

Compliance action taken for childcare provision

EY482193/C297459

Date: 15/04/2017

Summary of outcome

On 18 October 2016 the nominated individual, who is also the manager, notified us of a significant event that had occurred at the setting that may have impacted on her suitability. The notification meant that she had met her legal responsibility as set out in the Early Years Foundation Stage welfare requirements to notify Ofsted of any significant events that are likely to affect the suitability of the early years provider.

Following this event the nominated individual was not allowed to be on the premises at the times the setting was operating while further enquiries by other agencies were being made. During this time we found, and also received additional concerns from the local authority including: staff did not know what to do if they had a child protection concern about a child; no-one on site who had completed training to take the lead for safeguarding; the security of the setting was not sufficient; staff were unable to provide evidence that one of the members of staff had completed a disclosure and barring service check and that no-one in the setting held a current paediatric first aid certificate. This led us to believe that while the nominated individual/manager was not allowed to be on the school site where the setting was based, there was no-one able to effectively lead the setting and therefore, children may have been at risk of harm. We took the decision to suspend the setting's registration. Suspension allows time for the provider to take steps to reduce or eliminate the risk of harm to children. The provider appealed to the Health, Education and Social Care First Tier Tribunal against the decision to suspend but this was dismissed by the Tribunal. The setting remained suspended.

As part of our investigation into the concerns raised we issued a notice to improve asking the provider to, ensure that information about the child; ensure that records were easily accessible and ensure that effective systems were in place to ensure that practitioners were suitable.

We became concerned that the nominated individual began to change her account of what had happened during the significant event. During an interview with the nominated individual we found that she had not informed us of a change of circumstances which may have impacted on her suitability. We were then provided with an action plan and also a response to the notice to improve by the nominated individual.

While we acknowledge that these breaches have since been rectified we had concerns that these were not routinely and consistently in place. We also became concerned that the new deputy manager, who the nominated individual told us would be taking charge in her absence, was not competent to do so. This meant that there was no one sufficiently competent to deputise in the absence of the manager. The setting remained suspended.

Following our inspections, we took steps to cancel the provider's registration. The provider objected to us taking this step. Having heard the provider's reasons for objecting to this step, we decided to proceed with cancellation. The provider had a right of appeal against our decision to cancel their registration to an independent external tribunal, the Health, Education and Social Care First-tier Tribunal. The provider appealed against the decision to cancel the registration. However, during this process the provider no longer had premises to operate from and we made an application to the Tribunal to strike out the appeal. The Tribunal agreed to our application and made an order to strike out the appeal on the grounds that the provider no longer had premises to operate from. The provider's registration is therefore cancelled.

Publication of compliance action

We aim to ensure that the welfare of children and young people is protected in the services we regulate. The Childcare Act 2006 and accompanying regulations set out our responsibilities to regulate childminders and childcare providers. This includes the enforcement powers we have in relation to those registered providers who do not comply with the requirements for registration.

We publish details of any actions we take, or the childminder or childcare provider takes to bring about compliance with requirements on our website for a period of five years commencing on the date we complete our investigation.

For further information please read the *Early years compliance handbook* which can be found here at www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted .