

# Childminder Statutory Requirements

## A Regulatory Framework for Home-based Childcare



**“Anyone working with or for children should  
do what is best for each child.”**

(Article 3 of the United Nations Convention on the Rights of the Child)



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## Foreword



### **Ministerial foreword for the Early Years Statutory Requirements**

The Government of Jersey Common Strategic Policy 2018-2022 has identified putting children first as one of its five key priorities.

As Minister for Children and Education, this priority ensures a commitment that our children and young people will be acknowledged and considered by all Government departments. This is essential in ensuring that all children have the best start in life and grow up to be safe, supported and successful.

It is my ambition that we have systems in place that always put children first and respect their rights as recognised through the United Nations Convention on the Rights of the Child.

I am pleased to endorse a set of requirements that have at its central core, the well-being of children. They acknowledge that an experienced, well trained workforce is fundamental in nurturing children's play, learning and development and that high-quality provisions contribute to positive outcomes for children and their families. Safeguarding practices that are robust and understood by all are essential, as is effective management and organisation.

The standards addressed in this document will ensure all registered childminders meet and maintain compliance with the articles of the Day Care of Children (Jersey) Law 2002.

By working together to ensure these standards are maintained through the regulatory work of our childcare officers, we can be confident that children in your care will be happy, healthy and thrive as confident individuals, well placed to make a positive contribution to society.

A handwritten signature in black ink that reads "Maçon". The signature is written in a cursive style.

Deputy Jeremy Maçon

Minister for Children and Education



## Introduction

The Childminder Statutory Requirements apply to people providing registered home-based childcare and have been written with the collective guidance, co-operation and support of our Island's practitioners and other professionals.

The Day Care of Children (Jersey) Law 2002 provides the legal framework for the Government of Jersey's Education Department to determine the specific requirements that must be met and maintained as a registered provider. The intention is clear, that by working together we will ensure children are safe, supported and stimulated.

## Definition of Home-based Childcare

This is a childcare service offered to children by persons in their own home, registered under the Day Care of Children (Jersey) Law 2002. It specifically operates for children aged from birth to 12 years old and is:

- for more than 2 hours in any 1 day;
- for more than 6 days in any calendar year;
- without the child's parents/carers being present; and
- for a reward.

Additional documentation, including Jersey's Childminder Quality Toolkit and the non-statutory guidance Development Matters in the Early Years Foundation Stage will support all registered childminders to maintain compliance and provide quality home-based childcare.

## Vision

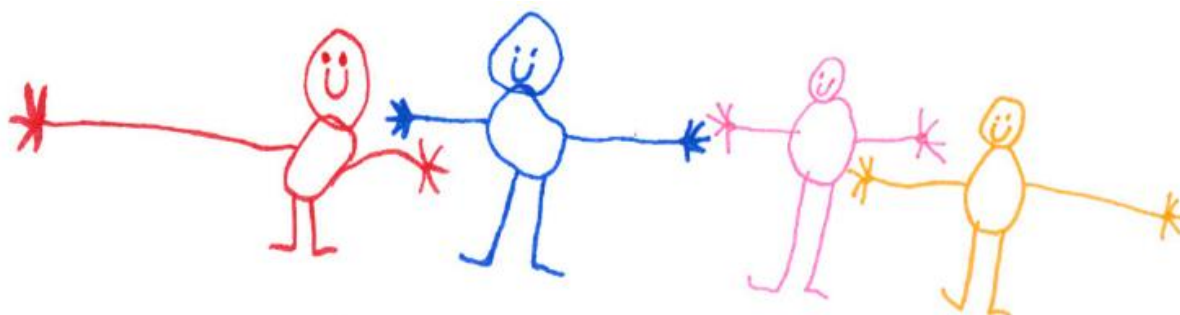
The long-term goal for all our children is that they grow and develop successfully to find their place in life. The way we, as practitioners and parents, support and empower children has a significant effect upon these goals.

In our island's childcare, the aim is to nurture children so that they are confident, motivated and excited about their learning, play and development. The Childcare and Early Years Service (CEYS) will work together with all stakeholders to ensure all providers are both fully compliant and quality standards are maintained.

Through positive relationships and effective interactions, children's individuality should be at the heart of their experiences and we will consistently aim to support the delivery of the highest quality provision. Children's well-being will be valued and supported enabling them to thrive and grow into strong, independent and caring members of our society.

Our core values and principles underpin our ambition for all children, families and practitioners in our island's settings...

- Children's voices and rights are embedded and promoted through everyday activity
- Equality of opportunity for children and families
- Respectful and reciprocal relationships
- Working together in partnership with families and communities
- Effective leadership and self-evaluation
- Securing quality and standards that enable all children to thrive



## Extract from the Day Care of Children (Jersey) Law 2002

### Article 1 – Interpretation

- (1) In this Law, unless the context otherwise requires – “day care accommodation” means any place where children under the age of 12 years are looked after for reward for a period or periods the total of which exceeds 2 hours in any day and 6 days in any calendar year and which is not –
- (a) wholly or mainly used as a private dwelling;
  - (b) a place (such as a supermarket or hotel crèche) where the parents of, or other persons who normally care for, those children are not expected to leave the vicinity while the children are being looked after; or
  - (c) a place which, in respect of those children, is operating as a school, hospital, nursing home, mental nursing home, residential care home or voluntary home;

