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Guidance

Information for parents about Ofsted's role in regulating childcare

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This guide provides information about how we regulate childcare providers. It sets out how you might use this information available to you when choosing childcare and what to do if you have a concern about your child's provider.

How we regulate childcare

We register and inspect those who provide early education or childcare for children aged from birth up to their eighth birthday. We do this to help reassure you that when your children are in registered childcare they are cared for by people who are suitable.

We hold 2 different registers for childcare providers:

- the Early Years Register
- the Childcare Register, which is in 2 parts: a compulsory part and a voluntary part

Childminders may choose to register with a childminder agency instead of Ofsted. Childminders being registered with a childminding agency are expected to meet the same standards as Ofsted registered childminders. For more information, see childminders and childcare providers, register with Ofsted.

Some types of provider do not need to register with us. You can find details of these in our early years and childcare registration handbook.

Unless exempt, childcare providers must meet the requirements set out in the law and in the 31 August following their fifth birthday (known as the 'early years' age range) must register on the Early Years Register and deliver the early years foundation stage, a framework for the education and welfare of young children.

People who want to provide childcare for children older than the early years age group but under the age of 8 years must register on the compulsory part of the Childcare Register.

Most people who do not have to register may choose to join the voluntary part of the Childcare Register. This includes people who care for children aged 8 years and over.

No matter which register people join, we are able to:

- register the childcare provider, or suspend or cancel its registration
- inspect the childcare, with or without arranging this beforehand
- take enforcement action against the provider in serious cases

Making choices about childcare providers

If you are choosing childcare and you want full information about availability in your area, you should contact your local authority's family information service. They hold information on the facilities that childcare providers in your area offer. You can find your local family information service through the National Association of Family Information Services.

How to use our information to help you choose childcare

Every provider registered with us has their own page on our reports website. To find the pages for childcare providers in your area:

- visit our reports website
- enter your postcode

To see providers in your local area, you can also find these using 'map view'.

Each provider's page gives a range of information about this childcare, such as:

- the name, address and telephone number – if you are looking for a childminder, bear in mind that we only publish this information for childminders who have given us their permission to do so. If a childminder has not given us their permission, your local authority family information service may be able to help you contact them
- previous inspection reports that we have written about the childcare
- details of any conditions we have put on the provider's registration

You can use inspection reports to help you decide which providers to visit when you are choosing childcare or to let you more about a provider that someone else has recommended. These reports give you information about what the inspector found on the day of the inspection. All inspection reports include grades on the quality of childcare and how well it meets the needs of children. When you visit, ask how what the provider has done following the inspection.

If the provider's record says that we have put conditions on its registration, this means that it cannot be setting in line with this condition. You can check when you visit that it is meeting those conditions. A provider that does not meet its conditions of registration is committing an offence and we can prosecute it.

You can continue to look at our reports website to see whether we have added any new information to the provider's page.

Registration

We register people and organisations that want to provide childcare. We carry out a series of checks to ensure anyone who applies to register. The number and type of checks we carry out depend on the position each person holds, including whether they work with children. We carry out checks on people who have been given permission by Ofsted's Disclosure and Barring Service check or DBS check.

We do not check employees of registered providers, such as the manager or other staff who work in a nursery (this is the responsibility of the provider). We do check household members (of childminders and any assistants) they employ. We check people when they first register with us. We do not repeat the checks on a regular basis unless we have a reason to do so, for example because someone tells us that they have been convicted of an offence or we receive information that makes us concerned.

Our inspectors visit applicants who apply to join the Early Years Register to confirm whether they meet and their premises, including equipment, are suitable to be used for childcare.

Inspectors must be sure that applicants can deliver the early years foundation stage and meet all the requirements for registration. Read more about the requirements for registration on the Early Years Register.

We do not usually visit providers that want to join the Childcare Register, although we may do so if we think it is necessary. We do not carry out checks on people who want to send us a qualified childcare certificate. As part of their application process they want to join the Childcare Register must sign to say that they agree to meet a set of requirements about:

- the people who have access to children
- the premises
- the childcare provided

You can find the requirements of the Childcare Register in our guide to registration.

Inspection

We prioritise the inspection of providers rated less than good. These inspections are scheduled based on risk assessment and inspection grades. The Department for Education has further information about the legal requirements for Ofsted to inspect registered early years providers.

