

# Inspections of early years provision from September 2008

A consultation document

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**Age group:** 0–5

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**Published:** November 2007

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**Reference no:** 20070041

## Glossary

### Maintained schools

Publicly funded through local authorities. They include nursery schools and schools designated as children's centres. Ofsted is responsible for inspecting maintained schools under section 5 of the Education Act 2005.

### Independent schools

Funded by fees paid by parents and, sometimes, charitable trust funds. Ofsted only inspects independent schools that are not members of the Independent Schools Council (ISC). These inspections are carried out under section 162a of the Education Act 2002 as amended by schedule 8 of the Education Act 2005. The Independent Schools Inspectorate inspects schools that are affiliated to the ISC.

### Early years settings

All other types of provision for children from birth to the 31 August following their fifth birthday that are required to be registered by Ofsted. This includes childminders, day nurseries, playgroups, private nursery schools and settings designated as children's centres.

### Early years provision

All provision of integrated early childcare and early learning for children from birth to the 31 August following their fifth birthday made by schools and early years settings that requires inspection.

### Early Years Register (EYR)

Will be introduced in September 2008. The following **must** be registered by Ofsted on the EYR, unless exempt from registration:

- maintained and independent schools directly responsible for provision for children from **birth to the age of three**
- childcarers, such as childminders, day nurseries, pre-schools and private nursery schools, providing for children **from birth to the 31 August following their fifth birthday**.

### Early Years Foundation Stage (EYFS)

The statutory framework for the education and welfare of children from birth to the 31 August following their fifth birthday. The EYFS includes the requirements for the provision of young children's welfare, learning and development, and good practice guidance. From September 2008 the EYFS must be delivered by all schools and early years settings making provision for children from birth to the 31 August following their fifth birthday.

The EYFS is available from [www.standards.dcsf.gov.uk/eyfs/](http://www.standards.dcsf.gov.uk/eyfs/).

## Foreword

The regulation and inspection of provision for young children form an important part of Ofsted's work, and have evolved in response to significant developments in the early years sector in recent years. In 1996 inspections were extended to cover state-funded early education in the private, voluntary and independent sectors. In 2001 responsibility for inspections of day care and childminding transferred from local authorities to Ofsted, and the introduction of *National standards for under-8s daycare and childminding* defined a quality baseline for the inspections of childcare for children under the age of eight.

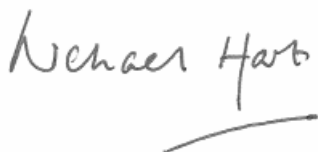
Now the Childcare Act 2006 brings about further, welcome change. It sets out how early years provision must be registered and introduces the Early Years Foundation Stage (EYFS) as the statutory framework for the education and welfare of children from birth to the 31 August following their fifth birthday.

From September 2008 the EYFS will form the basis of inspections of provision for young children.

The introduction of the EYFS provides Ofsted with the opportunity to bring greater consistency to the inspection of early years provision across the sector. At the same time we recognise that our procedures for inspecting provision for young children in schools and early years settings are well established. We, therefore, intend to build on our current practice by aligning inspection frameworks to ensure a consistent approach to inspections of the delivery of the EYFS by schools and early years settings.

This consultation document outlines our proposals for inspections of early years provision from September 2008 in response to changes introduced by the Childcare Act 2006. It also seeks your views on a number of aspects specifically relating to the inspections of early years settings.

We would like to encourage all of you with an interest in the development of inspections of early years provision to consider the proposals and let us know your views.

A handwritten signature in black ink that reads "Michael Hart". The signature is written in a cursive style and is positioned above a horizontal line.

**Michael Hart**  
Director, Children

A handwritten signature in black ink that reads "Miriam Rosen". The signature is written in a cursive style.

**Miriam Rosen**  
Director, Education

## Executive summary

This document sets out Ofsted's proposals for the inspection of early years provision from September 2008 and seeks your views on a number of aspects of inspections of early years settings.

## Background

The childcare sector has seen significant change over the last decade. Between 1997 and March 2007 the number of childcare places has more than doubled: 638,000 to 1.28 million.<sup>1</sup> Through the delivery of the Ten Year Strategy for Childcare, the Government now has over 1,500 Sure Start children's centres providing integrated services for young children and their families, with 3,500 due to be in place by 2010: one in every community.<sup>2</sup> At the same time, greater availability of the childcare element of the working tax credit and an entitlement to free early learning and childcare for all three- and four-year-olds mean that more people, from a more diverse range of backgrounds, are accessing childcare than ever before.

