

EIS Advice on Care Inspectorate Inspections of Early Learning and Childcare ('ELC') Settings

(August 2022)

In February 2022, the Care Inspectorate announced its intention to extend its inspection programme, which as a result of the pandemic had been limited previously to settings identified as high risk.

From 7th March 2022, the Care Inspectorate has been adopting a 'risk and intelligence' approach to the inspection programme and prioritising engagement with:

- those ELC settings which have not been inspected since being registered; and
- those where an inspection has not taken place within the time limits prescribed in the frequency model.

When this scrutiny activity resumed, so too did EIS monitoring of the Care Inspectorate's approach to inspection when visiting ELC settings. We would request that Reps complete the [EIS Inspection Monitoring Form](#) and return it to the Education and Equality Department (gpaton@eis.org.uk) as soon as possible after an inspection has concluded.

The following advice should be read in conjunction with existing [EIS advice](#) in relation to joint Education Scotland and Care Inspectorate Inspection for ELC Settings and the [supplementary advice](#) issued in August 2022 on the resumption of Education Scotland scrutiny activity.

Focus of the Care Inspectorate Inspection Activity

The Care Inspectorate has stated that the focus of inspection activity will be on *'the continuing health and wellbeing of children and the setting's current priorities and improvement plan'*. Recovery principles should, therefore, be a clear focus of discussion.

The Care Inspectorate reference the importance of *'working with practitioners...[to] take account of the impact of the pandemic'* and acknowledge that *'challenges across the sector will continue for some time'*.

The EIS would expect, therefore, that Care Inspectorate inspectors demonstrate due sensitivity to the many challenges that ELC settings, involving staff at all levels and in all roles, have faced in:

- maintaining Covid security in the interests of the health and safety of all in the ELC setting
- responding to the wellbeing needs of children and staff

- responding to trauma
- supporting families in a variety of ways
- adjusting pedagogy and engagement with children to take account of safety measures
- adapting to remote ELC provision
- ensuring effective continuity of provision amidst often high levels and recurrence of Covid-related illness and absence
- seeking to prioritise Recovery as directed by Scottish Government's [guidance](#)
- generally and sustainedly responding to the Covid crisis with often inadequate additional resources having been made available.

With this in mind, members are asked to report to Reps the extent to which they find:

- inspectors to have taken account of the context outlined above throughout the course of the scrutiny activity within the ELC setting; and
- the inspection process to have been helpful in supporting the recovery process within the ELC setting.

Reps are asked to include such reflections within the EIS Inspection Monitoring Form.

Collegiate Discussion

The Care Inspectorate has stated that:

'Inspections will gather evidence on the impact of the pandemic and help [them] identify any national areas for focusing improvement support.'

The EIS expects such evidence will be gathered in the spirit of the Empowerment agenda - based on collegiate discussion and in a way that respects the professionalism of teachers and ELC staff.

Whilst it is understood that not all ELC settings have been affected by Covid disruption in the same ways or to the same degree, no setting has been unaffected. All have faced challenges, many of which have been exacerbated by inadequate staffing resource, as evident both during the periods of remote provision and at points while settings have remained open despite Covid-related absence among ELC staff being high.

Yet the response of ELC settings in the face of such adversity has been testament to the strength and depth of the professional commitment that teachers and other ELC staff have to the children that they teach and care for, and to their families.

In such a context, the EIS advises members, including Headteachers and those managing settings, to be honest and frank in conversations with inspectors about the impact of the pandemic and associated disruption on children, themselves and colleagues, and on families within the ELC community, and about the strength of the setting's response.

The extent to which ELC settings will have been able to progress with improvement priorities as directed by previous inspection activity will, understandably in the midst of a global pandemic, be dependent on the intensity of the Covid impact experienced by the ELC community.

ELC settings, teachers and other ELC staff should not be reticent to highlight the strength of the efforts made and the size of the challenges faced in maintaining provision during all stages of the Covid-19 crisis so far.

It is against such a backdrop that some improvement priorities may have had to be stood down or set to one side for the time being. This, in most cases, is likely to have been entirely in keeping with Scottish Government [advice](#) issued in June 2020, that recovery should be the priority.

Scheduling of Inspection Activity

The Care Inspectorate has indicated its intention to prioritise settings which have not been inspected since registered; and where an inspection has not taken place within the frequency model.

They have stated that 'risk and intelligence, including regulatory history and previous evaluations, will also be considered to identify settings for inspection'.

This announcement should not prompt any activity not already included within the Working Time Agreement, either directed by the setting or the local authority, that is aimed at preparing for inspections 'just in case' a setting is selected.

If this does occur, the matter should be raised immediately by the EIS Rep with the management of the setting, and the Local Association Secretary if necessary, thereafter.

Scheduling of Joint Inspection Activity

On 30th August 2022, Education Scotland and the Care Inspectorate issued a joint letter, advising that they have now increased the period between inspections of ELC settings to **18 months**.

This means that if the setting has been inspected by the Care Inspectorate, then it will **not** receive an inspection from Education Scotland within 18

months of the date of that inspection. The same timescale will apply if the setting has been inspected by Education Scotland. The only exception to this would be if Education Scotland or the Care Inspectorate receive information which suggests there is a higher level of risk and an inspection is judged to be necessary, in which case it would be carried out sooner.

This change will have implications for Primary school nursery classes because Education Scotland inspects the nursery setting and the Primary school at the same time. Accordingly, if a Headteacher of a Primary school with a nursery class is notified of an Education Scotland inspection within 18 months of a Care Inspectorate inspection, Education Scotland will **not** inspect the education provision within the nursery setting unless there is a request by the Headteacher to do so.

The EIS would recommend that in reaching a decision as to whether the nursery setting should take part in the inspection, **Headteacher and Depute Headteacher members engage in collegiate dialogue with the EIS Rep and staff in the nursery class**, to ascertain whether:

1. there is capacity to support the inspection process in terms of current staffing levels and staff wellbeing
2. the Working Time Agreement could support such a visit
3. health and safety would be compromised (a risk assessment should determine this)
4. it is in the overall interests of the nursery setting to proceed with the inspection at that time.

If following such collegiate discussion, it is decided to request that the nursery setting is included in the inspection process and it would be beneficial to the Primary school and the nursery setting, then the Headteacher should discuss this with the local authority, with a view to enlisting the support of centre staff around the inspection.

The EIS would advise that nursery settings should only participate in these Education Scotland inspections with the full support of their local authority throughout the process.

Health and Safety Considerations

Covid Security

The Care Inspectorate has made it clear that they 'will remain vigilant and are committed to carrying out ...inspections safely' and 'continue to take their 'responsibility to the welfare of children and staff ...seriously'.

The EIS would expect that any planned Care Inspectorate visit to an ELC setting will be subject to a risk assessment, with inspectors must adhering

to the routine mitigation measures in place for all ELC settings and any additional mitigations required by the risk assessment, either for the whole establishment or for individual staff members or learners who have bespoke risk assessments in place.

This could mean, for example, that it might not be possible for inspectors to visit certain areas of the setting, where space and ventilation issues would prevent it.

Members should advise the Headteacher and/or the School Rep of any non-adherence to Covid protocols by Care Inspectorate staff visiting an establishment.

Mental Health and Wellbeing

The EIS would also expect that Care Inspectorate staff in visiting any establishment would contribute to efforts towards supporting the mental health and wellbeing of staff, which is a stated priority within all Scottish Government recovery guidance. Where any member finds this not to be the case, the matter should be raised with the Headteacher, manager of the setting and/ or the EIS Rep.