How we inspect funded non-maintained nursery and childcare settings (guidance)

This guidance sets out the way that Care Inspectorate Wales (CIW) and Estyn will inspect care and education in funded non-maintained nursery and childcare settings who provide part-time education.

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Contents

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 guidance should be read alongside 'What we inspect' which outlines the inspection framework. Settings can use this guidance to see how inspections work.

The purpose of joint inspection is to:

- provide sufficient assurance that the setting is safe and operates in line with regulations
- assess whether the setting is still fit to be registered
- provide an evaluation of quality to the users of settings and other stakeholders through published reports
- evaluate the quality of nursery education
- promote improvement in care and education
- inform the development of national policy by the Welsh Government

The legal basis for inspection

Care Inspectorate Wales (CIW)

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 by checking they comply with requirements to provide safe, good quality services, which are set out in law. 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 people using services.

CIW's Childcare and Play Inspection Team regulates and inspects settings to ensure they promote the safety and well-being of all children under the following legislation, which can be found on the website, **www.careinspectorate.wales (http://www.careinspectorate.wales/)**. The expectation is that all settings comply with the regulations and meet or exceed the relevant national minimum standards.

- **Children and Families (Wales) Measure 2010 (http://www.legislation.gov.uk/mwa/2010/1/contents)** (External link)
- **The Regulation of Child Minding and Day Care (Wales) Order 2016**

(http://www.legislation.gov.uk/wsi/2016/98/made) (External link)

- **The Child Minding and Day Care (Wales) Regulations 2010 (http://www.legislation.gov.uk/wsi/2010/2574/contents/made)** (External link)
- **The Child Minding and Day Care (Wales) (Amendment) Regulations 2016 (http://www.legislation.gov.uk/wsi/2016/87/made)** (External link)
- **The Child Minding and Day Care (Inspection and Information for Local Authorities) (Wales) Regulations 2010 (http://www.legislation.gov.uk/wsi/2010/2575/contents/made)** (External link)
- **The Child Minding and Day Care Exceptions (Wales) Order 2010 (http://www.legislation.gov.uk/wsi/2010/2839/contents/made)** (External link)
- **The Child Minding and Day Care Exceptions (Wales) (Amendment) Order 2016 (http://www.legislation.gov.uk/wsi/2016/96/contents/made)** (External link)
- **The Children and Families (Wales) Measure 2010 (Commencement No.2, Saving and Transitional Provisions) (Amendment) and (Consequential Amendment) Order 2011 (http://www.legislation.gov.uk/wsi/2011/577/contents/made)** (External link)
- **Child Minding and Day Care (Disqualification) (No. 2) (Wales) Regulations 2022 (https://www.legislation.gov.uk/wsi/2022/1188/made)** (External link)
- **National minimum standards for regulated childcare (https://www.gov.wales/national-minimum-standards-regulated-childcare)** (External link)

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 His Majesty's Chief Inspector of 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 well-being
- the spiritual, moral, social and cultural development of the children

Part 1: Principles of inspection

Inspectors will:

- ensure that inspection is of high quality and responsive to the needs of all children
- ensure that ratings are secure and based on first-hand evidence
- involve settings fully in the inspection process
- use the setting's quality of care review as the starting point for the inspection and to identify key issues for investigation
- keep to a minimum any requirements for documentation and preparation by the setting
- gain the perspective of staff, parents and where possible children
- 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 must 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 their work

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 part of the inspection of the setting.

Inspectors judge the effectiveness of provision and leadership by the impact they have on outcomes, rather than by any preference for particular methods, schemes, or initiatives. The key consideration is whether the approaches are effective in helping all children achieve positive outcomes and high levels of well-being.

Expectations of providers

To ensure that inspection is constructive and beneficial, inspectors and settings should maintain a professional working relationship based on courtesy, respect and professional conduct. Inspectors are expected to follow the Civil Service Code of Conduct. Settings are expected to:

- treat inspectors and inspection support staff with courtesy, professionalism and respect
- act in the best interests of children
- enable inspectors to carry out the inspection openly, honestly and objectively
- provide access to the evidence needed for inspectors to evaluate provision against the joint inspection framework
- maintain a purposeful and professional dialogue with inspectors throughout the inspection
- recognise that inspectors need to observe practice and speak with staff and stakeholders without managers or leaders being present
- raise any concerns about the inspection promptly through the person in charge or the Registered Person (RP)/Responsible Individual (RI)
- work with inspectors to minimise disruption, stress and unnecessary bureaucracy
- give due regard to the health, safety and well-being of inspectors while on the premises
- maintain the confidentiality of meetings and inspection findings until the final report is published
- refrain from taking photographs or videos during the inspection process, including of draft evaluations. Any CCTV or recording equipment should be brought to the inspection team's attention during the initial team meeting.

