

Inspecting the Early Years Foundation Stage

Section 162A independent school inspection guidance

The purpose of this document is to support inspectors in judging the quality of provision for children in the Early Years Foundation Stage in independent schools. It should be read in conjunction with *The framework for inspecting independent schools* and *Completing the record of inspection evidence and judgements*.

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Background

The framework for the Early Years Foundation Stage became statutory under the Childcare Act 2006, from September 2008. It applies to children aged from birth to the end of the reception year. The full framework, guidance, and supporting materials for practitioners can be found at

www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00261-2008.

Here you can also find links to other publications, programmes and resources that might be in use in schools.

Exemptions

The Childcare Act 2006 enables regulations to be made which provide for the secretary of state to grant exemptions to providers, in prescribed circumstances, from all or part of the learning and development requirements which are set out in the Early Years Foundation Stage. The regulations can also enable early years providers to grant exemptions in relation to individual children from all or part of the learning and development requirements in prescribed circumstances. Applications may seek to either modify or disapply the assessment arrangements but in this case, providers should still conduct observational assessment of children's development as they normally would, and plan accordingly. The provider may be given an exemption from the requirement to complete and submit the Early Years Foundation Stage profile. The Act does not allow exemptions to be granted from the welfare requirements of the Early Years Foundation Stage as these deal with fundamental issues of child safety.

Providers may apply for exemptions in the following circumstances.

- Where providers are temporarily unable to deliver the full learning and development requirements.
- Where a majority of parents and carers agree with the provider that an exemption should be sought, and the exemption is required because the established principles about learning and development for young children which govern their practice conflict with elements of the Early Years Foundation Stage learning and development requirements.

A parent¹ may apply to the provider/prospective provider of childcare that their child attends (or will attend) for an exemption in respect of their child, where they

¹ The definition of 'parent' in this case includes someone (a) with parental responsibility or (b) someone who doesn't have parental responsibility, but who has 'care of a child'. Having care of a child means someone who has ongoing day to day responsibility for a child. This would include someone who lives with and looks after the child such as a foster parent or another relative but not a childminder.

consider that the learning and development requirements, or some element of them, are in conflict with the parent's religious or philosophical convictions.

Inspection of the Early Years Foundation Stage in independent schools

Early years provision for children aged from three to five years **only** in an independent school is always inspected as part of the inspection of the whole school. From January 2012, inspectors will no longer make separate judgements about the provision and outcomes for these children and will not write a separate section in the inspection report. Instead, all inspection findings about the Early Years Foundation Stage provision for these children will contribute to the main inspection judgements for the whole school and will be referred to in all relevant sections of the inspection report. Inspectors should refer to the grade descriptors in the document *Criteria for making judgements*, which has been amended to include descriptors for the Early Years Foundation Stage.²

Inspecting registered early years provision in independent schools

This guidance applies to inspections carried out between January and the end of July 2012. A revised Early Years Foundation Stage and a new framework for inspecting early years provision commences on 1 September 2012.

All provision for children aged from birth to their third birthday must be registered by Ofsted. This includes such provision in all independent schools. The exception to this is where the school only takes children under three in the term in which they attain the age of three (rising threes) where such provision does not require registration.

Registration is also required where schools directly make provision for children aged three and over where no child attending the provision is a pupil of the school. This is the case in some nurseries attached to independent schools.

There are around 2,400 independent schools in England. Roughly half of these schools are members of the independent schools council (ISC). ISC member schools are inspected by the independent schools inspectorate (ISI). The ISI is responsible for inspecting all educational provision in these schools, including any provision made directly by the school and registered by Ofsted on the early years register. The exception to this is that Ofsted conducts the first inspection of registered provision in ISC associated schools following a new registration.

Ofsted is responsible for inspecting provision that is made directly by the school for children aged from birth to three and registered by Ofsted on the Early Years Register in all other independent schools.

² *Criteria for making judgements* (090049), Ofsted, 2011; www.ofsted.gov.uk/resources/090049.

Where Ofsted also inspects the education provision in independent schools, the inspection of any registered provision is done as part of the school inspection wherever possible. However, the inspectors make the four required judgements for the Early Years Foundation Stage and write a separate section in the school report.

In cases where the school at its last inspection was judged to meet the criteria required for inspection on a six-yearly basis, we will conduct a 'free-standing' inspection of the registered provision for children aged from birth to three in the Early Years Foundation Stage, as the inspection cycle for such provision remains at 47 months. This will result in a separate published report.

