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Guidance

Carrying out Childcare Register inspections

This guidance is for Ofsted inspectors carrying out inspections of providers that are only registered on either or both parts of the Childcare Register.

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Introduction

Inspectors should check at inspection that a provider complies with:

- the requirements of either or both parts of the Childcare Register
- any conditions we have placed on the registration

The Childcare Register

The Childcare Act 2006 introduced 2 registers for those providing childcare:

- the Early Years Register
- the Childcare Register

Ofsted is responsible for maintaining these registers and regulating all those that are on them.

There are 4 types of childcare for which applicants can apply for registration:

- childminders
- home childcarers
- childcare on domestic premises
- childcare on non-domestic premises

Some childcare providers are exempt from compulsory registration. You can find out more about [registration exemptions](#) in our guidance.

The types of registration that the Childcare Register is for

Compulsory registration: because they care for children aged from 1 September following the child's fifth birthday up to the age of 8 and at least 1 individual child attends for a total of more than 2 hours in any 1 day, or for a period of fewer than 2 hours when this includes care attached to a normal school day for schools to deliver extended services.

Voluntary registration: because they care for children for 2 or more hours in any 1 day, for whom compulsory registration is not required, or for a

period of fewer than 2 hours when this includes care attached to a normal school day. This includes:

- home childcarers such as nannies (who care for the children of no more than 2 families at any one time, at the home of 1 of the children) caring for children from birth until their 18th birthday
- providers that care for children aged 8 or over, until their 18th birthday
- activity-based provision like sports coaching

Information for parents using providers on the Childcare Register

Providers registered on the Childcare Register must show parents who use their services that they:

- meet certain requirements relating to people, premises and provision designed to safeguard children
- are monitored through inspections we carry out on a sample basis or when parents tell us they have concerns about the care

Parents who use registered childcarers may be eligible to claim the childcare element of working tax credits.

Childcare Register requirements

The ongoing requirements for the Childcare Register are set out in the [Childcare \(General Childcare Register\) Regulations 2008 \[2008 No. 975\]](#), as amended. Inspectors should use the [guidance on registration requirements](#).

Main features of Childcare Register inspections

The purpose of Childcare Register inspections is to check that the provider is complying with the requirements of registration and the ongoing requirements. In practice, Ofsted does not differentiate between these.

The inspection visit should normally take no more than 2 to 3 hours, including oral feedback. We expect inspections of individuals, such as childminders and home childcarers, to take less time than this.

There is no report for these inspections. Instead, we send providers a letter to let them know whether or not the provision meets requirements.

Inspection of provision registered only on the Childcare Register (either or both parts) is a compliance inspection. It is not to make judgements about the quality of the provision but to make sure that the provider is complying with the requirements of the register.

The outcome of the inspection will be:

- met
- not met – actions
- not met – enforcement action

If a provider is not complying with the requirements of the register, we can take steps to ensure that it complies by either:

- issuing a notice to improve
- taking enforcement measures

What we do depends on the severity of the infringement and the risks to children.

Those registered only on the voluntary part of the Childcare Register can continue to operate even if we cancel their registration.

Preparing for the inspection

Scheduling

Ofsted's agreement with the government is to inspect 1 in 10 providers on the Childcare Register each year.

We select which providers to inspect on a proportionate and risk basis, rather than as a result of a prescribed inspection cycle.

We schedule an inspection of a provider on the Childcare Register either:

- when we receive information that relates to possible non-compliance with the requirements of the register or conditions of registration
- when providers are selected as part of a structured sample to make up the agreed proportion of 10% per year

We inspect all providers that we receive information about that suggests non-compliance with the requirements of the Childcare Register. We also inspect a sample of others on the register, up to a total of 10%, taking into account:

- the time a provider has been registered; we do not inspect any provider until it has been registered for at least 3 months unless we receive information relating to possible non-compliance
- the national spread of registered providers
- the type of provider
- that only one inspection in any 12-month period should take place, unless Ofsted receives information

- any previous non-compliance and the follow-up action required
- whether there is a change of manager

Senior managers may consider carrying out a further inspection when, at the previous inspection:

- the inspector sets actions that relate to safeguarding
- the inspector sets actions that relate to the safety or security of the premises
- the provider does not respond appropriately to the actions

When making the decision whether to recommend a re-inspection, the senior manager must consider the response and evidence received from the provider, including whether the provider responded within the timescale set.

