

# Inspecting childminder agencies

A consultation document

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This is a consultation document on proposals for the inspection of childminder agencies.

We seek the widest possible range of views from those who have an interest in, or expertise relating to, registered early years provision.

The closing date for the consultation is 21 March 2014.

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**361**

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## Introduction

### About Ofsted

1. The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to support and challenge the sector in achieving excellence in the care of children and young people, and in education and skills for learners of all ages.
2. We register, inspect and, where appropriate, take enforcement action against those registered on the Early Years Register that make provision for children aged from birth to 31 August after their fifth birthday (known as the early years age group), unless such providers are exempt from registration.<sup>1</sup> These providers must deliver the Early Years Foundation Stage and meet the range of requirements that it and accompanying regulations set out.
3. We also register and regulate providers to care for children from birth to 17 years on the Childcare Register. Applicants for the Childcare Register make a declaration that they meet, or will meet at registration, requirements relating to people, premises and provision. Ofsted carries out checks with the Disclosure and Barring Service and local authority children's services departments before making a decision on whether to grant registration.<sup>2</sup>
4. Ofsted introduced the revised early years inspection framework on 4 November 2013. This makes clear that only early years provision that is good or outstanding is good enough for young children. Ofsted inspectors of early years providers, all of whom have a background in the early years, use this revised framework to inspect all early years providers and make sure they are delivering a high quality service. This inspection framework does not include the inspection of childminding agencies.

### Background to the consultation

5. The Children and Families Bill 2013 includes provisions for the creation of childminder agencies. The Bill also includes a range of regulation-making powers that will set out how childminder agencies will operate. Assuming the necessary legislation is passed by Parliament, agencies will be able to operate from September 2014. Ofsted will need to be ready to register and inspect childminder agencies from this date.
6. This consultation seeks your views on proposals for Ofsted's inspection framework for childminder agencies. Your views will help to refine and develop the framework. The consultation will not cover the requirements that agencies

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<sup>1</sup> Legislation exempts a number of providers from compulsory registration. Our leaflet *Registration not required* sets out the circumstances that exempt providers: [www.ofsted.gov.uk/resources/080134](http://www.ofsted.gov.uk/resources/080134).

<sup>2</sup> More information about the Childcare Register can be found on our website: [www.ofsted.gov.uk/resources/guide-registration-childcare-register](http://www.ofsted.gov.uk/resources/guide-registration-childcare-register).

will need to meet in order to register with Ofsted, since these will be determined by Parliament through regulations, laid by the Department for Education. Nor does it cover the cycle under which Ofsted will have to inspect childminder agencies, since this will be determined by the Secretary of State for Education in line with the provisions in the Children and Families Bill. The reinspection of childminder agencies outside the prescribed inspection cycle will be for Ofsted to determine.

7. We want to use our existing knowledge of the sector to ensure that the regulation of childminder agencies supports improvement, is proportionate and efficient, and is centred on the needs of young children and their parents. Our proposals aim to:
  - keep children safe and improve the quality of childminding through a robust inspection process
  - ensure that clear judgements are made through inspection by incorporating a range of information from different stakeholders
  - improve information for parents and childminders by making inspection reports user-friendly and accessible.

## **Proposals for the inspection of childminder agencies**

8. Our proposed inspection arrangements for childminder agencies will need to be flexible enough to cover a wide range of business models, from very small community-based agencies to potentially large national private sector businesses. In developing our proposals for the inspection framework we have therefore sought to maximise knowledge and experience in inspecting similar services, such as fostering and adoption agencies.
9. We realise the importance childminders have in supporting children's learning and development in their early years so that they are well-prepared for school and for their later lives. Agencies that register childminders will therefore have a vital role in supporting childminders who register with them and improving the quality of their care and education provision.
10. Once childminder agencies come into being, individual childminders will have the choice of registering with an agency or with Ofsted. Those who register with an agency will get support and development from their agency, who will quality-assure their work and provide training and guidance. In common with other providers who care for fewer children or do so less than regularly, such as holiday play schemes and out of school provision, individual childminders who remain registered with Ofsted will be subject to regular Ofsted inspection. Individual support for these providers will come, as now, from their local authority.

