

## Childcare Agency Guidance for Providers

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## **Providers of childcare agencies and providers of daycare of children services who employ agency staff**

**This statement clarifies the definition of childcare agencies and supports providers in meeting their legal responsibilities of childcare agencies and day care of children services, when employing childcare agency staff.**

### **Definition of a childcare agency with reference to the Public Services Reform (Scotland) Act 2010 (the “Act”)**

Paragraph 5 of Schedule 12 of the Act defines a childcare agency as:

"(1) ... a service which consists of or includes supplying, or introducing to persons who use the service, child carers; but the expression does not include a nursery and a service may be excepted from this definition by regulations.

(2) ‘Child carer’ means a person who -

(a) whether or not for reward; and

(b) whether on a day-to-day or on an occasional basis,

looks after a child wholly or mainly in the home of the child's parents."

A childcare agency is a service which supplies or introduces to parents, a child carer who looks after a child or young person up to the age of 16, wholly or mainly in the home of that child's parent or parents. They include services such as childcare agencies, nannies and home-based child care services, sitter services and respite services.

We do not regulate the element of a childcare agency that supplies or introduces childcare workers to a daycare of children service.

Please note, although we do not regulate this element of the service, the provider of a daycare of children service does have regulatory responsibilities in accordance with the Act and **The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (SSI 2011/2010 9-Fitness of employees).**

Providers of childcare agencies have a responsibility to keep the following records.

### **1. For a person employed by an agency to work with a family**

- List of qualifications
- Skills, experience and knowledge for the job they are employed to do
- Induction process
- Two written references (one of which should be from their most recent employer)
- Verification of the right to work in the United Kingdom
- Evidence being a member of the Protecting Vulnerable Group scheme (PVG)
- Check the status of the agency worker's registration with Scottish Social Services Council and that the worker is not barred from the register
- Report and keep a written record of any concerns regarding agency staff to the Care Inspectorate using its notification system.
- Accidents and incident records
- Child protection concerns
- Disciplinary
- Training
- Personal plans
- Supervision

Please note, best practice guidance suggests that if medication is administered either in emergency or on a planned basis, records should be retained. Please refer to the Care Inspectorate's medication guidance. Management of medication in daycare of children and childminding services.

(For a full list of records and notification reporting please refer to – Care Inspectorate - Records that all registered care services (except child minding) must keep and notification reporting V3). A copy of these documents can be found on our website and Hub

Where we identify poor outcomes for children and the provider of a childcare agency has not followed safer recruitment procedures, we will consider a requirement and/or a recommendation as part of the inspection process. The grades we award to the quality theme will reflect our findings.

## **2. For a person introduced by an agency to a family and then employed by a family**

- List of qualifications
- Skills, experience and knowledge for the job they are employed to do
- Induction process
- Two written references (one of which should be from their most recent employer)
- Verification of the right to work in the United Kingdom
- Evidence being a member of the Protecting Vulnerable Group scheme (PVG)

## **3. For daycare of children services that employ staff through an agency**

**The provider of the daycare of children service must obtain and keep written confirmation that the agency has carried out a safe recruitment process which should include:**

- checking qualifications
- ensuring they have the skills, experience and knowledge for the job they are employed to do
- have undertaken an induction process
- evidence that two written references have been obtained (one of which should be from their most recent employer)
- verification of the right to work in United Kingdom
- Evidence being a member of the Protecting Vulnerable Group scheme (PVG)
- Check the status of the agency worker's registration with Scottish Social Services Council and that the worker is not barred from the register
- Retain the start date of the agency worker within the daycare of children service. The childcare worker has six months to register with Scottish Social Services Council. After six months, the provider of the daycare of children service would not be recruiting staff in line with best practice and safe recruitment procedures.

Please note, best practice guidance suggests that if medication is administered either in emergency or on a planned basis, records should be retained. Please refer to the Care Inspectorate's medication guidance. Management of medication in daycare of children and childminding services.

The provider of the daycare of children service must report any concerns regarding agency staff to us using our notification system as they would with any employee. The provider must also notify Scottish Social Services Council where applicable as part of this process.

(For a full list of records and notification reporting please refer to – Care Inspectorate - Records that all registered care services (except child minding) must keep and notification reporting V3). A copy of these documents can be found on our website and Hub.

Agency staff that are present during an inspection will be included in the inspection process. We will also discuss with long term agency staff whether they are included in training, child protection, staff meetings and quality assurance processes.

As a provider of a daycare of children service you must follow safer recruitment procedures in accordance with **The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (SSI 2011/2010 9-Fitness of employees)**

Please also refer to best practice guidance Safer Recruitment Through Better Recruitment (publication date November 2016).

Where we have identified poor outcomes for children and the provider of a daycare of children service has not followed safer recruitment procedures, we will consider a requirement and/or a recommendation as part of the inspection process. The grades we award to the quality theme will reflect our findings.

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