Information may be supplied to Ofsted's Applications, Regulatory and Contact team (ARC) by telephone or in writing.

Unless it is clear that the information does not relate to the requirements for registration – for example, concerns raised about contractual issues – ARC will carry out a risk assessment of the information and decide on the appropriate course of action. This will usually be to schedule an inspection but may also be to contact the relevant Ofsted region in relation to any compliance action.

Contacting the provider

For inspections of childcare on non-domestic premises and childcare on domestic premises, inspectors must carry out an unannounced inspection.

For all other inspections (childminders, home childcarers and settings that do not meet regularly), providers will receive no more than 5 days' notice. Inspectors should telephone these providers shortly before the inspection to check that they are operating on the day they plan to visit.

During the telephone call, inspectors should confirm with the provider:

- the purpose and format of the inspection
- in the case of home childcarers, the address where the inspection will take place
- in the case of home childcarers, an explanation of the [consent needed to enter the premises](#)
- that they have the required records and statements ready for you to see
- that they understand the possible outcomes of the inspection and the outcome will be given to them in feedback at end of the inspection

- that the outcome of the inspection will be in a letter sent to them after the inspection, and Ofsted will [publish the letter on its website](#), where it will remain for 12 months

Consent for a home childcarer visit

Ofsted cannot carry out an inspection of a home childcarer at the premises in which they provide care if we do not have permission from the home owner.

When telephoning to arrange a home childcarer's inspection, the inspector must explain that Ofsted will send a consent letter for the home childcarer to give to the parent of the child(ren), in whose house the home childcarer works.

This person must sign the consent letter before the inspector can enter the premises to carry out the inspection.

We must send this consent letter to the home childcarer as soon as the telephone call is made. If the home childcarer is not able to give the inspector this consent when they arrive, the inspection cannot take place at those premises.

If the home childcarer indicates that the parent will not give permission, the inspector should make sure that they have the name, address and telephone number of the parent so we can ask them directly for consent, and inspect once this has been gained.

If the parent does not give permission for the inspection to take place at their premises, we must arrange to carry out the inspection at an alternative venue, such as the home childcarer's own home or a public building. In these cases, the inspection will take place without children present.

When a parent raises concerns about a home childcarer, it is not appropriate for the home childcarer to ask the parent for consent to inspect. In these situations, Ofsted should normally gain parental consent when the parent first raises the concerns.

Before the inspection

The inspector must confirm:

- that a provider is registered on the compulsory and/or voluntary parts of the Childcare Register and not on the Early Years Register
- details of any conditions placed on the registration
- any other relevant information relating to the inspection, and in particular any information received that raises concerns

During the inspection

These inspections are short and sharp.

Normally, the inspector should spend no more than 1 hour inspecting a childminder or home childcarer.

The inspector may spend longer on inspections of childcare providers on domestic or non-domestic premises, but the time spent in the setting should not exceed 3 hours. This includes giving feedback to the provider at the end of the visit.

On arrival at the setting the inspector should introduce themselves to the childminder, home childcarer, or person in charge of childcare provision.

The inspector must explain the purpose of the visit and show their official identification, allowing the provider time to check the booklet and telephone to confirm the inspector's identity if necessary.

Inspectors must ask a home childcarer to show them the parental permission to enter the home. See [consent for a home childcarer visit](#) above when this permission is not available.

Recording evidence

The inspector is not required to record evidence when requirements are met unless it relates to concerns raised about that requirement.

If the provider is not complying with any requirement, the inspector must record evidence relating to the non-compliance and the outcome of any discussions with the provider. Inspectors should make it clear which requirement(s) is not met and why, and the attitude of the provider towards putting matters right.

The general principles about gathering and recording concise evidence apply. It is essential that anyone reading the evidence clearly understands how the inspector reached a judgement of 'not met'.

The evidence must be complete before the inspector leaves the setting.

Inspectors should reference any non-compliance to the numbering system for the requirements set out in the factsheets and relate any actions to the numbered requirements.

Gathering evidence

To assess compliance with the Childcare Register requirements and any conditions placed on the registration, as a minimum, the inspector must check the following.

