

## **Complaint about childcare provision**

EY464601/C288727

**Date:** 11/10/2016

### **Summary of complaint**

On 1 July 2016 we received a concern about staffing levels at the nursery and systems for managing behaviour. On 2 September 2016 we received a concern that raised concerns about a child being left unsupervised in the nursery garden for a period of time. We also received a notification from the provider relating to the same event. The notification means that the provider met their legal responsibility as set out in the Early Years Foundation Stage welfare requirements to notify Ofsted of significant events. These concerns relate to the Early Years Foundation Stage (EYFS) welfare requirements.

We liaised with the provider who undertook an internal investigation into their own practice. On 13 September 2016 Ofsted then conducted an unannounced investigation visit to look into the concern to see whether the setting was meeting EYFS welfare requirements, in particular we considered the requirement relating to, Staff to child ratios which states; 'Staffing arrangements must meet the needs of all children and ensure their safety. Providers must ensure that children are adequately supervised and decide how to deploy staff to ensure children's needs are met'. We also considered the requirement relating to, Behaviour management which states; 'Providers are responsible for managing children's behaviour in an appropriate way. Providers must not give corporal punishment to a child. Providers must take all reasonable steps to ensure that corporal punishment is not given by any person who cares for or is in regular contact with a child, or by any person living or working in the premises where care is provided.'

We found that at the time of our investigation visit that the provider had begun their own internal investigation. The investigation confirmed that a child was left unattended in the nursery garden for an extended period of time. The provider had taken appropriate action as a result of this investigation. We reviewed how children's behaviour was managed. We found

no evidence that the provider was not meeting the requirement relating to behaviour management.

At our investigation visit we found that whilst systems had been in place to record children's attendance, some registers had not been maintained and as a result, staff showed a lack of knowledge as to children's whereabouts. We also found that some staff both newly appointed and established were not provided with appropriate supervision. In addition we found that the majority of staff working with the children did not hold appropriate qualifications.

We served a welfare requirements notice to the provider that required them to:

- ensure that all staff receive induction training to help them understand their roles and responsibilities. This training must include information about emergency evacuation procedures, safeguarding, child protection, the provider's equality policy, and health and safety issues
- put appropriate arrangements in place for the supervision of staff who have contact with children and families
- ensure that at least half of all staff must hold at least a full and relevant level 2 qualification
- maintain a daily record of the names of the children being cared for on the premises and their hours of attendance

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.

On 5 October 2016 we carried out a further investigation visit to ensure that the provider was compliant with the notices issued. We found that the actions in the welfare requirements notice had been met and the provider was complying with the safeguarding and welfare requirements of the Early Years Foundation Stage.

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)