

Inspecting registered providers with no children on roll or no children present at the time of the inspection

The aim of this guidance is to assist inspectors when carrying out an inspection or monitoring visit of providers registered on the Early Years Register when there are no children on roll or no children present at the time of the inspection visit.

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Introduction

1. Childcare providers and childminders may have no children on roll either because they choose to have a break from caring for children, they are not operating at the time the inspection is due (for example, because they only operate in some school holidays) or they are unable to recruit children.
2. Some childcare providers and childminders may not have children present on the day of the inspection, even though they have children on roll. These will normally be childminders who care for one or very few children and, for example, a child may be unwell on the day of the inspection.
3. In both these circumstances we must go ahead with the inspection and not defer it. However, because we cannot see the provider caring for children at the inspection, we cannot make judgements about the quality of care and education that they provide. This guidance gives details of how we carry out these inspections. It supplements the *Evaluation schedule for inspections of registered early years provision*¹ and *Conducting early years inspections*², which are the main inspection guidance documents for registered early years provision.

'No children on roll'/'no children present' inspection

Before the inspection

4. Where the inspection is of a childminder or an out of school provision, the normal practice is to make a telephone call to the provider in the week before the inspection to check the days on which the provider will be operating. It may become clear in this phone call that the provider does not currently have any children on roll. Where this happens, the inspector should explain that the inspection must still go ahead. This is because Ofsted is under a legal duty to carry out the inspection of every provider within a given cycle. We cannot defer the inspection to a later date because:
 - a. in most cases, there is no guarantee that a provider will be caring for children at a later date, even if the inspection was deferred
 - b. providers who remain registered with Ofsted must make themselves available for inspection at any time during their registration.
5. The inspector should explain to the provider that the inspection will go ahead but that because the provider is not caring for any children, then they will be unable to reach a judgement about the quality of the care and learning for

¹ *Evaluation schedule for inspections of registered early years provision*, Ofsted, 2013; www.ofsted.gov.uk/resources/120086.

² *Conducting early years inspections*, Ofsted, 2013; www.ofsted.gov.uk/resources/120087.

children who would otherwise be in the setting. This is because that quality is highly dependent on the level and type of direct engagement between the practitioners in the setting and the children they work with. Therefore, the inspection will not be a full inspection using the four-point grading scale, but will be a check that the provider continues to be suitable to remain registered. This means that providers will not be unduly penalised by achieving a lower grade quality judgement than they might have achieved, had they had children in the setting at the time of the inspection.

6. Where it becomes clear during the initial telephone call that the provider only cares for children on certain days or part-days of the week, the inspection should be scheduled on one of the days when children will be present. If the pattern of care and learning is much more irregular, to such an extent that there can be no guarantee that children will be attending the setting during the week of the inspection, then the inspection should go ahead; it must not be deferred.
7. Where a provider is in a monitoring process and a monitoring visit is due, the visit must go ahead even if there are no children on roll or no children present. This is because it is important that we follow up any previous actions set at inspection to make sure that the provider is making progress towards them. Even if there are no children present, it should be possible for the provider to demonstrate through other means what steps s/he has taken to deal with the previous actions.

During the inspection

8. The majority of inspections will be of childminders; a small number will be childcare providers. The main purpose of the inspection is to fulfil our legal requirements to inspect registered providers within a particular period and report in writing on the matters set out in law (the four inspection judgements). However the inspector cannot make a graded judgment about the quality of provision where there are no children in the setting and instead must rely on whether the provider continues to demonstrate suitability to remain registered on the Early Years Register (and the Childcare Register if applicable).
9. For these inspections, the inspector must assess whether the provider is able to demonstrate sufficient understanding of the Early Years Foundation Stage and how they will meet the care, learning and development needs of each child they may care for. Providers must also confirm that they meet the requirements of the Childcare Register, if applicable.
10. The main focus for these inspections will be the suitability of the provider and/or staff/assistants, the premises, and the intended care and education. The inspector will discuss the quality of care and learning and assess any documentation and resources available. However, inspectors cannot evaluate the impact as they will not be able to observe the quality of interactions with children.

