

Monitoring visits for early years provision judged as inadequate

Inspector guidance

This guidance is to assist inspectors in conducting monitoring visits of providers who are registered on the Early Years Register and who are judged inadequate at inspection.

Age group: Birth to 5

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Introduction

1. This document sets out the way Ofsted conducts monitoring visits¹ of providers registered on the Early Years Register, who are judged inadequate at inspection. An **inadequate** judgement is given when the quality of the provision puts children's safety and well-being and/or learning and development at risk and requires significant improvement and/or enforcement². Provision judged as inadequate may also need help and support from external agencies.
2. Providers judged as inadequate will usually have a notice to improve setting out the actions they must take within a prescribed timescale. Where provision is judged too poor to improve without further intervention it will be issued with a welfare requirements notice and/or a notice to improve for learning and development as it is failing to meet the safeguarding and welfare requirements of the Early Years Foundation Stage and/or to give children an acceptable standard of early education.
3. A provider judged inadequate with enforcement and/or a notice to improve for learning and development will usually:
 - receive a first monitoring visit within 24 hours of the earliest date given on the notice for the completion of the actions (where a welfare notice has been issued), or within three months from the date of the inspection at which it was judged inadequate (where a notice to improve is issued)
 - any further monitoring visits will be based upon dates of any additional actions on the welfare requirements notice, or any new actions raised following the first visit
 - be reinspected within six months of the inspection at which it was judged inadequate.
4. A provider judged inadequate without enforcement will usually:
 - receive a monitoring visit within three months of the inspection at which it was judged inadequate
 - be reinspected within six months of the inspection at which it was judged inadequate.

¹ Monitoring inspections are carried out under section 49 of the Childcare Act 2006. They are referred to as 'monitoring visits' to distinguish them from full inspections.

² For more information on the judgements that are made and the enforcement tariff see the *Evaluation schedule for inspections of registered early years provision*, Ofsted, 2013; www.ofsted.gov.uk/resources/120086; *Conducting early years inspections*, Ofsted, 2013; www.ofsted.gov.uk/resources/120087 and the *Compliance, investigation and enforcement handbook*, Ofsted, 2013; www.ofsted.gov.uk/resources/cie_handbook.

5. Following a monitoring visit we will send a letter detailing the outcome of the visit. This letter will be published on our website alongside the setting's inspection reports.

Guidance for monitoring provision judged as inadequate

Staffing and scheduling monitoring visits

6. When an inspector judges a provider inadequate the responsibility for monitoring will usually be allocated to
 - an Inspection Service Provider (ISP) if the provision does not require enforcement, who will in turn allocate it to one of their inspectors, or
 - an Ofsted Early Childhood regulatory inspector if the provision requires enforcement.
7. Once a provider has been allocated for monitoring it is the responsibility of the inspector and their line manager or the ISP to ensure that all visit timescales are met. Where more than one monitoring visit is required the same inspector will normally carry out all visits during the monitoring period.
8. The provider will be reinspected no later than six months from the initial inspection that judged it inadequate. A different inspector will usually be allocated to carry out the reinspection. Where the ISP has been monitoring it is responsible for allocating the reinspection to another ISP inspector. Where Ofsted regulatory inspectors have been monitoring the ISP will usually carry out the reinspection unless the Compliance, Investigation and Enforcement (CIE) team decide the reinspection should be conducted by a regulatory inspector. In this case, CIE are responsible for closing down any outstanding inspections allocated to the ISPs.
9. If Ofsted receives a concern or notification linked to the provision:
 - after the inspection which judged the provision inadequate, but before the planned monitoring visit, or
 - after the monitoring visit but before the reinspection date

the information will be risk assessed by Ofsted to determine the level of risk to children. If the concern or notification does not pose a risk of harm to a child then it will be taken into account during the monitoring visit or reinspection. If the concern or notification does pose a risk to a child then Ofsted will either carry out an urgent investigation visit or ask the relevant ISP to carry out a priority or brought forward inspection³. At this point, any outstanding

³ Inspection guidance for inspecting provision on the Early Years Register following the risk assessment process, Ofsted, 2013; www.ofsted.gov.uk/resources/120380.

monitoring visits or reinspections will be closed down. The outcomes of the investigation or priority or brought forward inspection will determine what further steps Ofsted will need to take.

