

# Draft early years inspection handbook

## Guide to key proposed changes

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### Background

From September 2019, Ofsted will change the way it inspects schools, colleges, further education institutions and early years settings when the [common inspection framework \(CIF\)](#) is replaced by the **education inspection framework (EIF)**.

In January 2019, Ofsted published a [draft version](#) of the EIF, along with a [draft early years inspection handbook](#).<sup>1</sup>

Ofsted is now [consulting](#) on these proposed changes until 5 April 2019.

This guide summarises the key proposed changes in the [draft early years inspection handbook](#), which sets out the inspection requirements for all providers on Ofsted's Early Years Register.<sup>2</sup>

**As these new inspection arrangements will affect all registered early years providers, PACEY strongly urges you to read these documents and submit your feedback to both [PACEY](#) and [Ofsted](#).**

### What is changing – and what is not?

The most significant proposals concern the **new judgements and grade descriptors**. Three out of the four judgements are new, though they draw on a number of elements from the existing judgements. Leadership and management is the only judgement that has stayed the same, though the grade descriptors have changed. There will also continue to be an overall effectiveness judgement, which has been revised slightly.

The proposed judgement areas under the EIF are:

- overall effectiveness
- the quality of education
- behaviour and attitudes
- personal development
- leadership and management.

There are a number of **additional proposed changes to the way that inspections are conducted**, and these are outlined below.

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<sup>1</sup> Ofsted has also published a [school inspection handbook](#), which contains a section on evaluating the quality of early years education in schools. This applies to all early years provision in maintained schools and academies.

<sup>2</sup> This guide does not cover the early years proposals in the [school inspection handbook](#), and therefore does not apply to early years provision in maintained schools and academies. It only applies to providers on Ofsted's Early Years Register.

The most notable proposals are:

- Ofsted-registered providers should expect to be inspected at any time, even if there are no children present.
- The list of things inspectors should consider how well staff do now includes:
  - read aloud and tell stories to children
  - sing action songs, nursery rhymes and games.
- For childminders, the requirement to observe a specific planned activity and discuss its aims and learning intention with the inspector has been removed.
- Inspectors are no longer required to familiarise themselves with the setting's educational and/or philosophical approach before the inspection (e.g. Montessori, Steiner), or note it in the report.
- Clarification that there does not need to be a breach of a statutory requirement for provision to be judged as requires improvement.

In terms of what is not changing, Ofsted has been clear that it will continue to:

- use a four-point grading scale (outstanding; good; requires improvement; inadequate)
- inspect the overall quality and standards of early years provision in line with the principles and requirements of the [statutory framework for the early years foundation stage \(EYFS\)](#).
- make an EY judgement when inspecting the EYFS in schools (using the Section 5 schools inspection handbook).

## Key aims of the changes

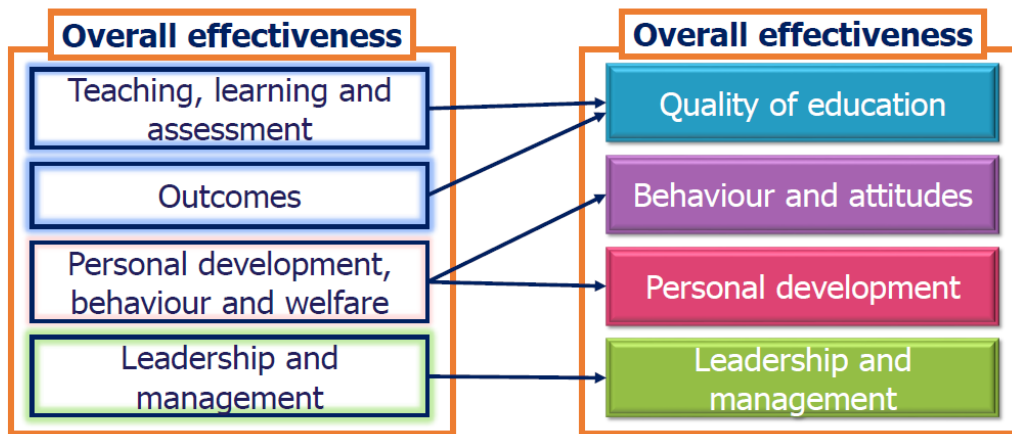
In Ofsted's words, the purpose of the new proposed new inspection framework is to:

- put the curriculum at the heart of the new framework
- put more emphasis on the quality of education and care as a whole. It will ensure that we consider children's experiences and how their learning is being developed
- reduce the focus on data, particularly internal progress data. We hope this will help reduce unnecessary workload for childcare providers.

