

# Regulating provision made before and after school or during school holidays

A childcare factsheet

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## Introduction

This factsheet explains our role in regulating provision made before or after school or in the school holidays. This is sometimes referred to as 'wrap-around care'.

Regulation means that we:

- register childcare providers on one or both of our registers (the Childcare Register and/or the Early Years Register)
- inspect childcare providers
- investigate any information that suggests registered people do not meet the requirements for registration, or that people are providing childcare without registration who need to be registered
- take enforcement action where people need to register with us and do not and where registered people do not or cannot meet requirements for registration.

The characteristics of this type of provision may differ from setting to setting. Some providers offer children a free choice of play referred to in this guidance as 'play-based provision' and some offer open access where children may arrive and leave without an adult<sup>1</sup>. Other provision offers sports-based or educational activities. Not all of this type of provision is regulated by Ofsted. Some providers do not have to register with us and there is more information on who does not need to register in our factsheet *Registration not required*.<sup>2</sup>

## The requirements of the EYFS

All providers that need to register with us on the Early Years Register, and schools offering wrap-around care to their pupils in the early years age group, must deliver the EYFS. This includes meeting all the legal requirements relating to young children's safeguarding and welfare.

The EYFS paragraph 1.3 states that wrap-around care and holiday providers should be guided, by but not necessarily meet, the learning and development requirements. It gives no other guidance as to how providers may interpret this requirement other than for providers to seek the support of parents and carers and to complement learning in settings where children spend more time.

The EYFS makes it clear that the three prime areas of learning: personal, social and emotional development; communication and language and physical development are

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<sup>1</sup>You can only offer open-access provision for children older than the early years age group. If children in the early years age group also use your facilities, you must register on the Early Years Register for those children and deliver the EYFS.

<sup>2</sup>Factsheet: *childcare – Registration not required*, Ofsted, 2012; [www.ofsted.gov.uk/resources/080134](http://www.ofsted.gov.uk/resources/080134).

crucial for children's development. We will normally expect each wrap-around provider to provide an environment that allows children to develop in these areas. We do not necessarily expect all providers to provide educational programmes across the four specific areas. The extent to which providers deliver the four specific areas will depend on the focus and nature of the wrap-around care; whether children receive their main EYFS experiences elsewhere, the length of time children attend and whether the care is permanent or temporary. Please see the later section on observation, planning and assessment for more details.

The EYFS is not a school curriculum. It is a framework for delivering high-quality care and education for children in the early years age group with a focus on children learning through play. There is no reason why wrap-around provision cannot deliver the Early Years Foundation Stage successfully. If your provision follows the Playwork Principles (see the reference at the end of this document) there is no reason why these cannot work alongside the requirements of the Early Years Foundation Stage.

## The requirements of the Childcare Register

The requirements of the Childcare Register are not contained in any framework. They are set out in regulations and we have included these in an easier to read format.<sup>3</sup> All providers on the compulsory and voluntary parts of the Childcare Register must meet these requirements at all times. They relate to people, premises and the childcare provided and are designed to safeguard children.

### Registration

If you provide wrap-around care for children aged from birth to the 31 August following their fifth birthday, it is likely that you will have to register with us on the Early Years Register. We call children of this age the early years age group. Everyone on the Early Years Register must deliver the Early Years Foundation Stage (EYFS) and meet the legal requirements set out in the *Statutory Framework for the Early Years Foundation Stage*.<sup>4</sup>

If you provide wrap-around care for children from 1 September following their fifth birthday to their eighth birthday, it is likely you will have to register with us on the compulsory part of the Childcare Register. You will also have to meet the requirements for registration on this register. There is more information in the *Guide to Registration on the Childcare Register*.<sup>5</sup>

Some providers do not have to register with us. This is usually because they:

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<sup>3</sup> *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2012; [www.ofsted.gov.uk/resources/080143](http://www.ofsted.gov.uk/resources/080143).

<sup>4</sup> *Statutory Framework for the Early Years Foundation Stage*, DfE, 2012; <http://www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs>.

<sup>5</sup> *Guide to registration on the Childcare Register*, Ofsted, 2012; [www.ofsted.gov.uk/resources/120084](http://www.ofsted.gov.uk/resources/120084).

- care for children aged eight and over only
- are a school providing care before or after school, or in the school holidays for at least one of its pupils, or
- do not care for individual children for more than two hours in each day (the two hours do not have to be consecutive) or
- offer activity-based provision for children aged three and over (such as tuition or sports coaching) and children in the early years age group do not attend for more than four hours a day.

If you do not have to register with us, you may choose to join the voluntary part of the Childcare Register if you meet the requirements for registration, set out in the guide mentioned above. This includes play-based provision for children aged eight and over and open-access provision. Schools cannot normally choose to register with us for this type of care if it is provided for at least one pupil of the school.

## Registration process

Registration may take up to 26 weeks for the Early Years Register and around 12 weeks for the Childcare Register. If you wish to offer holiday provision and are not already registered with us, you need to alert us as soon as possible and include your proposed opening date, even if you are waiting for some information such as funding or appointment of staff.

We will try to register holiday provision as speedily as possible and make every attempt to help you open on time. However, we must continue to follow our registration process to protect the children attending. Certain matters such as checks with the Disclosure and Barring Service (DBS) are not fully within our control and we need to make sure there are sufficient safeguards in place for the children attending. Some things that might help you to open on time are to:

- make your proposed opening date clear on your application and to complete it as fully as possible
- give us as much information as you can as soon as you receive it, for example, details of the committee or when you have appointed your manager
- have a contingency plan if you are not registered in time. You may wish to change: the time the scheme runs for from any one location; the types of activity offered; the opening hours of the scheme; or the age range of the children attending. Our leaflet *Registration not required* may help you decide on the best option<sup>6</sup>
- make sure you apply for checks with the DBS for each staff member as they are appointed unless you are satisfied that they have already been suitably

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<sup>6</sup>*Factsheet: childcare – Registration not required*, Ofsted, 2012; [www.ofsted.gov.uk/resources/080134](http://www.ofsted.gov.uk/resources/080134).

vetted (our factsheet on Disclosure and Barring Service checks for those providers who register with Ofsted <sup>7</sup> may help you).

In all circumstances we will not allow you to open until you have appointed a suitably vetted manager with the relevant qualifications, and, for the Childcare Register, have at least one other member of staff who is vetted. You need your certificate of registration from Ofsted before you can start. It is sometimes possible to start operating without all staff having been checked, providing that all staff are in the process of being checked and that all children attending your provision are always in the sight and hearing of vetted staff.

You can find out more about whether you need to register in the information at the end of this factsheet.

## Inspection

We inspect all childcare provided on the Early Years Register within seven months of registration and then at least once every three to four years. We will inspect you without giving you notice, if you operate regularly throughout the year. However, we will normally check that temporary provision, such as holiday playschemes, are actually running before we go to inspect them. We do not fix a date or time for the inspection even if we check when you are operating.

We make judgements about the quality of what you provide using a four-point scale:

- outstanding
- good
- satisfactory
- inadequate.

We then write a report which we publish on our website.

If you are also on the Childcare Register, we check that you meet the requirements for registration during the inspection of the Early Years Foundation Stage. We then report on this in the EYFS inspection report. We do not give inspection grades for those on the Childcare Register.

If you are **only** on the Childcare Register, we do not carry out routine inspections. We inspect a 10% sample each year of those who are only on the Childcare Register, including when we receive concerns about whether you are meeting the requirements for registration. We do not give a grade or write a report. However, we

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<sup>7</sup> Factsheet: childcare - Disclosure and Barring Service checks for those providers who register with Ofsted, Ofsted; 2012 [www.ofsted.gov.uk/resources/090103](http://www.ofsted.gov.uk/resources/090103).

do write a letter stating whether or not you meet the requirements for registration which we then publish on our website.

There is more information on inspection in our booklet for providers *Are you ready for your inspection?* and in our documents for inspectors which are all available on our website.<sup>8</sup>

## Providing evidence for early years inspections

You may wish to evaluate your practice using the Ofsted self-evaluation form. This helps you to reflect on how well you are doing taking account of the criteria Ofsted inspectors use. Generally inspectors will expect you to be able to answer questions and provide evidence in the following areas during an inspection:

- how well you know and understand what children can do, their interests, knowledge and skills and how you seek to support children to develop further
- how you help children feel safe and secure and promote their good health
- the range and type of activities you provide and whether these support children's progress in the prime areas of learning
- how you help children to be happy and enjoy what they are doing, behave well and form positive relationships with adults and their peers
- where children receive their main early years experience and the contact you have with that provider or providers
- how you are informed about what is provided in the other settings the children attend
- how you share information about:
  - children's interests and achievements
  - any concerns affecting children including any safeguarding concerns.

