

Good early years provision for all

Consultation document

This is a consultation document on proposals for revisions to the inspection of early years providers. Ofsted seeks the widest possible range of views from those who have an interest in, or expertise relating to, early years provision in order to ensure that the changes proposed take proper account of the needs and circumstances of all interested parties.

Above all, the revisions to the inspection framework must assure the quality of services for all children in registered early years provision and promote their continuing improvement.

The closing date for the consultation is 24 May 2013.

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About Ofsted

1. The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages.

Purpose and background to the consultation

2. This consultation seeks your views on proposals to make revisions to the framework for the inspection of early years providers. Your views will help to refine and develop the framework.
3. Ofsted registers, inspects and, where appropriate, takes enforcement action against those registered on the Early Years Register that make provision for children aged from birth to 31 August after their fifth birthday (known as the early years age group) unless such providers are exempt from registration. These providers must deliver the Early Years Foundation Stage (EYFS) and meet a range of requirements set out in the EYFS and accompanying regulations. Ofsted inspects providers registered on the Early Years Register, including those who are also on the Childcare Register, under the *Framework for the regulation of provision on the Early Years Register*.¹
4. We intend to make changes because a child's early years are a period of rapid development during which they must be helped to build a secure foundation for future personal and academic success. The quality of early years provision is very important in helping to provide this firm foundation. However, too many providers are only satisfactory or inadequate and poor-quality provision is a particular problem in disadvantaged areas. Too many children, especially those who are poor, are not well enough prepared for school, particularly in key skills such as communication, language and literacy.
5. There was little improvement between the 2011/12 year and the previous year of the proportion of early years providers judged as 'good' or 'outstanding'. Whilst the large majority of the previously 'good' or 'outstanding' providers retained their grade in their most recent inspection, forty per cent of those judged 'satisfactory' remained the same. This is clear evidence that they are not improving fast enough. In addition, 11% of providers had actually declined in grade between the EYFS inspection cycle and the previous cycle.
6. It is central to our work that inspection and resources should be focused on weaker settings, so that we make more of a difference and improve outcomes for children, closing the gap between those who achieve and those who do not. From September 2013 only a good standard of early years provision will be good enough. We propose therefore to replace the 'satisfactory' grade with

¹ *Framework for the regulation of provision on the early years register* (120288), Ofsted, 2012; www.ofsted.gov.uk/resources/framework-for-regulation-of-provision-early-years-register.

'requires improvement'. Settings judged to be less than good will need to improve rapidly.

7. There are no existing legislative or policy changes for non-domestic childcare settings (nursery, pre-school and out of school)² to be reorganised. We intend therefore to strengthen the impact of inspection and improvement activity through more frequent inspection and monitoring of childcare and early education in these types of settings which are not yet good. Two of the proposals we are consulting on are specifically designed to challenge non-domestic childcare providers to achieve higher standards. Urgent change is required to bring about improvement in those that are not yet good.
8. Conversely, for childminders there are initiatives that the Government is considering, such as the proposal for childminder agencies to be established. We will need to assess the impact of this initiative on childminder inspections. Over the coming months and after Parliament has finalised decisions about legislative changes that relate to childminders, we will review the frequency of inspection for childcare on domestic settings and consult on our proposals.
9. In addition to our proposals, we are committed to working with groups of providers that are less than good, to help them improve. We will run good practice conferences and seminars, and broker support for weaker providers from providers that are good or outstanding.
10. Against this background of a wider range of improvement initiatives, we are also consulting on proposals in relation to inadequate settings.
11. Following consultation, we propose to implement changes from September 2013. The proposals are summarised in paragraphs 15–28 below.
12. We will use the information gathered from consultation events to finalise the revised arrangements for inspection. Consultation events will include:
 - an online consultation
 - a parents' panel survey
 - a wide range of informal and formal presentations, meetings and other events with providers and stakeholder representative bodies.
13. We will evaluate the responses received from this consultation alongside the feedback gathered from the events. At the end of the consultation period, we will publish the main findings from the consultation on our website.

² Non-domestic settings are defined as nursery, pre-school and out of schools provision in the EYFS.