## New judgement areas and grade descriptors

Three out of the four judgements have changed; only "leadership and management" has remained. **We strongly recommend that you read the full set of judgements and grade descriptors in the [draft early years handbook](#) in order to fully understand the changes being proposed.**

The chart below shows the current judgements on the left and the proposed judgements on the right.



### Overall effectiveness (pp. 29-30)

The overall effectiveness judgement remains largely the same, and still requires inspectors to use all their evidence to evaluate what it is like to be a child in the provision. The only changes are outlined below.

Inspectors should consider in particular:

- **“the extent to which leaders and providers plan, design and implement the curriculum”** [new]
- “the extent to which **the curriculum and care practices** that the setting provides meet the needs of the range of children who attend, particularly children with SEND” [new in bold, replaces “learning and care”]
- “the progress all children make in their learning and development relative to their starting points, and their readiness for the next stage of their education” [removed: “including, where appropriate, readiness for school”]

The grade descriptors for overall effectiveness are also all the same as in the current handbook except the following:

Outstanding

- The **quality of education** is outstanding [new in bold, replaces “teaching, learning and assessment”]

Good

- The **quality of education** is at least good [new in bold, replaces “teaching, learning and assessment”]

Requires improvement

- “Safeguarding is effective, **and any weaknesses are easy to rectify**” [new in bold]
- Where there are any breaches of the **EYFS requirements**, they do not have a significant impact on children’s safety, well-being or learning and development [new in bold; replaces “safeguarding and welfare and/or the learning and development requirements”]

Inadequate

- **It has been given two previous ‘requires improvement’ judgements and it is still not good** [this now applies to *all* providers, not just nurseries and pre-schools].

## Quality of education (pp. 31-34)

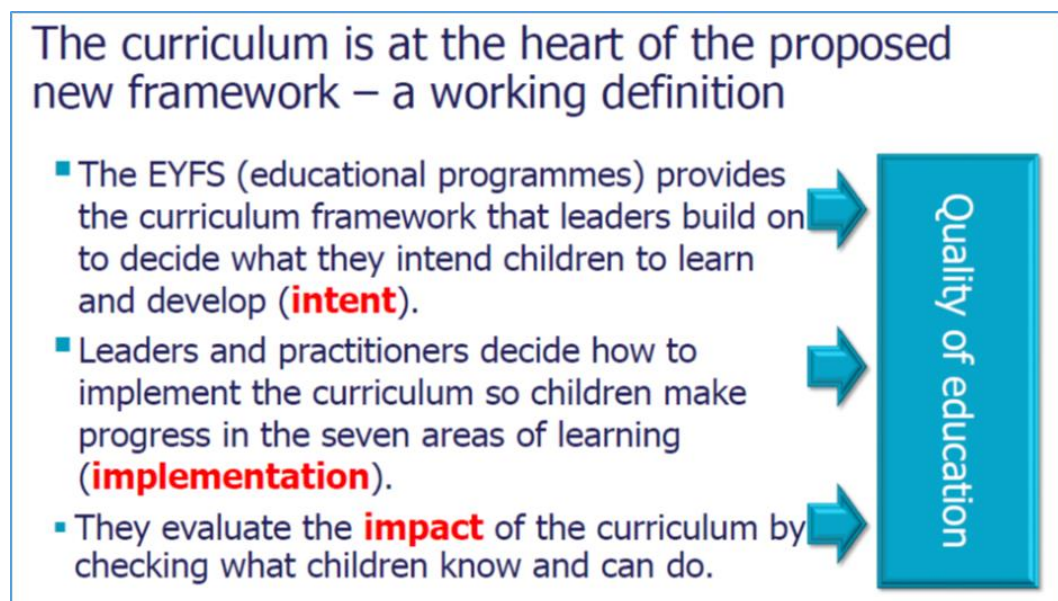
This is a new judgement that combines elements of the existing judgement areas of “teaching, learning and assessment” and “outcomes”.

In a recent [interview](#), the deputy director of early education, Gill Jones, explained that quality of education relates to “what children are taught and how they are taught”:

“It’s the summation of everything that we do... It’s about the choices that practitioners make, and then the impact is related to the progress the children make as a result of what you’ve done. What have they learned? What’s the difference?”

## The curriculum

Ofsted says that the curriculum – the Early Years Foundation Stage (EYFS) – is “at the heart of the proposed new framework”. Inspectors will look at a provider’s intent, implementation and impact:



Ofsted has said that this does not mean that inspectors will expect to see a written plan for the curriculum. However, they will want to discuss how leaders and staff decide what children need to learn and why resources are chosen. Ofsted has also said it supports “curriculum flexibility” and that “different approaches to the curriculum will be judged fairly”.

