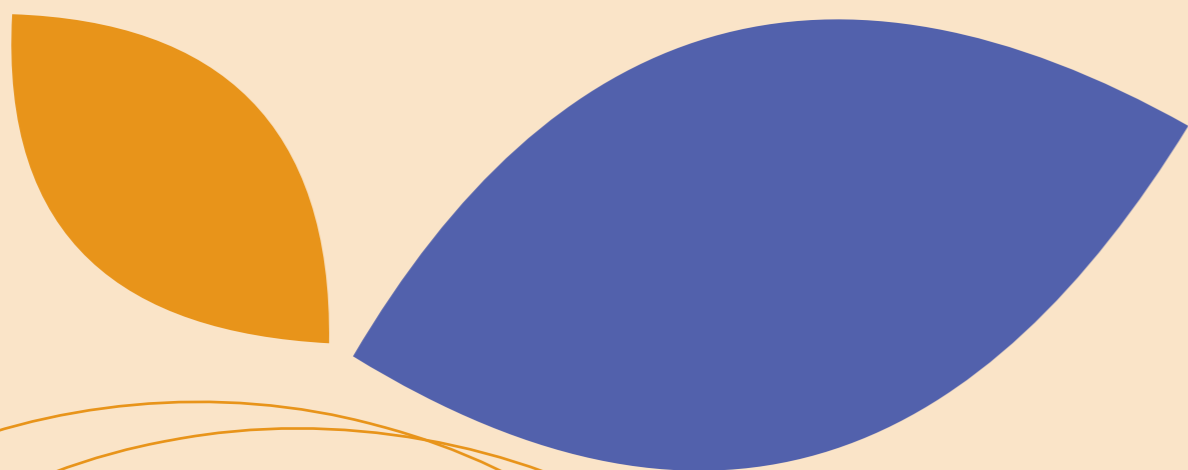


Registering and running
a childminding service:
what you need
to know



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Introduction

This booklet will help you if you are:

- applying to register a childminding service
- running a registered childminding service.

By law, childminding services in Scotland must be registered with Social Care and Social Work Improvement Scotland (SCSWIS). You cannot run a childminding service if you are not registered.

We regulate childminding services according to the Public Services Reform (Scotland) Act 2010. We assess the quality of services to make sure they meet the National Care Standards which are published by the Scottish Government.

Caring for other people's children is a big responsibility and there are various requirements that your childminding service must meet before you can begin.

This booklet tells you what these requirements are, so you can make sure you meet them before we register your service and for the whole time you are running your service.

Section 1: What is childminding?

Childminding is the provision of care in a domestic setting.

Childminding, like many other care services, is regulated by SCSWIS which has powers set out in an Act of the Scottish Parliament: The Public Services Reform (Scotland) Act 2010.

In the Act, childminding is defined as 'looking after one or more children on domestic premises for reward for a period of more than two hours in any day.'

This does not include:

- caring for children closely related to you
- fostering children
- caring for children in their own home.

But it may include:

- caring for children over weekends and holiday periods who attend boarding school.

If you need more advice on what is defined as childminding please contact us.

Working arrangements

There are various ways in which childminding can be provided.

An individual may operate a childminding service alone.

- In this situation the individual is solely responsible for the care of the children. The individual is the provider and the manager of the childminding service and is self employed.

Childminding services that are separately registered may work together in the home of one of the registered childminding providers.

- In this situation 'individual applicants' would undertake separate childminding registrations and, once registered, would be inspected separately by SCSWIS. The two registered services would have separate contracts with the children's parents or carers. There would be separate policies and procedures. Separate insurance arrangements would also be necessary.

A partnership may operate a childminding service.

- Two or more people working together are a partnership. The partnership needs to decide who the manager(s) will be.

A provider of a childminding service may have a paid or unpaid assistant to help provide the childminding service.

In some local authority areas you might need to apply for planning permission for more than one adult to work in a childminding business or to care for more than six minded children.



Section 2: Before you apply to register

Speak to us

If you are thinking about registering a childminding service, you can contact us for general advice.

