

# The next steps: when a provider is judged inadequate or is not complying with requirements

A childcare factsheet

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## Introduction

This factsheet explains what happens next when:

- provision on the Early Years Register is judged to be inadequate
- provision on the Childcare Register does not meet the requirements of the registration.

## Early Years Register

Where an inspector judges the overall effectiveness of provision to be inadequate, the inspection report will set out the steps you must take and the date by which you must comply with the requirements in the *Statutory Framework for the Early Years Foundation Stage* that you failed to meet<sup>1</sup>.

In addition, Ofsted may decide to take enforcement action against you and issue a welfare requirements notice because of the poor quality of your provision. It will be an offence not to take the steps we require of you in a welfare requirements notice. We also have a range of other enforcement action we can take including cancelling your registration.

The inspector will have explained the weaknesses that have led to the judgement of inadequate. They will also have discussed with you what you need to do to improve. Where the inspector judges that enforcement action is needed, they will have explained the range of options open to us. You will need to be able to provide evidence that you are meeting requirements the next time we visit.

## Compliance visits

Where we decide to take enforcement action and we allow the provision to continue to operate, we will monitor your progress with the steps you take to meet the welfare requirements notice. We will do this through a compliance visit. At that visit we will ask you to tell us what you have done to put things right and we will check that the improvements you have made are fully embedded in practice and that you can sustain these improvements. Where we agree that the action you have taken is sufficient, the next step will be another inspection within six months of the original inspection date. You should read our published guidance as set out in part two of our *Early years compliance handbook*.

At the compliance visit the inspector will make a judgement about whether or not you have met the welfare requirement notice(s). Failure to meet a welfare requirement notice is an offence<sup>2</sup> and may lead to cancellation of your registration. If we find that you have addressed the matters set out in the welfare requirements

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<sup>1</sup> The *Statutory Framework for the Early Years Foundation Stage* is available at: [www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2012](http://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2012).

<sup>2</sup> Regulation 12 of *The Early Years Foundation Stage (Welfare Requirements) Regulations 2012*

notice but are breaching other requirements, we may take further enforcement action. Following the compliance visit we will publish a summary of the outcome on our website alongside your inspection reports so that parents and others can see the progress that you have made.

## **The next inspection**

In most cases, the next inspection will take place no later than six months following the inadequate judgement.

## **Where can I go for help to improve my practice?**

We will tell your local authority about your inspection judgement. We advise you to contact your local authority advisor/development worker will provide support or training to help you make the necessary improvement.

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

You should keep parents fully informed at all stages. Once you receive the inspection report, you must provide a copy to all parents of children who attend the setting.

## **Can I carry on claiming government funding for two, three and four-year-olds during this period?<sup>3</sup>**

You remain eligible to claim funding until your local authority removes you from its directory of providers who are eligible to claim funding for free early education places. Your local authority will advise you if they are likely to do this and on the next steps if they do so.

## **Childcare Register**

When an inspector judges that you are not meeting the requirements of either the compulsory or the voluntary part of the Childcare Register, or both parts, Ofsted will either:

- issue you with a notice that sets out what the steps you must take and by what date – these relate to any of the *Requirements of the Childcare Register* that you failed to meet

We may decide to take enforcement action against you, including prosecuting you or cancelling your registration.

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

You should keep parents fully informed at all stages. Once you receive the inspection report you must provide a copy to all parents of children who attend the setting.

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<sup>3</sup> Government funding for two-year-olds is only available to a limited number of settings.

## More information from Ofsted

The law that sets out our duty is the Childcare Act 2006 and associated regulations. You can read about the regulations and our policy on registration and inspection in the *Framework for the regulation of provision on the Early Years Register* and the *Framework for the regulation of provision on the Childcare Register*<sup>4</sup>.

There is also more information on our website: [www.gov.uk/ofsted](http://www.gov.uk/ofsted).

You can telephone us on 0300 123 1231 or email us at [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).

## Other sources of information

You can contact your local authority which has a duty to give you help and support. You can find the telephone number in your local directory or by visiting [www.gov.uk/find-your-local-council](http://www.gov.uk/find-your-local-council).

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<sup>4</sup> *Framework for the regulation of provision on the Early Years Register*, Ofsted, 2014; [www.gov.uk/government/publications/framework-for-the-regulation-of-provision-on-the-early-years-register](http://www.gov.uk/government/publications/framework-for-the-regulation-of-provision-on-the-early-years-register) and *Framework for the regulation of provision on the Childcare Register*, Ofsted, 2014; [www.gov.uk/government/publications/framework-for-the-regulation-of-provision-on-the-childcare-register](http://www.gov.uk/government/publications/framework-for-the-regulation-of-provision-on-the-childcare-register).