## Notice period

11. Ofsted reported to the Select Committee report into the role of Ofsted that we would reduce the notice period given in inspections.<sup>3</sup> We recognise that no-notice inspections bring particular challenges in seeking the views of users and in asking for information ahead of the inspection. This is particularly the case for childminder agencies, where we will need to sample a number of individual childminders registered with the agency as part of the agency inspection. However, we believe that the benefits of no-notice inspections outweigh these considerations. They allow us to see the service 'as it is', without any special preparation, and reduce the worry for providers, who do not have to make any adjustments ahead of the inspection.
12. We propose to carry out childminder agency inspections with no notice. However, we envisage that the lead inspector will telephone the agency on the first day of the inspection to secure access to key documents, determine the sample to be selected and to plan for the inspection team's site visit and sampling activity. For childminders being sampled, we expect that inspectors will select the sample and the agency or inspector will telephone the childminders in advance of the sampling visit to make sure they are caring for children. This ensures that our resources are used efficiently and that we do not waste inspection days on sampling provision that is not operating or has no children present.

We propose to give no notice of inspection to childminder agencies.

Q1. To what extent do you agree or disagree that we should give no notice of inspection to childminder agencies?

## Inspection judgements

### Overall effectiveness judgement

13. The draft legislation underpinning childminder agencies proposes that Ofsted inspectors will make three key judgements<sup>4</sup>. These are:
  - the effectiveness of the agency's arrangements for assuring itself of the quality of the care and education provided by childminders registered with it

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<sup>3</sup> Education Committee: Seventh Special Report;  
[www.publications.parliament.uk/pa/cm201012/cmselect/cmeduc/1317/131702.htm](http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeduc/1317/131702.htm).

<sup>4</sup> These are subject to parliamentary approval and will not be finalised until the Children and Families Bill completes its passage through Parliament.

- the quality and standards of the services offered by the childminder agency to childminders registered with it
- the quality of leadership and management of the childminder agency.

14. As part of Ofsted's inspections across all remits, we make an 'overall effectiveness' judgement in addition to any key judgements that are required by legislation. This is so that there is one over-arching judgement against which providers can be compared, and that we can use for public reporting on the quality of a particular sector. We suggest that the three judgements proposed in the legislation will support a judgement of the 'overall effectiveness' of the agency's services to childminders on its books. This means that subject to the final legislation, the inspection will lead to four graded judgements.

- The overall effectiveness of the agency's services to childminders, taking account of:
  - the effectiveness of the agency's arrangements for assuring itself of the quality of the care and education provided by childminders registered with it
  - the quality and standards of the services offered by the childminder agency to childminders registered with it
  - the quality of leadership and management of the childminder agency.

We propose that inspectors, in addition to judging childminder agencies against the key judgements prescribed in legislation, make an 'overall effectiveness' judgement by assessing the overall quality of the agency's services to childminders on its books and to parents using the agency's services.

Q2. To what extent do you agree or disagree that Ofsted should require inspectors to make an 'overall effectiveness' judgement on the overall quality of a childminder agency?

15. In line with Ofsted's inspections of other types of providers, we also propose that, for childminder agencies, each of the judgements set out in paragraph 14 above should be made using a four-point scale, as follows.

- Outstanding
- Good
- Requires improvement
- Inadequate

We propose that childminder agency inspection judgements should be made against a four-point scale: outstanding, good, requires improvement and inadequate.

Q3. To what extent do you agree or disagree that childminder agency inspection judgements should be made against this four-point scale?

16. Given that childminder agencies do not yet exist, there is no current knowledge about the likely size, scale and scope of the sector. For this reason, we do not propose at this stage to develop proposals for the future improvement of childminder agencies. Once agencies begin operating, and we know more about the quality and range of agencies that are likely to operate, we will be in a better position to consider whether any further improvement interventions are necessary.

### **Self-evaluation**

17. The ability of providers to develop processes that enable them to reflect on and evaluate what they do, and then to use this to improve their practice and, in turn, improve outcomes for children, remains a key factor in good and outstanding quality provision. Those settings that are prepared to look critically at their practice and make changes are the most likely to improve. We think this important aspect of an agency's practice should be included in the evidence that we gather as part of the inspection, and that it should be used to help inform our judgements. However, we recognise that there are many different types of organisations that may become agencies. These organisations will have different methods for evaluating themselves; therefore we do not propose to offer a particular format for such self-evaluation. Instead, agencies will be free to provide the inspector with any evidence of whatever system it uses to evaluate its practices.