Find out about the National Care Standards

You should read the National Care Standards for Early Education and Childcare up to the age of 16. We inspect childminding services to make sure they meet these standards, which are set by the Scottish Government. You can download National Care Standards from the Scottish Government's website at www.scotland.gov.uk or you can order printed copies, free of charge from:

Scottish Government Titles
BookSource
50 Cambuslang Road
Cambuslang Investment Park
Glasgow
G32 8NB
Tel: 0845 370 0067
Fax: 0845 370 0068
Email: scottishgovernment@booksource.net

Please note there will be a small charge for postage.

Find out about the legislation which governs care services

Visit our website www.scswis.com and click on the tab which says 'The Law'.

Read our booklets

Read this booklet carefully, as well as our booklets 'Applying to register a care service: guidance for providers' and 'Childminders: what to expect when we inspect'. They're available on our website or you can ask us for a paper copy.

Read the SSSC Codes of Conduct

Providers of registered childminding services don't have to be registered with the SSSC (Scottish Social Services Council). However, we recognise it as good practice to follow their codes of conduct and we do consider these codes in the course of our regulation work. You can find the codes of conduct on the SSSC website at www.sssc.uk.com

Contact the Scottish Childminding Association (SCMA)

You can get lots of helpful advice and information from the Scottish Childminding Association. Visit their website: www.childminding.org or call them on 01786 445377.

Get some training

We would encourage you to take advantage of local training and support opportunities. The SCMA may have details of what's available in your area.

Find out about keeping your accounts and tax

If you run a registered childminding service, you are responsible for running your own small business. You must keep some form of accounts and tell HM Revenue and Customs when you begin. You can find out more by visiting www.hmrc.gov.uk or from your local tax office.

How much will applying cost?

You must pay us a fee when you apply. This is non-returnable and we won't be able to process your application until we receive your payment. This fee includes the cost of a Protection of Vulnerable Groups (PVG) Scheme record check for you and Disclosure Scotland criminal records checks or their equivalents for all your adult family members living with you.

All registered care services must also pay an annual continuation fee. For more information, please read our fees leaflet.

You must also pay for any medical reference fees and bank fees that are incurred during the application process.



Section 3: Applying to register

When you apply to register you will have to complete an application to register form so we can begin the registration process. You will have to give us lots of information and we will have to carry out lots of checks. The whole application and registration process may seem daunting to you, but we can help you understand what you need to do. As well as this booklet, our booklet 'Applying to register a care service: guidance for providers' gives you useful information about the process. You can also contact us for help.

Why we have an application form

We have a legal duty to ask for specific information from applicants, for example:

- applicant's details
- details of training and experience
- details about how the childminding service will be provided
- information about the domestic premises/home
- statements and disclosures relating to fitness and suitability.

You can apply online at www.scswis.com or you can complete paper forms.

The information in this section will help you when you are completing the application form.

Which parts of the application form you should complete: your working arrangement

As we explained in Section 1, there are various ways in which childminding can be provided. You will need to complete certain parts of the application form depending on how we classify you.

An individual operating a childminding service alone

In this situation the individual is solely responsible for the care of the children. The individual is the provider and the manager of the childminding service and is self employed. Someone who intends to provide a childminding service alone is an 'individual applicant' and needs to complete Parts 1 and 4 of the registration application form.

There can be childminding services which are separately registered but work together in the home of one of the registered childminding providers.

In this situation 'individual applicants' would undertake separate childminding registrations and, once registered, would receive separate inspection visits from SCSWIS. The two registered services would have separate contracts with the children's parents or carers. There would be separate policies and procedures. Separate insurance arrangements would also be necessary.

A **partnership** where people operate a childminding service together.

Two or more people working together (a partnership) is an 'applicant who is not an individual'. The person completing the application form on behalf of the partnership needs to complete Parts 2, 3 and 4 of the registration application form. The partnership needs to decide who the manager(s) will be.

How many children you can look after

The National Care Standards say that there should be no more than six children under the age of 12 in the care of each childminding service, including the provider's own children. There are also rules about the number of babies and children not yet attending primary school.