“day carer” means a person –

- (a) who looks after one or more children under the age of 12 years in his or her home or other place wholly or mainly used as a private dwelling for reward;
- (b) who looks after any such child for a period or periods the total of which exceeds 2 hours in any day and 6 days in any calendar year; and
- (c) who is not –
  - (i) a parent or relative of, or person with parental responsibility for, all such children,
  - (ii) an appointed foster parent or a person who is fostering them privately, and
  - (iii) employed as a nanny for all such children by a parent of, or other person who normally cares for, those children and who is looking after the children wholly or mainly in the home of his or her employer;

“Minister” means the Minister for Education;

“premises” means day care accommodation or the place where a day carer looks after, or proposes to look after, any children. (*Article 1(1) amended by R&O. 158/2015*)

- (2) Words and phrases used in this Law shall, unless the context otherwise requires, have the same respective meanings as in the Children (Jersey) Law 2002. (*chapter 12.200*)

### Article 4 - Power to impose requirements in respect of day care accommodation and day carers

- (1) Where the Minister registers an application under Article 2, the Minister may impose any or all of the following requirements -
- (a) specify the maximum number of children, or the maximum number of children within specified age groups, who may be looked after (having regard to the number of other children who may at any time be on the premises);

- (b) require the applicant to secure that the premises and the equipment used on the premises, are adequately maintained and kept safe;
  - (c) require the applicant to keep records in relation to the children received, and persons living or working, at the premises containing such particulars as the Minister may specify; and
  - (d) specify the training and qualifications to be possessed by the day carer or any person employed at day care accommodation;
  - (e) in the case of day care accommodation –
    - (i) specify the number of persons who may be employed at that accommodation,
    - (ii) require to be kept informed of the persons there employed, their names, addresses, training and qualifications, and the facilities provided and the period during which they are provided; and
  - (f) impose such other requirements as to the health and welfare of children being looked after as the Minister considers appropriate.
- (2) The Minister may at any time vary any requirement imposed under this Article, impose any additional requirement or remove any requirement.

## Legislation

Which legislation do these Statutory Requirements refer to?

[Day care of children \(Jersey\) Law 2002](#)

[Education \(Jersey\) Law 1999](#)

[Children \(Jersey\) Law 2002](#)

[Health and Safety at Work \(Jersey\) Law 1989](#)

[Restriction on Smoking \(Workplaces\) \(Jersey\) Regulations 2006](#)

[Employment \(Jersey\) Law 2003](#)

[Discrimination \(Jersey\) Law 2013](#)

[Discrimination \(Disability\) \(Jersey\) Regulations 2018](#)

[Data Protection \(Jersey\) Law 2018](#)

[Freedom of Information \(Jersey\) Law 2011](#)





## United Nations Convention on the Rights of the Child (UNCRC)

The UNCRC explains what every child should have to make sure they can be happy and healthy wherever they live. The convention has 42 Articles. Below are a number of articles that your work with children, through an ambitious drive for quality standards, will support.

*“Children won’t be discriminated against. This means they won’t be treated differently or unfairly, just because of who they are.” (Article 2)*

*“Children have a right to be heard and to say what they think should happen when decisions are being made about them.” (Article 12)*

Article 31 states: *“All children have the right to rest and to play”*

- 1. States Parties recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*
- 2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.*

A child’s right to play, culture, leisure and rest is recognised in article 31 of the UNCRC and is often described as the article that most wholly represents the child’s right to be a child. The importance of play in children’s day to day lives for their health and well-being is increasingly recognised in a range of policies affecting children. Despite this, article 31 is also described as one of the forgotten articles of the convention.

From 2008 IPA worked closely with the UN Committee on the Rights of the Child to produce a General Comment on article 31 to enhance understanding of the importance of article 31 for children’s well-being and development worldwide. The UN General Comment on article 31 was adopted by the UN Committee on the Rights of the Child on Friday 1st February 2013.

The General Comment is an official document that clarifies for governments worldwide the meaning and importance of article 31 of the Convention on the Rights of the Child (CRC) and clearly defines the responsibilities of governments that are implicit in the article.

### **The stated objectives of the General Comment are:**

- To enhance understanding of the importance of Article 31 for children’s well-being and development, and for the realisation of other rights in the Convention.
- To provide interpretation to States parties with regard to the provisions and consequent obligations, associated with Article 31.
- To provide guidance on the legislative, judicial, administrative, social and educational measures necessary to ensure its implementation for all children without discrimination and on the basis of equality of opportunity.



## Statutory Requirements Description

### 1. Safeguarding and Promoting Children's Welfare

- 1.1 Safeguarding and Child Protection
- 1.2 Suitable Person
- 1.3 Organisation and Ratios
- 1.4 Outings

### 2. Healthy Child and Adult

- 2.1 Food and drink
- 2.2 Intimate Care
- 2.3 Sleep
- 2.4 Overnight Care
- 2.5 Medicines, Illness, Injuries and Infection Control
- 2.6 Smoking, Vaping, Alcohol or other Non-prescribed Substances

### 3. Enabling Environments - Premises

- 3.1 Safety and Security
- 3.2 Evacuation and Fire
- 3.3 Indoor Area
- 3.4 Outdoor Area
- 3.5 Equipment and Resources

### 4. Learning, Development and Play

- 4.1 Relationships and Interactions
- 4.2 Children's Wellbeing
- 4.3 Behaviour Management
- 4.4 Activities and Evaluations
- 4.5 Equal Opportunities and Inclusion
- 4.6 United Nations Convention on the Rights of the Child (UNCRC)

### 5. Interactions, Engagement and Working Together

- 5.1 Partnership with Parents and Carers
- 5.2 Other Agencies

### 6. Effective Management

- 6.1 Documentation
- 6.2 Assistants and student placements
- 6.3 Long-term breaks and retirement



## Statutory Requirement 1

### Safeguarding and Promoting Children’s Welfare

*Day Care of Children (Jersey) Law 2002, s: 1(a)(b)(c), 2(2)(a), 2(4)(a)(b), 4(1)(a)(d), 4(1)(d)(f), 5(4)*

Childminders must have all mandatory policies and procedures in place to ensure children are protected from harm. These must be updated as required and shared with parents. (See Appendix A: Mandatory Policies.)

