

Ofsted's regulation and inspection of providers on the Early Years Register from September 2012: common questions and answers

Registration

Conditions of registration

Q. How will I know how many children in what age groups I can look after?

A. The *Statutory Framework for the Early Years Foundation Stage* (EYFS),¹ paragraphs 3.27 to 3.41, sets out the staffing arrangements for group care and childminders. It is the responsibility of providers to meet these requirements. There are some other factors that also affect how many children you can look after, such as the amount of space you have available. We have produced a factsheet to help you understand what you need to take into account. This is available at: www.ofsted.gov.uk/resources/factsheet-childcare-numbers-and-ages-of-children-childminders-may-care-for.

Your local authority or any professional association you may be a member of should also be able to advise you.

Q. Are there any exceptions for siblings, children in full-time education or looking after four children aged under five?

A. The arrangements for these are set out in the *Statutory Framework for the Early Years Foundation Stage* and in our factsheet *The numbers and ages of children that providers may care for*. This is available at: www.ofsted.gov.uk/resources/factsheet-childcare-numbers-and-ages-of-children-childminders-may-care-for.

¹ All references to the Early Years Foundation Stage in this document refer to the *Statutory Framework for the Early Years Foundation Stage*. This is available at: www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs

Q. Will I need to tell Ofsted if I intend to look after more children?

A. No, you do not need to tell us if you wish to look after more children but you will still need to notify us of certain things that might affect the numbers you can care for. For example, you must still tell us if you make significant changes to your childcare premises, such as building an additional room, or if you want to provide overnight care. The *Statutory Framework for the Early Years Foundation Stage* sets out the things you need to tell us about in paragraphs 3.76 to 3.77.

Q. What if Ofsted keeps a condition on my registration and I want to remove or vary it?

A. If a condition remains on a certificate of registration, a provider must apply to have it removed or varied. The provider must request this in writing and we must agree to the change and issue a new certificate of registration before providers can implement the change. If we decide not to remove or vary the condition, the provider has a right to object to us and a further right of appeal to a tribunal.

Childminder training

Q. What if my local authority doesn't provide training?

A. All local authorities are required by law to provide information, advice and access to training for childcare providers and for people who intend to become childcare providers. A local authority does not have to provide the training itself, but it must arrange for training to be provided, and approve the training for childminder applicants and for first aid.

Q. I can't get on a training course just now – what should I do?

A. If you cannot get on a course, you must wait until you can do so before you apply to become a childminder. You must have either completed a course or have arranged the dates for your intended course before we will accept your application to register. This is because we are not able to register you before you have completed training and we will not carry out the registration interview with you until training is complete. Training will give you the best opportunity to show that you are suitable for registration.

Q. What does Ofsted regard as suitable training?

A. Suitable training for childminder applicants is usually that endorsed by the applicant's own local authority and we would advise all applicants to contact their local authority to find out about training. In some cases, applicants may complete training in another local authority and, providing the training is approved by that authority, this is also acceptable. This is because the *Statutory Framework for the Early Years Foundation Stage* only specifies that applicants complete a local authority approved course.

Q. What will happen if a childminder moves to another local authority that doesn't approve his/her training?

A. We will check at the registration visit that a childminder applicant has completed a local authority approved training course. The *Statutory Framework for the Early Years Foundation Stage* does not require the course to be approved by the local authority in which the childminder applicant resides. However, the local authority may have its own rules about funding which is linked to training they themselves approve. This is a matter between the childminder and their local authority.