Preparing for the monitoring visit

10. Group providers will normally receive no notice of the monitoring visit. For childminders or group providers that do not meet regularly, such as summer play schemes, inspectors should telephone no more than five days ahead of the visit to check that a provider is operating on the day of the visit, for example to check that a childminder is at home and children are attending, or that a holiday play scheme is operating that day. Wherever possible the inspector should telephone on the day before the visit to minimise the notice period as much as possible.
11. Monitoring visits should be informed by:
 - the last inspection report
 - action(s) set out in the welfare requirements notice
 - action(s) set out in the notice to improve
 - the provider's response to either notice
 - any enforcement action the inspector may need to monitor during the inspection
 - any action(s) relating to the Childcare Register
 - an up-to-date self-evaluation form where one is available
 - letters from previous monitoring visits
 - the pre-inspection telephone conversation with the provider, if applicable
 - a review of all information received since the last inspection provided on the Provider Information Portal (PIP) or recorded on RSA, or for ISP inspectors through the pre-inspection pack
 - any local intelligence or contact from the local authority advisor.
12. The inspector should create the monitoring visit toolkit. Ofsted regulatory inspectors should select the correct toolkit from the drop down menu in the 'arrange visit' screen. ISP inspectors will follow the agreed processes and draw down the information and toolkit via the portal.
13. If there is to be more than one inspector, the inspectors should arrange a planning meeting to decide on a timetable of activities for the visit, and the roles and responsibility of each inspector, including who will be the lead inspector and who will take responsibility for the feedback. For provision judged

inadequate with enforcement the decision to allocate two inspectors for a monitoring visit rests with a CIE senior officer.

14. During the pre-inspection telephone call (if applicable) the inspector should refer the provider to this guidance so that they are aware of the documentation they should have available, the purpose and focus of the monitoring visit and judgement that will be made.

Conducting monitoring visits

15. Inspectors should be sensitive to the situation the setting or childminder is in and conduct themselves in line with the Framework for the regulation of provision on the Early Years Register⁴. We should also expect providers to comply with the expectations for providers set out in the same document.
16. At the beginning of the visit the inspector should explain the purpose and focus of the monitoring visit, including that the improvement the setting or childminder has made will be evaluated to judge whether the provider has taken prompt and effective action. The inspector should ask the provider to make the following documentation available:
 - the plan of action they are working to
 - any documentation or records from visits by local authority advisor or other external support
 - any documentation that was referred to in the notice/s the setting or childminder was sent
 - copy of the most recent self-evaluation form if not submitted on line or previously sent to Ofsted, if the setting has completed one
 - any documentation that supports the improvements the setting or childminder has made.
17. At the beginning of the visit the inspector should ask the provider to make the local authority aware that the monitoring visit is taking place. A representative should be invited to have a discussion with the inspector in person or by telephone and to attend the feedback at the end of the monitoring visit.
18. The main focus of the monitoring visit will be the areas for improvement that are included in the welfare requirements notice and/or notice to improve. The overarching questions are:
 - How effectively has the provider tackled the actions set at the last inspection?

⁴ Framework for the regulation of provision on the Early Years Register, Ofsted, 2013; www.ofsted.gov.uk/resources/120288.

- What is the impact on the safety and well-being, and learning and development of children?
- Is the improvement sustainable such that the provision is on track to have moved to the next grade or better by the time the next full inspection is due?

19. Inspectors should take account of the following:

- what the setting has done to tackle the actions in the welfare requirements notice, if applicable, and how has it improved the care of children
- what the setting has done to tackle actions in the notice to improve and how it has improved the care and/or quality of learning and development of children and the progress they make
- whether the setting has let other aspects slip so there is now cause for concern in different areas
- whether children's individual needs are being met, so that every child makes progress and no child gets left behind
- whether all children are safe, and are able to enjoy learning and grow in confidence
- whether all staff and/or assistants are involved in the improvement of the setting and understand their role in maintaining continuous improvement
- whether parents are aware and involved in the improvement of the service their children attend
- whether the provider has involved other agencies in developing their plan of action to secure future improvement
- whether the provider has considered the improvements in the long term or has only taken sufficient action to resolve the immediate issues
- whether any further action may need to be taken.

20. If an ISP inspector is concerned or unsure about any aspect of the visit they should contact their own duty desk support. Ofsted inspectors should contact their senior officer. If any inspector has specific concerns about a child's safety and well-being they must contact CIE. If any inspector considers an offence may have been committed they should contact CIE immediately to discuss whether the inspection should continue.

Gathering evidence

21. The inspector should take time at the beginning of the visit or soon after arrival at the setting to discuss the plan of action and how it is being implemented with the registered provider or nominated person, if available, and the day-to-day manager. This will give providers the opportunity to set out how they are

moving forward and give the inspector evidence of the commitment of the provider, and its leadership and management to improving the care, learning and development of children.