This increase in the availability and use of childcare means that it is more important than ever before that parents know the provision their children are receiving is high quality and held up against exacting standards. The Childcare Act 2006 introduced the first ever legislative framework for early learning and childcare. It removed the legal distinction between learning and care in the early years, reflecting the integrated approach that the best practitioners have always taken. This approach will be underpinned by the EYFS which provides a single framework for early learning, bringing together and building on previous materials including *Birth to Three Matters*<sup>3</sup>, *Curriculum Guidance for the Foundation Stage*<sup>4</sup>, and the *National standards for under-8s daycare and childminding*<sup>5</sup>.

From September 2008 the EYFS will be statutory for all those providing early learning and childcare services to children aged from birth to the 31 August following their fifth birthday regardless of the type of the provision or whether it is maintained, private, voluntary or independent provision.

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<sup>1</sup> Childcare means any form of care for a child as defined in section 18, Part 1 of the Childcare Act 2006.

<sup>2</sup> For information about the strategy visit [www.everychildmatters.gov.uk/earlyyears/tenyearstrategy/](http://www.everychildmatters.gov.uk/earlyyears/tenyearstrategy/).

<sup>3</sup> Available from [www.surestart.gov.uk/improvingquality/frameworks/birthtothreematters/](http://www.surestart.gov.uk/improvingquality/frameworks/birthtothreematters/).

<sup>4</sup> Available from [www.qca.org.uk/qca\\_12959.aspx](http://www.qca.org.uk/qca_12959.aspx).

<sup>5</sup> Available from [www.surestart.gov.uk/publications/index.cfm?document=153](http://www.surestart.gov.uk/publications/index.cfm?document=153).

All providers working with birth to five-year-olds, who are not exempt from registration because they offer home-based care or other exempt provision, must be registered on the new Early Years Register (EYR) that will also come into force in September 2008. However:

- schools providing services to children aged three to five will not need to register on the EYR
- schools offering provision for children from birth to under three will need to register on the EYR.

Registration will give a clear signal that provision is inspected by Ofsted against the requirements of the EYFS.

## **Ofsted inspections**

Early years provision in maintained schools, independent schools and early years settings is currently inspected and reported under different inspection frameworks. Each framework has been developed in response to specific pieces of legislation and in consultation with key stakeholders. There is a great deal of commonality between the frameworks that are well established with schools, early years settings and inspectors.

Ofsted wishes to build on these frameworks to ensure a consistent approach to inspections of schools and early years settings required to deliver the EYFS. From September 2008 Ofsted proposes to introduce a common early years evaluation schedule into its inspection frameworks. This will help to ensure that early years provision, whether provided by schools or settings, is evaluated in the same way. The schedule will be based on the requirements and practice set out in the EYFS. It will include key judgments that inspectors will make and what they will take into account when evaluating all types of early years provision. Judgments will be graded using the current four-point scale: outstanding (1), good (2), satisfactory (3) and inadequate (4).

Inspection reports of schools and settings required to deliver the EYFS will include the key judgements, together with an evaluation of effectiveness of early years provision. Inspection reports of early years settings will be short and adjusted to include the key judgments. Reports of maintained and independent schools providing for pupils other than those in the EYFS will include a short, separate section on the early years provision. Early years provision in maintained nursery schools will be reported in the context of having children entirely within the EYFS.

During 2007 Ofsted trialled the common key judgements and evaluation schedule, and revised report formats in a range of schools and early years settings: this received positive feedback from staff. Ofsted also consulted groups of parents whose children attend these schools and settings. They said that the key judgements and report formats were easy to understand and would help parents to choose the right early years provision for their children.

Ofsted also received positive feedback from a trial of a revised self-evaluation form (SEF) for early years settings. As a result Ofsted will launch a revised SEF for early years settings will be launched in 2008. Ofsted proposes to ensure that, like schools, early years settings can complete and submit the SEF form online, if they wish.

This consultation is seeking your views about online access to the SEF and on other aspects of inspections of early years settings that are set out in the following section.

## The consultation in detail

### 1. Self-evaluation

Self-evaluation is well established in schools, particularly in the maintained sector. Schools are encouraged to record regularly the outcomes of their self-evaluation on a SEF (schools), which Ofsted enables them to access, complete and submit online. The SEF has significantly contributed to institutional improvement and to the efficiency of inspection.

