



Department for Education

Policy paper

Inspection of early years register providers: requirements for Ofsted

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1. Background

Ofsted is responsible for the registration, regulation and inspection of early years childcare providers in England.

Early years childcare providers who care for a child from birth to age 5 (up to 31 August following the child's fifth birthday) and for more than 2 hours per day must register with Ofsted on its early years register. This includes nurseries, pre-schools and childminders (alternatively early years childminders can register with an early years childminder agency instead of registering with Ofsted).

It is an offence to provide early years childcare for a child for more than 2 hours a day without being registered with Ofsted or a childminder agency unless you are exempt from compulsory registration. Read Ofsted's guidance about [when you should register](#) and [registration exemptions](#).

In July 2012, we removed a number of requirements placed on Ofsted within The Childcare (Inspections) Regulations 2008 as part of the government's plans to remove unnecessary regulation and burdens. It was agreed that, in future, the early years inspection requirements would be set out in letters from the Secretary of State for Education to the Chief Inspector of Ofsted. Details of the requirements are set out below, starting with the most recent.

2. Requirements from the date Ofsted resumes full routine early years inspections post COVID-19

On 3 November 2020, the Parliamentary Under-Secretary of State for Children and Families Vicky Ford MP, wrote to the Chief Inspector Amanda Spielman.

The letter set out requirements for Ofsted to inspect early years register providers as soon as they resume full routine early years inspections following the coronavirus (COVID-19) outbreak. The letter also sets out a requirement for Ofsted in relation to reports about childcare providers who are registered with Ofsted to care for children from 1 September after the child's fifth birthday up until their eighth birthday – also known as 'later years' providers. The inspection requirements are detailed below.

2.1 Inspection timetable

Under section 49(2)(b) of the Childcare Act 2006, the Secretary of State requires the Chief Inspector to:

- inspect providers on the early years register – whether they registered before or after Ofsted resumes its full routine inspections post COVID-19 – within 6 years from the date of their last inspection
- prioritise the first inspection of providers on the early years register – whether they registered before or after Ofsted resumes its full routine inspections post COVID-19

2.2 Independent schools

The Chief Inspector is not required to inspect early years provision at an independent school if:

- by 2 months before the date by which the Chief Inspector would have been required to inspect the early years provision, that early years provision has been inspected by a body approved by the Secretary of State, and
- that approved body has prepared a report of the inspection which reports on the matters set out in section 50(1)(a) to (d) of the Childcare Act 2006, and has sent a copy of that report to the Chief Inspector

2.3 Copies of early years reports to local authorities

The Secretary of State requests that a copy of an inspection report (or such parts of the report as the Chief Inspector considers appropriate) made under section 50 of the Childcare Act 2006 is sent to the relevant local authority.

2.4 Copies of later years reports to local authorities

The Secretary of State requests that a copy of an inspection report (or such parts of the report as the Chief Inspector considers appropriate) made under Section 61 of the Childcare Act 2006 is sent to the relevant local authority.

3. Requirements from 25 March 2020: temporary suspension of Ofsted routine inspections

On 25 March 2020, the Secretary of State for Education Gavin Williamson MP wrote to the Chief Inspector Amanda Spielman. Following the coronavirus (COVID-19) outbreak, the letter set out a temporary suspension to routine Ofsted inspections.

4. Requirements from 1 August 2012 to 25 March 2020

On 12 July 2012, the Secretary of State for Education Michael Gove wrote to the Chief Inspector Sir Michael Wilshaw.

The letter set out the necessary inspection requirements for early education and childcare inspections from 1 August 2012. The letter also sets out a requirement for Ofsted in relation to reports about childcare providers who are registered with Ofsted to care for children from 1 September after the child's fifth birthday up until their eighth birthday – also known as 'later years' providers. The inspection requirements are detailed below.

4.1 Inspections timetable

Under section 49(2)(b) of the Childcare Act 2006, the Secretary of State requires the Chief Inspector to complete, by 31 July 2016, the inspection of all providers registered on the early years register before 1 August 2012.

Under section 49(2) of the Childcare Act 2006, the Secretary of State requires the Chief Inspector to inspect providers newly registering on the early years register on or after 1 August 2012 within the period of three years beginning with 1 August following the date of registration.

4.2 Independent schools

The Chief Inspector is not required to inspect early years provision at an independent school if:

- by 2 months before the date by which the Chief Inspector would have been required to inspect the early years provision, that early years provision has been inspected by a body approved by the Secretary of State, and
- that approved body has prepared a report of the inspection which reports on the matters set out in section 50(1)(a) to (d) of the Childcare Act 2006, and has sent a copy of that report to the Chief Inspector

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