

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part Vi – Child Minding and Day Care for Young Children

Section 79 Amendment of the Children Act 1989

Introductory

Section 79A Child minders and day care providers

190. This section defines the child care providers covered by Part XA. A child minder is defined as a person who is paid (by any form of payment, including payment in kind) to look after a child or children under the age of eight on domestic premises. However, nannies who come into the parents' home are excluded from this definition, except where they look after the children of more than two families. Day care is defined as that provided for children aged under eight in places other than domestic premises. For example, care provided in nurseries, crèches, playgroups *etc.* This section also expands on the definition used in Part X of the Children Act to clarify that “day care” covers care provided at any time of the day or night.
191. In addition, this section applies Part XA only to those providing day care or child minding for more than two hours a day. However, a child minder who works only between 6 pm and 2 am is not required to register under Part XA. This is to prevent certain informal babysitting arrangements from being caught by Part XA.

Section 79B Other definitions, etc.

192. This section establishes HMCIS (i.e. Ofsted) and the National Assembly as the registration authorities responsible for the regulation of day care and childminding in England and Wales respectively. It sets out the criteria which must be met in order for a person to be qualified to be registered as a child minder or day care provider. The conditions include a requirement for providers and others who may be on the premises (for example, employees or other residents) to be suitable to be with the children. In addition, this section defines “care”, “domestic premises” and identifies the “Tribunal” as that established by the Protection of Children Act 1999.