

ANGUS COUNCIL

SOCIAL WORK COMMITTEE .....	18 April 2000
EDUCATION COMMITTEE .....	25 April 2000
PERSONNEL & PROPERTY SERVICES COMMITTEE..	2 May 2000
FINANCE & INFORMATION TECHNOLOGY COMMITTEE	2 May 2000

REGISTRATION OF CHILDMINDING AND DAYCARE FOR CHILDREN  
UNDER EIGHT - CHILDREN ACT 1989 - PART X

REPORT BY THE DIRECTOR OF SOCIAL WORK, THE DIRECTOR OF  
EDUCATION AND THE DIRECTOR OF PERSONNEL

**ABSTRACT**

This report advises the Committee of the Angus Council's duties in relation to the regulation of childminders and providers of non-domestic daycare for children under eight. This report gives details of the current activity levels in relation to the four main components of regulation: registration, inspection, investigation of complaints and enforcement action.

The report also makes proposals to co-ordinate the operational arrangements for regulation of childminders and providers of non-domestic daycare for children under eight in response to the recommendations made in the Registration Best Value Service Review undertaken in 1999. Following a review of the current operational arrangements and structures, proposals are made for the management and decision making structures for Committee's approval.

**1 RECOMMENDATIONS**

It is recommended that the Social Work Committee:

- (i) agrees with the proposed operational structures for regulation of childminders and providers of daycare for children under eight;
- (ii) approves the proposals for decision making regarding the registration of prospective childminders and providers of daycare outwith domestic premises for children under eight;
- (iii) instructs the Director of Social Work to monitor the arrangements for registration and inspection of childminders and providers of daycare for children under eight, and report on the arrangements in the Registration and Inspection annual report.

It is recommended that the Education committee:-

1. approves the developments described in this report.

It is recommended that the Personnel & Property Services Committee approves the establishment for the regulation of childminding and daycare for children under 8 as set out in appendix 4 and specifically the establishment of:-

- 1 1.5 Regulation Officers AP4/5+1 (SCP 27-35).
- 2 0.7 clerical assistant post GS1/2.

It is recommended that the Finance & Information Technology Committee

- 1 Approves the virement proposals contained in Appendix 6.

## **2 INTRODUCTION**

Angus Council is responsible for the regulation of childminders and providers of daycare in non-domestic premises under Part X of the Children Act 1989. Reference is made to the Social Work Committee Report number 206/96 which outlines the Council's statutory responsibilities. The structures for the operation, management and decision making in respect of these regulatory functions were agreed by the Social Work Committee on 16 April 1996.

There have been a number of national developments, which impact on the regulation of daycare for children under eight. Reference is made to reports 245/99 and 405/99 which outline central government's proposals in relation to the regulation of care and the social care workforce. These reports were based on a White Paper "*Aiming for Excellence - Modernising Social Work Services in Scotland*" issued in March 1999, and a consultation paper "*Regulating Care and the Social Services Workforce*" issued in December 1999. Proposals were made in the consultation paper to separate aspects of current work, namely the development of childcare resources from the regulation of these resources. The paper further proposes that the regulation of childminding and daycare for children under eight will transfer to the Commission in the second tranche of the transfer arrangements. The Council's position regarding the setting up of the Scottish Commission for the Regulation of Care has been forwarded to the Scottish Executive (reference report number 247/00).

The strengths of the current arrangements for the regulation of childminders and providers of daycare for children under eight were highlighted in the Council's response to the consultation paper. Locally based staff work in the local context, they are able to respond promptly to providers and service users alike and take account of the specific needs of the local area.

Angus Council also submitted a response to a consultation paper: *“Regulating Early Education and Childcare”* at the end of June 1999. A response to the views submitted by the consultees to this paper is expected from the Scottish Executive later this spring.

A Registration Process Best Value Service Review was undertaken in 1998/99. (Reference is made to Report 555/99). This addressed the processes relating to the registration of non-domestic daycare for children under eight. A similar review of registration of childminders, as part of a review of services for children in need, is currently under way.

The service review implementation plan recommended that the following action should be taken: *“Consideration should be given to the co-ordination of all child care registration services within one place in preparation for the implementation of an independent commission”*. The proposals contained in this report will address this recommendation.

