

Regulation of providers on the Early Years Register

A report on the responses to consultation

This is a report on the outcomes of the consultation about the new arrangements for the regulation and inspection of providers on the Early Years Register to be introduced in September 2012.

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Introduction

1. This report summarises the responses to Ofsted's consultation on the proposals for the regulation and inspection of childcare providers on the Early Years Register. Under the Childcare Act 2006 and its supporting regulations, Ofsted has responsibility for regulating and inspecting providers who are required to register on the Early Years Register. All providers on the Early Years Register must deliver the Early Years Foundation Stage and Ofsted's frameworks for the regulation and inspection of those on the Register must therefore reflect the requirements in the Early Years Foundation Stage. The Government has recently consulted on a revised version of the Early Years Foundation Stage and as a result of these changes Ofsted has reviewed its frameworks for the way in which it:
 - registers new applicants who wish to become childcare providers on the Early Years Register, delivering the Early Years Foundation Stage
 - inspects providers who are on the register, to ensure that they continue to meet the requirements of the Early Years Foundation Stage
 - deals with information which suggests that a registered provider may not be meeting requirements.
2. Ofsted consulted widely on six key questions that will underpin the new framework. These questions asked consultees about the extent to which they agreed or disagreed with the following:
 - Ofsted should ask providers themselves to look into minor matters that do not suggest any risk to children
 - Ofsted should retain the current notice periods for inspection
 - Ofsted should continue to make an online self-evaluation document available for providers
 - Ofsted should produce only a short summary report for small-scale providers such as childminders
 - the inspection criteria the inspectors will take into account in making their inspection judgements
 - Ofsted should use electronic communications as its main means of communicating with applicants for registration and registered providers.
3. The results of the consultation will help Ofsted to develop and implement a new framework from September 2012. Ofsted aims to publish the new framework and accompanying guidance in the summer.

The consultation method

4. The consultation period ran from 9 January 2012 to 6 April 2012. Ofsted used a range of methods to consult with people about these issues. These included: an online questionnaire available through Ofsted's website; a survey of parents on the Ofsted Parents' Panel; a separate survey of parents carried out by the National Foundation for Educational Research; and a range of face-to-face events including conferences, meetings and focus groups with key audiences. Ofsted received 869 responses to the online questionnaire. These came from registered early years providers and individual practitioners, local authorities, parents of children who attend early years settings, and representatives of national provider organisations. The Ofsted Parents' Panel consultation attracted 311 responses from parents, and the survey by the National Foundation for Educational Research gathered a further 305 responses. During the consultation period, Ofsted attended over 20 conferences, meetings and focus groups to talk about the consultation proposals and to seek views.

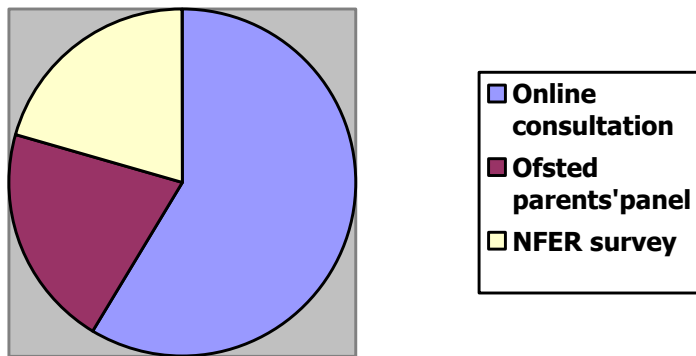
Summary of findings

5. Overall, the responses to the consultation from parents, providers, local authorities and others were strongly in favour of almost all Ofsted's proposals. The following are the key findings.
 - Most respondents agreed that Ofsted should ask providers to look into minor concerns that do not suggest a risk to children, rather than Ofsted dealing with such matters; for example 85% of those responding to the online consultation were in favour.
 - A large majority of those responding to the consultation agreed with retaining current notice periods for inspection; for example the Parents' Panel found that 76% of respondents agreed or strongly agreed with this proposal.
 - A large majority also agreed that Ofsted should retain the online self-evaluation form; 85% of parents who responded to the National Foundation for Educational Research survey agreed or strongly agreed that this was important.
 - There were mixed views about the proposal for a summary inspection report for small-scale providers. Support was strong among parents – for example a large majority of respondents from the Parents' Panel agreed with this approach; it was supported by 47% of those who responded online.
 - Most respondents agreed with Ofsted's proposed criteria to underpin the inspection judgements in reports; for example 88% of those responding to the online consultation agreed or strongly agreed.
 - A large majority of respondents to the online consultation (68%) agreed with the proposals on electronic communication being the main method

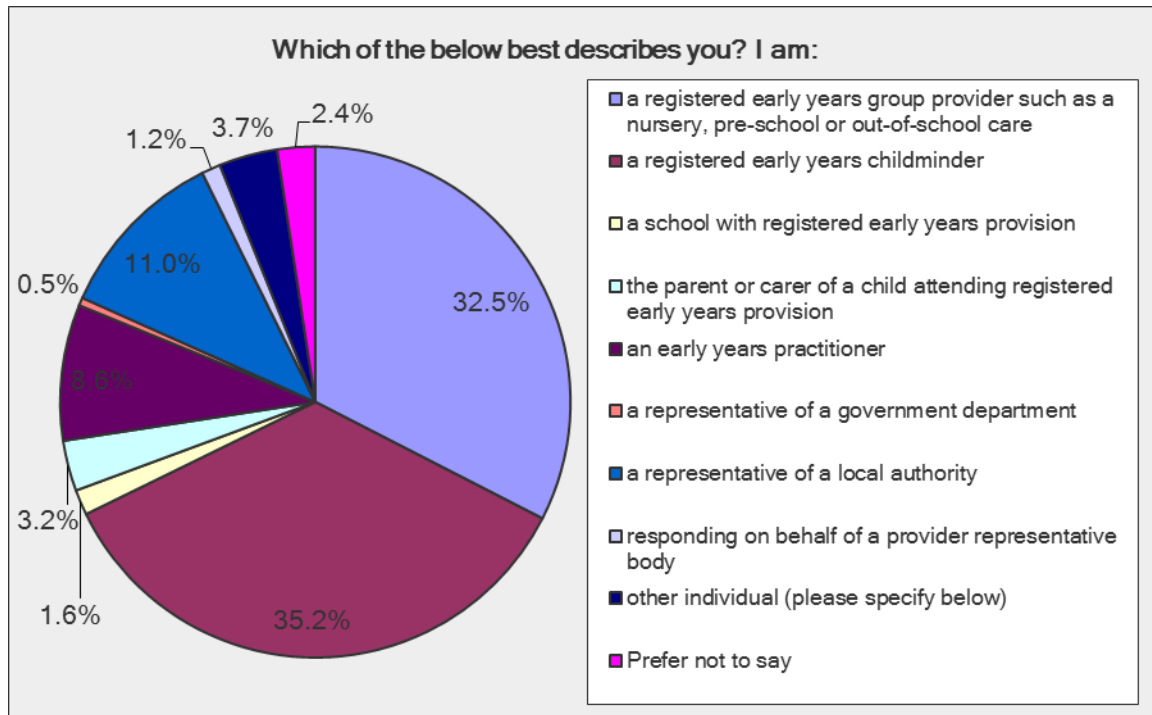
used by Ofsted; support was even stronger among parents, with 73% of Parents' Panel respondents agreeing.