There are two small independent inspectorates which also operate in independent faith schools. These are the Bridge Schools Inspectorate (BSI) and the School Inspection Service (SIS). Between them they inspect about 120 schools. They are not approved to inspect early years provision that is separately registered by Ofsted. Very few of these schools make registered early years provision, but where they do so, Ofsted is responsible for its inspection. This is a 'free-standing' inspection, not combined with the inspection of another inspectorate and carried out according to Ofsted's own schedule.

Ofsted investigates any concerns about registered provision wherever that provision is.

Ofsted's inspection of early years and/or childcare provision

Following the Childcare Act 2006, from September 2008, early years provision or childcare on a school site has been inspected at the same time as the school wherever possible.

Early years or childcare provision of more than two hours that is **not managed by the proprietor**³ must normally be registered with Ofsted. Such provision is also inspected at the same time as the school where practically possible as a **parallel inspection event**. However, the inspections remain separate, as do the published reports. The provision is inspected under the Childcare Act 2006 using the early years evaluation schedule. Guidance for inspectors on carrying out these inspections can be found in *Using the early years evaluation schedule*.

Where provision made directly by a school proprietor includes care for children under three years, or where no child attending is a pupil of the school, it is also registered by Ofsted and subject to inspections under section 49 and 50 of the Childcare Act 2006. The first round of these inspections must be completed by 31 July 2012 under the current regulations.

³ The ownership will vary for each school and could be a sole proprietor, partnership, governing body, board of trustees or a Scottish firm. In this case 'proprietor' covers any of these arrangements.

This registered provision will normally be inspected in a 'single inspection' alongside the section 162A inspection and included in the school inspection report, unless an inspection of the registered provision is required before the end of July 2012 and the school is not scheduled for an inspection. In these cases, the registered provision will have a separate inspection with a separate inspection report. Inspectors carrying out a separate inspection must use the early years evaluation schedule, report format and other supporting documents.⁴

Where the inspection of registered provision takes place at the same time as the section 162A inspection, the tariff for the inspection will be increased according to the size and complexity of the additional provision. Registered early years provision for children within the Early Years Foundation Stage will have four separate judgements and be reported on in a separate Early Years Foundation Stage paragraph in the school inspection report.

There are no separate judgements about the Early Years Foundation Stage where this is made as part of the school's activities for its pupils for children aged three and over. Inspectors must use their professional judgement to assess the impact of teaching in the Early Years Foundation Stage when making judgements about the whole school.

Inspection judgements where the inspection takes place as part of the school inspection

The four key judgements that inspectors must make about registered provision delivering the Early Years Foundation Stage are:

- Outcomes for children in the Early Years Foundation Stage
- The quality of provision in the Early Years Foundation Stage
- The effectiveness of leadership and management of the Early Years Foundation Stage
- Overall effectiveness: how well the setting/school meets the needs of children in the Early Years Foundation Stage.

The following section sets out what inspectors should evaluate and take account of when reaching judgements about the registered provision. The phrases in italics link to the themes and commitments that underpin the Early Years Foundation Stage.⁵

⁴ *Using the early years evaluation schedule* (080124), Ofsted 2010; www.ofsted.gov.uk/resources/080124

⁵ The Early Years Foundation Stage pack (DCFS 2008) www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00261-2008

Outcomes for children in the Early Years Foundation Stage

Inspectors should evaluate:

- the extent to which children enjoy their learning and achieve well; feel safe; learn to lead healthy lifestyles; make a positive contribution; and develop their skills for the future.

Outline guidance

Inspectors may take account of:

- enjoying and achieving:
 - how well children *learn and develop* in relation to their starting points and capabilities
 - the extent to which children *enjoy* their learning
 - the extent to which children are *active learners, creative and think critically*
 - whether progress in particular *areas of learning and development* is consistently better or worse than other areas
 - how well children are able to work independently
 - whether the progress of particular groups (or individuals) is consistently better than, or slower than, others
- staying safe:
 - the extent to which children behave in ways that are safe for themselves and others
 - children’s understanding of dangers and how to stay safe
 - the extent to which children show that they feel safe and are confident to confide in adults at the setting/school
- keeping healthy:
 - the extent to which children understand and adopt healthy habits such as good hygiene practices
 - the extent to which children are active and understand the benefits of physical activity
 - the extent to which children make healthy choices about what they eat and drink
- making a positive contribution:
 - children’s enjoyment of and attitudes towards learning, including their desire to participate and willingness to make choices
 - how well children behave, join in, cooperate and share with each other

- how well children make friends, *respect each other* and tolerate each other’s differences
 - the extent to which children respond to the expectations of those who work with them
 - children’s ability to make appropriate choices and decisions
- developing their skills for the future:
- children’s skills in communicating, literacy, numeracy and progress in developing ICT skills
 - the extent to which children are active, inquisitive and independent learners
 - children’s developing ability to solve problems
 - the extent to which children’s understanding of the wider world is demonstrated through their play.

