

Regulation of Child Care Providers Bill

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TO

Make provision about child care providers.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 **Introductory**

- (1) For the purposes of this Act “child care provider” means—
- (a) a child minder as defined by section 79A of the Children Act 1989;
 - (b) a daycare provider as defined by section 79A(6) of the Children Act 1989; 5
 - (c) a nanny.
- (2) For the purposes of this Act—
- (a) an au pair is a young single person from a Member State of the European Union (or from such other country as the Secretary of State may by order prescribe) studying English in the United Kingdom whose accommodation is provided in a family home and who provides help in the home for a maximum of five hours a day; and 10
 - (b) a nanny is a person employed to care for a child wholly or mainly in the home of the person employing her.

2 **Age of children to which regulations apply** 15

- (1) The Children Act 1989 is amended as follows.
- (2) In section 79A(2), for the word “eight” there is substituted “fifteen (or seventeen if the child is disabled”).
- (3) In section 79A(6), for the word “eight” there is substituted “fifteen (or seventeen if the child is disabled”). 20
- (4) In section 79B(3)(a), (b) and (c) for the word “eight” on each occasion that it appears there is substituted “fifteen (or seventeen if the child is disabled”).

- (5) In section 79B(4)(a), (b) and (c) for the word “eight” on each occasion that it appears there is substituted “fifteen (or seventeen if the child is disabled)”.
- (6) Section 79W is repealed.

3 Registration of nannies

- (1) The Children Act 1989 is amended as follows. 5
- (2) In section 79B(3)(a), after “or is likely to be child minding” there is inserted “or working as a nanny”.
- (3) In section 79D(a), after “act as a child minder” there is inserted “or nanny”.
- (4) In section 79D(b), after “act as a child minder” there is inserted “or nanny”.

4 Access to records 10

- (1) The registration authority in England or Wales shall keep a register of all complaints made against a child care provider which require remedial action to be taken by the registration authority.
- (2) Any such complaints shall remain on the register for five years.
- (3) The register of complaints shall be open to inspection by parents wishing to use any child care provider. 15

5 Punishment of children by child care providers

- (1) No child care provider may do, or threaten to do, any of the following to a child in his care:
 - (a) administer any form of corporal punishment; 20
 - (b) subject to any provision of any court order relating to contact between the child and any person, place any restriction on a child’s contact or communication with his parents;
 - (c) impose any punishment which relates to the consumption or deprivation of food or drink; 25
 - (d) require a child to wear distinctive or inappropriate clothes;
 - (e) administer or withhold medication or medical or dental treatment as a disciplinary measure;
 - (f) intentionally deprive a child of sleep;
 - (g) undertake an intimate physical examination of a child; 30
 - (h) withhold any aids or equipment needed by a disabled child.
- (2) A child care provider who contravenes any of the provisions of subsection (1) is guilty of an offence and is liable—
 - (a) on conviction on indictment, to imprisonment to a term not exceeding five years or to a fine, or to both; 35
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both.

6 Expenses

There shall be paid out of money provided by Parliament –

- (a) any expenditure incurred by the Secretary of State by virtue of this Act; and 40

- (b) *any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.*

7 Short title, commencement and extent

- (1) This Act may be cited as the Regulation of Child Care Providers Act 2002.
- (2) This Act shall come into force six months after it has received Royal Assent. 5
- (3) This Act extends to England and Wales only.

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To make provision about child care providers.

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