Findings in full

6. The following chart sets out the responses we received from each element of the consultation. The Ofsted Parents' Panel and the National Foundation for Educational Research (NFER) survey were both targeted at parents only. The online consultation comprised people from a number of roles.



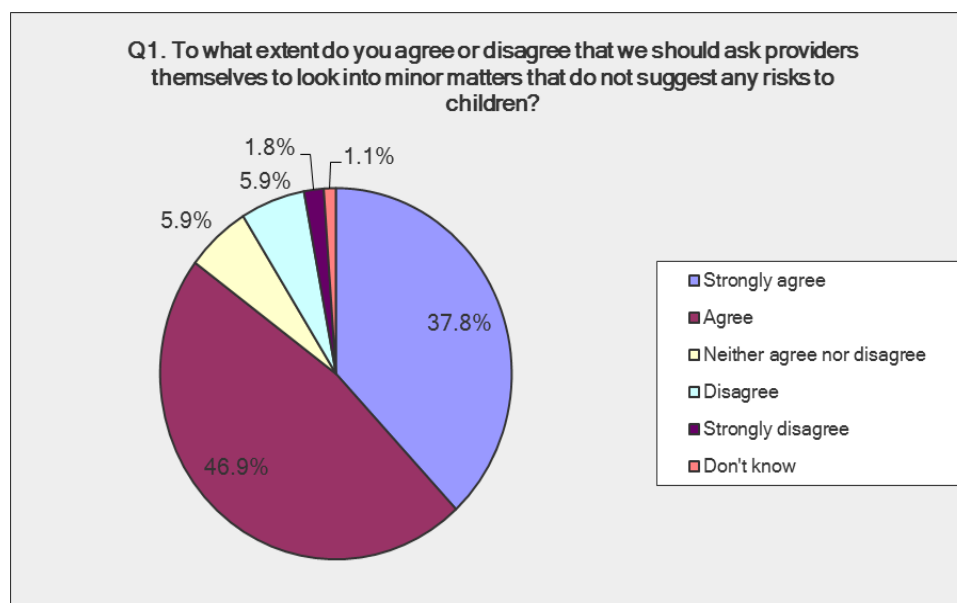
7. Respondents to the online consultation identified themselves from a range of roles, though the large majority were registered early years providers, such as nurseries, preschools and childminders.



8. The detailed responses to each consultation question are set out below.

Q1. To what extent do you agree or disagree that we should ask providers themselves to look into minor matters that do not suggest any risk to children?

9. There was strong support overall for this proposal, with a very large majority (84.7%) agreeing or strongly agreeing.

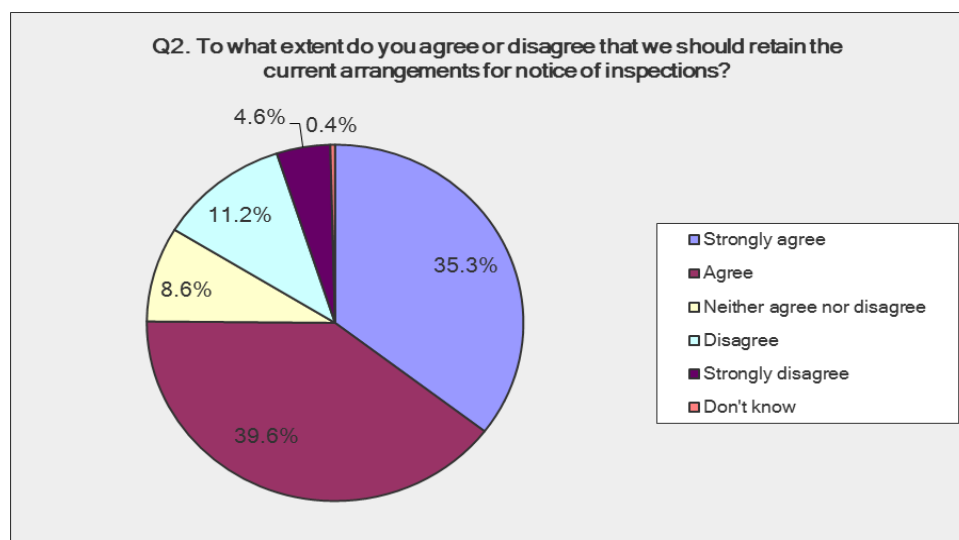


10. Over three quarters (85%) of those who responded to the online consultation agreed or strongly agreed with this question. Support was consistent across different types of people and organisations responding to the consultation including providers, parents, local authorities and provider organisation representatives.
11. A similar level of support was evident from the Ofsted Parents' Panel (85%), and support was even stronger among parents who participated in the National Foundation for Educational Research survey, where almost nine out of 10 people agreed (88%). Five of the six main childcare representative bodies who responded to this question agreed or strongly agreed with the proposal. The Daycare Trust felt that parents should still have an avenue of complaining to Ofsted if they are unwilling or unable to raise their concerns with providers.
12. A common theme emerging from the comments offered by all respondents was the importance of Ofsted focusing its resources on more significant concerns where children may be at risk and leaving providers to look into and resolve other matters. Parents in particular felt that this was a common sense solution.
13. Many respondents felt that Ofsted should issue clear guidance on this so that parents and providers are clear about what matters the provider will be asked

to deal with, and understand what they will be expected to show the inspector at their next inspection.

Q2. To what extent do you agree or disagree that we should retain the current arrangements for notice of inspections?

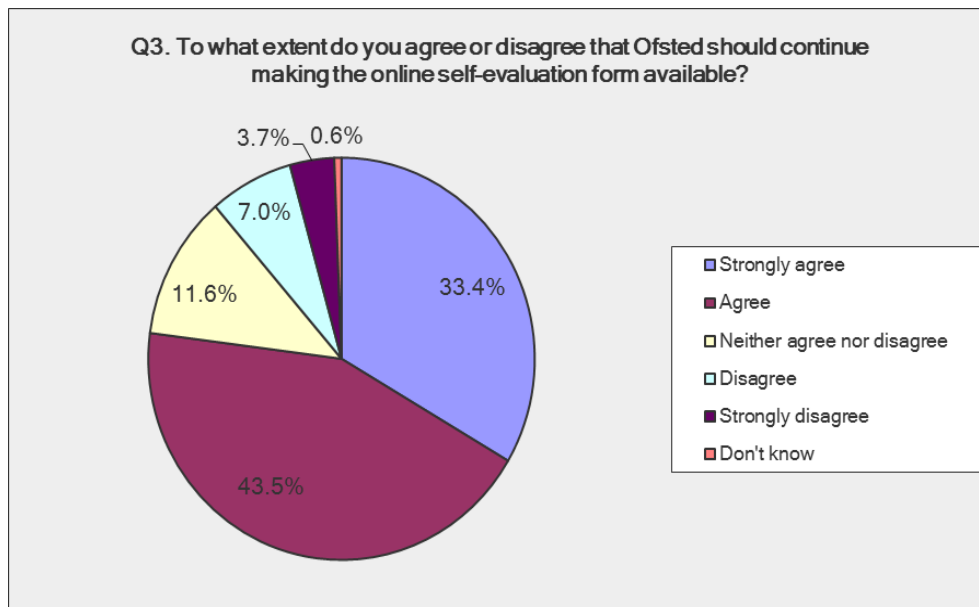
14. A large majority of respondents (74.9%) agreed or strongly agreed that Ofsted should retain the current notice periods for inspection.