Outcomes for children in the Early Years Foundation Stage: grade descriptors

<p>Outstanding (1)</p>	<p>For most children, the outcomes are at least good and the majority of outcomes are outstanding. Children are eager to attend and make significant gains in their learning. They have consistently good and often excellent levels of achievement and most children demonstrate outstanding progress in developing the skills that will help them in the future. Children play a dynamic role in their learning and, wherever possible, offer their ideas and respond to challenges with great enthusiasm. They show high levels of independence, curiosity, imagination and concentration. Relationships are very strong at all levels, and children respect and tolerate each other’s differences. All children show that they are developing a very good understanding of how to keep themselves safe and healthy. They demonstrate exceptionally positive behaviour and high levels of self-control. Older and more able children say they feel safe at the setting/school. Children are confident to share concerns with their key person or other adults at the setting/school.</p>
<p>Good (2)</p>	<p>Most children, including those with special educational needs and/or disabilities, and those learning English as an additional language, make good progress towards the early learning goals in most areas of learning. They also make good overall progress in developing the personal qualities that enable them to take responsibility for small tasks and develop skills for the future. Children have good relationships with adults. They play well on their own, and those from different backgrounds and cultures work and play in harmony. They are motivated and interested in a broad range of activities and take responsibility for choosing what they do. They often share responsibility for decisions about routines. Most children demonstrate a willingness to keep themselves and others safe through their good behaviour. They show that they feel safe and they share concerns with their key person.</p>

<p>Satisfactory (3)</p>	<p>Overall, children make sound progress in their learning, although this may be stronger in some areas of learning. Most children are broadly content, settled and willingly take part in activities. They make some choices about the activities they engage in and, on occasion, share responsibility for decisions. Children know and comply with safety, health and care routines. Most show they usually feel safe when at the setting, and this is supported by parents' views. Children understand that unacceptable behaviour may put others at risk of harm. They generally know how to behave and how to use and care for their environment and resources, but sometimes need reminders.</p>
<p>Inadequate (4)</p>	<ul style="list-style-type: none"> ■ The goals that children reach within the educational programmes are not high enough when set against their capabilities and starting points. As a result, a significant number do not make sufficient gains across the areas of learning and/or particular groups of pupils underachieve significantly. <p>Or:</p> <ul style="list-style-type: none"> ■ Children do not show enthusiasm for learning and some are reluctant to engage. They may remain unsettled and spend much of their time with little purpose, gaining little confidence and self-assurance. Some children are isolated or integrate poorly and are unable to work and play effectively either independently or with others. Arguments over resources, or disputes about sharing, may lead to aggressive behaviour that puts themselves and others at risk. They are not developing the social and learning skills that will equip them well enough for the future.

The quality of provision in the Early Years Foundation Stage

Inspectors should evaluate:

- how well children are helped to learn and develop
- how effectively children's welfare is promoted.

Outline guidance

Inspectors may take account of:

- how well the adults support learning and development
- the quality of the learning environment both indoors and outdoors
- the quality of planning for individuals to ensure that each child is offered an enjoyable and challenging experience across the areas of learning
- how well information from observation and assessment is used to plan activities that are tailored to the needs and abilities of individuals
- how well additional learning and/or development needs are identified and provided for
- the extent to which there is planned, purposeful play and exploration, both in

and out of doors, with a balance of adult-led and child-led activities that foster active learning

- the steps taken by the key people to safeguard and promote the welfare of the children, and how well adults teach children about keeping safe
- how good health and well-being are encouraged, whether necessary steps are taken to prevent the spread of infection, and whether appropriate action is taken when children are ill
- how effectively children are encouraged to develop the habits and behaviour appropriate to good learners, their own needs and those of others
- the suitability and safety of outdoor and indoor spaces, furniture, equipment and toys.

