

**2011 No. 584**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Childcare (Exemptions from Registration) (Amendment)  
Order 2011**

<i>Made</i>	- - - -	<i>3rd March 2011</i>
<i>Laid before Parliament</i>		<i>10th March 2011</i>
<i>Coming into force</i>	- -	<i>1st April 2011</i>

The Secretary of State for Education makes the following Order in exercise of the powers conferred by sections 33(2) and (3), 52(2) and (3) and 104(2)(a) of the Childcare Act 2006(a):

**Citation and commencement**

1. This Order may be cited as the Childcare (Exemptions from Registration) (Amendment) Order 2011 and comes into force on 1st April 2011.

**Amendments to the Childcare (Exemptions from Registration) Order 2008**

2.—(1) Article 3 of the Childcare (Exemptions from Registration) Order 2008(b) is amended as follows.

(2) In paragraph (1)—

- (a) at the end of sub-paragraph (b), omit “or”;
- (b) at the end of sub-paragraph (d), insert “; or”; and
- (c) after sub-paragraph (d), insert—

“(e) for a child who is placed with a local authority foster parent (“the child’s foster parent”), where the person making the provision is a relevant foster parent who is not the child’s foster parent.”.

(3) After paragraph (1), insert—

“(2) In paragraph (1)(e)—

“local authority foster parent” has the same meaning as in section 22C(12) of the Children Act 1989(c); and

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(a) 2006 c. 21.

(b) S.I. 2008/979, amended by S.I. 2010/744.

(c) 1989 c.41. Section 22C is substituted, together with sections 22A, 22B, 22D-22F, for section 23, by section 8(1) of the Children and Young Persons Act 2008 (c. 23). Section 22C is in force from the 1 April 2011.

“relevant foster parent” means a person who is approved as a foster parent under the Fostering Services (England) Regulations 2011(a).”.

3rd March 2011

*Tim Loughton*  
Parliamentary Under Secretary of State  
Department for Education

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Childcare (Exemptions from Registration) Order 2008 (S.I. 2008/979) (the “2008 Order”).

Article 2 of the Order amends article 3 of the 2008 Order to provide that a foster parent who provides childcare for a child who has been placed for fostering with a different local authority foster parent will be exempt from registration as a childminder under the Childcare Act 2006. Only foster parents approved under the Fostering Services Regulations 2011 (S.I. 2011/581) will be exempt from registration; those temporarily approved under the Care Planning, Placement and Case Review (England) Regulations 2010 (S.I. 2010/959) will not be exempt from registration.

An impact assessment has not been produced for this instrument as no additional impact on business, charities, voluntary bodies or the public sector is foreseen. It is considered that there will be an overall reduction in burdens on individual foster parents.

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(a) S.I. 2011/581. See regulation 27 for the approval of foster parents under those Regulations and note the provisions of regulation 28 in relation to revocation of approval.

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