We propose that childminder agencies' self-evaluation of their strengths and weaknesses should form part of the inspection evidence.

Q4. To what extent do you agree or disagree that Ofsted's inspections should take into account the agency's ability to use self-evaluation to improve their practice?

### **Views of parents and childminders who use agencies**

18. Childminders and parents who use a childminder agency will be well placed to understand and comment on the agency's services. They could provide unique insights about how the agency is working in practice and will help inspectors to make their judgement about the quality and effectiveness of the agency's services. By surveying a number of stakeholders, inspectors can gain a broad view of the childminder agency's services and can discuss any issues raised with the agency during its inspection.



19. Childminders registered with an agency may provide insights as to how agencies have improved the quality of their service, developed their skills, organised their training and ensured that safeguarding and welfare commitments are met. Parents of children enrolled with an agency's childminders may help define how well the agency ensures that its childminders promote the engagement of parents in their children's learning and development, keep them informed about their children's achievements and progress, and ensure that their childminders provide a quality service for children. They will also be able to give views on how effective the agency's services are for parents.
20. The proposed inspection framework for childminder agencies suggests that individual childminders who are registered with an agency and parents using an agency should be given the opportunity to provide their views as part of the evidence Ofsted gathers at inspection.

We propose that individual childminders who are registered with an agency and parents using an agency should be given the opportunity to provide their views as part of the evidence we gather at inspection. Evidence from stakeholders will help to inform the inspection judgements.

Q5. To what extent do you agree or disagree that Ofsted should incorporate the views of individual childminders and parents involved with agencies into the inspection evidence to contribute to its inspection judgements?

### **Inspection reports**

21. When we inspect a childminder agency, we will be under a duty to produce an inspection report that sets out how we have judged the quality and effectiveness of that agency.
22. We propose that, following an inspection of a childminder agency, the inspection report of the agency is published on the Ofsted website to ensure transparency and clarity for parents and childminders who are making decisions about which childminder agency they wish to use.

We propose that reports from the inspection of a childminder agency should be published on the Ofsted website.

Q6. To what extent do you agree or disagree that childminder agency inspection reports should be published on the Ofsted website?

## Consultation arrangements

We welcome your responses to this consultation paper. The consultation remains open until 21 March 2014.

### Sending back your questionnaire

There are three ways to complete and submit the questionnaire and any other comments.

#### Online electronic questionnaire

Visit our website to complete and submit an electronic version of the questionnaire: [www.surveymonkey.com/s/ofsted-cma2014](http://www.surveymonkey.com/s/ofsted-cma2014).

#### Print and post

This document can be printed and completed by hand. When you have completed the questionnaire, please post it to:

Childminder agencies inspection framework consultation  
Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

#### Download and email

Visit our website to download a Word version of the questionnaire that you can complete on your computer: [www.ofsted.gov.uk/resources/130255](http://www.ofsted.gov.uk/resources/130255). When you have completed the questionnaire, please email it to: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). Please put 'Childminder agencies inspection framework consultation' in the subject line.

### What happens next?

We will publish a report summarising the responses to this consultation and an inspection framework for the regulation of childminder agencies, taking full account of the responses to this consultation.

# Questionnaire for the inspection of childminder agencies

## Confidentiality

The information you provide will be held us. It will be only used for the purposes of consultation and research to help us to become more effective, shape policies and inform inspection and regulatory practice.

We will treat your identity in confidence, if you disclose it to us. However, we may publish an organisation's views.

Are you responding on behalf of an organisation?

- Yes  please complete Section 1  
 No  please complete Section 2

## Section 1

If you are completing the consultation on behalf of an organisation and would like us to consider publishing the views of your organisation, please indicate this below.

Organisation: \_\_\_\_\_

## Section 2

Which of the below best describes you? Please tick one option.

I am:

a young person	<input type="checkbox"/>	a parent/carer	<input type="checkbox"/>
a charity representative	<input type="checkbox"/>	a childminder	<input type="checkbox"/>
an elected representative	<input type="checkbox"/>	a foster parent/carer	<input type="checkbox"/>
an independent provider	<input type="checkbox"/>	a local authority representative	<input type="checkbox"/>
an Ofsted employee	<input type="checkbox"/>	a practitioner in education	<input type="checkbox"/>
an umbrella group	<input type="checkbox"/>	a voluntary sector organisation	<input type="checkbox"/>
a trialist for childminder agencies	<input type="checkbox"/>	prefer not to say	<input type="checkbox"/>
Other (please tell us)			

## Questions

Q1: To what extent do you agree or disagree that we should give no notice of inspection to childminder agencies?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any comments or suggestions to make on this proposal?

