

# Guidance handbook for inspecting care and education in regulated non-school settings eligible for funding for part-time education

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## Purpose of the guidance

This guidance sets out the way that CIW and Estyn will inspect care and education in regulated non-school settings eligible for funding for part-time education. These joint inspections will evaluate the care provided for all children up to the age of twelve and the education of three and four year old children that do not receive education in a maintained setting.

The purpose of joint inspection is to:

- provide an evaluation of quality to the users of services and other stakeholders through published reports
- promote improvement in care and education
- inform the development of national policy by the Welsh Government
- test whether the service is still fit to be registered
- provide sufficient assurance that the service is safe and compliant

## The legal basis for inspection

### CIW

Care Inspectorate Wales (CIW) encourages the improvement of social care services and early years settings by regulating, inspecting and reviewing services and by providing professional advice to Ministers and policy makers. CIW is the independent regulator of social care and childcare in Wales and carries out its functions on behalf of Welsh ministers.

CIW regulates and inspects care services for all, from young children to older adults. It reviews services so it can let the public know whether services are up to standard, identify areas for improvement and help safeguard the interests of users and their carers.

CIW regulates a wide range of social care services by checking that they comply with requirements to provide safe, good quality services, which are set out in law.

CIW regulates and inspects childcare and play settings to make sure they are safe and provide good quality care under the following legislation, which can be found on the website, [www.careinspectorate.wales](http://www.careinspectorate.wales)

- The Care Standards Act 2000
- Children and Families (Wales) Measure 2010
- Child Minding and Day Care (Wales) Regulations 2010
- Child Minding and Day Care (Disqualification) (Wales) Regulations 2010
- The Child Minding and Day Care Exceptions (Wales) Order 2010
- National Minimum Standards for Regulated Child Care

The expectation is that all settings comply with the regulations and meet the relevant national minimum standards.

## **Estyn**

The inspection of settings that are eligible for funding to provide education for children before compulsory school age is governed by Schedule 26 of the Schools Standards and Framework Act 1998 as amended by the Education Act 2005.

The Act requires Her Majesty's Chief Inspector for education and training to keep the Welsh Government informed about:

- the quality and standards of the nursery education provided
- how far the setting meets the needs of a range of children in the setting
- the quality of leadership and management of the setting
- the contribution that the setting makes to children's wellbeing
- the spiritual, moral, social and cultural development of the children

Settings eligible for funding to provide education for children before compulsory school age have to:

- work towards agreed educational outcomes, namely ensuring that children are making progress towards the foundation phase outcomes
- be inspected at such intervals as may be prescribed

## The Joint Inspection Framework

The framework as set out below includes six themes, each divided into key areas. Themes 1 and 2 consider children's outcomes, themes 3 and 4 consider how well practitioners contribute towards these and themes 5 and 6 consider the quality of leadership in ensuring good outcomes for the child.

Inspectors will make one judgement for each theme across the setting's whole provision.

	Theme	Key area
CHILDREN	1 Wellbeing	1.1 To what extent do children have a voice?
		1.2 To what extent do children feel safe, happy and valued?
		1.3 How well do children interact?
		1.4 To what extent do children enjoy their play and learning?
		1.5 How well do children develop, learn and become independent?
	2 Learning <sup>1</sup>	2.1 How well do children acquire skills and make appropriate progress in their learning?
PRACTITIONERS	3 Care and development	3.1 How well do practitioners keep children safe and healthy?
		3.2 How well do practitioners manage interactions?
		3.3 How well do practitioners promote children's development and meet their individual needs?
	4 Teaching and assessment <sup>1</sup>	4.1 How well do practitioners plan learning experiences that meet the needs of children?
		4.2 How well do practitioners teach and assess children?
LEADERS	5 Environment	5.1 How well do leaders ensure the safety of the premises?
		5.2 How well do leaders ensure the suitability of the premises?
		5.3 How well do leaders ensure the quality of resources and equipment?
	6 Leadership and management	6.1 How effective is leadership?
		6.2 How effective is self-evaluation and planning for improvement?
		6.3 How effective is the management of staff and resources?
		6.4 How effective are partnerships?

<sup>1</sup> Only applies to three or four year old children who do not receive education in a maintained setting

## **Principles of inspection**

Inspectors will:

- ensure that inspection is of high quality and responsive to the needs of all children
- ensure that judgements are secure, valid and based on first-hand evidence
- involve settings fully in the inspection process
- use the setting's annual review as the starting point for the inspection and to identify key issues for investigation in order to make judgements on the validity of its findings
- keep to a minimum any requirements for documentation and preparation by the setting
- gain the perspective of service users
- apply the principle of equality for Welsh and English to all inspection work
- be clear with settings about important shortcomings and provide constructive recommendations to support improvement

## **Code of conduct for inspectors**

Inspectors should uphold the highest possible standards in their work. All inspectors have to meet the standards in the Civil Service Code of Conduct. When conducting the inspection, inspectors will:

- carry out their work with integrity, courtesy and sensitivity
- evaluate the work of the setting objectively
- report honestly, fairly and impartially
- communicate clearly and openly
- act in the best interests of children
- respect the confidentiality of all information received during the course of their work

It is important that inspectors judge the effectiveness of provision and leadership on their contribution to outcomes and not on the basis of any preferences for particular methods. For example, following a specific scheme or initiative. The key to the judgement is whether the methods and organisation are fit for the purpose in supporting all children to achieve positive outcomes and high levels of wellbeing.

