

# Conducting early years inspections

Guidance for inspecting registered early years provision required to deliver the Early Years Foundation Stage

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This guidance applies from September 2012. It provides guidance for inspectors conducting inspections under sections 49 and 50 of the Childcare Act 2006 from the time the inspection is arranged to the publication of the report. It should be used in conjunction with the guidance *The evaluation schedule for inspections of registered early years provision*.

**Age group:** Birth to 31 August following the child's fifth birthday

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## Introduction

1. This document provides guidance for inspectors conducting inspections under sections 49 and 50 of the Childcare Act 2006 and covers the period from the time the inspection is arranged to the publication of the report. It must be used in conjunction with the *Evaluation schedule for inspections of registered early years provision*.<sup>1</sup> It includes additional information about inspection in particular circumstances, for example where there are no children on roll.
2. Provision which has been registered on the Early Years Register is subject to inspection. This includes: childminders; nurseries; pre-schools; private nursery schools; before and after school care and holiday playschemes for children in the early years age group;<sup>2</sup> school provision where children under three attend and/or where no child attending is a pupil of the school; and/or it is not part of the school's activities.
3. Inspectors must have a thorough knowledge and understanding of all aspects of the *Statutory framework for the Early Years Foundation Stage*.<sup>3</sup> This includes the way in which young children learn and develop and the importance of secure emotional attachments to children's well-being. Inspectors must use *Development matters in the Early Years Foundation Stage* when assessing the progress children make in their learning and development.<sup>4</sup>
4. If, during the course of an inspection, a safeguarding issue comes to light, inspectors must follow procedures set out in the document *Ofsted safeguarding policy and procedures*.<sup>5</sup>
5. Inspectors must follow the code of conduct set out in the *Framework for the regulation of those on the Early Years and Childcare Registers*.<sup>6</sup> They should tailor inspection activities for childminders and very small childcare provision and ensure that meetings with the provider are fitted around their work with children. The extent to which providers are able to engage with inspectors directly **must not** influence inspection judgements.

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<sup>1</sup> *Evaluation schedule for inspections of registered early years provision* (120086), Ofsted, 2012; [www.ofsted.gov.uk/resources/120086](http://www.ofsted.gov.uk/resources/120086).

<sup>2</sup> Children in the early years age group are those aged from birth to 31 August following their fifth birthday.

<sup>3</sup> *Statutory framework for the Early Years Foundation Stage*, Department for Education, 2012; [www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs](http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs).

<sup>4</sup> *Development matters in the Early Years Foundation Stage*, Department for Education, 2012; [www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs](http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs).

<sup>5</sup> *Ofsted safeguarding policy and procedures* (20070046), Ofsted, 2010; [www.ofsted.gov.uk/resources/ofsted-safeguarding-policy-and-procedures](http://www.ofsted.gov.uk/resources/ofsted-safeguarding-policy-and-procedures).

<sup>6</sup> *Framework for the regulation of those on the Early Years and Childcare Registers* (080024), Ofsted, 2010; [www.ofsted.gov.uk/resources/080024](http://www.ofsted.gov.uk/resources/080024).

## The time available for inspection

6. The size and complexity of provision will determine the amount of time spent on inspection and the number of inspectors that are deployed. When inspecting a childminder the inspector will normally be on the premises for about three hours. For group provision which operates restricted hours it is likely the inspector will be present for around four hours. Where provision is open for longer than this, the inspection usually takes at least six hours, and sometimes longer if the provision is very large.

## Little or no notice of inspection

7. Group providers normally receive no notice of the inspection. Childminders or group providers that do not operate regularly, such as summer play schemes, will usually receive a call no more than five days before the inspection to check which days they are operating and whether there are children on roll<sup>7</sup> and present. The inspector must not specify the date of the inspection but may indicate the time by which the inspection will start. This will allow the childminder to leave the house if the inspector has not arrived by that time. If there are no children on roll or present the inspection will be rescheduled unless Ofsted has decided it must go ahead, for example because it is close to the end of the inspection cycle.
8. In some cases, Ofsted will carry out inspections without notice where inspections are prioritised or brought forward because of concerns. Having no children on roll or present on the day is unlikely to lead to these inspections being deferred.

## The process of inspection

### Before the inspection

9. When planning for inspection the inspector must do the following.
  - Check which register/s the provider is on.<sup>8</sup> Where the inspector makes contact with the provider before the visit s/he must confirm the registration details. If there is any uncertainty about the registration, the inspector should contact the National Business Unit and delay carrying out the inspection until the matter is resolved.
  - Check the accuracy of the information about individuals connected with the registration in order to follow this up at inspection. If the inspector

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<sup>7</sup> See also *Guidance for inspecting childminders and childcare providers with no children on roll or no children present at the time of the inspections* (080173), Ofsted, 2012; [www.ofsted.gov.uk/resources/080173](http://www.ofsted.gov.uk/resources/080173).