### **3. SUMMARY OF STATUTORY DUTIES**

#### **3. 1. Registration Requirements**

Registration requirements for daycare for children under 8 are contained in the Children Act 1989, which was implemented in October 1991. Minor amendments to the Act were made by the Children (Scotland) Act 1995.

Section 71 of the Act defines two types of care provision requiring registration:

- (a) persons who act as a childminder on domestic premises within the authority’s area; and
- (b) persons who provide day care for children under the age of eight on premises (other than domestic premises) within that area.

Scottish Office guidance identified the main purposes of registration as:

- to provide a framework which helps to protect children;
- to contribute to providing reassurance to parents using independent services who are arranging for their child to be looked after by someone who is not a relative and may be a stranger;
- to ensure that services meet acceptable standards;
- to ensure that people wishing to provide services for children do so within an established legal framework of requirements and conditions.

Persons are deemed to be providing daycare for children under eight if they care for children for periods in excess of 2 hours per day for more than six days per year.

Individual or occasional facilities, which open for less than six days a year, do not require to register, however, before using the premises for the first time in any one year, the organiser must provide the registering authority with the following information:

- location of the facility, numbers of children attending;
- age range of children attending;
- number of staff and
- opening hours

The types of provision currently registered within the Angus area fall into the following categories:

- childminders;
- playgroups;
- nurseries;
- close proximity daycare;
- out of school care;
- holidays playschemes.

## **4. CURRENT ARRANGEMENTS FOR THE REGULATION OF CHILDREN'S DAYCARE**

### **4. 1. REGULATORY FUNCTIONS**

The four main components of regulation of childminders and providers of daycare for children under eight are registration, inspection, investigation of complaints and enforcement. These functions, although contained within the same primary legislation and regulations and national guidance, are currently operationally split between two service areas of the social work department.

The responsibility for the regulation of childminders rests with the Community Resource Team, which is accountable through line management to the Head of Operations (Children and Families).

Regulation of providers of non-domestic day care for children under eight is located in the department's 'arms-length' Registration and Inspection Unit. These functions are undertaken by one Registration and Inspection Officer. She is assisted in the tasks by colleagues at the unit. The officer is accountable to the Head of Registration and Inspection.

### **4. 2. REGISTRATION**

Registration of daycare is a legal process, involving judging the fitness of proposed owners, managers and childminders, evaluating the quality of physical facilities and judging the fitness of the premises in which it is proposed young children would be cared for, and assessing the fitness of management, staffing and registered childminding assistants within the proposed daycare facility.

All applications for changes in ownership, management and staffing, premises, numbers or age group of children being cared for, and the operation of the registered facility must be considered by the Registering Authority, and approval granted to such variations to registration, prior to these being implemented. (Reference is made to Social Work Committee report 404/99).

#### **4. 2. 1. Non-domestic daycare for children under eight**

There has been a considerable increase in the volume of registration activities since October 1991 when the Children Act 1989 was implemented. The increase in activity levels relates to the turnover of staff and volunteers who work in registered facilities. The nominated persons, acting as registered persons on behalf of playgroups, change frequently now that playgroups provide care for a narrower age group of children than was the case previously. Children are able to access local authority nursery classes at a younger age, leaving playgroups to serve primarily children aged 2.5 to under the age of 4.

Table 1 indicates that as at 31 March 1999, there were 68 registered non-domestic day care establishments for children under 8 in Angus.

**Table 1: Non-domestic Daycare Provision for Children Under 8**

<b>Category</b>	<b>Number of Establishment</b>	<b>Number of Children</b>
Close Proximity Day care	2	48
Holiday Playscheme	4	66
Nurseries	12	334
Nursery / Out of School	1	44
Out of School / Holiday Playschemes	10	298
Playgroups	37	824
Out of School only	1	27
Nursery / Playgroup	1	27
<b>TOTAL</b>	<b>68</b>	<b>1648</b>

Of the 68 facilities 24 provide full time care e.g. they offer over 4 hours of continuous care each day. The remaining 44 facilities offer sessional care e.g. over 2 hours but less than 4 hours of continuous care each day.

In the year since 31 March 1998, there has been an increase of 2 registered day care establishments, providing 14 additional daycare places.