#### 1.1 Safeguarding and child protection

- 1.1.1 There must be Safeguarding and Child Protection policy and procedures which are implemented and followed consistently.
- 1.1.2 Childminders must attend mandatory safeguarding training prior to registration and will attend refresher training annually.
- 1.1.3 Childminders must be aware of possible signs and symptoms of children at risk and their responsibility with regard to the reporting of suspected child abuse or neglect. This includes informing parents and gaining consent where appropriate, and to report concerns to the Children and Families Hub and CEYS without delay.
- 1.1.4 Sharing of safeguarding concerns and records must comply with current procedures.
- 1.1.5 Safeguarding records must be completed, reviewed, updated and stored securely, in line with current procedures.
- 1.1.6 There must be effective sharing of information between childminders, parents/carers, and other professionals and agencies to ensure the safe and efficient management of the setting and to help ensure the needs of all children are met.
- 1.1.7 Children must always be within sight or hearing of childminders.
- 1.1.8 Children must only be released from the care of childminders to people authorised to collect them.
- 1.1.9 If a child fails to be collected, there must be a clearly defined procedure to be followed.

#### 1.2 Suitable Person

All adults looking after children must be suitable to do so. Mandatory training and qualification requirements must be met.

- 1.2.1 Childminders must continue to comply with the conditions of registration.
- 1.2.2 Childminders must be over the age of 18.
- 1.2.3 Childminders, any assistants and all persons over the age of 16 years living or staying regularly at the registered premises, such as romantic partners or older children away at university, must obtain an “enhanced with barring” Disclosure and Barring Service (DBS) certificate and join the DBS update service which is renewed annually. This is also the case if they are not there during childcare hours.

## Disqualification

Registered childminders, their staff and students and/or any person living on the childminding premises, must not have been convicted of an offence or been the subject of an order which disqualifies them from registration for the purposes of Article 54(2) or Article 62 of the Children (Jersey) Law 2002 by virtue of Schedule 4 of that Law.

- 1.2.4 All references prior to registration should relate to the childminders' ability to care for children as well as character references.
- 1.2.5 Childminders must complete the Health Declaration Form prior to registration and inform CEYS of any changes to health or being fit to work with children.
- 1.2.6 Childminders must complete the Certificate in Home Based Learning course or equivalent Level 3 qualification in Early Years.
- 1.2.7 All mandatory training, including safeguarding, paediatric first aid, food hygiene and fire safety, should be completed prior to registration. See Appendix B for full details of mandatory training.

## 1.3 Organisation and Ratios

Childminders must maintain adult to child ratios and have organisational systems to ensure records of attendance are accurately kept, and mandatory training and update requirements are met.

- 1.3.1 Depending on the space available at the premises, the maximum number of children under the age of 12 that may be cared for is 6. This includes the childminder's own children and/or any other children for whom they are responsible and who are on the premises. In addition, the following information gives the ages and numbers of children that can be cared for at any one time:
  - no more than 3 children, under school entry age; and
  - of these 3, no more than 1 under the age of 12 months.

### Exceptions

In exceptional circumstances, the numbers within the age bands detailed at 1.3.1 can be exceeded:

- If children aged 3 or 4 only attend the childminding setting before and/or after a normal school/pre-school day and/or during school holidays, they may be cared for at the same time as three children under the age of 5 years.
- Exceptions may be made for childminder's own children attending pre-school full-time to be considered as falling within the school-age category.
- If a childminder can demonstrate to parent/carers and CEYS that the individual needs of all children are being met and it is in the best interest of the child, then

exceptions to the ratios can be made such as where childminders are caring for siblings, twins, their own baby, or to maintain continuity of care.

- Exceptions may also apply in the event of short term and unforeseeable emergencies as long as care for all children is safeguarded and the 1:6 ratio is not exceeded.

Exceptions will be considered on a case by case basis and with evidence from childminders supporting the request by meeting additional set criteria such as;

- childcare experience
- children's needs
- length of time and frequency of care provided
- whether the furniture, indoor space and equipment is sufficient
- access to outdoor space or local play areas
- how the activities and care will be organised and provided
- children's routines
- assessment and mitigation of any risks in relation to taking on any additional children
- back up and support
- ongoing or historic complaints.

Ratios may be decreased as well as increased if a childminder's circumstances warrant such a change.

- 1.3.2 For childminders providing registered overnight care, the ratios continue to apply, and the childminder must always be able to hear the children (this may be via a monitor).
- 1.3.3 Childminders may work in partnership with other childminders on the same premises. In these circumstances each childminder may care for the number of children permitted by the ratios specified in 1.3.1, subject to any restrictions imposed by CEYS on registration and taking account of the space requirements and any planning restrictions. This arrangement must be verified by CEYS and will be reflected on the Certificate of Registration.
- 1.3.4 There must be a system in place for recording each child's daily attendance including the names of the child(ren), date of birth and the hours of attendance.
- 1.3.5 Childminders must display their Certificate of Registration in the premises.
- 1.3.6 Childminders should keep up to date with current childcare practice and continuously improve their knowledge and skills. Mandatory training, such as Paediatric First Aid, must be updated as required, and refresher training on safeguarding must be accessed annually. (See Appendix B).
- 1.3.7 The relevant organisations must be notified of any changes to the operation of service, serious incidents and any complaints that allege a breach of legislation.
- 1.3.8 Childminders must make arrangements with other registered childcare providers, or with parents, for occasions where they cannot provide childcare and inform CEYS.

