

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

A childcare factsheet



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Introduction

This factsheet explains what happens next when:

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

Early Years Register

Where an inspector judges the overall effectiveness of provision to be inadequate, Ofsted will:

- issue you with a notice to improve that sets out what actions you must take and by what date – the actions relate to the requirements in the *Statutory Framework for the Early Years Foundation Stage* that you failed to meet¹; and/or
- take enforcement action against you because of the poor quality of your provision – normally this will be through issuing a welfare requirements notice that sets out the actions you must take and by what date. Unlike a notice to improve, it is an offence not to carry out the actions in this type of notice and we may prosecute you if you do not do so. We also have a range of other enforcement action we can take including cancelling your registration.

The inspector will tell you at the end of the inspection the likely next steps, including the areas of weakness and the proposed action. Where the inspector judges that enforcement action is needed, this will include an explanation of the range of options open to us. This is subject to a review of the evidence and any enforcement action will be confirmed at a later date. You should listen carefully to what the inspector tells you as you will need to be able to provide evidence at your monitoring visit and/or next inspection evidence to show the inspector how you have dealt with the weaknesses identified. .

Monitoring visits

If we allow the provision to continue to operate, we will monitor your progress with the actions you were set in your notice to improve and/or your welfare requirements notice. We will do this through a monitoring visit. At that visit we will ask you to tell us what you have done to put things right and we will check that the improvements you have made are fully embedded into the practice in the setting and that you can sustain these improvements. Where we agree that the action you have taken is sufficient, the next step will be another inspection within six months of the original

¹ The *Statutory Framework for the Early Years Foundation Stage* is available at: www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2012.

inspection date. If we think there is more you need to do before you are fully meeting requirements, we may set further actions and/or arrange further monitoring visits before the next inspection. You should read our published guidance *Monitoring visits for early years provision judged as inadequate*² to find out more information about how we carry out our monitoring visits and how often we will visit you.

At the monitoring visit the inspector will make a judgement about whether or not you have taken prompt and effective action to address the points identified for improvement. Following each monitoring visit, we will send you a letter detailing the outcome of the visit. We will also publish this letter on our website alongside your inspection reports so that parents and others can see the progress that you have made to deal with any weaknesses identified at inspection.

If you do not take prompt and effective action to address the points for improvement and the monitoring visit raises serious concerns about the standard of care and/or learning and development at the provision, then we may take steps to cancel your registration or prosecute you. We can take this course of action following any visit we make to your setting.

The next inspection

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

Where can I go for help to improve my practice?

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

What should I tell parents?

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

Can I carry on claiming government funding for two, three and four-year-olds during this period?³

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

² Monitoring visits for early years provision judged as inadequate, Ofsted 2014; www.ofsted.gov.uk/resources/090254.

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

Childcare Register

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

- set actions for you to take and by when to comply with the requirements for registration in the letter that follows the inspection
- take enforcement action against you, including in rare cases prosecuting you or cancelling your registration – however, after resigning their registration or having it cancelled, those on the voluntary part of the Childcare Register may continue to operate without registration: we will take this into account when deciding what further action to take.

Where you are only registered on the Childcare Register and we allow registration to continue and have set actions for you to meet we may carry out a further inspection within 12 months of the original inspection. If you are registered on both the Early Years and Childcare Registers, we will consider your progress towards the actions for the Childcare Register as part of the monitoring visit we carry out for actions set under the Early Years Register.

What should I tell parents?

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

More information from Ofsted

The law that sets out our duty is the Childcare Act 2006 and associated regulations. You can read about the regulations and our policy on registration and inspection in the Framework for the regulation of provision on the Early Years Register and the Framework for the regulation of provision on the Childcare Register⁴.

There is also more information on our website: www.ofsted.gov.uk.

You can telephone us on 0300 123 1231 or email us at enquiries@ofsted.gov.uk.

Other sources of information

You can contact your local authority which has a duty to give you help and support. You can find the telephone number in your local directory or by visiting <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF->

⁴ *Framework for the regulation of provision on the Early Years Register*, Ofsted, 2013; www.ofsted.gov.uk/resources/120288 and *Framework for the regulation of provision on the Childcare Register*, Ofsted, 2013; www.ofsted.gov.uk/resources/120338.