#### **Registration Activity**

In the year to 31 March 1999 there have been:

New registrations of out of school clubs	4
New registrations of close proximity daycare	1
New registrations of playgroups	5
New registrations of nurseries	1
New registration of a holiday playscheme	1
Variations in registration	31
Replacement registration certificates	4
Voluntary de-registrations	9

The registration activity in 98/99 included 12 changes of premises (compared to 7 in 97/98) of which 6 were new registrations (1 crèche, 1 nursery/playgroup/out of school clubs, 2 playgroups), 5 were changes in premises (2 playgroups, 3 out of school clubs) and 1 was a change of owner.

Of the 9 voluntary de-registrations, one nursery and one playgroup closed permanently (though the playgroup has since reopened). Of the remaining 7, 6 moved to new premises which required a new application to be submitted and one was a change of registered person.

In addition, a large number of "fit person" assessments for additions to and changes in persons in charge, deputies and relief persons in charge have been carried out.

A total of 216 Scottish Criminal Office (SCRO) checks were carried out by the Registration and Inspection Unit, including those for fitness assessments, and people nominated to work as assistants and volunteers. The high level of staff changes present a formidable workload for the officer and administrative staff at the Unit.

#### **4. 2. 2. Registration of childminders**

There has been a significant increase in the number of registered childminders over the last 7 years. In 1993 there were 142 registered childminders in Angus. This had risen to 270 by 31 March 1999, and to 274 by 1 January 2000.

As at 31 March 1999 there were 270 registered child minders in Angus, providing a total of 836 places for children aged 0-4 and 618 places for children aged 5 to under 8. Although child minders are registered to care for children from 0 to under eight only, any children aged 0-14 are considered in the total number of children they can care for. Thus the number of places provided to children under the age of eight in Angus include children up to the age of 14.

#### **Registration activities**

During the period of 1 July 1998 to 31 June 1999, the following registration activities took place.

New registrations	69
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Cancellations of registration	42
Variations to registration	46

Variations to registration include changes in the household composition, changes within, and of premises, and changes in childminding assistants.

There were 130 Scottish Criminal Records Office checks made in respect of new registrations and changes in family composition.

In addition to the registration activities the resource team received approximately 700 enquiries about registered childminders in Angus and about how to become a childminder.

#### **4. 2. 3. Decision making**

Structures for decision making regarding the registration of, variations to the registration of and deregistration of providers of daycare in non-domestic premises and childminders mirror the operational arrangements for regulation of care. Decisions regarding childminders are considered by the Head of Operations (Children and Families ), while the decisions regarding providers of non-domestic daycare are the responsibility of the Head of Service (Registration and Inspection).

There are occasions, however, when decisions regarding registrations are not straightforward, and where a consideration of the registration decision by members would be appropriate. The current arrangements allow for the Social Work Case Sub Committee to fulfil this function, providing an objective view, in cases where the applicant wishes to state objections to the decision not to register, impose conditions of registration or to proposed deregistration. The applicant has a right to appeal to the Sheriff following the consideration by the Case Sub Committee. Appendix 1 (to follow) outlines the current decision making structures and processes.

#### **4. 3. INSPECTION**

All registered child minders and providers of non-domestic daycare for children under eight must be inspected at least once a year.

##### **4. 3. 1. Non-domestic daycare for children under eight**

Establishments providing non-domestic daycare are inspected against Angus Council '*Standards and Guidance for Good Practice for Non-Domestic Daycare for Children Under 8' (1998)*. The majority of standards apply to all types of registerable daycare. Some specific standards, however, apply to full daycare, nurseries providing out of school care and close proximity daycare. (Reference is made to report 238/98).

Inspection methodology includes the collation of information from the registered providers of care prior to inspection, inspection of the continued fitness of premises, management and staffing and the operation of the

registered provision. Every effort is made during inspection to talk to parents and carers, although this opportunity is rare.

Each of the 68 establishments has received an annual inspection visit and subsequent report. Other visits to premises have been as a result of 'fit person' interviews, complaints and site visits. This indicates that the statutory requirement of one visit a year to each establishment has been achieved in the period of 1 April 1998 - 31 March 1999.

### **Reporting on inspections**

Following an inspection a draft report is issued to the establishment to comment on the factual accuracy of the report. Providers have 21 days to make comments.

The report is in a standard format and gives information about standards met and unmet at the time of the inspection. At the end of each section of the report the inspection officers provide a summary of findings, commendations, recommendations for good practice and issues requiring action.

Recommendations for good practice are made to encourage providers to improve practice. These do not affect registration as such, but continued failure to implement recommendations would be a cause for concern.