The quality of provision in the Early Years Foundation Stage: grade descriptors

<p>Outstanding (1)</p>	<p>The provision is at least good in all major aspects and is exemplary in most. A highly stimulating and welcoming environment fully reflects the children’s backgrounds and the wider community. The exceptional organisation of the educational programmes reflects rich, varied and imaginative experiences that meet the needs of all children exceedingly well. Assessment through high-quality observations is rigorous and the information gained is used very effectively to guide planning. Teaching is rooted in expert knowledge of the learning and development requirements and a full understanding of how young children learn and progress. Inspirational and innovative teaching motivates children. Adults consistently give the highest priority to safeguarding all children. Children’s health, safety and well-being are significantly enhanced by the robust and highly consistent implementation of policies, procedures and practice that are individual to the setting. Practitioners are highly skilled and sensitive in their management of children and their behaviour. Relationships are excellent.</p>
<p>Good (2)</p>	<p>Adults’ good knowledge of the learning and development and welfare requirements and Early Years Foundation Stage guidance promotes children’s learning, social, physical and economic well-being. An interesting, well-equipped and welcoming environment successfully reflects most children’s backgrounds and the wider community. Comprehensive policies and procedures ensure that children are protected and well supported. All adults are well deployed to support children’s learning and welfare. They are skilled at promoting positive attitudes to learning. High-quality planning and organisation ensure that every child is suitably challenged by the learning experiences provided. Activities are well planned, based upon thorough and accurate observations and assessment and matched to the full range of children’s needs. Relationships are good and children’s behaviour is managed well. There are effective partnerships with parents/carers, other agencies and providers.</p>
<p>Satisfactory (3)</p>	<p>The provision is satisfactory in all major aspects, and may be good in some. Adults have a sound knowledge of the learning and development and welfare requirements and guidance for the Early Years Foundation Stage.</p>

	<p>They use a reasonable range of teaching methods and adequate resources to provide a sufficient range of activities and experiences to meet children's needs. The level of challenge is sufficient to interest and engage children. Observation and assessments and their use in planning are satisfactory, and generally consistent in quality. Adults generally manage children and their behaviour appropriately. They provide a secure environment that reflects the children's backgrounds and some sections of the wider community. Relationships are secure. Adults work sufficiently well with parents/carers and external agencies to meet the needs of the majority of children. Policies and procedures are adequate. Where outdoor play space is not regularly accessible, effective alternatives are planned.</p>
<p>Inadequate (4)</p>	<ul style="list-style-type: none"> ■ Adults' knowledge of the learning and development and/or welfare requirements and guidance is inadequate and the <i>specific requirements</i>⁶ that have a significant impact on children are not met. This may be because systems are weak and some records, policies or procedures are missing or out of date. Staff are insufficiently vigilant to protect children's safety and well-being. <p>Or:</p> <ul style="list-style-type: none"> ■ Adults do not have a clear enough understanding of the children's needs because observations are not frequent or accurate enough to monitor children's progress and to plan appropriate activities. <p>Or:</p> <ul style="list-style-type: none"> ■ Some individuals and/or groups of children, such as those with special educational needs and/or disabilities, are not sufficiently well supported and integrated; this may be because partnerships with parents and external agencies are not sufficiently well developed.

The effectiveness of leadership and management of the Early Years Foundation Stage

Inspectors should evaluate:

- how well children are safeguarded
- how well the setting/school engages with users and works in partnership with parents/carers and others
- the extent to which there is an ambitious vision and clear priorities for improvement that are driven by effective systems for self-evaluation
- how consistently policies and procedures are implemented to promote equality and eliminate discrimination
- the extent to which there is effective and efficient use of resources.

⁶ As set out in the *Statutory framework for the Early Years Foundation Stage* DCSF, 2008 www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00261-2008.

Outline guidance

Inspectors may take account of:

- the maintenance of records and implementation of policies and procedures required for the safe and efficient management of the Early Years Foundation Stage and for ensuring that children are safeguarded and their needs are met
- the suitability and qualifications of the adults looking after children or having unsupervised access to them
- the quality and effectiveness of risk assessments and actions taken to manage or eliminate risks
- how effectively and efficiently *available resources*, including training, are *used and managed* to meet the needs of children and to achieve high-quality outcomes
- how effectively adults communicate and embed an ambitious vision and *strive for improvement* to provide high-quality care and education
- how effectively provision and outcomes are monitored through regular quality checks and self-assessment, leading to clear identification of targets for further improvement
- the extent to which *inclusive practice* is promoted so that all children's welfare needs are met and all achieve as well as they can
- how effectively *links with parents/carers*, other providers, services, employers and others promote the integration of care, education and any extended services.

