

Good early years provision for all

A report on the responses to the consultation

This is a report on the outcomes of the consultation regarding the proposals to make revisions to the framework for the inspection of early years providers from November 2013.

Age group: 0–5

Published: August 2013

Reference no: 130196



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361

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Contents

Introduction	4
The consultation method	5
Summary of findings	6
Findings in full	7
Detailed responses to each consultation question	8
The way forward	15
Annex A: Data from the online consultation	18
Consultation questions and responses	19
Information about respondents	22
Annex B: Data from the Ofsted Parents' Panel consultation	26
Annex C. Responses from national early years representative bodies	30

Introduction

1. This report summarises the responses to Ofsted's consultation on the proposals to revise the framework for the inspection of early years providers from November 2013. Under the Childcare Act 2006 and its supporting regulations, Ofsted has responsibility for regulating and inspecting providers who are required to register on the Early Years Register. These providers must deliver the Early Years Foundation Stage (EYFS) and meet a range of requirements set out in the EYFS and accompanying regulations. Ofsted inspects providers registered on the Early Years Register, at intervals set out by the Secretary of State and as set out in the *Framework for the regulation of provision on the Early Years Register*.¹ Ofsted may also carry out additional inspections at the discretion of Her Majesty's Chief Inspector, where he considers this to be appropriate.
2. Since the introduction of the current inspection framework in September 2012, there have been changes to Ofsted's approach to inspection and judgement grading terminology for early years childcare provision. As the Annual Report of Her Majesty's Chief Inspector 2011/12 shows, there was little improvement in 2012 from the previous year in the proportion of early years providers judged as good or outstanding. While the large majority of the previously 'good' or 'outstanding' providers retained their grade in their most recent inspection, 40% of those judged satisfactory remained the same. This is clear evidence that they are not improving fast enough.
3. We intend to strengthen the impact of inspection and improvement activity through more frequent inspection and monitoring of early years provision in settings which are not yet good. In addition, we are committed to working with groups of providers that are not yet good, to help them improve. We will provide good practice seminars in some areas where provision is weak, and sign-post support for weaker providers from those who are already judged as good or outstanding.
4. The consultation on the frequency of inspection did not include childminders, as the Government is considering new initiatives in this area, including the proposal for childminder agencies to be established. We will need to assess the impact of this initiative on childminder inspections. After Parliament has finalised decisions about legislative changes that relate to childminders, we will review the frequency of inspection for childcare on domestic settings and consult on our proposals. Our consultation proposals for childminders are likely to be published in the autumn.
5. Ofsted consulted widely on five key questions that will underpin the revisions to the framework. From November 2013, we proposed that:

¹ *Framework for the regulation of provision on the Early Years Register* (120288), Ofsted, 2013; www.ofsted.gov.uk/resources/framework-for-regulation-of-provision-early-years-register.

- a single judgement of 'requires improvement' will replace the current 'satisfactory' judgement for all early years providers
- early years non-domestic settings judged as requires improvement will be the subject of a full re-inspection within two years; they will have a maximum of four years to become good
- where an early years non-domestic setting fails to become good following two consecutive inspections, we propose that this would be likely to lead to the setting being judged as inadequate and subject to further monitoring
- where any inadequate early years setting has failed to improve sufficiently and is still judged to be inadequate when re-inspected, it is likely that we may take steps to cancel that setting's registration.

In addition to these proposals, we also asked respondents how long they feel an inadequate setting should be allowed to remain open before steps are taken towards cancellation of its registration.

The consultation method

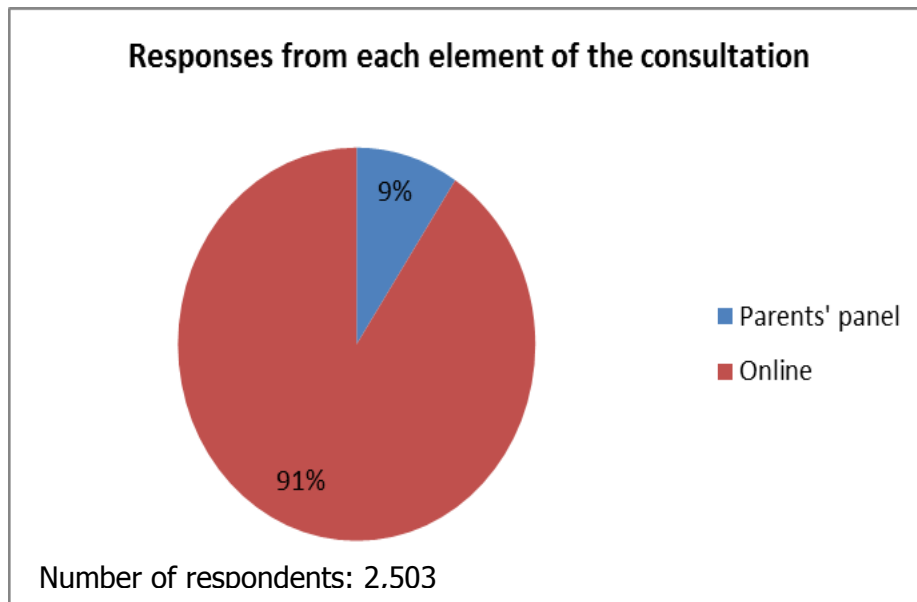
6. The formal consultation period ran from 19 April 2013 to 24 May 2013. Ofsted used a range of methods to consult with people. These included: an online questionnaire available through Ofsted's website; a survey of parents on the Ofsted Parents' Panel; and a range of informal and formal presentations, meetings and other events with providers and stakeholder representative bodies.
7. Ofsted received 2,280 responses to the online questionnaire. These came from registered early years group providers (nurseries/pre-schools), registered childminders, employees at schools with early years provision or at registered early years groups providers, parents or carers of children attending registered early years provision and local authority employees.
8. The Parents' Panel consultation attracted 223 responses from parents. Every member of the panel has at least one child in a maintained school or in registered childcare.
9. During the consultation period, Ofsted staff attended a number of conferences, meetings and focus groups to talk about the consultation proposals and to seek views and used these events as a means to encourage completion of the online questionnaire. The views of key external stakeholders were also sought through an external stakeholder seminar held in April 2013.
10. This report reflects the results of the responses to the consultation and Ofsted's proposals for the way forward.

Summary of findings

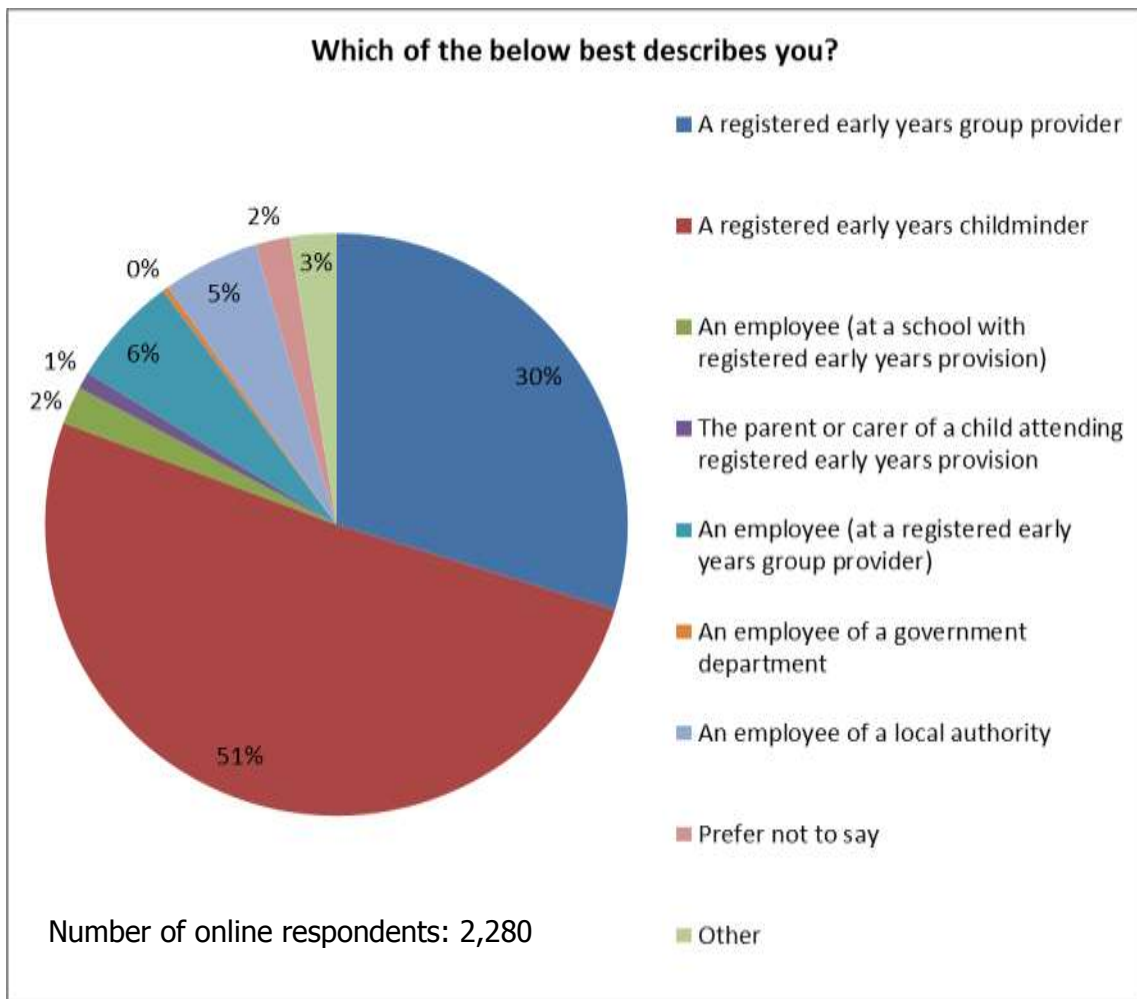
11. Overall, the responses to the consultation were strongly in favour of almost all Ofsted's proposals. The following are the key findings:
- The majority of respondents to the online consultation agreed that Ofsted should replace the 'satisfactory' judgement with a judgement of 'requires improvement' and a large majority of parents responding through the Parents' Panel were in favour. Of those responding online, 55% agreed or strongly agreed; the figure was 76% for those responding through the Parents' Panel. A third of online respondents disagreed or strongly disagreed, as they feel 'requires improvement' has negative connotations and that it must be clear which improvements are major and which are minor.
 - A very large majority (83%) of those responding to the online consultation agreed that Ofsted should introduce a re-inspection within two years (or earlier) for non-domestic settings judged as requires improvement, while a similar majority - 88% - of parents responding to the Parents' Panel agreed or strongly agreed with this proposal. Many commented that two years is too long a period.
 - The large majority of respondents (69%) to the online consultation agreed that if a non-domestic setting has not made sufficient progress to be judged good at its third consecutive inspection, it should be likely to be deemed as 'inadequate'; a large majority of parents on the Parents' Panel (78%) were also in agreement with this proposal with few (12%) disagreeing. However, many commented that four years is too long a period to get to good.
 - A large majority of respondents to the online consultation (78%) agreed that if an inadequate setting remains inadequate after re-inspection within 12 months, and there exist statutory grounds for cancellation, Ofsted should take steps to cancel the setting's registration. Support was even stronger among parents, with 82% of Parents' Panel respondents agreeing and strongly agreeing.
 - When asked how long they felt an inadequate setting should be allowed to remain open before steps are taken to cancel its registration; the most common response was a period of three months or six months.

