

# Registration not required

A childcare factsheet

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This factsheet explains the types of childcare that do not need to register with us. Please read it before using the exemption notification form.

If you do not need to register with us, because you are exempt from doing so, you may still choose to do so by joining the voluntary part of the Childcare Register, as long as you meet the requirements for registration on the voluntary part of the register. The information at the end of this guidance tells you how to find these requirements.



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## Introduction

The Childcare Act 2006 says childcare is ‘any form of care for a child including education or any other supervised activity’.

Most childcare providers caring for children under eight years old must register with Ofsted or as applicable, a childminder agency, unless the law says they do not need to.

We register childcare providers on the following two registers:

- The Early Years Register
- The Childcare Register

If you want more information on registration, you may visit our website (<http://www.ofsted.gov.uk/early-years-and-childcare>) or call us on 0300 123 1231. Please call if you are not sure after reading this guidance that you need to register.

The next section outlines when you are not required to register on either the Early Years Register or on the compulsory part of the Childcare Register. If you need to contact us to discuss whether the childcare you provide is exempt from registration, please quote the relevant number from the table below to tell us which one you think applies to you.

### **You do not have to register with us on either the Early Years Register or on the compulsory part of the Childcare Register in the following cases:**

1	If you care for children who are aged eight and over.
2	If you provide care where a child does not stay with you for more than two hours a day, even if your childcare service is open for longer than two hours.
3	If you only care for a child or children aged under eight who you are related to. A relative means a grandparent, aunt, uncle, brother or sister of a child (or half-brother or sister) or someone you are related to through marriage or civil partnership.
4	If you care for children aged under eight on domestic premises as a childminder without receiving any payment or reward for your services. Domestic premises can be your own home or someone else’s home.
5	If you only care for a child or children as a: local authority foster carer foster carer with whom the child has been placed by a voluntary organisation foster carer who fosters the child privately.
6	If you are a local authority approved foster carer, providing childcare for another child already placed with any local authority approved foster parent.
7	If you only care for the children of one or more friends in your own home or someone

	<p>else's home: if no money or payment changes hands; for three hours or less per day, and some payment is made.</p> <p>Payment is defined as a 'payment of money or money's worth' but does not include the provision of goods or services; it means payment for or towards the costs involved in the childcare, such as a contribution to heating and lighting, or paying for food or repairs to the place where the childminding happens.</p>
8	<p>If you provide care for children in their own home. This includes caring for children of up to two sets of parents completely or mainly in one or both sets of parents' homes. However, you need to register as a childminder if you look after the children of three sets of parents in any or all of the parents' homes.</p>
9	<p>If you only provide care between 6pm and 2am on domestic premises (babysitting arrangements). Domestic premises can be your own home or someone else's home.</p>
10	<p>If you are providing a home-education arrangement where a child of school age receives full-time education outside school, and is partly or completely taught by a person other than a parent of the child. Care provided to the child is incidental to (not the main focus of) the education offered.</p>
11	<p>If (excluding childminders) you provide no more than two activities from the following list.</p> <ul style="list-style-type: none"> <li>School study support or homework support</li> <li>Sport</li> <li>Performing arts</li> <li>Arts and crafts</li> <li>Religious, cultural or language study</li> </ul> <p>This only applies if you care for children who are aged three and over, and you do not care for children aged under five for more than four hours in any one day.</p> <p>There is more information about this type of exemption later in the factsheet.</p>
12	<p>If you provide care as part of your organisation's activities in any of the following places.</p> <ul style="list-style-type: none"> <li>A children's home</li> <li>A care home</li> <li>A hospital in which a child is a patient</li> <li>A residential family centre</li> <li>A young offenders institution or secure training centre</li> <li>A residential holiday scheme for disabled children</li> </ul>
13	<p>If you are a school or academy that provides education or care for children aged two and over, where at least one child being cared for is a pupil of the school.</p>
14	<p>If (excluding childminders) you care for children under eight for four hours or less each day and the care is for the convenience of parents who plan to stay on the premises where you are providing care or within the immediate area. This type of provision has no long-term commitment to provide care for children – for example, a shoppers' crèche, a crèche attached to a sports centre or adult learning centre, or an exhibition – and covers services where children do not necessarily attend every day.</p>

	There is more information about this type of provision later in the factsheet.
15	If you provide an open access scheme <sup>1</sup> for children who are not in the early years age group <sup>2</sup> . However, if you also offer provision for children in the early years age group who attend for more than two hours in any one day, you must register on the Early Years Register and meet its requirements. Childminders are not allowed to provide an open access scheme for children under eight.
16	If (excluding childminders) you care for children under eight from specific premises for 14 days or less in any year, and you let us know in writing at least 14 days before starting the service.
17	If you care for children between 6pm and 2am in hotels, guest houses or similar places. The care is for children of no more than two different clients, staying at the same place at the same time (babysitting arrangements).
18	If you wish to operate from an open space or other area with no building (for example as a forest school) you must still register with Ofsted unless you meet one or more of the exemption criteria outlined above in number 1 -17. There is more information about this type of provision later in the factsheet.