Inspectors from each inspectorate will have their own identification badges or warrant cards and these may be requested for verification purposes.

Inspectors should inform Estyn or CIW of any perceived or actual conflicts of interest as soon as they receive notification that they are on the inspection of the setting.

## **Complaints procedures**

The complaints procedure for each inspectorate is available on their respective websites. Complaints regarding the conduct of individual inspectors should be made to the appropriate inspectorate. If the complaint is about the inspection process, the

complaint will follow the complaints procedure of the inspectorate leading the inspection.

Estyn

<https://www.estyn.gov.wales/inspection/feedback-complaints>

CIW

<http://careinspectorate.wales/raiseaconcern/?lang=en>

## **Expectations of settings**

In order that inspection is constructive and beneficial, it is important that inspectors and settings establish and maintain a professional working environment based on mutual courtesy, respect and professional behaviour. Inspectors are expected to uphold the Civil Service Code of Conduct but we also expect settings to:

- be courteous and professional
- apply their own codes of conduct in their dealings with inspectors
- enable inspectors to conduct their inspection in an open and honest way
- enable inspectors to evaluate the provision objectively against the joint inspection framework
- provide evidence that will enable inspectors to report honestly, fairly and reliably about the setting
- maintain a purposeful dialogue with the inspector or the inspection team
- recognise that inspectors need to observe practice and talk to staff and other stakeholders without the presence of a leader
- draw any concerns about the inspection to the attention of inspectors in a timely and suitable manner through the person in charge or registered person/responsible individual
- work with inspectors to minimise disruption and stress throughout the inspection
- ensure the health and safety of inspectors while on their premises

At the point of the inspection notification, settings should review the composition of the inspection team. It is the responsibility of settings to highlight any perceived or actual conflicts of interest prior to the start of their inspection.

## Carrying out inspections

### Planning the inspection

The inspection will be based on one set of information provided by settings including an analysis of strengths and areas for development. Please refer to Annex B for a list of documentation to be uploaded to the VIR prior to inspection.

### Contacting the setting before an inspection

The setting will receive ten working days' notice of the inspection. At this time, the inspection co-ordinator (IC) will contact the setting to make arrangements for the inspection. During this discussion, the IC will:

- explain the purpose of the inspection and discuss an outline programme for the inspection.
- discuss the specific information required before the inspection and make the arrangements for receiving it in an electronic form through the Virtual Inspection Room, within 5 working days
- ask if there are any issues or risks that they should be aware of and ask for a general health and safety briefing at the start of the inspection
- arrange the availability of supporting evidence
- arrange for the registered person, responsible individual or a member of the voluntary management committee to meet inspectors during the inspection period
- agree the arrangements for completing parent and staff questionnaires
- organise any domestic arrangements such as a base for the inspectors and parking
- set up the arrangements for feeding back the inspection findings
- agree the arrangements for completing the post-inspection questionnaires
- inform the setting that the key matters of the arrangements will be confirmed in writing

The inspection team will consist of a lead inspector and a team inspector. If inspection is led by an Estyn inspector, the team member will be an inspector from CIW. If the lead inspector is from CIW, the team member will be an inspector from Estyn.

The lead inspector will contact the setting by telephone before the inspection to introduce themselves and to provide further information about the inspection.

The lead inspector will ask the setting to inform parents about the inspection and inform them about the procedures for gaining their views.

Welsh-medium settings will be inspected through the medium of Welsh.

### The inspection visits

The joint inspection visits will normally take place over two consecutive half-days. Where settings offer care for children up to the age of 12, an additional CIW

inspector will inspect the out of school provision as part of this joint inspection. Information from this visit will feed into the joint inspection report. During the inspection inspectors will gather evidence, using a variety of methods. These will include undertaking observations of practice, use of the SOFI2 tool, discussions with children, parents, practitioners and leaders, and scrutiny of documentation (see Annex C). The lead inspector will keep leaders informed about the progress of the inspection.

At the end of the inspection, formal feedback will be provided. The feedback meeting provides the opportunity for leaders and managers to hear and to reflect on the team's findings and judgements. The feedback should focus on the strengths and areas for improvement and the factors that contribute to them. The lead inspector should explain to the setting that issues may be raised and discussed, factual matters may be corrected and judgements may be clarified, but the judgements themselves are not negotiable.

During all core inspections, the inspection team will consider whether the setting needs any follow-up activity. The lead inspector will inform the setting if any follow-up activity is required.