Proposals for changes to the inspection of early years providers

14. From September 2013, we propose that:

- a single judgement of 'requires improvement' will replace the current 'satisfactory' judgement for all early years providers
- early years non-domestic settings judged as 'requires improvement' will be the subject of a full re-inspection within two years; they will have a maximum of four years to become good
- where an early years non-domestic setting fails to become 'good' following two consecutive inspections, we propose that this would be likely to lead to an 'inadequate' judgement and subject to the monitoring arrangements as set in the early years inspection framework
- where any inadequate early years setting has failed to improve sufficiently and is still judged to be inadequate when reinspected, it is likely that we may take steps to cancel that setting's registration.

Proposal (I): Introduce a single judgement of 'requires improvement' to replace the current 'satisfactory' judgement

15. Inspectors will continue to use a four-point scale for judgements when inspecting early years providers. Our current grading scale is: outstanding, good, satisfactory and inadequate. Ofsted is proposing to remove the 'satisfactory' grade in the early years inspection framework for early years providers and to replace it with a judgement 'requires improvement' from September 2013.
16. This change will raise expectations of weaker providers, whilst providing an incentive for more rapid improvement to 'good' or better. This will also provide a greater focus of inspection resources on weaker providers at the right time, so that we make more of a difference for young children.

Q1) To what extent do you agree or disagree that a judgement of 'requires improvement' should replace the 'satisfactory' judgement?

(Strongly agree; agree; neither agree nor disagree; disagree; strongly disagree; don't know)

Do you have any comments or suggestions about this proposal?

Proposal (II): Introduce re-inspection of early years non-domestic settings graded as ‘requires improvement’ within two years; they will have a maximum of four years to become good

17. Our latest Annual Report shows that around 4,900 (21%) childcare providers in non-domestic settings are not yet good, which represents about 176,200 places for young children. Alongside this, the Government is rolling out the provision of funded nursery education for two-year-olds, which must be delivered through high-quality provision. This means that a significant number of very young children will remain in registered early years provision that is not yet good for the whole of their time prior to going to school.
18. We know that inspection has an impact on the speed of improvement. Our evidence shows this. That is why we are proposing to re-inspect non-domestic settings that require improvement more quickly than those that are good or better. Currently, non-domestic settings that are judged as ‘satisfactory’ are required under the early years inspection framework to be inspected once within 47 months.
19. Ofsted is proposing to re-inspect all non-domestic settings judged as ‘requires improvement’ usually within 24 months of their last inspection. They will have a maximum of four years to become good and if they are not able to demonstrate ‘good’ provision after that period they are likely to be judged inadequate. Ofsted will monitor the weakest proportion of non-domestic settings between routine inspections.
20. Those judged ‘inadequate’ will be subject to the monitoring arrangements as set out in the early years inspection framework.

Q2) To what extent do you agree or disagree that Ofsted should introduce a re-inspection within two years for non-domestic settings judged as ‘requires improvement’?

(Strongly agree; agree; neither agree nor disagree; disagree; strongly disagree; don’t know)

Do you have any comments or suggestions about this proposal?

Proposal (III): An early years non-domestic setting can only be judged as ‘requires improvement’ on two consecutive inspections before the provider is likely to be deemed ‘inadequate’

21. Just over a third of non-domestic settings judged satisfactory remained the same in 2011/12; but being ‘satisfactory’ is not good enough. Ofsted intends to raise expectations by making a change which would mean that if a non-domestic setting is not judged to have made sufficient progress to be graded

'good' at its third consecutive inspection it is likely to be deemed 'inadequate' and subject to monitoring arrangements, as set out in the early years inspection framework.

22. Only non-domestic settings judged as 'requires improvement' from 1 September 2013 will be taken into account for the purpose of implementing the proposal.
23. This means that non-domestic settings not showing the expected improvement will follow the pattern set out in the table below, which illustrates the impact of our proposal that non-domestic settings can only be judged as 'requires improvement' at two consecutive inspections before being likely to be deemed 'inadequate'.

	Inspected after 1 September 2013	Next inspection within 24 months of September 2013	Next inspection within 48 months of September 2013
Nursery/Pre-school	Requires improvement	Requires improvement	If not judged good or better, likely to be judged inadequate*

* Early years providers judged as inadequate will be subject to monitoring arrangements as set in the early years inspection framework

24. We will consult on inspection frequency for childminders and whether they can only be judged as 'requires improvement' on two consecutive inspections later on in the business year.

