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Guidance

Principles for carrying out early years inspection and regulatory work without notice

Guidance for inspectors on how to decide when to inspect or visit without notice.

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We must apply a consistent approach to carrying out inspections and regulatory visits, particularly when deciding whether to give a setting notice of the inspection/regulatory visit.

This document provides guidance for inspectors when they are considering whether an inspection or a regulatory visit should be carried out without notice. This decision should only be made where we believe it is the right thing to do for children to keep them safe.

Suspension monitoring visits will always be carried out without notice.

Assessing risks

The safety and well-being of children must be central to the decisions we take. We should always consider whether we are creating risk to children by announcing the inspection/visit, for example if there is information that suggests the possibility of a closed safeguarding culture.

Potential risk to children must take priority over the benefits of announcing the inspection/visit, such as being able to build rapport with the provider and understanding the context they are working in before the visit.

Inspectors should consider the information we know about the provider and reflect on whether our observations and gathered evidence may differ if we

choose to visit without notice.

When preparing to reinspect a setting, inspectors must risk assess the information in the usual way. They must consider the guiding principles set out in this document. They may then decide to re-inspect the setting unannounced.

The type and nature of the concerns we receive, and risk assess, vary. We consider each case individually when deciding whether it is proportionate to inspect/visit without notice. Inspectors should check and evaluate the full history of a registered person and their associated people and settings.

What to consider

When deciding whether to inspect/visit without notice, we should consider whether:

- we believe the level of risk to children is likely to increase by announcing the inspection/visit
- we believe leaders are acting with integrity based on the current concerns received, together with the information and history we know about the setting; for example, we may be concerned that if the setting had notice of the inspection/visit, some children (such as those who are disadvantaged and/or those with special educational needs and/or disabilities (SEND)) may be moved around or taken off site
- there are patterns of concerns about similar issues or there has been a serious incident, and we have concerns about the setting's ability to identify and address these, which heightens the potential risk to children (see section below for more on concerns)

In addition to the above, inspectors need to consider what additional evidence they feel they can gather by

choosing to inspect/visit without notice.

Concerns

The type and nature of concerns that we receive vary, although there are some common themes. These include:

- lack of knowledge around child protection procedures, which places children at risk if staff fail to identify and manage situations in which children may be at risk of harm
- management of children's behaviour
- appropriateness of children's sleeping arrangements
- high turnover of staff and/or ineffective key person arrangements
- failure to provide appropriate food to children and/or meeting individual children's dietary requirements
- staff-to-child ratios
- safety and suitability of premises
- concerns about suitability of staff/household members/assistants

Giving notice of an inspection/visit gives a provider a short timescale to make some changes, for example to routines, staffing arrangements, meals and activities. However, it is unlikely that concerns, for example around the curriculum and teaching or staff's understanding of child protection procedures, could be addressed in that short window.

Recording the decision to inspect/visit without notice

It is important to remember that inspections/visits without

notice are likely to cause anxiety for leaders, staff and children. Inspectors need to consider how they can mitigate this as part of their planning.

Inspectors will need to present their rationale for inspecting/visiting without notice to their early years senior officer for agreement. They must record this clearly and succinctly in the appropriate box in the event-planning form in Cygnum.

Once the decision is made, inspectors must follow the specific guidance on inspecting without notice in the [early years operating guide for inspectors](#). For more information about regulatory work please see our [early years and childcare enforcement policy](#).

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