

# Protocol regarding **Waltham Forest Early Years, Childcare and Business Development Service** sharing information about **childcare providers**

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## Document Control

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## Section 1: Introduction

This protocol is in relation to The Early Years, Childcare and Business Development Service sharing information about Ofsted registered childcare providers.

### 1.1 Purpose

1.1.1 This protocol sets out the working relationships between Waltham Forest Early Years, Childcare and Business Development Service, other Council Departments, and external organisations by:

- establishing the legal basis for The Early Years, Childcare and Business Development Service regulatory responsibilities
- explaining how The Early Years, Childcare and Business Development Service carries out those responsibilities
- explaining the responsibilities of the partner organisations
- explaining how agreed working arrangements can assist both organisations to meet these responsibilities.

### 1.2 The role of Waltham Forests Early Years, Childcare and Business Development Service

1.2.1 The Early Years, Childcare and Business Development Service is responsible for delivering a number of statutory duties, as set out by the DfE in the Early education and childcare Statutory guidance for local authorities document, [in the Early education and childcare Statutory guidance for local authorities document](#), in summary these are:

- a) Secure free places offering 570 hours a year over no fewer than 38 weeks of the year and up to 52 weeks of the year for every eligible child in their area from the relevant date,
- b) Secure sufficient childcare so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children).
- c) Parents and prospective parents can access online, or are provided with, comprehensive and up to date information about childcare and early education, including free places in their area.
- d) Secure information, advice, and training for
  - those registered on the Ofsted Early Years Register who are judged less than 'good' by Ofsted in their most recent inspection report;
  - newly registered providers on the Ofsted Early Years Register who have not yet had an inspection report published;

- those on Part A (the compulsory part) of the Ofsted General Childcare Register who are assessed by Ofsted as not having met the requirements of registration or the requirements relating to their activities

On the following matters:

- meeting the requirements of the Early Years Foundation Stage;
- meeting the needs of children with special educational needs and disabilities;
- meeting the needs of vulnerable and disadvantaged children; and
- effective safeguarding and child protection.

*Local authorities have the power to provide information, advice and training for all early years and childcare providers (including employees and prospective providers). Local authorities may provide information, advice and training if this is requested by the provider. Local authorities are able to offer support to settings rated good or outstanding if there is evidence of need but cannot require this support is taken up.*

- e) Develop a locally determined, transparent funding formula that is fair, transparent which supports a diverse range of providers to deliver free places on a sustainable basis and encourages existing providers to expand and new providers to enter the childcare market.
- f) Work with providers and parents to ensure all parents, including disadvantaged families, have fair access to a free place, which must be delivered completely free of charge

1.2.2 The Early Years, Childcare and Business Development Service has a statutory duty to report concerns about quality safety and legality of Ofsted registered provision to Ofsted<sup>1</sup> and other relevant agencies

1.2.3 The Early Years, Childcare and Business Development Service delivers these duties in a range of ways and can:

- Share information with Ofsted
- Share information with the Councils Multi Agency Safeguarding Hub (MASH) Service
- Share information with the Councils Safeguarding in Education Service
- Share information with the Councils Building Regulations and Planning services
- Share information with the Councils Property and Regeneration Services
- Share information with the Councils Environmental Health and Food Safety Team
- Share information with the Fire Rescue Service

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<sup>1</sup> <https://www.gov.uk/government/publications/protocols-between-ofsted-and-other-organisations-in-relation-to-childcare/protocol-between-ofsted-and-local-authorities-on-sharing-information-about-childcare-providers#annex>

- Terminate or suspend FEEE contracts with Ofsted registered providers
- Publish information about childcare and early education, including free places in their area for parents and prospective parents online

Waltham Forest Early Years, Childcare and Business Development Service's support, advice and training activity is covered by 5 teams/areas:

- Teaching and Learning Team
- Childcare Participation & Information Team
- Business and Finance Team
- Premises and Place Planning Team
- Safeguarding in Education Team

The Early Years, Childcare and Business Development Service is based at Ground Floor, Business Centre/Higham Hill JSC, 313 Billet Road, Walthamstow, London, E17 5PX.