The effectiveness of leadership and management of the Early Years Foundation Stage: grade descriptors

<p>Outstanding (1)</p>	<p>Leadership and management are at least good in all aspects and are exemplary in most, especially safeguarding. Those in charge have high aspirations for quality through ongoing improvement and a strong commitment to equality and diversity. Staff, children and their parents have contributed to rigorous self-evaluation and the development of a clear and achievable plan that supports continuous improvement. Children's well-being is significantly enhanced by exceptional organisation, risk assessment and planning for continuous improvement. Children's needs are exceptionally well met through highly effective partnerships between staff, parents and their children, external agencies and other providers. Leaders and managers make exceptionally good use of resources, including training opportunities, to meet the needs of the children. There are no breaches of <i>specific requirements</i>.</p>
<p>Good (2)</p>	<p>Those in charge are focused on helping all children to make good progress in their learning and development, and promoting their welfare. There is a common sense of purpose between adults who work well together to ensure that all groups of children have the opportunity to achieve as well as they can. Self-evaluation takes into account the views of children, parents/carers</p>

	<p>and other interested partners; it is effective in identifying strengths and weaknesses of the provision and makes good use of findings from any other quality checks. As a result, those in charge are able to demonstrate how they have raised children’s achievement and made improvements to provision. Resources are well deployed, including any extended services, to improve outcomes for children. Robust steps are taken to safeguard children, including vetting procedures for all the adults who work with the children. Effective links exist with parents/carers and other agencies and providers. If there is a breach of the <i>specific requirements</i>, it is minor and has no impact on the safety and well-being of children.</p>
<p>Satisfactory (3)</p>	<p>No major aspects of leadership and management are inadequate, and some may be good, as shown by their impact on the children. Areas of weakness have been identified and those in charge demonstrate the capacity to tackle them effectively. The deployment of resources and training opportunities is satisfactory. Safeguarding procedures are secure and all the required checks have been carried out. The staff are suitably trained and know what action to take in the event of a safeguarding issue. Adults generally work well with parents, other settings and/or external agencies to meet the diverse needs of the children. Any breaches of <i>specific requirements</i> do not have a detrimental impact on the safety and well-being of children or on the extent to which the <i>overarching requirements</i>⁷ are met.</p>
<p>Inadequate (4)</p>	<ul style="list-style-type: none"> ■ Leadership and management are inadequate if any one of the <i>overarching requirements</i> is not met. <p>Or:</p> <ul style="list-style-type: none"> ■ The quality of self-evaluation is inadequate and those in charge have too little impact. They are insufficiently focused on raising achievement and promoting the other outcomes and do not target the use of resources sufficiently well to bring about improvements. <p>Or:</p> <ul style="list-style-type: none"> ■ Links with parents/carers and/or others supporting children’s care and education are not strong enough to ensure that individual needs are met. The views of others (for example, children, parents, external partners) are rarely sought and, if they are, little is done to address the issues or concerns raised.

Overall effectiveness: how well does the school meet the needs of children in the Early Years Foundation Stage?

Inspectors should evaluate:

- how well the needs of children are met
- the capacity to make continuous improvement and/or sustain existing high standards.

⁷ As set out in the *Statutory Framework for the Early Years Foundation Stage* DCSF, 2008 www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00261-2008

Outline guidance

Inspectors may take account of:

- how well the needs of all children are routinely met, recognising:
 - *the uniqueness of each child*
 - how the setting *supports every child* so that no group or individual is disadvantaged
 - whether all children make progress in their *learning and development*
 - how well children’s welfare is promoted, including the effectiveness of safeguarding procedures
 - whether partnerships in the *wider context* are used to promote good-quality education and care
 - the extent to which planning for improvement and the processes of self-evaluation are effective
 - improvements made since the last inspection, where applicable.

Overall effectiveness: how well does the setting/school meet the needs of children in the Early Years Foundation Stage? Grade descriptors

Outstanding (1)	The setting is highly effective. Outcomes are consistently good and exemplary in significant elements. All major aspects of the provision are at least good and excellent in most respects. Highly effective partnerships between providers, parents and other agencies ensure individual children’s needs are met and their protection assured. Leadership and management, including the capacity for sustained improvement, are outstanding. <i>Outcomes for children</i> and the <i>quality of provision</i> are at least good and one is outstanding.
Good (2)	All the three other key judgements are at least good. Children make good progress in their learning. Effective arrangements exist to ensure their safety and health and encourage their involvement in their school/setting or wider community. Strong links with parents/carers help to involve them in their children’s care and education, and they are kept very well informed of their children’s progress. Those in charge have an accurate understanding of the strengths and weaknesses of the provision and take effective steps to improve it.
Satisfactory (3)	To be satisfactory, all key judgements must be at least satisfactory and may be good in some respects.
Inadequate (4)	Overall effectiveness is likely to be judged inadequate if any of the key judgements are inadequate: <ul style="list-style-type: none"> ■ outcomes ■ provision ■ leadership and management.

