

Building better childcare

Concerns and complaints about childminders and childcare providers

We are responsible for the regulation of childminders and childcare providers in England. Those wishing to provide childminding or childcare that requires registration for children aged under eight **must** register with us, unless exempt from doing so.¹ This includes:

- childcare provision on domestic or non-domestic premises
- childminding on domestic premises.

We register suitable applicants on:

- the **Early Years Register** if they offer childcare for children in the early years age group (children aged from birth to the 31 August following their fifth birthday)
- the **Childcare Register** (the compulsory part) if they offer childcare for children aged from the 1 September following their fifth birthday until their eighth birthday.

We also accept applications from providers who offer childminding or childcare that do not require registration, but who **can choose** to register with us on the voluntary part of the Childcare Register. This includes: providers offering childcare for children aged eight to 17; home childcarers, such as nannies, caring for children in the home of one of the children; and other providers who are not required to register, such as those providing sports activities.²

We can register childminders and childcare providers on either or both registers depending on the type of service(s) they

offer and age range of the children for whom they provide care.

All those we register to provide childcare, except for home childcarers, must have a written procedure for dealing with concerns and complaints from parents and carers.³

What if I have a concern?

If you have a concern regarding the protection of a child looked after by a childminder or a childcare provider, please see the section below, 'What if I have a child protection concern?'

If you have concerns about the quality of the care your child is receiving you should first discuss your concern with your childminder or childcare provider, unless you feel unable to do so.

If you are a parent or carer and cannot resolve your concern through discussion, you can make a formal written complaint to the childminder or childcare provider.⁴

What must the provider do?

If you are a parent or carer and make a formal written complaint to your childminder or childcare provider, which relates to the requirements of registration, they must carry out an investigation into your complaint. They must provide you with an account of the findings of the investigation within:

- **28 days** of receiving your complaint, if your child is in the early years age group and your provider is only registered on the Early Years Register⁵

- **20 days** of receiving your complaint, if your child's provider is registered on any part of the Childcare Register.⁶

All registered childminders and childcare providers, except for home childcarers, should tell you about any action they have taken or intend to take as a result of their findings. You can ask your childminder or childcare provider to give you a written response to your complaint. All registered childminders and childcare providers, except for home childcarers, must keep a record of all written complaints.

At what point can I contact Ofsted?

You can contact us at any time about any concerns about a childminder or childcare provider. However, we suggest that you first discuss your concerns with the childminder or the person in charge. If you are not satisfied with the response from the person in charge, or your concern relates to an issue you are unable to discuss with them, you can contact us.

We can only consider matters related to the requirements for registration or any conditions of registration. We cannot deal with any concerns you may have that fall outside of these, such as:

- contractual or payment disputes
- employee/employer matters.

Sometimes a complaint will cover some matters that fall within our remit and others that do not. In these circumstances we will make it clear to you which aspects we will include in an investigation or inspection. If you do have a concern that is not related to any requirement of registration, your local Family Information Service or Citizen's Advice Bureau may be able to help. You will find their telephone numbers in your local telephone directory. You can also telephone ChildcareLink on 0800 234 6346 for details of your local Family Information Service.

How do I contact Ofsted?

- Write to us at Ofsted National Business Unit, Royal Exchange Building, St Anne's Square, Manchester M2 7LA. Email: enquiries@ofsted.gov.uk
- Telephone us on **08456 404040** (the person you speak to may transfer your call to a colleague who is more able to help).
- Speak in person to any Ofsted staff member.

It is useful if you work out what you want to say before contacting us, and make a note of any key people, times and dates.

You should tell us if you have already discussed your concern with your childminder or childcare provider and what action if any they took. If you have not discussed this with your childminder or childcare provider we may ask you why this is the case.

You do not have to give us your name and contact details but it may help us to investigate your concern if we are able to contact you, for example, to clarify information. We will try to keep your details confidential if you ask us to; however, this may not be possible in all cases. Sometimes the provider may be able to work out who has raised the concern. If we take any action against the childminder or childcare provider which results in a court case or a tribunal hearing, it may not be possible to keep your identity confidential.

