

New childminder flexibilities: what's changing and why?

Earlier this year, the Department for Education (DfE) issued a [consultation](#) aimed at improving the recruitment and retention of childminders in England. While much of the consultation submissions are still to be analysed, the Department has confirmed plans to introduce some new flexibilities for childminders including a new category of childminder that can work 100% of their time from non-domestic premises:

Subject to parliamentary procedure the changes will become live around November 1st, 2024, and although that will seem very sudden for many of us, there has been a process of sense checking with childminders and representatives such as PACEY, however external communication has been restricted until now because of the general election.



We understand that there will be lots of questions and some anxieties about the new flexibilities and categories of childminder, and so we have been working closely with colleagues at the DfE and Ofsted to garner as much information as possible.

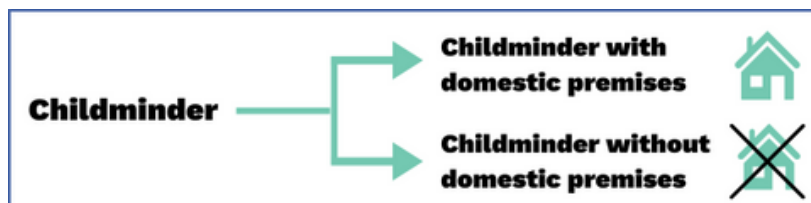
The following information is a result of those discussions and questions already raised by you.

What are the changes?

The new flexibilities will:

- Create a new category of childminder (childminder without domestic premises) who work entirely from non-domestic premises.
- Increase, from 3 to 4, the total number of people that can work together under a childminder's registration (including the childminder).
- Give childminders and providers of childcare on domestic premises (CODPs) more flexibility, allowing them to spend more time operating outside of domestic premises, such as a community hall or school.
- Increase the number of people needed for CODPs to operate from 4 or more, to 5 or more people providing care (CODPs that were registered, or applied to register, before 1 November can continue operating with 4 or more people).

So, from 1 November 2024 there will be two categories of childminder: childminder with domestic premises, and childminder without domestic premises.



Childminders who are already registered do not need to take any action in relation to these changes and will be able to benefit from the new flexibilities.

The consultation in March 2024, along with evidence that we have presented to the DfE, highlighted that one of the barriers to people becoming childminders was the limitations on use of their home. The new category of childminder is intended to offer a solution to that. Childminders can already operate outside their home for 50 per cent of their time, and this new flexibility will allow them to do the same but for more of the time.

Existing and new childminders who work in a home for some of or all the time would be re-titled as childminders with domestic premises. They will be able to choose how much time they operate from their home or from non-domestic premises, as long as they spend at least some of their time operating from their domestic premises.

This means that most childminders will remain as childminders with domestic premises, and you can choose how to apply the new flexibility. As an example, you might choose to work Monday-Wednesday from a community hall and the rest of the time from your own home.

Who might benefit from the new category?

- **People with issues and restrictions with covenants and new builds**
- **People unable to own their own home or without suitable space for childminding**
- **People having issues with rental agreements/landlord disputes**
- **People affected by rising energy bills and costs associated with the home**

We regularly talk to DfE officials about how hard it is to set up and keep going as a childminder. These flexibilities are aimed at giving you more options with your practice.

For example, the change allowing childminders to work with an extra employee (from 3, to 4 people including the childminder) will be positive for those wanting to increase the number of children in their setting.

Supporting lone childminders to employ an assistant, if you wish to, would help increase capacity and meet demand in areas where there are currently not enough places for children.

“ These flexibilities will be positive for my setting. Being able to employ an additional assistant will allow me to expand my business, and give me more time to do other duties. In my area, demand for places is high so I'll be able to offer more families a place.

— PACEY childminder member

”

Limitations

It is important to note that people registering as childminder without domestic premises are NOT allowed to operate from their home at all – this includes pickups, drop-offs, holiday etc. The new category of childminder without domestic premises will therefore only benefit those who cannot work from their homes, for the reasons outlined above.

Questions and concerns PACEY has raised with the DfE

We asked what the distinction is between the new category of childminder without domestic premises, and childcare on non-domestic premises (i.e. a nursery). We want to avoid confusion and inconsistency across standards.

