

Guidance for childminders on applying to increase capacity in childminding settings

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Introduction

This guidance document has been designed to support childminders who are applying to increase their capacity through submitting a variation to the Care Inspectorate. It is expected that childminders manage their setting within the number of children as detailed as a condition of registration. However, we are aware that there can be some special circumstances when it may be appropriate to consider and agree an increase to the number of children a childminder can care for, even for a temporary period. This would be when there is clear evidence that it is the best interests of a child and that the outcomes for all children cared for are of a high quality. The focus will always be on high quality outcomes for individual children.

This guidance will help support:

- you to carefully consider if there are special circumstances before applying for a variation
- you to consider if there is an increase in registered numbers evidence of how the individual needs of all children can be met to support the best outcomes for children
- us when assessing variation applications
- a more consistent approach to childminding settings.

Background

When working on their own the maximum number of children a childminder can be registered to provide care for is six under 12 years old with no more than three not attending primary school and no more than one being under 1 year old.

Childminders who have their own children between the age of 12 years to under 16 years, or who want to care for this age group, may be able to be registered to provide care for an additional two children between the age of 12 to under 16 years. We may vary the adult to child ratios to take account of special circumstances, such as two siblings under 1 year old e.g. twins; children with additional support needs; the layout and size of the premises; or any special circumstances; to support the best outcomes for children. See [Guidance on adult to child ratios in early learning and childcare settings \(2018\)](#) for more detail on this.

The number of children cared for at any one time includes the childminder's own child/ren whether they are present in the setting or not. The children of childminders may not be present in the home. For example, they may attend an early learning and childcare setting, school, attend other services or spend time outwith their home. However, as the childminder has a legal responsibility for their own child/ren and the child can return home at any time, the children of childminders are always included in the ratios. Where a childminder cares or a family member for example a grandchild or other relative, these children are also included in the ratios. See [Registering and running a childminding service \(2012\) for more detail on this.](#)

Quality Outcomes for Children

Evidence supports that the early years in a child's life are crucial. An important factor on the quality of a child's early learning and childcare experience is high-quality staff. The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011/210 State that *A provider must ensure that at all times suitably qualified and competent persons are working in the care service in such numbers as are appropriate for the health, welfare and safety of service users.* When considering the number of children childminders can care for, the quality of experiences and opportunities for children is and must remain of paramount importance. Children should experience high quality care.

[The Health and Social Care Standards \(2017\)](#) set out what is expected when using early learning and childcare settings, e.g.:

- My needs are met by the right number of people (3.15)
- People have time to support and care for me and to speak with me (3.16)
- If I experience care and support in a group, the overall size and composition of that group is right for me (1.8)
- I experience a service that is the right size for me (5.5).

Resources to support childminders to provide a high-quality service to children can be found on the Care Inspectorate HUB.

Before applying for a variation to conditions, for more than three children not attending school, you should consider:

- What are the special or exceptional circumstances of the family or child?
- When the increase relates to a sibling of an existing child, what are the unexpected circumstances that could not have been planned for?
- How will caring for the child support the family and the child?
- How have you consulted all parents about the proposed new arrangement and what is their view?
- How often will all children be cared for together?
- How will the individual needs of all children be met, with particular attention to any additional support needs children may have?
- How will you ensure there is enough space in the premises for the increased number of children to ensure activities and opportunities are not restricted?
- How would an additional child affect the opportunities and experiences for all children cared for?
- How have you considered the pace of the day for individual children's pattern of attendance?
- How will you continue to provide activities out with the home with the increased number of children?
- If the proposal is over the lunch time period, how will all children enjoy a positive lunch experience?
- How will you transport all children safely back and forward to school (where you have older children), or early learning and childcare settings? If using a car how long will the children be in the car in one day?
- How long are you considering the increased number of children will be for and what arrangements are in place when this timescale ends?
- Do you need to consult the local authority planning department (planning department usually require childminders to contact them if they are requesting to have an assistant or to care for more than 6 children)?

If you are planning to apply for a variation to conditions, for more than three children not attending school, in the first instance you can discuss this proposal with your case holding inspector; this is the inspector who would usually carry out the inspection. If you are unaware of who this is, the Care Inspectorate Contact Centre will be able to provide this information (contact 0345 600 9527).

