WELSH STATUTORY INSTRUMENTS

2010 No. 2575 (W.215)

CHILDREN AND YOUNG PERSONS, WALES

SOCIAL CARE, WALES

The Child Minding and Day Care (Inspection and Information for Local Authorities) (Wales) Regulations 2010

Made - - - -	*20 October 2010*
Laid before the National Assembly for Wales - -	*22 October 2010*
Coming into force - -	*1 April 2011*

The Welsh Ministers, in exercise of the powers conferred on them by sections 40, 45(**1**) and 74(2) of the Children and Families (Wales) Measure 2010(**2**), make the following Regulations.

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Child Minding and Day Care (Inspection and Information for Local Authorities) (Wales) Regulations 2010 and they come into force on 1 April 2011.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations —

"the 2010 Measure" ("*Mesur 2010*") means the Children and Families (Wales) Measure 2010;

"child minding" ("*gwarchod plant*") has the same meaning given in s.19(2) of the 2010 Measure;

"day care for children" ("*gofal dydd i blant*") has the same meaning given in s. 19(3) of the 2010 Measure;

"parent" ("*rhiant*") includes any person who is caring for a child;

"relevant local authority" (*awdurdod lleol perthnasol*") means the local authority for the area in which the person acts as a child minder (or has so acted) or provides (or has provided) day care in respect of which the person is (or was) registered;

(**1**) Section 45(1) and (2) refer to information which is prescribed. Section 71 of the Children and Families (Wales) Measure 2010 defines "prescribed" as meaning prescribed in regulations and "regulations" as meaning regulations made by the Welsh Ministers.

(**2**) 2010 nawm 1.

"registered person" ("*person cofrestredig*") means a person who is registered as a child minder or a provider of day care for children under Part 2 of the 2010 Measure.

Inspection

2.—(1) The Welsh Ministers and Her Majesty's Chief Inspector of Education and Training in Wales ("Her Majesty's Chief Inspector") may organise inspections of—

(a) child minding provided by registered persons; and,

(b) day care for children provided by registered persons.

(2) Where the Welsh Ministers or Her Majesty's Chief Inspector inspect any premises used for child minding or providing day care for children they must—

(a) report in writing on the matters inspected;

(b) send a copy of the report to the registered person; and

(c) in the case of a report by Her Majesty's Chief Inspector, send a copy of the report to the Welsh Ministers if the Welsh Ministers request it.

(3) The Welsh Ministers and Her Majesty's Chief Inspector must publish a report of an inspection of premises used for providing day care for children.

(4) The Welsh Ministers and Her Majesty's Chief Inspector may provide a copy of a report, or parts of a report, of an inspection of premises used for child minding to—

(a) a parent of a child who is or has been looked after by that child minder;

(b) a parent of a child where that parent is considering whether to arrange for the child to be looked after by that child minder; or

(c) a relevant local authority.

(5) For the purposes of the law of defamation, any report published is privileged unless the publication is shown to have been made with malice.

Supply of information to local authorities

Granting a registration

3. Where the Welsh Ministers, in relation to a person who applies to register as a child minder or provider of day care for children, grant a person's application for registration they must supply the information in Schedule 1 to the relevant local authority.

Ending or suspending a registration

4. The Welsh Ministers must supply the information in Schedule 2 to the relevant local authority where –

(a) they give notice of their intention to cancel a person's registration;

(b) they cancel a person's registration;

(c) they suspend a person's registration (including cases where they do so at the request of the registered person);

(d) they remove a person from the register at that person's request; or,

(e) on the application of the Welsh Ministers, a justice of the peace makes an order under section 34(2) of the Children and Families (Wales) Measure 2010 (Protection of children in an emergency: cancellation of registration).