Following notification of inspection, the setting should review the composition of the inspection team. It is the provider's responsibility to declare any actual or perceived conflicts of interest before any inspection activity begins, including before the on-site visit.

Expectations of local authority and umbrella organisations

Local authority and umbrella organisations who attend feedback at providers’ request are expected to comply with the above expectations.

The Welsh language

We will carry out any engagement, including inspections, in line with our organisations' Welsh Language Policies.

Safeguarding

If a serious health, safety and well-being issue is identified during the inspection, the CIW inspector will follow this up as part of CIW's Securing Improvement and Enforcement Policy.

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 C). 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.

Part 2 - Carrying out inspections

Inspection arrangements

- The Inspection Coordinator (IC) will contact the setting 10 working days before the inspection to inform them of the date of visit
- During the days leading up to the inspection the lead inspector will contact the setting to introduce themselves and discuss the inspection visit
- The inspection will usually take place over two half-days. Additional CIW time may be considered for very large settings and for those which provide after school care. This will be discussed with the provider during the initial contact phone call.
- At the end of the second day there will be a formal feedback meeting to share the team's findings and provisional ratings
- A draft report will be sent to the setting for a factual accuracy check
- The final report will be published on both CIW and Estyn's websites 45 working

days from the start of the inspection

The Virtual Inspection Room

Recording inspection evidence

We use a secure digital system called the Virtual Inspection Room (VIR) to manage many aspects of the inspection process. The VIR allows providers to upload information before the inspection, access inspection guidance, and complete post-inspection questionnaires (PIQs).

We regularly test the VIR to ensure that information is secure and protected from unauthorised access. All users have unique usernames and passwords, and the system includes additional security measures such as threat detection and conditional access controls.

The inspection is based on a single set of information provided by the setting, including its evaluation of strengths and areas for development. Annex A provides a list of documents required to be uploaded to the VIR before the inspection by the setting and Annex B lists the documents that should be available during the inspection.

Contacting the setting before an inspection

During the initial phone call, the inspection co-ordinator (IC) will make the following arrangements for the inspection:

- explain the purpose of the inspection and outline the inspection programme
- discuss arrangements for submitting documents through the Virtual Inspection Room (VIR) within five working days (Annex A)
- discuss the information and supporting evidence required during the inspection (Annex B),
- identify any issues, risks, or health and safety matters that inspectors should be aware of
- agree arrangements for questionnaires, meetings with key individuals, feedback sessions, and post-inspection activities
- confirm practical arrangements, such as inspectors' workspace, parking, and access to digital records
- confirm that the agreed arrangements will be provided in writing.

The inspection team will consist of a lead inspector and a team inspector.

If an 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.

Before the inspection, the lead inspector will contact the setting to introduce themselves, provide further information about the inspection, and discuss any questions about the documents submitted.

The lead inspector will also ask the setting to inform parents about the inspection and how they can share their views.

Welsh-medium settings will be inspected through the medium of Welsh. English medium settings may request a Welsh report, however they will need to ensure that the language on their CIW online account is set to 'both'.

The inspection visit

Gathering and reviewing inspection evidence

The team will plan the inspection so that they can cover the reporting requirements of the three inspection areas. The lead inspector will plan the inspection activity flexibly, in response to the provider's individual circumstances. This means the activities planned in one setting may not mirror those planned in another. Inspectors will always consider everything within the inspection framework, but the final report may not include every aspect of the framework.

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 may inspect the out of school provision as part of this joint inspection. Information from this visit will inform the overall joint inspection findings.

Professional dialogue

Throughout the inspection, inspectors will engage in professional dialogue with practitioners and leaders. Professional dialogue enables inspectors to gain first-hand evidence from practitioners that can be triangulated with other sources of evidence. The dialogue will provide emerging, interim findings on aspects of the inspection framework. These findings may be amended, on reflection, for example as we see more examples of children in their play and learning activities. The lead inspector will keep setting leaders informed about the progress of the inspection.

