



# The next steps

What happens when childcare and/or nursery education is judged as inadequate

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**Better  
education  
and care**

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## Inadequate childcare and/or nursery education

This leaflet explains what happens when the quality of childcare and/or nursery education is judged to be inadequate.

### Inadequate childcare provision

#### *Category 1*

Ofsted will issue you with a **notice of action to improve**, telling you which actions you must take and by what date.

Ofsted may make a follow-up visit to ensure that you have taken the required actions. In any case, we will carry out the next inspection **within 6–12 months**. This gives you the opportunity to improve and receive a new inspection grade within a short period of time.

#### *Category 2*

Ofsted will take enforcement action against you because of poor quality provision. This is a serious matter, and Ofsted will consider very carefully the most appropriate action to take to reduce the risk to children.

You will **either**:

- be told what enforcement action Ofsted is taking by the childcare inspector at the end of the inspection

or

- be notified of the enforcement action by a member of our regional Compliance, Investigation and Enforcement team within five days of the inspection.

The range of enforcement action which Ofsted can take includes:

- issuing a compliance notice
- suspending registration
- cautioning or prosecuting the Registered Person
- applying for an emergency order to impose or vary conditions or cancel registration
- cancelling registration.

If we allow the provision to continue to operate, the next inspection will take place **within 3–6 months** or **as specified in any enforcement action**, whichever is the sooner. This allows you to improve the provision and receive a new inspection grade within a short period of time.

### Inadequate provision for nursery education

If Ofsted finds the provision for nursery education is inadequate, the report will say so. This does **not** mean that you will automatically stop receiving funding for the 3 and/or 4-year-old children in your setting.

### *Category 1*

Ofsted will issue you with a **notice of action to improve** notifying you of the actions you must take. We will normally carry out the next inspection **within 6–12 months** to check that you have made the necessary improvements. We will also inform your local authority (LA). The LA will decide whether you will remain in the directory of providers eligible to claim funding for free early education places.

### *Category 2*

Ofsted will issue you with a **notice of action to improve**, telling you which actions you must take. We will also tell the LA that in our judgement the provision cannot be improved without **external help and support**. The timing of the next inspection will depend on decisions made by the LA about whether you remain eligible to provide free early education places. If funding does continue, Ofsted will continue to inspect until the nursery education is adequate. The first visit is likely to take place within 3–6 months.

### **Can I carry on receiving funding in the meantime?**

Yes. You remain eligible to claim funding until your local authority removes you from their directory of providers who are eligible to claim funding for free early education places.

### **Will I have to pay back any money?**

Only if you have been paid for any period after the local authority has taken action to remove you from their directory of eligible providers. It is a condition of receiving nursery education funding that the provider agrees to such recovery taking place.

### **What should I tell parents?**

You should keep parents fully informed at all stages. Once you receive the inspection report, you are required to provide a copy for all parents of children receiving free early education.

### **What if I need more information?**

You can contact your local authority, or telephone Ofsted on **08456 40 40 40**.