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Guidance

# Carrying out Childcare Register compliance 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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## Applies to England

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## Introduction

Childcare Register inspections are a compliance check to make sure providers are meeting the ongoing requirements for registration. These inspections are unlike other Ofsted inspections, which focus on quality and standards of provision. Inspectors 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 [Carrying out Childcare Register compliance inspections - GOV.UK \(www.gov.uk\)](#) registration

This framework applies to all providers registered solely on the Childcare Register.

Group provision refers to:

- an individual or organisation offering childcare on domestic premises with 4 or more other individuals (childcare on domestic premises)
- an individual or organisation offering childcare on non-domestic premises (childcare on non-domestic premises)

A childminder refers to:

- an individual who provides childminding from domestic premises and who can also provide some childminding from non-domestic premises, such as a community or village hall (childminder)
- an individual who provides all of their childminding from non-domestic premises, such as a community or village hall (childminder without domestic

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Collection

[Ofsted inspections of early years and childcare providers](#)

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## Conduct during Ofsted inspections

Ofsted's [code of conduct](#) sets out the expectations for both inspectors and providers. At the start of the inspection, the inspector will explain these expectations and will ask providers to read the code.

Inspectors will uphold the highest professional standards in their work. They will treat everyone they meet during inspections fairly and with the respect and sensitivity they deserve. They will work constructively with leaders and staff, demonstrating professionalism, courtesy, respect and empathy at all times.

## The legal context

We use our regulatory powers to carry out compliance inspections. Our power to check that a childcare register provider is meeting the requirements comes from section 77(2)(b) of the Childcare Act 2006. This allows Ofsted to enter a provider's premises to check whether they are complying with any conditions or requirements imposed by the Act.

We follow the guidance and principles set out in our [early years and childcare enforcement policy](#).

You can find more information about the Childcare Register in the [framework for the regulation of providers on the Childcare Register](#).

## Childcare Register requirements

Each year, we inspect 10% of all providers on the Childcare Register to check that they are meeting the requirements.

The requirements for the Childcare Register are set

out in the [Childcare \(General Childcare Register\) Regulations 2008](#), as amended.

Inspectors should use the [guidance on registration requirements](#).

## **Main features of Childcare Register inspections**

Inspection of provision registered only on the Childcare Register (either or both parts) is a compliance inspection. We do not make judgements about the quality of the provision, but we check to make sure that the provider is complying with the requirements of their registration.

There is no published report for these inspections. Instead, we send providers an inspection outcome letter confirming whether or not they are complying with the requirements. We publish the inspection outcome letter on our reports website, where it will remain for 12 months.

The outcome of the inspection will be:

- met
- not met – actions, or
- not met – enforcement action

If a provider is not complying with the requirements of the register, we can:

- set out action/s in the inspection outcome letter for the provider to take, or
- take enforcement measures such as suspension or cancellation of registration

What we do depends on the severity of any non-compliance 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. This is because this type of

provision does not require registration to operate.

Once a provider is registered on the compulsory, voluntary, or both part of the Childcare Register, they must continue to meet the requirements of registration.

## **Preparing for the inspection**

### **Scheduling**

We have agreed with the government that we will inspect 1 in 10 providers on the Childcare Register each financial year (1 April to 31 March). We decide which providers we will inspect based on the information we have and the risk to children.

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

- we receive information about possible non-compliance with the requirements of the register or conditions of registration
- the provider is selected as part of a prioritised sample based on our risk assessment

### **Scheduling inspections based on information about possible non-compliance**

If we receive concerns about a provider registered on the Childcare Register only, either through a notification from the provider or from another source, our regulatory team will carry out a risk assessment.

The regulatory team will decide if the information is serious enough to require action. If it does, in the majority of instances, we will schedule an inspection. In exceptional cases we may need to take more urgent action because of the nature of the information, for example suspension or cancellation. Further details of these processes are set out in the [early years and childcare enforcement policy](#).