An overview of the process

Getting started: before the inspection

The inspection service provider (ISP) will give the school two clear days' notice of its section 162A inspection, and will notify them that the registered provision for children aged from birth to three in the Early Years Foundation Stage provision is to be inspected at the same time. The ISP will check whether there are any off-site nurseries under the same school registration and they will staff the inspection accordingly.

The lead inspector will need to clarify the extent of the Early Years Foundation Stage provision with the school during initial contact and remind the school of the integrated report format. It is vitally important that at this initial contact, the lead inspector checks whether the school has correctly registered its provision for children under three (if it has any). The lead inspector will also need to check with the school who is responsible for coordinating the Early Years Foundation Stage. It is likely that the team inspector will need to arrange a meeting with this person.

It is also helpful to check how many children there are in each part of the Early Years Foundation Stage (aged from birth to three and from three to five) and how they are organised, what the provision for outdoor learning is like, whether the school has established a key worker system and what the links are like between the Early Years Foundation Stage and other years.

The lead inspector will also need to establish whether any of the learners are exempt from any of the learning and development requirements. Please refer to *Exemptions from the learning and development requirements*.⁸

The ISP will ensure that both the lead inspector and the team inspector receive a copy of the school evaluation of their own performance, if the school wishes to share it in advance of the inspection.

Before the inspection starts, the lead inspector will contact the team inspector – who will be responsible for inspecting the provision for children in the Early Years Foundation Stage – to discuss the proposed inspection arrangements; how the day will be spent in school; and the timings of meetings and feedback; and to negotiate respective responsibilities within the inspection itself.

This team inspector may only be on site for one day, generally the first inspection day, and therefore it is likely they will not be at the final feedback meeting. The team inspector will therefore feed back judgements about registered provision for children aged from birth to three in the Early Years Foundation Stage and any specific

⁸ *Exemptions from the learning and development requirements* (080144), Ofsted, 2010; www.ofsted.gov.uk/resources/080144.

findings related to three- to five-year-olds to the headteacher and/or proprietor before they leave.

Getting started

- Check whether the school evaluates any separately-run registered provision against the requirements of the Early Years Foundation Stage.⁹ Some schools use the early years self-evaluation form to assess the quality of registered early years provision.
- Ensure that the information is correct in discussion with the early years manager or headteacher before the inspection starts.
- Be clear about what the school provides and who **manages** the childcare on the school site. Is it registered to the school or not?
- Ensure that the inspection team has the correct resources/expertise to carry out the inspection. Additional resources will be provided where there are sufficient numbers in the childcare to warrant it.
- Find out if the provision was previously registered and, if so, whether it has been inspected. Check the previous inspection report and whether there are or have been any compliance, investigation and enforcement (CIE) cases. If there is an active CIE case, please contact the CIE team to see if the inspection should proceed.
- Use the previous inspection report and CIE history to identify any issues to follow up at inspection.
- What evidence is there about the children's starting points and their subsequent progress? You may want to alert the headteacher or manager of the early years provision to the need for further evidence and/or a discussion at the start of the inspection.
- Record a note of any issues that will form part of an inspection trail in the record of evidence and inspection judgements.

During the inspection

- Registered early years provision (for children under three) should be inspected by an inspector that has received specific training on the inspection of provision for children aged birth to three. Provision must meet the requirements of the Early Years Foundation Stage.
- Inspection activities should include: observations of sessions/lessons in the Early Years Foundation Stage, taking account of the issues you have raised in the pre-inspection briefing and assessing the children's outcomes; an analysis of information on children's achievements and progress in the Early Years

⁹ *Statutory framework for the Early Years Foundation Stage* (00267-2008BKT-EN), DCSF, 2008; www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00261-2008.

Foundation Stage; and discussions about the leadership and management of the Early Years Foundation Stage.

- Use the guidance below on judging children’s starting points and progress.
- Inspectors should consider how judgements about registered provision contribute to judgements about the school so that any incongruence is investigated. For example, if children in a school-run pre-school for three-year-olds make good progress and exceed age-related expectations, but profile results at the end of the Early Years Foundation Stage are at or below expectations, then this may indicate inadequate progress in reception class. If there is evidence of slower progress when children become school pupils at age four or five, then this should be explained.
- Any significant strengths or weaknesses in registered early years provision will have a proportionate impact on overall school grades. These should be taken into account when making judgements about the whole school.

