

EYFS and the SBEE ACT 2015

This document sets out the key changes for registered early years and later years childcare providers and childminders as a result of the [Small Business, Enterprise and Employment \(SBEE\) Act 2015](#). The Department for Education will update the [Early Years Foundation Stage \(EYFS\) statutory framework](#) at the next opportunity to reflect these changes. In the meantime, however, we have provided answers to some frequently-asked-questions (below) to help providers understand the changes, which apply in England only and will come into effect from **1 January 2016**.

CHILDMINDERS AND DOMESTIC CHILDCARE¹ PROVIDERS ON NON-DOMESTIC PREMISES:

From 1 January 2016, early years and later years childminders and domestic childcare providers registered with Ofsted or a childminder agency (CMA) will be able to operate from suitable non-domestic premises for up to half their time. This measure expands the range of premises from which childminders and domestic childcare providers can operate without registering separately. For example, childminders could work with schools to offer out-of-hours care from school premises before and after school or during the holidays.

- 1. Will childminders and domestic childcare providers be required to seek approval for non-domestic premises?** Yes. These providers must seek (and have received) approval from Ofsted or their CMA before they can operate from individual non-domestic premises.
- 2. Will the Ofsted approval process involve visits to every site?** No. Ofsted will take a risk-based approach to decide if it needs to visit each site.
- 3. Once approved, will Ofsted routinely inspect all premises (domestic and non-domestic) included within a childminder's and/or domestic childcare provider's registration?** Ofsted inspects childminding and domestic childcare provision and will inspect the provision at whichever premises this provision is being delivered when the inspection is arranged.
- 4. Will childminders and domestic childcare providers still be required to comply with the EYFS while operating on non-domestic premises (including ratios)?** Yes. However, childminders may choose to work together in groups of 2 or 3 in order to run a larger group.
- 5. Will Ofsted be responsible for checking the suitability of people looking after children on non-domestic premises?** Yes. Ofsted or the relevant CMA will continue to be responsible for checking the suitability of childminders and every other person looking after children for whom the childminding is being provided (whether on domestic or non-domestic premises).
- 6. Will Ofsted be responsible for checking the suitability of people living or working (but not looking after children) on non-domestic premises?** No. Ofsted or the CMA will not be required to check others living or working on non-domestic premises who are not looking after children, for example site staff, hotel guests and other expected members of the public. However, providers must continue to take all reasonable steps to prevent unauthorised persons entering the premises (or the part of the premises) in which children are being cared for.
- 7. Does this mean childminders and domestic childcare providers will have to keep complicated records?** No. These providers can decide how to demonstrate to Ofsted or their CMA that they are spending no more than half their time working from non-domestic premises.
- 8. Will childminders and domestic childcare providers have to pay a fee to operate from non-domestic premises?** No. Ofsted will be required to approve applications to operate from non-domestic premises but there is no additional approval or annual fee for these premises.

¹ In this document, "domestic childcare" refers to provision on domestic premises by a group of four or more persons, which is not childminding by virtue of sections 96(5) and (9) of the Childcare Act 2006.

- 9. What about insurance while operating on non-domestic premises?** Providers must carry the appropriate insurance (e.g. public liability insurance) to cover all premises from which they provide childcare or childminding.
- 10. Will childminders and domestic childcare providers be able to operate from non-domestic premises for more than half their time?** No. If a childminder and/or a domestic childcare provider wishes to operate from non-domestic premises for more than half their time, they must register as a childcare provider on non-domestic premises.
- 11. Will childminders and domestic childcare providers be forced to work on non-domestic premises?** No. This change gives childminders and domestic childcare providers the flexibility to provide childcare from different settings if they wish to do so. However, they will not be penalised if they choose to continue to operate from domestic premises only.

THE SINGLE REGISTRATION OF CHILDCARE PREMISES:

From 1 January 2016, early years and later years childcare providers (including domestic childcare providers and childminders) wishing to operate from multiple premises will be able to: make one registration application to Ofsted or their CMA in respect of those settings; and/or add additional premises to an existing registration without completing a separate registration application each time they wish to open or acquire a new site. This will reduce the bureaucratic and administrative burden on childcare providers. For example, a provider wishing to operate from ten premises will no longer have to complete ten separate registration applications and a childminder can apply both for the domestic and non-domestic premises at the same time.

- 12. Will existing childcare providers with more than one setting be required to complete a new single registration application before 1 January 2016?** No. Ofsted will transfer all existing childcare providers to the single registration system at no extra cost to providers. The transfer of records will commence in January 2016.
- 13. Will registered childcare providers be required to seek approval when adding additional premises to an existing registration?** Yes. Childcare providers wishing to add additional premises to their single registration (on or after 1 January 2016) must seek – and have received – approval from Ofsted or their CMA before they can operate from those settings.
- 14. Is there a limit to how many premises can be added to a single registration?** No. There will be no limit to the number of sites that can be included in a registration.
- 15. There will be a single registration covering multiple premises. Does this mean childcare providers will only have to pay a single registration fee to cover all their individual premises?** No. The level of fees payable to Ofsted will remain on a 'like for like' basis. For example a childcare provider with ten premises will continue to pay a fee for each setting.
- 16. Will Ofsted still inspect all settings in a single registration?** Yes. Ofsted will continue to inspect all Ofsted registered early years settings and carry out sample inspections of its later years settings as it does now.
- 17. What if Ofsted has concerns about an individual setting within a registration?** Where Ofsted has concerns about any settings that it regulates, it has the power to intervene and take action where necessary, which may include suspension of an individual setting. Where Ofsted has significant concerns and decides to exercise its cancellation powers in respect of a provider's registration, the outcome will continue to reflect the current impact of cancellation, namely cancellation will apply to all settings within a single registration.