Suitability of people working with the children

Check that:

- enhanced Disclosure and Barring Service (DBS) checks have been obtained for those caring for the later-years children or those who live or work on the premises
- there are effective recruitment procedures to ensure that all those caring for the children meet the criteria

Documentation and information

Check that:

- the provider has the records and written statements required for the later-years provision in place, which you can find in the [registration requirements](#)

For procedures for safeguarding children, check that:

- those caring for children know how to recognise and respond to signs of abuse, and what to do when they have concerns about a child
- providers know of their duty to liaise with local authority statutory children's services agencies when there are concerns about possible harm or abuse and know how to do so

For premises and equipment, check that:

- all parts of the premises used for the later-years provision are safe, secure and suitable for their purpose
- equipment is suitable in terms of its condition and is appropriate for children in the later-years age group
- all necessary measures are taken to minimise risks

Behaviour management

Check that behaviour is managed in a suitable way by observing whether:

- children are well behaved and show consideration for others
- any inappropriate behaviour is dealt with sensitively and positively, without physical threats or punishment
- good behaviour is valued and encouraged, according to children's different stages of development

Meeting ratios

Those on the compulsory part of the Childcare Register must meet ratios.

Check that:

- for childminders, there is at least 1 person caring for every 6 children
- for childcare on domestic and non-domestic premises, there is a sufficient number of persons present at times when children are being cared for, that at least 1 of these people is the provider, manager or someone who works for them, and that there is at least 1 person for every 30 children

There are no ratios for the voluntary part of the Childcare Register.

Childminders on the Childcare Register may leave later-years children in the care of a suitable assistant for a maximum of 2 hours per day. The childminder must also gain written consent from parents for their child to be left with an assistant.

Inclusivity

For 'no child is refused later-years provision', inspectors should interpret this as meaning that all children who attend are included in activities.

It is not necessary to scrutinise the provider's admission policy to ensure that access is given to all children. If, however, the inspector finds evidence that a provider is not complying with anti-discrimination legislation, they must inform a regulatory decision maker in the Applications, Regulatory and Contact team who will decide what action we should take.

All providers must ensure that the childcare is accessible and inclusive by:

- taking all reasonable steps to ensure that the needs of each child, relating to his or her childcare, are met
- not refusing to provide childcare or treating any child less favourably than another child by reason of the parents or child's protected characteristics, as outlined in the [Equality Act 2010](#), including: disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Childcare contingency arrangements

Inspectors must discuss with the provider, assistants, staff and parents the arrangements that are in place with other later-years providers or parents for when the service is unavailable.

Providers, except home childcarers, on the Childcare Register must have contingency arrangements in place when they are unable to operate.

This could mean leaving the children with another later-years childminder

or provider – as long as they do not exceed ratios. Alternatively, it could mean making it clear to parents that they have to collect their children if the provision has to close unexpectedly, or that they are responsible for making other arrangements when the provision is closed, for example for staff training.

Other requirements to check

Inspectors must also check that:

- the provider or someone working with the later-years children who is on the premises when children are present has a valid appropriate first aid certificate (from within the last 3 years)
- there is valid public liability insurance in place
- the required information is available to parents
- the certificate of registration is displayed (except for home childcarers) and that the details on the certificate match the registration details
- the qualification requirements are met, which differ depending on the part of the register a provider is on

Outcome of the inspection

Deciding on the outcome of the compliance check

The possible outcomes of a compliance check are:

- met: this means that the provider complies with all the requirements
- not met – actions: this means that overall the provider does not comply with 1 or more of the requirements, but children are not at risk of harm; we will send a letter to the provider detailing the outcome of the inspection and any action required to ensure continuing compliance and we will publish that letter on our website; actions should be few in number, otherwise it calls into question the provider's overall compliance with the requirements
- not met – enforcement action: this means that the provider overall does not comply with 1 or more requirements, but the non-compliance is either persistent or is so significant it calls into question the provider's continued registration; the enforcement measures open to Ofsted are cancellation, prosecution or, in certain circumstances, suspension while we carry out an investigation or steps are taken to reduce or eliminate a risk of harm to children

[Annex A](#) explains the differences between minor and significant concerns. It is intended to help inspectors consider the extent to which the provider is not compliant, and to decide what action to take.

Giving feedback

Inspectors must give feedback to the most appropriate person before leaving the setting.