15. Almost three quarters (72%) of those responding to the online consultation agreed or strongly agreed that Ofsted should retain the current principle of little or no notice for inspection.
16. Support was even stronger among parents on the Parents' Panel (76%) and those parents responding to the National Foundation for Educational Research survey (83%). Comments suggest that parents believe it is important for Ofsted to see the setting 'as it really is', without the provider having time to prepare things just for the inspection. A typical comment was as follows:
- 'The only true reflection is an on the spot inspection – practice should be good all the time not just if an inspection is coming.'
17. Five of the six main childcare representative organisations that responded agreed or strongly agreed with this proposal. One organisation representing providers argued that all inspections should be subject to no notice. Their concern relates to parity across sectors delivering the Early Years Foundation Stage.

Q3. To what extent do you agree or disagree that Ofsted should continue making the online self-evaluation form available?

18. A large majority of respondents (76.9%) agreed or strongly agreed that Ofsted should continue to make the online self-evaluation form available.



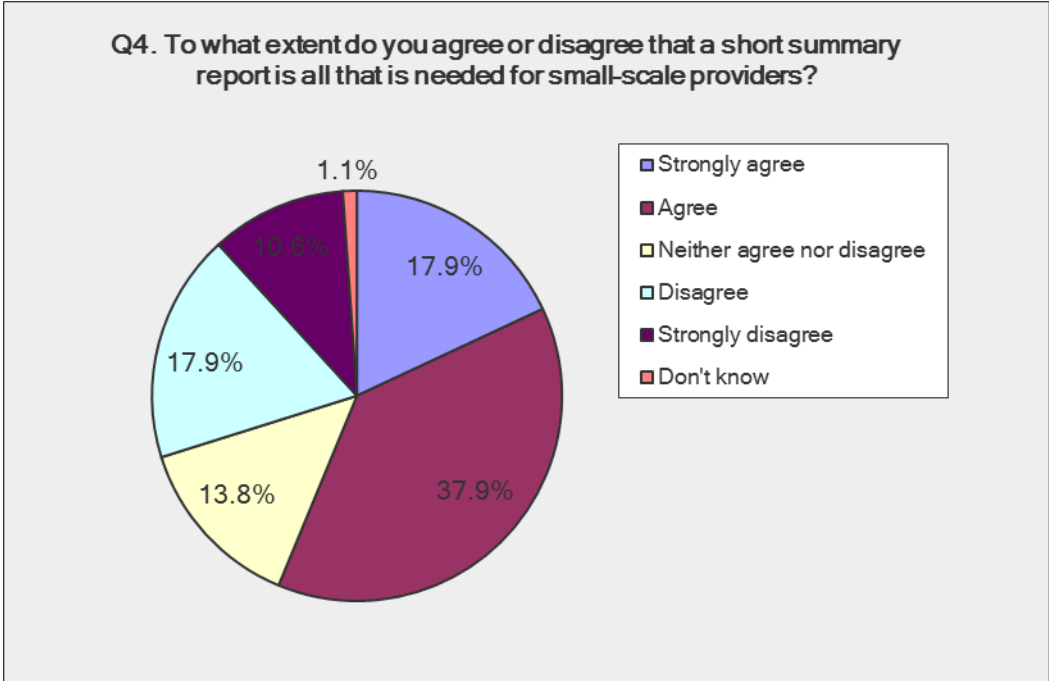
19. Almost three quarters (74%) of those responding to the online consultation agreed or strongly agreed that Ofsted should continue to make the online self-evaluation form available.

20. Support was also strong among parents from the Parents' Panel (77%) and those who responded to the National Foundation for Educational Research survey (85%). Across all parts of the consultation, many respondents felt that reflecting on practice was an important part of the work that early years professionals carry out. All six of the main childcare representative organisations who responded to the consultation agreed or strongly agreed with this proposal.

21. Providers in particular made a number of comments about the effectiveness of the current form and proposed some changes to make it shorter and easier to use.

Q4. To what extent do you agree or disagree that a short summary report is all that is needed for small-scale providers?

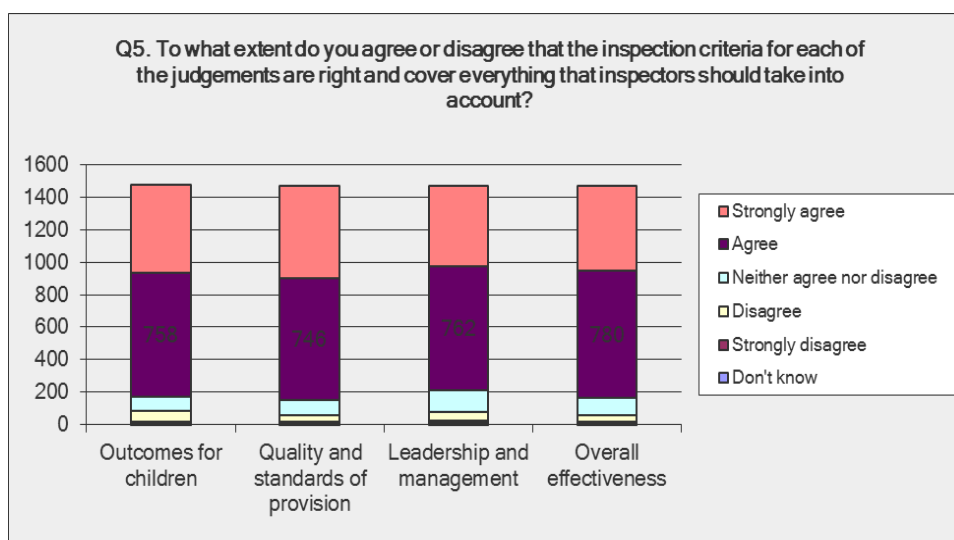
22. The majority of respondents (55.8%) supported this proposal.