Unmet standards could affect continued registration and the matters raised appear in reports under 'Issues Requiring Action'. These must be addressed immediately or within a specified timescale.

Following any comments received, reports are issued in their final form. Registered providers are encouraged to share the contents of the report with all staff and committee members, where appropriate, and to make the report available to parents and carers. Inspection reports are not covered by national guidance and the Council's open access to reports policy.

### **4. 3. 2. Inspection of child minding**

Registered child minders are inspected against Angus Council '*Registration and Inspection of Childminders - Standards and Guidance for Good Practice*' (1998).

Inspection methodology includes inspection of parts of the premises which minded children have access to, safety requirements and equipment being in place and properly maintained, adequate health and hygiene standards being maintained, changes to the household composition that have not been notified to the social work department, inspection of records, that a registration certificate is on display, that an appropriate range of play material and equipment is available and training undertaken or needed is identified. The interaction and relationships between the childminder and the children present is noted, and the quality of the relationships between the childminder and the parents of minded children is assessed. The facilities for meals and rests is inspected.

During the period of 1 July 1998 to 31 June 1999, a total of 164 annual inspections were undertaken by the childminding resource workers.

### **Reporting on inspections**

Following an inspection a report is issued and sent to the childminder. If there are factual inaccuracies in the report, amendments are made. The report is in a standard format and gives information about standards met and unmet, any changes to the premises or household, any training the childminder has attended in the preceding year and the current training needs of the childminder, the quality and appropriateness of the care being offered to the minded children and what services the childminder can offer by way of availability, age range and children with particular needs.

Childminders can share the inspection report with parents of minded children. Inspection reports are not covered by national guidance and the Council's open access to reports policy.

## **4. 4. COMPLAINTS**

As part of the inspection duties and monitoring of the registered providers' compliance with Council's standards and their conditions of registration, complaints made about the registered provision are received and investigated by the staff.

### **4. 4. 1 Non-domestic daycare**

In the past year, five complaints were made to the Unit about non-domestic daycare provision. Two complaints related to one day nursery, two complaints to two separate out-of-school clubs and one complaint was made about playgroup. All five complaints were partially upheld. Following an investigation of a complaint, recommendations for action were made and unannounced visits were paid to the premises for a period of time to monitor progress.

### **4. 4. 2. Childminding**

During 1998/99 a total of 14 complaints were received about registered childminders and persons alleged to childmind without being registered. Half of the complaints were fully or partially substantiated, following investigation. No childminder had more than one complaint made against them during the year. Issues arising from these complaints were addressed informally without a need for formal action.

## **4. 5. ENFORCEMENT**

The purpose of enforcement is to monitor the provider's compliance with the Council's registration standards and the conditions of registration which apply to registered childminders and non-domestic daycare providers.

#### **4. 5. 1. Non-domestic daycare**

Enforcement activities range from monitoring standards of care during and following inspections, addressing issues with the registered providers following investigations of complaints and taking formal action regarding any breaches of conditions of registration.

Where the failure to comply with the conditions of registration which apply to the daycare provision is a particular cause for concern, the registered provider of care is informed in writing of their breach of the relevant condition of registration. Three breach of conditions letters were sent in 1998/99. All related to day nurseries providing full daycare.

#### **4. 5. 2. Childminding**

Similar enforcement powers are available to the registering authority to ensure that childminders comply with the Council's standards and their conditions of registration. Allegations made about people who act as childminders without being registered, about registered childminders caring for more children than they are registered for and any other concerns affecting childminders conditions of registration are investigated by resource workers. During the year 1998/99 all such concerns were resolved informally, without recourse to formal or statutory enforcement action.

### **5. PROPOSED ARRANGEMENTS FOR REGULATION OF CHILDREN'S DAYCARE**

Operational arrangements for regulating childminding and daycare for children under eight vary across Scotland. While in many authorities both the regulation of childminding and non-domestic daycare for children under eight are located within the arms length registration and inspection units, in others these functions are located within the children's services operational management structure. Many West of Scotland authorities have retained these functions since local government re-organisation in educational services.

More recently, most local authorities in Scotland have moved or are moving towards joint arrangements for regulating childminding and daycare for children under eight. While the separate operational arrangements have had some benefits in the past in terms of assisting in the development of the childminding service in Angus, at this point in time there is considered to be no further benefit in this arrangement.