Under these inspection arrangements, we will inspect all providers on the Early Years Register in a year where from the date of their last inspection. We will publish a report on our reports website following the inspection. Your childcare provider should let you know when we will be visiting. We will usually give them 2 days' notice so that you can – what it does and what it needs to improve. When we carry out our inspections, we make a number of judgements that tell you more about the quality of the education and care being provided. We grade each judgement on a 4-point scale: outstanding, good, requires improvement and inadequate. If we judge the provider, or any aspect of provision, to be inadequate, we will place a requirement on the provider to do it by terms. In some cases when we judge a provider as inadequate we will take formal enforcement action against it (see below).

Each year, we inspect 10% of those providers registered on the Childcare Register and check that they are keeping to the requirements. If the care provided is to the child's own home, we will ask permission from the child's parents to be there during the inspection. After these inspections, we write a letter to the provider. If the provider is meeting the requirements, we will publish the letter on our reports website. We will send copies of these letters on our reports website and leave them published for a year following the inspection.

Enforcement

We have powers to make sure that providers keep to the requirements in the early years foundation stage and any conditions of their registration. If we find the provider is not meeting the requirements, we can:

- write to the provider telling it what it must do to meet the requirements, either in a letter or in its inspection report
- send a provider on the Early Years Register a legal notice, called a 'welfare requirements notice', if we think the provider is not meeting the requirements to meet the welfare requirements – if the provider does not comply with this notice, it commits an offence
- change or add new conditions to a provider's registration
- prosecute a provider if it has committed an offence
- cancel a provider's registration, in exceptional cases, if we believe nothing else will protect children or to make sure the provider keeps to the law

We may suspend the provider's registration if we believe that children are at risk of harm, so we can investigate or take steps to reduce or remove the risk of harm.

When deciding whether we need to take action, or what action we need to take, we must be fair to the registered provider. This means that we do not take action unless we have good reason to do so. We must also consider the impact our action will have on people who have access to or believe children are at risk of harm.

Those that choose to be registered on the voluntary part of the Childcare Register can continue to run their childcare if we have suspended or cancelled their registration. We will let parents know that we have taken this action, and why. Parents can then choose to take their children to another provider. We cannot inspect, or take other action against, any provider that is not registered with us and does not have to.

You can find more information about our regulatory role in the early years compliance handbook.

What providers must do

Providers must meet the requirements of their registration and should be able to give you information about what these are.

They must give you details about the services they can and display their certificate of registration during their hours of operation, so that you can see it easily.

Names, sometimes known as 'home childcarers', should show their certificate if you ask to see it.

Certificates give information about the childcare provided and any conditions of registration that apply.

Providers on the Early Years Register or the compulsory part of the Childcare Register must let you know how they are meeting the requirements of the early years foundation stage, or you can ask for one if you do not have it.

Providers on the voluntary part of the Childcare Register must share information about their service with parents.

Childcare providers must also investigate any written complaint made to them that relates to the early years foundation stage or the requirements of the Childcare Register, keep a record of the complaint and share the results of any investigation with the parents who made the complaint.

Concerns about a childcare provider

We may see things when we carry out an inspection, but you will be in the setting for more regular time. We often take your views into account when we inform the childcare, you may see issues that make you concerned. If you are concerned about childcare, you should first talk to the provider about your concerns. If you do, you cannot resolve matters, or if you think we should be made aware of information, you can contact us.

Tell the childcare provider

Most things are best dealt with by talking to your provider. Unless you think children are at risk of harm from the childcare provider, it is usually best if you discuss your concern with the childcare provider first. If you do, you may find that the provider can deal with your concern through discussion, you can make a formal complaint by writing to the provider. The law says that providers must have a process for handling written complaints. Parents do not need to be involved.

If you are a parent or carer and you make a formal written complaint about one or more of the requirements of registration, your provider must carry out an investigation. They must tell you about the outcome of their investigation, and any action they take, or plan to take, as a result of your complaint. They must do this within 28 days of receiving your complaint.

You can ask to have the outcome of their investigation in writing. All registered childcare providers, except nannies, must keep a record of written complaints. If you are not satisfied with their response, or your concern relates to a matter you cannot discuss with your provider, you can contact us.

Concerns where children may be at risk of harm

If you are concerned about harm or possible harm to a child, you should phone the local children's social care office. Your local safeguarding children board (LSCB) or children's trust sole responsible about protecting children. You should also contact us if your concerns are about a registered provider or anyone connected with the registration of a provider.