Q3) To what extent do you agree or disagree that if a non-domestic setting has not made sufficient progress to be judged 'good' at its third inspection it should be judged to be 'inadequate'?

(Strongly agree; agree; neither agree nor disagree; disagree; strongly disagree; don't know)

Do you have any comments or suggestions about this proposal?

Proposal (IV): Where any inadequate early years setting has failed to improve sufficiently and is still judged to be inadequate when re-inspected, it is likely that we may take steps to cancel that setting's registration

25. Early data from the first few months of our new inspection framework arrangements indicate that a higher proportion of settings have been judged to

be inadequate than previously. We will continue to monitor settings judged to be inadequate at three-monthly intervals and we will still re-inspect them within 12 months. However, we think we should be tougher with inadequate settings that do not improve and are still judged to be inadequate when we reinspect them. If settings are still inadequate when we reinspect them, and there are statutory grounds for cancellation, we think we should take steps to cancel their registration.

26. We are also considering whether we should reinspect inadequate settings more quickly than within 12 months, perhaps within three or six months, and if at that point they remain inadequate, and there are statutory grounds for cancellation, take steps to cancel their registration.
27. The table below illustrates the impact of our proposal that we would take steps to cancel the registration of any inadequate setting that remains inadequate, when re-inspected within 12 months.

	Inspected after 1 September 2013	Next inspection within 12 months of September 2013
Early years setting	Judged inadequate	Judged inadequate. Ofsted likely to take steps to cancel the setting's registration

28. If at any point the Chief Inspector is of the view that provision is unsafe Ofsted will take proportionate but appropriate action in order to safeguard children. This may include re-inspection or immediate compliance action, including suspension, cancellation and prosecution.

Q4) To what extent do you agree or disagree that if an inadequate setting remains inadequate after re-inspection within 12 months, and there exist statutory grounds for cancellation, Ofsted should take steps to cancel the setting's registration?

(Strongly agree; agree; neither agree nor disagree; disagree; strongly disagree; don't know)

Do you have any comments or suggestions about this proposal?

Q5) If you disagree with proposal IV above, how long do you think an inadequate setting should be allowed to remain open before these steps are taken to cancel its registration? Please state reasons (if you can).

Do you have any comments or suggestions about this proposal?

The consultation process

We welcome your responses to this consultation paper. The consultation opens on 19 April and closes on 24 May 2013.

The information you provide us with will inform our consideration of changes to the framework for the inspection of early years providers.

We will publish a response to the consultation in due course and intend to implement inspections from September 2013.

Sending back your questionnaire

There are three ways of completing and submitting the questionnaire in the next section and/or sending us comments:

Online electronic questionnaire

Visit our website to complete and submit an electronic version of the questionnaire: <https://www.surveymonkey.com/s/ofsted-ey2013>.

Print and post

Visit our website to print a Word or PDF version of the questionnaire that can be filled in by hand. When you have completed the questionnaire, please post it to:

Consultation on revisions to the framework for the inspection of early years providers
Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

Download and email

Visit our website to download a Word version of the questionnaire that you can complete on your computer: www.ofsted.gov.uk/resources/130133. When you have completed the questionnaire, please email it to consultations@ofsted.gov.uk with the consultation name in the subject line.

Questionnaire for the inspection of early years non-domestic settings

Confidentiality

The information you provide will be held by us. It will only be used for the purposes of consultation and research to help us to become more effective, shape policies and inform inspection and regulatory practice.

We will treat your identity in confidence, if you disclose it to us. However, we may publish an organisation's views.

Are you responding on behalf of an organisation?

Yes please complete Section 1

No please complete Section 2

Section 1

If you are completing the consultation on behalf of an organisation and would like us to consider publishing the views of your organisation, please indicate this below.

Organisation: _____

Section 2

Which of the following best describes you? Please tick one option.

