

## Questions and Answers from OBC – 6 June 2022

*Please note, as the first 4 questions are quite similar, we have grouped these and provided a response below.*

**Q:** We are all very worried about our upcoming inspections and even more so, ensuring our children make strong progress. Due to the recruitment issues we face, we are all working with many agency staff. We know agency staff do not have the commitment that permanent staff have, so a question from many of our staff is: will the number of agency staff be taken into consideration at inspection given the permanent team are absolutely doing their best for the children? (and also guiding the agency staff) under very difficult circumstances.

**Q:** I am interested in knowing how Ofsted are taking into account the challenges faced by providers by the current recruitment crisis during inspections?

**Q:** I have reviewed Ofsted inspection reports and it's very clear that they expect all bank staff (zero hours) and agency to know children very unwell and to have a consistency in knowledge, where this has not been met by either an agency or bank staff they have rated the nursery requires improvement. With the recruitment crisis can we get this right?! Zero hour and agency contracted staff are not permanent and this is a huge challenge.

**Q:** With the complete understanding that Ofsted do not set the ratios for providers must adhere too. Staffing is a major issue across the sector not only in terms of recruitment but also in quality candidates and retaining those quality practitioners. Are Ofsted able to feed this information back to the DfE at all? Many providers are capping and reducing the number of places they are able to offer which could lead to their business becoming unsustainable.

**A:** We inspect early years providers in line with the principles and requirements of the EYFS.

Paragraph 3.31 of the EYFS framework states:

‘Exceptionally, and where the quality of care and safety and security of children is maintained, changes to the ratios may be made.’

Early years settings and schools, however, remain responsible for ensuring the safety and security of children in their care. Our inspectors will want to understand how providers are continuing to meet this requirement if they are temporarily using the existing ratio flexibilities set out in the EYFS framework.

We recognise that some providers may be relying on agency and bank staff at present. During inspection, inspectors will want to know how the provider ensures that all staff know what they want their children to learn and remember based on what those children know and can already do and how they are building on it.

Inspectors will also seek to understand any ongoing impact of the pandemic and how providers have adapted their approaches as a result of the pandemic, including the rationale for any new or modified ways of working. They will want to see the extent to which leaders have designed an ambitious and well-sequenced curriculum, how they are addressing any disruption, and how they are ensuring that any gaps in knowledge are closed so that children are prepared for their next stage of education.

However, we recognise that the disruption to learning caused by the pandemic may have impacted on what children know, remember and can do, resulting in some children having a wider than usual range of starting points and gaps in their knowledge.

Inspectors will continue to seek to understand any ongoing impact of the pandemic on providers, and will pay close attention to:

- how providers identify and address any of these delays and gaps
- what the provider is doing to address any disruption to learning to ensure that children are well prepared for their next stage of education
- how leaders have adapted their approaches as a result of the pandemic, including the rationale for any new or modified ways of working

Inspectors will take this into account when reaching final inspection judgements.

We continue to work closely with DfE on recruitment and retention within the early years workforce, providing advice and insight, particularly through our education recovery reports.

**Q:** If a local authority has noticed patterns and has received feedback about specific inspectors conduct and inspection behaviour and feeds this back to their link Ofsted person in their region is this fed back to the inspector's line manager for reflection / training / investigation to occur?

**A:** We welcome comments and suggestions about our work, using feedback to improve what we do and how our representatives carry out their roles. All complaints or concerns about inspection, including inspector's conduct should be made in line with Ofsted's [complaints procedure](#). Our response will include an explanation of any steps that we will take as a result of your complaint. This may include passing on any relevant information onto to regions.

**Q:** We are all here this evening as we see the importance and value of having healthy and constructive conversations with our inspectorate. How can it be so easy for a parent to be told how a provider should be doing things (in respect of the EYFS 2021) but a provider cannot have the same interactions with Ofsted except on inspection day?

**A:** I understand Phil and Wendy covered this on the day.

**Q:** Reviewing recent inspection outcomes, there is a perception that former Outstanding judgements have fallen to Good and that providers feel it is very difficult to achieve an Outstanding due to the strictures of the inspection framework. Can Ofsted comment?

**A:** Since we returned to routine inspection under the EIF on 4 May 2022, roughly a third of providers have declined from their previous overall effectiveness judgement. However, consideration should be given to the fact that a higher proportion of previously outstanding providers were inspected in 2019/20 as this was near to the end of an inspection cycle. When we returned to full EIF inspections we took a proportionate and risk-based approach to who we inspect first, so outcomes may appear lower.

As set out in the [early years inspection handbook](#), *'Outstanding is a challenging and exacting judgement. In order to reach this standard, inspectors will determine whether the early years provision meets all the criteria set out under 'good' for that judgement and does so securely and consistently. In other words, it is not enough that the provision is strong against some aspects of the judgement and not against others: it must meet each and every criterion. In addition, there are further criteria set out under the outstanding judgement, all of which the provision will also need to meet. Provision should only be judged 'outstanding' in a particular area if it is performing exceptionally, and this exceptional performance in that area is consistent and secure across the whole provision.'*

On inspection, inspectors must use all their evidence to evaluate what it is like to be a child in the provision. This includes taking into account the any on-going impact of COVID-19 on providers account when reaching final inspection judgements.

**Q:** We have not had an inspection for 7 years this year. Obviously there is a back log due to the pandemic but is there a time frame or is it just as and when? Thankyou

**A:** We moved to a six-year inspection window in autumn 2020. This means each provider has their own inspection window, which is determined by their last inspection judgement. Under previous arrangements, inspections would fall at any point within a four-year cycle. In some instances, inspections could occur at the start of one cycle and towards the end of another. It was never the case that inspections were sequenced to fall every four years.

Moving to an inspection window for each individual setting affords us greater flexibility when sequencing inspections, to prioritise early years providers that are less than good or are a source for concern.

When we returned to full EIF inspections we took a proportionate and risk-based approach to who we inspect first, prioritising providers who:

- were judged less than good at their last inspection (including those who received an interim visit in the autumn term)
- recently registered but have not been inspected and whose first inspection is overdue, and
- were not inspected in the last inspection cycle due to the pause in routine inspection.

We continue to carry out any urgent inspection where we have significant concerns about a provider.

**Q:** Can and do Ofsted acknowledge that it is virtually commercially impossible for a provider that delivers predominantly funded childcare and early education to complain after a poor inspection activity as the fear of reinspection being delayed any longer than the published reinspection timeframes would leave a provider unable to claim funding for at a minimum any new 2, 3 and 4 year old children?

**A:** As funding of early years providers is the responsibility of the DfE, this question would be better placed for them to answer, rather than Ofsted.

**Q:** Ofsted puts early years at the heart of their five-year strategy, however without understanding from central government regarding funding and the recruitment crisis, how can this all work effectively? Does Ofsted research inform government? What influence do you have?

**A:** Our [strategy](#) sets out that we will use our research and insight to support young children's physical, social and wider development. Our recent reports on education recovery highlighted the serious impact the pandemic has had on some of the very youngest children. Many have gaps in their communication and language skills and are behind where they should be in their personal, social emotional and physical development.

We work closely with DfE and other government departments, sharing our findings and insight, raising awareness and promoting a better understanding of early education and care in support of positive change.