Suitability of managers/nominated persons

Q. Will I have to pay for the Criminal Records Bureau check on my manager?

A. Providers are responsible for securing a Criminal Records Bureau (CRB) check on all their staff, including their manager and any other people who live or work on the premises where childcare is provided, other than childminders and childcare providers on domestic premises. CRB checks are subsidised by the Department for Education, where a provider wishes to check people in the categories above and the provider is on the Early Years Register or the compulsory part of the Childcare Register. Providers wishing to obtain subsidised checks will need to contact one of the three umbrella bodies with whom the Department for Education contracts in order to process the check. There is information about these bodies in Annex B of the *Guide to registration on the Early Years Register: childcare on domestic and non-domestic premises*² and the *Guide to registration on the Childcare Register*.³

Q. What checks will Ofsted expect me to do on my manager?

A. Providers are required to do a check with the CRB and any other checks they think are necessary to make a robust decision about the manager's suitability to be in regular contact with children. It is for providers to decide what checks they need to undertake and to demonstrate to the inspector that they have checked their manager thoroughly. There is more information about our expectations in the *Guide to registration on the Early Years Register: childcare on domestic and non-domestic premises*.⁴

² *Guide to registration on the Early Years Register: childcare on domestic and non-domestic premises* (reference no: 120083), Ofsted, 2012; www.ofsted.gov.uk/resources/guide-registration-early-years-register-childcare-provider-domestic-or-non-domestic-premises.

³ *Guide to registration on the Childcare Register* (reference no: 120084), Ofsted, 2012; www.ofsted.gov.uk/resources/guide-registration-childcare-register.

⁴ *Guide to registration on the Early Years Register: childcare on domestic and non-domestic premises* (reference no: 120083), Ofsted, 2012; www.ofsted.gov.uk/resources/guide-registration-early-years-register-childcare-provider-domestic-or-non-domestic-premises.

Q. Do I need to notify Ofsted when my manager/the nominated person changes?

A. Yes. The law requires providers to tell us when a new manager or nominated person at a setting is appointed. You may tell us in whatever way you choose but this must be within 14 days of the event. We have a form (EY3) that you may use that you can access this from our website.⁵ You do not need to give us the name and address of your new manager but if you would like them to be able to communicate with us directly in the future, for example to complete the setting's self-evaluation form, then you will need to give us their contact details.

Q. What checks will Ofsted carry out on nominated persons?

A. As part of the registration process for nominated persons that make up part of the applicant, we will carry out a check with the CRB, a health check with their GP if they are working directly with children, a check with the local authority children's services department, a check against our own records and any other check that we feel is necessary to make a robust decision about that person's suitability. We do the same checks on any new nominated person who you subsequently appoint to act on your behalf.

Other registration issues

Q. Will the registration requirements for school-run provision be the same in future?

A. Yes, the same registration requirements will apply. There are particular arrangements for schools converting to academies. Our factsheet *Registering school-based provision* has further details.⁶ The *Statutory Framework for the Early Years Foundation Stage* is mandatory for all schools caring for children in the early years age group as well as all other providers registered on the Early Years Register. There are some exceptions to the individual requirements that apply only to schools; for example the requirement for separate policies and procedures to cover the Early Years Foundation Stage does not apply to schools where this requirement is already met through an existing school policy. The Department for Education has recently consulted on exemptions from the learning and development requirements for some independent schools and the outcomes of this consultation will be available later in the autumn.

⁵ *Childcare registration form – notification to Ofsted (EY3)* (reference no: 120027), Ofsted, 2012; www.ofsted.gov.uk/resources/childcare-registration-form-notification-ofsted-ey3.

⁶ *Registering school-based provision* (080291), Ofsted, 2012; <http://www.ofsted.gov.uk/resources/factsheet-childcare-registering-school-based-provision>.

Q. My local authority uses support coordinators to support children with special needs in childminding settings and they often do this for more than two hours a day. Will they need to register as a childminder?

A. The requirement to register as a childminder for any individual who cares for children for two hours or more, for fee or reward on domestic premises, is set out in law. This applies to people who are working unsupervised with children. If the local authority support worker is always supervised by the childminder (who is also present) then there will be no need for them to register in their own right as a childminder.

