

# National Association of Families Information Service (NAFIS)

## FIS Queries for Ofsted January 2010

### 1. Barking and Dagenham

- we have a provider who is registered and on the public website whom we have no record of?

Ofsted response: We would need details of the provider concerned in order to investigate this further.

- we are trying to find out how we can get a complete list of Ofsted registered provision – so we can cross check that our Tribal system has all the registered providers registered

Ofsted response: The daily download of information from Ofsted to the Family Information Directory includes details of all providers who are registered with Ofsted.

- we use to have this facility through the childcare link Ofsted feed

Ofsted response: The daily download, through Family Information Direct, should contain this information. If it does not then you should seek advice from your local authority vendor.

- we have contacted Ofsted but they have responded that they do not provide this information direct to local authorities anymore?

Ofsted response: Ofsted is under a legal duty to share information about registered childcare providers with local authorities. The daily download of provider information through the Family Information Directory is the route through which we do this.

### 2. Hampshire (ditto)

- we were also told that Ofsted will not provide the information to us, and that FIS's have to make a FOI request in order to get that information (FIS's would not have thought that Ofsted would want a barrage of FOI's to deal with)

Ofsted response: Ofsted shares information with local authorities through the daily download of information via the Family Information Directory. We have a legal duty to share information with local authorities, but not with other organisations or agencies, unless these are specifically covered by regulations. For example, we can share information with child protection agencies and with parents seeking childcare, but not with other agencies, such as private sector organisations.

### 3. Stockport (Independent FIS)

- when Ofsted is approached with a query about a provider (which is often) the FIS is asked to put it in writing. Then when they send an email Ofsted respond by saying that they are unable to reply because they don't have a '. Gov' email address

Ofsted response: Our legal duty is to share information with local authorities, which we do through the daily download to the Family Information Directory. If we receive requests for information from other agencies, with whom we are not legally required to share information, then we will need to ask the agency concerned to put their request in writing. In the absence of a specific legal power or duty to share information, we have to consider other requests against Data Protection and Freedom of Information legislation.

#### 4. Bristol

- The loss of a local Ofsted link person has had a significant impact not only on the FIS but BCC colleagues & voluntary organisations. This has also been raised at Regional FIS managers, Information officers meeting and GOSW

Ofsted response: Each local authority has a link inspector and we have written to every Director of Children's Services giving them details of their link Ofsted inspector. If local authority colleagues have issues they need to raise with Ofsted, then they should do this through their Director, who can in turn raise them with the link inspector.

#### 5. Sussex

- Regarding proposed childminders – Ofsted are aware that this is information that FIS's require, however, they are not duty bound to provide it under their statutory instrument (although LA's are supposed to provide this information and support proposed providers in their statutory instrument). At a formal meeting with Ofsted last year it was stated that the DCSF need to get the Secretary to make an application for a change to the bill to ensure that the statutory instruments for Ofsted and LA's are aligned. **Is this being pursued by anyone?** (this is something that should have been picked up before it became legislation)

Ofsted response: At present, Ofsted only has legal powers to share information with local authorities about registered providers. Without a change to primary legislation, the only way Ofsted can provide this data is by seeking and securing consent from applicants for registration. This would require a range of changes to be made to Ofsted's systems and processes. We hope we may be able to resolve this at some point in the future but because there is no legal duty on Ofsted to provide this information, it is not a high priority for change in relation to our application process and data systems. The Department for Children, Schools and Families (DCSF) has the responsibility for the legislation which covers Ofsted's information-sharing powers and duties.

#### 6. Lambeth

- quality of data – especially the data Ofsted send on age of children the providers are registered for

Ofsted response: the numbers and ages of children are recorded in certain fields in the download from Ofsted to local authorities via the Family Information Directory. For providers who are on the Early Years Register only, the maximum number of children a provider may care for is recorded in the field marked 'age 0 - 5'. For providers on both the Early Years and Childcare Registers, the field marked 'age 5 - 7' will denote the maximum number of places overall. Currently the best source of

information about maximum numbers of places and numbers in each age range is the provider's conditions of registration, which are included in the download.

- lack of responsiveness to queries. Sometimes Ofsted has the data being requested by FIS, but they do not sign-post it to FIS

Ofsted response: The route through which Ofsted shares information with FISs is the daily download to the Family Information Directory. All local authorities should be using this route to obtain the information they need about registered childcare providers.