During the inspection, the team will also consider if there is any effective practice in the setting that is worthy of consideration and emulation by other settings. Where this is the case, the lead inspector will ask the setting to prepare a case study (or studies) for dissemination on Estyn and CIW's websites.

All the judgements reported during an inspection are provisional and subject to moderation and validation. They are confidential to the setting. They should not be communicated beyond this group, including via social media, until CIW and Estyn publish the report on their websites.

## **After the inspection**

### **The inspection report**

The lead inspector is responsible for producing a final inspection report that is clear to a lay audience and helpful to the setting.

Reports will be published bilingually, where settings have made this request, in line with CIW and Estyn's Welsh Language Policies.

Reports will be produced within 45 working days from the start of the inspection.

The inspectorates will provide the setting with a draft of the report to help check the factual accuracy of the content. The setting will have five working days in which to consider the draft report and to identify any factual errors.

## Judgement descriptions

Inspectors will make one judgement for each theme across the setting's whole provision.

The following descriptions are intended as guidance to help inspectors to make judgements by considering the relative balance and significance of strengths and areas for improvement.

**Excellent** – very strong, sustained performance and practice

**Good** – many strengths and no important areas requiring significant improvement

**Adequate** – strengths outweigh weaknesses but improvements are required

**Poor** – important weaknesses outweigh strengths and significant improvements are required

When making judgements on inspection themes 3, 4, 5 and 6, inspectors will consider the impact on children's wellbeing and learning.

## Health, safety and wellbeing issues

If a serious health, safety and wellbeing issue is identified on inspection, the CIW inspector will follow this up as part of CIW's non-compliance procedures.

## Safeguarding

All settings have statutory duties to operate in a way that takes account of the need to safeguard and promote the welfare of children (see guidance in Annex E). The arrangements that settings have in place need to ensure that:

- reasonable measures are taken to minimise risks of harm to children's welfare and safety
- appropriate actions are taken to address concerns about the welfare and safety of children

During the inspection concerns relating to the welfare or safety of a child/ren may be identified by any member of the inspection team. Where appropriate, the lead inspector will notify the setting. The CIW inspector will take appropriate action in line with the policy published on CIW's website. Estyn's inspector will also inform Estyn's safeguarding officer of the matter in line with Estyn's safeguarding policy.

## CIW's principles of securing improvement and enforcement including non compliance with regulations

CIW uses improvement and enforcement powers to promote its core objective to improve the quality and safety of services for the well-being of the people of Wales. The following principles guide its enforcement decision-making:

- **Responsibility:** Providers of services are responsible for ensuring they meet their regulatory requirements. Unless urgent action is required, CIW gives providers opportunities to rectify failings and to improve services.
- **Proportionality:** CIW takes action that is proportionate to the circumstances, the outcomes for, and risk to, individuals accessing the service and the capacity and capability of the provider to respond. Providers who persistently fail to comply with regulations will face escalated enforcement action, including possible action to cancel their registration.
- **Efficient and effective:** CIW is open and transparent about its enforcement approach and how it uses its enforcement powers. Any action it takes is clear, consistent, timely, fair and proportionate.
- **Sharing information:** CIW works with commissioners, regulators and other relevant agencies and professional bodies to share intelligence in order to make effective use of the information available about a service. In processing and sharing information it adheres to all relevant legislative requirements.
- **Taking co-ordinated action:** CIW works with its partners to ensure any enforcement action is co-ordinated. This is particularly important when there are safeguarding concerns or health and safety issues overseen by other regulators.
- **Upholding rights of individuals:** CIW are committed to promoting and upholding the rights of people who use care and support services. Where care is unacceptable it will take enforcement action.

Non-compliance will be noted in the inspection report. Where a separate non-compliance report has been issued, it will be published as part of the report and CIW's non-compliance process will be followed.

## Recommendations for improvement

The inspection report will include recommendations for improvement in the order of this guidance. The recommendations should give the setting a clear and specific indication of the areas for improvement that it will need to address.

## How we will evaluate the themes

Inspectors should weigh up the evidence and determine judgements on the basis of a best fit with the judgement descriptions. Relevant judgements will take into consideration a child's age and stage of development.

Inspections will cover all themes and key areas of the inspection framework. However, inspectors should only report on learning (theme 2) when there are six or more three or four-year-old children in the setting at the time of the inspection that do not receive funded education in maintained settings.

This approach is required to avoid identifying individual children. The following statement should be included at the beginning of theme 2, when inspectors are not able to report on learning.

'There is no report on children's learning. This is because the number of three or four-year-old children present at the time of the inspection that do not receive funded education elsewhere was too few to report on without identifying individual children.'

