WELSH STATUTORY INSTRUMENTS

# 2004 No. 3282 (W.285)

# SOCIAL CARE, WALES

## CHILDREN AND YOUNG PERSONS, WALES

# The Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004

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| *Made - - - -* | *8 December 2004* |
| *Coming into force - -* | *20 December 2004* |

The National Assembly for Wales makes the following Regulations in exercise of the power conferred on it by sections 79H(1) and (2) and 104(4) of the Children Act 1989(**1**):

### Citation, commencement and application

**1.**—(1) These Regulations may be cited as the Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004 and come into force on 20 December 2004.

(2) These Regulations apply in relation to persons who are registered to act as child minders or to provide day care on relevant premises in Wales.

### Interpretation

**2.**—(1) In these regulations, unless the context otherwise requires—

"the Act" ("*y Ddeddf*") means the Children Act 1989 and any references to sections are references to sections of that Act;

"appropriate office" ("*swyddfa briodol*") means —

(a) if an office has been specified under paragraph (2) in relation to any registered person, that office;

(b) in any other case, any office of the National Assembly;

"costs order" ("*gorchymyn costau*") has the same meaning as in the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002(**2**);

"day care" ("*gofal dydd*") has the same meaning as in section 79A(6);

"the National Assembly" ("*y Cynulliad Cendlaethol*") means the National Assembly for Wales;

(**1**) 1989 c. 41; section 79H was inserted by section 79 of the Care Standards Act 2000 (c. 14).
(**2**) S.I.2002/816.

"registered person" ("*person cofrestredig*") means a person who acts as a child minder or who provides day care and who is registered under section 79F; and

"the Tribunal" ("*y Tribiwnlys*") means the tribunal established by section 9 of the Protection of Children Act 1999(**3**).

(2) The National Assembly may specify an office controlled by it as the appropriate office in relation to a registered person.

(3) In these Regulations a reference —

(a) to a numbered regulation is to the regulation in these Regulations bearing that number;

(b) in a regulation to a numbered paragraph is to the paragraph in that regulation;

(c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

**Power to suspend registration**

**3.**—(1) The National Assembly may, in accordance with regulations 4, 5, 6 and 7, suspend the registration of any person acting as a child minder or providing day care if there is reasonable cause for the National Assembly to believe that the continued provision of child minding or day care by that person exposes or may expose one or more of the children to whom it is or may be provided to the risk of harm and the purpose of the suspension is for one or both of the purposes set out in paragraph (2).

(2) The purposes of the suspension are—

(a) to allow time for the circumstances giving rise to the National Assembly's belief to be investigated; and

(b) to allow time for steps to be taken to reduce or eliminate the risk of harm.

**Period of suspension**

**4.**—(1) If the National Assembly suspends the registration of any person under regulation 3, the suspension begins and ends on such dates as are specified in the notice required to be given to the registered person under regulation 5.

(2) The date specified as the date on which the suspension ends may not be more than 6 weeks after the date on which it begins.

(3) Subject to paragraph (4), the fact that a person's registration has at any time been suspended does not prevent the National Assembly from further suspending that person's registration at any time, whether during a previous period of suspension or after it has ended and whether on the same grounds or on different grounds.

(4) The National Assembly may not, unless paragraph (5) applies, exercise its power to suspend a person's registration in such a way that the effect of doing so would be that the person's registration would be suspended for a period which, taken together with any other period for which that person's registration has been suspended on the same or substantially the same grounds, exceeds a total of 12 weeks within any period of twelve months.

(5) This paragraph applies if, at the time when the National Assembly exercises its power to suspend a person's registration, one or more of the following circumstances applies;

(a) the investigation referred to in regulation 3(2)(a) has not yet been completed;

(b) the steps referred to in regulation 3(2)(b) have not yet all been taken; or

(**3**) 1999 c. 14.