Guidance

Interim visits: registered early years providers

An operational note for Ofsted inspectors carrying out interim visits to registered early years providers from 1 September 2020

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Introduction

On 17 March 2020, all outdoor inspections were suspended. We have been carrying out interim visits to schools since 11 June 2020 and early years providers inspected from 20 July 2020, we are conducting interim visits. These visits are not inspections and will not result in inspection grades. Inspectors can use proportionate enforcement actions, if appropriate.

This document sets out the process and range of evidence gathering activities that inspectors will carry out in these interim visits, from nothing a setting that a visit will take place to publishing an outcome summary about what we found during the visit.

How the interim visits apply

We will visit providers that are currently judged non-that good and that had safeguarding and welfare actions raised at their last inspection.

We will select settings where:

- the overall effectiveness grade of requires improvement or inadequate, and the quality of education is inadequate
- the judgement for the last inspection carried out before 3 of the Early years inspection handbook was not met with actions
- actions were set at the last inspection in areas of safeguarding and welfare requirements
- the provider's ability to meet safeguarding may have passed due to COVID-19, or the inspection may be out of date (earlier inspections are due to visit)

We continue to monitor providers that received an inadequate (with enforcement) grade of their last inspection through our usual monitoring, and we will visit them if we need to (for example, if we hold an outcome summary). This is set out in our Inspection and compliance handbook and Guidance on setting compliant and compliance action for childcare providers.

When we return to inspection activity, we will begin by inspecting providers that were judged as inadequate or requires improvement.

When carrying out an interim visit to a provider, we will not be checking whether they have met learning and development requirements, actions set at the last inspection. We want to allow providers to focus on the safety of children, and the uncertainty caused by COVID-19. We will ask the provider questions about our 'reasonable endeavours' to meet the requirements of the early years foundation stage (EYFS) framework, and the 2015 EYFS is adjusted. After 31 September 2020, providers must meet the learning and development requirements in full.

We would usually inspect a provider that is inadequate or requires improvement grade within 9 or 12 months respectively and look at how providers have addressed the actions we set at their last inspection. We expect providers to continue to work on actions, but we will work with an inspector about how they are meeting any learning and development requirements. We will not be checking whether they met and explain that we will look at learning and development requirements during the next inspection.

Guiding principles

Inspectors will be sensitive to the challenges presented by COVID-19, we will always take that into account.

We will prioritise the safety and welfare of children and staff in the visits, including children, carers, staff and inspectors. We will follow the most up-to-date guidance from Public England.

We continue to be guidelines and guidance and principles for inspectors, including safeguarding and enforcement, as set out in our early years compliance handbook.

The legal context

We carry out interim visits in line with the letter sent by Gavin Williamson, the Secretary of State for Education to Amanda Spielman, HMI, on 27 March 2020.

We will use our regulatory powers to carry out interim visits. Section 77(2)(b) of the Childcare Act 2006 provides the right of entry to the premises of a registered provider for the purpose of assessing requirements imposed by the Act and regulations.

Interim visits will take place during the period September 2020 to December 2020 inclusive.

This guidance is applicable from 1 September 2020.

The interim visit

Interim visits are not a full-scale on-site visit, but there may be rare occasions when a telephone visit may be an appropriate alternative.

We can decide on whether it is appropriate to carry out our work by telephone. Inspectors will need to consider each individual case and the circumstances of the provider. This will be agreed in line with our early years compliance handbook.

Inspectors must record the reasons for their decision to carry out the work by telephone rather than through a visit.

The inspector may request that the provider shares, electronically, relevant documentary evidence.

If there are no children present

For providers that do have children on set, and it becomes clear during the interim visit that there are no children present, inspectors can the proposed day of the interim visit, the visit should be conducted on a day when children are present instead, if practicable.

If there are currently no children on site or a provider is not operating

Inspectors will not be expected to carry out a full-scale inspection if no children are not in set operating. The inspector will still need to monitor if the actions set at the last inspection have been met. This is because cuts could remain at any time.

Before the visit

Notifying the setting of a visit

If possible, the inspector will call the setting to announce the visit on the day before by 12:30pm. They will ask to speak to the childminder/nominated individual/manager, or the most senior member of staff available.

If the inspector is unable to contact one of those named above, the inspector will leave a message with the person they speak to (professional judgement on whether to expected to visit unannounced. In the event of an unannounced visit, the inspector will contact the setting's management for COVID-19 security on arrival at the setting.