### 1 Wellbeing

#### 1.1 To what extent do children have a voice?

Inspectors should evaluate whether children:

- make choices and decisions
- are listened to and all attempts at communication<sup>2</sup> are valued
- are encouraged to speak and express themselves
- express their views and know that their ideas will be listened to
- contribute to ideas for themes and topics

#### 1.2 To what extent do children feel safe, happy and valued?

Inspectors should evaluate whether children:

- are settled and cope with separation from their parents
- form positive emotional attachments
- feel secure, happy, comfortable and relaxed
- feel valued and have their rights respected
- have bonds of affection with practitioners who know them well and give them consistent and continuous care which fosters confidence and positive self-esteem
- are forming friendships
- know whom to talk to if they are unhappy or worried about something
- are confident that their likes, dislikes and concerns will be taken into account

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<sup>2</sup> Include verbal, non-verbal and the child's home language

### **1.3 How well do children interact?**

Inspectors should evaluate whether children:

- are resilient and can cope
- are beginning to develop a sense of right and wrong and are learning to manage their behaviour
- are learning to understand their feelings and are sensitive to the emotions of others
- co-operate, take turns and share
- respect others and take care of equipment and resources
- are self-disciplined and set and comply with rules for socially acceptable behaviour in line with their age and stage of development

### **1.4 To what extent do children enjoy their play and learning?**

Inspectors should evaluate whether children:

- are engaged, interested and excited
- persevere for an appropriate amount of time to complete an activity and demonstrate resilience
- sustain interest and concentration in activities and tasks
- gain a sense of achievement from what they do
- are active and curious learners
- enjoy organised, free play, leisure and recreational activities

### **1.5 How well do children develop and become independent?**

Inspectors should evaluate how well children:

- develop emotionally, physically, socially, creatively, linguistically and intellectually
- become confident and independent
- are motivated and follow personal interests

## **2. Learning**

### **2.1 How well do children acquire skills and make appropriate progress in their learning?**

Inspectors will consider whether children:

- achieve good standards bearing in mind their age, stage of development, additional learning needs and their starting points
- make realistic progress in what they can do, in their knowledge, understanding and skills
- achieve well in activities that strengthen and develop their learning

Inspectors should evaluate how well children are developing communication skills that encourage them to:

- express their feelings and emotions through gestures, mime, signing and through art and music
- make themselves understood
- listen and carry out instructions
- use appropriate language in spontaneous and structured play
- show an interest in books and enjoy their content, with or without an adult, handling them as a reader
- follow stories read to them and respond
- experiment with and enjoy mark-making and writing experiences using a variety of media
- play with language, as a means of developing their interest in language
- understand some of the functions of writing

Inspectors should evaluate how well children are developing numeracy skills that encourage them to:

- select and use appropriate mathematical ideas, equipment and materials to solve practical problems
- use mathematical language in relevant contexts
- recognise patterns, sequences and relationships through play and practical experiences
- participate in a range of songs and rhymes including for example days of the week and months of the year, cardinal and ordinal numbers

Inspectors should evaluate how well children are developing problem solving skills that encourage them to:

- make decisions about what activities they choose and what they need to undertake certain tasks
- use different materials and resources
- demonstrate perseverance when faced with challenges
- work collaboratively to solve problems

Inspectors should evaluate how well children are developing physical skills that encourage them to:

- be physically active in line with their ability
- develop coordination skills
- use large play equipment with increasing control
- begin to handle small tools with improving control

Inspectors should evaluate how well children are developing creative skills that encourage them to:

- express themselves through a variety of media such as art, music, dance and movement
- make choices about how to present their ideas

Inspectors should evaluate how well children are developing personal, social and emotional skills that encourage them to:

- share and take turns
- play co-operatively with one or more children without adult support
- actively join in group activities
- control their emotions with some support
- begin to consider the needs of others

Inspectors should evaluate how well children are developing information and communication technology skills (ICT) that encourage them to:

- become familiar with and confident in using technology in their play and every day activities
- develop their communication skills

Inspectors should evaluate how well children are developing Welsh language skills (in English-medium settings) that encourage them to:

- build their Welsh skills systematically as they move through the setting
- make progress in using Welsh both passively and actively in different contexts, for example during registration, group sessions and spontaneous play
- communicate with adults in Welsh
- respond appropriately to instructions in Welsh, show enjoyment and pleasure in singing Welsh songs and learning Welsh rhymes

Inspectors should take account of the progress children make in relation to their starting points.

For Welsh-medium settings, please refer to the guidance for communication skills above.

### **3 Care and development**

#### **3.1 How well do practitioners keep children safe and healthy?**

Inspectors will make a judgement about how well practitioners implement the setting's policies and procedures for safeguarding and promoting children's wellbeing. These include:

- child protection policy, including procedures for recognising signs of radicalisation and extremism
- health and safety, including food hygiene and provision for infection control
- fire safety
- policies and procedures to promote healthy life styles, including healthy eating, drinking and physical activities
- safe administration of medication
- supporting children with medical conditions
- administering first aid
- safety on outings and visits
- internet safety
- bullying

- the management of children's behaviour including physical intervention and restraint

## **Child protection**

In considering the effectiveness of the provider's procedures for child protection, inspectors should evaluate whether practitioners understand and recognise signs and symptoms of abuse. They should also evaluate whether practitioners are aware of, and implement correctly, the setting's child protection policy and are able to identify risks to children.