## 1.4 Outings

Regular outings should be organised according to the needs of children to provide a variety of opportunities for physical development, socialisation and learning about the outside world, whilst being encouraged to take healthy risks.

- 1.4.1 There must be an Outings policy.
- 1.4.2 It is the childminder's responsibility to ensure children are safe at all times when not in the registered premises by carrying out a risk assessment, ensuring the children are supervised appropriately and never left unattended, including when in a vehicle.
- 1.4.3 Written parental permissions for outings and transport in vehicles must be kept in the children's records.
- 1.4.4 A first aid kit and emergency contact numbers are to be taken on all outings.
- 1.4.5 Outings that include taking dogs with children, must be managed carefully.
- 1.4.6 Children should be guided on safe interactions with dogs and other animals they come into contact with on outings.
- 1.4.7 Appropriate equipment including car seats, seat belts, booster seats, pushchairs that are BS approved are to be used and kept in good working order (always follow manufacturer's instructions).
- 1.4.8 All vehicles used for outings must be properly insured, licensed and maintained.
- 1.4.9 If using a vehicle whilst caring for children, childminders must have a valid, full and current driving licence



## Statutory Requirement 2

### Healthy Child and Adult

*Day Care of Children (Jersey) Law 2002, s: 2(4)(a) 4(1)(b)(d)(f)*

Registered childminders must promote the good health and well-being at their setting, take positive steps to prevent the spread of infection and take appropriate measures when they are ill.

#### 2.1 Food and Drink

Children are to be provided with healthy, balanced and nutritious meals, snacks and drinks which comply with their dietary requirements.

- 2.1.1 Food hygiene and safety regulations in relation to preparation and storage of food must be complied with. This includes reheating any food according to manufacturer's instructions. Packed lunches must be stored appropriately.
- 2.1.2 Childminders must have completed the Level 2 Food Hygiene course.
- 2.1.3 Snacks and meals can be provided by parents or childminders. Childminders should work in partnership with parents to ensure these are healthy, nutritious and meet children's dietary needs.
- 2.1.4 Fresh drinking water must always be available and accessible to children.
- 2.1.5 Preparation and storage of babies' milk bottles must comply with best practice recommendations and guidance. Childminders should support breast feeding by parents.
- 2.1.6 Sterilisation equipment must be used for any feeding equipment and dummies.
- 2.1.7 All information regarding any special dietary requirements, preferences or food allergies, must be obtained from parents, recorded and adhered to by childminders. Records of food eaten by younger children should be kept and shared with parents daily.

#### 2.2 Intimate Care

- 2.2.1 There must be an Intimate Care Policy.
- 2.2.2 Intimate care routines including nappy changing, toilet training and toileting should consider each child's individual needs and stage of development.
- 2.2.3 Appropriate nappy changing facilities must be provided for those children who are not yet toilet trained.
- 2.2.4 Potties or toilet training seats must be provided for children who are being toilet trained and should be cleaned and disinfected after each use.

## **2.3 Sleep**

Sleep and rest routines should be tailored to each child's individual needs and stage of development whilst taking into account their home and the setting routine. Childminders should have secure knowledge of current guidance on sleep routines and care.

- 2.3.1 Provision must be made to provide suitable sleeping arrangements for children of all ages. All children must sleep in an appropriate bed, cot or basket that complies with the current safety specification and is flat, firm and waterproof.
- 2.3.2 Babies under 6 months must always sleep in a cot within the main area and within sight and sound of childminders. They must not be left to sleep in car seats or pushchairs.
- 2.3.3 Children aged between 6 months and 2 years must sleep in a cot, and a monitor must be used if sleeping in a separate room.
- 2.3.4 Individual clean bedding must be provided for each child.

## **2.4 Overnight Care**

Additional criteria must be met by childminders who care for children overnight.

- 2.4.1 Children under the age of 6 months must not be cared for overnight.
- 2.4.2 The adult to child ratios, as per the conditions of registration, are maintained overnight.
- 2.4.3 Children must be within hearing of the childminder (which may be via a monitor device) who must have easy access to them throughout the night.
- 2.4.4 Minded children staying overnight must have a separate room from the childminder's family to sleep in, which must be adequately heated.
- 2.4.5 Each child staying overnight must have a suitable bed or cot and clean bedding.
- 2.4.6 Children staying overnight must have access to adequate toilet and washing facilities. The privacy of children is respected during bath time and undressing.
- 2.4.7 Childminders carry out risk assessments on the sleeping area and any health and safety hazards are eliminated. Fire safety requirements and arrangements for safe emergency evacuation are met before any child is looked after overnight.
- 2.4.8 Appropriate security systems are in place in order to protect the premises from unauthorised entry. No-one over the age of 16 may stay on the premises overnight unless a satisfactory enhanced criminal record certificate (DBS enhanced disclosure) has been issued in respect of that person.
- 2.4.9 There is a good general level of hygiene, decoration and cleanliness in all sleeping areas of the premises.
- 2.4.10 Childminders provide suitable meals/feeds and drink. The children's requirements are discussed with parents in advance.
- 2.4.11 Childminders consult with parents to ensure all requirements and arrangements are in place prior to looking after their children overnight, including the child's sleeping habits, and any problems that may arise. They are shown the facilities and sleeping areas.