They operate under different EYFS frameworks, with childminders following the childminder EYFS with different qualification requirements and a limit to the number of staff you work with. Providers should carefully consider which category works best in terms of choosing how to register.

We appreciate concerns among childminders that the new flexibility could dilute the unique nature and appeal of home-based childminders. PACEY, along with the DfE and Ofsted will continue to champion home-based childminding in the same way we do now. The new changes are designed to give you more flexibility in your business and support those who are unable to work in their own homes.

“ I am concerned that these flexibilities will blur the line between childminders and group settings. To me, a childminding setting is from home and I don't want that USP to be lost.

— PACEY childminder member

”

EYFS and registration

Ofsted will publish guidance on the changes at the beginning of November.

At the point of registration, Ofsted will assess whether the non-domestic premises is suitable and meets the requirements in same way that is applied to childminders operating up to 50% time in a non-domestic premises now.

- **New category of childminders without domestic premises:**

You would register a primary premises with Ofsted, the place where you mainly work from. You can register other premises too, it is down to Ofsted to decide whether to inspect these. Your inspections are still linked to you as the childminder, rather than the premises. Remember that this category is not permitted to operate from a domestic premises for any amount of time.

- **For childminders with domestic premises:**

Your registration is linked to your home address. You can operate from other premises, as long as you spend some time in your domestic premises.

Both categories of childminder will follow the EYFS for childminders. Those working in other premises, whatever proportion of time this is for, will follow the same rules that currently apply and Ofsted will assess the suitability of the premises.

Will the ratio requirements stay the same?

Yes, there will be no change to current ratio requirements.

We raised a range of issues with the DfE around practicalities: business rates, HMRC and allowable expenses like council tax and heating bills.

For the most part, a childminder won't own/manage the building and therefore won't have to pay additional costs like business rates, commercial waste etc. In some cases, you may have certain costs to cover but it's best to speak to your local authority ahead of time about this. For example, if acquiring an empty retail space, you'd have to go through planning permissions for change of use. With this would come additional costs to work through with the local authority.

In terms of HMRC and your allowable expenses (e.g. heating bills) a childminder who spends some time outside of the home would be expected to scale this down accordingly.

The premises

Local authorities are expected to support childminders to find non-domestic premises and can help/advise with setting up provision in these. We know that resources and communication can vary between different local authorities, so we encourage childminders to reach out to LAs and/or schools and other settings to explore opportunities.

Other government policy

PACEY asked the DfE how this category fits into the wraparound childcare programme and breakfast clubs and school-based nurseries. Technically, a childminder could work from these empty spaces under the new flexibilities and officials will emphasise that in guidance.

Insurance

PACEY has been working with the insurance team to ask about implications for insurance cover. It's vital that you're being protected at the right level in order to protect your business. So if you're applying any of the flexibilities, such as spending more time working away from your home or employing additional assistants, please contact the insurance team directly on **0330 058 9860** to find out if there's any update needed to your cover. Going forward, we are working with Morton Michel to bring you a bespoke solution combined with the usual PACEY membership that you know and love.

Next steps

We are keen to hear from PACEY members about how these changes will affect you. Please take the time to digest this information and think about whether you will be applying any of the flexibility to your setting. Please email us at policy@pacey.org.uk with your views and queries. If it would be helpful for members, PACEY can facilitate a follow-up webinar to answer any questions or queries you have.

What else is PACEY calling for?

This change alone will not reverse the decline in childminder numbers. We want to see a bolder strategy that supports all registered childminders.

As set out in our [manifesto](#), in England, PACEY is calling for:

- Removal of the rule that prevents non-parental relatives providing funded spaces
- A universal, national funded programme of childminder pre-registration support
- Accessible post registration support to enable professional growth of childminders and mechanisms to reduce isolation and provide emotional support
- Funding systems and payments that are fair and sustainable
- An obligation on all local authorities to audit existing wraparound provision in their area and avoid undermining childminder provision.
- Improvements to the Universal Credit system to allow for the unique working context of childminders.
- A joined-up, national approach to define and clarify local planning, commercial waste and environmental health requirements for childminders to reduce the burden felt by childminders
- A long-term strategy for early education and childcare that understands the unique value of childminders and puts them at the centre of addressing the unequal access that is currently leaving disadvantaged children, including those with SEND, missing out.

WE ARE THE VOICE FOR CHILDMINDERS

pacey

