

## **Complaint about childcare provision**

402557/C286357

**Date:** 05/10/2016

### **Summary of complaint**

On 6 June 2016, we received a complaint that raised concerns that the provider had failed to protect a young child from sustaining bruising to their legs, or to know how the bruising occurred.

We needed to investigate this concern to see whether the setting was meeting the Early Years Foundation Stage (EYFS) welfare requirements relating to;

'Child protection'. In particular:

Providers must be alert to any issues for concern in the child's life at home or elsewhere. Providers must have and implement a policy, and procedures, to safeguard children. These should be in line with the guidance and procedures of the relevant Local Safeguarding Children Board (LSCB). The safeguarding policy and procedures must include an explanation of the action to be taken in the event of an allegation being made against a member of staff.

Providers must have regard to the Government's statutory guidance 'Working Together to Safeguard Children 2013'. If providers have concerns about children's safety or welfare, they must notify agencies with statutory responsibilities without delay. This means the local children's social care services and, in emergencies, the police.

Registered providers must inform Ofsted or their childminder agency of any allegations of serious harm or abuse by any person living, working, or looking after children at the premises (whether the allegations relate to harm or abuse committed on the premises or elsewhere). Registered providers must also notify Ofsted of the action taken in respect of the allegations. These notifications must be made as soon as is reasonably practicable, but at the

latest within 14 days of the allegations being made. A registered provider who, without reasonable excuse, fails to comply with this requirement, commits an offence.

#### Risk assessment

Providers must ensure that they take all reasonable steps to ensure staff and children in their care are not exposed to risks and must be able to demonstrate how they are managing risks.

#### 'Complaints'. In particular:

Providers must put in place a written procedure for dealing with concerns and complaints from parents and/or carers, and must keep a written record of any complaints, and their outcome. All 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. The record of complaints must be made available to Ofsted on request.

We do not investigate to prove or disprove a complaint but we look into the information we receive to see if the provider is meeting all legal requirements.

We carried out an unannounced visit to the premises and found that provider had investigated the complaint and responded to the complainant and recorded this as required. However, they had failed to follow their own, and the LSCB safeguarding procedures, in reporting the information to the appropriate agencies.

Following our investigation, we issued a notice of action to improve which requires the provider to:

- ensure the implementation of the settings policy and procedure to safeguard children is in line with the guidance and procedures of the relevant Local Safeguarding Children Board
- improve knowledge of the Governments statutory guidance 'Working Together to Safeguard Children 2013' to ensure any concerns about children's safety or welfare are notified to the appropriate agency without delay.

We will monitor the provider to ensure that they meet the action.

The provider remains registered with Ofsted.

## **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](http://www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted)