

Follow-up

Guidance for non school settings providing care and eligible for funding for part-time education, and for inspectors

January 2019



Follow-up guidance

This document provides guidance on follow-up for all joint inspections with Estyn and CIW which take place from January 2019.

The guidance identifies the steps that inspection teams will take to help them to identify the most appropriate level of follow-up activity.

However, this guidance is flexible as it needs to be responsive to the wide variety of situations that occur in settings as they improve after joint core inspections. Estyn and CIW reserve the right to adapt the guidance to meet the needs of specific settings.

Guidance for inspectors on placing a setting into follow-up

Background

During all joint inspections, the inspection team will consider whether the setting needs any follow-up activity.

This will be based on the judgements and any non-compliance identified for each theme.

A setting normally requires follow up if:

1. CIW have issued a non-compliance notice
2. CIW have notified the provider of non-compliance but have not issued a non-compliance notice
3. Leadership and management is identified as adequate or poor

There are two types of follow-up activity:

- 1 Progress Review**
- 2 Focused improvement**

Follow-up work involves activity by either Estyn and/or CIW inspectors. The activity involves increasing levels of intervention in proportion to improvements required.

The same quality assurance processes apply to follow-up work as to joint inspections. The only judgement reported during any follow up visit is whether a setting continues to need follow-up and they will be informed of this during the visit. The decision will be provisional and subject to moderation by both inspectorates. It is confidential to the setting until the report is published.

1 Progress Review

Normally, settings will require this level of activity when the judgement for inspection theme 6, leadership and management, is adequate.

First stage

It is possible that a few inspection themes have been judged as good. However, the setting will have some important areas for improvement that they must address, and CIW may have notified the provider of non-compliance but will not have issued a non-compliance notice. For example, it may be that the setting leaders do not plan and implement improvements well enough. However, the setting is not causing concern to the extent of requiring placement in the category of Focused Improvement.

If the setting is judged to require review, the lead inspector will tell the registered person/responsible individual and the setting leader at the end of the inspection that the team has reached this decision and complete the relevant section on the reporting JF.

After moderation and validation of the agreed inspection outcomes the inspection co-ordinator will send a letter of confirmation to the setting, copied to the local authority, explaining that inspectors will review the progress made.

Estyn and CIW will jointly review the setting's progress in addressing the recommendations highlighted in the report about 12-18 months after the report's publication. CIW will follow up any non-compliance at the next scheduled inspection if this falls before the end of the review period.

In the first instance, the progress review activity will take account of documentary evidence, this will include evidence from the setting of improvements made since the joint inspection and a report on progress against the recommendations from the local authority.

It will also be a requirement for the registered person/responsible individual to provide evidence of compliance with any non-compliance issues not resolved during the inspection, where a notice has not been issued.

If the evidence presented shows clear progress against the recommendations and identified non-compliance, and positive impact on care and children's outcomes, no further follow-up activity will take place. CIW will review whether the setting sustains compliance with regulations during their next scheduled inspection. At the next joint inspection, both inspectorates will consider whether progress against the recommendations has been sustained and maintained.

Second stage

If there is no clear evidence of progress against the recommendations and/or compliance has not been achieved, then normally, inspectors will carry out a progress review visit to the setting.

A progress review visit will normally consist of one session at the setting and follow one of these procedures:

- i) One CIW inspector will visit to follow up any issues relating to non-compliance (including non-compliance in relation to leadership and management)
- ii) One Estyn inspector will visit to follow up any issues relating to learning, teaching and assessment.
- iii) A joint visit by one CIW inspector and one Estyn inspector will take place where there are over-arching issues in relation to leadership and management. For example, a joint visit would take place where a setting does not comply with regulations regarding staff files, and leaders do not ensure that the setting provides a good enough standard of education for children.

Settings will be given 10 days notice of a follow up progress review visit.

If options i) or ii) above takes place the respective inspectors will feed back their findings to the setting at the end of the visit. They will share these in a brief conversation with the partner inspectorate to confirm a joint decision about next steps. The inspectorate taking a lead on the follow up visit will be responsible for quality assurance.

Once a decision is made that no further follow-up activity is required Estyn and CIW will publish the progress review report on their websites explaining their decision.

If, following a visit, a setting requires a more intense level of follow-up activity, Estyn and CIW will publish the report of the visit on their websites, to inform stakeholders of the visit's outcome.