From September 2008 Ofsted intends to introduce a similar emphasis on self-improvement to inspections of all types of early years settings, including childminders. To facilitate this, the current SEF will be expanded to allow for a fuller evaluation of provision and to confirm that the requirements of the EYFS are met. Early years settings will be able to complete and submit the revised SEF (early years) online. This will provide a working tool that providers can regularly update when changes occur and will fit in with their on-going cycle of planning and review.

Completed, up to date SEFs will also contribute to the inspection process. They will enable inspectors to plan inspections based on those aspects of early provision that providers consider work well and those that they are seeking to improve. The quality of a completed SEF is likely to provide evidence of how well a setting is led and managed, and of its capacity to improve.

Paper versions of the SEF will continue to be available for providers who do not have access to the Internet.

**QUESTION: Do you agree with the proposal that all early years settings should be given the opportunity to complete and submit a self-evaluation form (SEF) online?**

**QUESTION: Would you complete the SEF online?**

**QUESTION: If you are an early years provider in a school, do you think it will be possible to evaluate the provision effectively within your current SEF format?**

**QUESTION: Do you think further questions specifically related to EYFS are needed?**

## 2. Provision judged as outstanding

Inspection is intended to lead to further improvements and so raise standards. That is why inspection reports usually identify what should be done to improve the provision further. In school inspection reports recommendations for improvements are included, when appropriate, even where the overall effectiveness of the provision is judged to be outstanding.

However, this is not currently the case in early years settings. Inspection reports of outstanding care or early education do not include recommendations. This means that where we occasionally find aspects that need minor improvement in otherwise exemplary provision, we cannot currently judge such provision as outstanding. This approach has sometimes been perceived as unfair and unrealistic, particularly as it differs from that taken in school inspections.

In the interests of fairness and consistency, Ofsted proposes that from September 2008 inspection reports of outstanding provision will identify what should be done to make minor improvements to otherwise exemplary provision, where inspectors consider this appropriate.

**QUESTION: Do you agree with Ofsted's proposal to include recommendations for improvement, where appropriate, in early years settings' inspection reports with outstanding provision?**

**QUESTION: If you are an early years provider in a school, would you always want the inspection to identify a specific area for improvement for this provision, even when it is outstanding?**

## 3. Notice of inspection

Schools and early years settings usually receive little or no notice of routine inspections. This is to avoid them carrying out unnecessary pre-inspection preparation, and enable inspectors to see the school or setting as it really is.

Maintained and independent schools usually receive two clear working days' notice. This allows inspectors to contact the school and plan the inspection. Day-care providers normally receive no notice: inspectors arrive unannounced to carry out routine inspections. However, to avoid wasting time, inspectors usually contact childminders a few days before an inspection to check when they will be in and when children will be present. Similarly, an inspector will telephone shortly those providers who are running holiday play schemes before an inspection to check that they are operating.

Clearly, for practical reasons, there is some disparity between the notice of inspection given to schools and other types of early years settings. Ofsted is considering whether these arrangements should continue and is interested in your views on this.

**QUESTION: Do you agree that the current arrangements of giving schools and early years settings little or no notice of routine inspections should continue once the EYFS is implemented?**

#### **4. Wrap around care provided by childminders and providers in the private and voluntary sector**

A number of childminders and out of school clubs in the private and voluntary sector only provide care for children at the beginning and/or end of the school day or in the school holidays. These settings will have to deliver the EYFS if they are on the EYR. In doing so such settings are expected to work closely with others, including schools, providing the EYFS for those children to ensure they receive the full EYFS offer. The provision in each setting must take into account the range of experiences children have over the course of their day.

Ofsted has considered very carefully whether the four quality grades (outstanding, good, satisfactory, or inadequate) should be applied to wrap around provision which, in effect, may be delivering only parts of the EYFS. Other options might be not to grade such provision at all, or to judge it as no better than satisfactory.

However, recognising that the EYFS is a flexible framework and that settings may have significant differences in the way they deliver it Ofsted proposes to grade wrap around provision using the four-point scale. Judgements will be based on the nature and extent of what is provided rather than the full EYFS offer. When reaching judgements inspectors will take into account how well the setting works with other providers to deliver the full offer; for example, how well the setting ensures that activities are complementary and promotes continuity and progression for children. The inspection report will make clear the nature and extent of the provision and that the judgement is made on partial delivery of the EYFS.