Findings in full

12. The following chart sets out the responses received from the online consultation and the Parents' Panel.



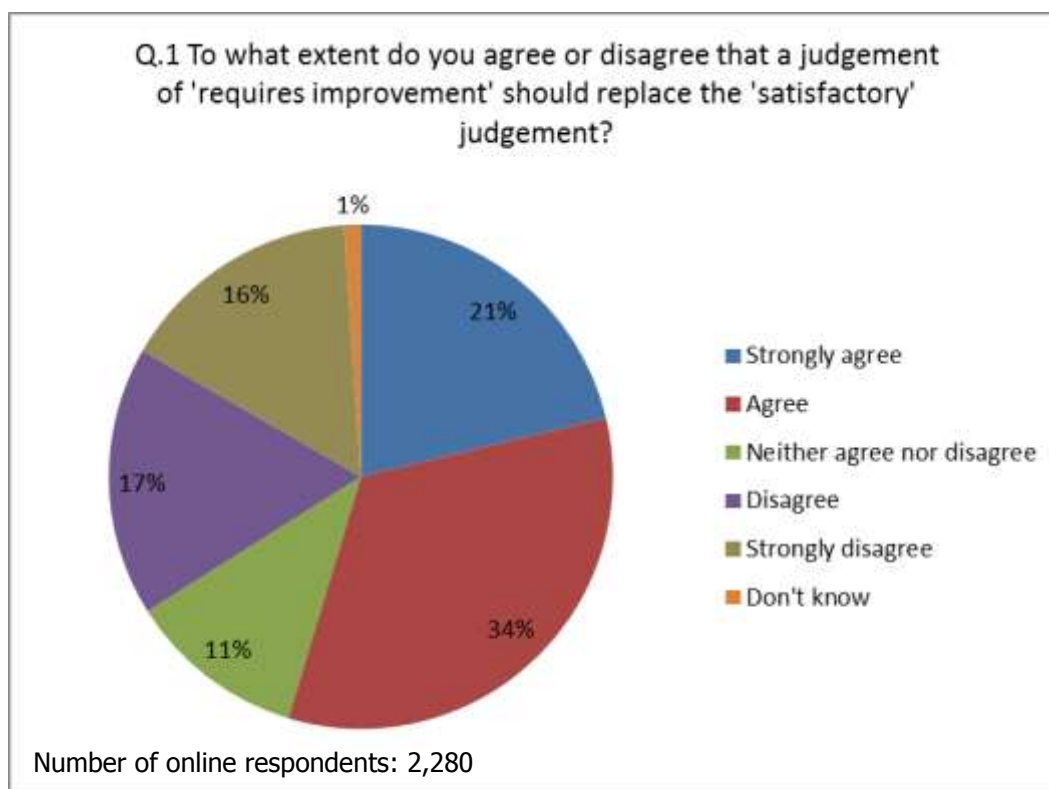
13. Respondents to the online consultation identified themselves as representing a range of roles; 81% of respondents were registered childminders and early years group providers. The largest group to respond (51%) was childminders.



Detailed responses to each consultation question

Q1. To what extent do you agree or disagree that a judgement of 'requires improvement' should replace the 'satisfactory' judgement?

14. Over half (55%) of those who responded to the online consultation agreed or strongly agreed with this question. This proposal received the lowest overall level of support from online respondents.



15. A third (33%) of those who responded online disagreed or strongly disagreed with this question.
16. Those who were opposed to this proposal were concerned about parents' and the public perception about the impact of a 'requires improvement' judgement on their provision. They also expressed concerns about what exactly 'requires improvement' means, for example whether provision is borderline inadequate, or whether it is acceptable but has weaknesses.

Typical online comments were:

'Requires improvement' has a negative connotation and comes across very demotivating.'

'Perhaps a consideration should be that it states either minor or major improvements in order for it to be differentiated... accompanied by a clear statement of exactly what areas need to be improve.'

17. A large majority of the Parents' Panel (76%) agreed or strongly agreed that 'requires improvement' should replace the 'satisfactory' judgement. However, of all the questions, this proposal also received the lowest overall level of support from parents responding through the Parents' Panel.

Typical parent comments were:

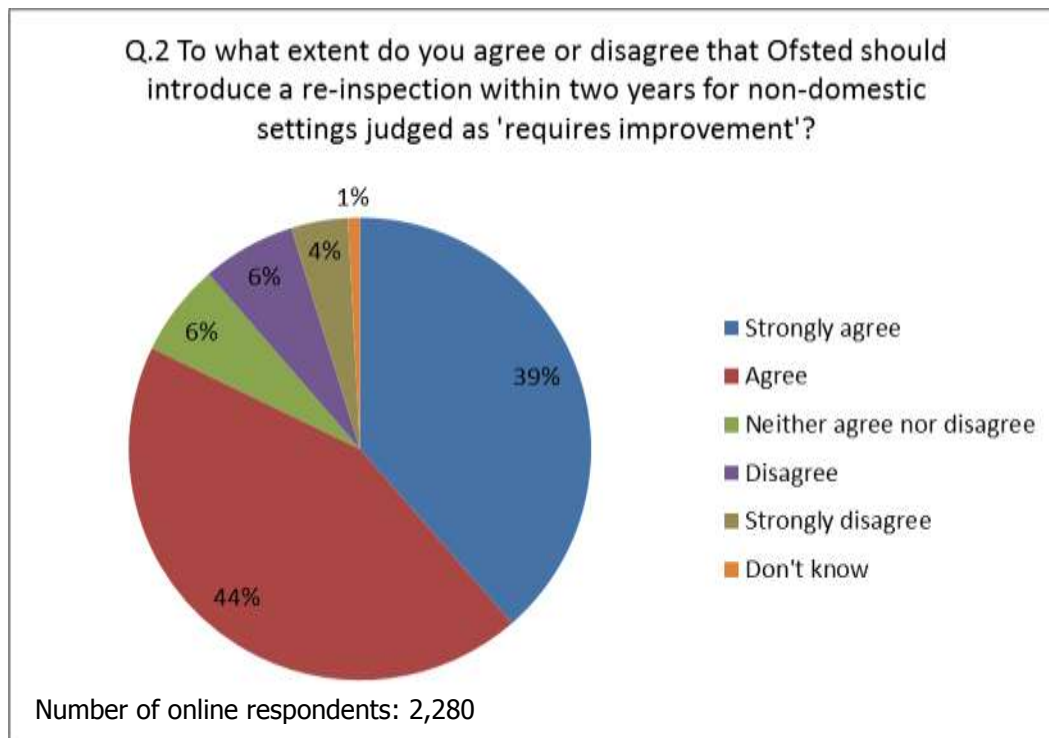
'I agree because "satisfactory" suggests - no action needs to be taken whereas "requires improvement" leaves no doubt over whether or not any action need to be taken... gives a better definition.'