- 23. The responses from parents on the Ofsted Parents’ Panel, and those who took part in the National Foundation for Educational Research survey, showed much stronger support for a summary inspection report than those who responded to the online consultation, at 71% and 69% respectively. Less than half (47%) of those responding to the online consultation agreed or strongly agreed with this proposal and over two thirds (38%) disagreed or strongly disagreed, although very few respondents to the online consultation (3%) identified themselves as parents.
- 24. Four of the main childcare representative organisations disagreed or strongly disagreed with this proposal. The National Children’s Bureau agreed, saying that a summary report would be more helpful to parents.
- 25. The main concern of providers who disagreed with this proposal was a view that all providers of the Early Years Foundation Stage should be treated the same.
- 26. In addition, some providers were concerned that a summary report only would not contain sufficient information for parents to help them in assessing the quality of the childcare.
- 27. The comments suggest that what people would really like is to have a short summary report, easily accessible to them, but with further detail available if they wish to read it.

Q5. To what extent do you agree or disagree that the inspection criteria for each of the judgements are right and cover everything that inspectors should take into account?

28. In this question, we asked respondents to comment on the inspection criteria underpinning each of the four judgements we intend to make at inspections. In almost all cases, respondents gave the same response in relation to each judgement. This question from all those in the consultation received the strongest support. Looking at the responses overall, a very large majority (87.1%) of all respondents supported the criteria set out.

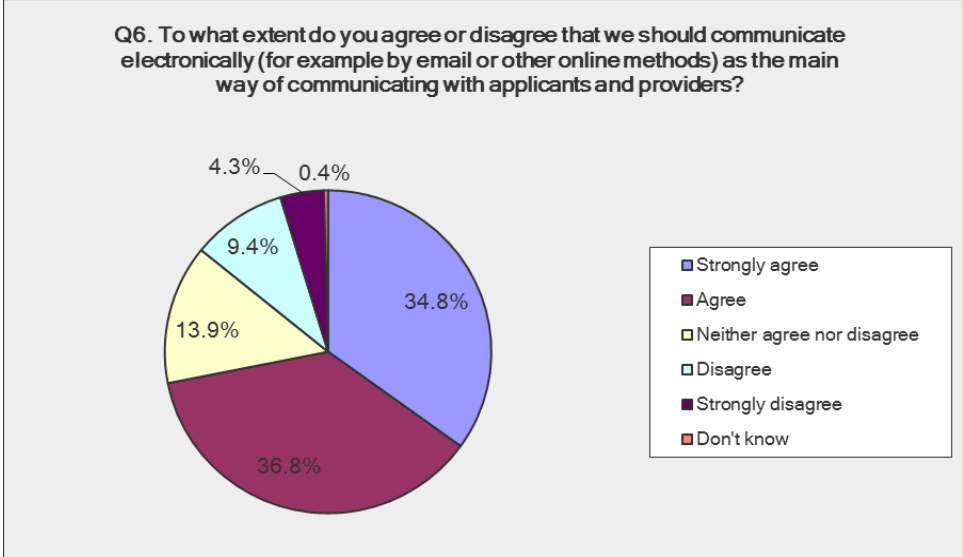


29. For those responding to the online consultation, 88% agreed or strongly agreed that the criteria were right, with 86% of the Parents' Panel and 91% from the National Foundation for Educational Research survey also agreeing. All of the main childcare representative organisations responding either agreed with the inspection criteria or offered no view.

30. Many of those who responded said they felt the criteria were comprehensive and covered everything they would expect an inspection to cover.

Q6. To what extent do you agree or disagree that we should communicate electronically (for example by email or other online methods) as the main way of communicating with applicants and providers?

31. A large majority of all respondents (71.6%) agreed that electronic communication should be the main method used by Ofsted.



32. A large majority of those responding to the online consultation (68%) agreed or strongly agreed that electronic communication should be the main method of communication. All of the main childcare representative organisations responding either agreed with the proposal or offered no view.

33. Support for electronic communication was even stronger from the Parents’ Panel (73%) and the National Foundation for Educational Research survey (82%). Many parents welcomed the move to more electronic communications, which they saw as being a more sustainable and speedy means of communication.

34. Some felt that providers and applicants should be given a choice to receive communications in other forms and others commented that they were concerned about the frequency with which they would be able to access electronic communications, particularly if they had no computer access at the setting. There were also some concerns about the costs to settings of having to print off key documents in hard copy.

Please add any further comments you would like to make about our proposals for regulating providers on the Early Years Register.

35. Following the recent announcement about proposals to change the wording of inspection judgements in school inspection reports, at the beginning of February we added a section into the online public consultation to ask for views about a change to judgements in early years inspections, as follows:
- changing the current 'satisfactory' judgement to 'requires improvement'
 - changing the current 'inadequate' judgement to 'requires significant improvement and/or enforcement'.
36. We did not ask respondents a specific question on this; instead we asked them to record their views in the 'any other comments' section at the end of the consultation questionnaire. In the light of comments received, we intend to retain the current judgements of 'satisfactory' and 'inadequate' for the time being. We intend to consider this issue further at a later stage.
37. Of those who responded to the consultation, 337 chose to offer further comments in the online questionnaire; some of these reiterated comments made in response to specific questions but around a quarter chose to comment on matters that were not part of the consultation, but were set out as background to our proposals for the new frameworks from September 2012. A number of themes emerged from these comments, as follows:
- mixed views about the removal of conditions of registration, with some respondents – particularly local authority representatives – feeling that this would make it harder for providers to work out the numbers and ages of children they can care for; however others – such as providers – welcomed the opportunity to manage their service in line with the requirements of the Early Years Foundation Stage
 - some views expressed about the quality and consistency in inspection, for example in relation to the time different inspectors spend in settings. However, parents in particular highlighted how much they value Ofsted's work in giving them information about their child's setting
 - the need for clarity about how the new arrangements will work; for example the appointment of managers when Ofsted is no longer responsible for determining their suitability, the arrangements for Criminal Records Bureau checks on those managers, and the way in which Ofsted will make clear to parents and others how complaints and concerns will be dealt with in future.

The way forward

38. We are grateful to all those who responded to the consultation, as the views expressed have highlighted many areas where respondents are content with the proposals, but also some important aspects that we have considered carefully. We aim to publish our revised early years regulation and inspection

framework early in the summer, and as a result of the comments raised, we will proceed with our plans as set out below.

Asking providers to look into minor concerns

- Respondents commented that they want to be clearer about what we consider to be a minor concern. We will offer further guidance to providers and parents on what we mean by a 'minor concern' that we will ask the provider to look into, including giving some examples. We will set out for providers our expectations on recording and sharing their information about such concerns with the inspector at their next inspection. We will also provide clearer information for parents about how we will deal with concerns they raise with us in future.

Inspection notice periods

- Given the positive responses we believe it is right to retain the current notice periods.

Online self-evaluation form

- Respondents were keen for Ofsted to retain the online self-evaluation form with some changes. We will review and revise the online self-evaluation form to make it shorter and less repetitive. In terms of online access and enhanced functionality, we will take the comments made into account as we develop new arrangements for online transactions over the next 12–18 months.

