

Compliance action taken for childcare provision

EY459365/C323389

Date: 12/01/2018

Summary of outcome

On 15 August 2017, we received a complaint about an allegation against a member of staff in relation to handling of a child. We needed to investigate this concern to see whether the setting was meeting the safeguarding and welfare requirements of the Statutory framework for the early years foundation stage relating to: Child protection 3.4. Providers must be alert of any issues of 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. 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; Staff, qualifications, training and support 3.23. The provider must ensure there is a named deputy who, in their judgement, is capable and qualified to take charge in the manager's absence; Complaints 3.74. 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; Accident and injury 3.50. Providers must inform parents and/or carers of any accident or injury sustained by the child on the same day as, or as soon as reasonably practicable after, and of any first aid treatment given; Managing behaviour 3.52. Provider are responsible for managing children's behaviour in an appropriate way. Providers must not give corporal punishment to a child. Providers must keep a record of any occasion where physical intervention is used, and parents and/or carers must be informed on the same day, or as soon a reasonably practicable.

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. The provider was carrying out an investigation into an allegation against a member of staff however, they had failed to follow Local Safeguarding Children Board and their own child protection policies and procedures by not informing the LADO of an allegation against a member of staff within the appropriate timescales. The provider failed to ensure a parent was informed of an injury to their child as soon as reasonably practicable. The provider also failed to ensure there was a named deputy who, in their judgement, was capable and qualified to take charge in the manager's absence. This meant there was no management available when a parent made a complaint and an allegation made against a member of staff.

Following our investigation we issued a welfare requirement notice which requires the provider to: ensure safeguarding policies and procedures are followed, in line with Local Safeguarding Children Board guidance and procedures when an allegation is made against a member of staff; make sure in the absence of the manager, the named deputy or person in charge is capable, experienced and qualified to take on the role and has the ability to deal with issues and make appropriate decisions including managing ratios, dealing with parent's concerns and any allegations against staff; ensure any accident, injury and first aid treatment is recorded and parents are informed of any of these when collecting their children.

On 9 October 2017 we carried out an unannounced visit to monitor the actions set in the welfare requirements notice and all actions were met however, during the visit we found the following: Staff were not deployed to ensure children's needs were met. For example, the deputy manager who was in ratios but also carrying out management duties. A notice to improve to ensure staffing ratios are met and staffing arrangements meet the needs of children to ensure their safety was issued; Daily records of the names of the children being cared for on the premises, their hours of attendance and the names of each child's key person were not accurate and staff could not confirm the number of children in attendance. A welfare requirement notice was issued.

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 prosecution.

We carried out an unannounced visit on 16 November 2018 to monitor the welfare requirement notice and the notice to improve. All actions within the

notices had been met.

The provider remains registered with Ofsted.

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 .