2.4.12 Childminders must ensure they have obtained all relevant and up to date documentation before looking after children overnight. This must include emergency contact numbers, details of the care being provided, permission to look after the child(ren) and agreement to collect the child during the night if necessary.

## **2.5 Medicines, Illness, Injuries and Infection Control**

- 2.5.1 There must be a clear Medicine policy.
- 2.5.2 Only medication or treatment prescribed by an approved medical professional is to be administered. Childminders must have documented permission forms to include date prescribed, child's name and date of birth, details of medical condition, name of medicine, storage advice, details of prior dosage given, dosage amount & frequency to be given by childminder, and parent's signature prior to and after administration.
- 2.5.3 Where a child has a specific medical condition that requires administration of medication, there must be a clear health care plan and childminders must have a good understanding of the condition and medicine to administer.
- 2.5.4 There must be an Accident policy.
- 2.5.5 All injuries and accidents must be recorded as soon as possible.
- 2.5.6 Parents must be informed of any injuries or accidents on the same day and notified of any first aid treatment given. Parents confirmation must be recorded.
- 2.5.7 Completed records must be retained on the premises and made available for inspection. This information should also be used in regular health and safety audits and assessments.
- 2.5.8 In the case of serious accident, illness, injury or death, the Notifiable Accident policy must be followed, and childminders must complete the Notifiable accident online form as soon as reasonably practicable.
- 2.5.9 There must always be a First Aid box readily accessible but kept out of the reach of children. This must be checked regularly for expiry dates and re-stocked as required.
- 2.5.10 There must be a Sickness policy to include details from the Prevention and Control of Infection Guidelines issued by the Health and Community Services Department about the exclusion of children who are unwell or infectious.
- 2.5.11 Every child should arrive being well enough to enjoy the whole session at the setting, and parents should be contacted if a child becomes ill whilst being minded.
- 2.5.12 Childminders should be fit and well enough to ensure the care of children is consistent and that their health does not impact on the service they provide.

## **2.6 Smoking, Vaping, Alcohol or other Non-prescribed Substances**

- 2.6.1 Childminders must not smoke or vape on the premises or in the presence of children.
- 2.6.2 Childminders must not be under the influence of alcohol or any other substance whilst looking after children, prior to or sufficiently close to a period of work that may affect their ability to care for children. This must also apply to visitors to the setting.



## Statutory Requirement 3

### Enabling Environment - Premises

*Day Care of Children (Jersey) Law 2002, s: 2(4)(a) 4(1)(a)(b)(f)*

Registered childminders take all positive steps to ensure the premises are safe, secure and suitable for their purpose. They provide adequate indoor and outdoor space and facilities to cater for children's needs and promote their development.

#### 3.1 Safety and Security

- 3.1.1 Childminders must conduct a risk assessment of the premises, both inside and outside, to ensure all hazards to children are minimised. It is the childminder's responsibility to continually review the areas of risk and to promote awareness to the children and visitors to the setting. CEYS is to be informed if significant changes have occurred.
- 3.1.2 There must be a Health and Safety policy identifying processes used to ensure the premises are safe, hygienic and secure.
- 3.1.3 Childminders must have a good standard of personal hygiene and encourage children in learning good routines e.g. handwashing after using the toilet and before mealtimes.
- 3.1.4 There should be separate hand towels/paper towels for each child.
- 3.1.5 The premises and equipment are to be kept clean.
- 3.1.6 All low-level glass, both inside and outside of the house, without a BSA safety mark must be fitted with safety film.
- 3.1.7 Stair gates should be fitted in accordance with individual risk assessment and dependent on the age and development of the children being cared for.
- 3.1.8 Gas, electrical and other appliances and fittings must conform to safety requirements and must not pose a hazard to children.
- 3.1.9 Children are to be supervised at all times.
- 3.1.10 There must be a Missing Child policy and procedure.
- 3.1.11 Locks on any public access entrances must be used (e.g. front door, gate, etc.). Visitors should not have free access into the premises whilst children are being cared for.
- 3.1.12 Any necessary visitors, such as for maintenance and/or deliveries, should be monitored and never left alone with children.
- 3.1.13 Risk assessments must be carried out if there are any animals/pets on the premises.
- 3.1.14 Unsuitable animals should be kept in a separate area, away from the children. Permission should be sought from parents for interaction with pets.
- 3.1.15 Animal fouling must be removed, and the area disinfected. Animal's food, water and litter trays should not be accessible to children.

## **3.2 Evacuation and Fire**

- 3.2.1 Childminders must have completed the Fire Safety course and carried out a relevant risk assessment of the property.
- 3.2.2 There must be policy and procedures in place with details of an emergency escape plan practiced with the children, and a safe meeting/collection area.
- 3.2.3 Fire exits must be kept clear and easily opened from the inside.
- 3.2.4 Keys to locked doors and windows must be kept out of reach of children but easily accessible to childminders.
- 3.2.5 Installed smoke alarms/detectors, fire blankets and extinguishers which conform to BS EN safety standards as necessary, must be checked as specified by the manufacturer and kept well maintained.

## **3.3 Indoor Area**

Childminder's premises are welcoming and friendly to children and parents. It is clean, well-lit with natural light, well ventilated and adequately heated.

