

## **Information for parents about Ofsted's role in regulating childcare**

This section provides information about how Ofsted regulates childcare providers. It sets out how you might like to use the information available to you when choosing childcare and what to do if you have a concern about your provider.

### **How Ofsted regulate childcare**

Ofsted register and inspect those who provide early education or childcare for children aged from birth up to their eighth birthday. Ofsted do this to help reassure you that when your children are in registered childcare they are cared for by people who are suitable.

Ofsted hold two different registers for childcare providers: the Early Years Register and the Childcare Register. The Childcare Register is in two parts – a Compulsory part and a Voluntary part.

*Some types of provider do not need to register with Ofsted. You can find details of these in the 'Early years and childcare registration handbook', Annex A, on the Ofsted website.*

Most people who want to provide childcare for children aged from birth to the 31 August following their fifth birthday (known as the early year's age range) must register on the Early Years Register and deliver the Early Years Foundation Stage – a framework for the education and welfare of young children.

People who want to provide childcare for children older than the early year's age group but under the age of eight years must register on the Compulsory part of the Childcare Register.

Most people who do not have to register may choose to join the Voluntary part of the Childcare Register. This includes people who care for children aged eight years and over.

No matter which register people join, Ofsted are able to:

- register the childcare provider, or suspend or cancel their registration
- inspect the childcare, with or without arranging this beforehand
- take enforcement action against the provider in serious cases.

### **How to use Ofsted information to help you choose childcare**

Every provider registered with Ofsted has their own page on the Ofsted website. To find the pages for childcare providers in your area:

- visit the following page: [www.reports.ofsted.gov.uk](http://www.reports.ofsted.gov.uk)
- click on 'Distance from your home' under the heading 'Search providers by'

- enter your postcode
- choose a distance from home and childcare provider type.

Each provider's page gives a range of information about their childcare, such as:

- their name, address and telephone number – if you are looking for a childminder, bear in mind that Ofsted can only publish this information for childminders who have given us their consent to do so; if you want to contact a childminder who has not given us this permission, your local authority Family Information Service may be able to help you contact them
- previous inspection reports Ofsted have written about the childcare
- details of any conditions Ofsted have put on the provider's registration.

You can use inspection reports to help you decide which providers to visit, to confirm what you found as a result of the visit, or as a result of a recommendation by someone else. These reports give you information about what the inspector found on the day of the inspection. All inspection reports include grades on the quality of provision and things the provider can do to improve. When you visit, you can check what the provider has done.

If the provider's record says that Ofsted have put conditions on their registration, you can check when you visit that they are meeting those conditions. A provider who does not meet their conditions of registration is committing an offence and Ofsted can prosecute them.

You can continue to look at the Ofsted website to see whether Ofsted have added any new information to the provider's page.

## **Registration**

Ofsted register people and organisations who want to provide childcare. For everyone who applies to register, Ofsted carry out a series of checks. The number and type of checks Ofsted carries out depends on the position each person holds, including whether they work directly with children. The checks always include a check against police records (called a 'Disclosure and barring service' check or 'DBS' check).

Ofsted do not check employees of registered providers, such as the manager or other staff who work in a nursery (this is the responsibility of the provider). Ofsted do check household members of childminders and any assistant(s) they employ. Although Ofsted check people when they first register with us, Ofsted do not repeat the checks on a regular basis unless Ofsted have a reason to do so, for example, because someone tells them that they have been convicted of an offence.

Ofsted inspectors visit providers who apply to join the Early Years Register to carry out an interview with them and to confirm that their premises and equipment are suitable to be used for childcare. Inspectors must be sure that applicants can deliver the Early Years Foundation Stage and meet all the requirements for registration. There is more information about the requirements for registration on the Early Years Register in the 'Early years and childcare registration handbook', Annex B.

Ofsted do not visit providers who want to join the Childcare Register, although Ofsted do carry out some checks, such as a check of their police record. Ofsted also ask them to send them a valid first aid certificate. As part of their application, providers who want to join the Childcare Register must sign to say that they agree to meet a set of requirements about:

- the people who have access to children
- the premises
- the childcare provided.

You can find the requirements of the Childcare Register in the 'Early years and childcare registration handbook', Annex C.

You can find out more about the registers and the differences between their requirements by phoning or writing to Ofsted using the contact details at the end of this section or on the Ofsted website.

