

Childminders using assistants

A childcare factsheet

Introduction

This factsheet sets out our policy and understanding of the law about childminders on the Early Years and Childcare Registers using assistants.

Background

Childminders on the Early Years and Childcare Registers can use assistants to help them care for children. The requirements of both registers let childminders use or employ more than one assistant as long as there are no more than three people caring for children at any time. On both registers, childminders are the main carers for the children and are responsible for and monitor the work of any assistant.

Childminders will usually use assistants so they can care for more children, or to care for a child with particular needs. Some childminders want to leave assistants alone with children sometimes so they can offer more flexible childcare arrangements. However, we must agree to these arrangements and will only agree when it is in the best interests of the child.

Using assistants

You cannot just ask parents to give their permission about using assistants. This includes any arrangements you want to make to leave children alone with assistants. We must check assistants to make sure they are suitable to be in contact with children and we must agree to any arrangements you want to have to leave assistants alone with children. The law says that you must tell us the name and address of any assistant before employing or using them. You must also tell us about your planned arrangements to use assistants. You must give us these details in writing unless we are told at an inspection or other visit. You must also tell us if you change assistants.

We decide if assistants are suitable by carrying out checks, including checks with the Criminal Records Bureau and by checking your arrangements for using assistants. We need each proposed assistant's permission to do the checks and a declaration from the proposed assistant about their suitability. We do not do the same number of checks on assistants as on childminders, because you are responsible for the children at all times as well as managing any assistants. You cannot use assistants to replace you for long periods of time. If you want to work with or employ people with

the same level of responsibility as you, these people must register as a childminder. When we decide about an assistant's suitability, we will tell you and the assistant our decision.

As well as telling us about the assistant, you might want to use assistants to care for more children or leave assistants alone with children for short periods of time. To do this, you must ask us to change your conditions of registration by using the form at www.ofsted.gov.uk/publications/20090012 or by writing to us saying:

- how many children you want to care for (this must also include any of the assistant's own children that will be present)
- if it applies, how and when the assistant will be left alone, for short periods of time; and
- if you are applying to leave assistants alone for short periods of time, how this is in the best interests of the children being cared for.

For childminders on the Early Years Register, the Childcare Register or on both the Early Years and Childcare Registers, if we agree to change the number of children or arrangements for assistants, we will change your conditions of registration or set new ones and give you a new certificate setting out these arrangements. When we do not agree, we will tell you in a letter called a 'notice of intention to refuse'. You can object to and appeal against our decision. We give information about this when we make a refusal.

All registered providers must meet the requirements of either the Early Years Foundation Stage or the Childcare Register at all times. If you are on both registers, you must make sure you can meet both sets of requirements. The differences in requirements are set out below.

The Childcare Register

The specific legal requirements make it very clear under both the voluntary and compulsory parts of the Childcare Register that you must be on the childminding premises at all times when childcare is being provided. However, there is an exception to this if we have agreed beforehand that you can be away from the premises for short periods of time. The law also says that any assistant aged under 18 must be supervised at all times by a person who is at least 18.

This means that if you are on the Childcare Register, you **cannot** leave any assistant unsupervised on the premises to care for children unless we have already given our permission for this. If we do give permission, we will set it out in a condition of registration. If your assistant is under 18, you **must not**, in any circumstances, leave them alone with children.

The requirements do allow children aged eight and over to leave your premises without you, if you have a written agreement with their parents. This can include

times when they leave with an assistant. We do not have to give our permission for this to happen.

The Early Years Register

The Early Years Foundation Stage does not give information about childminder assistants except about ratios (the number of assistants you must have for the number of children you care for) and about the suitability of assistants to be in contact with children.

Unlike the Childcare Register, there is no law that says childminders have to be on the premises all the time when childcare is provided. However, you must still tell us about these arrangements because we need to decide about the suitability of the assistant. And, we also need to check that by using the assistant you will still meet all the other requirements of the Early Years Register.