## Quality of education

### Intent

- Curriculum design, coverage and appropriateness (EYFS)

### Implementation

- Curriculum delivery
- Teaching (pedagogy)
- Assessment (formative and summative)

### Impact

- Attainment and progress
- Knowledge and skills
- Readiness for next stage of education

### “Cultural capital”

Under the quality of education judgement, there is also a new section in the draft handbook on “cultural capital”, which Ofsted defines as “the essential knowledge that children need to be educated citizens”. Inspectors will evaluate “how well providers ensure that the curriculum they use or create enhances the experiences and opportunities available to children, particularly the most disadvantaged”.

## Cultural capital



- Cultural capital is the essential knowledge that children need to be educated citizens.
- Some children arrive at an early years setting with poorer experiences than others, in their learning and play.
- What the setting does, through its curriculum and interactions, potentially makes all the difference.
- It is the role of the setting to ensure that children experience the awe and wonder of the world in which they live, through the seven areas of learning.

### Behaviour and attitudes (pp. 34-36)

This is a new judgement with new grade descriptors. The current judgement of “personal development, behaviour and welfare” has been split into two separate judgements: 1) “behaviour and attitudes” and 2) “personal development”.

Behaviour and attitudes encompasses the ways in which children demonstrate their attitudes and behaviours through the key characteristics of effective learning:

- playing and exploring
- active learning
- creating and thinking critically.

Although attendance at the setting is not mandatory, inspectors will explore how well providers work with parents to promote children’s attendance so they form good habits for future learning, particularly if they are in receipt of the early years pupil premium (EYPP).

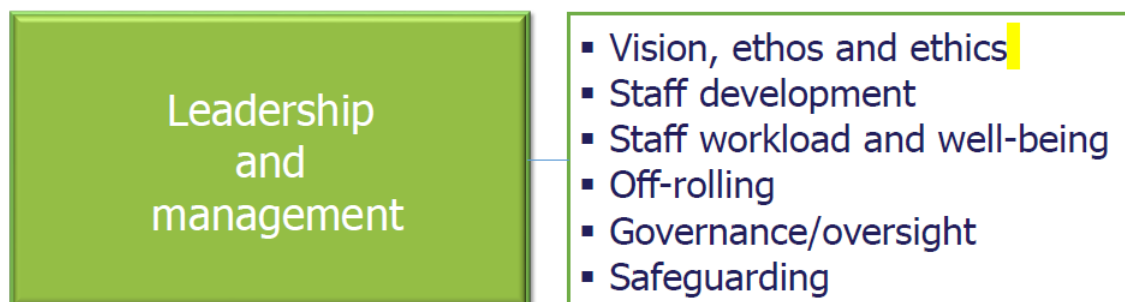
## Personal development (pp. 36-37)

This is a new standalone judgement with new grade descriptors.

To reach an overall judgement about how the provision promotes children's personal development, inspectors must use their professional judgement to consider the impact of the provision on children's all-round development.

## Leadership and management (pp. 38-39)

This current judgement area has remained, but the grade descriptors have been revised. Ofsted has explained that it now encompasses six key components:



There is no legal definition of "off-rolling". However, Ofsted defines it in the [draft school inspection handbook](#) as: "the practice of removing a learner from the provider's roll without a formal, permanent exclusion or by encouraging a parent to remove their child, when the removal is primarily in the interests of the provider rather than in the best interests of the learner."

## Other proposed changes to inspection

In addition to the changes to the judgement areas and corresponding grade descriptors, the [draft early years inspection handbook](#) contains a number of additional changes to the way early years inspections are conducted. Below is a description of all the key proposed changes, in the order they appear in the draft handbook.

### How we select providers for inspection (pp.5-6)

The content on providers judged less than good has been amended to read:

Provision that has been given two previous 'requires improvement' judgements is likely to be judged inadequate if there is no improvement at the next inspection. Provision that has been given two previous inadequate judgements is likely to have its registration cancelled if there is no improvement at the next inspection. We may also take steps to cancel a provider's registration at any point if it is no longer meeting requirements.

The content on inspections that have been prioritised due to a risk assessment has been amended to read:

The information we receive about early years provision is subject to risk assessment. If this shows that the information is significant enough, it will trigger an inspection or regulatory visit. We may carry out an inspection within **seven days** of receiving the information. Depending on the urgency, regulatory visits may take place on the day the information is received. Information about regulatory visits is available in the 'Early years compliance handbook'.