'It should also detail what type of improvement is required and a timescale.'

18. Of the four main national early years representative bodies (see Annex C) that responded to this question, three agreed or strongly agreed with the proposal and one disagreed.

Q2. To what extent do you agree or disagree that Ofsted should introduce a re-inspection within two years for non-domestic settings judged as 'requires improvement'?

19. A very large majority of respondents to the online consultation (83%) agreed or strongly agreed with this proposal. A similar level of support was shown by the Parents' Panel (88%). Support for this proposal received the highest level of agreement of all the questions, from both the online respondents and those responding through the Parents' Panel.
20. A very small minority (10%) of respondents to the online consultation disagreed or strongly disagreed with this proposal, and 9% of respondents from the Parents' Panel had a similar view.
21. All four of the main national early years representative bodies that responded to this question agreed or strongly agreed with the proposal.



22. Across all of the respondents, many felt that two years is too long a time, and that the four years to get to good is also too long, and that provision judged as requires improvement should be re-inspected within one year or even six months, as up to two years is a long time in a child's life.

23. Common areas covered by the online comments were:

'A clear statement of areas to improve must be provided, two years is sufficient time to address most areas.'

'A shorter time frame for re-inspection will help to focus settings on developing and improving their practice.'

Typical parent comments were:

'Four years is much too long a period especially when a provider is deemed inadequate.'

'Two years is too long a gap if a setting requires improvements.'

'Four years is a long time to wait for formal evidence of improvement.'

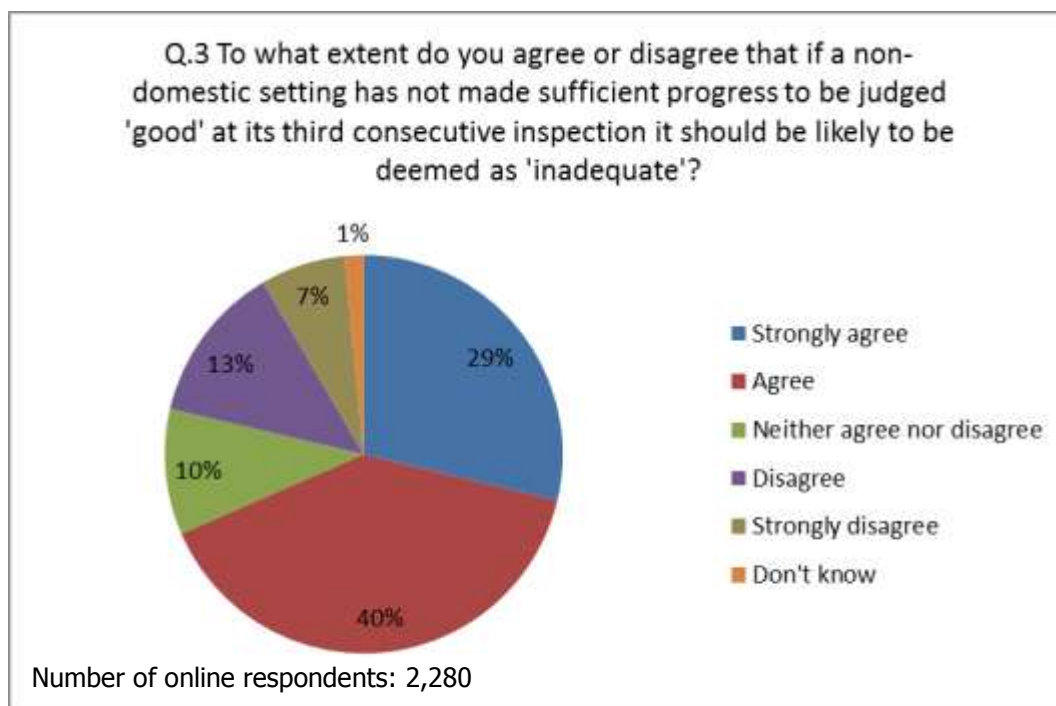
'Maximum of four years seems too long for settings requiring improvement to be assessed.'

'Maybe having the worst cases checked more frequent.'

'I don't think it's a good idea to let bad provision continue for up to 4 years. I do agree that early years is important - this says that some children will spend all their early years in unsatisfactory provision.'

Q3. To what extent do you agree or disagree that if a non-domestic setting has not made sufficient progress to be judged good at its third consecutive inspection it should be likely to be deemed as inadequate?

24. A large majority (69%) of respondents to the online consultation supported this proposal.



25. This proposal received a large majority of support (78%) from parents responding through the Parents' Panel. A very small minority of parents who responded (12%) disagreed or strongly disagreed. Respondents commenting through the Parents' Panel typically commented that they felt this is an adequate amount of time to improve and that, if a setting has been given support but has not improved after three visits, they are inadequate and Ofsted should judge them as such.

26. All of the main national early years representative bodies that responded agreed with the proposal.

27. Respondents to the online consultation also felt that if settings have been given time and support and still not made the changes required to improve, then an 'inadequate' judgement is right.

28. A typical online comment was:

'If the correct support has been given and no improvements, then I agree.'

Typical parent comments were:

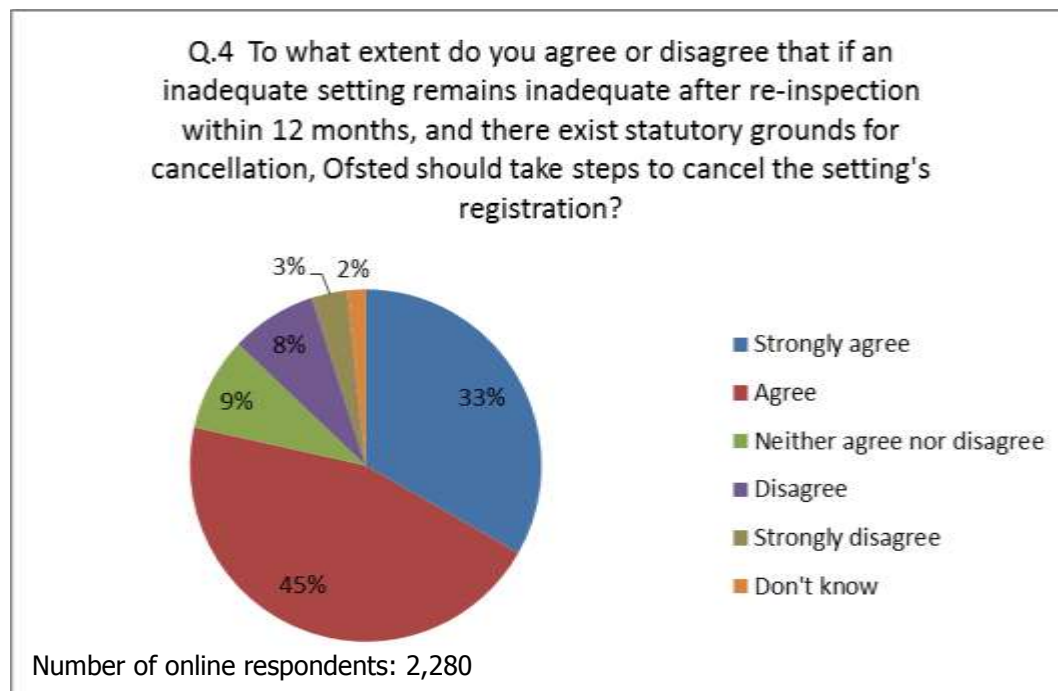
'I feel that 4 years is too long to wait to see if a potentially poor organisation can improve.'

'3rd inspection is too distant a goal. Make it sooner.'

'Why wait 4 years, as this is having an impact on the student and their education.'

Q4. To what extent do you agree or disagree that if an inadequate setting remains inadequate after re-inspection within 12 months, and there exist statutory grounds for cancellation, Ofsted should take steps to cancel the setting's registration?

29. A large majority of respondents (78%) to the online consultation supported this proposal.



30. Just over four out of five parents (82%) responding through the Parents' Panel agreed that Ofsted should take steps to cancel an 'inadequate' setting's registration if it remains 'inadequate' after re-inspection within 12 months. Only

11% of respondents to the online consultation disagreed or strongly disagreed with this proposal, with 8% from the Parents' Panel holding similar views.

Typical online comments were:

'It depends on what areas are judged to be inadequate....if this surrounds safeguarding or an admin error.'

'Inspection of an inadequate setting should happen within 6 months - why wait 12 months?'

'...it goes back to how much support they have had to make improvement.'

Typical parent comments were:

'I fully agree with the proposal. Organisations cannot continue to operate with inadequate rating.'

'If you find a setting is not improving and is still not up to standard, then by all means close it.'

'It must depend on each individual situation, and how 'severe' the inadequacies really were. I don't believe a 'blanket' approach one size fits.'

31. All four of the main national early years representative bodies that responded to this question agreed or strongly agreed with the proposal.

Q5. If you disagree with proposal four, how long do you think an inadequate setting should be allowed to remain open before these steps are taken to cancel its registration?

32. Respondents were asked to state a period of time that they felt would be sufficient for an 'inadequate' setting to remain open before steps are taken to cancel its registration. Of the 2,280 online respondents, a small minority (20%) chose to complete this question.
33. The most common response was a period of three months or six months. However, a whole range of time periods - from one to four years - were suggested by respondents online.

Typical online comments were:

'Depends on the grounds on which the provision has been deemed inadequate, however improvement that can be demonstrated between a 3 and 6 month period, therefore a maximum of 6 months would be fair.'

'6 months; but 3 months if there are safeguarding issues.'

'A monitoring visit should take place after 3 months and a re-inspection within 6 months.'

34. Of the 223 parents that responded as part of the Parents' Panel, 11 completed this question. In the main, the comments stated that an inadequate setting should be allowed to remain open for six months to a year, depending on the circumstances of having been deemed inadequate.

Q6. Do you have any further comments?

35. We did not ask respondents a specific question here; instead, we asked them to give us their views in the 'any other comments' section.
36. Of those who responded to the consultation, 24% chose to offer further comments here, some of which reiterated comments already made in response to the previous questions.

The way forward

37. We are grateful to all those who responded to the consultation, as the views expressed have highlighted areas where respondents support the proposals and provide comments for Ofsted to consider. We aim to publish our revised early years' regulation and inspection framework early in the autumn and, taking account of the comments we have received both through formal and informal consultation processes, we will proceed with our plans as set out below.

'Requires improvement' judgement to replace the 'satisfactory' judgement

38. Over half of the online respondents and a large majority of Parents' Panel respondents support this proposal. However, respondents commented that perhaps Ofsted could consider and differentiate between minor and major improvements, accompanied by a clear statement of exactly what areas need to be improved.
39. We recognise that the majority of respondents agreed with this proposal, and will change the judgements as stated, but will take the comments given into account as we revise our guidance for inspectors. Through revised grade descriptors, we will make it clear what we mean by 'requires improvement'.

Introduce re-inspection within two years for non-domestic settings judged as requires improvement

40. We welcome the support for earlier re-inspection of settings judged to require improvement. Given the large numbers of positive responses, it is clear that those consulted value this proposal. However, many commented that this time period should be reduced as two years is too long, including that two years is more than a fair amount of time for a setting to improve. We have considered

the responses carefully and, in the light of what respondents have said, we propose to introduce a re-inspection for providers judged to require improvement within 12 months.

If a non-domestic setting has not made sufficient progress to be judged good at its third consecutive inspection it should be likely to be deemed 'inadequate'

41. Although there was broad support for these proposals, comments made by respondents suggested that four years to get to good is too long. In addition, many respondents suggested that providers judged as requires improvement should be re-inspected after six or 12 months rather than two years. We have given a great deal of thought to these responses and concluded that we cannot ignore the fact that four years is a long period in a child's life. Last year, about a quarter of a million children were in provision that was less than good and this should not continue. In the light of these considerations, as well as comments from respondents, we have decided we will give non-domestic providers a maximum of two years to get to good, at which point they are likely to be judged inadequate. However, we will take into account the potential impact of this decision on a case by case basis when the first non-domestic providers judged to 'require improvement' approach the end of the 24-month period. Any decisions we make will be taken in the best interests of the children and parents using the services inspected.
42. We will differentiate in the evaluation schedule and inspection framework, between the judgement of 'requires improvement' and an 'inadequate' judgement. We will make it clear in inspection documents and our communications where a provider requires improvement and why. The inspection report will set out the priorities that need addressing.
43. We will also monitor requires improvement providers and, if an inspector is concerned about a provider's lack of progress, a full inspection will be brought forward.
44. We believe that these steps will help to promote improvement in non-domestic settings and ensure that more children, especially the most vulnerable, are better prepared for statutory schooling.
45. In the coming year, our inspection framework will focus even more on the quality of teaching and its impact on the learning and development of very young children. Inspectors will identify clearly what providers need to do to get to good while at the inspection and comment on this in reports. In addition, regional HMI will work with some providers and will also help to find ways of linking the weaker settings with those that are good or better, so that the weaker settings can learn from good practice.

Where a setting remains 'inadequate' after re-inspection within 12 months, and there are statutory grounds for cancellation, Ofsted should take action to cancel the setting's registration

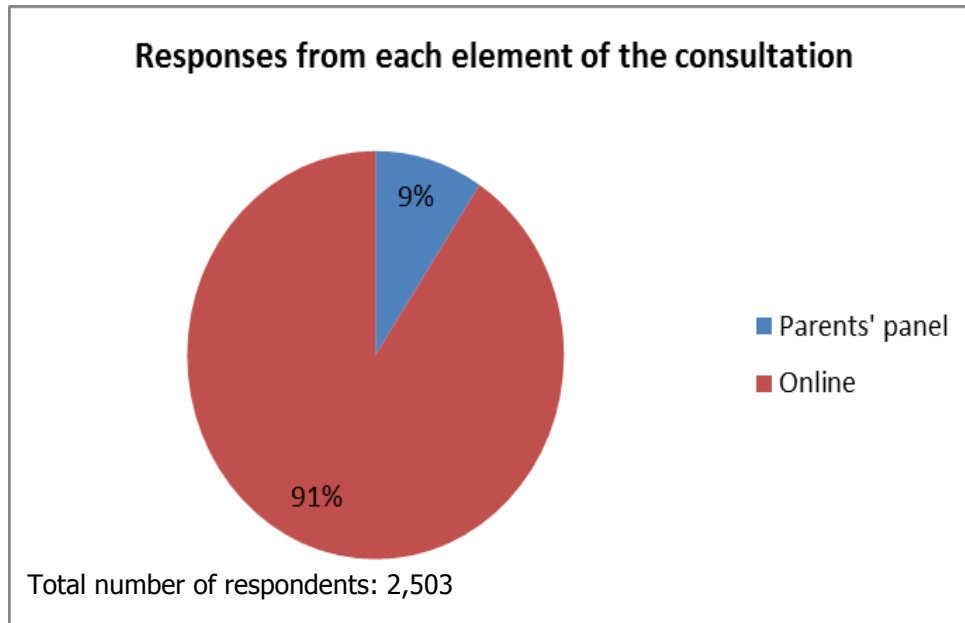
46. We welcome the support from the large majority of respondents who are in favour of being tougher with inadequate providers. From the comments made during the consultation, it is clear that respondents would prefer cancellation action to be considered before 12 months have elapsed. They feel that cancellation should be dependent on the grounds for the inadequate judgement and the extent to which improvements have been made.
47. We will shorten the period before re-inspection for inadequate providers to a maximum of six months, as we are of the view that the current 12-month period is too long and we have noted that many consultation responses were positively in favour of shortening the timescale. If at this stage the provider has failed to make sufficient improvement, we will consider taking steps to cancel the registration. We will also make it clear why the setting is inadequate and be very clear, for example, that an administrative error would not lead to an inadequate judgement, unless it compromises children's safety, welfare and learning.

The period of time an inadequate setting should be allowed to remain open before steps are taken to cancel its registration

48. Further to the 12-month option given above, a large number of respondents feel that 12 months is too long and should be shortened to six or even three months, dependent on the aspects of inadequacy. As stated in paragraph 47 above, we will shorten the period before re-inspection for inadequate providers to a maximum of six months and if, at this stage, the provider has failed to make sufficient improvement, we will consider taking steps to cancel the registration. We will continue to use our risk assessment process to decide whether to bring forward the re-inspection of any inadequate provider.