<sup>8</sup> If a provider is registered on the Early Years Register, they may also register on the Childcare Register – if they comply with the requirements – without completing a new application. Providers on the Childcare Register must complete an application form and apply to be registered on the Early Years Register.

makes contact with the provider before the inspection s/he may check the accuracy of these details during the telephone call.

- Review any information where there is a concern and follow any information that has been given to the inspection service provider about how and when to conduct the inspection, or any specific lines of enquiry to follow up.
  - Consider the previous report if there is one and note any points to follow up, for example where any previous actions or recommendations need to be checked.
  - Where the previous judgement was inadequate check for monitoring letters; note whether any actions or recommendations were raised as a result of monitoring visits; identify whether any outstanding actions or recommendations need to be checked.
  - Check whether any information has been received since the date of registration or the last inspection. This information is sent in the inspection pack and includes any concerns about the provision, comments about issues that may be followed up at the next visit and any outstanding actions or recommendations.
  - Update the information about the setting, and be ready to agree this with the provider.
  - Review the provider's self-evaluation summary where available.
  - Check whether providers have a webpage. This may give useful details about the provision and may give access to self-evaluation information or improvement plans.
10. The inspector should draft a brief note about lines of inspection enquiry, any concerns that have been raised and the main inspection activities they expect to cover. They may wish to modify this note in the light of preliminary discussions with the provider.

## **During the inspection**

### **Arrival**

11. When the inspector arrives at the provision s/he must:
- introduce themselves and show the provider their identification passbook – the inspector must allow the provider time to read the passbook and contact Ofsted or the inspection service provider if they wish to do so, to confirm the identity of the inspector
  - ask the provider to display the notice of inspection so that parents are aware an inspection is taking place
  - make arrangements to talk to parents – this may be almost immediately if parents are present

- make arrangements for a longer meeting at a convenient time with the provider
- refer to any concerns that have led to the inspection being brought forward or prioritised but should be mindful of the need to maintain confidentiality and to protect sensitive information, for example personal data about any person who raises a concern with us that triggers an inspection. The inspector must not confirm the identity of any person who has given us the information, even if asked to do so by the provider, and must take all reasonable steps to protect their identity during the inspection
- agree a timetable for inspection activities
- ask for the provider's self-evaluation if the provider has not submitted a self-evaluation form to Ofsted, or where they have done so, confirm with the provider the date of the form being used
- make arrangements for feedback
- in group provision only:
  - ask the manager to contact the provider or the nominated person to make them aware of the inspection and provide an opportunity to be present during the inspection and/or feedback
  - in rare cases, confirm arrangements for any additional meetings, for example with the special educational needs coordinator (SENCO) or person responsible for child protection
  - confirm arrangements for any joint observations in group provision
- tour the premises – in childminding provision the inspector only needs to see the parts of the property that are used by minded children, unless any information has been received about other parts of the property that may have an impact on the care of children. The inspector should follow up any matters that arise during the tour of the provision.

### **Meeting with the provider**

12. As part of the inspection, the inspector must meet with the provider, or the manager if the provider is not present. The inspector must consider the best time to hold the meeting with the provider. Normally it should be early in the inspection so that the matters discussed can be followed up during the inspection.
13. Where the provision operates from one room or in the provider's home it is expected that the meeting will take place when the children are engaged in activities and at appropriate moments during the general observations. The inspector should be mindful that the provider will still have to supervise children and continue to meet their needs during the inspection. Where the provider is not working directly with children and the meeting takes place in a room or

office it is expected to take no longer than one hour and in most cases will be much shorter.

14. Where the manager or nominated person has changed since the last inspection, the inspector must ensure that the provider meets the requirements of the Early Years Foundation Stage. The inspector should find out whether the roles and responsibilities of the provider and manager are clear. The inspector should also make sure the provider understands that legal accountability cannot be delegated to the manager.
  
15. The initial discussion should refer to issues being followed up during the inspection and times should be agreed for further discussion, in order to update the provider on the inspection findings. The inspector must evaluate:
  - whether leaders' and managers' roles are clearly established and whether they understand and meet the requirements of the Early Years Foundation Stage
  - how well leaders and managers monitor the delivery of the educational programmes, planning and assessment, and the extent to which children's needs are identified and met through timely intervention
  - the effectiveness of staff supervision, performance management, training and ongoing professional development
  - the use of self-evaluation in informing priorities and setting challenging targets for improvement, including:
    - how the views of parents, children and partners contribute to self-evaluation
    - progress towards any actions that have been set and/or recommendations raised at the last inspection or following a monitoring visit
  - the extent to which standards are set and maintained and practice is consistent
  - the effectiveness of partnership work including that needed to secure support for children with identified needs
  - arrangements for safeguarding children, including child protection procedures, risk assessment of the premises and outings, staff recruitment procedures and staff supervision.

### **Gathering and recording evidence**

16. The inspector must spend as much time as possible observing a wide range of activities and care routines, talking to practitioners and children about what they are doing and evaluating children's understanding and engagement in their learning.



17. In setting up the inspection the inspector should engage the provider in the inspection and explain how and where evidence will be gathered.
18. Evidence must be recorded during the inspection and before judgements are fed back to the provider. The inspector may choose to record evidence electronically or in handwritten notes. Recorded evidence should be clear, precise, evaluative and capture facts about the setting. The inspector should highlight or identify any information that has been provided 'in confidence' but must not identify the person who has given us the information
19. The electronic toolkit is the main record of evidence for the inspection and may be scrutinised for retrieval, for quality assurance monitoring, as a source of evidence in the event of a complaint and where a Freedom of Information request is received.
20. The inspection evidence is retained for the period of time set out in our file retention schedule. This is normally six months from the date of publication of the inspection report. Inspection evidence must be kept for longer than six months where:
  - there is an action relating to safeguarding (keep until the action is closed)
  - there is monitoring of the provision or an investigation linked to the inspection (evidence should be kept until the next inspection or until the compliance, investigation and enforcement team decides it can be destroyed)
  - there is a request by a senior Ofsted manager to keep the evidence for a specified time and purpose (for example, where there is an appeal against enforcement action or an ongoing complaint).

## **Making judgements**

21. The evaluation schedule sets out the judgements that the inspector must make and the aspects they should consider when doing so. The inspector must use professional judgement to weigh up the available evidence and reach judgements that fairly and reliably reflect the quality of the early years provision.
22. The inspector is not expected to check that each requirement of the Early Years Foundation Stage is being met. However, if in the course of collecting evidence the inspector finds that a particular requirement is not being met they should take this into account when reaching judgements.

### *Not meeting requirements*

23. If there is evidence that one or more of the legal requirements are not being met this should be reflected in the leadership and management judgement and would normally result in a judgement of inadequate.

24. The judgement will be made in relation to the impact of the failure to meet requirements. If the inspector considers that a legal requirement is not being met, but the impact on children is not significant, then the inspector may judge the leadership and management of the provision to be 'satisfactory'. This is most likely to be the case where a provider does not have the required written documentation, but practice is effective and the provider understands the requirements.
25. The inspector must take into account any previous non-compliance. A history of previous non-compliance in the same, or different, areas is likely to indicate either the provider's lack of knowledge of the requirements or unwillingness to comply with them. In such cases the inspector must judge leadership and management to be inadequate unless there is a clearly explained reason, for example where a ratio has not been met because a parent has been late in collecting a child.

### **Judging progress**

26. Children's progress should not be viewed as a 'race to the goals'. The extent of children's progress relates mainly to the quality of teaching and the impact this has on children's progress. Where the practitioner has a good knowledge about each child's learning and development, this is a characteristic of effective teaching.
27. Any evaluation of children's progress towards the early learning goals must be judged in relation to their starting points, their individual needs, how long they have been at the provision and how often they attend. The inspector should examine the information that the provision gathers about what children know, can do and enjoy when they start to attend. Evidence of starting points can also be gained by talking with staff and parents about the level of children's social, communication and physical skills on entry, and, importantly, by observing children new to the provision.
28. The inspector must use the evidence to evaluate how well the provider and practitioners know about, and understand, the progress children are making towards the early learning goals. The inspector must judge whether adults have appropriately high expectations for children. In particular, the inspector must judge whether gaps for children who are disadvantaged are narrowing and whether children are performing at expected levels of development. The inspector must consider:
  - how well the provider and practitioners know and understand the Early Years Foundation Stage learning and development requirements
  - how and when parents are asked for information about their child's development

- how often practitioners share a summary of their observations of children with the children's parents, and their plans for reviewing children's progress at age two
- whether practitioners can reliably identify children whose learning and development is not at the expected developmental band, whether those children are working at a level above or below the expected level and what actions they have taken to ensure those children make sufficient progress
- any changes made to activities/resources/routines/the environment as a result of observations and subsequent evaluations of the impact of those changes
- the involvement of the SENCO where there are concerns about a child's development and learning.

### **Observations of activities and care routines**

29. Inspectors must spend most of the inspection time gathering first-hand evidence by observing children and practitioners during learning activities, play and daily care routines.
30. Observations enable inspectors to evaluate the quality of learning and the contribution practitioners make to children's learning and progress, especially the quality of adults' interactions with children.
31. The inspector should observe whether adult interactions are merely concerned with supervising children or whether adults motivate children and engage them in activities. In particular, the inspector should evaluate whether adults' questions challenge children to think and find out more by encouraging them to speculate and test ideas through trial and error. They should also assess whether adults model language well, develop children's ability to express their ideas and extend their use of new words. The inspector should identify what children can do by themselves and what they can do when supported by a practitioner.
32. Equally important are times when practitioners leave children alone to explore, make their own discoveries, solve problems and learn skills through self-initiated play. The inspector should evaluate the skill of practitioners by observing how and when adults intervene in children's play.
33. The inspector should not routinely expect to see detailed written plans for the activities they observe, although they must look at plans when they are offered by practitioners. The inspector should focus on the overall quality of the approach and whether the planning, interventions and evaluation of activities ensure there is a consistent approach to teaching and learning. This will enable them to identify the most important areas for improvement in relation to children's learning and progress.

34. The inspector should talk with children and adults as appropriate. Much can be achieved through incidental conversations prompted by what is observed, although the inspector should take care not to interrupt the flow of activities.

*Case tracking*

35. In group provision the inspector must track a representative sample of children. As a minimum, the inspector must track two children. This number will increase where a provision has a wide age range of children, where children are in different rooms and/or where there are distinct groups of children. The inspector should identify children who have attended the provision for a reasonable period of time as this should mean that the provider has established the children's starting points and evaluated the progress they are making.

36. The inspector may include in the sample:

- a baby
- a funded two-year-old child
- a boy and girl who are soon to transfer to school
- children the provision identifies as having differing abilities
- a looked after child, if applicable
- a child with disabilities and/or special educational needs
- a child who speaks English as an additional language
- a boy and/or girl from any groups who may be disadvantaged, for example the children of travellers or asylum seekers.

37. Evidence from case tracking must include:

- observation notes, assessment and planning for each child including the progress check for any children aged two
- discussions with each child's key person and information about progress over time
- any records kept by the provision that show how they have tracked the progress children make, including any concerns about the children's development in the prime and/or specific areas of learning
- an evaluation of the accuracy and rigour of the provision's assessments and the extent to which children's next steps in learning are well planned.

38. Inspectors should also observe the tracked children in order to evaluate:

- the range of activities children take part in, whether solitary, self-initiated or adult initiated
- the quality and timeliness of adults' interventions

- the level of challenge of the activities for the children's age/stage of development
- the development levels at which they are working including whether they are exceeding, reaching, or are likely to reach, expected levels of development (as shown in *Development matters*)
- ways in which communication and language are developed and literacy taught
- whether children are developing skills in the prime areas that help them to be ready for school
- how well any learning they demonstrate is built upon by the adults working with them
- their care arrangements, including intimate care, the levels of privacy afforded to the child, supervision arrangements for the child and for the adult undertaking personal hygiene tasks.

#### *Types of observation*

39. The inspector should not be constrained by a single model of observation. The inspector may engage in any of the following.
- Observations of a specific activity or age group of 20 to 30 minutes. These give the inspector the opportunity to see a number of practitioners and to gauge whether the seven areas of learning and development are shaping the educational programmes, as well as any difference in practice for children of different ages and/or abilities. Where children are three and/or four years of age the inspector should consider observing children's developing literacy skills and their readiness for school.
  - Tracking of a small group of children to assess children's experiences at the setting. If possible, the inspector should identify a group that contains one or more children from the specific groups identified in the meeting with the provider in order to judge their experience, progress and learning and whether any gaps for these children are closing.
  - Longer observations over 30 minutes – for example, in the baby room. The inspector may wish to conduct longer observations in order to assess care routines and activities and how well these are supporting children's secure attachments. The inspector may wish to carry out longer observations in order to capture the best practice, or to diagnose weaker areas of practice and provide detailed evidence to underpin recommendations for improvement.
  - Short observations of a number of activities. This approach is helpful where all the children are situated in one room and move around activities depending on their interests.

### *Joint observations*

40. Providers in group provision can benefit from carrying out joint observations with the inspector.
41. In group provision the inspector should invite the provider or a nominated senior member of staff, such as the manager or early years professional, to participate in one or more joint observations of activities, care routines and/or scrutiny of the progress children make. The provider is at liberty to choose whether or not to accept such opportunities. The inspector should be mindful of not 'overloading' the provider or senior staff member.
42. Joint observations help:
  - the inspector to gain an insight into the effectiveness of the provision's professional development programme for practitioners
  - the inspector to assess the accuracy and quality of the provider's staff's monitoring and evaluation of practice
  - the provider to contribute evidence towards judgements about the quality of practice and learning.
43. If joint observations are undertaken, the inspector and the provider should agree which activities/age groups/care routines to select. After the observation they should discuss their views about the quality of practice in supporting children's care, learning and development. The inspector should not convey a view about the activity and/or care routine initially but should ask the provider for their view about its strengths, what would have made it better and how good it was overall.
44. Where the quality of practice is weak, it is important that the inspector talks to the provider about what has been observed. The inspector should also ask about the action the provider is taking, if any, to bring about improvement. After joint observations, the inspector and the provider should agree how to manage feedback to the practitioner and when this should take place. The inspector may ask the provider to give feedback to the practitioner(s) in order to evaluate the manager's assessment about the quality of practice observed.
45. If providers offer a written record of the observation, the inspector should look at this. Any differences in the analysis of practice should be explored. Following a joint observation, the inspector should record evidence in the usual way. Any comments about the quality of the provider's evaluation should be included on the inspector's evidence. Any notes taken by the provider should not be taken away or included within the evidence base.
46. Where childminders work alone it is not possible to carry out joint observations. The inspector may wish to engage in observation of a specific activity planned by the childminder, and discuss with the childminder the aims of the activity and the learning intentions. The inspector should follow this up with a further