11. The inspector should check the following points.
- The provider is knowledgeable about the documentation requirements and that the required policies and procedures are in place. As with full inspections, inspectors must check a sample of documents, including that the relevant enhanced checks with the Disclosure and Barring Service have been made.
 - All parts of the premises intended to be used for childminding/childcare are safe, secure and suitable for their purpose.
 - Any toys, play materials and equipment are of suitable design and condition and help to provide a stimulating environment for children. It is not necessary for a full range of equipment to be present at the time of the visit. However, the provider must be able to demonstrate how they will obtain sufficient equipment and toys to meet the needs of the children they may care for. Providers must be able to explain to inspectors how they will use any equipment and/or materials to support children's learning and development and ensure that children make progress from their starting points.
 - Childminders continue to have a current first aid certificate and childcare providers must be able to demonstrate how they will ensure that a person holding a current first aid certificate will be on the premises at all times when children are present.
 - The provision has a designated lead for safeguarding that has attended a child protection course (the childminder holds this lead responsibility).
 - The provider is knowledgeable about how young children learn and how they might develop further, given their starting points. The inspector should do this through rigorous questioning, making use of the *Statutory Framework for the Early Years Foundation Stage*³ and *Development Matters in the Early Years Foundation Stage*⁴, to test out the provider's understanding, and considering any planning or assessment documents available. The inspector must record and evaluate what is seen and discussed, rather than what the inspector thinks might happen when children are present.
12. The provider must demonstrate how they will:
- meet the learning and development requirements and safeguarding and welfare requirements

³ 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.

⁴ Development matters in the Early Years Foundation Stage, Department for Education, 2012; <http://www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs>.

- develop and deliver the educational programmes
 - identify children’s starting points and ensure that children make progress in their learning through effective planning, observation and assessment
 - safeguard children
 - work in partnership with parents and carers and others
 - offer an inclusive service
 - evaluate their service and strive for continuous improvement.
13. The provider should tell the inspector how they have addressed any actions and/or recommendations from the last inspection and how this will improve the provision for children’s care and learning.
14. If during the course of the inspection the provider decides to resign from the Early Years Register and only remain registered on the Childcare Register, the inspector must collect sufficient evidence of compliance with the Childcare Register requirements by referring to the relevant factsheet *Requirements for the Childcare Register: childminders and home childcarers* or *Requirements for the Childcare Register: childcare on domestic and non-domestic premises*.⁵ After the inspection, inspectors should notify the Applications, Regulatory and Compliance Team (ARC) through the data exchange so that they can take the appropriate steps to change the registration and issue a new certificate.

Recording evidence

15. Inspectors should record brief notes to show that the provider has an adequate understanding of requirements for both safeguarding and welfare and learning and development. Where the provision is judged to be not meeting any requirement, the evidence will need to be more detailed. The evidence should clearly explain where the provider is not meeting requirements and which requirements are not met.

Making judgements, setting recommendations and actions

16. There are three possible outcomes when inspecting a provider who has no children on roll or no children present:
- met
 - not met – actions
 - not met – enforcement action.

⁵ *Requirements for the Childcare Register: childminders and home childcarers*, Ofsted, 2012; www.ofsted.gov.uk/resources/080161 and *Requirements for the Childcare Register: childcare providers on non-domestic or domestic premises*, Ofsted, 2012; www.ofsted.gov.uk/resources/080143.