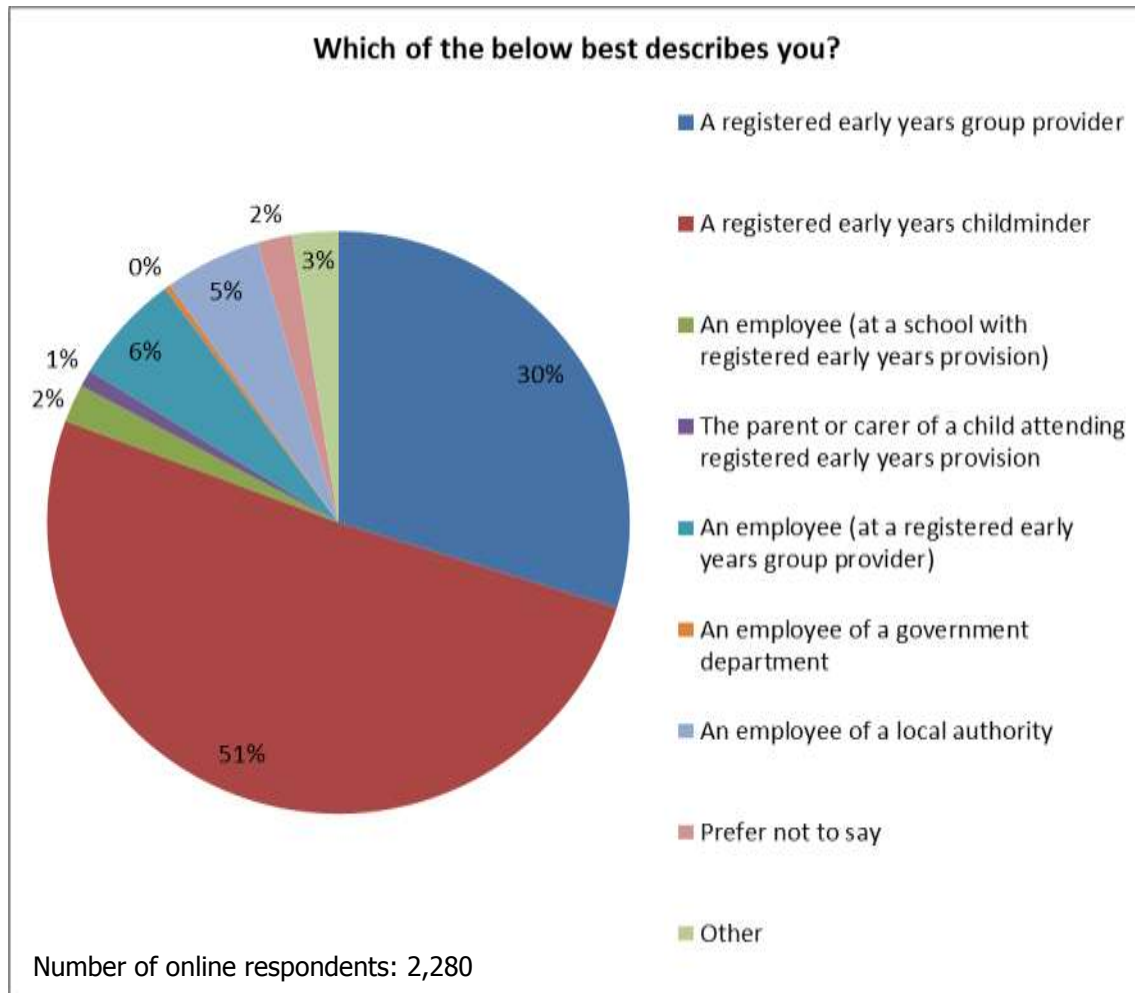
Annex A: Data from the online consultation

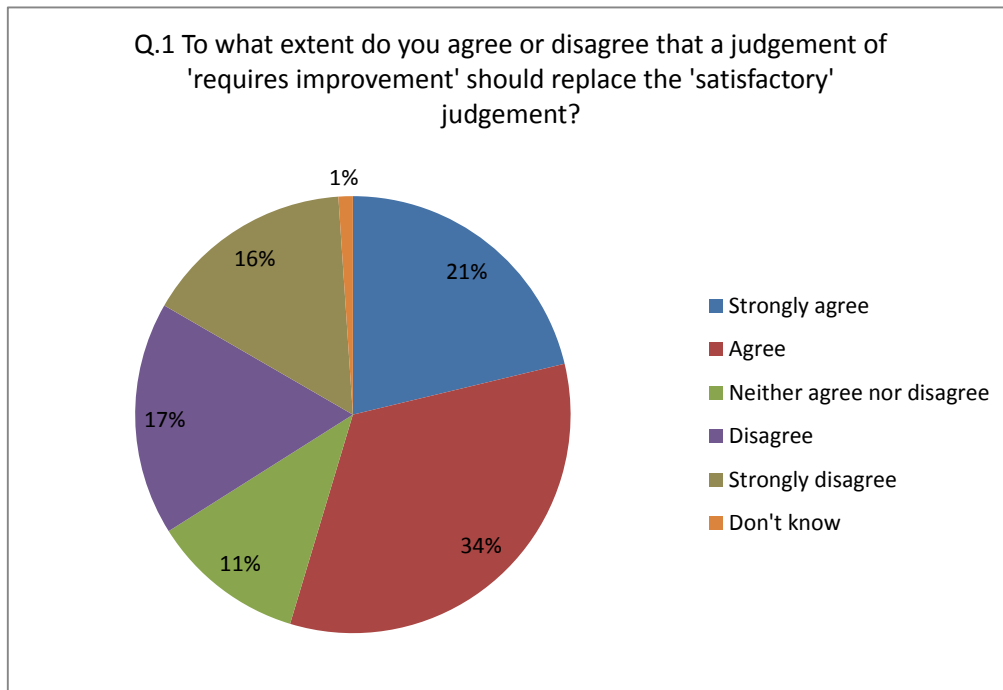
The following chart sets out the responses we received from each element of the consultation, online and Parents' Panel.



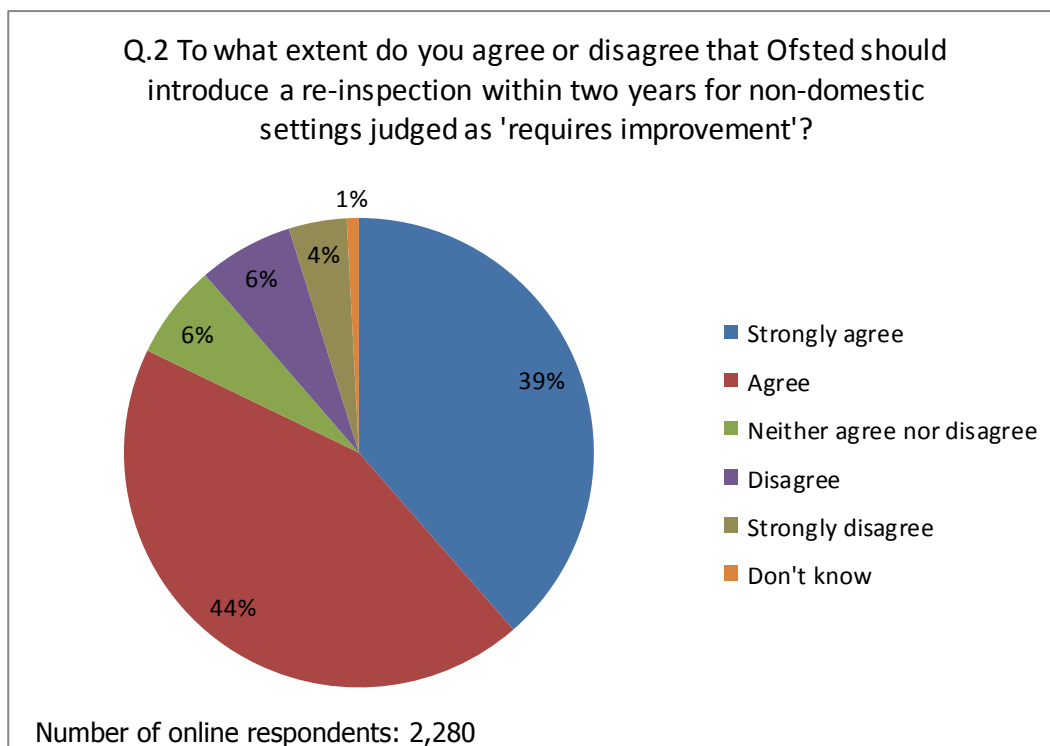
Consultation questions and responses

The charts below set out responses received online.