Note: This proposal only applies where an early years setting only offers wrap around care and **not** where some children attend for longer. For example, provision made by a childminder who cared for a baby all day and provided after school care for other children in the EYFS.

**QUESTION: Do you agree with Ofsted's proposals for grading and reporting on wrap around care?**



## 5. Childminders with no children on roll

Ofsted must inspect all registered early years provision at least once in every inspection cycle. However, a number of childminders do not have children on roll when an inspection becomes due.

The Childcare Acts 2006 grants Ofsted the power to cancel the registration of childminders who have not provided childminding for a period of more than three years during which he or she was registered.<sup>6</sup> However, Ofsted is still required to inspect some childminders who do not fulfil this criterion, but have no children on roll when their inspection becomes due. This might happen, for example, where in the course of a three-year period a childminder has dipped in and out of childminding to suit her domestic arrangements. In circumstances such as these, Ofsted proposes **not** to apply the four-point grading scale to such childminding provision, because of difficulties of collecting evidence where no children are on roll. Instead, inspectors would simply visit to confirm and report on the childminder's continued suitability for registration, and to set recommendations and actions for improvement where appropriate.

Note: This proposal does not apply to those childminders where there are children on roll, but they are not present on the day of inspection because, for example, they are ill or on holiday. These childminders will have a full inspection with quality grades.

**QUESTION: Do you agree with Ofsted's proposal that when an inspection is due, but a childminder has no children on roll, the quality of early years provision should not be graded?**

## 6. Proportionate inspections of early years settings

A number of schools which are achieving well are subject to reduced-tariff inspections. These inspections are shorter, typically only involve one inspector and include extended pre-inspection discussion between the inspector and the headteacher built around the SEF. The inspector focuses on areas that are agreed with the school and are likely to have the potential to promote further improvement. Ofsted continues to trial these inspections in a range of schools and consults with them on the effectiveness of these inspections.

Ofsted has considered whether, once the EYFS is established, a similar system should be introduced for early years settings that consistently offers good quality provision. This would mean that the first inspection of all early years settings from September 2008 will be full inspections of the EYFS to set a benchmark for quality. Subsequent inspections would be proportionate to risk, resulting in some settings being selected for a reduced inspection. Determining factors would include the outcome of previous inspections, complaints or concerns about the provision, and the quality of a setting's self-evaluation, as demonstrated through its SEF. Although

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<sup>6</sup> Childcare Act 2006, section 68.

reduced inspections would involve shorter and more tightly focused visits, inspectors would always check that children are adequately safeguarded.

**QUESTION: Do you agree that provision in private and voluntary sector early years settings that consistently perform well and where there are no concerns should be subject to reduced inspection?**

**QUESTION: If you are an early years provider in a school, is there anything else you would like to tell us about regarding our proposed approach to inspecting this provision?**

## **Conclusion**

Ofsted looks forward to receiving your responses to the questions set out in the previous section. They will help us to decide whether further changes are necessary to inspections of early years settings from September 2008.

## **Consultation arrangements**

This online consultation directly affects those who are responsible for or who work in early years provision in maintained and independent schools, and in early years settings in the private and voluntary sectors. Other stakeholders with an interest in improvements to the inspections of early years provision may also wish to comment.

This consultation commences on 29 November 2007 and will close on 1 February 2008. This timescale will enable responses to be considered in time for the implementation of changes to inspections of early years provision from September 2008. This online consultation is supplemented by consultation meetings with selected stakeholders in the early years sector which began in October 2007.

Responses received will be evaluated alongside feedback from the consultation meetings and from inspection trials held during May to October 2007. We will publish a summary of the key outcomes of the consultation during spring 2008.



## Completing the consultation questionnaire

### Online

To complete the questionnaire online visit <http://live.ofsted.gov.uk/surveys/eyfs>.

### By hand

To request a paper copy of this consultation document and the questionnaire, together with an envelope for its return, contact our National Business Unit (NBU) on 08456 404040 or email [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk).

Questionnaires should be returned to:

Inspections of early years provision consultation  
National Business Unit  
Ofsted  
The Royal Exchange Buildings  
St Ann's Square  
Manchester  
M2 7LA

## List of stakeholders consulted

The following will receive this consultation questionnaire via email:

- members of Ofsted's Children's Directorate National Provider Scheme
- members of Ofsted's Children's Directorate National Consultative Forum
- early years lead officers in the 152 local authorities in England.

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Reference no. 20070041

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