discussion about what the child has learnt and the next steps. Where childminders have assistants a joint observation of one assistant may be possible.

### **The views of parents**

47. Wherever possible, the inspector must seek the views of parents during the inspection, including any parents who ask to speak to them. This will contribute to judgements about how well the provision works in partnership with parents in support of children's learning and development and the promotion of their well-being.
48. If the majority of children arrive at, or are collected from, the provision at a particular time the inspector should set aside time to speak to parents at that point. The inspector must ensure opportunities for speaking to parents are not missed.
49. If the timing of the inspection means it is not possible to gain the views of parents directly, the inspector must check how the provider obtains and uses the views of parents to improve their service. If there is no evidence in this respect, the inspector must consider whether the partnership with parents is adequate.

### **Documentation**

50. Childcare providers are expected to have written policies and procedures as set out in the *Statutory framework for the Early Years Foundation Stage*. Childminders are not required to have these in writing but must make sure that any assistants are aware of the required policies and procedures and can define them for parents and others when requested. All providers, including childminders, are expected to keep certain written records in English.
51. If providers ask at inspection whether they can keep documents off the premises, the inspector may agree to this as long as the documents can be made easily available by the end of any visit or inspection.
52. The inspector should record such agreements in their toolkit and arrange for this to be included in the comments for the next visit.

#### *Legislation other than Early Years Foundation Stage*

53. In addition to meeting the Early Years Foundation Stage requirements<sup>9</sup> providers must also comply with other relevant legislation. This includes safeguarding legislation, and legislation relating to employment, anti-discrimination, health and safety and data collection. Where the inspector

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<sup>9</sup> See the *Statutory framework for the Early Years Foundation Stage*, [www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs](http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs).

identifies concerns that may also relate to other legislation s/he must notify the compliance, investigation and enforcement team, who will decide what action should be taken, and whether there should be liaison with the appropriate agencies.

### *Policies and procedures*

54. The inspector **does not need** to check all the policies, procedures and documentation but should check a small sample including:
- the record of Disclosure and Barring checks and a selection of recruitment records (where applicable)
  - qualifications, including paediatric first aid (to ensure ratio and qualification requirements are met and whether these in turn are having an impact on the quality of provision)
  - a sample of induction, training and professional development records
  - a sample of planning and assessment documents
  - the complaints record
  - the provision's self-evaluation where not already submitted to Ofsted, including the local authority development officer's most recent report on the provision and any quality rating or categorisation.<sup>10</sup>
55. The inspector may need to check additional documentation where potential non-compliance is identified during an inspection or where inspections have been brought forward or prioritised.

### **Keeping the provider informed about the progress of the inspection**

56. The inspector should hold brief discussions with the provider to discuss emerging inspection findings. Any meetings with the provider should be recorded in the inspector's evidence.
57. Before the inspection is complete, the inspector should check again with the provider whether there is further evidence to take into account.
58. The inspector should seek to diagnose where improvements are needed and make recommendations about how the provision might improve. Where evidence suggests that the provision might be inadequate, there should be

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<sup>10</sup> Local authorities are expected to categorise provision through a transparent open process and use the information from this to offer universal, targeted and intensive support to help providers improve. Local authorities may continue to use the Early Years Quality Improvement Programme document or the Early Childhood Environment Rating Scales. Inspectors should be familiar with these materials. While there may not be a direct correlation between the judgements of the local authority and those of inspectors, inspection evidence must take into account the views of other professionals on the quality of the provision for young children.



early discussion with the provider. Care should be taken to avoid giving an impression that final judgements have been reached before the end of the inspection.

59. At the end of the inspection, depending on the size or layout of the provision, the inspector should invite the provider to meet briefly in order to:
- discuss with the provider any inadequate or outstanding practice that has been seen
  - ensure that the provider understands how the evidence substantiates the judgements
  - allow the provider to raise any concerns, including those related to the conduct of the inspection or the conduct of the inspector
  - alert the provider to serious concerns that may lead to the provision being judged inadequate.