### **1.3 The legal framework under which The Early Years, Childcare and Business Development Service operates**

1.3.1 The legislation, together with any subsequent regulations and standards under which The Early Years, Childcare and Business Development Service operates, include the following:

- Childcare Act 2006
- Early education and childcare Statutory guidance for local authorities
- Early years entitlements: operational guidance for local authorities and providers
- The Statutory Framework for the Early Years Foundation Stage
- Keeping children safe in education Statutory guidance for schools and colleges

### **1.4 Requirements for childminders and childcare providers**

1.4.1 Providers on the Early Years Register must meet both the welfare and the learning and development requirements set out in the *Statutory Framework for the Early Years Foundation Stage*.

1.4.2 Providers on the Childcare Register must meet the requirements set out in the *Childcare (General Childcare Register) Regulations*. These requirements are set by the Government.

1.4.3 Ofsted's Early Years and Childcare Registration Handbook<sup>2</sup> makes it clear that all applicants must meet the requirements of their Ofsted registration alongside other legal requirements. For example, the applicant is responsible for making sure that their premises comply with planning and building control

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<sup>2</sup> [https://dera.ioe.ac.uk/26820/1/EY\\_and\\_childcare\\_reg\\_handbook.pdf](https://dera.ioe.ac.uk/26820/1/EY_and_childcare_reg_handbook.pdf)

regulations and they must comply with the requirements of their local authority environmental health department and local fire authority.

- 1.4.4 Providers who are commissioned by the Early Years, Childcare and Business Development Service to provide Free Early Education Entitlement (FEEE) places to eligible 2,3 & 4 year old children under the Governments early education and childcare scheme must comply with their contractual requirements. The Early Years, Childcare and Business Development Service will monitor compliance with these requirements, and take appropriate action to address areas of non-compliance, which may result in some instances result in:
- sharing information with internal and external organisations, in line with the protocols set out in this document
  - terminating the providers FEEE contract

## **Section 2: Working arrangements**

### **2.1 What Ofsted will do**

- 2.1.1 Ofsted provides the Early Years, Childcare and Business Development Service with updated information each day through the Information System for Parents and Providers (ISPP). The information that Ofsted shares with The Early Years, Childcare and Business Development Service is set out in Annex A. This information includes the unique reference number and details of all providers registered on the Early Years and Childcare Registers, and of certain steps that Ofsted has taken in relation to that registration.
- 2.1.2 Ofsted and Waltham Forest Council secures these electronic data transmissions through its Information Gateway.
- 2.1.3 Childcare data information is encrypted and securely transferred directly to local authorities. Each individual local authority has a certificate with password and login details, and instructions on how to access the system.
- 2.1.4 Ofsted also publishes a range of information about registered childcare providers on its website. This includes some of the information that it shares with local authorities. However, Ofsted does not publish on its website, or otherwise disclose to the public, the names and addresses of registered childminders, even though Ofsted shares this information with The Early Years, Childcare and Business Development Service under its legal provisions.

### **2.2 What The Early Years, Childcare and Business Development Service will do**

- 2.2.1 The Early Years, Childcare and Business Development Service will publish information relating to active Ofsted registrations on the Waltham Forest

Childcare Directory only. Only information that is in the public domain on the Ofsted website will be published on the Directory. Providers will be made aware that they are able to add additional information and contact details to this system themselves should they wish to. By adding information to the Directory themselves, they are giving consent for this information to be published.