Inspection

Inspection judgements/criteria

Q. What is Ofsted doing about the 'requires improvement' judgement?

A. We are retaining the current grade of satisfactory from September 2012 but are proposing to consult further on whether to make changes to the grade, including identifying potential resources to bring about improvement to those receiving this grade. The consultation is likely to take place in the autumn.

Q. What will happen about the judgements that are going, such as safeguarding and working in partnership with parents/others?

A. Although we will no longer be making separate judgements on safeguarding and partnerships we will still be considering these aspects when making the judgement for leadership and management.

Q. If Ofsted judges me as satisfactory/requires improvement, how long will I have to wait to be re-inspected?

A. There is currently no fixed time for re-inspecting satisfactory provision. We must inspect all providers at least once in the next inspection cycle until 31 July 2016. We will use the previous inspection grade as part of a risk assessment process to determine whether a further inspection within the current cycle is needed and we anticipate that a proportion of those receiving this grade will have a further inspection.

Q. Can I pay for another Ofsted inspection when I've made the necessary improvement?

A. There is currently no legislation in place that would allow a provider to pay for another inspection.

Self-evaluation

Q. Will my old self-evaluation form still be valid?

A. Yes it will still be valid and inspectors will continue to use it until you have updated your form. There is no need to update your form immediately – you may do this as part of your regular cycle of review providing you are satisfied it reflects your current practice. Inspectors will not penalise you if you have not updated your self-evaluation form to reflect the new judgements.

We will be publishing the revised self-evaluation form and guidance for downloading and completing in hard copy in August. We intend to update the online self-evaluation form to reflect the new inspection judgements during September. If you complete the online self-evaluation form we will transfer the information from your existing form to the new one during this period.

Q. I can't get online easily to access my self-evaluation form – what should I do?

A. If you have difficulty getting online you may seek advice from the self-evaluation form team in the National Business Unit in Ofsted. Alternatively, you may complete a hard copy form that you can download from our website to complete and return to the National Business Unit. We will scan your form so that the inspector can access it ahead of your inspection.

Q. I can't copy and paste from one document/section to another – what should I do?

A. We are hoping to improve the functionality of the online self-evaluation form in the future but this is not likely to be until 2013. Until then you will need to type any information into the online self-evaluation form

Q. My local authority uses a different self-evaluation form – do I need to use the Ofsted form as well?

A. You should use the type of self-evaluation that is of most use to you and your provision. You do not need to complete the Ofsted self-evaluation form if you have another form of self-evaluation that you use.

Notice of inspections

Q. Why do you give schools more notice than other early years providers?

A. We consulted on notice periods as part of our framework changes for both schools and registered early years provision. The early years consultation showed strong support for retaining no-notice inspections and this is what we decided to do. However, the school consultation reflected strong disagreement from the sector about the practicalities of implementing no-notice inspection. We significantly

reduced the notice period for schools but, in line with the consultation findings, decided to retain a short notice period.

Q. Why do childminders/holiday play schemes get a telephone call in advance?

A. This is so we can check if the provision is operating and/or has children present. We will not usually carry out inspections unless children are present as it is not possible to make judgements about the quality of practice.

Q. Why aren't all Ofsted inspections subject to the same notice period/no-notice inspections?

A. Ofsted inspections are remit-specific and in most cases each remit is governed by its own legislation. The legislation, and the size and complexity of what requires inspection, determines all aspects of the inspection from the notice period given to the number of inspectors and inspectors days needed for inspection. The amount of notice we give reflects the complexity and range of work undertaken in inspection, including any legal requirements to inform specific people about the inspection. Our principle remains to keep the notice period to the minimum possible.

Dealing with information or concerns

Handing minor concerns to providers

Q. What do you mean by 'minor concerns'?

A. We think these are matters which are best dealt with by providers themselves. Examples include such things as concerns over food – variety of menus, types of drinks; minor behaviour concerns such as biting; or a small gap in documentation. The key is often whether the information suggests that the matter is an isolated one that is unlikely by itself to present a risk to children. We are drafting guidance on this issue which we will publish on our website.