22. The inspector should consider the effectiveness of the plan of action the provider has produced to tackle the weaknesses and whether it:
 - covers all aspects stated in the notice(s)
 - details what the setting intends doing to ensure any actions are carried out and the care and learning of children improves
 - includes other aspects not detailed in the notice(s), but which have become an area of concern
 - sets out details for continuous improvement
 - includes evidence of the involvement of staff, parents, children and other agencies such as the local authority.
23. Inspectors may find it helpful in directing the initial discussion to refer to the completed self-evaluation form, where one is provided, or the provider's evaluation of the action plan to date. This should reflect any improvement and any areas that may have slipped.
24. Evidence should be recorded in the relevant section of the toolkit. It should reflect the areas identified in the inspection report as requiring improvement. This section should include evidence of the most significant strengths and weaknesses, and any new areas of improvement or breaches of requirement that need to be taken forward.
25. Inspectors should speak to staff, parents and children to corroborate evidence gained from the leadership and management and any documentation available, to determine how implementing the plan of action has improved the care, learning and development of children.
26. It is important to consider if the provider demonstrates their capacity to sustain any improvements made. Inspectors should consider whether the improvements are having a marked and sustained impact on all areas of weakness. Inspectors should consider whether providers are capable of sustaining this improvement with or without the aid of any external support.
27. For settings that provide poor quality provision, there should be clear evidence that leaders and managers are having a positive impact on children's care, learning and development including progress towards the early learning goals.

External support

28. Inspectors will evaluate and report on the impact of external support for the setting. Normally this will involve evaluating the impact of the support provided

by the local authority and any other significant external partners such as through a quality assurance scheme.

29. The inspector should take time to scrutinise any documentation resulting from the local authority or other intervention. Where possible they should have a discussion with a representative of the local authority in person or by telephone. Consideration should be given to how willing the provider and staff have been to accept external guidance and support and the impact this has on the quality of care, learning and development for children.

Judgements to be made on monitoring visits

30. Inspectors are required to make one judgement about the progress a provider has made by the time of a monitoring visit. The judgement will either be:
 - having considered all the evidence the inspector is of the opinion that the provider **has taken prompt and effective action** to address the points for improvement, or
 - having considered all the evidence the inspector is of the opinion that the provider **has not taken prompt and effective action** to address the points for improvement
31. The judgement is based on the improvements already made, taking into account the timescale given in notice(s), and whether the provider is on track to have made sufficient, sustainable improvement by the time they are reinspected.
32. The inspector should evaluate how tackling the actions has improved the care and learning and development of children. To demonstrate prompt and effective action, providers and managers need to show that their actions have had a significant impact in achieving clear and sustainable progress. Good intentions and an inspirational outlook, or a recent change of manager following a period of poor leadership, do not in themselves provide sufficient proof of the ability of the provider to sustain improvement.
33. A provider judged to have taken prompt and effective action may not have everything in place to be judged better than inadequate if reinspected at this point. However, they are on track to be judged requires improvement or better at their reinspection. Providers judged to be taking prompt and effective action are unlikely to require further monitoring visits before their reinspection.
34. An inspector is likely to judge that the provider has not taken prompt and effective action if the quality of provision continues to be poor, and the provider does not show an ability to make the required improvements, or if it becomes evident that in tackling the actions from the last inspection the provider has let

other aspect(s) slip so children are at risk of harm, or are not making sufficient progress in their learning and development.

35. If providers have not taken prompt and effective action in three months, they are unlikely to be judged as requires improvement or better within the six month timescale for reinspection. Progress will need to accelerate before the reinspection in order to make up the ground that has been lost. Inspectors will need to consider whether further enforcement action or a notice to improve will put providers back on track and whether further monitoring visits are needed before reinspection.
36. Where ISP inspectors find a provider judged inadequate without enforcement has tackled the actions from the last inspection but let other aspect(s) slip they should consider setting further actions in accordance with paragraph 37 below. Where there has been no progress in addressing the actions from the last inspection the inspector should contact CIE to discuss whether enforcement or other action is needed. Where Ofsted inspectors have concerns about progress they should discuss these with their senior officer.

Further action

37. On all visits, inspectors should consider whether it is helpful to identify additional priorities for action. They should be identified only where they have a significant impact on the quality of learning and development for children or children are at risk of harm. Actions should help the provider focus on what needs to be done next to improve the quality of provision offered. Inspectors should be cautious about offering advice but should share good practice where this may help the provider move forward. This can be done by directing the provider to relevant publications such as *Getting it right first time*⁵ or examples on the Ofsted good practice website⁶.

Feedback at the end of the monitoring visit

38. The provider will receive oral feedback at the end of the visit. The inspector(s) should take time away from the children to prepare the main points of the feedback. Feedback should take no longer than 30 to 40 minutes depending on the outcome of the visit.
39. Oral feedback at the end of the visit must:
 - report the evidence base on which the judgement is founded
 - make clear that the text of the letter may differ slightly from the oral feedback, but that the substance of the judgement will not change

⁵ For more information, please visit: www.ofsted.gov.uk/resources/130117.