Applying for a variation

To change the conditions of registration, a variation application must be completed and submitted by you as the childminder. The application requests the date you would like the variation to take effect. This should not be less than three months of the date of application, as set out in the SSI 2011. See [The Social Care and Social Work Improvement Scotland \(Requirements for Care Services\) Regulations 2011/210 for more details on this.](#)

However, we understand, in some exceptional circumstances this timescale may not always be possible and depending on the circumstances may be able to assess the application sooner.

You should not arrange or agree placements with parents prior to the variation of condition being agreed. Each application is fully assessed by us and a recommendation made to grant or refuse the application. An application will not be automatically granted even if a similar application has been granted previously as every application is considered individually.

You must include all the required details including:

- reasons for the application, what are the special/exceptional circumstances,
- the initials, dates of birth, start dates and patterns of attendance of every child cared for, including your own children; and whether or not they attend an early learning and child care setting, school or after school activities,
- the initials, date of birth and the proposed start date and proposed pattern of attendance of the additional child. You should make it clear that these details relate to the additional child,
- how all parents have been consulted and their views on the proposal,
- what additional resources will be provided i.e. car seats, highchairs, double buggy,
- the opportunities and activities all children when cared for together can experience,
- arrangements for lunch and snack where applicable,
- arrangements for children to sleep/rest,
- arrangements for escorting all children to their early learning and childcare setting and/or school,
- where contact with the planning department is required, details of the outcome,
- evidence to support why the outcomes for all children will be of a high quality.

This is not an exhaustive list. You should provide as much detail as possible in support of the application and provide details on how you will provide high quality outcomes for individual children.

What do we consider when assessing an application?

The process will not start until the application has been fully completed detailing the key information.

It is expected that you manage your setting within the conditions of registration. A request for an increase in numbers would take account of the special circumstances and how this will support existing families and children.

An application will be considered for an individual child and is only relevant to that child. Where a variation is granted, and another child leaves the setting within the timescales granted, you cannot take another child. This will be written into the condition.

Each application is assessed individually, and a full assessment is carried out. As part of the assessment process, an inspector may arrange to visit you to observe practice, look at records, assess the suitability of the environment for an additional child and to discuss the proposals with you. This would be a decision taken on an individual basis.

The focus will be on the quality of outcomes for individual children and you will be expected to demonstrate high quality experiences for all children, for example:

- you must be able to demonstrate how the individual needs of all children will be met.
- consideration should be given to how the routines of all children will be met, including involvement in community activities.
- where the proposal to increase is over a lunch period or involves transporting children to school or early learning and child settings, attention will be given to the quality of experiences for all children at these times.
- it is expected that children can form strong attachments with not only with yourself as the childminder but with each other and that the time you can spend with individual children is not affected by any increase.

Continuity of care will be considered particularly where there has been a change in family circumstances.

Account will be taken of the times all children will be cared for together and the timescale of the request. This is to reduce any negative impact on the outcomes for children when all cared for together. We will consider the start dates of existing children and the frequency of requests to increase the number of children to assess how well the setting is being managed.

Where you are required to consult the planning department you should provide confirmation that this has been done. Where planning permission is required you should provide confirmation that this has been granted.

We will consider other regulatory activity related to the service:

- Any ongoing or upheld complaints
- The risk rating for the setting (this is accessible through eforms)
- The inspection grades
- Enforcement action
- Notification history.

We will also consider the Regulators Code not only for the applicant but additionally in respect of other childminders with regards to our duty of promoting sustainable economic growth. The quality of care and support will remain the focus of the decision.

You will be expected to comply with the conditions of registration and will be aware of the timescale for these. Once the timescale has lapsed you should apply for a variation to remove the time limited condition.

Where a decision is made to refuse the application, we will send a letter to you outlining the reasons for this. The letter will outline the process should you wish to request a review of the decision.

Further information

- [Food Matters \(2018\)](#)
- [Getting it right for every child \(2006\)](#)
- [Guidance on adult to child ratios in early learning and childcare settings \(2018\)](#)
- [The Health and Social Care Standards \(2017\)](#)
- [Pre Birth to Three \(2010\)](#)
- [The Public Services Reform \(Scotland\) Act 2010](#)
- [Registering and running a childminding service \(2012\)](#)
- [Regulators Code](#)
- [The Social Care and Social Work Improvement Scotland \(Requirements for Care Services\) Regulations 2011/210](#)

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