### **3.2 How well do practitioners manage interactions?**

Inspectors should consider whether:

- staff work in line with the setting's behaviour management policy
- staff are consistent in their approach, having regard to individual children, so that there is no confusion in the child's mind as to what is/is not acceptable
- practitioners set realistic boundaries and use appropriate sanctions
- practitioners encourage older children to take responsibility for their own behaviour
- staff model good behaviour

### **3.3 How well do practitioners promote children's development and meet their individual needs?**

Inspectors should evaluate how well practitioners:

- know, understand and meet the individual needs, abilities and preferences of children
- provide a nurturing and caring atmosphere/environment
- provide responsive care
- promote equality and diversity
- promote the development of children, for example how they provide appropriate developmental activities for physical; emotional, social and intellectual needs
- treat all children with dignity, and respect
- ensure children's privacy is respected
- track children's progress and use information and observations to plan for the next steps in their play (not applicable to children over 8 years of age)
- ensure that older children can determine and control the content of their play by following their own ideas and interests

## **Additional learning needs**

Inspectors should consider:

- the extent to which the setting offers children with ALN full access to all areas of learning
- how consistently the setting conducts regular reviews of children's progress
- whether practitioners consult parents/carers regularly

- whether grouping and support systems meet the range of needs without adversely affecting the breadth, balance and continuity of children's learning
- how well the setting integrates, supports and provides for children with ALN, so that they can progress and achieve appropriate standards
- the quality of support for children with emotional and behavioural difficulties
- the quality of support for children with speech and language difficulties
- how consistently the setting conducts regular reviews of children's progress
- whether practitioners consult parents/carers formally
- the use of and contribution from specialist services such as the health, psychological and social services

## **4 Teaching and assessment**

### **4.1 How well do practitioners plan learning experiences that meet the needs of children?**

Inspectors should evaluate the extent to which:

- the planning of learning experiences is successful in engaging all children
- practitioners collaborate to plan flexible, responsive and innovative activities
- learning experiences encourage children's all round development and progress towards meeting foundation phase outcomes
- learning experiences build systematically on existing knowledge, understanding and skills as children move through the setting

Inspectors should consider how well the learning opportunities that practitioners provide encourage children to:

- form relationships with others and show respect and tolerance for people from all cultural backgrounds
- take risks, experiment with new experiences, become confident explorers of their environment and become independent learners
- develop their physical, thinking and creative skills
- develop a better understanding of the world in which they live
- understand that all living things should be treated with care, respect and concern
- act sustainably

Inspectors should evaluate how well the setting:

- develops children's skills, especially their communication, literacy, numeracy and ICT skills
- makes sure that the provision for these skills is properly co-ordinated to ensure that children make good progress

## **Welsh**

### **Welsh language provision (English-medium settings)**

Inspectors should evaluate how well the setting provides for children to use and experience the Welsh language as much as possible in their learning, taking account

of the children's starting points. Inspectors should evaluate how well the setting develops progressively the Welsh language skills of children and staff.

### **The Welsh dimension**

Inspectors should judge the extent to which the setting promotes children's awareness of the traditions and celebrations of the cultures of Wales.

### **Spiritual, moral, social and cultural development**

In evaluating provision for spiritual development, inspectors should consider to what extent children have opportunities to:

- develop a sense of curiosity about their own and other people's lives and beliefs
- develop a sense of awe and wonder about the world in which they live

In evaluating moral development, inspectors should consider how well the setting:

- fosters values such as honesty, fairness, and respect
- promotes principles that help children to distinguish right from wrong

In evaluating social development, inspectors should consider how well the setting encourages children from different groups to:

- take responsibility, show initiative and develop an understanding of co-operating and sharing with others
- understand simple rules of behaviour such as sharing toys
- learn how to relate to others and take some responsibility for their own actions
- contribute to decision-making

Inspectors should judge how well the quality of relationships in the setting helps to form children's attitudes to good social behaviour and self-discipline.

In evaluating cultural development, inspectors should consider how well the setting encourages children to engage with the arts, sports, music and other cultural activities.

## **4.2 How well do practitioners teach and assess children?**

The focus should be on the impact of teaching on learning and not on any one particular approach.

Inspectors should evaluate the extent to which practitioners:

- have up-to-date knowledge of child development and the impact of additional learning needs on development
- understand the requirements of the foundation phase
- have high expectations of all children, including children with ALN and more able and talented children
- plan a good balance between child-initiated and adult directed/led activities that meet children's individual needs flexibly

- understand the importance of providing opportunities for children to learn through play and active involvement and first hand experiences
- are good language models
- provide a stimulating, challenging and exciting environment both inside and outside which encourages children's involvement, participation and enjoyment
- use questioning to challenge children
- use additional practitioners effectively
- intervene appropriately in children's activities/play
- value the children's creative process and not the end product

Inspectors should consider the extent that all practitioners are involved in planning and briefed about what they are expected to do.

