



Guidance

Information for parents about Ofsted's role in regulating childcare

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Applies to England

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This guide 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.

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. 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 2 different registers for childcare providers:

- the Early Years Register
- the Childcare Register, which is in 2 parts: a compulsory part and a voluntary part

Childminders may choose to register with a childminder agency instead of with Ofsted. Childminders registered with a childminding agency are expected to meet the same standards as Ofsted-registered childminders. For more information, see [childminders and childcare providers: register with Ofsted \(https://www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england\)](https://www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england).

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 \(https://www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england\)](https://www.gov.uk/government/publications/become-a-registered-early-years-or-childcare-provider-in-england).

Unless [exempt \(https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-exemptions\)](https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-exemptions), 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 \(https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2\)](https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2), 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 8 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 8 years and over.

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

- register the childcare provider, or suspend or cancel its 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 your local family information service through the [National Association of Family Information Services \(https://www.familyandchildcaretrust.org/nafis\)](https://www.familyandchildcaretrust.org/nafis).

How to use our information to help you choose childcare

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

- visit our [reports website \(https://reports.ofsted.gov.uk/\)](https://reports.ofsted.gov.uk/)
- enter your postcode

To see providers in your local area, you can also find these using 'map view'.

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

- the 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 that 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 when you are choosing childcare or to tell you more about a provider that someone else has recommended. 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 following the inspection.

If the provider's record says that we have put conditions on its registration, this means that it must run its setting in line with this condition. You can check when you visit that it is meeting those conditions. A provider that does not meet its conditions of registration is committing an offence and we can prosecute it.

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

Registration

We register people and organisations that want to provide childcare. We carry out a series of checks on everyone who applies to register. 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. 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 or we receive information that makes us concerned.

Our inspectors visit applicants who apply to join the Early Years Register to confirm whether the applicant and their premises, including equipment, are suitable to be used for childcare.

Inspectors must be sure that applicants can deliver the [early years foundation stage](https://www.gov.uk/government/publications/early-years-foundation-stage-framework-2) (<https://www.gov.uk/government/publications/early-years-foundation-stage-framework-2>) and meet all the requirements for registration. Read more about the [requirements for registration](https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-requirements) (<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-requirements>) on the Early Years Register.

We do not usually visit providers that 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 that 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](https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted) (<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted>) in our guide to registration.

Inspection

We prioritise the inspection of providers rated less than good. These inspections are scheduled based on risk assessment and inspection grades. The Department for Education has further information about the [legal requirements for Ofsted to inspect registered early years providers](https://www.gov.uk/government/publications/early-years-register-providers-inspection-requirements-for-ofsted/inspection-of-early-years-register-providers-requirements-for-ofsted) (<https://www.gov.uk/government/publications/early-years-register-providers-inspection-requirements-for-ofsted/inspection-of-early-years-register-providers-requirements-for-ofsted>).

Under these inspection arrangements, we will inspect all providers on the Early Years Register in a 6-year window from the date of their last inspection. We will publish a report on our reports website following the inspection. 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 4-point scale: outstanding, good, requires improvement and inadequate. If we judge the provider as requires improvement or inadequate, we will say in the inspection report what it needs to do to improve. In some cases when we judge a provider as inadequate, we will take formal enforcement action against it (see below).

Each year, we inspect 10% of those providers 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 it what needs to be put right. We publish copies of these letters on our reports website and keep them published for a year following the inspection.

Enforcement

We have powers to make sure that providers keep to the requirements in the early years foundation stage and any conditions of their registration. If we find the provider is not meeting the requirements, we can:

- write to the provider telling it what it must do to meet the requirements, either in a letter or in its inspection report
- 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, it commits an offence
- change or add new conditions to a provider's registration
- prosecute a provider if it has committed an offence
- 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](https://www.gov.uk/government/publications/suspension-information-for-providers-parents-and-carers-on-suspension-of-childcare) (<https://www.gov.uk/government/publications/suspension-information-for-providers-parents-and-carers-on-suspension-of-childcare>) 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. 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 that choose to be registered on the voluntary part of the Childcare Register can continue to run their childcare even if we have suspended or 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 that is not registered with us and does not need to be.

You can find more information about our regulatory role in the [early years enforcement policy \(https://www.gov.uk/government/publications/early-years-and-childcare-ofsted-enforcement-policy\)](https://www.gov.uk/government/publications/early-years-and-childcare-ofsted-enforcement-policy).

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.

Nannies, sometimes known as ‘home childcarers’, should show their certificate if you ask to see it.

Certificates give 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

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 may see 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.

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. Nannies 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 nannies, 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.

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 \(https://www.gov.uk/find-local-council\)](https://www.gov.uk/find-local-council) must look into concerns about protecting children. You should also contact us if your concerns are about a registered provider or anyone connected with the registration of a provider.

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. Information about those that are exempt from registration is available in our [guide to registration \(https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-exemptions\)](https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-exemptions).

We cannot deal with information that is not about the requirements for registration, for example, 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 will log the information so that we can discuss this with the provider at the next inspection. 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.

Depending on the nature of the information, we may:

- prompt an urgent inspection or visit
- inform the timing and things we look at the next inspection
- refer the matter to the provider for them to take action

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.

If we visit because we want to follow up concerns that a provider is not meeting the requirements, we will publish a summary of the action we have taken on our reports 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 should be able to respond to these concerns. 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 [early years enforcement policy \(https://www.gov.uk/government/publications/early-years-and-childcare-ofsted-enforcement-policy\)](https://www.gov.uk/government/publications/early-years-and-childcare-ofsted-enforcement-policy).

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 publish an inspection report covering any breaches of requirements that we find and details of any action that we or the provider took to put the matter right. This will allow you to consider any concerns you may have 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 if we decide to take action?

A provider should work with us to make sure that it meets the requirements or any conditions of its registration. A provider can [object to](https://www.gov.uk/government/publications/how-to-object-guidance-for-registered-childminders-and-childcare-providers) (<https://www.gov.uk/government/publications/how-to-object-guidance-for-registered-childminders-and-childcare-providers>), and then [appeal against](https://www.gov.uk/government/publications/how-to-appeal-guidance-for-those-registered-as-or-applying-to-be-a-childminder-or-a-childcare-provider) (<https://www.gov.uk/government/publications/how-to-appeal-guidance-for-those-registered-as-or-applying-to-be-a-childminder-or-a-childcare-provider>), our decision to:

- suspend its registration
- change, add or remove a condition of its registration
- cancel its registration

A provider can resign its registration at any time, unless we have written to say that we intend to cancel their registration. This includes while it is suspended. Those that 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.

Contact us and more information

Please use our [contact form](https://contact.ofsted.gov.uk/contact-form) (<https://contact.ofsted.gov.uk/contact-form>) if you want to get in touch with us.

Family information service

For details of your nearest family information service, visit the [National Association of Family Information Services](https://www.familyandchildcaretrust.org/nafis) (<https://www.familyandchildcaretrust.org/nafis>).

Local authority

[Find your local authority \(https://www.gov.uk/find-local-council\)](https://www.gov.uk/find-local-council) to get its contact details.

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