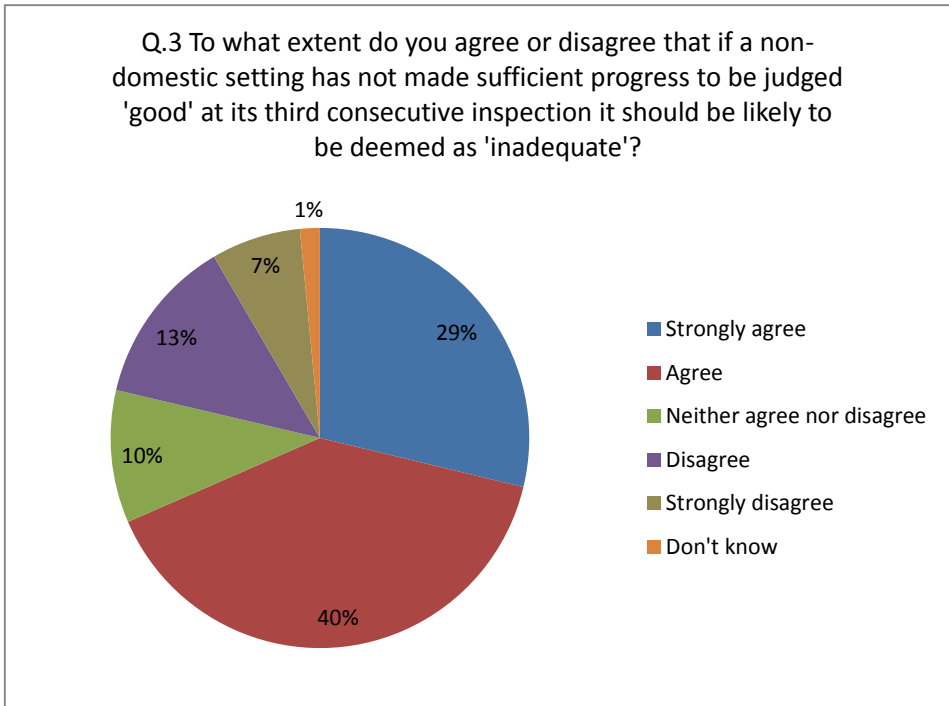




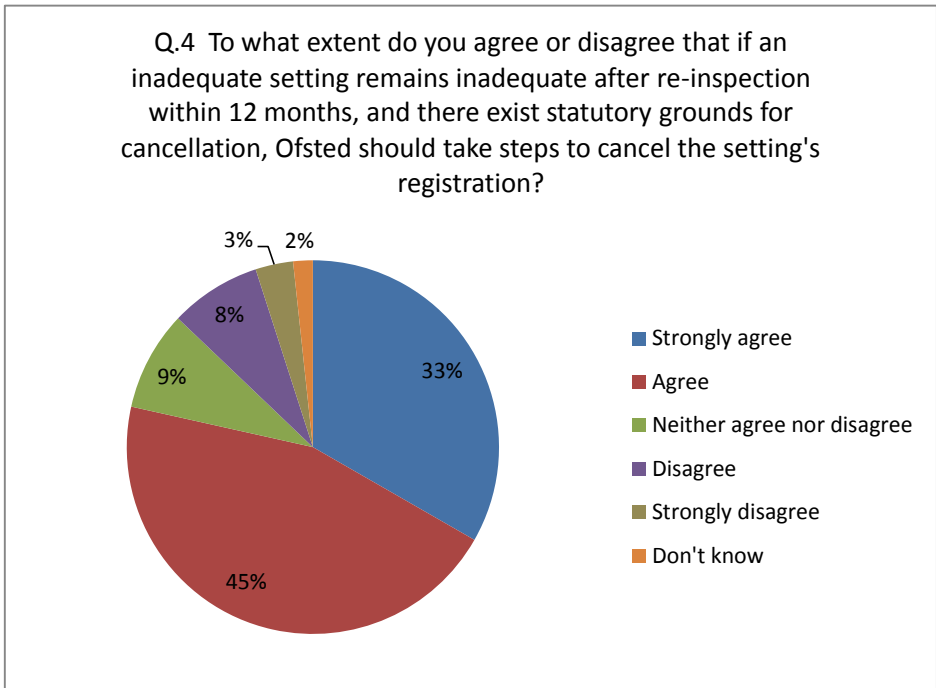
Number of online respondents: 2,280



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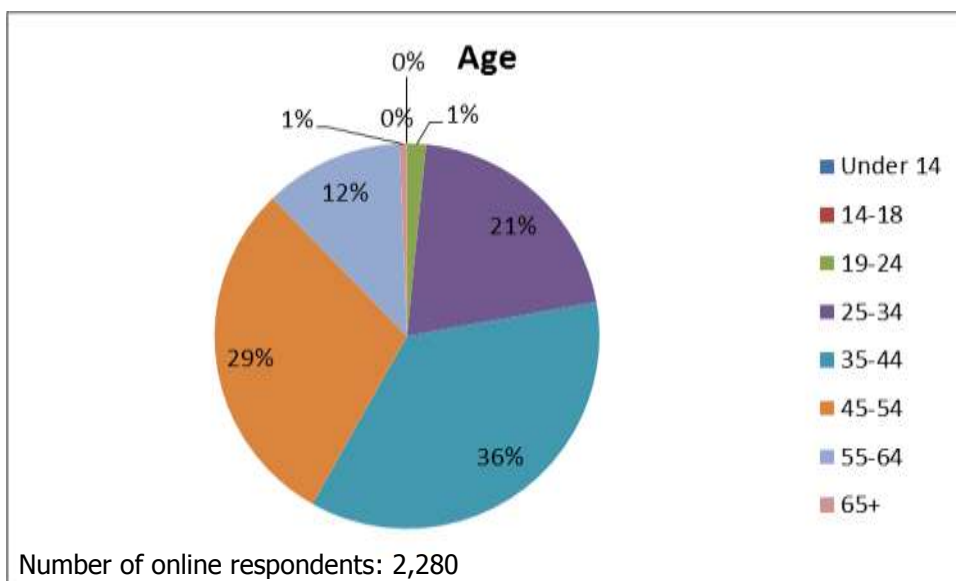
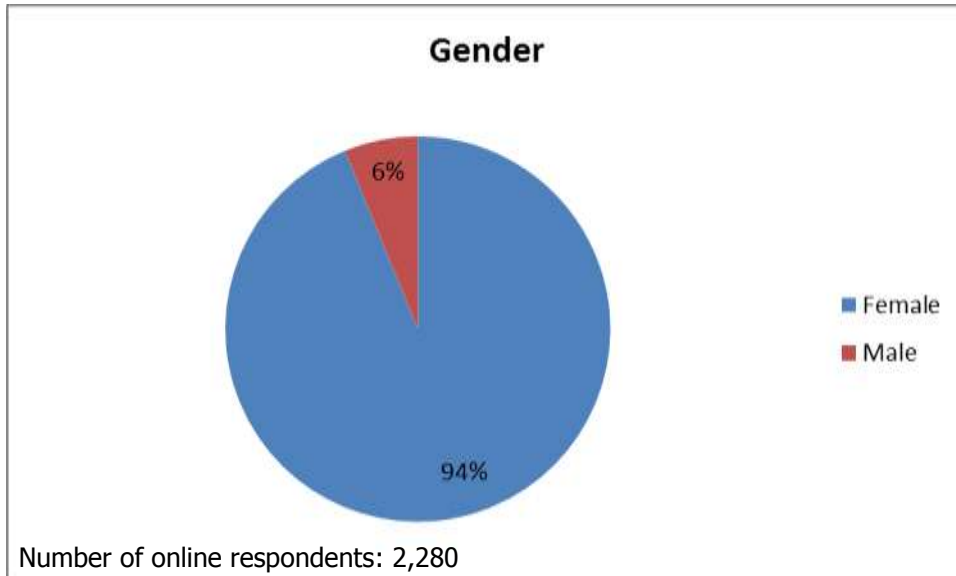
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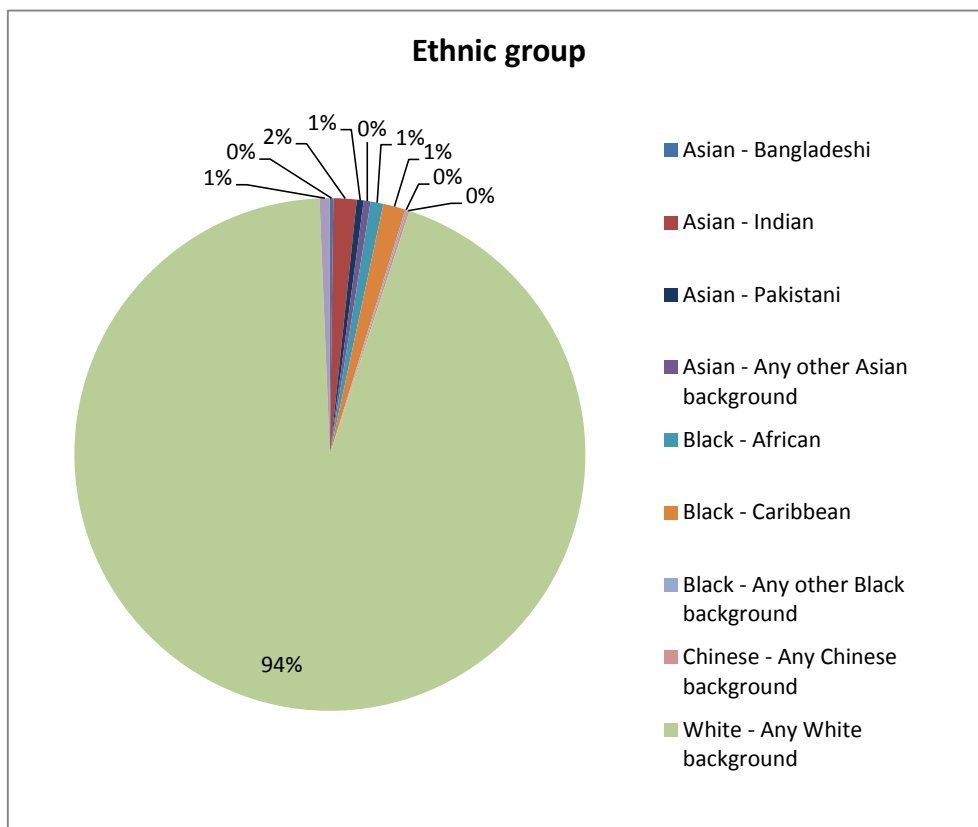
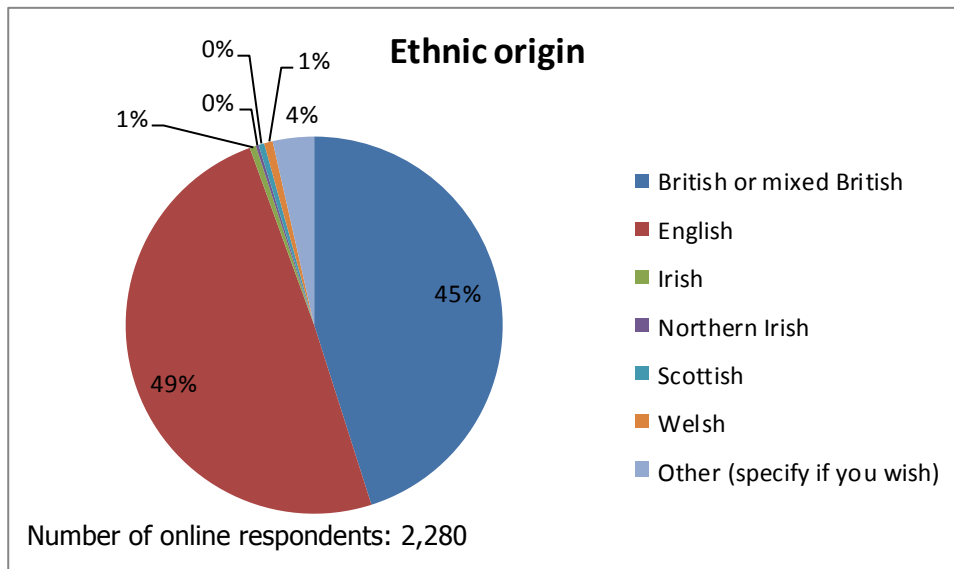