### **Assessment**

Inspectors should evaluate the extent to which the setting's procedures are manageable in order to enable practitioners to:

- assess children regularly and robustly and record observations and assessments to measure children's progress
- use the outcomes of assessment to plan future activities which meet children's needs and interests
- keep parents informed of their children's progress and what they can do to help them improve

## **5 Environment**

### **5.1 How well do leaders ensure the safety of the premises?**

Inspectors should evaluate whether:

- children are cared for in a safe, clean and secure environment
- unnecessary risks to children have been identified and as far as possible eliminated
- there is a balance between the need to promote children's safety and protect them from harm, and the need to support children to take risks

### **5.2 How well do leaders ensure the suitability of the premises?**

Inspectors should evaluate whether:

- the premises and any outside play areas are welcoming, friendly and provide a rich environment for play and learning
- there is sufficient space and facilities to meet the needs of children
- the layout and design promotes children's independence and whether it is considered from the child's perspective
- the premises are well maintained
- there are suitable facilities for staff
- there are appropriate arrangements to hold confidential conversations and to store records securely

- play/recreational spaces for older children offer suitable challenges, risks and opportunities to experiment

### **5.3 How well do leaders ensure the quality of resources and equipment?**

Inspectors should evaluate whether:

- children have access to furniture, equipment, toys and resources that are appropriate and suitable for their needs
- resources are age and stage appropriate, well maintained and conform to relevant safety standards
- resources are clean and their maintenance complies with infection control principles
- toys and play materials promote cultural awareness, including the culture and heritage of Wales, and equal opportunities
- the outside area provides appropriate play and learning opportunities
- the use of a wide-range of sustainable materials is promoted

## **6 Leadership and management**

### **6.1 How effective is leadership?**

Inspectors should evaluate how well leaders and managers:

- set high expectations
- communicate their vision for the setting and explore how to achieve it in collaboration with others
- keep the registered person/responsible individual and, where applicable, management committee or proprietor informed about the setting's progress
- promote safe practices and a culture of safety
- actively support and challenge everyone to do their best
- create a positive ethos so children and staff feel valued
- promote and sustain improvements
- share their values and expectations about learning, behaviour and relationships
- set clear aims and objectives that are focused on children's needs and are understood and implemented by all practitioners and made available to parents
- plan strategically to provide purposeful opportunities for children to develop their Welsh language skills in formal and informal situations
- deliver the Welsh Language Active Offer<sup>3</sup>
- monitor and evaluate outcomes for children
- comply with CIW regulations and meet the national minimum standards
- have a clear statement of purpose that provides an accurate picture of the setting

### **6.2 How effective is self-evaluation and planning for improvement?**

Inspectors should consider how well the setting's self-evaluation processes:

- accurately identify the setting's strengths and areas for improvement

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<sup>3</sup> An 'Active Offer' means a service is provided in Welsh without someone having to ask for it.

- are embedded in strategic and operational planning and draw on regular quality assurance procedures
- draw on first-hand evidence of the quality of care, teaching and learning
- involve all staff in assessing outcomes and their own performance, such as reflecting what they do on a daily basis
- take account of the views of staff, parents/carers, children, and other stakeholders
- draw upon reviews, advice and feedback by external agencies, where appropriate
- lead to development plans that are monitored against clear targets and success criteria
- prioritise the matters they wish to improve
- implement sound strategies likely to bring about the desired improvements
- takes account of whether concerns/complaints have been appropriately addressed
- allocate appropriate funding results in improvement in the quality of care, play, and learning
- lead to making improvements and have a positive impact on children's learning and wellbeing

### **6.3 How effective is the management of staff and resources?**

Inspectors should evaluate how well leaders and managers:

- follow safe, robust and timely recruitment processes
- define roles and responsibilities
- have an effective system of practitioners' supervision and appraisal that leads to agreed targets
- ensure that there are sufficient practitioners who have relevant and appropriate qualifications and experience of working with young children
- ensure that practitioners understand and fulfil their roles in relation to the setting's strategic aims, plans and responsibilities
- manage their own time and prioritise activities responsively
- communicate high expectations to those they manage
- agree and achieve challenging and realistic targets for themselves and others
- negotiate and co-operate well with staff and outside agencies
- ensure that there are sufficient staff numbers and that they are deployed appropriately
- develop contingency staffing plans
- secure appropriate outcomes for children overall
- successfully balance the effectiveness of its provision against costs, including staffing costs
- make good use of the funding it receives, including the Early Years Development Grant (EYDG)

Inspectors should consider the arrangements to support the active engagement of all staff in increasing their professional knowledge, understanding and skills, including participation in whole-setting professional learning experiences.

### **6.4 How effective are partnerships?**

Inspectors should consider how well the setting is clear about its role and responsibilities to establish trust and clear communication between partners.