The main forms of evidence are:

- observations of children's play and learning activities, including using SOFI2
- observations of practitioners' interactions with children
- discussions with children, practitioners, leaders, managers, the Person-in-Charge (PIC), Registered Person (RP)/ Responsible Individual (RI), parents and others
- pre-inspection questionnaire responses
- relevant information from the local authority
- evidence placed in the VIR
- information on children's progress and planned activities
- other documentation (please see Annex B)
- CIW inspectors reserve the right to take photographs as evidence if deemed necessary

Feedback

Inspectors will keep setting leaders informed about their findings throughout the inspection process.

At the end of the inspection, the team will provide verbal feedback to the RI/RP, leaders and local authority representative. A representative from umbrella organisations can be invited at the request of the RI/RP and should be agreed with the lead inspector prior to feedback.

The feedback meeting provides the opportunity for leaders and managers to hear and to reflect on the team's findings. The feedback should focus on the strengths and areas for improvement and the factors that contribute to them, including any breach of regulations and the recommendations. The lead inspector should explain to the provider that issues may be clarified, and factual matters may be corrected. However, the purpose of the meeting is for the provider to understand rather than negotiate the inspection team's findings.

During all joint inspections, the inspection team will consider whether the provider needs any follow-up activity. The ratings and findings reported during an inspection, including the level of follow-up if appropriate, are provisional and subject to moderation and validation. They are confidential to the setting's staff and management committee. They should not be communicated beyond this group, including via social media, until we publish the report on our websites. However, this does not need to delay providers from making improvements to their setting as a result of the inspection. The inspection team should also remind providers about potential sources of well-being support should this be needed.

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, we will highlight this as a 'spotlight on' the practice within the report (a short paragraph). Sometimes, CIW may also identify practice worth sharing. **Practice worth sharing | Care Inspectorate Wales (https://www.careinspectorate.wales/practice-worth-sharing)**

After the inspection

The inspection report

The lead inspector is responsible for producing a final inspection report that is clear 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.

Reports will include a separate rating for each of the themes inspected and recommendations for improvement in the order of the three themes. The recommendations should give the setting a clear and specific indication of the areas identified for improvement that it will need to address.

If we identify a breach of regulation or note areas for improvement during a joint inspection, these will be noted in the inspection report, and CIW will follow their Securing Improvement and Enforcement Policy (**Securing Improvement and Enforcement Policy (HTML document) | Care Inspectorate Wales (https://www.careinspectorate.wales/securing-improvement-and-enforcement-policy-html)**).

CIW uses improvement and enforcement powers to promote its core objective of improving the quality and safety of service for the well-being of the people of Wales.

The following principles guide its enforcement decision-making:

- **Upholding rights of individuals**: CIW are committed to promoting and upholding the rights of people who use care and support services. Where care is poor, we will take enforcement action.
- **Responsibility**: Providers of services are responsible for ensuring the people they provide care and support for have positive outcomes and they meet regulatory requirements. CIW expect providers to take action to improve services.

- **Proportionality**: CIW take action that is proportionate to the circumstances, the outcomes and risks for people accessing the service, and the capacity and capability of the provider to respond. Providers who persistently fail to ensure good outcomes for people and who do not comply with regulations will face escalated enforcement action, including possible cancelation of their registration.
- **Efficient and effective**: CIW are open and transparent about their enforcement approach and about how they use their enforcement powers. Any action taken is clear, consistent, timely, fair and proportionate.
- **Sharing information**: CIW work with commissioners, regulators, and other relevant agencies and professional bodies to share intelligence about a service to make effective use of the information available. In processing and sharing information, CIW adhere to all relevant legislative requirements.
- **Taking co-ordinated action**: CIW work with our partners to ensure any enforcement action is co-ordinated. This is particularly important when there are safeguarding concerns or health and safety issues governed by other regulators.

The factual accuracy check

Before publication, we will provide the setting with a draft inspection report to check for factual accuracy. The setting will normally have five working days to identify any factual errors. This process is intended to correct inaccuracies in the report and does not provide an opportunity to challenge the inspection findings.

Assuring the quality of inspections

As part of our quality assurance procedures, we invite providers to complete a post inspection questionnaire (PIQ). The questionnaire will be available in the VIR. Providers should complete the first part of the PIQ as soon as possible after the on-site inspection and submit it electronically to Estyn and CIW through the VIR system. They can complete the second part of the PIQ after the publication of the inspection report, again through the VIR system.