For childcare providers on non-domestic premises, this will normally be the manager or person in charge, or their nominated deputy in the absence of the manager. Inspectors should make it clear to the manager that the registered person or their nominee may also attend the feedback if it is possible for them to do so.

Inspectors must not defer feedback to allow it to happen on another day.

Inspectors must speak to their usual contact point in Ofsted before giving feedback if they are in doubt about the judgement.

Inspectors may wish to consult Ofsted's compliance, investigation and enforcement team before feedback where there are major concerns about the provision.

Feedback should include:

- confirmation on whether or not the provision is meeting the requirements of the compulsory and/or voluntary part of the Childcare Register
- positive feedback about where the provider is compliant (where appropriate)
- an explanation of any requirements the provider is failing to meet (where appropriate)
- any action/s the inspector intends to raise (if appropriate)

Requirements not met

When a provider is not meeting the overall requirements, inspectors must explain the range of enforcement steps that Ofsted can take.

In more serious cases when children are, or may be, at risk of harm, we may suspend the Childcare Register registration to allow time to investigate the circumstances or for steps to be taken to reduce or eliminate a risk of harm.

Ultimately, we may decide to cancel registration if we have reason to believe that the provider has done 1 of the following:

- failed to comply with the requirements
- failed to comply with a condition we have imposed on their registration
- failed to pay the annual fee

In rare cases, we may decide to issue a simple caution or prosecute any

registered person who commits an offence under the relevant parts of the Childcare Act 2006. This includes failure to comply with a condition of registration.

When the inspector believes that the registered provider has committed an offence, they should record evidence explaining the reasons for thinking this and contact ARC for advice and guidance, and to discuss the next step to take. In some cases, this may include withdrawing from the inspection and arranging for a regulatory inspector to attend the premises.

When a provider is not complying with the requirements of registration, the inspector should inform the provider of any action we may take as a result of the inspection.

The inspector should point the provider to our [guidance detailing what a provider should do when judged inadequate or is not complying with requirements](#).

After the inspection

After the inspection, the inspector should submit their evidence through the agreed channels.

The inspector arranges for the inspection outcome letter to be sent to the provider.

We will [publish the outcome letter on our website](#) within 10 days of the inspection taking place. The letter will remain on the website for 12 months.

If the provider is not complying with all the requirements, the letter will include details of the action the provider must take and a date by when they must complete the actions. The provider must respond to us by the stated date, setting out the action they have taken to comply and to confirm that they have taken the necessary steps to ensure compliance with all the requirements.

We will follow up any outstanding actions, and send a reminder letter to the provider if they do not respond within the timescale.

Any outstanding actions will be risk assessed by ARC and action taken accordingly, such as referral to the region on cancellation.

A senior manager in Ofsted will decide whether to carry out a further inspection within 12 months if any non-compliance was serious and/or if we have reason to believe it may persist.

Annex A: distinguishing between minor and significant concerns for the Childcare Register

Outcome: not met – actions

Examples of non-compliance include:

- not displaying the certificate
- members of staff smoking in the outdoor play area but no children are present
- not providing information about the Childcare Register to parents
- not holding public liability insurance but evidence that it is being arranged
- an unchecked member of staff being left in charge for 20 minutes while other staff attend to a child in the medical room who has fallen down when playing outdoors
- the risk assessment not being updated annually and no major concerns about the premises and/or equipment
- children behaving badly and staff unsure how to deal with this
- a written statement of procedures to safeguard children being in place but the manager and staff showing little knowledge or understanding of child protection policy and procedures

Actions include:

- discussing with the Ofsted helpdesk before feedback (if necessary)
- raising action(s) at feedback and in the outcome letter
- the provider reaffirming commitment to comply at annual renewal

Outcome: not met – enforcement

Examples of non-compliance include:

- staff being under the influence of drugs/alcohol while providing care
- significant concerns about the state of the premises causing a severe risk to children
- a referral from children's services concerning allegations that the provider is using corporal punishment against children
- an unchecked member of staff being left in charge of children each day for an hour while staff have their lunch

Actions include:

- discussing with the relevant Ofsted region before giving feedback
- advising the provider at feedback of enforcement options open to

Ofsted

- the Ofsted region holding a case discussion and if necessary, organising a case review – to include the allocated inspector – to consider cancellation
- the Ofsted region drafting and sending notice(s) to the provider
- if necessary, the Ofsted region disclosing information to the police and child protection agencies

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