## **Inspection**

Ofsted inspect all providers on the Early Years Register at least once every four years and write a report, which Ofsted publish on their website. Your childcare provider should give you a copy of this report. It will tell you about the quality of the childcare service that you use – what it does well and what it needs to improve. When Ofsted carry out our inspections, Ofsted make a number of judgements that tell you more about the quality of the education and care being provided. Ofsted grade each judgement on a four-point scale: Outstanding, Good, Requires Improvement and Inadequate. Where we judge the provider as Requires Improvement or Inadequate, Ofsted will say in the inspection report what they need to do to improve. In some cases where Ofsted judge a provider as inadequate, Ofsted will take formal enforcement action against them (see below).

Each year Ofsted inspect a percentage of those who are registered on the Childcare Register and check that they are keeping to the requirements. If the care provided is in the child's own home, Ofsted will ask permission from the child's parents to enter the premises before the inspection. After these inspections, Ofsted write a letter to the provider. If the provider does not meet all the requirements, Ofsted will tell them what needs to be put right. Ofsted publish copies of these letters on their website and keep them published for a year following the inspection.

## **Enforcement**

Ofsted have powers to make sure that providers keep to the requirements and any conditions of their registration. If Ofsted find the provider is not meeting the requirements, Ofsted can take the following action.

- Ofsted can write to the provider telling them what they must do to meet the requirements, either in a letter or in their inspection report.
- Ofsted can send a provider on the Early Years Register a legal notice, called a 'welfare requirements notice'. This sets out what the provider must do,

and by when, to meet the welfare requirements. If the provider does not comply with this notice, they commit an offence.

- Ofsted can change or add new conditions to a provider's registration.
- Ofsted can prosecute a provider if they have committed an offence.
- Ofsted can cancel a provider's registration, in exceptional cases, if Ofsted believe nothing else will protect children or to make sure the provider keeps to the law.

Ofsted may suspend the provider's registration if Ofsted believe that children are at risk of harm, so Ofsted can investigate or take steps to reduce or remove the risk of harm.

When deciding whether Ofsted need to take action, or what action Ofsted need to take, Ofsted must be fair to the registered provider. Ofsted cannot stop a provider from earning their living without good reason. This means that Ofsted do not take action unless they have evidence of a failure to meet requirements or conditions of registration or unless Ofsted have reasonable cause to believe children are at risk of harm.

Those who choose to be registered on the voluntary part of the Childcare Register can continue to run their childcare even if Ofsted have cancelled their registration. This is because they do not have to register to run their childcare, and only do so on a voluntary basis. Ofsted cannot inspect, or take other action against, any provider who is not registered with us and does not need to be.

## What providers must do

Providers must meet the requirements of their registration and should be able to give you information about what these are. They must give you details about the services they run and **display their certificate of registration during their hours of operation, so that you can see it easily**. Home Childcarers should show their certificate if you ask to see it. Each certificate gives information about the childcare provided and any conditions of registration that apply.

Providers on the Early Years Register or the Compulsory part of the Childcare Register must give you a copy of their inspection report or letter if your child goes there regularly, or you can ask for one if your child does not. Providers on the Voluntary part of the Childcare Register must share information about their service with parents.

Childcare providers must also investigate any written complaint made to them that relates to the Early Years Foundation Stage or the requirements of the Childcare Register, keep a record of the complaints and share the results of any investigation with the parents who made the complaint.

## Concerns about a childcare provider

While Ofsted inspect childcare, Ofsted cannot be in every setting every day. Ofsted may see things when we carry out an inspection, but you will be in the setting far

more regularly than us. When you take your child to and collect them from the childcare, you can see for yourself whether there are any issues that make you concerned. If you are concerned about anything you see, then you should **raise this with the provider directly**. But if you cannot resolve matters, or if you think Ofsted should be made aware of information, you can contact Ofsted by phoning or writing to them using the contact details at the end of this section.

## **Tell the childcare provider**

Most things are best dealt with by talking to your provider. Unless you think children are at risk of harm from the childcare provider, it is usually best if you discuss your concern with the provider or the person in charge. If you are a parent or carer and cannot sort out your concern through discussion, you can make a formal complaint by writing to the provider. The law says that providers must have a process for handling written complaints. Home Childcarers do not need to have this process. If you are a parent or carer and you make a formal written complaint about one or more of the requirements of registration, your provider must carry out an investigation. They must tell you about the outcome of their investigation, and any action they take, or plan to take, as an outcome of your complaint. They must do this within 28 days of receiving your complaint.

You can ask to have the outcome of their investigation in writing. All registered childcare providers, except home Childcarers, must keep a record of written complaints. If you are not satisfied with their response, or your concern relates to a matter you cannot discuss with your provider, you can contact Ofsted

## **Concerns where children may be at risk of harm**

If you are concerned about harm or possible harm to a child, you should phone the local authority or the police immediately. Your local authority children's services department must look into concerns about protecting children – they can be contacted on **024 7678 8555**. You should also tell Ofsted if your concerns are about a registered provider or anyone connected with the registration of a provider.

