the recommendation in this report.

6 CONSULTATION

The Director of Law and Administration has been consulted in the preparation of this Report.

7 CONCLUSION

This report seeks to advise the Social Work Committee of a strategy designed to deal effectively with difficulties which arise in the Inspection process.

8 May 1997

W B ROBERTSON  
DIRECTOR OF SOCIAL WORK

Note

No background papers, as defined by Section 50 D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt material) were relied on to any extent in preparing the above report.

CM20

Dear

**INSPECTION VISIT FOR REGISTERED CHILDMINDER**

An Annual Inspection Visit is now due and I would like to visit you  
on:  
at:

A charge of £10:00 is necessary and this fee should be returned with the tear-off slip below. Please make the cheque/postal order payable to **Angus Council** and write your name and address on the reverse. (DO NOT SEND CASH). A receipt will be sent to you.

Please note that the Inspection Fee is due within 28 days of the Inspection Visit. Receipt of the Inspection Fee is required to ensure the continuation of your childminding registration.

If this date is inconvenient, please telephone me on 01241 - 435157 or 435082.

Yours sincerely,

Community Resource Worker

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Childminding Team

NAME:.....

ADDRESS:.....

Date of Inspection Visit is:.....

I enclose a cheque/postal order for £10:00 (delete as applicable)

Date:

Dear

**INSPECTION VISIT FOR REGISTERED CHILDMINDER**

Your Annual Inspection Visit is now overdue. As you were not available on the date previously arranged, I am writing to offer you another appointment.

I would like to visit you on:-

at:-

Please telephone me on 01241 - 435157 or 435082 as soon as possible to confirm or rearrange this appointment.

The local authority has a duty to inspect all registered childminders annually, and should you not be available for this visit, the Council will be obliged to take steps to cancel your registration under Section 74 of the Children Act 1989.

Yours sincerely,

Community Resource Worker

Date:

**RECORDED DELIVERY**

Dear

**INSPECTION VISIT FOR REGISTERED CHILDMINDER**

Angus Council hereby gives you notice of its intention to cancel your registration in accordance with Section 74 of the Children Act 1989 as you have failed to comply with a requirement imposed on your registration, which permits the Council to exercise their power of inspection at any reasonable time.

In terms of Section 77 of the 1989 Act, the Council must inform you of your rights as follows:

- (1) Where you inform the Council in writing within 14 days of the date of this letter of your wish to object to the cancellation of your registration, the Council shall give you an opportunity to do so. Any such objection may be made in person or by a representative.
- (2) If the Council, after giving you or your representative an opportunity to object to the cancellation of your registration, decide nevertheless to cancel your registration the Council must send you written notice of their decision.
- (3) If you are aggrieved by the cancellation of your registration then you may appeal against it to the Sheriff Court within 21 days from the date of the cancellation of your registration.
- (4) The cancellation of your registration shall not take effect until the expiry of the 21 day period within which an appeal may be brought in terms of Section 77 of the 1989 Act or, where such an appeal is brought, before its determination.

Yours sincerely,

Director of Social Work

Date:

**RECORDED DELIVERY**

Dear

**OUTSTANDING INSPECTION FEE**

We have not yet received your Inspection fee of £10:00 following your Annual Inspection on

Please forward a cheque/postal order made payable to **Angus Council** and write your name and address on the reverse. A receipt will be sent to you.

May I remind you that failure to pay the fee within the required timescale will result in cancellation of your registration under Section 77 of the Children Act 1989.

Yours sincerely,

Community Resource Worker



Date:

**RECORDED DELIVERY**

Dear

**OUTSTANDING INSPECTION FEE**

Angus Council hereby gives you notice of its intention to cancel your registration in accordance with Section 74 of the Children Act 1989 as the annual fee remains unpaid after expiry of the 28 days beginning with the date of the inspection.

In terms of Section 77 of the 1989 Act, the Council must inform you of your rights as follows:-

- (1) Where you inform the Council in writing within 14 days of the date of this letter of your wish to object to the cancellation of your registration, the Council shall give you an opportunity to do so. Any such objection may be made in person or by a representative.
- (2) If the Council, after giving you or your representative an opportunity to object to the cancellation of your registration, decide nevertheless to cancel your registration, the Council must send you written notice of their decision.
- (3) If you are aggrieved by the cancellation of your registration then you may appeal against it to the Sheriff Court within 21 days from the date of the cancellation of your registration.
- (4) The cancellation of your registration shall not take effect until the expiry of the 21 day period within which an appeal may be brought in terms of Section 77 of the 1989 Act or, where such an appeal is brought, before its determination.

Yours sincerely,

Director of Social Work