Judging children’s starting points and/or progress

This guidance is to inform judgements on children’s starting points in registered early years provision and/or the progress they make. It is unlikely that children will reach the age by which the Early Years Foundation Stage profile is undertaken when in registered provision. If this is the case, please refer to the information on attainment in the maintained school inspection subsidiary guidance.¹⁰

The main document for judging children’s starting points and the progress they make is the ‘development matters’ section in the *Practice guidance for the Early Years Foundation Stage*.¹¹ This describes likely achievements for a child who is progressing towards the early learning goals through the use of broad age-related bands. Note that these bands overlap and children will not necessarily progress sequentially through each element within them.

There are no national data on attainment on entry available for comparison. Instead, inspectors should make a professional judgement by taking account of the proportions of children meeting expectations in the age-related bands. In doing so, they should use the setting’s assessment evidence and take account of the range of ages represented in a group as well as the range of previous experiences. Children’s starting points are affected by:

- whether this is the child’s first pre-school experience, in which case their starting point may be lower than other children

¹⁰ The maintained school inspection guidance documents are available on the Ofsted website: www.ofsted.gov.uk/schools/for-schools/inspecting-schools/inspecting-maintained-schools/main-inspection-documents-for-inspectors.

¹¹ *Practice guidance for the Early Years Foundation Stage*, DCSF, 2008; www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00261-2008

- the quality of assessment information from any previous setting
- the partnership with parents and whether this is used productively to help establish what children know and can do
- whether children are admitted in groups at particular times of year or individually as places become available.

The age-related expectation at age three is that most¹² children are likely to be working within the 'development matters' band for 30–50 months, having shown competence in the preceding band for 22–36 months. Consider whether this is the case for all six areas of learning.

It is important that inspectors take account of how well children learn and develop in relation to their starting points and capabilities. Inspectors should also use contextual information such as:

- the days and times a child attends registered provision – whether this is full-time, part-time or temporary provision
- the ages of the children attending, using the developmental milestones in the *Practice guidance for the Early Years Foundation Stage*
- the purpose of the provision, for example whether it is wrap-around care or the main provider of a child's early years experience
- whether a child receives the Early Years Foundation Stage from any other provision.

Gaining 78+ scale points with 6+ in all scales of personal, social, emotional development and communication, language and literacy might represent outstanding progress for children who started at a level much lower than that expected for their age. However, for an able child starting at a higher point, such 'good achievement' might only demonstrate satisfactory progress.

Gathering evidence on the welfare requirements

Inspectors should not complete a checklist of whether registered early years provision managed by the school meets all the requirements of the Early Years Foundation Stage or is 'having regard to' the statutory guidance.

Inspectors **must** check that safeguarding procedures meet current government guidelines and that ratios are met. There is no necessity to make a physical check of other requirements. However, by visiting the early years provision, observing the children, examining paperwork, following up any issues from the previous inspection or issues raised in the parents' questionnaire, you will form a view as to whether there is any likely breach of other requirements. If this seems possible, then you will

¹² 'Most' means the majority or nearly all children. Ofsted's definition of 'most' is 80%–96%.

need to tailor your inspection activity in proportion to the issues that the situation presents. Effectively, you will be making a risk assessment and then making a proportionate response.

Breaches of statutory welfare requirements

Inspectors should ensure that the early years manager and/or headteacher and governors are alerted to any breach of requirements. Unless the matter is small and easily put right, it should be reported in the inspection report and, where appropriate, an action for improvement included in the report. Inspectors should use their professional judgement about the extent to which any breaches have implications for judgements on leadership and management, including governance, both of the registered early years provision and the whole school.

Judging and reporting on inadequate registered early years provision

If inspectors find that any of the learning and development or welfare requirements are not being treated with due regard, they should evaluate the significance of the individual requirements in judging whether the Early Years Foundation Stage provision is inadequate overall. Where overarching requirements (such as 'adults looking after children must have appropriate qualifications, training, skills and knowledge') are not given due regard, this is likely to result in an inadequate judgement because they will be reflected in judgements on the quality of provision and leadership and management. Failures to have due regard for requirements that affect the safety of the children or have a significant impact on their welfare, enjoyment and progress should lead to a judgement of inadequate.

When making a judgement that the registered provision is inadequate overall, inspectors should consider whether the school understands its responsibilities towards putting matters right and is likely to do so without further enforcement action. If this is the case, then the inspector should make sure that actions are raised in respect of the registered provision (see section below on writing the report).

The inspector should contact the CIE team about possible enforcement action where they judge that:

- the school does not fully understand its responsibilities with regard to the registered provision
- the school is unwilling or unable to put matters right without further intervention
- this is not the first time the weakness has been identified in the registered provision.

Enforcement action means that Ofsted may use its statutory powers to force a setting to comply with requirements or, where they do not, prosecute them or even

close them down.

