**Intergenerational care: scenarios and responses by Ofsted**

1. An existing care home site has part of its building that it wants to lease to a nursery. An existing registered childcare provider wants to convert the space for an additional nursery, same name just another site. Does the childcare provider need to register the second nursery on the care home site as a new nursery?

**Response**: This would be covered by the provisions in the Childcare Act 2006 that relate to multiple providers. Each registered provider only holds one registration for all its premises. However, a registered provider cannot set up a new nursery without seeking Ofsted’s approval. If an existing provider wants to open a new nursery, they will need to seek Ofsted’s approval before they can offer care at the new site.

1. Same scenario but a new childcare provider wants to lease the space. Does the new childcare provider need to register on the care home site as a new nursery?

**Response**: If a new childcare provider is taking over the space from an existing childcare provider, the new childcare provider will need to hold a registration for this setting. If the new childcare provider already holds a registration with Ofsted, then it will need to apply for approval to run this as an additional setting.

If the existing childcare provider and the new childcare provider both want to lease the space, for example on different days, then they would both need to hold a separate registration/approval with Ofsted.

1. A care home provider wants to develop a new site and include a new build nursery on the same site. Two different providers working in partnership.

Will this be a joint CQC and Ofsted registration and subsequent joint inspections?

**Response**: There is no facility in the legislation for ‘joint registrations’ so in this scenario, the provider would need to apply separately to CQC and Ofsted to register its provision. Similarly, each provision, once registered, would be subject to separate inspections by Ofsted and CQC and a separate inspection report. Each agency would be responsible for gathering its own evidence and reaching its own judgements on the quality of provision. We may be able to consider carrying out those two separate inspections at the same time, but this would depend on whether the timing of those inspections lined up.

1. Should staff (both social care and childcare) who are delivering intergenerational activities be DBS checked on both barring lists?

**Response**: For nursery provision, the registered provider (rather than Ofsted) must carry out DBS checks on those who work in the setting. The ‘Statutory framework for the early years foundation stage’ makes it clear in paragraph 3.10 that providers are responsible for carrying out DBS checks on their staff. It does not specify whether providers need to ask for this check to cover both barred lists. Providers therefore need to use their own judgement on this and seek advice from the DBS, particularly if staff may have unsupervised access to either children or adults.

1. When childminders or nursery/pre-school children visit (on a regular or ad hoc basis) a care home and use a designated space, will the size of the space limit the number of children attending, given that the ‘Statutory framework for the early years foundation stage’ sets out space requirements?

**Response**: If the childminder or nursery is using a designated space solely for childcare, then this will need to be registered or approved by Ofsted and will have to satisfy all the requirements of the ‘Statutory framework for the early years foundation stage’, including those that relate to space. However, if the children are just visiting the care home on an ad-hoc basis, for example as an outing, then the EYFS space requirements would not apply. The provider would have to assess the risks and hazards during the outing and ensure that they identified the steps needed to remove, minimise or manage those risks and hazards.

1. If a childminder had informed Ofsted of their ‘new space’ as part of their 50% rule and let them know where they were working from, is the care home required to contact Ofsted to do this also?

**Response**: The childminder would be responsible for seeking Ofsted’s approval to use space in a care home for up to 50% of their time under their childminding registration, before they begin operating. The care home would not need to notify Ofsted separately. The childminder is required to seek Ofsted’s approval to do this, not just ‘notify’ Ofsted that it was doing so.

1. If a childminder operated from a care home for up to 50% of their time, would it be classed as ‘domestic premises’, given that residents live there? Would all the care home residents need to have a DBS check?

**Response**: If a childminder is operating for 50% of their time then this would be classed as non-domestic premises. The residents living in the home would not count as ‘household members’ and would not need to have a DBS check. The childminder would need to make sure that the minded children were not left unsupervised and were always within sight or hearing of him/her.

Ofsted early years policy team

20 April 2018