If the setting has failed to address any non-compliance, CIW will write separately to the Registered Person inviting them to a provider meeting that will allow them the opportunity to explain why they remain non-compliant. Any further enforcement action will be considered by the Local Securing Improvement and Enforcement Panel.

In **exceptional circumstances**, for example, where there has been a significant change in leadership and any improvements are very recent, a further visit would take place within three months to re-assess progress against non-compliance and recommendations.

2 Focused Improvement

As part of every inspection, inspectors should consider if the setting is in need of focused improvement by considering:

- if the setting is failing to provide children with an acceptable standard of care and education
- if the persons responsible for leading or managing the setting are not demonstrating the capacity to secure the necessary improvement in the setting.
In this instance, the judgement for inspection theme 6, leadership and management, is likely to be poor.

Inspectors must consider if the setting has the capacity to improve before making a decision about whether it requires focused improvement.

The inspection team must report as they find, and be able to substantiate their judgements on the basis of sound evidence. If the evidence points to the conclusion that the setting requires focused improvement, inspectors must make that decision jointly based on the judgements made.

Inspectors should emphasise during the feedback meeting that all judgements, including the decision to place the setting in the focused improvement category of follow up, are provisional and subject to quality assurance.

Review visits to settings in focused improvement

Focused improvement will follow one of these procedures:

- i) Where leadership and management is judged 'poor' because of non-compliance issues, CIW will take responsibility for follow up activity and follow its securing improvement and enforcement policy. CIW will issue a non-compliance notice as part of the joint inspection report and give the registered person/responsible individual a short timescale by which to provide evidence of compliance. CIW may need to issue the notice before the inspection report is published, depending on the impact or risk to the children. Where there is sufficient concern to consider suspending or cancelling the provider's registration there will be no further action by Estyn.
- ii) If leadership and management is judged "poor" because of shortcomings in learning, and teaching and assessment, Estyn will take responsibility for follow up activity. Settings may receive up to three visits, normally one each term, to measure progress against the recommendations. Visits will normally consist of one session at the setting.
- iii) If leadership and management is judged "poor" because of shortcomings across the service, then both inspectorates will undertake a joint visit. Settings may receive up to three visits, normally one each term, to measure progress against the recommendations and non-compliance. The

inspectorate who led on the joint core inspection will normally take the lead for the review visits. One inspector from each inspectorate will take part in these visits, which will normally consist of one session at the setting.

Settings will need to submit evidence to CIW to demonstrate how they comply with regulations where non-compliance was identified in the joint inspection (point i above).

Settings will be required to submit a Post Inspection Action Plan via the inspection co-ordinator to demonstrate how they intend to bring about improvements against the recommendations (points ii and iii above).

Where Estyn is solely responsible for follow up activity, one Estyn inspector will monitor progress during the first two visits and two Estyn inspectors will monitor progress on the third visit. Estyn will be responsible for quality assurance of the report and will feed back findings to CIW on the outcome of these visits.

Where CIW is solely responsible for follow up activity, CIW will follow their securing improvement and enforcement policy and will feed back findings to Estyn on the outcome. CIW will be responsible for quality assurance of the report.

Where there is joint responsibility for follow up activity, one inspector from each inspectorate will carry out the progress review visits. Both inspectors will collect evidence for their area of responsibility and each inspector will write a commentary to show progress against the relevant recommendations and non-compliance. The lead inspectorate will be responsible for the final report and the same quality assurance procedures will apply as for joint core inspections.

Where the setting has made sufficient progress and no further follow up activity is required

- i) Where CIW has sole responsibility for follow up activity, it will inform the setting of the outcome of the process, in accordance with its securing improvement and enforcement policy (point i above). Where Estyn is solely responsible for follow up activity, Estyn will send out a joint letter informing stakeholders that no further action is required. Where there is joint responsibility for follow up activity, the lead inspectorate will send out the joint letter.
- ii) The report for the final visit will be published on both inspectorates' websites, informing stakeholders of the outcome.
- iii) CIW may bring the setting's next inspection forward in their cycle.

Where the setting has made insufficient progress:

- i) CIW will take the matter to the Securing Improvement and Enforcement Panel who will decide on the appropriate enforcement pathway
- ii) Estyn will write to the local authority and suggest they withdraw funding for early education at the setting.

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- iii) A joint letter will be sent by the lead inspectorate to stakeholders informing them of the decision.
- iv) The report for the final visit will be published on both inspectorate's websites, informing stakeholders of the outcome.