17. The inspector must only make a judgement for the 'Overall quality and standards of the early years provision' using the outcomes above and not for each of the key judgements.
18. Where the judgement is 'met' an inspector should not use recommendations as it is not possible to speculate on how practice might be improved without having observed it.
19. Where the provider does not meet one or more of the learning and development requirements and safeguarding and welfare requirements the inspector must consider a judgement of not met and either issue a notice to improve or consider enforcement action. In these cases, it is important that inspectors follow the guidance for inadequate judgements in *Conducting early years inspections* as a 'not met' judgement is equivalent to inadequate for the purposes of any follow-up action. This includes contacting the CIE team where an inspector considers that enforcement action is necessary.
20. Where learning and development requirements are not met the inspector must raise at least one action to improve the quality of the educational programme and when referencing the weakness in the report should refer to what they discussed and saw, rather than the direct impact on children as the inspector did not observe this.
21. Inspectors must ensure that they record the 'children on roll' flag as 'no' for all inspections where there are no children on roll or where there are no children present (but there are children on roll).

Writing the report

22. The report template for these inspections consists of:
 - the front page summary inspection activities
 - any actions or enforcement action
 - the information about the setting
 - the judgement for the Childcare Register (where relevant).

Front page summary

23. Inspectors must include the judgement for overall effectiveness only. Although there will be no separate supporting judgements, the summary must include at least one bullet point on each of the aspects:
 - how well the early years provision meets the needs of the range of children who attend
 - the contribution of the early years provision to children's wellbeing

- the leadership and management of the early years provision.⁶
24. This is because the law requires Ofsted to report in writing on these points. The front page summary must also clearly describe the weaknesses resulting in any not met judgement from which actions are raised. Some examples of weaknesses include the following:
- The childminder has little knowledge of the learning and development requirements. S/he has not considered how to plan for individual children's needs and does not understand why s/he should complete observational assessments or work in partnership with others.
 - The parts of the premises to be used for the care of children are not welcoming. Resources are limited and of poor quality. The playscheme manager does not show enough understanding of the importance of ensuring that the environment and resources will provide challenge for children and engage their interest.
 - The childminder has insufficient knowledge of child protection procedures approved by the Local Safeguarding Children Board. S/he does not fully understand his/her responsibility to protect the welfare of the child.
25. In each of these cases the inspector must consider raising one or more actions for the provider to meet requirements. As with any other inspection, actions must state precisely what a provider must do to bring about the necessary improvement and should not repeat the requirement the provider is failing to meet.
26. Where the provider's knowledge of learning and development requirements is so poor the inspector considers that actions are not sufficient, the inspector must have clear evidence to support this as cancellation is the only enforcement option open to us.
27. Where the inspection takes place as a priority or brought forward inspection, inspectors should follow the guidance in *Inspection guidance for inspecting provision on the Early Years Register following the risk assessment process*⁷ in terms of whether and how the issue that prompted the inspection is referred to in the inspection report. If we find evidence of non-compliance then we will publish an outcome summary alongside the inspection report.

Inspection activities

28. This section should include the main activities undertaken by the inspector during the inspection, for example:

⁶ 'Leadership and management' includes childminders as leaders of their own provision. Where appropriate, any reference to staff also relates to childminding assistants.

⁷ *Inspection guidance for inspecting provision on the Early Years Register following the risk assessment process*, Ofsted, 2014; www.ofsted.gov.uk/resources/120380.

- the inspector discussed with the provider how they intend to deliver the educational programmes for children
- the inspector looked at policies and documents the provider will use when caring for children
- the inspector discussed with the provider their self-evaluation form and improvement plan.

Information about the setting

29. This section needs to include information that there were no children on roll of no children present at the time of the inspection.

Actions or enforcement action

30. This section should include any actions the provider must take to ensure compliance with the Early Years Register. If enforcement action is required this must be discussed with compliance colleagues in the normal way and included in the report.

The Childcare Register (if applicable)

31. The provider should be asked to confirm that they are complying with the requirements of the compulsory and voluntary parts of the Childcare Register (both or whichever is applicable). Inspectors should complete the appropriate boxes and raise actions if the provider is non-compliant.