Number of online respondents: 2,280

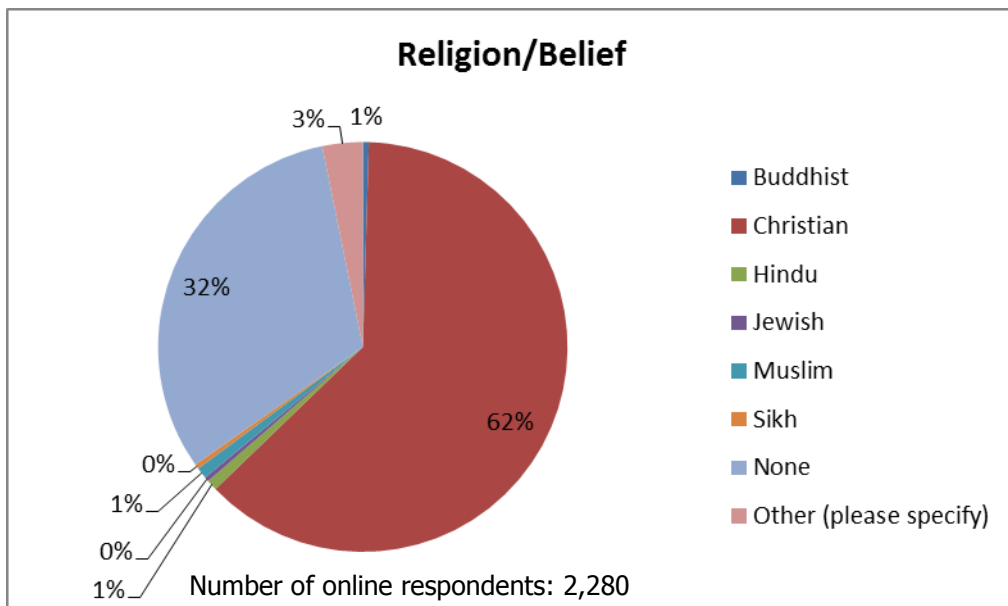
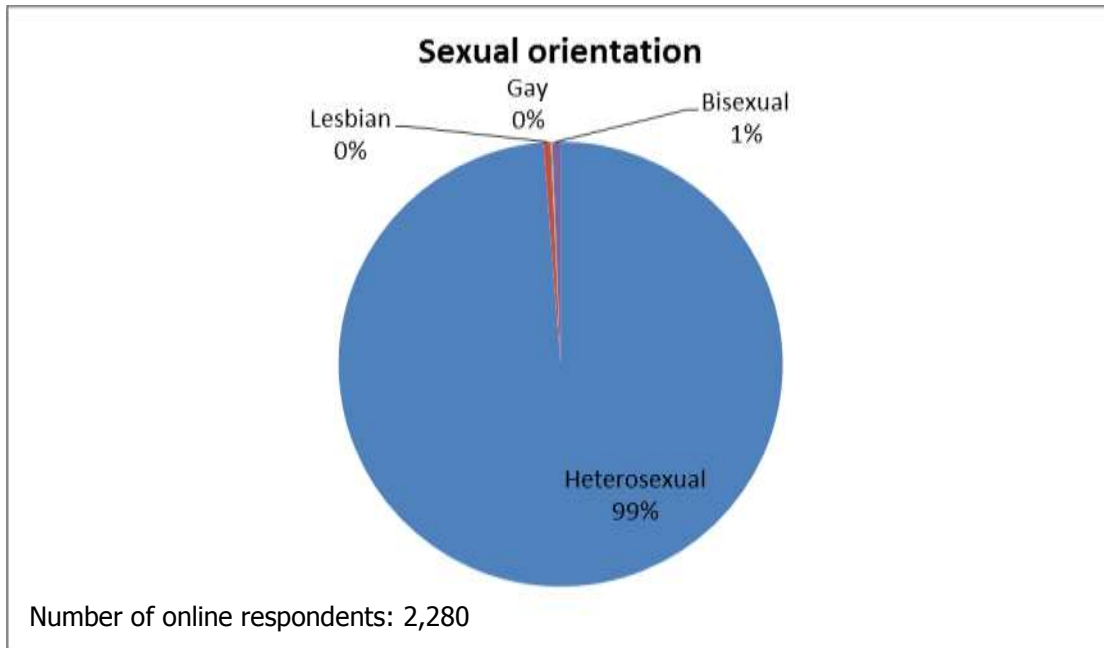
Information about respondents

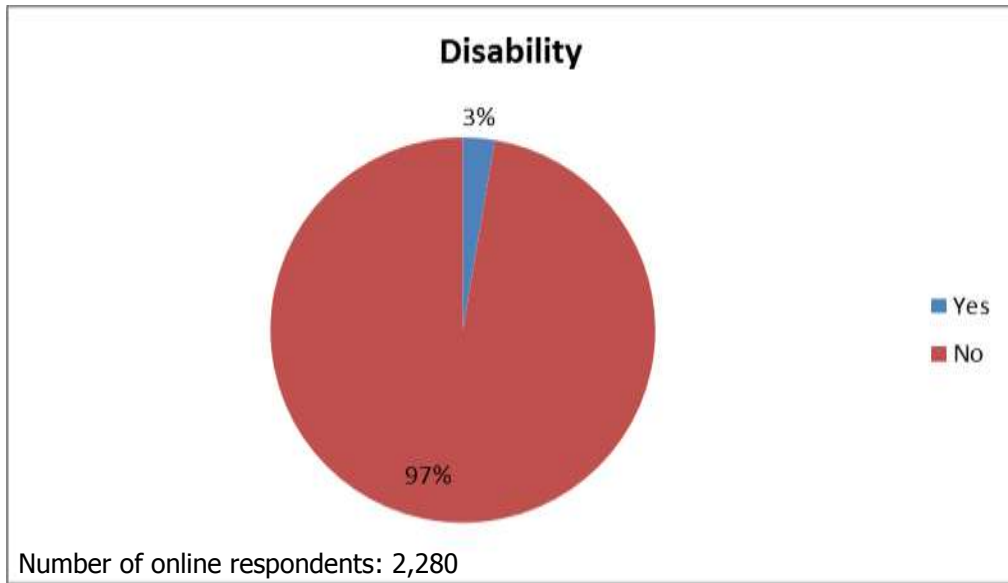
The charts below set out responses received online.