If you provide your contact details when you tell us about your concern, we will send you a letter confirming the information you have given us. After reading this letter you can provide any additional information that you think might help.

If your concern was initially made in writing to your childminder or childcare provider it is helpful if you send us:

- a copy of your original written complaint

- an account of the findings given by the childminder or childcare provider
- any action taken or that is proposed to be taken by the childminder or childcare provider
- the reasons why you are not satisfied with the childminder or childcare provider response.

What we will do

We will consider your concerns very carefully and will decide how to deal with the matters you have raised.

Those registered on the Early Years Register

We investigate concerns that relate to the provider meeting welfare, learning and development requirements.⁷ In all cases, we do not investigate concerns to prove or disprove your complaint. Instead we investigate concerns to check that the childminder or childcare provider is meeting the requirements.

As part of our investigation we may initially require the provider to look in to the concern and report back to us, particularly if it involves someone in their employment. The childminder or childcare provider must report to us about:

- what they did
- the conclusions they reached
- any actions they took or intend to take as a result of their findings.

If we decide the action taken by a childminder or childcare provider is not sufficient we will take further action, which may include carrying out an investigation visit.

Alternatively, we may carry out an investigation visit ourselves. This can be announced or unannounced.

Following our investigation we make a decision about whether or not we or the childminder or childcare provider need to take any action to ensure that they continue

to meet welfare, learning and development requirements and remain registered (see 'Actions we can take' below).

Those registered on the Childcare Register

If the childminder or childcare provider **must** register or **chooses** to register with us on the **Childcare Register**, we will carry out an inspection to check that the provider is meeting all the requirements of registration, including any that relate to the concern you have raised with us.⁸ At the end of the inspection we make a decision about whether or not we or the childminder or childcare provider needs to take action to ensure that they continue to meet the requirements for registration.

Those registered on the Early Years Register and Childcare Register

If the childminder or childcare provider is registered on both registers we carry out:

- an investigation (as outlined above) into any concerns relating to meeting the welfare, learning and development requirements for the **Early Years Register**
- an inspection (as outlined above) into any concerns relating to the requirements for registration on the **Childcare Register**.

Actions we can take

Once we have completed our investigation or inspection there are a range of measures that we use to ensure that a childminder or childcare provider complies with the relevant requirements. We normally take the lowest action necessary to bring about compliance with requirements, taking into account the risks to children and the impact on their welfare.

We can:

- raise actions setting out what a provider must do to meet requirements
 - serve a legal notice called a welfare requirements notice setting out

what steps an **early years provider** must take and by when in order to remain compliant with the law.⁹ It is an offence not to comply with the notice by the date specified

- impose, vary or remove conditions of registration. Conditions restrict or provide permission for the registration to operate in a particular way such as limiting the number of children for whom a provider may care or allowing overnight care
- cancel a registration; we take this step in exceptional cases where we believe alternative action would not safeguard children or ensure compliance with the law
- prosecute a provider if they have committed an offence; we consider prosecution where we believe other action would not achieve the required outcome and it is in the public interest to do so.

If we have reason to believe that children are at risk of harm we may suspend a childminder's or childcare provider's registration.¹⁰ This allows us time to investigate the matters causing concern, and for steps to be taken to reduce or eliminate the risk of harm. We have a separate leaflet available on suspension.¹¹

How will I know what you have done?

If we investigate a complaint relating to a childminder or childcare provider registered on the **Early Years Register**, and you give us your contact details, we will provide you with a written summary of our investigation when it is complete. We will set out any action we took or required the childminder or childcare provider to take in order to meet the requirements with that registration. We will tell you whether the childminder or childcare provider remains registered. We will publish details of any complaints where we, or the childminder or childcare provider, took action to ensure that they meet the

requirements for registration in inspection reports.

