

NB Use of this **template is optional** – regulators may choose to agree an alternative approach with relevant business representatives.

Please keep all entries **as brief as possible** consistent with allowing businesses to understand them.

Business Engagement Assessment

Title of Proposal	Future of Early Education Inspection
Lead Regulator	Ofsted
Contact for enquiries	Alex Magloire

Date of assessment	29/09/14
Net Cost to Business (EANCB):	N/A
Which area of the UK will be affected by the change(s)?	England
Does this include implementation of Red Tape Challenge commitments?	No

Stage of assessment	Discussion
Commencement date	September 2015
Price and Present value base years	From September 2015
Is this directly applicable EU or other international legislation?	No

Brief outline of proposed change in regulatory action

Ofsted is proposing to incorporate early education inspections into the common inspection framework. This means changing the current judgements in the Early Years framework to align with those in the new common inspection framework (CIF). The statutory Early Years Foundation Stage applies equally in schools and Early Years registered framework.

Why is the change proposed? Evidence of the current problem?

Ofsted is introducing a single set of judgements for all education provision under a CIF which will provide greater coherence across the inspection of different remits. Subsequently this will promote consistency, common language and common understanding for parents throughout their child's journey from childcare provision through to school

Which types of business will be affected? How many are affected?

All registered childcare provision as defined by Section 33 and 34 of the [Childcare Act 2006](#):

- early years childminders
- other early years providers

This includes Early Years provision for children who have attained the age of two if that provision is part of the schools activities for pupils of the school and run by the school.

This will affect 77, 509 provides in total (official statistics as of 31 March 2014)

How will the change impact these businesses?

For some time the Early Years sector have lobbied Ministers and Ofsted to provide parity across the inspection framework. The sector through their professional representative groups and direct correspondence tell us that they provide care and education equal to their school counterparts and should be inspected on a par with other Ofsted remits. For example, inspection of early years day care has a separate set of judgements which differs from schools and further education and skills (FES). For the first time Ofsted is taking radical steps to rationalise its inspection framework to create seamless inspection activities that follows the child and allows parents to make direct comparisons between different settings.

Ofsted anticipates some concern from the Early Years sector largely in respect of the implementation date. Although Ofsted is responsible for the implementation of its framework it is the Department for Education that provides the legislative provision on the length and breadth of the inspection cycles. The CIF has no influence over the ratification of the cycles and Early Years

provision will remain on a different cycle to schools and FES. As the CIF is due to be implemented in September 2015 for one year any EY provision that has not yet had its inspection will be inspected under the CIF and its new judgements. Providers that have been inspected under the existing framework will have the current judgements until they are inspected in the new cycle. This will be the position for a year until the new cycle starts in 2016. This is likely to affect more childminders than day care providers as there are more childminders without an inspection in the current cycle. The main impact on changing the framework mid cycle is the inability to make direct comparisons between providers for a period of one year. However, this is not a unique position as Early Years has changed frameworks mid cycle in the past with little disruption. What is important is that the statutory requirements that providers must meet will not change under the CIF so providers will continue to meet the Early Years Foundation Stage Statutory Framework both pre and post CIF implementation.

We believe the change will not incur any additional financial burden on the Early Years sector.

Impact on small businesses

All Ofsted registered childminders are considered to be 'a small business' and a large proportion of registered day care providers employ less than 25 people. There may be a training issue for providers to ensure their staff are conversant with the new judgements and what, if any, changes may need to be made to how they deliver their service. Ofsted is fully transparent in its regulatory activity and publishes inspection documents used by inspectors so that providers can be clear about what is expected at inspection. Guidance will be updated prior to the CIF implementation to support providers' dissemination of the changes to their staff. Although not an SME, local authorities can also take advantage of this guidance when supporting providers pre and post inspection.*As defined in EU law in 2012; [EU Definition - What is an SME \(small and medium-sized enterprise\)?](#)