Inspectors will not seek the views of other settings delivering the Early Years Foundation Stage for the children who attend your provision so you may wish to consider how you show that you work in partnership with parents and carers and other providers.

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<sup>8</sup> *Are you ready for your inspection? A guide to inspections of provision on Ofsted's Childcare and Early Years Registers*, Ofsted, 2012; [www.ofsted.gov.uk/resources/120085](http://www.ofsted.gov.uk/resources/120085).

## Interpreting some of the requirements for wrap-around provision

Most wrap-around care is registered on both registers and both parts of the Childcare Register. This means that what you provide must always meet the requirements of both registers. The safeguarding and welfare requirements for both are largely the same, so if you meet the requirements of the Early Years Foundation Stage, you will normally meet the requirements of the Childcare Register.

There are two main areas where the requirements are difficult to meet for wrap-around care providers. The following paragraphs set out our approach to these issues.

### Qualifications and ratios

The qualifications for practitioners or playworkers and managers depend on the ages of children who use the facilities and the activities on offer. If you are on the Early Years Register, you must have:

- a manager with at least a full and relevant level 3 qualification
- someone with a full and relevant level 3 qualification to work directly with the children (this may be the same person as the manager), and
- at least half your other staff with relevant level 2 qualifications.

All children in the early years age group must also have a key person assigned to them. A full and relevant qualification means it is agreed by the Teaching Agency as meeting requirements for the early years age group. There is a list of relevant qualifications published online.<sup>9</sup> You should make sure your staff who work with children in the early years age group meet these requirements at all times.

For the compulsory part of the Childcare Register, you must make sure that staff qualifications are relevant to the activities on offer. Your manager must hold a level 3 qualification but there does not need to be another person with a level 3 qualification who works directly with the children. At least half your staff working directly with the children must hold a relevant level 2 qualification.

For the voluntary part of the Childcare Register, you must make sure at least one person working with the children has training in the common core skills or holds at least a level 2 qualification in an area of work relevant to childcare. There is no specific course on the common core but most qualifications including playwork qualifications will cover these skills.

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<sup>9</sup>You may check qualifications online at <https://www.education.gov.uk/eypqd/qualification-search>.

If your wrap around care is on both registers, and both parts of the Childcare Register, you must make sure you meet the staffing and qualification ratios for the children who use your facilities. This does not mean that you need to have different practitioners or playworkers for each part or that each part has to register separately. However, you must be able to explain how you meet the staffing and qualification requirements in relation to the different ages of children and their needs. It is also important that you can show how the way you use staff supports the needs of all the children who use your facilities.

It is possible for individual qualifications to meet the requirements for both registers, and a number of playwork qualifications are suitable for both. You may decide that because the requirements for early years qualifications are more specific, you will recruit staff with these qualifications rather than those in playwork. If this is the case, you must consider whether these qualifications are relevant for supporting all children who use your facilities.

## **Inspecting qualifications**

If you are on the Early Years Register and do not have enough qualified staff for that register, you will be failing to meet a legal requirement and we cannot ignore this. We will always refer to your failure to meet the legal requirements in your inspection report and set actions for you to take to get enough qualified staff by a particular date.

When deciding on your inspection judgement, we consider the effect of the lack of qualifications on the quality of the childcare you provide and your leadership and management. If we feel the effect is not significant, although we will always report on your failure to meet the qualifications requirement, we may judge that the quality of what you provide or your leadership and management (or both) are satisfactory. In cases where the lack of qualifications means that there is a significant effect on quality, we will judge that the childcare you provide or leadership and management (or both) are inadequate. We may also consider taking enforcement action, especially where the lack of qualified staff meant you failed to meet other requirements relating to children's safety and wellbeing.

If you are on the Childcare Register and do not have enough qualified staff, we do not make inspection judgements. However, we would report on your failure to meet the legal requirement and again set actions you need to take, or take other enforcement measures if you failed to meet other requirements, or if the effect of not having enough qualified staff placed children at risk.

## **Observation, planning and assessment for children in the early years age group**

If you are on the Early Years Register, you must deliver the Early Years Foundation Stage to children in the early years age group even if you only have a few children in this age group or they receive the Early Years Foundation Stage elsewhere, such as in school.



This does not mean you must teach children formally, plan for all seven areas of learning or complete lengthy observations and assessments. If you provide freely chosen self-directed play for young children, there is no reason why this is not compatible with the learning and development requirements of the Early Years Foundation Stage. It is acceptable for most activities to be initiated by the child rather than led by an adult.