The purpose of the notification call is to:

- make practical arrangements for the visit, including that inspectors will be aware of any infection control arrangements the setting has in place
- allow the provider/manager and inspector time to discuss the context of the setting and a proposal of the inspection activities

The nominated individual/manager may be able to have the information ready for the inspector, and the inspector may request this work to arrange different times during the day to reduce the risk of cross contamination. Inspectors will do their best to accommodate any reasonable requests regarding the timing of their visits.

During the call, the inspector should inform the provider of any documentation that they will need to have available:

- arrangements for first aid, in line with the current disapplication of the requirement to have a first aider on the premises
- the provider's risk assessment for COVID-19 (Coronavirus) (COSHH) plans, for every person who lives or works in the setting (including staff)
- the requirements the setting or childminder agreed to take actions to the safeguarding and welfare actions set at the last inspection

During this discussion the inspector will ask the provider to be aware of the interim visits' purpose and focus. Inspectors will confirm that they will not visit result in a change to the inspection judgement.

During the notification call, inspectors must re-confirm with the provider that no one in the household or of the setting has COVID-19 symptoms.

Inspectors must confirm with the provider that they have been isolating the government guidance on COVID-19.

The inspector will discuss and agree arrangements for the visit. They will also discuss how the inspector will ensure that everyone that they follow government guidance during the visit.

Inspectors will also be aware of any local authority and compliance functions as normal, so be as the public health emergency allows.

Requests for delivery

We will continue to carry out our regulatory and compliance functions as normal, so be as the public health emergency allows.

We will consider any requests for delivery of interim visits in line with our delivery policy.

Preparing for the interim visit

We will plan for the interim visits in line with our guidance for carrying out regulatory visits in the early years compliance handbook.

Interim visits should be informed by:

- the last inspection report
- action(s) set out in the inspection report
- review of all information received since the last inspection
- any local intelligence or contact from the local authority adviser

We will review a provider's notification (Ofsted's) and the actions taken the planned interim visit, we will follow our usual risk assessment process. We will review the last report, the last Ofsted's notification or notification into account at the interim visit and follow any lines of enquiry needed about these.

Inspectors must check:

- the provider's registration details and the accuracy of the information about individuals connected with the registration
- the date and judgement of the previous inspections
- the provider's monitoring and actions taken since the previous inspection
- the inspection and compliance history of the provider and details of any complaints, notifications, and any other information that the previous inspection

Inspectors must also complete a COVID-19 general risk assessment before carrying out any on-site visits.

To avoid any unnecessary travel, the inspector should in confirm with the provider that prepares in the setting/household remains symptom-free before starting their journey.

During the visit

Inspectors should be sensitive to the situation that the provider is in and conduct themselves in line with the conduct during Ofsted inspections. Inspectors will be sensitive to the challenges and expectations for providers set out in the early years inspection.

Inspectors should limit contact to the minimum number of individuals and household members when possible. They should follow government guidance for hand washing, physical contact and social distancing.

On arrival, inspectors should:

- ask to see the registered person/nominated individual, or in their absence the manager, introduce themselves and confirm their identity and their purpose of visit
- confirm the arrangements for the interim visit, including the provider's arrangements for COVID-19 security
- confirm the presence of the interim visit
- check there is a record of a valid DBS check for every person who lives or works in the setting (including staff)
- check that there is appropriate first aid provision in place

The focus of the interim visit will be the safeguarding and welfare requirements, particularly the requirements/actions for improvement that are set out in the safeguarding welfare requirements actions set at the last inspection.

Inspectors will use their professional judgement to decide what other areas of the provision, if any, need evidence to support the outcome of the visit decision.

The main questions that the inspector must consider

1. What has the provider done to tackle the actions set and how has it met the requirements?
2. Is it apparent that the provider has met the actions set, or is there new cause for concern in different areas and subsequent breaches to the statutory requirements?

To answer the second question the inspector will consider:

- the impact on children
- if children are being kept safe
- if children's needs are being met

The inspector will consider other matters as they emerge, pursue other lines of questioning and enquiries and ensure that they have sufficient evidence to support their judgement and decision.

Inspectors may have concerns about the effectiveness of the setting's leadership and management or their safeguarding and welfare requirements are not met. If inspectors have significant concerns, or if they feel that the provider is inadequate in safeguarding and welfare requirements, they will discuss concerns with the provider/manager at the conclusion of the visit.