We consider the appropriate ages and numbers of children that an applicant may care for at any one time. We will take account of the National Care Standards along with the applicant's own circumstances. We also look at other factors, for example:

- the specific features of the home where the proposed service will operate
- the number and ages of the applicant's own children. They will be included in registered numbers. (However exceptional circumstances can be discussed with SCSWIS.)
- additional needs of the applicant's own children or those to be cared for.

You should be aware that in some local authority areas you might need to apply for planning permission to care for more than six children.

It is up to you to make sure you check and comply with planning permission, landlord agreements, lease terms, title deeds restrictions and so on. We are not liable for any of these factors.

Overnight care

If you want to provide overnight care you must discuss it with us during the registration process. If we agree you can provide overnight care, the conditions on your registration certificate will say this.

There are additional, more stringent fire safety requirements for this and your fire risk assessment will have to be based on these and forwarded to the Local Fire Officer.

We will also have to carry out a premises risk assessment with you that includes sleeping arrangements and access to other household members, friends or extended family. We will also discuss with you whether you need to amend your child protection statement and emergency contact procedures.

The documents you have to give us

In Parts 1 to 4 of the application form we ask you for various documents. The rest of this section tells you about the documents you will need to give us.

- [Statement of aims and objectives](#)

We ask you for a written statement of your service's aims and objectives which sets out:

- what the childminding service will offer and how
- a programme of activities, opportunities and experiences for the children
- how you will cater for the individual needs of children in your care
- what you will do to develop positive relationships with parents and carers which allow children to move easily and happily from one caring situation to another, particularly between the home and the childminder
- how you will consult with parents and children to continually improve your service.

- [A recruitment policy](#)

You will need to give us this if you intend to have an assistant. The policy would need to describe how you would recruit an assistant and make sure that they were safe to work with children.

You are responsible for paying any Protection of Vulnerable Groups (PVG) Scheme record check fee for childminding assistants who are not members of the household.

- [Programme for staff development, induction and training](#)

You will need to give us this if you intend to have an assistant. The programme would need to show how you will help your assistant to:

- understand how the service operates
- develop their skills
- attend training relevant to childminding.

- [Plans of the premises](#)

We will need these only if you are doing any building work that affects the areas you will use for childminding. If you need planning permission, a building warrant and a building completion certificate for the work you are doing, we will need copies of these too.

- [Fire safety risk assessment](#)

Childminding applicants are required by law to carry out a fire safety risk assessment of their homes and prepare an emergency escape plan. You must send these to your local Fire and Rescue Service along with the fire safety checklist included in your application pack. You have to send us the confirmation slip, which is also included, so we know you've done this. We include a copy of 'Fire Precautions in Domestic Childminding Premises – A Guide for Childminders' in your application pack. If you apply online we will send you this document after we receive your application. Applicants have to show evidence of complying with fire regulations because, once you become a self employed provider of a registered childminding service, you are legally required to comply with fire regulations.

We also require childminding applicants to assess all other safety aspects of their homes. This is called a 'premises risk assessment'. If you apply online we will send you this document after we receive your application.

We have to assess your completed risk assessment. If we assess your home as unsuitable this may affect our decision to grant registration. We strongly advise you not to undertake any work to the home or buy any safety equipment until you are confident that the registration can be granted.

[Providing a food service](#)

If you want to provide a food service to the children you care for you will need to register with your local council's environmental health department as food business operators. You can find details about how to do this on the Food Standards Agency website www.food.gov.uk We will expect you to show evidence you have done this during the registration process.



The home to be used

You need to make sure that there is nothing to stop you from carrying on a childminding business in the home you are proposing to use for the service. For example, because of any restriction in your title deeds or lease. If you are in any way unsure you should get independent legal or other professional advice. It is up to you to pay any fees you may get charged for this.

We ask you to declare that the home where you will provide the childminding service is suitable for that purpose. The home must be of sound construction, kept in a good state of repair and have adequate and suitable ventilation, heating and lighting.

Issues to consider when deciding whether the home is suitable include:

- the amount of space for the number of children and adults
- safety and fire prevention
- the facilities and equipment available
- access to a garden or play area.