In inspections that are prioritised as a result of the risk assessment, inspectors must gather evidence that relates back to the concern. They should plan activities – including an interview with the provider – and observations that enable them to gather sufficient evidence. The provision may subsequently be judged to be outstanding, good, requires improvement or inadequate, according to the evidence, even if the inspection is taking place because of possible non-compliance. Judgements are not pre-determined. The fact that a provider notifies us of an incident and uses the learning from it to improve the quality of the provision is generally considered to be a sign of a responsible provider. However, a number of notifications, particularly within a short space of time, or that relate to similar incidents, may be indicative of wider weaknesses within the setting. The inspector should consider this when reaching their judgement.”

When the inspection follows other regulatory action we have taken, the inspector should check that the provider is compliant with any actions or other enforcement measures that result from that action.

### No children on roll or present on the day of inspection (pp.6-7)

Inspections should be scheduled for a time when children will be present only **“if practicable”**. **“Where the provider remains registered with us, they should expect to be inspected at any time.”**

### Early years or childcare provision on a school site (p. 8)

This is a new section that reads:

**Schools that take children aged two years and over as part of their early years provision do not normally need to register that provision with Ofsted. The provision for these children will be inspected under the school inspection arrangements.**

**Schools that take children younger than two years need to register with Ofsted. This provision will be inspected under the early years inspection arrangements.**

### Before the inspection – Inspectors’ planning and preparation (p.9)

New content:

**Inspectors must take account of the provider’s history when planning the inspection and note any concerns in their evidence. These will normally be shared with the provider.**

### Notification of inspection (pp. 9-10)

The purpose of the notification call now includes:

- **make the setting aware of Ofsted’s privacy notice.**

The list of reasons for an inspector’s notification call now includes:

- **to find out whether any children attending the setting are subject to a child protection plan or child in need plan.**

The content on exceptional leaders and GDPR has been removed.

### Requests for deferral or rescheduled inspection (p. 11)

A setting with no children present should have its inspection rescheduled **“where possible”**.

## Gathering and recording evidence (p. 14)

The list of ways that inspectors must gather evidence now includes:

- **talking to parents to gain their views on the quality of care and education provided** [new]
- **talking to practitioners about their assessment of what children know and can do and how they are building on it** [replaces: “talking to practitioners about their assessment of children’s knowledge, skills and abilities and how they are extending them”]

The list of evidence that inspectors must collect on the experiences and development of a sample group of children in group provision now includes:

- **the practitioner’s knowledge of each child** [replaces: “the quality of the practitioner’s assessment knowledge of each child”]
- **the quality of support for any children with SEND** [new]
- the discussions held with each child’s key person **and how they decide what to teach** [new in bold, replaces “and information about progress”]
- **how well children are developing in the prime and specific areas of learning that help them to be ready for their next stage of education, including school** [replaces: “whether children are developing skills in the prime areas that help them to be ready for their next state of education, including school”]
- **the reason why children may not receive their full entitlement to early education and the impact that has on them, particularly those from disadvantaged backgrounds and those with SEND. If any of the children are eligible for the early years pupil premium or subject to a child protection plan or child in need plan, at least one of them must be included in the sample of those tracked** [new].

This has been removed from the list:

- any records the provision keeps that show how they have tracked the progress children make, including recording any concerns about the children’s development in the prime or specific areas of learning or both”.

## Observation and discussion (pp. 15-16)

New content:

**Inspectors must discuss with leaders and practitioners what they intend children to learn, know, and do as a result of the curriculum offer. They must follow this discussion through in their observations and discussions with children at play and staff interactions.**

Amended content:

Inspectors do not expect to see documentation **other than that set out in the EYFS**. They will use the evidence gathered from **discussions and** observations to help judge the overall quality of curriculum provided for children [new in bold].

The list of things inspectors should consider how well staff do now includes:

- **read aloud and tell stories to children**
- **sing action songs, nursery rhymes and games.**



### Joint observations (p. 17)

This list of things that joint observations should enable the inspector to do has been amended to include:

- assess the quality of the **implementation of the curriculum/educational programmes** [replaces: “provider’s monitoring and evaluation of staff’s practice”]

**Following a joint observation, the inspector should note any differences or similarities between the provider’s evaluation and their own** [replaces the section requiring an inspector to look at any written record of observation].