Inspectors should evaluate how well the setting:

- works with parents to identify the individual needs and preferences of their child before and during their time at the setting
- works with parents to improve their child's wellbeing and learning on a day-to-day basis
- keeps parents informed about their child's care, development and progress
- involves parents in making decisions about their child's progress and wellbeing
- provides information to parents about the setting's policies and procedures

Inspectors should evaluate how well the setting works with a range of partners to improve children's learning and wellbeing.

## **Annex A: What do we mean by excellent?**

If a provider gains an 'excellent' judgement for any of the inspection areas, then the inspection team will have identified examples of very strong and sustained high quality practice. When discussing this possibility, inspectors will need to have clear evidence that performance and practice is very strong and sustained.

The points below provide guidance when considering an 'excellent' judgement.

Very strong practice must be highly effective, and the effectiveness should be seen in terms of its clear impact on children's well-being, progress and achievement. Sustained performance and practice means that there will be clear evidence of the impact of practice on children's wellbeing, progress and achievement over time. However, it also refers to how well established practice is across all areas of the provider's work. Inspectors will need to consider carefully how consistent practitioners and leaders are in the practice that supports positive outcomes and high levels of wellbeing for children.

Very strong performance and high quality practice means that the quality of outcomes and provision is at the forefront of the sector.

Where performance and practice within an inspection area still contain elements in need of minor improvement, inspectors will need to consider whether the shortcomings lean the judgement more towards 'good' rather than 'excellent'. In coming to their judgements, inspectors will need to weigh the significance of any shortcomings and their impact on children's progress, achievement and wellbeing. Overall, very strong and sustained practice indicates outcomes and provision of high quality, often alongside features of good quality. Where there are also features of adequate quality only, then the judgement of excellent overall is unlikely.

When considering a judgement of 'excellent', inspectors should first be clear about the strengths of the performance and practice before moving to a consideration of whether it has also been sustained.

Strong performance and practice which is not sustained should not secure an 'excellent' judgement. For example, inspectors should report positively on recent initiatives which are having a very strong impact on children's progress and wellbeing, but these may not in themselves secure an excellent judgement as there is unlikely to be sufficient evidence of their sustainability and their impact over time at this early stage in their implementation.

Very strong, sustained performance and practice also means that the provider should be able to use such practice to offer leadership to the sector so that the practice can be influential as an exemplar of work that is of high quality. Inspectors will need to consider whether such practice is worthy of dissemination for this purpose. The provider does not need to have already shared its practice in order to be awarded an excellent judgement.

Very strong, sustained performance and practice may include innovative and cutting-edge work that pushes at the boundaries, but this may not be the case. Where very

strong practice has been sustained over time then it is possible that it may not be innovative or unique. However, it must be highly effective.

Estyn or CIW do not have a pre-set quota on the number or proportion of 'excellent' judgements inspectors can make. Inspectors are free to make any judgement so long as it is based securely on the criteria within the inspection guidance handbooks and the evidence before them. The quality assurance processes involve rigorous validation and moderation of all judgements. This involves checking the evidence that supports the judgements as well as cross-referencing with similar judgements made on other inspections.

## **Annex B: List of documents to be uploaded to the VIR prior to inspection**

The Inspection Co-ordinator will request the following information from the setting through the Virtual Inspection Room as soon as possible after the formal notification of the inspection:

- An evaluation of the strengths and areas for improvement of the setting in a Word or PDF format\*
- Action plan
- Daily routine
- Staff list
- Statement of Purpose
- Child Protection and/or Safeguarding Policy
- Behaviour Management Policy

### **\*Evaluating your setting**

We have no preferred method for how you evaluate your setting, for example you may choose to use your own self evaluation report or your quality of care report providing this evaluates all themes.

When evaluating the quality of your provision you should consider the three questions below under each of the following themes:

- Wellbeing (for all children)
  - Learning (for 3 and 4 year olds who do not receive funded education elsewhere)
  - Care and development (for all children)
  - Teaching and assessment (for 3 and 4 year olds who do not receive funded education elsewhere)
  - Environment (for the whole setting)
  - Leadership and management (for the whole setting)
- 1 What do you do well and how does it benefit children? How do you know?
  - 2 What have you improved recently and what difference has this made to children? Please provide examples.
  - 3 What do you need to improve? How do you know? How do you plan to do this?