- 2.2.2 The Early Years, Childcare and Business Development Service will only publish information relating to Ofsted inspection outcomes on the Waltham Forest Childcare Directory. Only information that is in the public domain on the Ofsted website will be published on the Directory. Where additional information about the status of Ofsted inspection processes, compliance or enforcement action and/or outcomes are shared by Ofsted with the Early Years, Childcare and Business Development Service in advance of the publication of the Ofsted inspection outcome by Ofsted, this will not be discussed or shared outside of the Early Years, Childcare and Business Development Service unless there is a legal or statutory requirement to do so, and written approval by the Head of the Early Years, Childcare and Business Development Service has been obtained. Enquiries for information in respect of Ofsted inspections outcomes that are outside of information on the Ofsted website must be referred to the Ofsted registered provider to respond to.
- 2.2.3 Waltham Forests Early Years, Childcare and Business Development Service, will redirect to Ofsted any parents or others who have a concern about childcare providers or their provision. The telephone number is: 0300 123 1231. If the person with the concern will not contact Ofsted, The Early Years, Childcare and Business Development Service will take details from the caller and send a brief, written summary, after having obtained written approval by the Head of the Early Years, Childcare and Business Development Service, to Ofsted. If Ofsted requires any additional information, it will contact the individual directly, where possible.
- 2.2.4 The Early Years, Childcare and Business Development Service will refer written complaints about registration or compliance issues, after having obtained written approval by the Head of the Early Years, Childcare and Business Development Service, to Ofsted. The Early Years, Childcare and Business Development Service will send complaints to [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). Where a complaint contains sensitive information, The Early Years, Childcare and Business Development Service will send it by post to Ofsted.
- 2.2.5 When dealing with requests from parents or carers for a change of childcare provider, The Early Years, Childcare and Business Development Service will be alert to the reasons for the request and any underlying concerns. Where concerns are identified, The Early Years, Childcare and Business Development Service will, after having obtained written approval by the Head of the Early Years, Childcare and Business Development Service, refer the details to Ofsted.



- 2.2.6 Where The Early Years, Childcare and Business Development Service has other information about any childcare provider that it considers should be passed to Ofsted regarding the quality, safety and legality of the provision, after having obtained written approval by the Head of the Early Years, Childcare and Business Development Service, it will do so by contacting [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk) or contacting the National Business Unit on 0300 123 1231. Information will be shared in line with the protocols [between Ofsted and Local Authorities about childcare providers document](#)
- 2.2.7 The Early Years, Childcare and Business Development Service will issue to parents, or people wishing to start childcare services and other enquirers, any informative material that Ofsted produces.
- 2.2.8 The Early Years, Childcare and Business Development Service include appropriate information about Ofsted in their own information or advertising material, and tell users of their service about [Ofsted website](#).
- 2.2.9 The Early Years, Childcare and Business Development Service will tell parents and carers of the need to check a provider's registration certificate before using the childcare service.
- 2.2.10 The Early Years, Childcare and Business Development Service remind providers of their duty to tell Ofsted of any plans for: expansion of their provision; changes in the use of premises; development of existing services; and other changes to the number or age range of children being cared for.
- 2.2.11 The Early Years, Childcare and Business Development Service will remind childcare providers that they must tell Ofsted if there are any changes involving the person in charge. They also remind childminders to tell Ofsted if there are any changes involving people aged 16 years or over who live or work on premises where childminding takes place.
- 2.2.12 The Early Years, Childcare and Business Development Service will, after having obtained written approval by the Head of the Early Years, Childcare and Business Development Service, tell Ofsted if they are aware of any provision operating without registration and registered providers who are operating outside the requirements for registration. The Early Years, Childcare and Business Development Service will send such information to [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). Where the information contains sensitive data, The Early Years, Childcare and Business Development Service will send it by post to Ofsted's National Business Unit.
- 2.2.13 The Early Years, Childcare and Business Development Service will refer any queries received from the media about provision where Ofsted has taken enforcement action, to Ofsted National Business Unit, which will refer the call to Ofsted press office.
- 2.2.14 The Early Years, Childcare and Business Development Service will inform Ofsted about any changes to contact persons.



## **2.3 Information the Early Years, Childcare and Business Development Service will disclose to Ofsted, other Council departments or external persons or organisations**

2.3.1 Members of staff within the Early Years, Childcare and Business Development Service will not discuss or share information with individuals outside of the service, unless they are within the protocols set out below.

### **2.3.2 Outcomes of Ofsted inspection or compliance investigation outcomes**

2.3.2.1 Where information is requested from the Early Years, Childcare and Business Development Service by external organisations or other Councils departments which relates to a providers Ofsted inspection/compliance or investigation outcome, which is not in the public domain on the Ofsted website, an assessment will be carried out by the Head of the Early Years, Childcare and Business Development Service to establish whether we are obliged or legally required to share the requested information.