If the concern does not prompt an immediate inspection, we may refer it back to the provider to take action. We will check what they have done at their next Childcare Register inspection.

If the information does not meet the threshold for us to act, we will consider it again at the next inspection. We will also consider it as part of the risk assessment process if we receive any further information or concerns.

### **Scheduling the 10% sample**

When deciding the 10% sample we take 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 about 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 we receive concerns
- any previous non-compliance and the follow-up action required
- whether there has been a change of manager

### **Contacting the provider**

For inspections of providers of childcare on domestic premises and childcare on non-domestic premises that operate regularly, we will carry out an unannounced inspection.

For all other inspections (childminders, nannies and childcare on non-domestic premises and childcare on domestic premises that does not operate regularly), we give the provider no more than 5 days' notice due to scheduling demands on inspectors. Inspectors will telephone these providers shortly before the inspection to check that they will be operating on the

day they plan to visit.

The purpose of the telephone call is to confirm with the provider:

- the purpose and format of the inspection
- the records inspectors will need to see
- the possible outcomes of the inspection
- the arrangements for feedback
- our arrangements for publishing the inspection letter

During the telephone call, the inspector will ask who is responsible for the manager's or provider's welfare. This is usually their employer. If there is not an employer, providers can give details of someone else who we may contact in an emergency. For childminders or nannies, this may be a member of a local network or family.

The inspector will also give the provider the opportunity to discuss and/or give them information on potential equalities duties, including to request any adaptations to the inspection process due to a protected characteristic or any reasonable adjustments due to a disability.

For nannies, inspectors will also confirm the additional actions to take when [making arrangements to inspect](#).

## **Before the inspection**

If the inspection is not unannounced, the inspector will signpost the provider to the [relevant requirements for ongoing registration](#) published on Ofsted's website.

This will help the provider to prepare for any questions about the areas that may be discussed on inspection.

The inspector will check:

- that the 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 about the inspection, and in particular any information received that raises concerns
- any safety protocols where there are children or staff who are particularly at risk from COVID-19 (the provider and inspector will agree safety protocols and inspectors will follow the latest guidance on testing)

## **Requesting a deferral**

We will consider requests to defer an inspection in line with our published [deferral policy](#). We make these decisions on a case-by-case basis.

While it is important that we carry out our planned inspections wherever possible, we understand that sometimes there may be reasons why a planned inspection may not go ahead. In these circumstances, a provider may request a deferral of its inspection. The provider may make a request during the initial notification phone call, or at the earliest opportunity afterwards.

## **Making arrangements to inspect a nanny**

Ofsted cannot enter the home where a nanny is working unless the occupier of the home gives consent.

During the notification call the inspector will make arrangements with the nanny to gain consent from the occupier. The occupier will need to complete a letter giving consent and either have this available at the time of inspection or send it back to the inspector by email.

This occupier must sign the consent letter before the inspector can enter the premises to carry out the inspection. If the nanny is not able to give the inspector



this signed consent when they arrive, the inspection cannot take place at those premises.

If the nanny indicates that the occupier will not give permission, the inspector will make sure that they have the name, address and telephone number of the occupier in order to ask them directly for consent, and inspect once this has been gained.

If the occupier does not give permission for the inspection to take place at their premises, we will arrange to carry out the inspection at an alternative venue, such as the nanny's own home or a public building. We may also carry out the inspection through a video call. In all these cases, the inspection will take place without children present.

If a parent raises concerns about a nanny, Ofsted should normally get the occupier's consent to enter the premises when the parent first raises the concerns.

## **During the inspection**

These inspections are short and focused.

The length of an inspection visit varies according to provider type. An inspection normally takes:

- no more than 2 to 3 hours for childcare on non-domestic premises and childcare on domestic premises
- no more than 1 hour for a childminder, childminder without domestic premises or nanny

This includes giving feedback to the provider at the end of the visit.