Q2. To what extent do you agree or disagree that Ofsted should require inspectors to make an 'overall effectiveness' judgement on the overall quality of a childminder agency?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any comments or suggestions to make on this proposal?

Q3. To what extent do you agree or disagree that childminder agency inspection judgements should be made against this four-point scale?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any comments or suggestions to make on this proposal?

Q4. To what extent do you agree or disagree that Ofsted's inspections should take into account the agency's ability to use self-evaluation to improve their practice?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any comments or suggestions to make on this proposal?

Q5. To what extent do you agree or disagree that Ofsted should incorporate the views of individual childminders and parents involved with agencies into the inspection evidence, to contribute to its inspection judgements?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any comments or suggestions to make on this proposal?

Q6. To what extent do you agree or disagree that childminder agency inspection reports should be published on the Ofsted website?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Do you have any comments or suggestions to make on this proposal?

Q7: What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those wishing to take part.

Please tell us what you thought of this consultation by answering the questions below.

	Agree	Neither agree or disagree	Disagree	Don't know
I found the consultation information clear and easy to understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I found the consultation easy to find on the Ofsted website.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I had enough information about the consultation topic.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would take part in a future Ofsted consultation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How did you hear about this consultation?

- Ofsted website
- Ofsted News*
- Ofsted's email alerts service
- Ofsted conference
- Another organisation (please specify, if known)

Other (please specify) \_\_\_\_\_

Is there anything you would like us to improve on or do differently for future consultations? If so, please tell us below.

Thank you for taking part in our consultation.

## Additional questions about you

Your answers to the following questions will help us to evaluate how successfully we are gathering views from all sections of society. We would like to assure you that all responses are confidential and you do not have to answer every question.

Please tick the appropriate box.

### 1. Gender

Female	<input type="checkbox"/>	Male	<input type="checkbox"/>
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### 2. Age

Under 14	14-18	19-24	25-34	35-44	45-54	55-64	65+
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 3. Ethnic Origin

(a) How would you describe your national group

British or mixed British	<input type="checkbox"/>	English	<input type="checkbox"/>
Northern Irish	<input type="checkbox"/>	Irish	<input type="checkbox"/>
Scottish	<input type="checkbox"/>	Welsh	<input type="checkbox"/>
Other (specify if you wish)	<input type="checkbox"/>		



(b) How would you describe your ethnic group?

<b>Asian</b>		<b>Mixed ethnic origin</b>	
Bangladeshi	<input type="checkbox"/>	Asian and White	<input type="checkbox"/>
Indian	<input type="checkbox"/>	Black African and White	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>	Black Carribean and White	<input type="checkbox"/>
Any other Asian background (specify if you wish)	<input type="checkbox"/>	Any other mixed ethnic background (specify if you wish)	<input type="checkbox"/>
<b>Black</b>		<b>White</b>	
African	<input type="checkbox"/>	Any White background (specify if you wish)	<input type="checkbox"/>
Carribean	<input type="checkbox"/>	<b>Any other ethnic background)</b>	
Any other Black background (specify if you wish)	<input type="checkbox"/>	Any other background (specify if you wish)	<input type="checkbox"/>
<b>Chinese</b>			
Any Chinese background (specify if you wish)	<input type="checkbox"/>		

4. Sexual orientation

Heterosexual <input type="checkbox"/>	Lesbian <input type="checkbox"/>	Gay <input type="checkbox"/>	Bisexual <input type="checkbox"/>
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5. Religion/belief

None	<input type="checkbox"/>	Christian (including Church of England, Catholic, Protestant and all other Christian denominations)	<input type="checkbox"/>
Buddhist	<input type="checkbox"/>	Hindu	<input type="checkbox"/>
Jewish	<input type="checkbox"/>	Muslim	<input type="checkbox"/>
Sikh	<input type="checkbox"/>	Any other, please state:	<input type="checkbox"/>

6. Disability

Do you consider yourself to have a disability?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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