The requirements cover:

- minimum overall ratios
- the need to always have one person who holds a paediatric (baby and child) first-aid certificate on the premises at all times and also on outings (we treat any time away from the premises as an outing, including school pick-ups)
- risk assessments and suitable emergency arrangements, for example if there is a fire
- the arrangements in place for when staff and assistants are absent
- the need for assistants to be aware of and understand your policies and procedures, and
- the arrangements in place for supervising students and any adults who have not been checked by us.

We can agree for assistants to be left alone with children for short periods of time, either on or off the premises if:

- you can show that you meet these requirements all the time
- we agree that assistants are suitable and it is in the best interests of children.

We will not agree to this if it covers long absences but only to cover times like:

- if a baby is sleeping and would have to be woken up to go out
- leaving children at home when you or your assistant collects children from school, for example in bad weather

- when you take one child to an appointment and may not be able to fully care for the other children.

If you want to leave children with an assistant, you must:

- have the parents' agreement
- make sure that the assistants, or you, are not caring for more children than allowed
- discuss and agree these arrangements with us, and
- have a condition of registration which allows you to do this.

You must never use assistants to give long periods of care, for example if you want to take a holiday. At these times the assistant must be registered as a childminder themselves.

Common questions

Can I leave any assistant I use alone with children?

No. Someone could be a suitable assistant but not be allowed to look after children on their own. You can only do this if:

- we agree to allow assistants to be left for short periods
- we have checked the assistant
- you have written permission from the parents
- you continue to meet the other requirements for the relevant register, and
- you have a condition of registration that lets you do this.

Can I use my family members as assistants?

Yes, as long as you never have more than two people working with you at any one time, and you have told us and have given us the information we need to check the assistants as set out in this factsheet.

Can I look after more children when working with an assistant?

Yes, if the situation and your conditions of registration let you, you can care for up to six extra children for each assistant. When allowing this we take into account:

- any other children that you or your assistants care for
- available space, and
- other requirements such as having someone with paediatric first-aid training on the premises at all times.

I am on both registers – can I leave children with my assistant?

If you are registered on both registers, you must make sure that you meet all requirements for both registers, as set out in this factsheet. One set of requirements is no more important than the other. If we agree, you can leave children alone with an assistant on the childminding premises. This applies to both registers. You must obtain our agreement before you put in place such arrangements.

How long can I leave an assistant to care for a child? Does the 'two-hour' rule apply?

We do not set any period of time but we look at why and how you would leave an assistant alone with children, as set out earlier. The 'two-hour rule', where people can care for children for two hours or less in one day without being registered, does not apply to assistants because you are responsible for the children at all times. However, we must agree why and how an assistant is left alone with children so we can be sure that you are responsible and the assistant is not giving unregistered care.

What about emergencies?

If you do not work with another childminder or an assistant, you may, in an emergency, leave children with a responsible adult. You should plan beforehand what you might do in an emergency. You could, for example, have an agreement with a childminder close by, or agree to leave children with a family member (preferably one who has been checked by us). If this is not possible, you might consider a neighbour. In true emergencies you must make the best arrangements you can for the children.

What about public liability insurance?

If you leave children with an assistant, you should check your insurance to see that you are covered. You are still responsible for the children during any time they are being cared for by an assistant. If anything happened to the children while in the care of an assistant, we would take action against you as the registered childminder.

More information from Ofsted

There is more information on the requirements for registration on the Early Years Register in the Guide to registration on the Early Years Register: childcare providers on non-domestic or domestic premises (www.ofsted.gov.uk/publications/080017) and on the Childcare Register in the Guide to registration on the Childcare Register (www.ofsted.gov.uk/publications/080032).

You can find out more information on the Childcare Register requirements at <http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all->

[by/Other/General/Factsheet-childcare-Requirements-for-the-Childcare-Register-childminders-and-home-childcarers/language\)/eng-GB](#)

You can find out more information about *Childcare on domestic premises* at www.ofsted.gov.uk/publications/080142.

You can find out more information about our objections and appeals process at [www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare/Compliance-investigation-and-enforcement-handbook/Objections-representations-and-appeals/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare/Compliance-investigation-and-enforcement-handbook/Objections-representations-and-appeals/(language)/eng-GB).

Further information

Your local family information service (FIS) will help you. You can get their contact details from

www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=userslist&listid=7&Itemid=72, or from your telephone directory.

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