- action on registration – when will Ofsted start publishing data

Ofsted response: Ofsted currently publishes information about all registered childcare providers on its website. This includes previous inspection reports and the provider's conditions of registration. We do not publish childminder's names and addresses, though we do give this information to local authorities through the daily download.

#### **7. London (sub-group of 4 local authorities)**

- re Ofsted process – when information is required Las have to write in first then Ofsted will respond – need an Ofsted contact point in order to talk more directly to get issues resolved more immediately

Ofsted response: It is not clear what information is being referred to here. However, Ofsted cannot accept most changes to information about a provider through the local authority. Ofsted's regulatory relationship is with the provider themselves, and most changes need to be notified directly by the provider before Ofsted can change the records on its database.

- regarding written enquiries – suggestion that there would be an SLA published (for turnaround of query) is this now available?

Ofsted response: There is a protocol agreed between Ofsted and local authorities, which covers the arrangements for sharing information about childcare providers. This is already published on Ofsted's website.

- Ofsted site used to allow LAs to view all childcare providers on one site, it would be beneficial to have something similar back again so that Las could easily see who is registered and who is not. This would allow Las to check that data is current

Ofsted response: The daily download of information to local authorities contains details of all providers who are registered with Ofsted. The information is passed on daily so that local authorities have the up to date position.

- Provision of pre-registration information, so that providers can be offered pre-registration advice and support. DCSF's PKHD Team agreed with Ofsted that, in the longer term, they will draft a specification for system and process changes relating to

Provision of pre-registration information to LA's dependent upon analysis of potential cost burdens

Ofsted response: As stated above, Ofsted's legal powers do not cover the sharing of this information, and it could only be shared if each individual applicant gave their consent. As this is not a legal requirement on Ofsted, it is not high priority in terms of systems changes.

- On going issue with reliability of Ofsted data

Ofsted response: We have taken steps to cleanse the data we hold about childcare providers. Sometimes what appears to be an inaccuracy in the data is actually the correct information that we hold about the provider. We cannot change most data we hold about the provider unless the provider notifies this to us themselves.

#### **8. Lewisham**

- need a contact person to deal with queries – ( so that FIS's don't have to write in first)
- there used to be an Ofsted site which allowed FIS's to view all childcare providers on one site

Ofsted response: As set out above, the information we share with local authorities is now shared through the daily download. This daily download contains all the information about registered providers. In addition, Ofsted publishes details of all registered providers on its website.

(FIS's would like to see something similar back again so that they can see who is registered and who is not)

Ofsted response: As set out above, details of all registered providers are included in the daily download. This should inform local authorities of who is registered and who is not.

#### **9. Brighton**

- How are we alerted to childcare providers moving out of the area as there is no category for this on the Ofsted download?

Ofsted response: Providers are required to inform Ofsted of any change to their address. Once we have this information, we will provide details of their new address to their new local authority in the daily download. If a childcare provider moves premises, then the data transfer to their previous local authority will stop, and will commence with their new local authority. As the overall registration status does not change in these cases we are unable to inform local authorities when a provider has moved out of their area, but they will no longer appear on that authority's downloaded information.

#### **10. Nottinghamshire**

- What is happening with the voluntary register – we are not getting information through FIS's need it with the impending CSA

Ofsted response: All local authorities should be receiving data about providers on the voluntary part of the Childcare Register. If this is not happening then we will need further details to investigate this further.

#### **11. Essex**

- Data quality of Ofsted import (main problem)

Ofsted response: See above. We have taken steps to cleanse the data we currently hold about registered childcare providers.

- Can Ofsted / LA meeting be reinstated

Ofsted response: As set out above, each local authority now has a link inspector, with whom Directors of Children's Services can raise issues and concerns.

- Ofsted data needs to be updated in timely fashion when provider has complained about their information on direct.gov

Ofsted response: Providers are legally obliged to notify Ofsted directly of certain changes to their provision. Ofsted updates this information as quickly as possible, but does rely on providers notifying us directly of relevant changes. Some changes will require a new application to register with Ofsted, for example if the provider's legal entity changes, which can take some time to complete. We aim to decide on all new applications for childminders within 12 weeks, and for other childcare within 26 weeks.

#### **Questions from non FIS colleagues**

- If a childminder is judged as inadequate on two occasions what will happen if a on 3<sup>rd</sup> inspection they are still found to be inadequate

Ofsted response: It depends on why the childminder was found inadequate and if it was in respect of the same issues. If a childminder responds to and meets any actions we set and is subsequently found to be inadequate again for a different reason we would not move immediately to take enforcement action unless we felt practice was so poor that children's well being was not assured.

If a childminder continues to be judged as inadequate, and has not responded to a previous notice of action to improve issued by Ofsted, then it is likely that we will take formal enforcement action against them. This can range from issuing a welfare requirements notice, which is a legal notice that providers must comply with, to cancellation of the provider's registration in the most serious of cases.

However if childminders respond to and meet the requirements for registration after each inspection then it is unlikely we would have the grounds for taking

- A setting based in a village hall was recently told they must have sole and exclusive use of the premises. Another part of the building was used by a badminton club when the setting was opened. Is this the case?

Ofsted response: The Early Years Foundation Stage Statutory Framework Document requires that the provision must be for the sole use of the childcare during its hours of operation. We may confine this to the area of the premises where the provision takes place, providing it is self-contained but if there are shared facilities, this is not acceptable.

More queries from Essex – see table

Subject	What is currently done	What we would like changed
Home Childcarers	<p>I couldn't find 4 of our home childcarers on our tribal system so enquired with Ousted. The response was that they are put under the Local Authority that the homechildcarer is nannying in.</p> <p>This is no good to us as we need to know how many registered homecarers live in our borough. If they become available for work we will not be able to promote their services as they will be under their last employer's local authority.</p>	<p>Would like to see homechildcarers input as the local authority that <b>THEY</b> live in and not the local authority that their employers live in.</p> <p>Ofsted response: We would need more information about the home childcarers who were missing from the list in order to look into this further. Regulations preclude us from sharing information about a home childcarer's address if this is the same as the address of the child they are looking after. ▼</p>
Childcare Places	<p>Childcare places are shown as maximum in each register regardless of age and total overall, giving false number of places provider is eligible to care for.</p>	<p>To show maximum numbers permitted particularly, when registered on the Early Years and Compulsory Childcare Registers thus equating to the total number of children that can be cared for at any one</p>

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		<p>time. Shown in each age range as Ofsted did in the past.</p> <p>Ofsted response: See above. We record the maximum number of places in certain fields in our database, but the best source for local authorities to use is the provider's conditions of registration, which are included in the download.</p>
Proposed Childcare	<p>LA's are not informed of proposed childcare settings anymore making it difficult to know what is coming through.</p>	<p>We would like to be advised when a proposed childminder applies to ofsted as you did previously. This was a huge help to us – especially when looking at sufficiency.</p> <p>Ofsted response: See above. Ofsted is legally only required to share information about providers who are already registered. Including applicants for registration can therefore only be done with the express consent of the individual, and this would require changes to our applications process and to the data feed for which we do not have resources.</p>

The meeting needs to consider and aim to put in place a more credible ongoing mechanism of communication between Ofsted and FIS's e.g. dedicated Ofsted person (authority to make decisions)

- Ofsted communication with FIS's at a regional network level
- Communication through NAFIS website i.e. Q & A
- Ousted meeting with NAFIS

Additional questions by email from Harringey:

I have had several new provisions today. They all, except one, had EY URN's – on closer checks most of them were actually Home Carers and not Childminders.

Ofsted response: There are three different types of Unique Registration Numbers (URN) utilised by Ofsted Early Years.

A six digit number without a prefix is a provider that was transferred to Ofsted from local authority in September 2001. A six digit number with an 'EY' prefix is a provider that was/is registered by Ofsted. A six digit number with a prefix of 'VC' is also a provider that was/is registered by Ofsted and was applied to those registered on the Voluntary part of the Childcare register for applications received between April 2007 and August 2008.

All applications/registrations since September 1 2008 will all have a six digit number with a prefix of 'EY' regardless of provision type or what register they are on.

The information in the download should identify which providers are home childcarers.

They also had very limited information when mapped to existing/new registration, most importantly, no contact details. It is essential that we send them a letter and welcome pack and also forward their details to our Childminding Team, but we cannot do so.

Ofsted response: The download of information should include contact details. We would need more details of the providers concerned to investigate why some of these are missing.

The previous downloads we obtained from Ofsted stated all categories and what the changes were.

Ofsted response: The old arrangements for transferring information to local authorities, through Opportunity Links, came to an end in September 2009. The Department for Children, Schools and Families, who administered those arrangements, put in place the Family Information Directory to replace them. In developing this system it was agreed that local authorities should get a full list of providers in their area every day. This is a more frequent transfer than before. The download also includes information that local authorities did not previously receive, such as information about enforcement action that Ofsted has taken.