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WELSH STATUTORY INSTRUMENTS

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**2010 No. 2574**

**The Child Minding and Day Care (Wales) Regulations 2010**

**PART 3**

**REGISTERED PERSONS**

**Registered person: suitability**

6.—(1) A person must not act as a child minder or provide day care unless the person is suitable to look after children under the age of eight.

(2) A person is not so suitable unless the person—

- (a) is an individual who acts as a child minder or, who provides day care alone or in partnership with one or more persons, and each such individual satisfies the requirements set out in paragraph (3); or
- (b) in the case where a person providing day care, is an organisation and—
  - (i) the organisation has given notice to the appropriate office of the name, address and position in the organisation of the responsible individual; and
  - (ii) the responsible individual satisfies the requirements set out in paragraph (3).

(3) The requirements are that —

- (a) in relation to child minding —
  - (i) the person who acts as child minder satisfies the requirements prescribed in paragraphs 2 to 7 of Part 1 of Schedule 1; and
  - (ii) there is full and satisfactory information or documentation available in relation to that individual in relation to each of the matters specified in paragraphs 2, 16 and 17 of Part 1 of Schedule 2;
- (b) in relation to the provision of day care—
  - (i) where the person is an individual and paragraph (4) does not apply—
    - (aa) that person satisfies the requirements prescribed in paragraphs 15 – 20 of Part 2 of Schedule 1, and
    - (bb) there is full and satisfactory information or documentation in relation to that person in respect of each of the matters specified in paragraphs 22, 39 and 40 of Part 2 of Schedule 2;
  - (ii) where the person is an individual and paragraph (4) applies—
    - (aa) that person satisfies the requirements prescribed in paragraphs 15 – 20 of Part 2 of Schedule 1; and
    - (bb) there is full and satisfactory information or documentation in relation to that person in respect of each of the matters specified in paragraphs 22(5)(b) and 39 of Part 2 of Schedule 2;
  - (iii) where the person is the responsible individual and paragraph (4) does not apply—

- (aa) that person satisfies the requirements prescribed in paragraphs 21 – 25 of Part 2 of Schedule 1; and
- (bb) there is full and satisfactory information or documentation in relation to that person in respect of each of the matters specified in paragraphs 24(2), (3)(a), and (4), 39 and 40 of Part 2 of Schedule 2;
- (iv) where the person is the responsible individual and paragraph (4) applies—
  - (aa) that person satisfies the requirements prescribed in paragraphs 21 – 25 of Part 2 of Schedule 1; and
  - (bb) there is full and satisfactory information or documentation in relation to that person in respect of each of the matters specified in paragraphs 24(2) and (3)(b), and 39 of Part 2 of Schedule 2.
- (4) This paragraph applies where a person in charge has been appointed.

#### **Appointment of a person in charge**

7.—(1) The registered person must appoint an individual to be the person in charge of the provision of day care if—

- (a) the registered person is an organisation and the responsible individual is not or does not intend to be in full day to day charge of the provision of day care; or
- (b) the registered person is an individual and he or she is not or does not intend to be in full day to day charge of the provision of day care.

(2) Where the registered person appoints an individual to be the person in charge, the registered person must—

- (a) ensure that the person in charge is suitable to be the person in charge of the provision of day care; and
- (b) forthwith give notice to the appropriate office of the date on which the person in charge will take charge of the provision of day care.

#### **Person in charge: suitability**

8.—(1) A person must not act as the person in charge of the provision of day care unless he or she is suitable to do so.

(2) A person is not so suitable unless the person satisfies the requirements set out in paragraph (3).

(3) The requirements are that the person—

- (a) satisfies the requirements prescribed in paragraphs 27 to 31 of Part 2 of Schedule 1; and
- (b) that there is full and satisfactory information or documentation available in relation to the person in respect of each of the matters specified in paragraphs 25, 39 and 40 of Part 2 of Schedule 2.

#### **Registered person: general requirements**

9.—(1) The registered person must, having regard to—

- (a) the statement of purpose, the number and needs (including any needs arising from disability) of the relevant children, and
- (b) the need to safeguard and promote their welfare,

act as a child minder or provide day care (as the case may be) with sufficient care, competence and skill.

(2) Where a person in charge has been appointed, the registered person must ensure that the person in charge fulfils the requirements set out in paragraph (1).

(3) Where a registered person acts as a child minder or is an individual providing day care, the registered person must undertake from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for acting as a child minder or providing day care, as the case may be.

(4) Where the registered person is an organisation providing day care it must ensure that the responsible individual undertakes such training as is appropriate to ensure that he or she has the skills necessary for providing day care or, where a person in charge has been appointed, for supervising the provision of day care.

(5) Where a person in charge has been appointed the registered person must ensure that the person in charge undertakes such training as is appropriate to ensure that he or she has the skills necessary for providing day care.

### **Notification of offences**

**10.**—(1) Where the registered person, the person in charge or the responsible individual is convicted of any criminal offence whether in Wales or elsewhere, the registered person must forthwith give notice in writing to the appropriate office of—

- (a) the date and place of the conviction;
- (b) the offence of which the person was convicted; and
- (c) the penalty imposed on the person in respect of the offence.

(2) Where the registered person or the person in charge is charged with any offence in respect of which an order may be made under Part II of the Criminal Justice and Court Services Act 2000<sup>(1)</sup> the registered person must forthwith give notice in writing to the appropriate office of the offence charged and the date and place of charge.

### **Death of registered person**

**11.**—(1) If more than one person is registered in respect of the provision of day care, and a registered person dies, a surviving registered person must within 14 days of the death provide the appropriate office with written notification of the death.

(2) If only one person is registered in respect of the provision of day care, and that person, dies, his or her personal representatives must notify the appropriate office in writing—

- (a) within 14 days of the death of the registered person, of that death; and
- (b) within 28 days of the death of the registered person, of their intentions regarding the future running of the provision of day care.

(3) Subject to paragraph (5), the personal representatives of a deceased person who is registered to provide day care may carry on the provision of day care without being registered in respect of it—

- (a) for a period not exceeding 28 days from the death of the registered person; and
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The Welsh Ministers may determine a period, not exceeding one year from the date of the death of the registered person, for the purposes of paragraph (3)(b) and must notify any such determination to the personal representatives in writing.

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(1) 2000 c. 43.

(5) The personal representatives must appoint a person in charge to manage the provision of day care during the period in which, in accordance with paragraph (3), they carry on the provision of day care without being registered in respect of it.

(6) If a person is registered in respect of child minding, and that person dies, his or her personal representatives must notify the appropriate office in writing within 14 days of the death of the registered person.