## **Sharing concerns with Ofsted**

You can tell Ofsted about any information or concern that a provider is not meeting the requirements and/or where you have been unable to resolve your concerns directly with the provider. You can also tell Ofsted about a person who is providing childcare who you think must be registered with them, but you believe they are not.

**We cannot deal with information that is not about the requirements for registration, for example, issues like disputes about contracts or fees. These are matters that you and the provider must resolve between yourselves.**

You do not have to tell Ofsted your name. It helps Ofsted if you do as they may need to check information with you. If you do not provide your name, Ofsted will pass the information you give us to the registered provider to deal with. Ofsted do not pass on any information or concern to the provider given to us by a member of staff of a registered setting who wishes to remain anonymous, or any concern that suggests a child is at risk of harm.

If you tell Ofsted your name, Ofsted will try to keep your details confidential even if you do not ask us to. However, this may not be possible in all cases, and sometimes the provider may be able to work out who has contacted us. If Ofsted take any action against the childcare provider, which results in a court case or a tribunal hearing, it may not be possible to keep your identity confidential.

Before contacting Ofsted, it is helpful to work out what you want to say and make a note of any relevant people, times and dates. Please tell Ofsted if you have already discussed the matter with the provider and what action, if any, they took. It helps if you give Ofsted a phone number in case they need to contact you for more information.

If you have already put your concern in writing to the provider, please send Ofsted a copy of your original letter to the provider if possible and any letters from the provider telling you about the outcome of their investigation and any action they took or said they would take. It will also help Ofsted, if you tell them why you are not satisfied with the provider's response.

### **What will Ofsted do with the information?**

Ofsted will assess the information you give them alongside the information they already hold about a provider and decide on the appropriate course of action. The risk assessment has one of three courses of action; it can result in an immediate inspection; the matter can be referred to the provider for them to take action; or where Ofsted need to liaise with other agencies, Ofsted will carry out an investigation.

Sometimes a concern or information raises issues about protecting children. If this is the case, Ofsted must tell the police or local authority or another agency, such as the Health and Safety Executive, what they know so that they can decide whether to investigate. Where Ofsted do this, they will normally liaise with those agencies and carry out an investigation. When the liaison with other agencies and the investigation reaches an appropriate stage, Ofsted will decide whether to carry out an inspection and publish an inspection report.

Occasionally, Ofsted might take immediate action to cancel a provider's registration. When this occurs, Ofsted will not carry out an inspection. Ofsted will publish a summary of the action they have taken on their website. This is so you have up-to-date information on which to base your decision about childcare.

When Ofsted receive information about a minor concern, they usually ask the provider to deal with the matter. This is because Ofsted think providers are better able to deal with minor matters than Ofsted. Ofsted consider concerns to be minor where, if they were true, they do not place children

at risk. Ofsted ask the provider to record the information and outcome in their complaints log so that parents and carers can see the action the provider took. Ofsted confirm that the provider took action when we carry out our next scheduled inspection.

## **How will I know what you have done?**

You will be able to read a full report about the quality of the provision after Ofsted have received the information and completed the inspection (unless we have referred it to the provider as a minor matter). If Ofsted have carried out the inspection as a result of a concern, they also publish a summary of what they found, and what action they or the provider took to put the matter right, alongside the inspection report. This will allow you to consider any concerns in the context of the overall quality of the provision.

When Ofsted receive a concern or information about a provider who is only on the Childcare Register, they publish an inspection letter on their website unless Ofsted cancel their registration. This letter sets out whether the childminder or childcare provider meets the requirements for registration and, if necessary, any action that they must take to stay registered. Ofsted only keep these letters on their website for one year.

If the concern or information involves other agencies, for example, the local authority or the police, Ofsted may not complete the investigation or carry out an inspection until the other agency has decided what it will do. In these cases, it may be some time before Ofsted publish the inspection report.

## **What can the provider do?**

A provider should work with Ofsted to make sure that they meet the requirements or any conditions of their registration.

A provider can object to, and then appeal against, Ofsted's decision to: suspend their registration; change, add or remove a condition of their registration; or cancel their registration.

A provider can resign their registration at any time, unless Ofsted have written to tell them that we intend to cancel their registration. This includes while they are suspended. Those who resign can offer childcare that does not need registration with Ofsted, but they will commit an offence if they offer childcare that must be registered.

## **Useful addresses and contacts**

### **Ofsted**

Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Helpline: 0300 123 1231  
Website: [www.gov.uk/ofsted](http://www.gov.uk/ofsted)