I am:

a registered early years group provider (such as a nursery, pre-school or out-of-school care)	<input type="checkbox"/>	a registered early years childminder	<input type="checkbox"/>
an employee (at a school with registered early years provision)	<input type="checkbox"/>	the parent or carer of a child attending registered early years provision	<input type="checkbox"/>
an employee (at a registered early years group provider such as a nursery, pre-school or out-of-school care)	<input type="checkbox"/>	an employee of a government department	<input type="checkbox"/>
an employee of a local authority	<input type="checkbox"/>	other individual (please specify)	<input type="checkbox"/>
prefer not to say	<input type="checkbox"/>		

Q1. To what extent do you agree or disagree that a judgement of 'requires improvement' should replace the 'satisfactory' judgement?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:

Q2. To what extent do you agree or disagree that Ofsted should introduce a re-inspection within two years for non-domestic settings judged as 'requires improvement'?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:

Q3. To what extent do you agree or disagree that if a non-domestic setting has not made sufficient progress to be judged 'good' at its third consecutive inspection it should be likely to be deemed as 'inadequate'?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q4. To what extent do you agree or disagree that if an inadequate setting remains inadequate after reinspection within 12 months, and there exist statutory grounds for cancellation, Ofsted should take steps to cancel the setting's registration?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q5. If you disagree with the proposal above, how long do you think an inadequate setting should be allowed to remain open before these steps are taken to cancel its registration? Please state reasons (if you can).

Q6. Do you have any further comments? Please leave them here.

What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those wishing to take part.

Please tell us what you thought of this consultation by answering the questions below.

	Agree	Neither agree or disagree	Disagree	Don't know
I found the consultation information clear and easy to understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I found the consultation easy to find on the Ofsted website.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I had enough information about the consultation topic.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would take part in a future Ofsted consultation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How did you hear about this consultation?

- Ofsted website
- Ofsted News
- Ofsted email alerts service
- Ofsted conference
- Another organisation (please specify, if known)
- Other (please specify)

Is there anything you would like us to improve on or do differently for future consultations? If so, please tell us below.

Thank you for taking part in our consultation.

Additional questions about you

Your answers to the following questions will help us to evaluate how successfully we are communicating messages from inspection to all sections of society. **We would like to assure you that all responses are confidential and you do not have to answer every question.**

Please tick the appropriate box.

1. Gender

Female <input type="checkbox"/>	Male <input type="checkbox"/>
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2. Age

Under 14 <input type="checkbox"/>	14–18 <input type="checkbox"/>	19–24 <input type="checkbox"/>	25–34 <input type="checkbox"/>	35–44 <input type="checkbox"/>	45–54 <input type="checkbox"/>	55–64 <input type="checkbox"/>	65+ <input type="checkbox"/>
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3. Ethnic origin

a) How would you describe your national group?

British or mixed British	<input type="checkbox"/>	English	<input type="checkbox"/>
Irish	<input type="checkbox"/>	Northern Irish	<input type="checkbox"/>
Scottish	<input type="checkbox"/>	Welsh	<input type="checkbox"/>
Other (specify if you wish)	<input type="checkbox"/>		

How would you describe your ethnic group?

Asian		Mixed ethnic origin	
Bangladeshi	<input type="checkbox"/>	Asian and White	<input type="checkbox"/>
Indian	<input type="checkbox"/>	Black African and White	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>	Black Caribbean and White	<input type="checkbox"/>
Any other Asian background (specify if you wish)	<input type="checkbox"/>	Any other mixed ethnic background (specify if you wish)	<input type="checkbox"/>

Black		White	
African	<input type="checkbox"/>	Any White background (specify if you wish)	<input type="checkbox"/>
Caribbean	<input type="checkbox"/>	Chinese	
Any other Black background (specify if you wish)	<input type="checkbox"/>	Any Chinese background (specify if you wish)	<input type="checkbox"/>
Any other ethnic background			
Any other background (specify if you wish)			

4. Sexual orientation

Heterosexual <input type="checkbox"/>	Lesbian <input type="checkbox"/>	Gay <input type="checkbox"/>	Bisexual <input type="checkbox"/>
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5. Religion/Belief

Buddhist	<input type="checkbox"/>	Muslim	<input type="checkbox"/>
Christian	<input type="checkbox"/>	Sikh	<input type="checkbox"/>
Hindu	<input type="checkbox"/>	None	<input type="checkbox"/>
Jewish	<input type="checkbox"/>	Any other, please state:	<input type="checkbox"/>

6. Disability

Do you consider yourself to have a disability?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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