We look at the main purpose of your provision; the length of time children attend; whether the care is permanent or temporary; how you work with other providers of the Early Years Foundation Stage, or parents and carers when making judgements about how your provision supports the needs of the children who attend.

There is no legal requirement for playworkers to plan and assess children's progress across all seven areas of learning. Planning and observation should match the length of time children are using your facilities, and should work with what the children receive elsewhere rather than cover the full Early Years Foundation Stage.

Practitioners and playworkers do not necessarily need to write down their observations. However, this can be helpful if there are a number of adults arranging play across a day or a week, or so you can share the information with parents and carers and other providers delivering the Early Years Foundation Stage. Unless children go to wrap-around care at a particular school each day, we expect most of the partnership work to be with the children's parents and carers rather than with other organisations which provide the Early Years Foundation Stage.

In wrap-around care, we expect the focus of planning and assessment to be on the following:

- children's personal, social and emotional development including how children learn to get along with each other, behave appropriately and are independent
- improving children's skills in talking and listening
- making sure children have opportunities to be physically active

You may also wish to plan for aspects of the specific areas of learning, such as knowledge of the world, depending on what you provide and the activities offered.

Planning and observation are things that all good practitioners and playworkers should do with all children, to identify and build on their interests and skills and to encourage children's independence and social interactions. They are not exclusively part of provision for children in the early years age group. Observing and recording makes a valuable contribution to reflective practice.<sup>10</sup> For example, if a child or children show an interest in building a den out of cardboard boxes, on the next day,

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<sup>10</sup> Reflective practice is where playworkers think about what they are providing, whether it has the desired effect and whether they need to make any changes to what they do to make it better.

playworkers may provide a range of different materials such as fabric and sticks and talk to children about what other materials might make a good den. This contribution is about adults leading an activity. However, it would be up to the children whether they built a den, did something else with the materials, or ignored them completely.

## Inspecting planning and assessment

The quality of planning and assessment contributes to the inspection judgement on how well the early years provision meets the needs of the children who attend. We take into account the nature and spirit of what you provide when making judgements, rather than expecting all settings to deliver the whole of the learning and development requirements. Our inspectors consider how well planning and assessment help practitioners and playworkers:

- meet each child's needs – this applies particularly to children's social and emotional needs where they may be with you for a temporary period
- balance children's experiences with those they receive in other settings, especially where children regularly use the same play activities
- work with parents and carers and other providers if appropriate to make sure children are happy, settled and take part in the activities on offer, and
- achieve well and make progress in their chosen play.

We may judge what you provide as inadequate if playworkers cannot show, through planning and assessment, that they:

- know what children like and do not like
- are aware of what they can and can't do, and
- plan for children's progress in the areas set out above.

## Where to get more information

There is more information on the requirements for registration on the Early Years Register in the *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises* ([www.ofsted.gov.uk/resources/120083](http://www.ofsted.gov.uk/resources/120083)) and on the Childcare Register in the *Guide to registration on the Childcare Register* ([www.ofsted.gov.uk/resources/120084](http://www.ofsted.gov.uk/resources/120084)).

Some childcare providers do not need to register their services and you can find out about the circumstances where providers do not have to register in our childcare factsheet: *Registration not required* ([www.ofsted.gov.uk/resources/080134](http://www.ofsted.gov.uk/resources/080134)). This is also part of the *Guide to registration on the Childcare Register* ([www.ofsted.gov.uk/resources/120084](http://www.ofsted.gov.uk/resources/120084)).

The law that sets out our responsibilities is the Childcare Act 2006 and linked regulations. The specific order setting out exemptions from compulsory registration is

the Childcare (Exemptions from Registration) Order 2008 (2008 No. 979) ([www.opsi.gov.uk/si/si2008/uksi\\_20080979\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080979_en_1)).

The references to regulations and our policy on registration and inspection are included in our *Framework for the regulation of provision on the Early Years Register* ([www.ofsted.gov.uk/resources/120288](http://www.ofsted.gov.uk/resources/120288)) and *Framework for the regulation of provision on the Childcare Register*.

You can get the Early Years Foundation Stage and its documents (the EYFS pack) from the Department for Education website (<http://www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs>) or on the Foundation Years website (<http://www.foundationyears.org.uk/early-years-foundation-stage-2012/>).

You can find the Playwork Principles, a professional and ethical framework for play at [www.skillsactive.com/playwork/principles](http://www.skillsactive.com/playwork/principles).

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