



## Briefing for the Public Petitions Committee

**Petition Number:** [PE1430](#)

**Main Petitioner:** Ewan Cameron

**Subject:** Regulation of child minders

Calls on the Parliament to urge the Scottish Government to consider new legislation to ensure that child minding businesses of more than six children operate on equal terms when competing with more regulated pre-school nurseries.

### Background

[Statistics from the Care Inspectorate](#) show that the number of active childminders increased very slightly from 5,503 in 2008 to 5,529 in 2010. The number of private nurseries also increased, from 724 in 2008 to 764 in 2010.

These 5,529 childminders look after a total of 28,020 children, giving an average of 5 children per childminder. However, in Dumfries and Galloway the average was 6.7 and in Argyll and Bute it was 6.

The 764 private nurseries, look after 51,400 children, with an average of 67 children per nursery.

There are about 760 childminder assistants in Scotland. 8.7% of childminders have one assistant and 2% have 2 or more. This suggests that there may be around 600 childminders who employ other staff.

Both nurseries and childminders must register with the Care Inspectorate and meet national care standards.

Nurseries are legally required to have qualified staff who are registered with the SSSC. This is encouraged but not required from childminders. 33% of childminders either have or are working towards qualifications.

### Definition of childminding and children's day care

The legal definitions of a childminding and children's day care service are set out in Schedule 12 of the Public Services Reform (Scotland) Act 2010. These can be altered by regulations. In summary:

- Childminding is looking after one or more children on domestic premises for reward, for at least 2 hours a day, 6 days a year. Exceptions include foster and kinship care.
- Children's day care is care of children, supervised by a responsible person, not on domestic premises, for 2 or more hours a day, 6 days a year. Exceptions to this include school education.

The Care Inspectorate has issued guidance on [Registering and running a childminding service](#).

### ***Planning Permission***

Planning permission for change of use from domestic to business premises is a matter for the local authority. It can be a complex area to decide what constitutes change of use and there is no Scottish Government guidance on this.

The childminding guidance notes that: "In some local authority areas you might need to apply for planning permission for more than one adult to work in a childminding business or to care for more than six-minded children."

### ***Business Rates***

If a person works from home, they may be liable for non-domestic rates on the part of the property used for work, but it depends on the circumstances of the individual case and the decision of the local assessor. See: <http://www.scotland.gov.uk/Topics/Government/local-government/17999/11199/brief-guide/guide/>

### ***Form of business***

An individual may operate a child minding service alone (and be self-employed); they may employ another person or work in partnership with other childminders.

### **Adult: Child ratios and space standards.**

These are set out in the [National Care Standards](#) and are different for care on domestic and non-domestic property. For example, adult child ratios for a private nursery are between 1:3 and 1:10 depending on the age of the child. Two adults should be in attendance at any one time. For childminding it is 1:6, with some local discretion. Space ratios for private nurseries are between 3.7 and 2.3m<sup>2</sup>. No space ratios for childminders are given in the care standards.

### **Scottish Government and Scottish Parliament Action**

The legislation on regulation of children's day care was renewed in regulations under the Public Services Reform (Scotland) Act 2010. These mostly re-instated the requirements of the Regulation of Care (Scotland) Act 2002.

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1<sup>st</sup> May 2012

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