Summary inspection reports

- We welcome the support for a summary at the beginning of every inspection report, but also recognise the comments from some about only providing such a summary report for small-scale providers. From the comments made during the consultation, it is clear that parents in particular would value a short summary, but that fuller information ought also to be available where this is relevant. Therefore, we will ensure that every report carries a short summary about the provider's main strengths and weaknesses, but that for all reports, additional material is available; the amount of additional material will be based on the size and organisation of the setting and not on the type of provider.

Inspection criteria

- Respondents supported the criteria but felt we should see if we could make them simpler. We will review the inspection criteria to see if we can make them simpler and shorter, to deal with concerns about the number of aspects an inspector needs to cover during the inspection. We will ensure that in doing so we will not lose any significant information that underpins the key judgements we will make.

Electronic communication

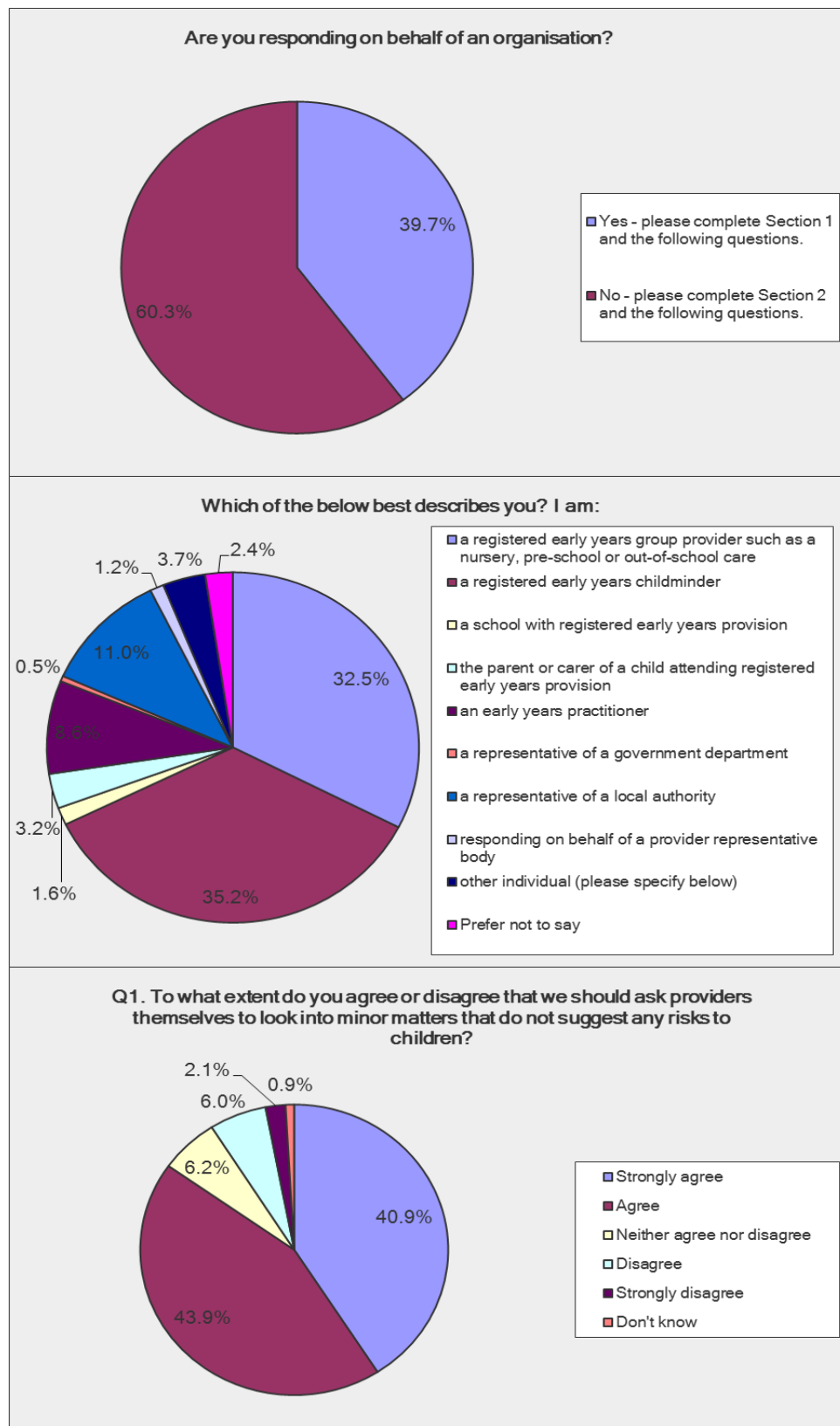
- Respondents welcomed the move towards greater use of electronic communications but wanted to ensure that those without access to a computer would not be disadvantaged. We will move towards the use of electronic communication as the default position for communicating with applicants and providers in future.

Other matters

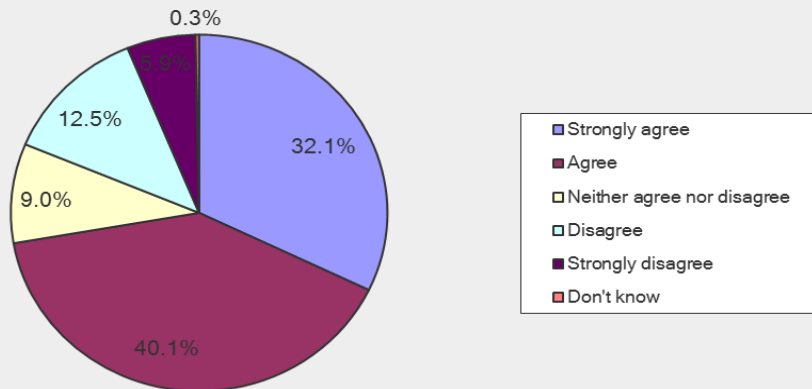
- We will make clear in our guidance the detail behind the proposals that were not part of the consultation questions but which we intend to implement from September 2012.

