

Complaint about childcare provision

EY287543/C309793

Date: 30/03/2017

Summary of complaint

On 15 February 2017, we received a notification from the provider that raised concerns about whether the provider was meeting the safeguarding and welfare requirements of the early years foundation stage (EYFS), 'Safety and suitability of premises, environment and equipment'. In particular providers must ensure that children do not leave the premises unsupervised.

This means that the provider met their legal responsibility as set out in the EYFS welfare requirements in relation to 'suitable people'. In particular, to notify Ofsted particulars of any significant event which is likely to affect the suitability of the early years provider or any person who cares for, or who is in regular contact with children.

On 23 March 2017 we carried out an unannounced visit to the provider to discuss the incident and consider the detailed information that they provided. We found that a child was able to leave the premises unsupervised. As a result of our visit, we found that the provider had rectified the fencing where a child was able to leave the premises.

We also found the provider was not meeting the requirements for 'Suitable People.' In particular providers must; have effective systems in place to ensure that practitioners, and any other person who is likely to have regular contact with children are suitable. This is because the provider has an adult working with children who does not have any suitability checks. The provider does not leave the adult working unsupervised. We found the provider was not meeting the requirement for 'Staff qualifications, training, support and skills.' In particular providers must; ensure there is a named deputy who, in their judgement, is capable and qualified to take charge in the manager's absence. This is because when the provider left the setting to retrieve some paperwork, there was no named deputy left in charge. We found the provider

was not meeting the requirement for 'Complaints.' In particular providers must; investigate written complaints relating to their fulfilment of the EYFS requirements and notify complainants of the outcome of the investigation within 28 days of having received the complaint. This is because the provider has not objectively looked into complaints made about their provision.

Following the visit, we issued a welfare requirement notice that required the provider to:

Obtain an enhanced Disclosure and Barring Service check for all staff who work on the premises on which childcare is provided.

Ensure there is a named deputy who is capable and qualified to take charge in the manager's absence.

Ensure all written complaints are investigated in relation to the early years foundation stage requirements.

It is an offence for a person who, without reasonable excuse, fails to comply with a welfare requirements notice. Failure to comply may result in a prosecution.

We monitored the actions during an inspection and found that an enhanced Disclosure and Barring Service check was in place for all staff who work on the premises. A named deputy who was capable and qualified to take charge in the manager's absence had not been appointed. The provider identified several staff to act as deputy; this resulted in staff being unable to identify who had overall responsibility for the setting in the manager's absence. We found that written complaints are now investigated in relation to the early years foundation stage requirements.

The inspection judged that the overall effectiveness of the setting was inadequate and did not meet the needs of the children who attend. We suspended the provider's registration because we believed children may be at risk of harm. Suspension allows time for the provider to take steps to reduce or eliminate the risk of harm to children. The suspension remains in place while the Health, Education and Social Care First-tier Tribunal hears the provider's appeal against the decision to suspend. The provider may not provide childcare for which registration is required while the suspension is in place, and may commit an offence if they do so.

On 30 May 2017, the provider withdrew her appeal and resigned her registration.

Publication of complaints

We publish details of complaints made against childminders, home childcarers and childcare providers where we or the provider have taken action in order to meet legal requirements.

We publish details of complaints for five years commencing on the date we complete our investigation.

For further information on how we deal with complaints about providers, please view the *Early years compliance handbook* which can be found here at www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted