

Technical Fire Safety - Ofsted Protocol For Childminding Premises

Standard Operating Procedure No TFS - 034

Document Overview

This document outlines nationally agreed procedures regarding consultation requests from Ofsted and enforcement issues arising from our activities in premises providing childcare in which Ofsted also have an interest.

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This document has been Equality Impact Assessed in accordance with Wiltshire FRS procedure. To view the assessment click [here](#).

1.0 Introduction

- 1.1 The protocol has been developed to assist Fire and Rescue Authorities and Ofsted's Children's Directorate manage their working relationships, with extensive consultation with the CFA Regulatory Reform (Fire Safety) Order Working Group.
- 1.2 Ofsted regulates day care provision for children, such as nurseries, childminders and crèches, and their social care in children's homes and residential special schools. The protocol recognises the changes brought about by the Regulatory Reform (Fire Safety) Order 2005 and the implications of the Fire and Rescue National Framework 2006. Ofsted will consider the continuing suitability of a provider or premises using their own enforcement options, based on advice from other enforcing authorities, if necessary.
- 1.3 General correspondence from Ofsted and correspondence generated by local inspectors is handled remotely through the National Business Unit (NBU) based in Manchester. It is held electronically for one year unless specifically earmarked for longer retention. Ofsted are keen to promote electronic correspondence and Fire and Rescue Authorities are encouraged to develop this aspect of our working relationship. Additionally, Ofsted will make links to the Government guidance for educational premises, residential care premises and the updated CFA guidance for childminders, available on their website.

It is Wiltshire Fire & Rescues policy to follow the nationally agreed protocol.

2.0 Protocol Extracts

- 2.1 Copies of the National Protocol are available in Area Fire Safety Offices, but the following are relevant extracts:

Ofsted and fire and rescue authorities agree to work together to ensure that premises are safe from fire and that should fire occur the safety of the occupants can be assured. Both authorities agree that cooperation between the two organisations is the best way of promoting this objective.

Ofsted will:

- *Provide information to fire and rescue authorities when it receives an application to provide day care, where that care must register with Ofsted; or an application for registration as 'other childcare provider', on non-domestic premises, choosing to register on the voluntary part of the childcare register, in a new building or in premises that have not previously been used as a day-care provision.*
- *Advise fire and rescue authorities about applications for registration for childminding if significant concerns about fire safety on the premises are identified.*
- *Register childcare provisions, before an inspection by fire and rescue authorities takes place, unless serious fire safety concerns are identified.*

- *Ensure during inspections or at registration visits that childcare providers are complying with the National Standards or requirements of registration that relate to fire safety, and that appropriate steps are taken to eliminate any risk of harm to children.*
- *Notify the fire and rescue authority if, during inspection, investigation or at a registration visit, an Ofsted inspector identifies significant concerns about the level of fire safety within the premises. For example, there is no provision of an adequate fire warning system or fire escape. In these cases, Ofsted will provide the fire and rescue authority with the following information:*
 - *contact details of the relevant Ofsted inspector*
 - *name, address and contact information of the provider (responsible person(s) for fire safety)*
 - *type of childcare offered*
 - *number of day-care places offered*
 - *whether overnight care is provided*
 - *the concerns about fire safety.*
- *Refer applicants for registration and existing providers to guidance related to fire safety on the premises. Ofsted will provide a link on its website to this guidance.*
- *Ofsted may take enforcement action against childcare providers if they breach the National Standards or requirements of registration.*
- *Ofsted will not tell fire and rescue authorities, as a matter of course, about prescribed inspections at childcare settings.*

Fire and rescue authorities will:

- *Check for compliance with the Regulatory Reform (Fire Safety) Order 2005 and audit fire risk assessments, but not undertake them, when visiting childcare premises.*
- *Consult Ofsted in writing prior to taking any formal enforcement action (where practical) against a registered childcare provider, because of fire safety concerns at the premises.*
- *Carry out an inspection where Ofsted identifies significant concerns about the level of fire safety at childcare premises, as soon as resources permit.*
- *Prioritise their workload of existing premises utilising a risk-based regime allied to their available resources. Therefore, fire and rescue authorities may audit higher risk day-care premises as part of their enforcement programme.*
- *Investigate any formal complaints regarding the fire safety provision in any premises.*
- *Provide advice, and if necessary, support to Ofsted inspectors regarding the provision or management of fire safety at premises.*
- *Carry out a follow-up visit to ensure that providers comply with the requirements of any fire safety enforcement or prohibition notice. In such cases the fire and rescue authority will liaise with Ofsted.*
- *Inform Ofsted of the result of any significant investigation within an appropriate timescale, and in any case within six weeks.*

- *On formal request from Ofsted, fire and rescue authorities may undertake, jointly or otherwise, audits of new or significantly altered non-domestic premises, immediately prior to, or upon occupation.*
- *Inspections by the fire and rescue authority of childminding premises will only occur if Ofsted raises specific, serious concerns about the level of fire safety on the premises. In these circumstances, the fire and rescue authority may advise the childminder and make recommendations, normally on a goodwill basis only.*
- *Fire and rescue authorities will not carry out a fire safety inspection on behalf of an applicant for registration for childcare, or provide a free consultative service.*

3.0 Unregistered childcare

3.1 *Fire and rescue authorities will tell Ofsted when they have knowledge of unregistered childminding or day-care provision, where care requires registration. The criteria for registration, subject to certain exemptions, are:*

- *any person looking after children under eight years of age, on domestic premises, for more than two hours a day in total, for reward, must register as a childminder with Ofsted*
- *any person looking after children under eight years of age on non-domestic premises for more than two hours a day in total must register as a day-care provider with Ofsted.*

4.0 Electronic communication

4.1 Where possible, Ofsted and fire and rescue authorities will share information with each other electronically. This will provide a quicker and more effective way for them both to respond to requests for information. Ofsted must comply with its internal electronic information management policy in its management of all electronic communication.

5.0 Guidance Documents

5.1 A new guidance document has been produced by CFOA for Fire Safety in childminder in Domestic premises including Flats. This document is available in each Fire Safety Office or on the Wiltshire FRS website. ([Click](#)).

6.0 CFRMIS Administration

6.1 The workflow for licensed premises as detailed in [Risk Management Part 3: CFRMIS Administration](#) using “OF” inspection code and job reasons “CPR, CO or FU” (Pre-consultation, consultation request and follow up respectively).