

## **Complaint about childcare provision**

EY491074/C315202

**Date:** 12/07/2017

### **Summary of complaint**

On 18 May 2017, we received a complaint that raised concerns that staff had restrained a child with additional needs and attempted to feed the child with force, and that managers had not followed safeguarding procedures or informed parents once they became aware of this incident.

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

- Child protection
- Suitable people
- Staff qualifications, training, support and skills
- Key person
- Food and drink
- Managing behaviour
- Special educational needs
- Information and records
- Information for parents and carers
- Changes that must be notified to Ofsted.

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 the provider had failed to follow their safeguarding procedures and that managers and staff were not sufficiently trained in safeguarding. We found that parents had not been kept informed immediately of concerns raised. The arrangements in place to meet children's needs in the absence of their key person was inadequate. We also found the provider had failed to notify

Ofsted of a significant event, which is a requirement of their registration.

Following our investigation, we issued the provider with a warning letter for not notifying Ofsted of an allegation against a member of staff, and a welfare requirement notice which requires the provider to:

- Ensure the lead practitioners in safeguarding are trained to recognise signs of abuse and know how to implement safeguarding procedures, including if allegations are made against a member of staff.
- Ensure all staff are trained to recognise signs of abuse, including inappropriate behaviour by staff, and know how to implement safeguarding procedures.
- Ensure managers are aware of their responsibility to make a referral to the Disclosure and Barring Service (DBS) should a member of staff be dismissed, or have resigned before being dismissed, because they have harmed a child or put them at risk of harm, and action if necessary.
- Ensure that every child's care is tailored to meet their individual need despite the absence of the child's key person.
- Ensure accurate information is obtained from parents/carers about a child's special health requirements including food preferences.
- Ensure any incident of physical intervention, taken to prevent children from injuring themselves, others or property, is recorded and parents/carers are informed on the same day or as soon as reasonably possible.
- Ensure arrangements are in place to support children with SEN or disabilities, in particular if the SENCO or key person is absent.
- Ensure information is obtained and shared between parents/carers and relevant agencies to meet the needs of all children and to enable the setting to operate in a safe and efficient way.
- Ensure parents remain informed about the food and drink provided to their children and how children with SEN and disabilities are supported.

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 carried out a monitoring visit to the setting to check that the provider was complying with all actions set in the welfare requirement notice. We found that the provider had taken all necessary action, with the exception of an accurate whistle-blowing procedure. The provider rectified this immediately.

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)