We will visit the home to make sure that it is suitable and safe or discuss your plans to make it suitable and safe, before we complete your registration.

The checks we carry out

- [Checking that people are safe to be around children](#)

We can't register applicants if they are not fit to provide a childminding service. Once registered, you must not allow any person who is not fit to be around children to live at the home used for the service.

We will assess people applying to register a childminding service to make sure that they are fit and suitable people to provide a care service to children.

- [Checking you are of good character and integrity](#)

We have to make sure there is nothing in your background which prevents you from caring for children. We check this through:

- two references: referees must not be relatives and where you have been employed by one employer for longer than three months in the last five years, one of your references must be from them
- criminal records checks: PVG Scheme record checks or their equivalents. This will contain relevant non-conviction information that is not in the public domain as well as spent and unspent convictions
- proof of identity: birth certificate, change of name, photographic identification.
- declaration that the information you have given us is accurate

Where the applicant is not an individual (for example the applicant is a partnership) the above checks will be completed for all the partners in the partnership except the proof of identity check. If there are more than three partners then the process described in Part 2 of the application form will apply.

- [Checking you have relevant experience, knowledge and skills](#)

During the registration process you must show us that you are competent and have the relevant experience, knowledge and skills to provide a childminding service. We will assess your understanding, values, motivation and commitment and signpost you to any training opportunities in your local area.

- [Checking you have no previous cancellation or refusal of registration](#)

You must tell us if you have operated a childminding or other care service which has been subject to enforcement action by us or any previous authority. This would include, for example, cancellation of registration as a result of enforcement. You must also tell us if you have had any previous application to register a care service refused. We would have to take this history into account when considering the application.

You should be aware that it is an offence to knowingly give wrong or misleading information in an application for registration or variation.

- [Checking other people who live in the home](#)

We ask you to give the names of any people (including children) who will be living in the home on a regular basis, but not using the service. This is so that we can check the background of these people to make sure that they are suitable to be around minded children.

We carry out a range of checks including:

- criminal records checks (Disclosure Scotland checks or their equivalents)
- the declarations we ask you to make in the application form.

The criminal records checks on adults in the household will identify any convictions and any other relevant concerns.

If we decide that any person being checked is an unsuitable person, we will refuse the application. So, it's very important to talk with partners and others in the household before making an application.

Once registered, the provider of the childminding service must not permit any person, who is not suitable to be around children to live in the home that is used to provide the service.

Staffing: if you want to have childminding assistants

If you would like an assistant (paid or voluntary) to help you provide a childminding service, you must discuss and agree it with us first.

You will have to give us a recruitment and selection policy and procedure. You will also have to tell us your plans for staff development, induction and training. You will be responsible for ensuring that the assistants are suitable people. If your assistant is not a member of your household we will carry out PVG Scheme record checks on them but you will have to pay the fees for the checks.

We regard childminding assistants as employees and as such you will be responsible for making sure they have the suitable skills and knowledge in-keeping with the National Care Standards. You may also need to have employers liability insurance whether your assistant is paid or not.

You should be aware that in many local authority areas, planning permission might be needed for these larger childminding businesses.

Statements about how you will operate the service and your policies and procedures

In Part 4 of the application form we ask you to tell us about how you will operate the service once it is registered. In it we ask you to give us written policies, procedures or statements about each of the points listed. These will become your policies, procedures and statements that support your childminding service once it is operating.

Part 4 also:

- asks you how you will evaluate your service and involve people using your service in that process
- tells you that we assess the quality of your service against the quality themes.

We'll discuss all of this with you during the registration process, so you can be clear on what we expect, but remember, if you have difficulty with this you can contact us for help.

Some of the things we want you to cover in Part 4 of the application form

Below are some of the subjects you will be covering in the statements, policies and procedures that we ask for in Part 4. If you want to you can include more than one subject in a policy, procedure or statement:

- [Child protection](#)

We will ask you to demonstrate that you know:

- how children's safety will be ensured, for example risk assessments, supervision and so on
- how to record and where and how to proceed with any child protection concerns you may have.

