

## Information from Scottish Childminding Association Public Petition I 430 - Regulation of childminding businesses

The petition is asking for a change in regulation for childminders who are registered for more than 6 children.

I would recommend that this does not need to happen as the Care Inspectorate already have the power to place conditions on a childminding service. This includes when to refer services for planning permission.

<http://www.legislation.gov.uk/asp/2010/8/part/5/chapter/3> section 66

There are two main reasons why a childminding service would be applying to the Care Inspectorate to care for more than 6 children:

1. A new business where two people want to work in partnership. This is a more extensive application process and it would be normal for the Care Inspectorate to refer this for planning permission, or;
2. An application for a variation. This occurs not to expand the business but to accommodate children already being cared for. This can happen where parent's work patterns vary and result in a short term overlap. Under these circumstances the childminder does not earn any more as it is just an adjustment of hours and no advantage would be gained for looking for planning permission as the overall coming and going remains the same. It would be disproportionate and may result in the children having to move. This lack of continuity of care is clearly unacceptable.

The SPICe briefing states that there are around 760 childminding assistants. Our information shows that the majority of these assistants are the childminder's partner, who has been added to the registration certificate to act in the event of an emergency. They are not normally to allow for additional children to be cared for. Again this does not result in any additional income for the childminder.

The monitoring, application of regulations and criteria set on childminding services are solely the responsibility of the Care Inspectorate. The local authorities are responsible for the commissioning of pre-school education which is normally provided by the local authority or by some private nurseries and playgroups.

In relation to points raised in the petition:

I am not aware of any evidence to show that people are setting up childminding businesses in order to avoid paying business rates. The number of childminding services has stayed fairly static over the past few years.

I am not clear why a childminder would wish to be confused for a private nursery. They provide an entirely different type of service. Parent's reason for choosing a childminder over a nursery will often be because of the family type of service rather than group based care.

Childminders are providing a family day care service based in the community. It would be normal for a childminder to take the children to other local services including playgroup and the local authority nursery. The childminder's lower adult to child ratio allows this to happen and is particularly suitable for babies where they will receive one-to-one care. A private nursery is more self contained and will often provide the government funded pre-school education service.

Any information sent out by the Care Inspectorate would clearly state if a service is a childminder or a nursery. Each service must display a certificate of registration which would give information about them.

Childminders are advised to check with their own insurance company about their home insurance. I am not aware of any problem with breaching conditions of mortgage as this is still domestic premises. The registration of their business does not change the status of the property which still stays as domestic premises. This is important as it means that anyone else moving into the property in the future would not automatically be able to set up as a childminder or any other type of business.

I am not aware of legislation that would require someone to get planning permission to set up a childminding business. Individual planning departments may have guidance as to when planning permission should be applied for. Applicants are made aware that they may need planning permission during the application process.

Inspections are based on an assessment of risk. In the past, childminders were inspected every year. However, it was agreed to reduce this due to a number of factors including the high grades achieved by childminders. Private

nurseries had been kept at the more frequent inspection levels as they have not achieved such high grades. There were particular concerns where the nursery had very young children.

I am not aware of any link between the grade achieved by a childminder and any qualifications they hold. They are required to fill in the same self assessment form as a nursery for the Care Inspectorate which will outline how they meet the standards.

There is no evidence to show that operating as a lone worker has put children at risk. Over 80% of Scotland's childminders are members of Scottish Childminding Association (SCMA). They buy their insurance through us so we are able to monitor accidents. Claims run at about 2 per year normally about damage to property not the child.

Floor space is taken into consideration when the service is registered. The Care Inspectorate already has the power to restrict the number of children cared for.

Childminders are subject to the same requirements from HMRC as a nursery. They maintain a register of children attending their setting and parents sign to show fees paid. Annually they must submit a self assessment form declaring their income and expenditure. SCMA produce a free guide for our members outlining their responsibility for record keeping and about tax and National Insurance and this is approved annually by HMRC. We also advise those applying for registration about this.

The Care Inspectorate regulates services and the Scottish Social Services Council regulate the workforce. In the case of childminders they are both the service and the worker. In 2002 it was agreed by Scottish Government that to avoid duplication that childminders would only be regulated by the Care Inspectorate. Childminders though must comply with the Scottish Social Services Council code of conduct which requires them to carry out continuous professional development.