⁶ <http://www.ofsted.gov.uk/resources/goodpractice?keywords=%2A&remit=19&type=2985>

- make clear any new issue(s) to take forward
 - ensure the provider is clear about the outcome of the visit and what the next step will be, especially if new issue(s) have arisen or improvement is poor.
40. The feedback is normally attended by the registered person or nominated person (if available), day-to-day manager, other nominated staff, and a representative from the local authority, if available. The inspector and manager should agree which other staff will attend the feedback, especially where the feedback is challenging and/or sensitive. As with any other inspection the inspector has charge of the meeting.
41. The inspector should indicate where the provider has improved, those areas that require further improvement and any new areas of concern. The main focus of any further monitoring visits should be clearly explained, if applicable.
42. The inspector must explain to the provider that the outcome of a monitoring visit is reported in a letter that is published on the Ofsted website alongside the last report.

Writing the letter

43. The outcome of the monitoring visit is reported in a letter that sets out the judgement, the impact of actions taken to date, any areas requiring further work and/or new areas of concern.
44. The letter must clearly explain the action the setting has taken to address the issues in the notice to improve and/or welfare requirements notice and the impact of any improvement, or not, on the care, learning and development of children.
45. The letter should explain what the next step will be (a further monitoring visit, full inspection, further notice to improve and/or welfare requirements notice or enforcement action) and why.

Quality assurance

Reviewing and factual accuracy check of the letter

46. Monitoring toolkits for inadequate with enforcement provision will be reviewed by CIE before publication to ensure they accurately reflect the improvement made or will support any further enforcement action Ofsted may wish to take. The ISPs will review monitoring toolkits for inadequate without enforcement provision.

47. The provider does not have an opportunity to check for factual accuracy for a monitoring visit letter. It is important that the ISP and Ofsted check that the original report has been published before sending out the monitoring letter. If the report which judged the provision inadequate has not been published the ISPs and CIE should investigate why there has been a delay and rectify before publishing the monitoring outcome letter.
48. The status of the initial inspection report must show on the regulatory support application (RSA) as published before the monitoring letter is sent to the provider. This is especially important if the provider has been sent a welfare requirements notice with a very short timescale which results in a monitoring visit one or two days after the initial inspection. Monitoring letters will be published the day following the 'checks complete' process. The report must be published before the monitoring letter to ensure they are published in the correct order on the internet.
49. If further enforcement action is needed following a short timescale welfare requirements notice regulatory inspectors should seek advice from CIE.
50. Submission of inspection reports of provision judged inadequate is given priority over other inspection work. Reports for inadequate providers should normally be submitted by close of play the day following the inspection but in any case, must be submitted within five days of the inspection. Case discussions should usually be held no later than three days after the inspection to agree any actions for a welfare requirements notice and/or notice to improve (for inadequate with enforcement only).

Monitoring letter

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[add Date]

Where Provision Type is NOT Childcare on Non Domestic and the report is not for web publication:

Our Reference [add URN]

[add ProviderName]

[add ProviderAddress]

Where Provision Type is NOT Childcare on Non Domestic and the report is for web publication do not include the name and address.

Where Provision Type is Childcare on Non Domestic (web publish or hard copy):

[add SettingName]

[add SettingAddress]

Dear [add ProviderName]

Monitoring for provision judged as [add last full inspection outcome: inadequate/requires improvement]

An Ofsted inspector, <Nameofinspector>, monitored your provision on <Visit date> following your inspection where the provision was judged to be [add last full inspection outcome: inadequate/requires improvement]

Outcome of monitoring

As a result of our inspection on [add PreviousVisitDate], we sent you a [add PreviousVisitNotice]. The actions you were set are included at the end of the letter.

[add VisitOutcomeSummary]

Having considered all the evidence, the inspector is of the opinion that the [setting] [childminder] [add VisitOutcome: has taken prompt and effective action/has not...] to address the points for improvement.

Next steps

[The next step will be a full inspection.] [The next step will be further monitoring.] [We will take enforcement action to ensure compliance with children’s welfare and/or learning and development requirements.] [We will take steps to cancel your registration.]

Optional section: include section between [START] and [END] tags where the visit outcome is has taken prompt and effective action [START] I hope that you have found the visit helpful in promoting improvement in your [setting] [childminding service].[END] If you have any further queries please contact us on the number at the top of this letter.

Yours sincerely

Nick Hudson
National Director, Early Education

or

Lorna Fitzjohn HMI
National Director, Childminding

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{The following section will show ALL actions in the toolkit not just new ones – so it will show the actions from the inspection.}

Actions

Action	Due date	Closed Date
<ItkCareActionText_1>	<ItkCareActionDueDate>	<ItkCareActionClosedDate>