## Further information on items 11, 14 and 18 above

### Providing no more than two activities (11)

This exemption applies where the main purpose of what you intend to offer is to give instruction or tuition in the activities, such as football coaching or art classes. We would not necessarily expect all those working with children to be specialist coaches, but we would expect them to have particular skills in the activities they were providing that would help children get better at them. For example, we would make a distinction between sports and physical activity for children. If you offer a bouncy castle or activities like racquets and balls, bikes or roller skates for children to choose from then we would normally decide that these offered children physical exercise rather than being a sports activity. Similarly, the provision of pens, paints and paper do not in themselves fall under the exemption for arts and crafts. We look for specific tuition or coaching to help children improve their skills.

Providers cannot claim this exemption where the main purpose of what they provide is childcare for working parents. Clearly if children are present for longer periods of time we would expect them to have a break or rest time or if children have learning difficulties or disabilities we would expect them to have their needs met. But this must not be the main reason that the scheme or club exists. There is no reason why the specific care needs of children with learning difficulties or disabilities cannot be

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<sup>1</sup> An open access scheme offers play-based provision for children in the later years age group only, that is, from 1 September following their fifth birthday. This type of provision is exempt from registration.

<sup>2</sup> The early years age group is children aged from birth until the 31 August following their fifth birthday who go to early years settings that deliver the Early Years Foundation Stage.

met by attending sessions where the prime purpose is instruction. Those providing such activities may wish to give extra support and instruction to children with learning difficulties or disabilities or make arrangements for them to have their own carer present with them.

## **Care where parents remain in the immediate area (14)**

The law sets out that this type of provision does not need to register with us, but it does not explain what is meant by the immediate area. We interpret this as meaning premises where care is provided and where parents can be summoned immediately. Examples include crèches in a college where parents are taking part in adult learning classes, in a sports centre where parents are playing sports, or in a purpose built shopping centre in enclosed premises. If you want to offer this type of care and not register with us you will need to make sure no child stays in care for more than four hours. This exemption does not apply to care where parents are away from the premises such as a shoppers' crèche in a town centre or where parents return to their home even if this is close by. Provision where parents are not in the immediate vicinity will need to register with Ofsted unless there is another exemption that applies, such as exemption number 2, which relates to care where no individual child stays for more than two hours.

## **Provision that operates with no building (18)**

If you want to offer activities for children under eight from an open space without a building<sup>3</sup>, such as a playschemes that operates from a public park or a forest school, you must still register with us in the same way as any other type of provision. This type of provision is only exempt if one of the other types of exemption applies. For example:

- if you are a maintained or independent school or academy and you want to provide such activities for children aged three and over where at least one child is a pupil of the school. You must still deliver the Early Years Foundation Stage to any children under statutory school age including meeting the safeguarding and welfare requirements.
- you intend to operate from the same site for less than 14 days in any 12-month period and you notify us before doing so on each time you operate
- you do not intend to care for any children under eight; or if you do they will not attend for more than two hours in any one day.

If you offer provision without a building and it requires registration you must still meet all the requirements for registration on either the Early Years Register or Childcare Register or both registers. Among other things, this means your open

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<sup>3</sup> Section 98 of The Childcare Act 2006 defines premises as any area or vehicle.  
<http://www.legislation.gov.uk/ukpga/2006/21/contents>

space must have a defined boundary and you must meet all other requirements with regard to premises safety and preventing access by unauthorised adults.

## More information from Ofsted

There is more information about registration on our website (<http://www.ofsted.gov.uk/early-years-and-childcare>). If you are not sure whether you have to register for childcare on domestic premises, please contact us on 0300 123 1231.

There is more information on the requirements for registration on the Early Years Register in the *Guide to registration on the Early Years Register* ([www.ofsted.gov.uk/resources/140063](http://www.ofsted.gov.uk/resources/140063)) and on the Childcare Register in the *Guide to registration on the Childcare Register* – publication 120084 ([www.ofsted.gov.uk/resources/120084](http://www.ofsted.gov.uk/resources/120084)).

There is more information on the *Requirements for the Childcare register for childcare on non-domestic or domestic premises* on our website ([www.ofsted.gov.uk/resources/080143](http://www.ofsted.gov.uk/resources/080143)) and on the *Requirements for the Childcare register for childminders and home childcarers* ([www.ofsted.gov.uk/resources/080161](http://www.ofsted.gov.uk/resources/080161)).

The law that sets out our responsibilities is the Childcare Act 2006 and linked regulations. The specific order setting out exemptions from compulsory registration is The Childcare (Exemptions from Registration) Order 2008 (2008 No. 979) (<http://www.legislation.gov.uk/ukxi/2008/979/contents/made>, as amended (<http://www.legislation.gov.uk/ukxi/2014/913/introduction/made>)). The references to regulations and our policy on registration and inspection are included in our *Framework for the regulation of provision on the Early Years Register* ([www.ofsted.gov.uk/resources/120288](http://www.ofsted.gov.uk/resources/120288)).

## Further information

Your local family information service 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](http://www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=userslist&listid=7&Itemid=72), or from your telephone directory.

You can access the Statutory Framework for the Early Years Foundation Stage from the Department for Education website (<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>) or from the Foundation Years website (<http://www.foundationyears.org.uk/eyfs-statutory-framework/>)