

Building better childcare

Information for providers and parents and carers on suspending the provision of childcare

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 and non-domestic premises
- childminding on domestic premises.

We register suitable applicants on:

- the **Early Years Register** if they offer childminding or 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 childminding or 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 childminding or 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.

What does suspension mean?

Suspension means that for a set period of time a childminder or childcare provider cannot offer the service(s) for which they are registered.³

For childminders or childcare providers who **must** register with us, it is an offence to provide registered childcare while suspended.⁴

Suspension does not automatically mean a childminder or childcare provider is unsuitable to provide care in the future or that we will cancel registration. We only take steps to cancel registration if we consider that childminders or childcare providers are no longer suitable to provide childcare.

What might lead to suspension?

We may suspend the registration of a childminder or childcare provider when we receive information that gives us reasonable cause to believe that the continued provision of childminding or childcare may expose a child or children to a risk of harm.

We may receive information about concerns about:

- child protection
- health and safety matters (such as structural work or infestation of the premises)
- the suitability of the provider, including their health

- public health, including communicable diseases.

What is the purpose of suspension?

Suspension allows time for us to investigate the circumstances giving rise to a concern and, where necessary, for us or the provider to take steps to reduce or eliminate the risk of harm.

We may suspend registration while we, or another agency, such as the police or local authority, carry out an investigation. We may also share with the police and local authority any appropriate information relating to child protection or other concerns.

What is the suspension process?

When we suspend a registration, we send the provider a letter called a 'notice of suspension'. This notice sets out:

- the reasons for suspension
- the period of suspension
- our legal powers
- the provider's right of appeal.

If other agencies are also investigating the concerns, we may not be able to provide full details about what these are or complete our investigation until all other enquiries are complete. We will provide what information we can, and provide further details when it is agreed that we can do so with other agencies. In such cases, we are not usually the lead organisation investigating the concern and the lead agency may be able to provide more information.

We tell the relevant information services, such as the Family Information Service, when we suspend a provider's registration. We also tell them when we stop suspension.

During the period of suspension we will monitor the provider to ensure that they do not continue to offer the service for which they **must** be registered.

How long does suspension last?

We suspend providers initially for a period of six weeks. We stop suspension as soon as we believe children are no longer at risk of harm.

Where enquiries are complicated or the risk of harm is not reduced or eliminated, we may suspend the provider's registration for a further period of six weeks. In some circumstances we can extend this further while an investigation continues, or action is taken. This is usually when other agencies such as the police are involved.

In all cases where we suspend a provider's registration, we review our decision regularly so that we can decide if it needs to continue.

We may stop suspension at any time if we believe children are no longer at risk. However:

- if the provider **must** register with us we may decide to continue to investigate any concern we have
- if the provider **chooses** to be registered on the voluntary part of the Childcare Register, we may inspect them against the requirements for registration
- we may decide to take further action against the registered person⁵
- if we believe children are suffering or likely to suffer significant harm, we can apply to a magistrates' court for an emergency order to protect the welfare of those children. These orders may change the conditions that apply to a provider's registration or cancel a registration straight away.⁶ 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.

What can a provider do if we suspend their registration?

Registered childminders or childcare providers cannot provide the service for which they are registered while suspended. Those who **choose** to be registered on the voluntary part of the Childcare Register can resign their registration at any time and continue to provide the service for children that does not require registration with us.⁸

Any suspended childminder or childcare provider can appeal to the Health, Education and Social Care Chamber (the Chamber) against our decision to suspend their registration, if they disagree with our decision to suspend. They must do this within 10 days from the date on the notice telling them we have suspended their registration.⁷ The suspension remains in place while the Chamber hears the appeal.

A suspended childminder or childcare provider may write to us at any time to provide any new information that may enable us to stop suspension.

Applying for an appeal

Childminders and childcare providers wishing to appeal against our decision to suspend their registration must do so in writing to the Chamber.⁸ They must make their appeal within 10 days of the date of the notice of suspension. Childminders and childcare providers can obtain guidance on how to appeal from the Chamber by:

- writing to the secretary of the Health, Education and Social Care Chamber I at: 18 Pocock Street, London, SE1 0BW
- telephoning 020 7960 0660 (line open 09.00 to 17.00, Monday to Friday)
- faxing 020 7960 0661 or 0662
- emailing*
CST@tribunals.gsi.gov.uk
- using the website*
www.carestandardstribunal.gov.uk.

Chamber decisions

The Chamber may decide to allow the appeal and stop suspension straight away. If the Chamber dismisses the appeal the provision remains suspended.

Childminders and childcare providers may have the right of review or appeal against the Chamber's decision.

Informing parents and carers

We tell all parents and carers of children who are cared for by a provider whose registration we suspend, where we are able to do so. Where possible we give the reasons for our decision to suspend the registration. Sometimes we are unable to give parents and carers this information because it is personal data which we cannot disclose.⁹

We tell parents and carers, where we are able to do so, when we stop a suspension and the provider can continue to look after their children.

Confidentiality

We take great care to ensure that access to personal or sensitive information meets the legal requirements of people's human rights and data protection. However, we may lawfully share information we hold about registered providers with other agencies, such as the police, to assist them in any investigation.

Other childcare arrangements

Parents and carers may need to make alternative arrangements for their children. Their 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/Ofsted-home/About-us/Parents-and-carers.
- 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 including the requirements for registration.

3. Part 4 of The Childcare (Early Years and General Childcare Registers) (Common

Provisions) Regulations 2008 sets out our powers of suspension.

4. Section 69 (suspension of registration) of the Childcare Act 2006.

5. Our powers include: setting actions; serving welfare requirement notices (this applies only to those on the Early Years Register); imposing, varying or removing conditions of registration; cancelling a registration; and prosecuting a provider if they commit an offence.

6. Section 72 (protection of children in an emergency) of the Childcare Act 2006.

7. Those registered on the Early Years Register and the compulsory part of the Childcare Register cannot resign a registration from a particular register if we have served a notice of our intention to cancel, or notice of our decision to cancel, a registration from that particular register.

8. The Health, Education and Social Care Chamber is an independent body established under section 3 of the Tribunals, Courts and Enforcement Act 2007. The functions of the Care Standards Tribunal transferred to the Chamber on 3 November 2008.

9. Data Protection Act 1998.

*For now, the Chamber is not updating its email and website to reflect its new name.

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