Q. If you pass a concern to the provider, do they need to write back and tell you what they have done?

A. No. This is because we think providers are best placed to deal with the matter. We do, however, expect providers to keep a record of the matter and their response, which we will look at as part of the next scheduled inspection.

Risk assessment

Q. How will the risk assessment process work?

A. We will assess all the information we receive, from whatever source, alongside the information we already hold about the setting/registered provider to identify any potential risks to children or deterioration in provision. Some information will simply result in amending our records, such as an update to telephone numbers. Other

information will be passed to a separate team trained to assess risks; they will assess the information in line with our published guidance.

Q. What if I've already been inspected – will you really re-inspect me again when another piece of information comes to your attention?

A. We will assess the information to decide if another inspection is required. If it meets the threshold for an inspection we will schedule another inspection.

Q. What about malicious complaints – will these trigger an inspection?

A. We assess all the information we receive and are normally unable to determine the motives of the person passing the information to us. This means we must treat the information as if it were true – the approach we currently take. If the information meets the threshold for an inspection we will inspect and publish an inspection report on our website. This means the concern will be put into the context of a full assessment of the provision.

Q. Will you inform the local authority when you refer a minor concern to a provider?

A. No, we are currently not able to provide this information to local authorities and it is not in our plans to do so. However, we understand that it could be helpful to both providers and local authorities so we will look carefully at whether this is something we can do in the future.

Information for parents

Q. How will parents be able to complain to Ofsted about a provider?

A. We have published a leaflet that explains how to share concerns about a provider.⁷ If parents are concerned that children are at risk of harm they should phone the local authority or police immediately.

Q. How will I know what you have done about the information I've given you?

A. We will follow up all concerns we receive about a provider that may suggest they are not meeting requirements. We normally carry out a full inspection of the provider and publish an inspection report. In some more serious circumstances, we will liaise with other agencies to investigate those concerns. When the investigation has reached an appropriate stage we will carry out a full inspection and publish the report. On other occasions we may pass a minor matter to a provider and we expect the provider to record the information in their complaints log so that parents and

⁷ *Concerns and complaints about childcare providers* (reference no:080120), Ofsted, 2011; <http://www.ofsted.gov.uk/resources/factsheet-childcare-concerns-and-complaints-about-childcare-providers>.

carers can see how it was dealt with. In all cases the inspection report is available on our website and will include any concerns in the context of the overall quality of the provision.

Q. What action can I take if I am not satisfied with what Ofsted has done about my complaint?

A. It is important to understand that we are not a complaints adjudicator. When people complain to us about their provider we do not investigate the complaint. Instead, we use the information to see if the provider is meeting the requirements for registration. If they are not doing so, we take action. If people are not satisfied with the way Ofsted has carried out its work they are able to make a formal complaint against us. We have a complaints procedure that relates to all aspects of our work and have published a leaflet, *Complaints procedure: raising concerns and making complaints about Ofsted*, on how people can do this.⁸ There is a further right to make a complaint to the independent complaints adjudicator. Details of how to do this are in the leaflet.

Other matters

Electronic communication

Q. What about providers who don't have access to a computer?

A. Our preferred method of communication is electronically. However, we understand and accept that some people, for whatever reason, will continue to use hard copy versions of application forms, for example. Providers can continue to contact their local authorities who may be able to offer some assistance or access to a computer or our National Business Unit to request hard copy forms. All our publications and guidance are published on and can be downloaded from our website: www.ofsted.gov.uk.

Q. I don't use email – how will Ofsted communicate with me?

A. We will communicate with providers using their preferred method of communication. Providers are asked, as part of the application process, to tell us whether we can communicate with them by email.

⁸ Complaints procedure: raising concerns and making complaints about Ofsted (reference no:070080), Ofsted, 2012; www.ofsted.gov.uk/resources/complaints-procedure-raising-concerns-and-making-complaints-about-ofsted.

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