- 3.3.1 The indoor play space must be organised so that it is free from hazards.
- 3.3.2 The indoor play space must be large enough to give scope for free movement as well as allow for a broad range of activities for all ages of children attending. The playing space requirement for each child is a minimum of 3 square metres.
- 3.3.3 Provision is made for children of different ages who wish to relax, play quietly or sleep and is equipped with appropriate furniture and equipment. This may be a separate room, partitioned area or converted space from regular play space providing children can rest safely without disturbance.
- 3.3.4 Childminders should encourage a free flow indoor-outdoor environment.
- 3.3.5 There must be suitable washing and toileting facilities for the age ranges of the children being looked after, including nappy changing equipment, separate hand towels/paper towels, and children's access to handwashing, toilet and/or potty.
- 3.3.6 The indoor environment within the premises must be dedicated to the children and is not shared by other users during the hours of operation.

## **3.4 Outdoor Area**

Outdoor enabling environments should be provided to stimulate and extend each child's development, ensuring their safety at all times.

- 3.4.1 Outdoor play spaces adjoining the premises must be safe, fully enclosed, secure and well maintained.
- 3.4.2 All entrance/exit gates must be locked at all times and unable to be opened by children from the inside and/or adults from the outside.
- 3.4.3 The outdoor areas must be free from poisonous plants, shrubs and any dangerous items.
- 3.4.4 Any water sources, both permanent and temporary must be made safe for children.

- 3.4.5 Greenhouses, garages and sheds used for storage of hazardous items must be inaccessible to children.
- 3.4.6 A risk assessment should be carried out prior to each outdoor session with emphasis on checking for animal waste, choking items, safety and maintenance of outdoor play equipment.
- 3.4.7 Where possible, there should be free flow access from the indoor to the outdoor space.
- 3.4.8 The equipment and resources provided should be age and stage appropriate, allow for challenge and development, and be safe and well-maintained.
- 3.4.9 Where outdoor play space is not available, children are safely escorted to local parks, playgrounds, the beach or equivalent on a regular basis.
- 3.4.10 Shade must be provided for outdoor areas.

### **3.5 Equipment and Resources**

All furniture, equipment and resources must comply with relevant safety standards, be clean and well maintained.

- 3.5.1 There should be sufficient age and stage appropriate equipment and furniture available to meet the needs of all children. This must be clean, safe, well maintained and comply with safety standards. Baby walkers and door bouncers must not be used.
- 3.5.2 A wide variety of suitable age and developmentally appropriate toys and resources should be freely available and provide a stimulating and nurturing play and learning environment.
- 3.5.3 There should be a range of natural and man-made resources which allow children to play freely as well as build on their natural curiosity, use their imagination, as well as aid development in all areas of learning.
- 3.5.4 All toys and resources should be kept in a good state of repair and be organised, so they are readily and independently accessible to children.
- 3.5.5 There must be adequate, safe and accessible storage space both indoors and outdoors for resources and equipment.





## Statutory Requirement 4

### Learning, Development and Play

*Day Care of Children (Jersey) Law 2002, s:2(4)(a) 4(1)(b)(f)*

Children's well-being is promoted and their care, developmental and play needs are met in a responsive, inclusive, nurturing atmosphere. Childminders provide a broad range of stimulating age appropriate play opportunities, activities and resources, considering children's individual needs and interests, that promote their learning and social, emotional and physical development.

#### 4.1 Relationships and Interactions

- 4.1.1 Adult interactions should be frequent, responsive and engaging. There should be 1 to 1 and group interactions throughout the day to help children develop confidence, independence and self-esteem.
- 4.1.2 Strategies should be in place to support age appropriate positive attachments and relationships.
- 4.1.3 There should be many opportunities for children of all ages to develop and make their own decisions and choices.
- 4.1.4 The induction process should be robust and well documented; induction sessions and the transition process should allow for children and their families to gain confidence with the provision ensuring their needs are understood and met, and they feel safe and secure.

#### 4.2 Children's Well-being

- 4.2.1 The practice, environment and opportunities provided to the children, should ensure warm and trusting relationships are developed and children's emotional well-being is promoted.
- 4.2.2 Where possible, children's daily personal routines are considered within the best interests of the group.
- 4.2.3 Childminders should give children opportunities to be active, indoors and outdoors, as well as time to relax.
- 4.2.4 Systems and strategies must be in place to monitor and meet children's emotional and mental well-being needs in all aspects of their care.
- 4.2.5 Children should be encouraged to explore their emotions and feelings.
- 4.2.6 If caring for young babies, childminders, through their professional development, should attend additional training to ensure they are up to date with the latest guidance with regards to feeding, sleeping, etc.
- 4.2.7 When starting to care for a new age group of children, childminders should ensure their Continuous Professional Development (CPD) is relevant to the age group.

### **4.3 Behaviour Management**

- 4.3.1 There must be a Behaviour Management policy explaining the developmentally appropriate methods used by childminders, including bullying and biting.
- 4.3.2 Children's behaviour is to be managed appropriately, in line with the policy and include the use of consistent, positive, age-appropriate and respectful strategies to promote children's welfare and development.
- 4.3.3 Physical punishments, or the threat of them, must never be used.
- 4.3.4 Children must never be shaken, smacked, humiliated, shouted at, intimidated or shamed.
- 4.3.5 Physical intervention must never be used, unless necessary to prevent injury. Any incident or near miss are to be recorded and reported to parents in a timely manner.

### **4.4 Activities and Evaluations**

- 4.4.1 Childminders should ensure that a variety of both adult and child led purposeful play experiences and activities are made available to the children, encouraging freely chosen, unstructured and self-directed play.
- 4.4.2 Activities should be planned with consideration given to children's individual needs, culture and interests.
- 4.4.3 All areas of learning should be promoted at an age and developmentally appropriate level, both indoors and outdoors.
- 4.4.4 Childminders are to observe and record what children do and use these observations to plan the next steps for the children's play, learning and development. This is to be shared with parents.