Annex A

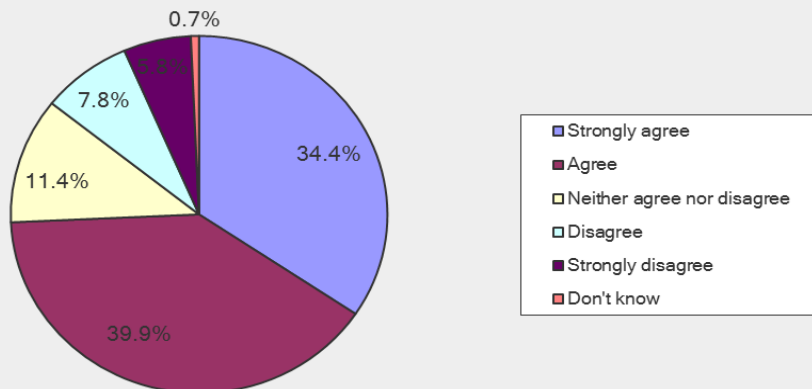
Data from the online consultation



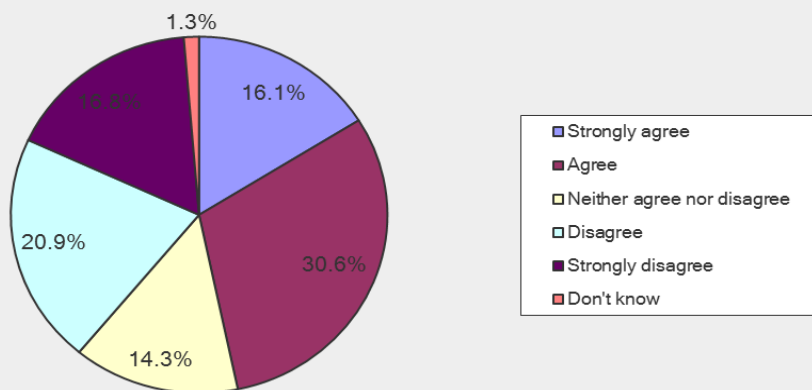
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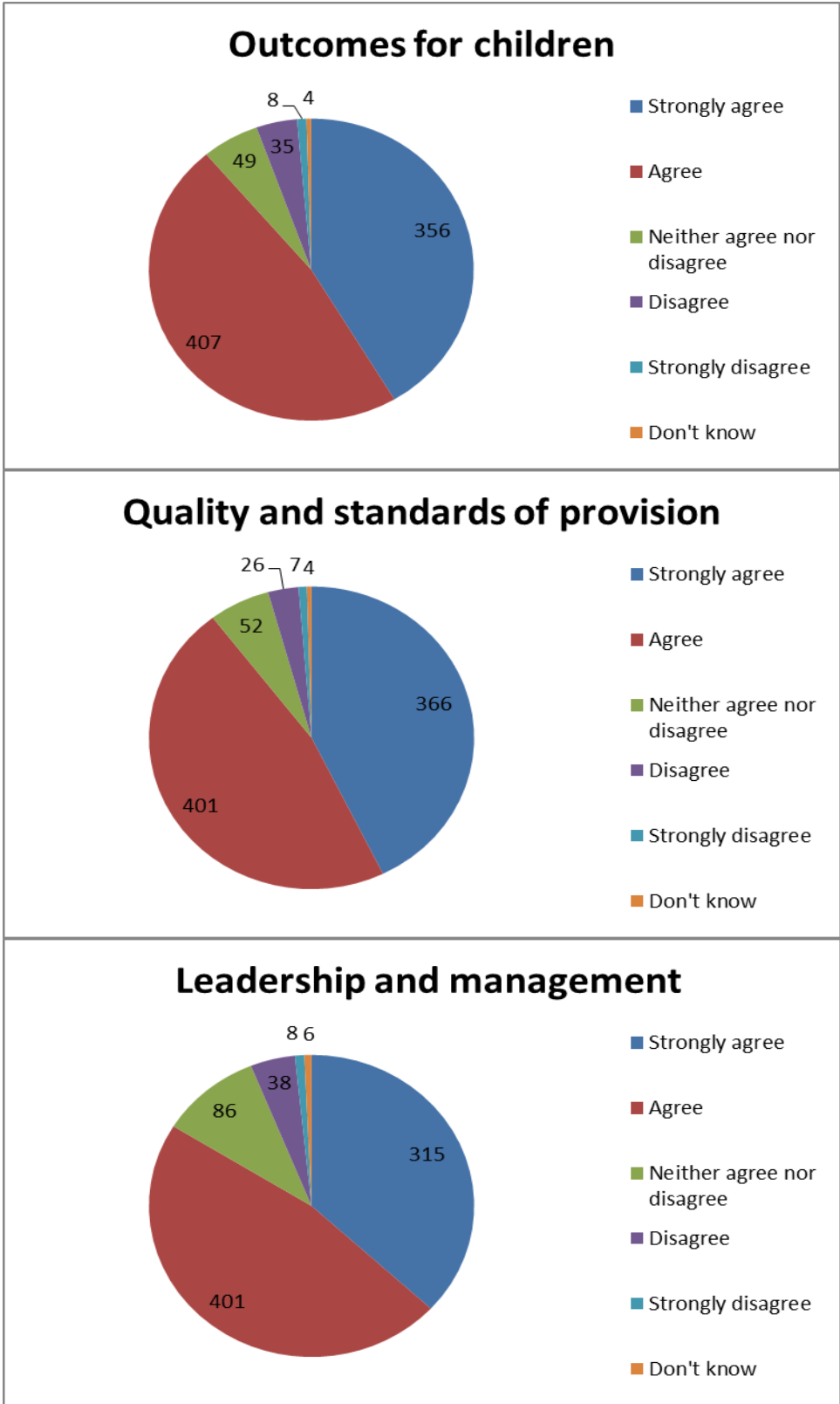
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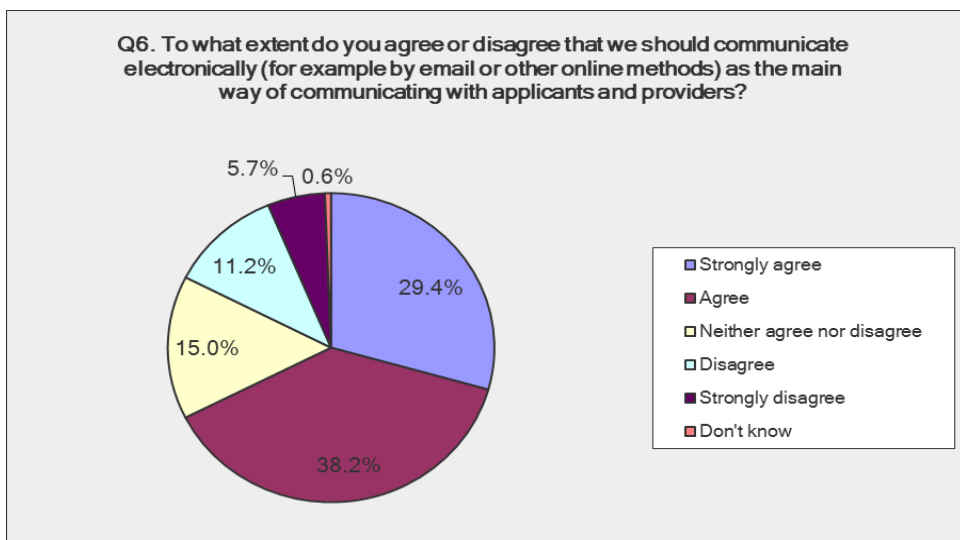
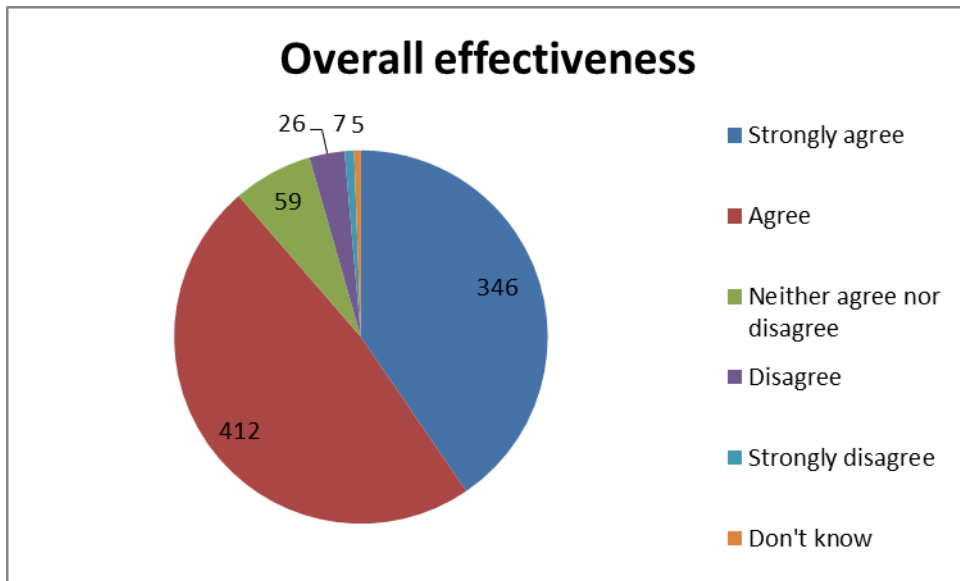