Additional short term funding has been secured from the Angus Child Care Partnership for the regulation of daycare for children under eight. Funding for an additional 1.5 regulation officer posts, and 0.7 clerical assistant post has been obtained for the year 2000/2001. It is considered that the best use can be made of the resources by combining the existing and the new resources.

Having considered the possible options for the structure which would best integrate the two regulatory strands, and making use of the available resources, it is proposed that regulation of childminding and non-domestic daycare should be brought together in an integrated regulation of children's daycare team, under the management of children's services.

The new team will be accountable to the Manager (Community Support) in Children's Services and will be managed on a day to day basis by a regulation team leader who will be responsible for the registration functions relating to non-domestic day care facilities. The team leader will be responsible for the day to day management of the regulation team and the statutory duties for registration, inspection, investigation of complaints and enforcement functions in relation to childminders and other providers of day care for children under eight years under the supervision of the Manager (Community Support).

The team will consist of the team leader identified from the current complement of officers within the Registration and Inspection Unit and three regulation officers, 1.5 identified from the current complement of resource workers in the childminding team and 1.5 from the Childcare Partnership financial allocation for financial year 2000-2001. The current post of Administrative Assistant located within the Registration and Inspection Unit will be responsible for the management of the administrative functions relating to day care for children within the new regulation team, and will also continue to be responsible for the management of the administrative functions in the Registration and Inspection Unit for community care and the social work formal complaints procedure. The administrative assistant will account to the team leader and Manager Community Support for children's day care functions and the Head of Registration and Inspection for community care and formal complaints procedure functions.

Decisions relating to the assessment of fitness of prospective childminders, providers, managers and deputies/relief persons, decisions regarding registration of, variation to the registration of, and deregistration of daycare providers and childminders shall be presented by the Regulation Team Leader and the Manager Community Support to the Head of Children's Service for consideration and decision, including consideration of any proposed conditions of registration. See flowchart in Appendix 2 for the proposed new process for registration decisions.

The remit of this team will therefore encompass all regulatory functions, e.g. registration, inspection, investigation of complaints and enforcement action, relating to Part X of the Children Act 1989. It is further proposed that the developmental role currently carried by the childminding resource workers and the registration and inspection officer responsible for the regulation of non-domestic daycare be taken over by a community resource worker to be located in the Rural Outreach Team based in Montrose.

Appendix 3 outlines the proposed structure for regulation of childminding and daycare for children under eight years old.

## **6. FINANCIAL IMPLICATIONS**

In November 1999 the Scottish Executive announced the distribution of funding to meet childcare objectives for the year 2000-2001. As part of this funding, £117, 000 of the total of £261,000 allocated to Angus was intended for infrastructure costs. Among infrastructure costs funding was made available to help authorities to deal with the increased volume of registration and inspection work (refer to a joint report number 47/00 by the Directors of Social Work and Education). An additional £48,300 has been allocated by the Childcare Partnership as part of the infrastructure costs for regulating care for the financial year 2000-2001. The additional costs are summarised in Appendix 5.

## **7. CONSULTATION**

The Chief Executive, the Director of Law and Administration, the Director of Finance, the Director of Education and the Director of Personnel have been consulted in the preparation of this report

## **8. CONCLUSIONS**

This report has made proposals to the Social Work Committee for regulating childminding and day care for children under eight. Angus Council has recorded its opposition to the setting up of the Scottish Commission for the Regulation of Care. Notwithstanding this opposition it is necessary to ensure that effective regulation of early years services can continue if the regulation of community care services is removed to a Commission before the regulation of child care.