### **Annex C: List of documentation likely to be required during inspection**

Inspectors will ensure that they have enough time to review the key evidence they need to make their judgements. The main forms of evidence are:

- Children's individual records
- Statement of purpose
- Staff (practitioner) list, including details of qualifications and information about the supervision, training and continuous professional development of staff and staff recruitment procedures and records.
- Disclosure and Barring Service (DBS) records and any other documents summarising the checks on, and the vetting and employment arrangements of all staff and volunteers working at the service.
- In child minding services, records of checks for people over 16 years old that live or work at the premises or for those have regular contact with looked after children;
- Risk assessments
- Policy and procedure documents
- Samples of activity planning
- Examples of children's work and evidence of individual progress
- Assessment information, particularly assessments undertaken when children enter or leave the setting
- Registers of attendance of children, staff and volunteers
- Accident/incident/medication records
- A list of any safeguarding referrals made to the local authority
- Records of any complaints
- Information about how parents/carers are kept informed about their children's progress
- Any information that shows how the service makes good use of links with the community
- Information about partnerships
- Latest audited accounts
- Information about the use of the Early Years Development Grant, if applicable
- Any reports of external evaluation of the service e.g. fire safety, environmental health
- Any other information that the setting wishes to be considered

**Annex D: Regulations and the National Minimum Standards**

<https://careinspectorate.wales/regulations-and-national-minimum-standards-day-care-and-play>

## **Annex E: Safeguarding**

### **Safeguarding guidance**

The Joint Inspection Framework places high priority on safeguarding and promoting the welfare of children. Elements of safeguarding are found across all six themes of the framework.

### **Definition of safeguarding**

All settings have a statutory duty to exercise their functions with a view to safeguarding and promoting the welfare of their children.

Safeguarding and promoting the welfare of children is concerned with:

- protecting children from abuse and neglect
- preventing impairment of their health or development
- ensuring that they receive safe and effective care so as to enable them to have optimum life chances.

Everyone who works with children should share an objective to help keep children safe by contributing to:

- creating and maintaining a safe environment
- identifying where there are child welfare concerns and taking action to address these, where appropriate, in partnership with other agencies
- the development of children's understanding, awareness, and resilience

Achieving this objective requires systems designed to:

- prevent unsuitable people from working with children
- promote safe practice and challenge poor and unsafe practice
- identify instances in which there are grounds for concern about a child's welfare, and initiate or take appropriate action to keep them safe
- contribute to effective partnership working between all those involved with providing services for children and young people

Child protection is a part of safeguarding and promoting welfare. This refers to the activity that is undertaken to protect specific children who are suffering or are at risk of suffering significant harm as a result of abuse or neglect.

Safeguarding covers more than the contribution made to child protection in relation to individual children. It also encompasses issues such as:

- the safe recruitment, supervision, training and management of staff
- how staff manage children's behaviour
- children's health and safety
- bullying
- arrangements for meeting the needs of children with medical conditions
- other safeguarding issues that are specific to the local area or population, such as, drugs and substance misuse

The registered person is responsible for ensuring that appropriate policies and procedures are in place to safeguard children. There are likely to be several policies and procedures in place to cover the necessary elements. These include:

- child protection policy
- behaviour management policy, including bullying and restraint
- staff disciplinary procedure
- fire evacuation procedure
- accident procedure
- lost/missing child procedure
- child not collected procedure
- medication policy and procedure
- exclusion of an ill child policy
- confidentiality policy
- procedures for safe conduct on outings
- the settings commitment to e-safety to ensure children keep themselves safe
- all personal and sensitive information is kept securely in line with data protection requirements.

Settings must ensure that the premises are safe and secure and that risk assessments are undertaken regularly to ensure children's safety.

### **Child Protection**

The registered person must draw up a written child protection policy that safeguards the children from abuse or neglect and sets out the procedure to be followed in the event of any allegation of abuse or neglect. This policy must be shared with parents before the child attends the setting.

When evaluating the child protection policy, inspectors should consider whether:

- the policy shows that the setting is aware of the Regional Safeguarding Boards; the All Wales Child Protection Procedures, Safeguarding Children: Working together under the Children Act 2004 and Welsh Government Circular 05/2008 Safeguarding Children in Education
- the policy shows how to make a prompt referral to the relevant local authority of any allegations of abuse or neglect
- the policy provides guidance on keeping written records of any allegations of abuse or neglect, and of the actions taken in response, securely
- consideration is given to the individual measures which may be necessary to protect relevant children following an allegation of abuse or neglect
- the policy requires for any person working with children to report any concerns about the welfare or safety of a child
- the policy includes relevant contact details for the local authority where the referral should be made

- the policy includes information about the procedure to be followed in the event of an allegation being made against a member of staff or volunteer (this should include the person in charge)

### **Staff training**

- The registered person must appoint a designated member of staff, who has attended child protection training, to ensure that child protection policies and procedures are implemented and effectively complied with
- Any persons working with children are able to put the child protection policy into practice and aware of safeguarding and child protection issues, including physical abuse, neglect, emotional abuse and sexual abuse and are able to implement procedures
- Staff are aware of their responsibilities to report concerns according to LSCB procedures without delay
- Child protection is part of induction training for new staff within the first week of their employment
- Discussions on safeguarding issues form part of regular one-to-one staff supervision

### **Staff recruitment**

The registered person must not employ a person or allow a volunteer to look after children unless that person is suitable so all necessary safe recruitment checks must be in place before a person cares for children.