WELSH STATUTORY INSTRUMENTS

2002 No. 2171 (W.218)

SOCIAL CARE, WALES

CHILDREN AND YOUNG PERSONS, WALES

The Child Minding and Day Care (Wales) (Amendment) Regulations 2002

Made at 11:45 a.m. on	*22nd July 2002*
Coming into force at 12 noon on - - - - - -	*22nd July 2002*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 79C, 79E and 104(4) of the Children Act 1989(**1**) hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These regulations may be cited as the Child Minding and Day Care (Wales) (Amendment) Regulations 2002 and shall come into force at 12 noon on 22nd July 2002.

(2) These Regulations apply to Wales.

Amendments

2.—(1) For the purposes of this Regulation "a summer playscheme" means the provision of day care including children under the age of eight for more than two hours a day, operating only for all or part of the period between the dates of the coming into force of the Child Minding and Day Care (Wales) (Amendment) Regulations 2002 and 13 September 2002.

(2) Regulation 4 of the Child Minding and Day Care (Wales) Regulations 2002(**2**) is amended as follows

(a) in sub-paragraph (c)(i) of paragraph (3) there is inserted after "paragraph (4)" the words "or (4A)";

(b) following sub-paragraph (c) (ii) of paragraph (3) there is inserted

"(iii) where paragraph (4A) applies,

(**1**) 1989 c. 41; sections 79C and 79E were inserted by section 79 of the Care Standards Act 2000 (c. 14). The powers are exercisable by the appropriate Minister, who is defined in section 121(1) of the Care Standards Act, in relation to Wales as the National Assembly. *See* section 121(1) for the definitions of "prescribed" and "regulations".

(**2**) S.I.2002/812.

(A) in respect of each of the matters specified in paragraphs 1, 4, 6 and 7 of Schedule 2;

(B) at least one written or telephone reference;

(C) a criminal record certificate issued previously under section 113 of the Police Act 1997(**3**); and

(D) a written result of a check carried out of the lists maintained pursuant to section 1 of the Protection of Children Act 1999(**4**) and Regulations made under section 218 of the Education Reform Act 1988(**5**).”

(c) After paragraph (4) there is inserted—

“(4A) This paragraph applies where the certificate or information on any matters specified in paragraph 2 of Schedule 2 has been applied for but is not yet available to an individual who wishes to provide a summer playscheme.”

(3) Regulation 16 of the Child Minding and Day Care (Wales) Regulations 2002 is amended as follows—

(a) In paragraph (5) at the beginning there is inserted

“Subject to paragraph (7),”;

(b) After paragraph (6) there is inserted—

(7) Where the following conditions apply, the registered person may permit a person to start work in the relevant premises notwithstanding paragraph (4)(b)—

(a) the person wishes to work in a summer playscheme;

(b) the registered person has taken all reasonable steps to obtain full information in respect of the matters listed in paragraph 2 of Schedule 2 in respect of that person;

(c) full and satisfactory information in relation to that person has been obtained in respect of the matters specified in paragraph 1, 4, and 6 of Schedule 2;

(d) at least one written or telephone reference;

(e) the person has provided

(i) a written declaration that the person has not been convicted nor cautioned for any criminal offence, or

(ii) written details of any criminal offences of which the person has been convicted, including details of any convictions which are spent within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(**6**) and which may be disclosed by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 or in respect of which the person has been cautioned by a police officer and which, at the time the caution was given, the person admitted; and

(f) pending receipt of, and being satisfied with regard to, any outstanding information, the registered person ensures that the person is appropriately supervised while carrying out his or her duties.

(4) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**7**) are amended as follows—

(a) In Schedule 8, following paragraph 9 there is inserted—

(**3**) 1997 c. 50.
(**4**) 1999 c. 14.
(**5**) 1988 c. 40.
(**6**) 1974c.53.
(**7**) S.I. 2002/919.