### **Discussion with the provider about actions or recommendations for improvement**

60. The inspector should ensure that the provider understands any actions or recommendations for improvement and that s/he has the opportunity to comment on the draft wording.
61. Actions and recommendations for improvement should be precise, specific and detailed. Actions must include reference to the requirements in the Early Years Foundation Stage. Recommendations must focus on areas of performance that are hindering the provision's improvement. If appropriate, recommendations may also focus on ways in which provision might maintain and further develop areas of good and outstanding performance. Recommendations do not have to link to the requirements of the Early Years Foundation Stage, but the inspector must be able to link them to the inspection criteria.

### **At the end of the on-site inspection**

62. Inspection activity, including observations, should continue throughout the inspection visit. The inspector must set aside some time towards the end of the inspection to consider the evidence available and make the final judgements. Final judgement grades should be recorded and key points for feedback should be identified. The inspector should also ensure that time is set aside for the final feedback.
63. The inspector should consult their inspection service helpdesk before giving feedback if they have concerns about any of the judgements and must always do so before giving a judgement of inadequate.
64. The inspector should allow sufficient time to prepare for the feedback. They should make sure their evidence is clear, irrefutable and supports the judgements, and should provide examples that explain the strengths and

weaknesses of the provision. Feedback notes must be consistent with the evidence and the content of the report and should cover the strengths and areas for improvement about:

- how well the early years provision meets the needs of the range of children who attend
- the contribution of the early years provision to the well-being of children
- the effectiveness of leadership and management
- actions and/or recommendations for improvement
- any other main points.

### **Formal feedback**

65. Before leaving the provision, the inspector must give feedback on final judgements and findings to either the childminder or the provider of group provision. Where the provider is not able to be present the inspector should feedback to the manager as the provider's representative. The inspector must not defer feedback to another day.
66. The inspector should ensure feedback is given using professional and objective language and should not include any remarks that may be personally damaging to the reputation of a member of staff.
67. Before leaving the provision, the inspector must ensure that the provider is clear about the grades awarded for each judgement set out in the evaluation schedule. The inspector should:
  - refer to specific evidence where any grades are different from the provision's self-evaluation
  - state clearly if any areas are judged as inadequate and the reasons for this
  - explain the areas for improvement and be prepared to discuss these with the provider so they understand what should or must be improved and the reasons why
  - state that the grades may be subject to change because of quality assurance checks and should, therefore, be treated as confidential until the provider receives a copy of the inspection report
  - where relevant, set out the next steps for provision judged as inadequate
  - provide information about the complaints procedure.

## After the inspection

### The inspection report

68. The inspector must write the report immediately after the inspection. The text, balance and tone of the report should reflect the quality of the provision and the leadership and management. The length and detail of the report will be dependent on:
- the strengths and weaknesses identified
  - the organisation and complexity of the provision
  - whether children are grouped together or in different rooms
  - whether there are differences in practice that have an impact on the quality of children's experiences.
69. The report must include:
- an evaluation of the quality and standards of the early years provision
  - sufficient detail to capture the uniqueness of the provision and explain the progress children are making relative to their starting points
  - clear judgements.
70. The inspector must ensure that all judgements are supported by robust evidence and that the way in which the inspection is conducted is beyond reproach. Inspection reports will be quality assured before being sent to the provider.
71. Detailed guidance on the content and structure of the report can be found in *The report template with guidance*.

### Notifying Ofsted of changes

72. As well as completing and submitting the inspection report and evidence, the inspector must notify Ofsted of the following:
- the number of places the registered provider offers and the ages of children attending (this must be done by updating the grid for numbers and ages of children)
  - any previous actions that are complete and need closing
  - any new actions or recommendations
  - any changes to the people connected with the registration (the inspector must include any failure to notify Ofsted of changes)
  - any recommended conditions for registration (these must relate to circumstances not covered by the Early Years Foundation Stage)

- any errors in the registration details, including those that relate to the registered person and the registers on which the provider is placed.

### **Provision not meeting requirements**

#### *Satisfactory with actions*

73. Provision judged as satisfactory is likely to have actions because it does not meet in full one or more of the legal requirements of the Early Years Foundation Stage. The inspector must consider whether the reason the provision is not yet good is because:

- it fails to meet in full one or more of the learning and development requirements but the failure does not affect children’s overall progress in their learning and development (normally this will be a failure to provide in full the educational programmes that help all children make progress towards the early learning goals)

and/or

- it fails to meet in full one or more of the safeguarding and welfare requirements but the failure does not have an impact on children’s safety or well-being.

74. In each of these cases the inspector must consider raising one or more actions for the provider to meet requirements. Actions must state precisely what a provider must do to bring about the necessary improvement. Actions cannot merely repeat the requirement the provider is failing to meet.