On arrival at the setting the inspector will:

- introduce themselves to the childminder, nanny, or person in charge of the childcare provision
- explain the purpose of the visit and show their

identification

- check there is a record of a valid DBS check for every person who lives or works in the setting (for group settings)
- check there is appropriate first-aid provision in place

At the heart of our inspections is a constructive, respectful and empathetic dialogue between inspectors and the provider.

For group provision, if the nominated individual is not present, inspectors will agree a process with the manager for keeping other people informed of progress throughout the inspection. This will help to support managers if the provision might be judged as not met with actions or enforcement.

If providers have concerns about an inspector's identity, they can [contact us](#). Further information is available about the [conduct of inspectors](#) during Ofsted inspections.

Inspectors will ask nannies to show them the occupier's permission to enter the home. See [consent needed to inspect a nanny](#) if this permission is not available.

During the inspection of group provision, inspectors may need to speak to staff in a range of different roles. They will do so with respect and empathy for the pressures on them.

## **Gathering evidence**

The focus of the compliance inspections will be to confirm the provider is meeting the [Childcare Register requirements](#) and any conditions placed on the registration.

Inspectors will use their professional judgement to decide on the best method to gather sufficient, valid and reliable evidence to support the outcome of the

inspection.

As a minimum, and where appropriate, the inspector will focus on the following:

- that the safety and needs of children are being met
- any weaknesses/breaches of the statutory requirements or causes for concern
- what the provider has done to tackle any actions previously set
- the ongoing suitability of the provider

If inspectors have significant concerns, or if they find breaches of the requirements, they will raise their concerns at the appropriate time.

The inspector will consider other matters as they emerge, pursue other lines of questioning and enquiries and ensure providers have fully understood and considered the impact on children.

If a provider remains non-compliant with one or more of the Childcare Register requirements, or new concerns come to light, the inspector will consider whether enforcement measures are required. Our approach to compliance and enforcement is set out in the [early years and childcare enforcement policy](#).

The inspector will summarise the information gathered at appropriate times during the compliance visit and share this with the provider/manager.

## **Recording evidence**

The inspector will record details about the timing of the inspection, the people they spoke to and any other additional information required. This will vary according to findings. The evidence must be sufficient where requirements are not met and must support any enforcement outcomes.

Staff (including managers at all levels) may always be

accompanied by a person of their choice when speaking to inspectors. However, it is important that staff are able to express their views freely to inspectors. Therefore, we would urge staff, where possible, to speak to inspectors without more senior colleagues present.

Meetings with parents may take place without the provider.

If the provider is not complying with any requirement, the inspector must record evidence of 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.

It is essential that anyone reading the evidence clearly understands how the inspector reached a judgement of 'not met'.

The evidence should be gathered before the inspector leaves the setting.

## **Pausing inspection**

We will always take careful account of the well-being of leaders and staff and adjust our approach or activity as appropriate. If a staff member (including the manager, nominated individual and other leaders) is upset or distressed at any point during the inspection, inspectors will pause the activity to check on their well-being.

Where appropriate, inspectors will make reasonable adjustments to enable the staff member to continue. Where there are serious concerns, the lead inspector will normally contact the duty desk and inform those responsible for the person's well-being. They may need to consider pausing the inspection.

There may be exceptional occasions when we need to

consider pausing an inspection. We will consider these on a case-by-case basis according to our published guidance on [pausing inspections](#). This could include where there may be a significant event involving a member of staff or a pupil, or significant concerns about a staff member's well-being or when the provider's well-being is of concern. We will be sympathetic to the pressures placed on a provider, and, in group provision, the manager and other staff. If, at any time, an inspector thinks that an inspection should be paused, they should immediately contact the duty desk. The duty desk will liaise with the regional director, who will advise on next steps.

## **Outcome of the inspection**

### **Deciding on the outcome of the compliance check**

Inspectors will make one of the following judgements:

- met
- not met – actions, or
- not met – enforcement action

When considering a judgement, inspectors must use their professional judgement and apply the principles below to the provider type they are inspecting.

