

## Childminders Working with Assistants

Taking on an assistant; changes and information which may affect and impact upon your planning permission and Ofsted.

If you are currently or are considering employing/or working with someone then this changes the use of your home and a [Lawful Development Certificate](#) may be required. You must apply to your local district planning department for this. Unfortunately, there will be a cost to this (each district is different) we advise that you contact your local department to inform them of your intentions/current situation and they will inform you of what the next steps are.

### Assistants and the legal requirements

Childminders can use assistants to support them in their work. When working with an assistant, extra children can be contracted as long as appropriate [floor space requirements are met](#). Once you are happy that your assistant has the necessary skills and knowledge to work with you and to comply with current requirements, before they are allowed sole care of children, assistants must have:

- Complete a [Childminders-report new adults in the home check](#), previously known as the EY2
- Returned DBS disclosure - you should advise your assistant that if they have any prior convictions these will show up on the DBS check. If they have any health problems Ofsted might delay registration while they investigate further, so your assistant must be honest and up front about anything that might prevent them from registering.
- First aid – paediatric 12 hour childminder-appropriate course ([Annex A of the EYFS requirements](#))
- Letter of 'suitability' from Ofsted
- Permission form signed by all affected parents - parents must give written permission to say they are happy with the assistant working with and being left alone for short periods of time with their child. You might find it useful to invite parents for a meeting with your assistant, to explain their role and responsibilities and to chat about any concerns they might have first.
- Insurance
- Vehicle class 2 insurance if they intend driving childminded children.
- You will also need to talk about payment, contracts and terms and conditions of employment including procedures for dismissal.

### More rules

- Sole care is limited to 2 hours in any day and must be recorded on a register.
- If assistants are key person for any children, parents must be given this information and informed about the key person role.
- To work alone with children on the Childcare Register assistants must be 18 or over
- To work alone with children on the EYFS (Early Years Register) assistants must be 17 or over.
- You cannot work with more than 2 other people at any time or you are no longer a childminder and must register as [Childcare on Domestic Premises](#).

**Note** - if you want to use an assistant to take you over 6 children under 8 you may need planning permission as mentioned above.

## **Training your assistant**

Childminders are accountable for the quality of the work of any assistants and must be satisfied that assistants are competent to meet their roles and responsibilities. ([EYFS requirement 3.30 -3.33](#))

Ofsted expect you to make sure your assistant is fully briefed before they work with children. This means you should organise some induction training to cover, as a minimum, Health, and Safety, safeguarding; your daily procedures and routines; their role and responsibilities; your expectations about conduct, appropriate clothing; mobile phone, camera and social networking use; whistle blowing procedures; reading and understanding your policies and procedures etc.

[Essential Safeguarding](#) is strongly advised.

Assistants also require food hygiene training if they will be preparing or handling food – required for staff ([EYFS requirement 3.37](#))

Ongoing training is expected - you are responsible for the day-to-day supervision of your assistant and ensuring they work effectively with the children. ([EYFS requirement 3.33](#))

As the childminder you are responsible for training them and ensuring they have the skills and knowledge needed to work with children.

## **Paying your assistant**

Assistants can be employed or self-employed – it is up to you what arrangement you make with them. If an assistant is employed:

- You must register as an employer with HMRC and complete all the required documentation
- They must be [paid at least minimum wage](#)
- You are responsible for paying tax, national insurance, sick pay, holiday pay etc
- Your assistant must be offered statutory rest periods through the day.

### **If an assistant is self-employed:**

- They must be free to work elsewhere, for example as a relief worker for another childminder or as a babysitter
- They must have an 'agreement of work' rather than a contract of employment
- They are responsible for their own tax and national insurance
- An alternative way of working with an assistant is to offer an [apprenticeship \(Funding is available.\)](#) An apprentice must have a valid DBS check.

If you would like to have a chat about any of this further, please don't hesitate to get in touch and we can arrange a suitable time and date. T:0116 305 7136, E: [Childcare@leics.gov.uk](mailto:Childcare@leics.gov.uk).