2.3.2.2 Where sharing of information is assessed as being justified, written approval will be provided by the Head of the Early Years, Childcare and Business Development Service regarding the information from Ofsted downloads and /or communication from or to Ofsted which can be shared. Personal data that is not in the public domain, or where consent to share has not been obtained will be redacted from reports or anonymised unless there is an obligation or legal requirement to share full details.

### **2.3.3 Building Control Departments**

2.3.3.1 Where information needs to be shared between Ofsted and the Building Control Department, or by the Early Years, Childcare and Business Development Service on behalf of the Building Control Department, this will be shared in line with the Protocol between Ofsted and Building Control Departments document requirements [Ofsted and Building Control Departments document requirements](#)

2.3.3.2 Where information is requested from the Early Years, Childcare and Business Development Service by another Council department in relation to building control, an assessment will be carried out to establish whether there is an obligation or legal requirement for sharing the requested information. Where sharing of information is assessed as being justified copies of communication and reports between the Early Years, Childcare and Business Development Services and the provider will be shared. Personal data that is not in the public domain, or where consent to share has not been obtained will be redacted from reports or

anonymised unless there is an obligation or legal requirement to share full details.

2.3.3.3 Where information is requested from the Early Years, Childcare and Business Development Service by external individuals or organisations in relation to Building Control, an assessment will be carried out to establish whether there is an obligation or legal requirement for sharing the requested information. Where sharing of information is assessed as being justified copies of communication and reports between the Early Years, Childcare and Business Development Services and the provider will be shared. Personal data that is not in the public domain, or where consent to share has not been obtained will be redacted from reports or anonymised unless there is an obligation or legal requirement to share full details.

2.3.3.4 Ofsted's Early Years and Childcare Registration Handbook makes it clear that all applicants must meet the requirements of their Ofsted registration alongside other legal requirements. For example, the applicant is responsible for making sure that their premises comply with building control regulations. Where the Early Years Childcare and Business Development Service believe that appropriate building controls regulations may not be met, or relevant approvals may not be in place, this information will be shared by the Early Years Childcare and Business Development Service and the Councils Building Control Department Services and/or Ofsted as appropriate, as this may represent a risk to building users safety. Only information that is in the public domain will be shared unless there is an obligation or legal requirement to share full details.

## 2.3.4 Planning Departments

2.3.4.1 Where information needs to be shared between Ofsted and Planning Departments Services, or by the Early Years Childcare and Business Development Service on behalf of Planning Services, only information that is in the public domain will be shared e.g. on the Councils planning portal or website or the Government's land Registry websites.

2.3.4.2 Where information held by the Early Years, Childcare and Business Development Service relating to a provider in relation to planning/applications are requested by other Councils departments, an assessment will be carried out to establish whether there is obligation or legal reason for sharing the requested information. Where sharing of information is assessed as being justified copies of communication and reports between the Early Years, Childcare and Business Development Services and the provider will be shared. Personal data that is not in the public domain, or where consent to share has not been obtained will be redacted from reports or anonymised unless there is an obligation or legal requirement to share full details.

- 2.3.4.3 Where information is requested from the Early Years, Childcare and Business Development Service by external individuals or organisations, and the service has assessed that there is an obligation or legal requirement for requesting this information, only information that is in the public domain will be shared unless there is an obligation or legal requirement to share full details
- 2.3.4.4 Ofsted's Early Years and Childcare Registration Handbook makes it clear that all applicants must meet the requirements of their Ofsted registration alongside other legal requirements. For example, the applicant is responsible for making sure that their premises comply with planning regulations. Where the Early Years, Childcare and Business Development Service believe that appropriate planning regulations may not be met or relevant approvals may not be in place, this information will be shared by the Early Years Childcare and Business Development Service and the Councils Planning Services and/or Ofsted as appropriate. Only information that is in the public domain will be shared unless there is an obligation or legal requirement to share full details.