If a provider remains non-compliant with some or all of the safeguarding and welfare requirements, or new safeguarding and welfare concerns arise, the inspector will consider proportionate enforcement measures are escalated. The approach to compliance and enforcement is set out in the early years compliance handbook.

The inspector must summarise the information gathered and the appropriate items during the regulatory visit and share this with the provider/manager.

Gathering and recording evidence

Inspectors will gather evidence in line with our early years compliance handbook. Inspectors will use their professional judgement. The evidence must be sufficient to determine whether the provider has taken effective action to meet the safeguarding and welfare actions set at the last inspection.

The inspector must make notes throughout the visit in the agreed format. The inspector will use their professional judgement on what the provider is now meeting these requirements, or is failing to meet them. This should reflect areas that may have stayed.

They will record evidence in the relevant sections of the interim visit event form.

The evidence must:

- be sufficient in quality and range to describe the regulatory activity and the provider's practice, methodology, including phrases that specify requirements
- support any enforcement outcomes
- include confirmation that there is a record of a valid DBS check for every person who lives or works in the setting (group setting)
- provide a record that underpins and ensures the judgement

Evidence gathered and recorded will very but is likely to include:

- observations, when appropriate
- discussions with leaders, managers and staff
- viewing documentation

Considering all the evidence gathered, the inspector will determine whether the provider has:

- taken effective action to address the safeguarding and welfare actions set at the last inspection
- not taken effective action to address the safeguarding and welfare actions reported on at the last inspection
- let other aspects of the provision slip and consequently there are further breaches of the statutory requirements

Further action

On all visits, inspectors should consider whether it is appropriate to identify additional priorities for action based on issues they found during the visit.

Feedback

The inspector must summarise the information at appropriate times during the regulatory visit and share this with the provider/manager.

The provider will receive feedback at the end of the visit. During feedback, the inspector must:

- confirm that there will be no change to the last inspection judgement
- use plain English
- ensure the provider is clear about the outcome of the visit and what the next step will be, especially if new issue(s) have arisen or concerns have been raised
- support the findings with clear explanations and evidence
- make sure that outcomes are in line with the requirements and expectations of the early years inspection handbook
- explain the options for further action, including enforcement action, if there is evidence that the provider is failing or has failed to meet statutory requirements, which may result in a further visit
- be proportionate and fair in line with our enforcement policy - see section 3 of the early years compliance handbook, and consider assuming compliance in our compliance handbook

The inspector will make any concerns clear to the provider/manager. They will explain that there will be a published outcome summary, which will outline what action the provider has taken and include whether we require the provider/manager to take further action.

If the inspector is satisfied that the provider has taken appropriate action to address the safeguarding and welfare actions set at the last inspection or at an early stage within the inspection window, unless there is a reason to visit the setting sooner.

After the visit

The inspector will record all of the relevant information about the case and the visit on our inspection database. This will include:

- any evidence of non-compliance
- any actions we are taking in response to any non-compliance
- the inspector's judgement on the provider's ability to ensure that we the provider has taken or not taken
- the inspector will complete the outcome summary, which we will publish on Ofsted's weekly website.

If the provider fails to meet the safeguarding and welfare requirements of the EYFS, the inspector will consider whether a welfare requirements notice is notice to improve and/or take any other enforcement activity that may be required.

Reporting arrangements

Due to routine inspections being suspended, we have not been able to report on whether providers have met the safeguarding and welfare actions that we reported on at the last inspection.

After the interim visit, we will publish an outcome summary that reports on the provider's progress in meeting the safeguarding and welfare actions set at the last inspection. The publishing of the outcome summary provides an update to parents while routine inspections are suspended.

The published outcome summary will include:

- the date of the last inspection
- the inspection judgement
- the safeguarding and welfare actions that were raised
- the last inspection
- whether the actions raised at the last inspection have been met
- any further action we are taking in response to any non-compliance
- the next steps

Quality assurance and complaints

We will monitor our consistency and evidence for interim visits may be subject to quality assurance arrangements. We will handle any concerns and complaints during the visit or about the published summary in line with our complaints policy.

In these cases, we will not delay publication of the outcome summary while we investigate the complaint, unless we feel that it is important for parents and carers to have up-to-date information. If the outcome of our work changes once we have completed it, we will publish an amended outcome summary. Published outcome summaries will be kept on our security website for 5 years.

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