If we receive a complaint about a childminder or childcare provider who **must** or **chooses to** register on **the Childcare Register**, and you give us your contact details, we will write to you about the outcome of our inspection. Unless we take steps to cancel registration, we will also publish an inspection letter on our website. This letter sets out whether the childminder or childcare provider meets the requirements for registration and, if necessary, any action that they must take in order to remain registered.

If the complaint or concern means that other agencies are involved, for example, the local authority or the police, we may be unable to complete our investigation or carry out an inspection until the other agency has gained enough information to make a decision about what it will do. In these cases, it may be some time before we are able to provide you with any information.

What if I am not satisfied with your response?

If you are not satisfied after receiving our response to your complaint, you should contact us and we will try to resolve your concern. If you are still dissatisfied, we will tell you how to make a formal complaint about us.

What if I have a child protection concern?

Sometimes a complaint raises concerns about the protection of children. Where this is the case we have a duty to pass on details to the police and/or local authority so they can decide whether to investigate.

If you think your child or another child in the care of a childminder or childcare provider may be at risk of harm, you should telephone the local authority immediately, then notify us on **08456 404040**. You can get your local authority contact details from

your local phone directory, or online at www.dfes.gov.uk/localauthorities/index.cfm?action=authority.

Other childcare arrangements

As a result of your concerns you may wish to make alternative care arrangements for your child or children. Your local Family Information Service can provide details of other registered childminders and childcare providers with current vacancies.

Useful addresses and contacts

- Ofsted National Business Unit
Royal Exchange Building
St Anne's Square
Manchester M2 7LA
Helpline: 08456 404040
Website:
www.ofsted.gov.uk/parents.
- Family Information Services
national helpline: 0800 298 9121.
- Acts of Parliament and supporting legislation. You can find the Acts and other legislation mentioned in this leaflet online at www.opsi.gov.uk.

Additional information and supporting notes

1. Section 33 and 34, and section 52 and 53 of the Childcare Act 2006 set out the requirements for registration. You can find out more about the requirements for registration in publications available from our website:

- *Guide to registration on the Early Years Register: childcare provider on domestic or non-domestic premises*
(www.ofsted.gov.uk/publications/080017)
- *Guide to registration on the Early Years Register: childminder*
(www.ofsted.gov.uk/publications/080013)
- *Guide to registration on the Childcare Register*

(www.ofsted.gov.uk/publications/080032).

2. Chapter 4 of the Childcare Act 2006 sets out the legal basis for joining the voluntary part of the Childcare Register.

3. A parent is any person who has parental responsibility for a child.

4. This does not apply to registered home childcarers.

5. The *Statutory Framework for the Early Years Foundation Stage*, page 23. This document is available from the Department for Children, Schools and Families:
www.standards.dfes.gov.uk/eyfs/resources/downloads/statutory-framework.pdf.

6. The Childcare (General Childcare Register) Regulations 2008. Regulation 6 applies to those who are registered to provide childcare services for children from 1 September following their fifth birthday until their eighth birthday. Paragraph 18 of schedule 3 of those regulations sets out the procedures for these registered persons when dealing with complaints about the service they offer.

Regulation 12 applies to those, except home childcarers, who choose to register with us to provide childcare services. Paragraph 19 of schedule 6 of those regulations sets out the procedures for these registered persons when dealing with complaints about the service they offer.

7. The welfare, learning and development requirements that registered providers must meet are contained in the Statutory Framework for the Early Years Foundation Stage.

8. The requirements for registration on the Childcare Register are contained in the The Childcare (General Childcare Register) Regulations 2008.

9. We can only serve a welfare requirement notice on those registered on the Early Years Register who fail to comply with the welfare

requirements (regulation 9 of the Early Years Foundation Stage (Welfare Requirements) Regulations 2007).

10. Those we register can resign their registration while suspended. Those who **choose** to register with us may resign their registration and continue to offer the childminding or childcare service for which they were registered outside of registration. This is not the case for those who **must** register, as it is an offence to provide childminding or a childcare service that requires registration without being registered.

11. Our leaflet *Building better childcare: information for providers and parents and carers on suspending the provision of childcare* is available from our website: www.ofsted.gov.uk/publications/080056.

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