### 2.3.5 Fire Rescue Services

- 2.3.5.1 Where information needs to be shared between Ofsted and the Fire rescue Services, or by the Early, Years Childcare and Business Development Service on behalf of Fire Rescue Services, this will be shared in line with the Protocol between Ofsted and Fire Rescue Services document requirements [between Ofsted and Fire Rescue Services document requirements](#)
- 2.3.5.2 Where information is requested from the Early Years, Childcare and Business Development Service by external individuals or organisations, and the service has assessed that there is an obligation or legal requirement for requesting this information, only information that is in the public domain will be shared unless there is an obligation or legal requirement to share full details.
- 2.3.5.3 Ofsted's Early Years and Childcare Registration Handbook makes it clear that all applicants must meet the requirements of their Ofsted registration alongside other legal requirements. For example, the applicant is responsible for making sure that their premises comply with the requirements of their local fire authority. Where the Early Years, Childcare and Business Development Service believe that appropriate fire safety arrangements may not be met, this information may be shared by the Early Years, Childcare and Business Development Service and the Councils Environmental Health Team, the local Fire Rescue Services and/or Ofsted as appropriate, as this may represent a risk to building/service users safety. Only information that is in the

public domain will be shared unless there is an obligation or legal requirement to share full details.

## 2.3.6 Environmental Health

- 2.3.6.1 Where information needs to be shared between Ofsted and the Environmental Health Service, or by the Early Years Childcare and Business Development Service on behalf of the Environmental Health Service, this will be shared in line with the Protocol between Ofsted and Local Authorities with environmental health responsibilities in relation to [childminders and childcare providers document requirements](#).
- 2.3.6.2 Where information held by the Early Years, Childcare and Business Development Service relating to a provider in relation to environmental health are requested by other Councils departments, an assessment will be carried out to establish whether there is an obligation or legal requirement for sharing the requested information. Where sharing of information is assessed as being justified copies of communication and reports between the Early Years, Childcare and Business Development Services and the provider will be shared. Personal data that is not in the public domain, or where consent to share has not been obtained will be redacted from reports or anonymised unless there is an obligation or legal requirement to share full details.
- 2.3.6.3 Where information is requested from the Early Years, Childcare and Business Development Service by external individuals or organisations, and the service has assessed that there is an obligation or legal requirement reason for requesting this information, only information that is in the public domain will be shared unless there is an obligation or legal requirement to share full details.
- 2.3.6.4 Ofsted's Early Years and Childcare Registration Handbook makes it clear that all applicants must meet the requirements of their Ofsted registration alongside other legal requirements. For example, the applicant is responsible for making sure that they comply with the requirements of their Local Authority Environmental Health Department. Where the Early Years, Childcare and Business Development Service believe that appropriate health and safety arrangements may not be in place, this information may be shared by the Early Years, Childcare and Business Development Service and the Councils Environmental Health Team and/or Ofsted as appropriate, as this may represent a risk to building and/or service users safety. Only information that is in the public domain will be shared unless there is an obligation or legal requirement to share full details.

### 2.3.7 Property & Delivery and Regeneration Services

- 2.3.7.1 Where information needs to be shared between the Early Years, Childcare and Business Development Service and the Property & Delivery and Regeneration Services, only information that is in the public domain will be shared
- 2.3.7.2 Where information is requested from the Early Years, Childcare and Business Development Service by another Council department, an assessment will be carried out to establish whether there is an obligation or legal requirement for sharing the requested information. Where sharing of information is assessed as being justified copies of communication and reports between the Early Years, Childcare and Business Development Services and the provider will be shared. Personal data that is not in the public domain, or where consent to share has not been obtained will be redacted from reports or anonymised unless there is an obligation or legal requirement to share full details.
- 2.3.7.3 Where information is requested from the Early Years, Childcare and Business Development Service by external individuals or organisations in relation to regeneration or property and delivery services, an assessment will be carried out to establish whether there is an obligation or legal requirement for sharing the requested information. Where sharing of information is assessed as being justified copies of communication and reports between the Early Years, Childcare and Business Development Services ~~and these services~~ will be shared. Personal data that is not in the public domain, or where consent to share has not been obtained will be redacted from reports or anonymised unless there is an obligation or legal requirement to share full details.