### **4.5 Equal Opportunities and Inclusion**

Childminders must promote equal opportunities and inclusion for all children and their parents, anti-discriminatory practice and values diversity. They have arrangements in place to identify and support children with Special Educational Needs and Disabilities (SEND).

- 4.5.1 There must be an Inclusion policy.
- 4.5.2 Childminders are to provide inclusive childcare irrespective of the children's race, religion, home language, family background, gender, disability and/or SEND.
- 4.5.3 All relevant information must be obtained from parents/carers regarding each child's background and special needs which enables appropriate care and equal opportunities to be given e.g. special services or equipment. This should be kept in the children's individual records.
- 4.5.4 Resources, equipment and activities should reflect diversity in children from all backgrounds including race, culture, religion, gender, ability, disability, age, family

background, and language spoken. All children should have access to the full range of experiences and play opportunities.

- 4.5.5 Prior to looking after a child with additional needs, childminders must ensure that the registered premises and any public place visited are suitable for that child.
- 4.5.6 Appropriate action is to be taken when special needs are identified by working in partnership with parents and other relevant agencies such as the Jersey Child Care Trust (JCCT), Speech and Language (S & L), and other supporting agencies and charities.
- 4.5.7 The privacy of all children when intimate care is being provided must be respected.
- 4.5.8 Children with English as an Additional Language (EAL) are to be supported with opportunities to use their native language, as well as develop a good standard of the English language with the use of appropriate resources and activities.

#### **4.6 United Nations Convention on the Rights of the Child (UNCRC)**

- 4.6.1 Childminders should be aware of the UNCRC and its implications for their work and interactions with children.
- 4.6.2 Childminders must listen to and value what children say, they must talk with them about what they are doing and have high expectations of what they can achieve.
- 4.6.3 Children's views must be sought, and their interests considered when planning activities and resources.



## Statutory Requirement 5

### Interactions, Engagement and Working together

*Day Care of Children (Jersey) Law 2002, s: 4(1)(c)(f)*

Positive relationships are built and nurtured with parents and families, facilitating good understanding of individual circumstances.

#### 5.1 Partnership with Parents and Carers

Childminders should work in partnership with parents/carers to ensure all children's needs are met.

5.1.1 There should be a Partnership with Parents policy.

5.1.2 Information must be shared with parents, including:

- All policies (see Appendix A)
- A complaints procedure including information on how to contact CEYS if parents/carers feel that their child is inadequately cared for or that their concerns are not taken seriously
- Information about activities provided for children
- The settling in process
- The daily routines of the setting
- Information regarding childminders responsibility under the CEYS safeguarding children procedures.

5.1.3 Parents/carers expertise and knowledge must be sought and valued so they are able to contribute to their child's daily routine.

5.1.4 A system must be in place for the regular exchange of information between parents/carers and childminders. This should provide parents/carers details about routines, development, activities and achievements, e.g. daily logs, photographs and examples of children's work.

5.1.5 Childminders must enable a regular two-way flow of information with parents/carers and between providers if a child is attending more than one setting.

5.1.6 Parents/carers should easily have access to all written records about their child and childminders should regularly liaise with parents/carers to ensure records contain up to date information, including signed consent forms.

5.1.7 Parents/carers must be able to share information and their views and concerns are respected and acknowledged. Appropriate and prompt action must be taken on any concerns raised and a record of all complaints is to be maintained.

5.1.8 Childminders must understand and maintain privacy and confidentiality of each child and their family.

5.1.9 Childminders must work together with children and parents/carers to promote and encourage healthy lifestyles and practices.

## **5.2 Other Agencies**

- 5.2.1 Childminders must be aware of the external agencies and services that support children and families.
- 5.2.2 Childminders must work in partnership with any relevant agencies to support the needs of children and families.
- 5.2.3 During transitions, childminders should ensure that relevant information is shared and understood with the relevant professionals.

## Statutory Requirement 6

### Effective Management

*Day Care of Children (Jersey) Law 2002, s:4(1)(c)(d)*

Policies, procedures and all records in relation to the children and management of the provision are well maintained.

#### 6.1 Documentation

- 6.1.1 All mandatory policies and procedures must be developed, reviewed annually and implemented, considering the relevant laws, guidance and practice. (See Appendix A: Mandatory Policies).
- 6.1.2 Childminders must hold adequate Public Liability Insurance and the certificate must be accessible to parents/carers and CEYS.
- 6.1.3 It is the childminders responsibility to ensure they have valid vehicle and house insurance that covers childminding activities and business practice.
- 6.1.4 The Certificate of Registration must be clearly displayed.
- 6.1.5 Individual records of each child must be obtained and updated annually. This must include:
- child's full name and address
  - child's date of birth
  - in case of an emergency contacts
  - General Practitioner (GP) contact
  - authorisation for outings, travel in vehicles and other relevant permissions and parental consents
  - details of who will collect the child
  - known medical conditions and allergies
  - dietary requirements and preferences
  - parental responsibility details.
- 6.1.6 Accurate records must be kept of all matters affecting children attending the childminder's premises, including any:
- accidents, incidents and/or near misses – to include full name of the child; date and time of accident/incident; clear description of event; action taken; signature of childminder; signature of parent/carers and date of signature
  - medication administered – to include full name of the child; name of medication; date and time prior administration; date and time of dosages given; parent's signature as consent to administer medication; childminder's signature on administration; parent's signature confirming administration by childminder
  - child safeguarding concerns
  - concerns and/or complaints raised, including actions taken.