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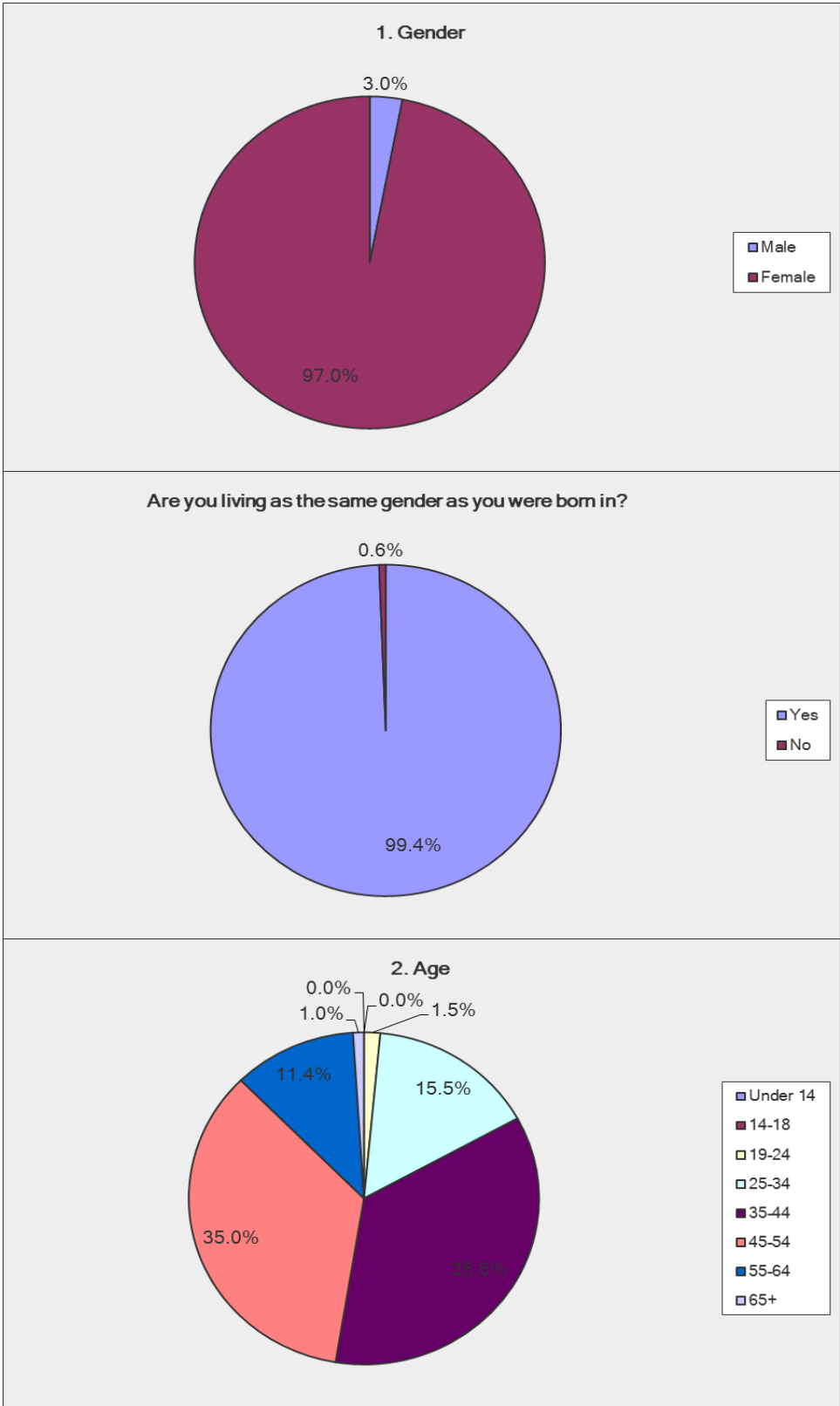


Q5. To what extent do you agree or disagree that the inspection criteria for each of the judgements are right and cover everything that inspectors should take into account?