### 2.3.8 Children's Services

- 2.3.8.1 Where information needs to be shared between Ofsted and Children's Services, or by the Early, Years Childcare and Business Development Service on behalf of Children's Services this will be shared in line with the Protocol between Ofsted and Local Authority Children's Services document requirements. [Ofsted and Local Authority Children's Services document requirements](#)

### **2.3.9 Local Safeguarding Children's Boards (LSCB's) and the Local Authority Designated Officer (LADO)**

- 2.3.9.1 Where information needs to be shared between Ofsted and LSCB's, or by the Early, Years Childcare and Business Development Service on behalf of LSCB's this will be shared in line with the Protocol between Ofsted and LSCB's document requirements [Ofsted and LSCB's document requirements](#)
- 2.3.9.2 Where information held by the Early Years, Childcare and Business Development Service relating to a provider in relation to safeguarding are requested by other Councils departments, an assessment will be carried out to establish whether there is an obligation or legal reason for sharing the requested information. Where sharing of information is assessed as being justified copies of communication and reports between the Early Years, Childcare and Business Development Services and the provider will be shared. Personal data that is not in the public domain, or where consent to share has not been obtained will be redacted from reports or anonymised unless there is an obligation or legal requirement to share full details.
- 2.3.9.3 Where information is requested from the Early Years, Childcare and Business Development Service by external individuals or organisations, and the service has assessed that there is an obligation or legal requirement for requesting this information, only information that is in the public domain will be shared unless there is an obligation or legal requirement to share full details.

### **2.3.10 What The Early Years, Childcare and Business Development Service will not disclose to Ofsted, other Council departments or external persons or organisations**

- 2.3.10.1 The Early Years, Childcare and Business Development Service cannot give any individual or organisation outside of those outlined above, any information gathered during an investigation into a provider's compliance with the relevant requirements. This information could compromise the regulatory processes or business interests of providers.
- 2.3.10.2 The Early Years, Childcare and Business Development Service cannot give any individual or organisation, outside of those outlined above, any information about applicants for registration as childminders or childcare providers.
- 2.3.10.3 The Early Years, Childcare and Business Development Service cannot give any third party individual or organisation, outside of those outlined above, any information about applicants for registration as childminders or childcare providers, other than information which is available in the public domain.



## **2.4 Electronic communication**

- 2.4.1 Where possible, The Early Years, Childcare and Business Development Service and local authorities will share information electronically. This will provide a quicker and more effective way for them to respond to requests for information. The Early Years, Childcare and Business Development Service and Ofsted must comply with their respective internal electronic information management policies to manage all electronic communication effectively.

## **Section 3: Annexes**

### **Annex A**

#### **3.1 List of information that Ofsted provides to the Early Years, Childcare and Business Development Service**

1. Childcare provider's name
2. Setting name
3. Unique reference number (URN)
4. Provider address
5. Provider telephone number (if available)
6. Provider fax number (if available)
7. Provider email address (if available)
8. The address where childcare is provided (unless in the child's own home) if different from the provider's address
9. Setting telephone number
10. Setting fax (if available)
11. Setting email address (if available)
12. Date of registration
13. Registration cancelled and date of cancellation
14. Registration suspended and date of suspension
15. Registration resigned and date of resignation
16. Provision type
17. Second provision type (where applicable)
18. Information as to the time and duration of the provision of childcare
19. Conditions of registration
20. Information as to the number and ages of children to whom childcare is to be provided (where applicable) or maximum numbers of children to be looked after (where no numbers and ages condition is set)
21. Information connected with any enforcement action taken against the provider (notices of intention, notices of decision, welfare requirements notices)
22. Name of the local authority where the childcare premises are located
23. Date of the most recent inspection
24. Care judgement for the most recent inspection
25. Whether the person is on the Early Years Register, compulsory part of the Childcare Register, and/or voluntary part of the Childcare Register
26. Providers whose details cannot be made public (for example, Women's Refuges)