Sharing concerns with Ofsted

You can let us about any information or concern that a provider is not meeting the requirements of its registration. We are unable to resolve your concerns directly with the provider. You can also tell us about a person who is providing childcare when you think must be registered with us, but you believe they are not. Information about those that are exempt from registration is available in our guide to registration.

We cannot deal with information that is not about the requirements for registration, for example, about contracts or fees. These are matters for the provider and the parents must resolve between yourselves.

You do not have to tell us your name. It helps us if you do as we may need to check information with you. If you do not provide your name, we will pass the information you give us to our inspectors and other staff who need it. We will not tell anyone else who can discuss this information except at the next inspection. We will consider any information or concern to the provider given to us by a member of staff of a registered setting who wants to remain anonymous, or any concern that suggests a child is at risk of harm.

If you tell us your name, we will try to keep your details confidential even if you do not ask us to. However, this may not be possible in all cases, and sometimes the provider may know who you are. We will let you know if we think this may happen. If a childcare provider, which results in a court case or a tribunal hearing, it may not be possible to keep your identity confidential.

Before contacting us, it is helpful to work out what you want to say and make a note of any relevant people, times and dates. Please tell us if you have already discussed the matter with the provider and what action, if any, they took. It helps us if you give us a phone number in case we need to contact you for more information.

If you have made a complaint about a childcare provider, we usually ask the provider to send us a copy of your original letter to the provider if possible and any letters from the provider telling you about the outcome of their investigation and any action they have taken or intend to would take. It will also help us if you tell us why you are not satisfied with the provider's response.

What will you do with the information?

We will assess the information you give us alongside the information we already hold about a provider and decide on the appropriate course of action.

Depending on the nature of the information, we may:

- prompt an urgent inspection or visit
- inform the timing and things we look at the next inspection
- refer the matter to the provider for them to take action

Sometimes a concern or information raises issues about protecting children. If this is the case, we will refer the information to the local authority children's services, Health and Safety Executive, what we know is that they can decide whether to investigate. Where we do this, we will normally liaise with those agencies and carry out an investigation. When the liaison with other other agencies and the investigation reaches an appropriate stage, we will decide whether to carry out an inspection and publish an inspection report.

If we visit because we want to follow up concerns that a provider is not meeting the requirements of its registration, we will write to the provider and publish our report on our reports website. This is to give people up-to-date information on which to base your decision about childcare.

When we receive information about a minor concern, we usually use the provider to deal with the matter. This is because we think providers should be able to respond to these concerns. We consider concerns to be minor where, if they were true, they do not place children at risk. We ask the provider to record the information and outcome in their complaints log and we may check this at our next inspection. We may also ask the provider to confirm that the provider took action when we carry out our next scheduled inspection.

You can find more information about our risk assessment process, our approach to investigating concerns and what we regard as minor matters in our early years compliance handbook.

How will I know what you have done?

You will be able to read a full report about the quality of the provision after we have received the information and completed the inspection (unless we have referred it to other agencies). We will let you know if we think we need to do something about the concern, we will write a inspection report covering any breaches of requirements that we find and details of any action that we or the provider took to put the matter right. This will also give you to consider any concerns you may have in the context of the overall quality of the provision.

When we receive a concern or information about a provider who is only on the Childcare Register, we publish an inspection letter on our website unless we cancel their registration. We will let you know if we think we need to do something about the concern, the requirements for registration and, if necessary, any action that they must take to stay registered. We only keep these letters on our website for one year.

If the concern or information involves other agencies, for example, the local authority or the police, we will let you know what we can tell you about the outcome of our action or other agency has decided where it will do. In these cases, it may be some time before we publish the inspection report.

What can the provider do if we decide to take action?

A provider should work with us to make sure that it meets the requirements or any conditions of its registration. A provider can object to, and then appeal against, our decision to:

- suspend its registration
- change, add or remove a condition of its registration
- cancel its registration

A provider can register its registration at any time, unless we have written to say that we intend to cancel their registration. This includes while it is suspended. Those that resign their registration cannot do so if we have written to them to say that they will commit an offence if they offer childcare that must be registered.

Contact us and more information

Please use our contact form if you want to get in touch with us.

Family information service

For details of your nearest family information service, visit the National Association of Family Information Services.

Local authority

Find your local authority to get its contact details.

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