### **Principles for reaching judgements**

- met: this means that the provider complies with all the requirements
- not met – actions: this is likely to be for minor failures to meet the requirements that have a minimal impact on children and/or issues that can easily and quickly be corrected and/or the provider demonstrates a clear ability and willingness to put right.
- not met – enforcement action: this is likely to be for more significant failures or persistent failures to

meet the requirements that have a direct impact on the safety and welfare of children and/or the suitability of the provider.

## **Giving feedback**

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

For group providers, this will normally be the nominated individual, manager, or their nominated deputy in the absence of the manager. At least one other member of staff may attend the meeting to support the provider or manager. This should typically be someone who deputises for them and can understand and discuss the feedback. Additional members of staff may attend at the discretion of the lead inspector, but attendees should be few in number.

Leaders will attend the meeting to observe inspectors bringing the evidence together. It will help leaders to understand the evidence on which the judgement is based.

For childminders and nannies, this should be the registered person.

Inspectors will not defer feedback to another day except in exceptional circumstances. During feedback the inspector will:

- confirm whether or not the provision is meeting the requirements of the compulsory and/or voluntary part of the Childcare Register
- provide positive feedback about where the provider is compliant (if appropriate)
- explain any requirements the provider is failing to meet (if appropriate)
- explain the outcome of the visit and any action/s the inspector intends to take (if appropriate)

Attendance at the feedback meeting is voluntary and any attendee may leave at any time.

If the feedback is likely to be challenging or is likely to raise sensitive issues, the inspector will be sympathetic to the implications of this feedback. The inspector will discuss with the provider which other people should attend to ensure the necessary support is given.

### **Outcome: met**

The inspector will confirm that the provider continues to satisfy the requirements for registration.

### **Outcome: not met – actions**

The inspector will confirm the action the provider needs to take. The provider remains registered while they carry out the actions set.

The inspector will:

- discuss the outcome with the Ofsted helpdesk before giving feedback (if necessary)
- raise the action(s) at feedback and in the outcome letter
- ask the provider to reaffirm their commitment to complying with the ongoing requirements for registration
- inform the nominated individual of the outcome (for group providers) if they are not present at the feedback meeting

### **Outcome: not met – enforcement**

The inspector is concerned that there are breaches of the requirements for registration that are significant and/or persistent and/or there have been previous similar breaches and/or not met judgements.

In more serious cases, where continued provision of the childcare may expose children to a risk of harm, we may [suspend the Childcare Register registration](#). This is to allow time to investigate the circumstances or for steps to be taken to reduce or eliminate the risk of harm. Inspectors will, if necessary, refer concerns to the local safeguarding children's partners or disclose information to the police and child protection agencies.

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

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

The inspector will:

- discuss with the relevant Ofsted region whether urgent action such as suspension is required, before giving feedback
- advise the provider at feedback of the enforcement options open to Ofsted, including cancellation or prosecution and the likely next steps in this instance
- organise a case discussion and, if necessary, a case review – to include the allocated inspector – to consider cancellation, suspension or prosecution
- draft and serve notice(s) to the provider
- consider whether it is necessary to refer concerns to the local safeguarding children partnerships and disclose information to the police and child protection agencies
- inform the nominated individual of the outcome (for group providers) if they are not present at the feedback meeting



Read further information about [what a provider should do when judged inadequate or not complying with requirements](#).

## After the inspection

After the inspection visit, the inspector will submit their evidence through the agreed channels. The inspector arranges for a draft version of the inspection outcome letter to be sent to the provider within 18 working days after the end of the inspection. We try to send the outcome letter as quickly as possible.

The provider will have 5 working days to comment on the draft inspection outcome letter, inspection process and findings. The provider can highlight minor points relating to the clarity and/or factual accuracy of the draft inspection outcome letter or submit a [formal complaint](#) seeking a review of the inspection process, including the outcome or concerns about inspector conduct.