Number of online respondents: 2,280





Annex B: Data from the Ofsted Parents' Panel consultation

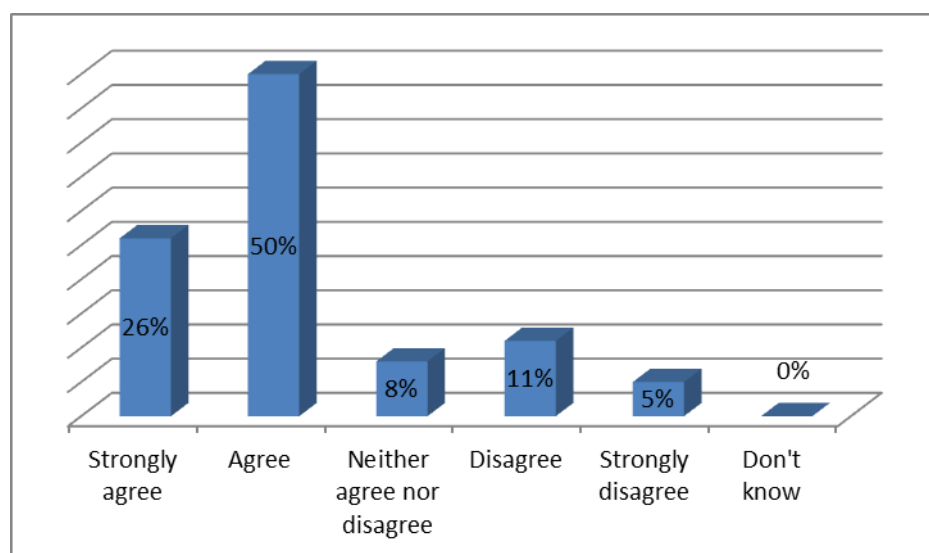
The Ofsted Parents' Panel is made up of parents in England who have agreed to fill out a series of online surveys for Ofsted throughout the course of a year. Every member of the panel has at least one child in a maintained school or in registered childcare.

The survey was carried out between 25 April and 16 May 2013. Parents were consulted via an online questionnaire sent to all members of the Ofsted Parents' Panel; 1,664 parents were emailed the link to the survey, with 223 parents completing the survey in total. The response rate to this consultation was 13%. After reading each proposal and stating whether they agreed or disagreed, parents were encouraged to offer any thoughts or comments they may have had regarding what they had read.

The following sets out the responses we received from each element of the consultation.

Q1. To what extent do you agree or disagree that a judgement of 'requires improvement' should replace the 'satisfactory' judgement?

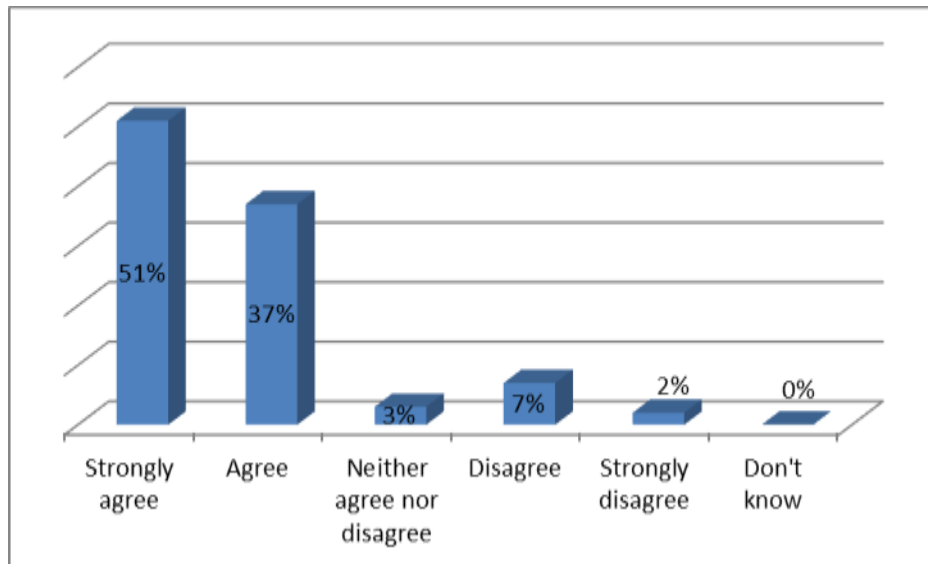
Number of parent respondents: 223



This proposal received the lowest overall level of support, with 76% of parents agreeing or strongly agreeing that Ofsted should replace the 'satisfactory' judgement with a 'requires improvement' judgement. However, 16% disagreed or strongly disagreed with this.

Q2. To what extent do you agree or disagree that Ofsted should introduce a re-inspection within two years for non-domestic settings judged as 'requires improvement'?

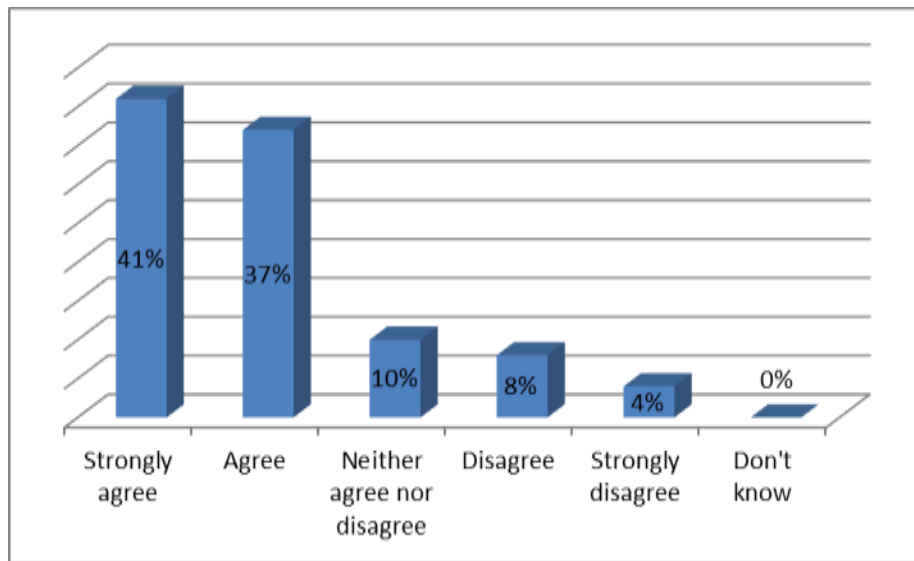
Number of parent respondents: 223



Eighty-eight per cent of parents agreed that Ofsted should introduce a re-inspection within two years for non-domestic settings judged as 'requires improvement'. This was the highest level of agreement with any of the consultation proposals. Only 9% disagreed.

Q3. To what extent do you agree or disagree that, if a non-domestic setting has not made sufficient progress to be judged 'good', at its third inspection, it should be judged to be 'inadequate'?

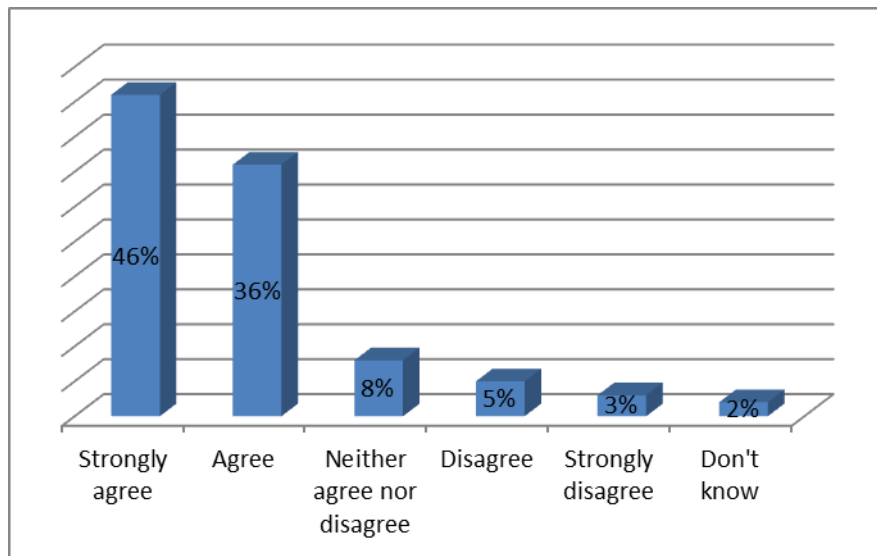
Number of parent respondents: 223



Seventy-eight per cent of parents stated that they agreed with the proposal set out in question three. Only 12% disagreed, with a further 10% of parents stating they neither agreed nor disagreed with the proposal.

Q4. To what extent do you agree or disagree that if an inadequate setting remains inadequate after re-inspection within 12 months, and there exist statutory grounds for cancellation, Ofsted should take steps to cancel the setting's registration?

Number of parent respondents: 223



Four in five parents (82%) agreed that Ofsted should take steps to cancel the setting's registration if an inadequate setting remains inadequate, after re-inspection within 12 months and there exist statutory grounds for cancellation. Only 8% disagreed.

Annex C. Responses from national early years representative bodies

	Q1 ('requires improvement' judgement)	Q2 (re-inspection for 'requires improvement')	Q3 (Not made sufficient progress by third inspection)	Q4 (Statutory grounds for cancellation)
National Day Nurseries Association	Disagree	Agree	Agree	Agree
Pre-school Learning Alliance	Agree	Agree	Agree	Agree
Professional Association for Childcare and Early Years (PACEY – formerly NCMA),	Strongly agree	Strongly agree	Agree	Strongly agree
National Children's Bureau	Strongly agree	Strongly agree	Agree	Strongly agree