Childminders are required to have Public Liability Insurance. Members of SCMA can take out insurance with us. That policy covers them for what they are registered for including working alone as most of them do. The insurance is underwritten by Royal and Sun Alliance and has been for over 25 years. They consider the childminders to be very low risk due to the low level of claims submitted. Working alone simply requires regular risk assessment and good organisation.

In the past childminders were exempt from registering as a food business. However, this has changed and over the past two years. SCMA has been working with the Food Standards Agency (FSA), Environmental Health, the Care Inspectorate and Scottish Government to ensure a proportionate approach. All new applicants are made aware of the need to register if they provide meals. A guide has been developed by FSA to assist with this – 'Safer Food, Better Business for Childminders'. Existing childminders were asked to wait until environmental health contact them. This was in order for environmental health to manage their workload. This has not yet happened in some areas though some regions have contacted childminders and inspections have been taking place. So far these have not uncovered any concerns. Childminders are generally considered to be low risk. As lone workers they have much more control over their environment and as such are less likely to experience food hygiene problems.

### **In summary**

I refer back to the two main reasons why a childminder would have more than 6 children. One could be because of an expanded business though this is unusual. The other more usual reason is to accommodate children already using the service where a change in work pattern has led to an overlap.

Childminding assistants are usually the childminder's partner who is on the certificate to provide a backup.

**Less regulated** – regulations are different as they are different services. Private nurseries are classed as daycare for children. They are appropriate for the service provided.

**Business rates** – The domestic premises definition is important as it allows for the business to only be allowed for that person and not be passed on if the person moves. The childminding business is considered deminus in proportion to the use as a family home.

**Planning consent** – the planning legislation does not refer specifically to childminding. There is a variety of guidance from different local authorities.

**Domestic mortgage conditions** – This has never come up as an issue with our members. As with other home workers, their business is considered as incidental and in keeping with what would normally be happening on

domestic premises.

**Insurance conditions** – Childminders are always advised to write to their insurers. If there are problems with insurance we have a broker who will organise other suitable insurance.

**Food Business** – this only applies if they are providing meals for the children. Most get parents to provide packed lunches. This registration is new to childminding. New applicants are issued with information at the point of registration with the care inspectorate. Existing childminders must wait until they have been contacted by their environmental health department.

**Space standards** – This is taken into account by the care inspectorate at the point of registration. Number of children will be restricted if the area is not adequate. In most cases the space will be a lot more than a nursery due to the small number of children.

**Staff/child ratios** – Ratios are deliberately small with a childminding service. This ensures quality of care particularly for our youngest children. The actual ratio is:  
6 children under 16 years (including the childminder's own children). Of these though only three children can be under school age and critically, only one child can be under one.

**Facilities** – childminding services must comply with the normal requirements of domestic premises. They have to give consideration for all the children who may need to access their service. This is a family day care service though and is intended to reflect what would be found in a normal family home.

**Curriculum** – Childminding is a community based service. The childminder will take children to their local authority nursery for their preschool education. This allows the child to also mix with the children they will go to school with. As such the childminder is not expected to evidence complying with the curriculum for excellence. There is an unhelpful attempt to distinguish between care and education. The child is learning all the time whether this is through normal play activities or through socialisation with other children. Many childminders would welcome the opportunity to provide the preschool education service as they feel it is part of what they already do. However, this is normally restricted to group care service. The fees are indeed similar though normally lower with a childminder.

### **In conclusion**

This discussion should be about ensuring that childcare services provide a high quality service for Scotland's children. This is a crucial part of their development and the priority is to ensure that positive outcomes for children are achieved. I am confident that the care inspectorate are already ensuring that services are of high quality and that our children are safely and appropriately cared for. The Care Commission report, 'Making the Grade', gives a clear indication of the quality of childminding services. They consistently received a higher proportion of very good and excellent grades than any other day care providers. As such there is no need for a change in legislation. The recommendations are already within the power of the care inspectorate and any change as outlined in the petition would not improve outcomes for children.

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