It is essential that applicants are aware that providers of childminding services have a duty to protect the minded children. Every child has the right to expect protection from abuse and harm. Providers of registered childminding services need to know what to look for and what to do if they are worried about a child.

We will assess your understanding of what to do if you have concerns about the protection of a child and you will be asked to give parents a written statement on this. We may also ask you to provide a written policy if necessary.

- [Complaints](#)

You will have to produce an information sheet or leaflet about your complaints process detailing:

- how complaints or concerns will be dealt with
- how you record complaints, the action taken and the outcomes
- the address and telephone number of SCSWIS (as parents and children can complain directly to SCSWIS).

- [Emergency procedures](#)

All providers of childminding services must have a procedure detailing what would happen if there is a fire or another emergency. Plans must ensure the safe supervision of minded children in any emergency situation.

- [Accidents and incidents](#)

All providers of childminding services must keep records of any accidents. They must also keep records of any incidents which have had an effect on the health or welfare of the children being cared for.

- [Records, forms and booklets](#)

Well organised, up-to-date record keeping is an important part of childminding.

You will be asked to show how you will keep:

- children's details – name, address, date of birth, next of kin, emergency contacts, GP, date on which the service was first provided
- details of any assistants employed by the childminding service – name, address, date of birth, qualifications, training, experience, date of commencement/termination of employment, disciplinary action
- medicines – record of medication administered and stored on premises for the use of a child.

There are other important and useful records that you should keep, to help you meet the children's needs and provide a good quality service. We will tell you about these during the registration and subsequent inspection process. Record keeping should be kept manageable so that it does not take too much time away from the care of the children.

Confidentiality

Providers of registered childminding services must remain aware of the need for confidentiality of information about children and/or their families.

Accounts

By law, self-employed people must keep some form of accounts. Properly recorded financial transactions and written agreements with parents will help everyone to be clear about the terms of the service and help to avoid disputes.

Whistleblowing

If a childminding service has an assistant, or works in tandem with another childminding service, they need to give that person with a written statement which explains how they can contact SCSWIS if they have concerns about the quality of care provided to children.

Section 4: Home visits, our decision and the registration certificate

Home visits

At some point during the process we will arrange to visit you at the home your service will operate from. We visit you to discuss how you will meet the needs of the children and their families. This will include how you will provide care to the children including how you will plan and arrange activities. We will also make sure that the home is suitable and safe for caring for other people's children.

We will look at:

- availability of toys, activities and equipment
- the space available for looking after children inside and outside
- health and safety issues
- any pets you have and how you keep them
- smoking arrangements
- provision for children with special needs
- insurance arrangements – public liability insurance and employers liability insurance if applicable.

During this time, we will discuss the proposed conditions of registration.

Our decision

Once your application is completed with all the information we need and we've carried out all the necessary checks we will decide whether to grant or refuse registration.

When we grant registration, it is usual for us to put conditions on registration in agreement with you. This will include things like the number and ages of children you can care for and, where necessary, any conditions unique to your childminding service.

We will ask you to agree to the conditions. At the same time we will ask you to tell us whether or not you want the details of your service to be included on the childcare information service list held by your local authority.

If you don't agree with the proposed conditions, you can ask us to reconsider. If we then decide to impose them, you can appeal. If that happens we will give you details of how the appeals process works.

If we refuse to grant registration, we will write to you with the reasons why and you will have the right of appeal.

The registration certificate

When we register a service we send a registration certificate detailing the conditions of registration to the provider. This certificate must be displayed in the home while the service is provided so that the children's parents and carers can read it. Please note that it is an offence under the Public Services Reform (Scotland) Act 2010 not to display your certificate while providing the childminding service.

In addition to your certificate we will send you details of the list of records you must keep, where these will be kept and the matters you must notify SCSWIS about.



Section 5: Running your registered childminding service

Inspections

Once your service is registered you are legally obliged to make all aspects of your service available for us to inspect.

For more information, read our booklet 'Childminders: what to expect when we inspect', or contact us.