We apply a robust quality assurance process to all our inspections. After the end of onsite activity, the report and evidence base are quality assured by both inspectorates. The full evidence base is scrutinised and matched to the report text, to ensure that the two align. In addition, the quality assurance process considers the appropriateness of the level of follow-up, any breach of regulations or identified areas for improvement relating to them, and the recommendations emanating from the inspection. As part of the quality assurance process, recommendations or level of follow-up may be amended, removed or added.

Complaints about the inspection process

If a setting has concerns about the inspection process or the conduct of an inspector, these should be raised with the lead inspector as soon as possible during the inspection. Concerns can often be resolved quickly when discussed at the time they arise.

Each inspectorate has its own complaints procedure, available on its website. Complaints about an individual inspector should be made to the relevant inspectorate. Complaints about the inspection process will be handled under the complaints procedure of the inspectorate leading the inspection.

Some matters cannot be considered through the complaints process, including challenges to inspection evaluations or follow-up decisions. This is because settings have opportunities before and during the inspection to provide evidence and contribute to the inspection team's judgements.

Estyn **Complaints Handling Procedure - Estyn (https://estyn.gov.wales/complaints-handling-procedure/)**

CIW **Raise a concern (http://careinspectorate.wales/raiseaconcern/?lang=en)**

Part 3 – Follow-up guidance

This section provides guidance on follow-up for joint Estyn and CIW inspections which take place from September 2026. The guidance describes the steps that inspection teams will take to help them to agree appropriate follow-up activity when needed.

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 inspections.

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

Follow-up on joint inspections

A setting normally requires a follow-up visit if:

- inspectors find important weaknesses, which impact on outcomes for children or pose a potential risk to their safety or well-being. This would usually result in a ‘poor’ rating.

If either Estyn or CIW identify any important weakness which are of concern, then the setting will be placed in follow-up. Follow-up inspections will normally be carried out jointly. However, there may be occasions where it is agreed that either Estyn or CIW are best placed to undertake a follow-up inspection alone. In these instances, Estyn will follow-up issues in relation to the provision of education and CIW will follow their securing improvement and enforcement policy.

Inspectors should inform the setting that the format of the follow up visit will be confirmed following the quality assurance process. The decision is confidential to the setting until the report is published.

Annex A: 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 (VIR) within five days following the formal notification of the inspection:

- an evaluation of the strengths and areas for improvement of the setting, for example the latest quality of care review
- daily routine
- staff list
- statement of purpose
- child protection and/or safeguarding policy.

Evaluating the setting

We have no preferred method for how providers evaluate the full range of their provision. However, when evaluating the quality of provision, providers should consider the three questions below under each of the following themes:

- Theme 1: Well-being and Care
- Theme 2: Teaching, Learning, Play and Development
- Theme 3: Leadership and Management

Question 1: What do you do well and how does it benefit children? How do you know?

Question 2: What have you improved recently and what difference has this made to children? Please provide examples.

Question 3: What do you need to improve? How do you know? How do you plan to do this?

Annex B: List of documentation required during inspection

Inspectors will ensure that they have enough time to review the evidence they need to decide upon ratings. 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
- assessment information, particularly assessments undertaken when children enter or leave the setting
- details of support for children with additional or emerging needs
- 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
- complaints policy
- lost child policy
- child not collected policy
- behaviour management policy
- information about how parents/ carers are kept informed about their children's progress
- any information that shows how the setting makes good use of links with the community
- information about partnerships
- 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
- safety certificates
- any other information that the setting wishes to be considered

Annex C: 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 three 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 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 setting's 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 **Wales Safeguarding Procedures 2026 (https://estyngovuk-my.sharepoint.com/personal/kevin_davies_estyn_gov_uk/Documents/Desktop/NMS%20Docs%20for%20Meg/**

Beth%20rydym%20yn%20arolygu%20-%20NG_Cymraeg_FINAL.docx), Working (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf) together to safeguard children 2026 (https://www.gov.uk/government/publications/working-together-to-safeguard-children--2) and Keeping Learners Safe 2022 (https://gov.wales/keeping-learners-safe)
- 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 are 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, as specified in National Minimum Standard 13 and Regulation 28 of The Child Minding and Day Care (Wales) Regulations 2010. All necessary safe recruitment checks must be in place before a person provides care for children.

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