

Information for parents about Ofsted's role in regulating childcare

Information for parents and carers using childcare services

This factsheet provides information about how we regulate 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.

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How we regulate childcare

We register and inspect those who provide early education or childcare for children aged from birth up to their eighth birthday.¹ We do this to help reassure you that when your children are in registered childcare they are cared for by people who are suitable.

We 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 us. You can find details of these in our 'Early years and childcare registration handbook', Annex A, which is available on our website.²

Most people who want to provide childcare for children aged from birth to the 31 August following their fifth birthday (known as the early years 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 years 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, we 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.

Making choices about childcare

If you are choosing childcare and you want full information about availability in your area, you should contact your local authority's family information service. They hold information on the facilities that childcare providers in your area offer. You can find

¹ Childminders may choose to register with a childminder agency instead of Ofsted; www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england

² Early years and childcare registration handbook; www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england

your local family information service through the National Association of Family Information Services website: www.familyandchildcaretrust.org/national-association-family-information-services-nafis-0

How to use our information to help you choose childcare

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

- visit the following page: 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 we 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 we have written about the childcare
- details of any conditions we 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 we 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 we can prosecute them.

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

Registration

We register people and organisations who want to provide childcare. For everyone who applies to register, we carry out a series of checks. The number and type of checks we carry out depend 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).

We 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). We do check household members of childminders and any assistant(s) they employ. Although we check people when they first register with us, we do not repeat the checks on a regular basis unless we have a reason to do so, for example, because someone tells us that they have been convicted of an offence.

Our 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.³ There is more information about the requirements for registration on the Early Years Register in our 'Early years and childcare registration handbook', Annex B.

We do not visit providers who want to join the Childcare Register, although we do carry out some checks, such as a check of their police record. We also ask them to send us 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 our '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 us using the contact details at the end of this factsheet or on our website.

Inspection

We inspect all providers on the Early Years Register at least once every four years and write a report, which we publish on our 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 we carry out our inspections, we make a number of judgements that tell you more about the quality of the education and care being provided. We grade each judgement on a four-point scale: outstanding, good, requires improvement and inadequate. Where we judge the provider as requires improvement or inadequate, we will say in the inspection report what they need to do to improve. In some cases where we judge a

³ For full details of the early years foundation stage, see the Department for Education website: www.gov.uk/government/publications/early-years-foundation-stage-framework--2

provider as inadequate, we will take formal enforcement action against them (see below).

Each year we 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, we will ask permission from the child's parents to enter the premises before the inspection. After these inspections, we write a letter to the provider. If the provider does not meet all the requirements, we tell them what needs to be put right. We publish copies of these letters on our website and keep them published for a year following the inspection.

Enforcement

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

- We can write to the provider telling them what they must do to meet the requirements, either in a letter or in their inspection report.
- We 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.
- We can change or add new conditions to a provider's registration.
- We can prosecute a provider if they have committed an offence.
- We can cancel a provider's registration, in exceptional cases, if we believe nothing else will protect children or to make sure the provider keeps to the law.

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

When deciding whether we need to take action, or what action we need to take, we must be fair to the registered provider. We cannot stop a provider from earning their living without good reason. This means that we do not take action unless we have evidence of a failure to meet requirements or conditions of registration or unless we 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 we 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. We cannot inspect, or take other action against, any provider who is not registered with us and does not need to be.

You can find more information about our regulatory role in our guidance the 'Early years compliance handbook'.⁴

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 we inspect childcare, we cannot be in every setting every day. We 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 we should be made aware of information, you can contact us by phoning or writing to us using the contact details at the end of this factsheet.

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.

⁴ Early years compliance handbook, Ofsted; www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted

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 us. Our contact details are at the end of this factsheet.

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. You can get contact details for your local authority from your local phone directory or online at: www.gov.uk/find-local-council. You should also tell us if your concerns are about a registered provider or anyone connected with the registration of a provider. Our contact details are at the end of this factsheet.

Sharing concerns with Ofsted

You can tell us 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 us about a person who is providing childcare who you think must be registered with us, 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 us your name. It helps us if you do as we may need to check information with you. If you do not provide your name, we will pass the information you give us to the registered provider to deal with. We 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 us your name, we 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 we 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 us, it is helpful to work out what you want to say and make a note of any relevant people, times and dates. Please tell us if you have already discussed

the matter with the provider and what action, if any, they took. It helps if you give us a phone number in case we need to contact you for more information.

If you have already put your concern in writing to the provider, please send us 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 us, if you tell us why you are not satisfied with the provider's response.

What will you do with the information?

We will assess the information you give us alongside the information we 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 we need to liaise with other agencies, we will carry out an investigation.

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

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

When we receive information about a minor concern, we usually ask the provider to deal with the matter. This is because we think providers are better able to deal with minor matters than Ofsted. We consider concerns to be minor where, if they were true, they do not place children at risk. We 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. We confirm that the provider took action when we carry out our next scheduled inspection.

You can find more information about our risk assessment process, our approach to investigating concerns and what we regard as minor matters in our guidance 'Early years compliance handbook'.

How will I know what you have done?

You will be able to read a full report about the quality of the provision after we have received the information and completed the inspection (unless we have referred it to the provider as a minor matter). If we have carried out the inspection as a result of a concern, we also publish a summary of what we found, and what action we 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 we receive a concern or information about a provider who is only on the Childcare Register, we publish an inspection letter on our website unless we 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. We only keep these letters on our website for one year.

If the concern or information involves other agencies, for example, the local authority or the police, we may not complete our 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 we publish the inspection report.

What can the provider do?

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

A provider can object to, and then appeal against, our 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 we 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 us, 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

Family information service

For details of your nearest family information service, phone 0800 234 6346 or visit the National Association of Family Information Services website: www.familyandchildcaretrust.org/national-association-family-information-services-nafis-0

Local authority

Your local authority's contact details are available from your local phone directory or online at:

www.gov.uk/find-local-council



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