75. The inspector must clearly record the nature of any failure and its impact on the care, learning and development of the children who attend. The inspector should assess carefully whether any failure to meet a requirement arises from a lack of knowledge or understanding by the provider (in which case a judgement of inadequate is appropriate).

### **Provision judged as inadequate**

76. If the inspector decides the provision does not have an acceptable standard of care and learning, its overall effectiveness will be judged inadequate. The inspector must decide whether the provider has the capacity to put things right through non-statutory actions, or whether the failures are serious enough to warrant other enforcement action.

77. The inspector should raise actions where:

- the provider is not meeting one or more of the learning and development requirements and children are not making the progress they should
- leaders and managers demonstrate an understanding of safeguarding and welfare requirements and show they have the ability to make the

necessary improvements without the need for statutory enforcement action **and** this is the first occasion on which the safeguarding and welfare requirement has not been met.

78. The inspector should arrange for a **welfare requirements notice** where:
- leaders and managers do not demonstrate their understanding of how to meet the safeguarding and welfare requirements of the Early Years Foundation Stage; or
  - there have been previous occasions of non-compliance in relation to the same requirement; or
  - actions relating to existing breaches of safeguarding and welfare requirements have not been completed satisfactorily; or
  - the breach is so serious that the inspector judges the higher tariff of a welfare requirements notice is appropriate.
79. On making the judgement of **inadequate**, the inspector **must** consult with the compliance, investigation and enforcement (CIE) team where:
- there is evidence of any immediate risk to children or breach of any conditions placed on the registration
  - previous concerns about the registered provision have not been dealt with in a satisfactory way by the provider, including the failure to take satisfactory action to meet actions and/or welfare requirements set at a previous visit
  - application of the escalating tariff<sup>11</sup> shows that a welfare requirements notice is required
  - there is a failure to notify Ofsted of a significant event and/or meet a condition of registration
  - the inspector considers Ofsted may need to take other legal action such as imposing a condition on the registration, a cancellation or prosecution
  - the provider shows insufficient understanding of the responsibility to meet the safeguarding and welfare and/or learning and development requirements of the Early Years Foundation Stage
  - the last inspection resulted in a judgement of inadequate overall effectiveness.
80. The purpose of the consultation with the CIE team is to allow for a professional exchange about whether enforcement action should be taken and what type,

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<sup>11</sup> There is more information on the escalating tariff and how to apply it in the decision-making chapter of the *Compliance, investigation and enforcement handbook*, Ofsted, 2012; [www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook](http://www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook).

and the kind of monitoring that will be required. The CIE handbook<sup>12</sup> has more information about the enforcement options available, and the arrangements for following up enforcement activity. The discussion between the inspector and CIE will determine what will be written in the inspection report about the enforcement action.

81. All provision judged as inadequate will be monitored and re-inspected within 12 months. During the monitoring process Ofsted may take further enforcement action if there is no improvement. The inspector will recommend the type of monitoring required to ensure the provision takes appropriate action to meet requirements.

### **Failure to notify Ofsted and/or meet conditions of registration**

82. It is an offence to fail to notify Ofsted of a significant event, or fail to comply with a condition of registration. Where the inspector finds such non-compliance s/he must refer to the CIE handbook and liaise with the CIE team. The inspector must reference any failure in the leadership and management section of the inspection report.

### **Concerns and complaints about the inspection**

83. To ensure that inspection is productive and beneficial, it is important that the inspector and the provider establish and maintain appropriate working relationships based on courtesy and professional behaviour. Inspectors are expected to uphold the code of conduct.<sup>13</sup>

#### *Handling concerns and complaints during the inspection*

84. If a provider raises a concern about the inspection while it is taking place, the inspector should consider it and assess its validity. If the concern is found to be justified, the inspector should do what is possible to redress the problem, seeking advice from the inspection service provider where necessary. Any concerns raised and actions taken to redress any problems should be recorded in the inspector's evidence.
85. If the provider is dissatisfied with the inspector's response, or wishes to take the complaint further, the inspector should ensure that the provider is informed of the procedures for making complaints.

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<sup>12</sup> See the *Compliance, investigation and enforcement handbook*, Ofsted, 2012; [www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook](http://www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook).

<sup>13</sup> *Framework for the regulation of those on the Early Years and Childcare Registers* (080024), Ofsted, 2010; [www.ofsted.gov.uk/resources/080024](http://www.ofsted.gov.uk/resources/080024)

## Particular considerations

### Post-registration inspections

86. Inspectors carry out inspections of newly registered childminding or childcare within seven months of registration unless there are no children on roll. These inspections do not differ from any other inspections of the Early Years Foundation Stage.
87. It is unlikely that providers will be able to demonstrate rigorous self-evaluation, a sustained capacity for improvement or the progress children make over time at a post-registration inspection, and this will have an impact on the grades awarded. Unless the provision has had to re-register because of a change in its legal status, it is most unlikely that the provision will achieve an inspection grade of outstanding.

