EXPLANATORY MEMORANDUM TO THE

DAY CARE AND CHILD MINDING (INSPECTIONS) (PRESCRIBED MATTERS) (ENGLAND) (AMENDMENT) REGULATIONS 2005

2005 No.482

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The regulations amend the Day Care and Child Minding (Inspections) (Prescribed Matters) (England) Regulations 2001 by changing the interval at which child minding or day care is to be inspected from 2 years to within 3 years of the last inspection.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 Part XA of the Children Act 1989 ("the 1989 Act") introduced by the Care Standards Act 2000, transferred the responsibility for the registration and inspection of day care and child minding from local authorities to Her Majesty's Chief Inspector of Schools in England ("the Chief Inspector"). Under section 79Q of the 1989 Act, the Chief Inspector must ensure that he inspects day care and child minding provided by a registered person at prescribed intervals. The Day Care and Childminding (Inspections) (Prescribed Matters) (England) Regulations 2001 prescribe the interval for inspection under these provisions as 2 years. The regulations amend the prescribed interval to within 3 years of the last inspection.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 These changes are part of a wider policy objective to align the inspection frameworks covering the Chief Inspector's inspection of early years provision (child minding, day care and funded nursery education) and schools. This is being done through the Education Bill. A common inspection frequency of within three years is a key feature of this alignment, in order to facilitate better integration of early years inspections, and to allow the inspection of education and childcare to be carried out as a single inspection event.

7.2 The Chief Inspector will be starting his new early years inspection cycle in April 2005. The inspection frequency of within three years allows the Chief Inspector to inspect child minding and day care more regularly where he considers it appropriate.

8. Impact

8.1 No Regulatory Impact Assessment has been completed because these regulations do not impose any new requirements on day care providers or child minders.

9. Contact

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