Grading and the quality themes

When we inspect your service we look at three quality themes and award a grade for each one. We have a six point grading scale ranging from six – excellent, to one – unsatisfactory. The quality themes we look at are:

- care and support
- environment
- staffing, management and leadership

Following inspection we will award grades for each of the quality themes and write an inspection report. This report will be publicly available on our website.

Annual forms

Each year you will have to complete two forms.

- An annual return form. This allows us to confirm we hold up-to-date information about you and your service. This means we can spend more time on inspection with you and the children rather than reading records.
- A self assessment form. We will expect you to assess your service against the three quality themes we set out for childminders.

These two forms are available as paper copies or you can complete them online.

For the annual return you may find the online version most convenient as you only have to update the information that has changed from the previous year. If you complete a paper copy you will have to enter all of the information each year.

Changes you have to tell us about

The provider of a childminding service has legal duties and responsibilities. These include informing SCSWIS of certain changes and occurrences, for example:

- when anyone living in the house becomes 16 years of age
- when anyone living in the house moves out or someone moves into the house
- death of a child whilst being minded
- change of name of the service provider.

Inactive childminding services

There may be times when you are not caring for any children and your childminding service is not active, but you wish to maintain the registration of the service. When this happens you must tell us. We will send you a form to complete confirming your non-active status. If you want to continue your registration you will still have to pay the annual continuation fee and comply with the regulations, including submitting the annual return and notifying us of significant changes as listed above. A service can only be inactive for a maximum of three years. After this you must either start providing the childminding service again or cancel the service.

Variations: changing or removing the conditions of your registration

If you wish to alter or remove a condition of registration on your certificate you will have to complete a variation application form. If you want to add a new aspect to your service such as providing overnight care, you will also have to apply for a variation.

We will consider your application and let you know whether we are going to grant or refuse it.

The annual continuation fee

You have to pay an annual continuation fee to remain on the register as a childminding service. Our financial year runs from 1 April to 31 March and we will invoice you annually.

Stopping childminding and cancelling your registration

If you want to stop childminding you must complete an application to cancel form. You can get one of these forms from any of our offices. You need to tell the people who use your service that you are planning to stop childminding and give us three months notice (unless we agree a shorter period with you).

When your registration is cancelled you must return your registration certificate to us.

If we have concerns about your service, we may take action to cancel your registration. If we can't contact you, for example to inspect your service, we may take legal action to cancel the registration.

Complaints

We have a duty to investigate complaints about registered care services. When we uphold a complaint we will either recommend or require the service provider to take action to improve. If we find there needs to be a lot of improvement we might regrade the service.

We also have a duty to investigate any complaint made about SCSWIS itself. If you are not happy with how we have dealt with your application, you should contact your local office.

Enforcement

If we find that a service is not good enough or is not complying with the law, we have several options we may consider, depending on the seriousness of the situation.

