

Guidance on regulating childcare in women's refuges

Guidance for the Applications, Regulatory and Contact team, inspectors and the regulatory team on how we regulate childcare in women's refuges.

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Introduction

1. The aim of this guidance is to assist the Applications, Regulatory and Contact (ARC) team, inspectors and the regulatory team in carrying out registrations, inspections and compliance investigations of childcare provided in women's refuges, in line with our protocol with the Women's Aid Federation.¹

Women's refuges

2. A women's refuge offers temporary crisis accommodation to women and children who are fleeing domestic violence. Children who live in refuges can vary in age from birth to 16 years. Refuges are safe houses and as such are in locations where the address is not in the public domain. Most have PO Box addresses, which are never made public, as this is essential for keeping the women and children safe. Many refuges are members of the Women's Aid Federation, with whom we have a protocol that sets out the working relationship between Ofsted and the Women's Aid Federation.

Childcare offered by refuges

3. Refuge organisations often provide a variety of care arrangements for children. This can range from full time nursery provision; specific play provision to support children who may be experiencing difficulties arising from their situation; crèche provision to help parents seek help, advice and support; and care before and after school and in the school holidays. Not all of this care will require registration. Most childcare for children under eight years old must register with Ofsted unless the law says they do not need to. We list the care that is exempt from registration in our 'Early years and childcare registration handbook', Annex A Registration not required.²

General principles in regulating childcare

4. When registering or inspecting childcare provision in a women's refuge, Ofsted and its inspection service providers will:
 - allocate a female inspector to carry out visits to the premises
 - allocate a female member of administrative staff to make any required telephone calls

¹ 'Protocol between Ofsted and the Women's Aid Federation of England: www.gov.uk/government/publications/protocols-between-ofsted-and-other-organisations-in-relation-to-childcare

² 'Registration not required', Ofsted, December 2015: www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england

- confine the address of the premises to those who need to know, normally the inspector/administrator dealing with the registration or inspection – under no circumstances will we give the address to anyone requesting that information from us other than to local authorities and Her Majesty’s Revenue and Customs, with whom we must share that information by law
- where we give information to other organisations under our legal obligations, tell them that this is information we withhold from the public domain
- withhold the registration details from public release and our website
- withhold publication of the inspection report from our website.

Registration of refuges

5. Refuges may provide a variety of childcare that needs registering on both the Early Years and Childcare Registers but we do not register the care as childminding even though many are on domestic premises. Instead, we treat the childcare offered by the refuge in the same way as we would treat childcare offered by hotels or bed and breakfast accommodation. It requires registering as childcare on non-domestic premises where children aged under eight years attend and one of the exemptions in the Early years and childcare registration handbook, Annex A ‘Registration not required’ does not apply. Refuges may also choose to register on the voluntary part of the Childcare Register where they offer childcare for which compulsory registration is not required.
6. Where childcare that requires registration or chooses to register is offered, it should take place in a discrete part of the refuge premises that are dedicated to childcare during the time of use. Only the people who provide and manage the childcare and those working directly with the children should be checked. Other people should not be allowed unsupervised access to children, other than their parent. This removes the need to check all people aged 16 years and over living in the refuge, where the population of the house is constantly changing.
7. The ARC team should, as part of its checking process for new applications, check to see if an application is part of a women’s refuge. Where it is, the ARC administrator should:
 - make sure only a female administrator contacts the refuge
 - set the special considerations flag on the Regulatory Support Application – this withholds the report and other details from publication
 - record in the comments for the next visit that this is childcare within a women’s refuge
 - make sure that we check the correct people connected with the registration
 - if the application is for the Early Years Register, notify the inspection service provider that the potential childcare is within a women’s refuge and to allocate a female inspector.

8. If the ARC team does not identify that the application for registration on the Early Years Register is from a women's refuge organisation and the inspector identifies this either during the initial telephone call or at the visit, the inspector should notify the ARC team that this is care within a women's refuge so that the special considerations flag may be set.
9. If a male inspector is allocated in error, he should notify the Inspection Service Provider to have the registration visit re-allocated to a female inspector.

Deciding on the numbers of children

10. It is not possible for refuges to know in advance the number and ages of children who may be present in the refuge at any one time. Providers must ensure that their maximum numbers do not exceed the requirements on ages and numbers outlined in the 'Statutory framework for the early years foundation stage'³ (EYFS) and The Childcare (General Childcare Register) Regulations 2008⁴ (as amended). The registered person must ensure that the numbers and ages of children attending are consistent with the staffing arrangements and the space available to meet the needs of all the children.
11. When reaching a decision about the available space and the numbers and ages of children, providers must take into account:
 - the way the refuge organises space for the various age groups that may attend
 - whether staff understand how to meet the needs of children of different ages within the space available, including:
 - how to manage times where numbers in a particular age group may suddenly increase
 - their awareness of health and safety issues at times when they may be particularly full
 - what additional arrangements are made, such as increasing staff numbers at times when there are more children.

Where refuges exceed numbers

12. We may receive concerns that refuges have exceeded the adult:child ratio and/or the refuge may tell us that they have temporarily exceeded their adult:child ratio set out in the EYFS and regulations because of a sudden influx of children.

³ 'Statutory framework for the early years foundation stage', DfE, March 2014; www.education.gov.uk/schools/teachingandlearning/curriculum/a0068102/early-years-foundation-stage-eyfs

⁴ The Childcare (General Childcare Register) Regulations 2008; www.legislation.gov.uk/ukxi/2008/975/contents/made, as amended by the 2012 regulations

13. The regulatory decision-maker and/or the regulatory team should consider whether the refuge has a reasonable excuse to do so when deciding on what, if any, action to take. We should consider the refuge's contingency plan for such emergencies and how they will return ratios to normal as quickly as possible. You may wish to advise that they check the terms of their insurance in these situations.

Inspecting refuges

14. The inspection must be handled with appropriate sensitivity. The inspector should:
 - be female
 - make sure that Ofsted is aware that this is a women's refuge if it is not already flagged as one.

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