

**CLAS CIRCULAR**  
**2000/01 (14 January 2009)**

## **FAITH AND SOCIETY**

### **Cremation Regulations**

The [Cremation \(England and Wales\) Regulations 2008](#), which provide a right for families to inspect medical forms of a deceased relative completed by doctors before cremation, came into effect on 1 January 2009. The Regulations follow the recommendations of Dame Janet Smith's inquiry into the Harold Shipman murders and will enable relatives to draw the medical referee's attention to any concerns about unexpected symptoms or discrepancies in the case.

The new Regulations are an interim measure, to be replaced in due course by a new system of death certification under the forthcoming Coroners and Justice Bill. The Ministry of Justice has a convenient page on its website, [Cremation \(England and Wales\) Regulations 2008, forms and guidance for practitioners](#), from which all the relevant documentation can be accessed. There will be a one-month transitional period during which both old and new statutory forms may be used. The Ministry has also published a [briefing note](#) on the forthcoming Bill.

[Source: *Ministry of Justice News Release* – 17 December 2008]

### **Childcare, out-of-school clubs and registration**

'Childcare' is defined in law as any form of care for a child including education or any other supervised activity. Under the provisions of the Childcare Act 2006, most childcare providers caring for children aged under eight must register with Ofsted unless the law says that they are not required to do so.

There are a series of exemptions which may cover the activities of church-run holiday and after-school clubs for children (from which, for convenience and clarity, the exemptions relating to relatives, foster-carers, au pairs, babysitters and suchlike are omitted). *The following do not have to register with Ofsted:*

1. Those who care for children who are aged eight years and over.
2. Those who provide care where any individual child does not stay with the provider for more than two hours each day even if the childcare service is open for longer than two hours.
9. Those who provide no more than two types of activities from the following list:
  - school study support or homework support
  - sport
  - performing arts
  - arts and crafts
  - religious, cultural or language study.

This exemption only applies if the provider cares for children who are aged three and over and children aged under five do not attend for more than four hours in any one

day. Any care provided is incidental to the activity (it is not the main focus of the provision).

**12.** Those who care for children aged under eight for four hours or less each day, where the care is for the convenience of parents who intend to remain on the premises where the provision is or within its immediate locality. This type of provision has no long-term commitment to provide care for children: for example, a shoppers' crèche, a crèche attached to a sports centre or adult learning centre (*or, presumably, a crèche provided during a church service*).

**13.** Open access schemes for children. An open access scheme allows children not in the early-years age-group to leave the provision unaccompanied. (The early-years age-group is from birth to 31 August following a child's fifth birthday). Child-minders who care for children in the later-years age group are not allowed to provide an open access provision.

**14.** Those who care for children aged under eight from particular premises for 14 days or less in any year *and who 'notify Ofsted in writing at least 14 days before starting the provision'*.

The crucial exemption for Holiday Clubs – and the one over which there is evidently a degree of confusion – is **No. 14**. In order to be exempt, you must

- **both** "care for children aged under eight from particular premises for 14 days or less in any year"
- **and** "notify [Ofsted] in writing at least 14 days before starting the provision":

– the point being that it is **only** by notifying Ofsted that you trigger the exemption. **If you fail to notify Ofsted, you lose the exemption.**

**Link to documentation and exemption registration form:**

<http://www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Other/General/Exemption-notification-form>

[Source: *Ofsted website*]

### **Metal theft**

Home Office Minister Alan Campbell has announced the establishment of a National Metal Theft Crime Unit, which is being piloted for six weeks to clamp down on scrap dealers who are handling stolen metal. The Unit, which will be run by the Association of Chief Police Officers and the British Transport Police and jointly funded by the Home Office and the Energy Networks Association, will share best practice ideas with police forces throughout England and Wales to highlight the tools and powers available to tackle the problem.

[Source: *Home Office News* – 9 January 2009]