If a provider wishes to make a formal complaint, we will follow the process set out in our [complaints procedure](#). We will respond to any complaint before we finalise and share the inspection outcome letter with the provider. If the provider has previously chosen to highlight some minor points of clarity or factual accuracy on the draft inspection outcome letter, it will not normally be able to submit a formal complaint or challenge later. We will publish the final inspection outcome letter on our reports website 5 working days after sending it to the setting.

If the provider is not complying with all the requirements, the inspection outcome letter will include details of the action the provider must take and a date by when they must complete the actions.

We expect providers to share the inspection outcome and findings with whoever they deem appropriate. They should be shared with the nominated individual and people who make up the registered person,

irrespective of whether they attended the feedback meeting. Providers may also share inspection outcomes, in confidence, with others. This may include the provider's colleagues, family members, medical advisers and/or wider support group. However, the information should not be made public or shared with parents.

The inspection outcome letter will remain on the reports website for a period of 12 months after the date of the inspection.

## Concerns about an inspection

The great majority of our work is carried out smoothly and without incident. If concerns do arise during the inspection, the provider should raise them with the inspector as soon as possible, in order to resolve issues before the inspection is completed. Any concerns raised, and actions taken, will be recorded in the inspection evidence. If there are any concerns that it is not possible to resolve with the inspector during the inspection, the provider can contact Ofsted and ask to speak to a senior inspector using the number provided at the start of the inspection.

If an issue remains unresolved, the provider can contact Ofsted after the inspection. This will be an opportunity for them to raise informal concerns about the inspection process or outcomes, ask about next steps or highlight information that they feel was not fully considered during the inspection. This will be directed to an inspector who is independent of the inspection, to discuss and to resolve, where appropriate, at the earliest opportunity.

The lead inspector will ensure that the provider is informed about how to make a formal complaint and that all [information about how to complain is available on GOV.UK](#).

If a provider has a safeguarding concern about an

inspector, they will be advised to use the phone number provided at the beginning of the inspection (the regional desk phone number) and to ask to speak with an SHMI.

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Last updated 1 November 2024

### **1 November 2024**

Updated to include reference to the new childcare provider type, 'childminders without domestic premises', following changes introduced by the Department of Education's EYFS framework, published on 1 November 2024. Further, we have clarified that inspectors will confirm with the provider on who is responsible for their welfare. We also made clear that providers can contact Ofsted after an inspection if an issue remains unresolved, and can request adaptations to the inspection process due to a protected characteristic, or any reasonable adjustments due to a disability.

### **5 April 2024**

Additional wording under 'Contacting the provider' around when inspectors will provide the opportunity to discuss reasonable adjustments, amended wording under 'Pausing an inspection' for clarification and updated text under 'After the inspection' to outline Ofsted's new complaints process.

### **31 January 2024**

The following amendments have been made to the guidance: updated our 'Code of conduct' section to align with Ofsted's inspection frameworks, updated information about the notification call to ask what support the provider has throughout the inspection, added information given at the notification call to prepare providers for the inspection, updated our section on checking safety protocols needed before the inspection, updated text about requesting a deferral to align with additional guidance, added information about who can join feedback sessions and how other people can be kept updated and new sections on pausing inspections and concerns about an inspection.

### **1 September 2023**

Updated the 'Making arrangements to inspect a nanny' section to clarify that virtual inspections may take place if we are unable to gain consent to enter the home where a nanny is working.

## 1 April 2022

Updated to simplify guidance and incorporate feedback from the sector. Clarified that Childcare Register inspections are a compliance check. Updated links to supporting documents. Updated the 'Outcome of the inspection' section to make the principles of reaching judgements clearer.

## 2 December 2020

Removed information about our work during the national lockdown (5 November up to 2 December).

## 4 November 2020

Added a note on how we will carry out inspections during the national lockdown starting on 5 November.

## 3 September 2020

Changes to the "After the inspection" section to reflect new timescales.

## 24 February 2020

First published.

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