Where the registered early years provision is inadequate, inspectors should do the following.

- Ensure that the inspector for the registered provision contacts the national CIE team to discuss the extent and nature of the inadequacies and to take advice on the possible outcomes. Take account of this in making your overall judgement on the school. The extent to which this will impact on the school judgements depends on:
 - the number of children in the registered early years provision
 - whether the children are pupils of the school
 - whether any of the weaknesses identified in the registered provision are also found in the school
 - the seriousness of the failings, for example if there are some failings in learning and development requirements, then it may have only more limited implications for the school. However, in very serious cases that involve the health, safety and well-being of children, inspectors need to consider whether the level of inadequacy is sufficient to judge that the welfare, health and safety of pupils in the whole school is inadequate. This would cause the Department for Education to issue a statutory notice to improve.
- Phone the helpdesk (0300 123 1231) for further discussion and to log your concerns, especially if you are likely to place the school in a category.
- Follow all prescribed procedures, including informing the school how inadequate registered provision will be monitored.

Reports should be written so that it is clear what has been inspected. Inspectors should state clearly which overarching requirements have not been met and the impact on the children.

Monitoring inadequate provision

Unless the school is in receipt of a statutory notice to improve, the CIE team will monitor inadequate provision in registered settings in independent schools managed by a proprietor. Where schools receive actions to improve registered provision, monitoring takes place to ensure that actions are met, with a further inspection of the registered provision within 12 months.

Where schools have enforcement action taken in respect of registered provision, monitoring inspections take place until the requirements of any enforcement action are met and the inspector judges that the provision is satisfactory or better. At this point, a further inspection takes place.

See Annex A for a table detailing the procedures for monitoring inadequate provision that is managed by a proprietor. It clarifies the monitoring process for different

scenarios, depending on whether the school is also judged as inadequate. The table enables inspectors to explain to a school: whether it will be monitored; the focus of any further inspection; the timing of any monitoring inspection; and who will monitor provision. The table is **not** a rubric for making judgements, but simply an aid for inspectors for explaining how monitoring will occur.

Writing the report

- Report on the quality of the provision and outcomes for children and on the leadership and management of the Early Years Foundation Stage, clearly identifying any key strengths or weaknesses.
- A length of around 250 words will normally be appropriate, depending on the context, size of provision and findings. This should allow for sufficient examples and detail about the Early Years Foundation Stage to give users a clear picture of provision, but particular strengths or weaknesses may require further detail.
- Record the grade awarded for each of the four judgements with a 'tick' in the table at the back of the section 162A report.
- Where the judgements have an impact elsewhere in the school report, make reference to the provision in other sections as appropriate.
- Give appropriate attention to any concerns as areas for development. Any actions raised for the registered Early Years Foundation Stage provision to meet statutory requirements should be included under 'compliance with the regulations' in the section 162A report. Inspectors should use the appropriate italicised wording as follows.
 - Where provision is good or satisfactory, actions to meet statutory requirements are rare but may be raised for non-compliance that is minor in its impact. In these instances, inspectors should use the following italicised wording: *'to fully meet the specific requirements of the Early Years Foundation Stage, the registered person must...'*
 - Where provision is inadequate (category 1), inspectors should use the following wording: *'to comply with the requirements of the Early Years Foundation Stage, the registered person must take the following action (by a specified date)...'*
 - Where provision is inadequate (category 2), inspectors should use the following wording: *'Ofsted will take enforcement measures to ensure children's safety and compliance with the welfare, learning and development requirements or will cancel registration.'*

Annex A. Strategy for monitoring inadequate provision in schools with registered early years provision managed by a proprietor

School judgement (quality of education)	Early Years Foundation Stage judgement for registered provision	Time frame for follow-up visit(s)	Monitoring strategy	By whom
Inadequate	'inadequate 1'	Determined by the Department for Education.	Under independent schools progress monitoring procedures: registered provision a focus of all visits.	Inspector trained to inspect and report on registered provision.
Inadequate	'inadequate 2'	<p>Enforcement action as required immediately after inspection including a possible visit before three months.</p> <p>Independent schools progress monitoring inspection timeframe determined by the Department for Education.</p>	<p>Compliance, Investigation and Enforcement procedures. Possible visit to check action taken.</p> <p>Under independent schools progress monitoring procedures: registered provision issues to be a focus of all visits to ensure that provision is not slipping back.</p>	<p>Inspector from Compliance, Investigation and Enforcement.</p> <p>Led by inspector trained to inspect and report on registered provision or HMI with trained inspector depending on size of school and tariff.</p>