### Joint observations (childminders) (p. 17)

The requirement to observe a specific activity planned by the childminder and discuss its aims and learning intention has been removed. The section now reads:

When childminders work alone, it is not possible to carry out joint observations in the same way. However, it is possible for the inspector and childminder to observe individual children together and discuss their learning, progress and behaviour as part of the activities that the children are engaged in. The inspector should follow this up with a further discussion about what the child has learned and what the childminder might do next to help the child make progress. If childminders have assistants, a joint observation or one assistant may be possible.

### Evaluating policies and procedures (p. 18)

Inspectors must now liaise with their **regional point of contact within Ofsted** to confirm that any agreements are in place concerning keeping documents off the premises.

The list of policies inspectors should consider checking no longer includes:

- a sample of planning and assessment documents
- the provision’s self-evaluation.

### Performance management and professional development (p. 19)

Inspectors must use their professional judgement to assess **how well the provider improves the quality of provision** [replaces: “whether the setting is using performance targets well to improve the quality of its provision and outcomes for children”].

Inspectors should consider how effectively senior leaders use performance management and **their assessment of strengths and areas for improvement within the setting to provide a focus for professional development activities, particularly in relation to children’s vocabulary** [replaces: “self-evaluation (if available) to provide a focus for professional development activities”].

### Reaching final judgements (pp. 20-22)

The following content has been removed:

The inspector must take account of everything they have learnt about the provision when making their judgements. This includes any concerns that might still have an impact on the setting’s compliance with requirements and the effectiveness of improvement plans over time, as well as what is seen in the setting during the day.

The section contains the following new content:

**“Where a provision is judged as requires improvement, this means that it requires improvement to get good. There does not need to be a breach of the statutory requirement.”**

### Providing feedback (pp. 22-24)

The section on feedback notes been amended to include the revised judgement areas.

This content has also been removed:

If the setting is judged to require improvement, the inspector should draw the provider’s attention to Ofsted’s report ‘Getting it tight first time: achieving and maintaining high quality early years provision’, including the case studies contained in the report, which they might read in order to improve. Ofsted also holds seminars to help providers to improve before the next inspection.

### Before- and after-school care and holiday provision (p. 24)

This section has been revised and significantly shortened to read:

Providers (including childminders) who only offer care before and after school or during the school holidays for children who normally attend Reception (or older) classes during the school day do not have to meet the learning and development requirements for those children. **This means they only have to meet the safeguarding and welfare requirements of the EYFS** [new in bold].

### Provision that primarily educates children in their home language (p. 24)

This content has been removed:

As part of the learning and development requirements, providers must also ensure that children have sufficient opportunities to learn and reach a good standard of English during the Early Years Foundation Stage. Practitioners must assess children’s communication and language skills and their early literacy skills in English.

### Educational and philosophical approaches (p. 24-25)

This content has been removed:

Where provision follows an approach such as Steiner, Montessori or High/Scope or reflects a particular faith, inspectors must familiarise themselves with it. Where relevant, inspectors should note the provision’s educational or philosophical approach in the report section ‘Information about the setting’.

### Background to the evaluation schedule (p. 28-29)

This section has been updated to include the revised judgements.

The following new content has also been added:

**The criteria for each of these judgements are drawn from Ofsted’s inspection experience, areas of consensus in academic research, and research that Ofsted has itself undertaken. A full note of how the judgement criteria relate to the available research can be found here.**

The factors inspectors should take into consideration now includes:

- **children who are no longer in the early years age range.**

## How to respond to the consultation

You have until **5 April 2019** to submit your views on the draft education inspection framework, and the accompanying draft early years inspection handbook.

The [consultation](#) contains the following specific question related to early years:

**To what extent do you agree or disagree that the judgements will work well for:**

|  | Strongly agree           | Agree                    | Neither agree or disagree | Disagree                 | Strongly disagree        | Don't know               |
|--|--------------------------|--------------------------|---------------------------|--------------------------|--------------------------|--------------------------|
| Childminders   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Childcare on non-domestic premises                                     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Childcare on domestic premises   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Childcare settings that offer care exclusively before and after school | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

You can respond to the consultation online at:

[www.gov.uk/government/consultations/education-inspection-framework-2019-inspecting-the-substance-of-education](http://www.gov.uk/government/consultations/education-inspection-framework-2019-inspecting-the-substance-of-education) .

In addition, you can send your feedback on any aspects of the [draft education inspection framework](#) and [draft early years inspection handbook](#) to [inspection.consultation@ofsted.gov.uk](mailto:inspection.consultation@ofsted.gov.uk).

Please get in touch with [policy@pacey.org.uk](mailto:policy@pacey.org.uk) if you have any questions or comments.

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