### Educational and philosophical approaches

88. Providers do not have to work to a prescribed method of teaching. The choice of teaching methods is a decision for providers. The inspector will judge the quality of the provision in relation to the impact it has on children's learning, development and well-being.
89. Some provision will be exempt from some aspects of the learning and development requirements of the Early Years Foundation Stage, and inspectors should find out if this is the case at the inspection after reviewing the associated paperwork.
90. Where provision subscribes to a particular approach – for example, Playwork Principles,<sup>14</sup> Steiner,<sup>15</sup> Montessori<sup>16</sup> or High/Scope, or it adheres to a particular faith – inspectors must be familiar with this method and respect any cultural customs. Where relevant, inspectors should state the type of educational or philosophical approach which the provision uses in the report section, 'Information about the setting'.

### Provision that primarily educates children in their home language

91. Childminders and group provision that primarily educates children in their home language must demonstrate to inspectors that childminders, providers and any assistants or staff have a sufficient grasp of English to ensure the well-being of

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<sup>14</sup> *Factsheet: childcare – regulating play-based provision* (090271), Ofsted, 2011; [www.ofsted.gov.uk/resources/090271](http://www.ofsted.gov.uk/resources/090271).

<sup>15</sup> *Guide to the Early Years Foundation Stage in Steiner Waldorf Early Childhood settings* is available from the Foundation Years website: [www.foundationyears.org.uk/2011/10/guide-to-the-early-years-foundation-stage-in-steiner-waldorf-early-childhood-settings](http://www.foundationyears.org.uk/2011/10/guide-to-the-early-years-foundation-stage-in-steiner-waldorf-early-childhood-settings).

<sup>16</sup> *Guide to the Early Years Foundation Stage in Montessori Settings* is available from the Foundation Years website: [www.foundationyears.org.uk/2011/10/guide-to-the-early-years-foundation-stage-in-montessori-settings/](http://www.foundationyears.org.uk/2011/10/guide-to-the-early-years-foundation-stage-in-montessori-settings/).

the children in their care. For example, providers must demonstrate they can summon emergency help in English where necessary, keep certain records required by the Early Years Foundation Stage in English and share them with inspectors. They must also be able to read and understand instructions such as safety instructions, information about the administration of medication and information about food allergies.

92. As part of the learning and development requirements, providers must also ensure that children have sufficient opportunities to learn and reach a good standard in English language during the Early Years Foundation Stage. Practitioners must assess children's communication and language skills, and early literacy skills in English. Where children are not developing a good standard in spoken English or in their emergent writing and literacy skills in English, inspectors should consider the impact on children's progress and whether this leads to a judgement that the overall quality of the provision is inadequate.



## Additional guidance

93. There is further guidance available for inspectors about inspection of the following:
- provision that is exempt from the learning and development requirements<sup>17</sup>
  - childminders with no children on roll<sup>18</sup>
  - provision for children before or after school or during school holidays<sup>19</sup>
  - provision registered on both the Early Years and the Childcare Registers<sup>20</sup>
  - childcare on domestic premises<sup>21</sup>

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<sup>17</sup> *Statutory framework for the Early Years Foundation Stage*, Department for Education, 2012, page 41;

[www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs](http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/education/a0068102/early-years-foundation-stage-eyfs).

<sup>18</sup> *The process and guidance for inspecting childminders and childcare settings with no children on roll or no children present at the time of the inspection* (080173), Ofsted, 2012;

[www.ofsted.gov.uk/resources/080173](http://www.ofsted.gov.uk/resources/080173).

<sup>19</sup> *Factsheet: childcare – inspecting early years provision made before or after school or during school holidays* (080167), Ofsted, 2010; [www.ofsted.gov.uk/resources/080167](http://www.ofsted.gov.uk/resources/080167); and *Factsheet: childcare – regulating play-based provision* (090271), Ofsted, 2011;

[www.ofsted.gov.uk/resources/090271](http://www.ofsted.gov.uk/resources/090271).

<sup>20</sup> *Guidance on inspecting providers registered on both the Childcare and Early Years Registers* (080169), Ofsted, 2010; [www.ofsted.gov.uk/resources/080169](http://www.ofsted.gov.uk/resources/080169).

<sup>21</sup> *Factsheet: childcare – childcare on domestic premises* (080142), Ofsted, 2012;

[www.ofsted.gov.uk/resources/080142](http://www.ofsted.gov.uk/resources/080142); and *Evaluating early years provision in settings providing childcare on domestic premises* (080165), Ofsted, 2010; [www.ofsted.gov.uk/resources/080165](http://www.ofsted.gov.uk/resources/080165).