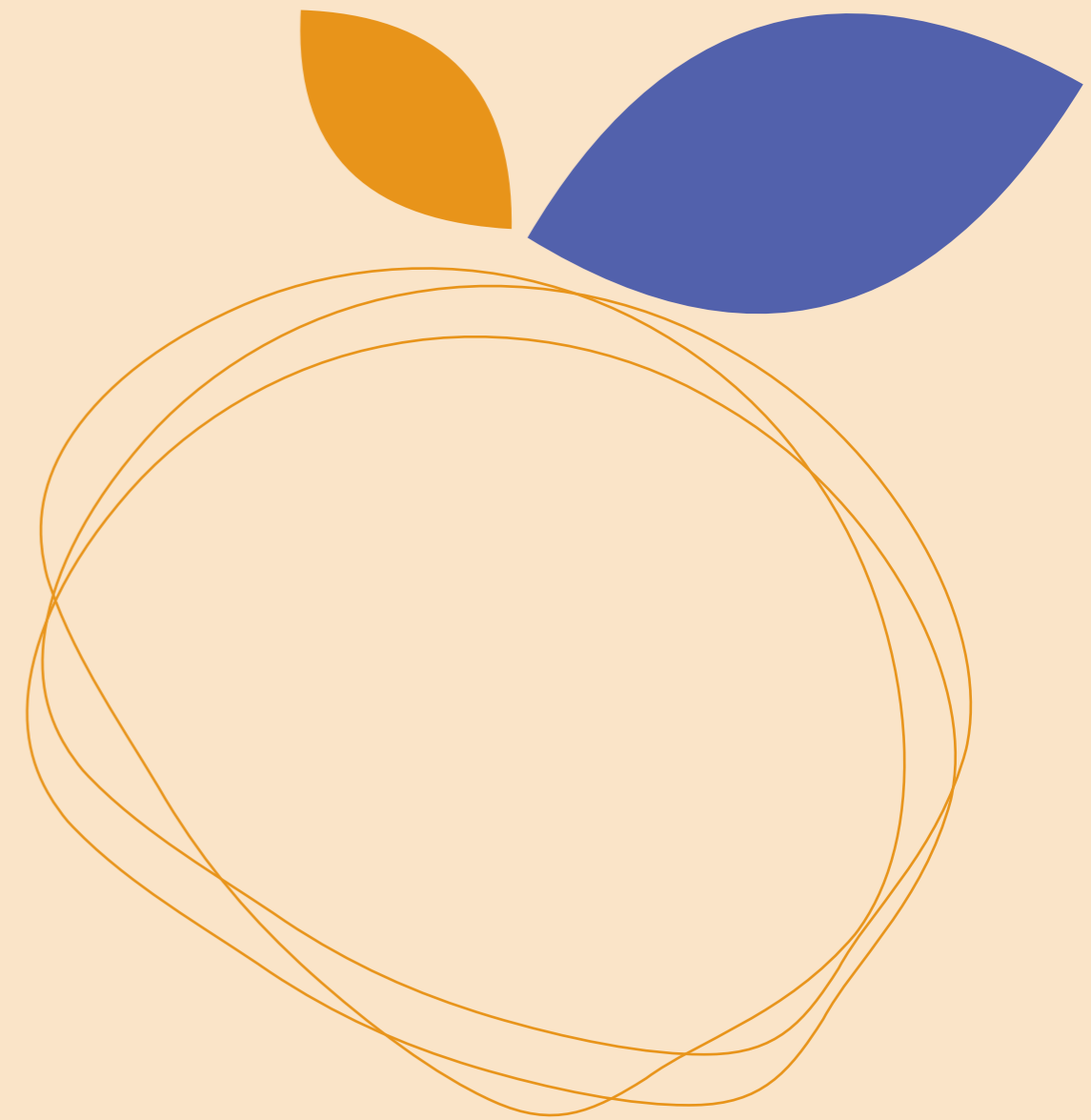
- Discuss the situation to try to resolve it.
- Regrade the service.
- Impose, vary or remove a condition on the registration of the service. The provider may write to us with their views on the change and to appeal against any decision made.
- Serve an improvement notice which gives the provider a specified amount of time to improve the situation. If this is not done we can decide to take steps to cancel the registration. The provider may write to us with their views on cancellation and to appeal any decision to cancel.
- In an emergency we can take urgent steps to cancel registration or to impose, vary or remove a condition on the registration of the service. We would only do this when there is a serious risk to a person's life, health or wellbeing.

We tell the local authority where the service operates about any enforcement action that we carry out.

Overnight care and fostering arrangements

If you want to start providing overnight care after you are registered, you must apply to us for a variation. If we grant the variation overnight care will be included in the condition on your registration certificate which describes the service you provide.

You should be aware that to provide a fostering service to children placed by a local authority, you must be an approved foster carer. This is different from a situation where parents make arrangements directly with you to care for their children overnight. Such an arrangement will be classed as private fostering after it has gone on for more than 28 days. If you enter into a private fostering arrangement you must tell your local authority. They have a duty to secure the wellbeing of every privately fostered child. They must carry out visits and checks, within set periods of time and on a continuing basis, to satisfy themselves that the placement is appropriate. Local authorities have the power to impose conditions on arrangements and they can also disqualify people as private foster carers.



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