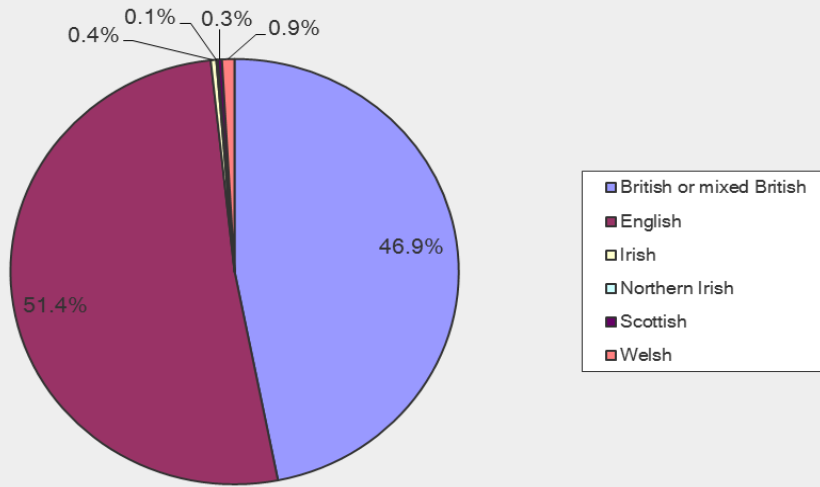




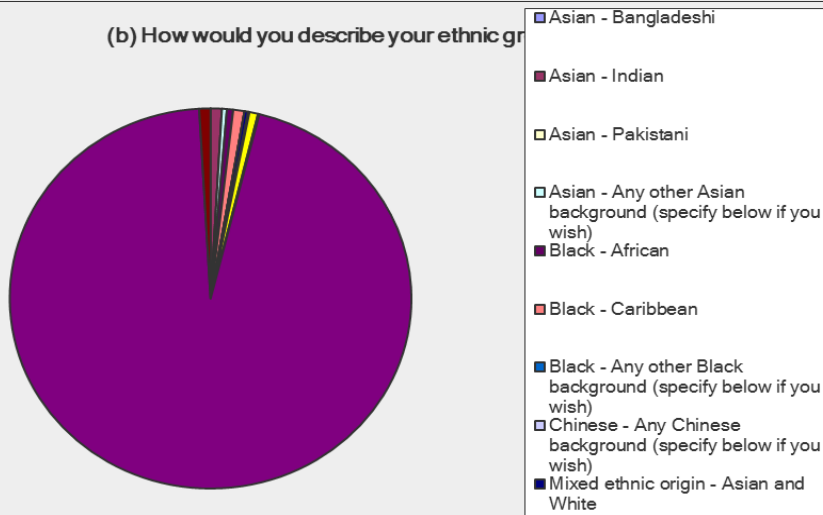
Information about respondents



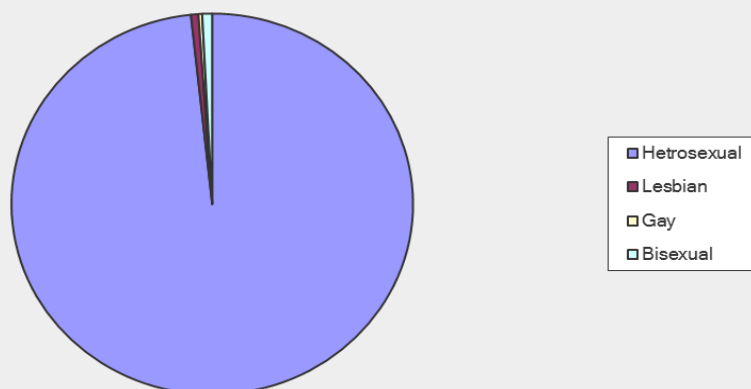
3. Ethnic origin (a) How would you describe your national group?

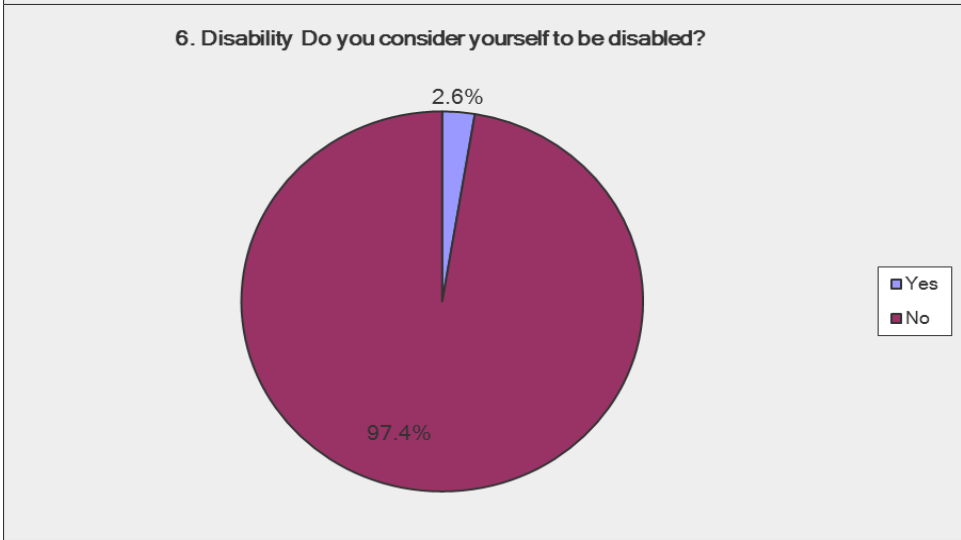
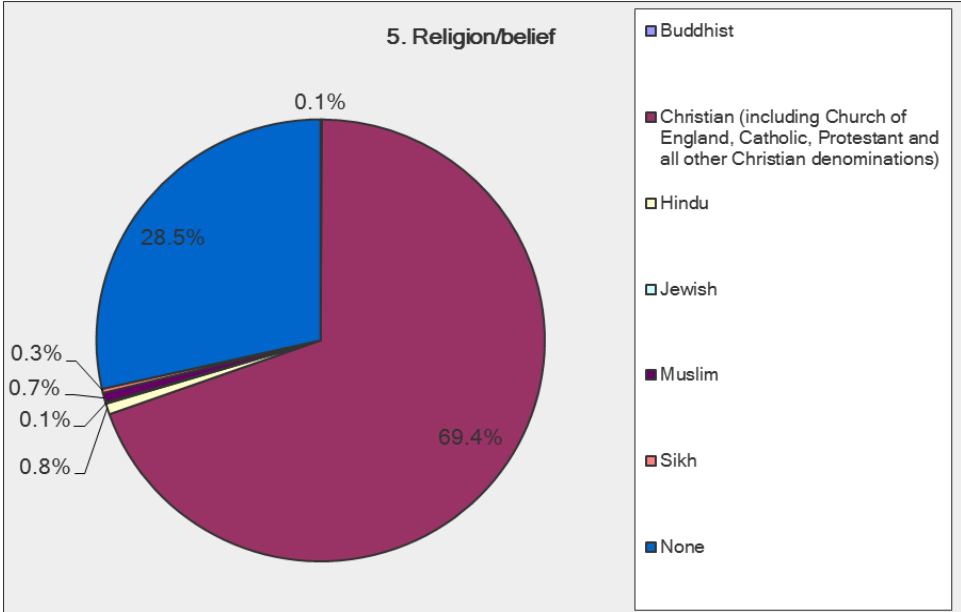


(b) How would you describe your ethnic group?



4. Sexual orientation





Responses from national childcare representative bodies

	Q1 (minor concerns)	Q2 (notice of inspection)	Q3 (self-evaluation form)	Q4 (summary report)	Q5 (inspection criteria)	Q6 (electronic communication)
National Childminding Association	Strongly agree	Strongly agree	Strongly agree	Strongly disagree	Agree	Agree
National Day Nurseries Association	Strongly agree	Agree	Agree	Disagree	Agree	Agree
Pre-school Learning Alliance	Strongly agree	Strongly disagree	Strongly agree	Disagree	Agree	Neither agree nor disagree
4Children	Agree	Agree	Agree	Agree	Agree	Agree
Daycare Trust	Disagree	Agree	Agree	Strongly disagree	Neither agree nor disagree	Agree
National Children's Bureau	Agree	Agree	Strongly agree	Agree	(No response)	Neither agree nor disagree