- 6.1.7 An accurate system of recording each child's daily attendance must be maintained.
- 6.1.8 Childminders must comply with current data protection legislation including the secure storage of all information and records.
- 6.1.9 Childminders must be registered with the Jersey Office of the Information Commissioner; this includes having their own Privacy Notice and Data Protection Policy.
- 6.1.10 Childminders training certificates must be available for parents/carers and CEYS to view.
- 6.1.11 Records relating to individual children are to be retained until the child's 21st birthday.

## **6.2 Assistants and student placements**

- 6.2.1 Childminders employing assistants must ensure they meet all requirements of current employment legislation and inform CEYS of the appointment.
- 6.2.2 Any assistant employed by childminders must be at least 18 years of age.
- 6.2.3 Childminders must not commence the employment of staff and must not take on any student in placement who has not received the outcome of their DBS check unless prior approval is given by CEYS and in all circumstances where permission is given such persons are not left alone with children.
- 6.2.4 It is the responsibility of childminders to ensure that a robust safer recruitment process is in place, including carrying out enquiries to establish the qualifications, experience and overall suitability of the staff they employ.
- 6.2.5 Robust recruitment and selection processes and procedures must be in place which meets the requirements of employment legislation.
- 6.2.6 Assistants and students working with childminders have a full induction including being provided with comprehensive information and guidance on their roles and responsibilities, and their interface with children and parents.
- 6.2.7 Childminders ensure assistants and students have an up to date understanding of the policies and procedures and when employed on a long-term basis are involved with the annual review.
- 6.2.8 Childminders assess the training and qualification needs of assistants, identifying and addressing both mandatory and professional development needs so that requirements can be met within the agreed time frame.
- 6.2.9 Childminders must support assistants to commit to CPD to ensure they offer quality experiences for children and are kept up to date with current childcare law and practice.
- 6.2.10 Childminders must ensure assistants have completed the Health Declaration booklet and are fit to work with children. They must report any possible changes in personal circumstances that may affect their capacity to work with children.
- 6.2.11 Recorded information must be kept about staff health checks and qualifications and must be stored securely.



- 6.2.12 Childminders must record and store information about the identity checks and vetting processes that have been completed for assistants and students, which include the DBS disclosure number, date it was obtained and who obtained it.
- 6.2.13 Childminders must make available to CEYS their assistant's records of employment information.

### **6.3 Long-term breaks and retirement**

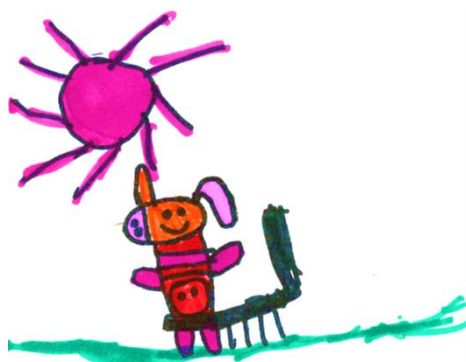
- 6.3.1 Childminders are entitled to maternity leave for up to 3 years before the existing registration lapses.
- 6.3.2 Prior to taking a long-term break from work, childminders must inform CEYS of their intention providing a starting date.
- 6.3.3 Prior to returning to work after a long-term break, childminders must ensure that:
- premises are fit for purpose
  - all policies and mandatory training are up to date
  - CEYS have been informed of a date they wish to resume caring for children
  - A regulatory visit from CEYS has been carried out.
- 6.3.4 When retiring from childminding, contact CEYS informing of the intention to retire and to receive the current retiring criteria.



## Appendix A: Mandatory Policies

The list below details the policies required for all registered childminders however, childminders may have additional policies to support practice and procedures.

Accident and Injury (to include a Notifiable Accident policy)
Administration of Medication
Complaints
Data Protection (GDPR to include a confidentiality and privacy notice)
Emergency and Fire Evacuation
E-safety and Online
Health and Safety (to include Risk Assessments)
Illness and Infection Control
Inclusion (to include Equal Opportunities and SEND)
Intimate Care
Outings (including Missing Child)
Overnight Care (if applicable)
Partnership with Parents
Positive Behaviour Management (to include biting)
Safeguarding and Child Protection (to include late/failure to collect a child)
Smoking, Vaping, Alcohol and other Substances





## Appendix B – Training Matrix



The information in this chart provides details on the minimum qualifications and mandatory training required for childminders to be registered under the terms of the Day Care of Children (Jersey) Law 2002 and the Education (Jersey) Law 1999.

<b>Mandatory Training</b>	<b>Description</b>	<b>Completed by</b>	<b>Frequency</b>
CACHE Level 3 Award in Preparing to Work in Home-based Childcare	A self-guided study and research using paper-based documents.	Childminders	Once – prior to registration
Business Aspect of Childminding (by Jersey Association of Child Carers (JACC))	Covers responsibilities of a childminder; tax, social security, expenses, finance, accounting, partnership with parents and associated paperwork and documents.	Childminders	Once – prior to registration
Safeguarding and Child Protection	An insight on Safeguarding, how to recognise the different areas of abuse, manage a disclosure and what to do in case of suspicions.	Childminders & Assistants	To be updated annually
Paediatric First Aid	All aspects of paediatric First Aid training	Childminders & Assistants	To be updated every 3 years
Fire Safety training	Requirements for safety in the home	Childminders & Assistants	To be updated every 3 years
Food Hygiene Level 2	General food safety	Childminders & Assistants	To be updated every 3 years
Car Seat Safety	General car seat safety	Childminders & Assistants	Once – prior to registration/employment

