

## **Complaint about childcare provision**

EY387536/C315359

**Date:** 31/05/2017

### **Summary of complaint**

On 22 May 2017 we received a complaint which raised concerns about the systems used to manage children's behaviour. These concerns related to the Early Years Foundation Stage (EYFS) welfare requirements.

Ofsted liaised with other professionals and carried out an unannounced investigation to assess whether the setting was meeting EYFS welfare requirements. In particular we considered the requirement relating to, Managing Behaviour which states: 'Providers are responsible for managing children's behaviour in an appropriate way. Providers must not threaten corporal punishment, and must not use or threaten any punishment which could adversely affect a child's well-being'. We also considered the requirement relating to, Child Protection which states: '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 when there are safeguarding concerns about a child and in the event of an allegation being made against a member of staff, and cover the use of mobile phones and cameras in the setting'.

At the investigation we found that the provider had failed to manage children's behaviour appropriately. We also found that the provider had failed to follow safeguarding procedures in order to protect children. Although not related to the initial complaint we found that children were exposed to risks in the environment. We found that the premises and equipment were not organised in a way that meets the needs of the older children who were sleeping or of those who were awake. We also found that a register of children attendance was not maintained.

We liaised with other agencies and suspended the provider's registration because we believed children may be at risk of harm. Suspension allowed time for the provider to make improvements and for the concerns to be investigated fully.

Following our investigation, we issued the provider with a Welfare Requirements Notice requiring them to:

- Implement the policy and procedures to safeguard children. In particular, how to respond in the event of an allegation being made against a member of staff.
- Manage children's behaviour in an appropriate way. Do not use or threaten any punishment which could adversely affect a child's well-being.
- Improve on risk assessment to ensure children are not exposed to risks. In particular, focusing on risks relation to plastic bags in the environment, trailing wires and children's access to rubbish bins.
- Keep daily records of the names of the children being cared for on the premises and their hours of attendance.
- Ensure during sleep times that the premises and equipment are organised in a way that meets the needs of children.

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.

The provider appealed against Ofsted's decision to suspend registration to the Health, Education and Social Care First-tier Tribunal. Having heard the appeal the tribunal's decision was to dismiss the appeal. The suspension remained in place.

We carried out meetings with the staff team and the provider to assess compliance with the welfare requirement notices issued. Although the provider had responded in writing we were not satisfied with the improvements made following the issue of this notice. In particular, we were concerned about the provider's knowledge of safeguarding and systems used to manage children's behaviour.

We suspended registration for a second period to allow the provider more time to bring about the necessary improvements in order to remove risk to children. During this period of suspension we continued to assess risk to children by meeting with the provider and the staff team to further monitor improvements.

We have now lifted the suspension because the provider took appropriate action to deal with the matter that led to the suspension and we are satisfied that there is now no risk of harm to children as a result of this matter.

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)