W B Robertson  
Director of Social Work

J Anderson  
Director of Education

J Torbet  
Director of Personnel

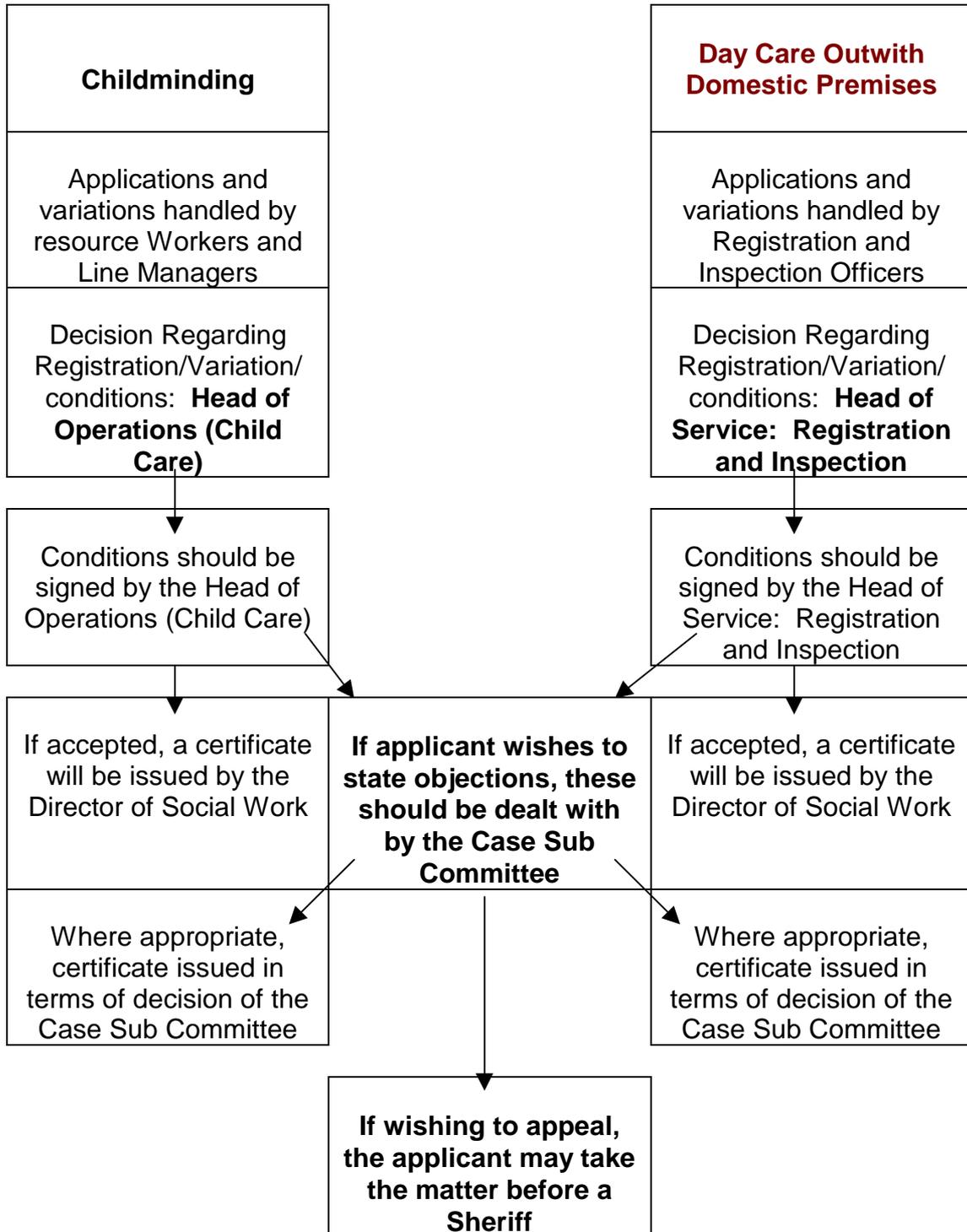
## **NOTE**

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



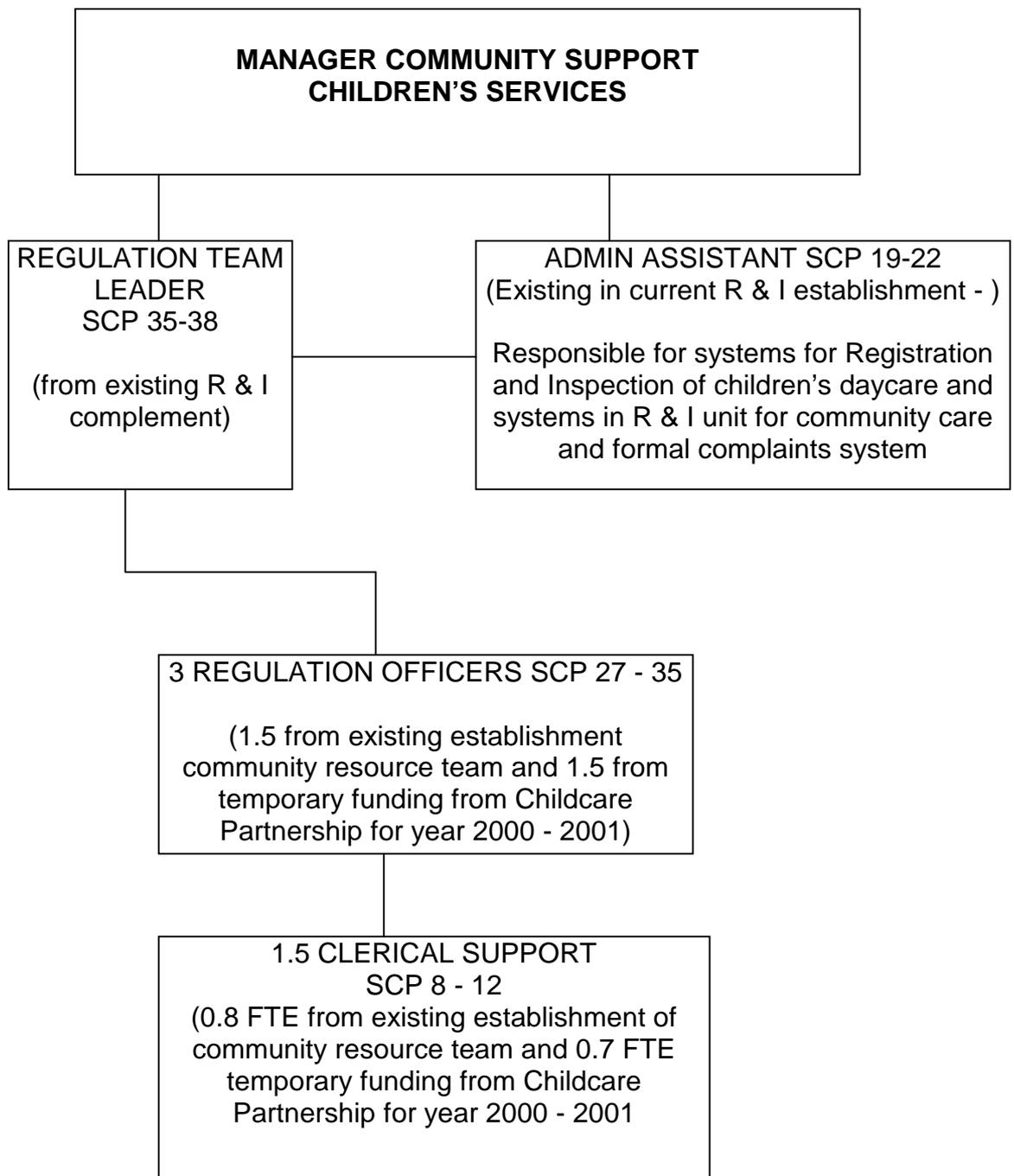
## APPENDIX 1

### PART X OF THE CHILDREN ACT 1989: CURRENT MODEL FOR THE REGISTRATION OF DAY CARE FOR CHILDREN UNDER EIGHT



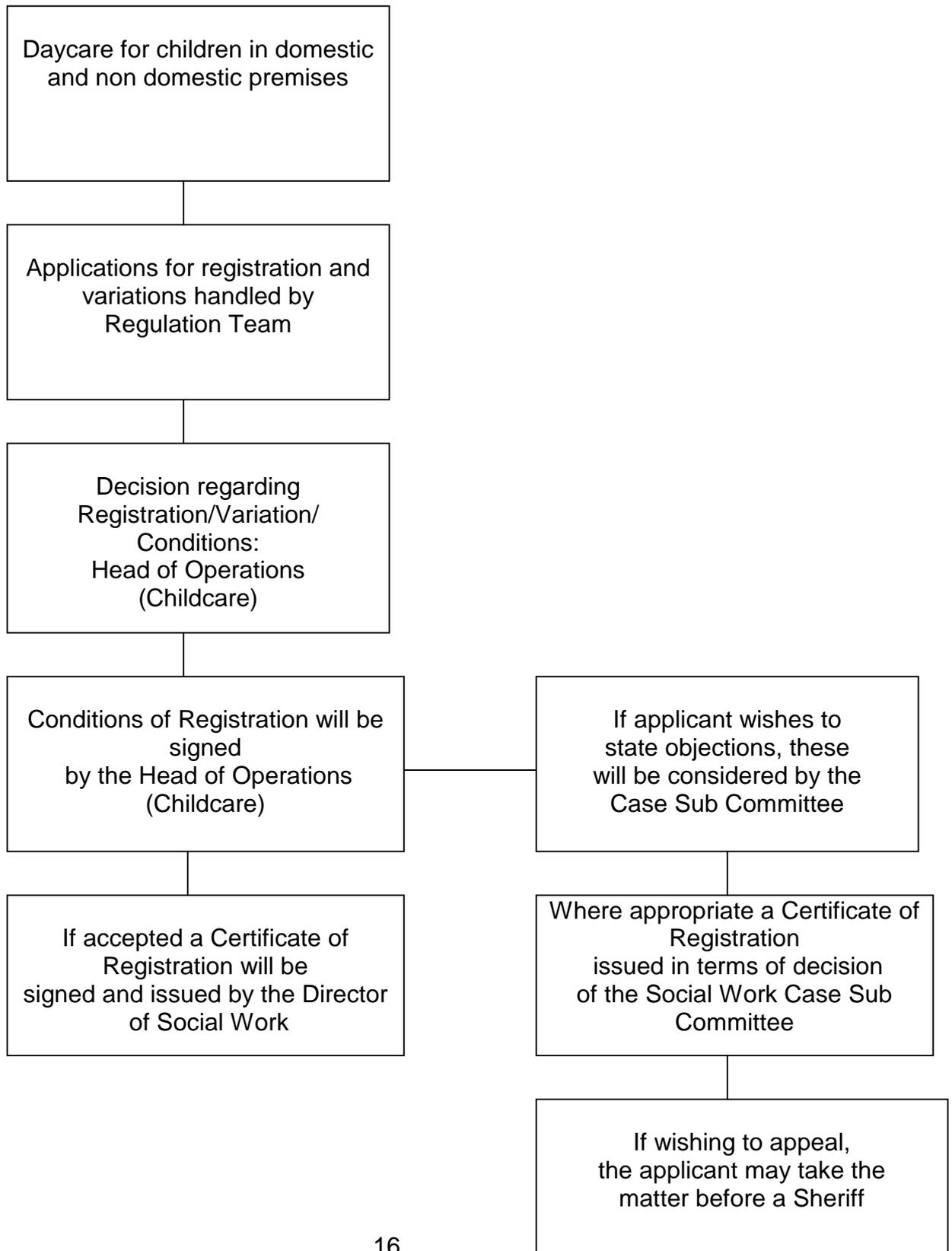
Appendix 3

# PROPOSED STRUCTURE FOR REGULATION OF CHILDREN'S DAYCARE



**PROPOSED MODEL FOR THE REGISTRATION OF  
DAYCARE FOR CHILDREN UNDER 8**

**PART X OF THE CHILDREN ACT 1989**



**REGISTRATION OF CHILDMINDING AND DAYCARE FOR CHILDREN  
UNDER EIGHT**

**STAFFING IMPLICATIONS**

**Current Establishment**

1 Registration & Inspection Officer	AP6
0.5 Social Worker (Childminding Team)	AP4/5+1
1 Centre Worker (Childminding Team)	AP4/5 +1
0.5 Admin Assistant	AP2
0.8 Clerical Assistant	SCP 8-12

**Proposed Establishment**

1 Team Leader	AP6
3 Regulation Officers	AP4/5+1
0.5 Admin Assistant	AP2
1.5 Clerical Assistant	SCP 8-12

## APPENDIX 5

### Cost implications of proposals

	<u>Grade</u>	<u>Full Year Cost</u> £
<b>Registration and Inspection</b>		
1.5 Regulation Officers	AP 4/5 + 1	35,400
0.7 Clerical Assistant	SCP 8-12	8,400
Transport Costs		4,500
TOTAL		48,300

## Virement proposals

### Social Work Department Adjustments

Vire from			Vire to		
		£			£
SSR - Registration & Inspection	Staff Costs	47,000	SSR - Childminding	Staff costs	20,300
SSR - Registration & Inspection	Transport	1,800			
SSR - Childminding	Staff Costs	-	Children - Rural Outreach	Staff costs	26,700
SSR - Childminding	Transport	1,120	Children - Rural Outreach	Transport	2,920
TOTAL		49,920	TOTAL		49,920