



Guidance

Suspending a childcare provider

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Introduction

Sometimes we need to suspend a provider's registration. We only do this if we believe a child or children may be at risk of harm. This does not always mean that the provider has done something wrong. It gives us or other agencies, such as the police or the local authority, time to look into concerns. It also gives us or the provider time to take steps to reduce or remove any risk to children. We will end the suspension as soon as we are satisfied that children are not at risk.

The Childcare Act 2006 and The Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008 enable us to suspend a provider's registration if we reasonably believe that the continued provision of childcare may expose a child to a risk of harm. Suspending registration means that, for a set period, the provider cannot provide childcare that requires registration with Ofsted. The provider will commit an offence if it does so. However, the provider can:

- offer other childcare at a setting where we have suspended the registration if that childcare does not need to be registered
- operate from any other registered setting not affected by the suspension
- operate if the setting is registered on the voluntary part of the Childcare Register

How Ofsted suspends a registration

We try to discuss our concerns with the provider before reaching a decision about whether to suspend the registration. However, this is not always possible.

We suspend a registration by sending the provider a letter called a 'notice of suspension'. The notice sets out:

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

The law says that providers on the compulsory part of the Childcare Register must display a notice of the suspension at the registered setting.

The length of a suspension

We suspend registration for a set period of 6 weeks and review our reasons for suspension regularly during that period. During the 6-week period, we monitor the setting to make sure the provider does not continue to provide any service that would need to be registered.

We end the suspension as soon as we believe that children are no longer at risk of harm, for example if a provider has taken action to reduce the risk to children. If we do end the suspension, we may still continue to look into any concerns we have about the provider's ability to meet the requirements of registration and we may take further action if we need to.

We may extend the suspension for a further 6 weeks (to a total of 12 weeks) if we believe the risk of harm to children continues. In some circumstances, we can extend the period of suspension beyond 12 weeks if, for reasons outside our control, we cannot complete our enquiries or remove the risk of harm in that time period. The most likely reason for this is that other agencies such as the police are involved and need more time to conduct their own investigations.

Involvement of other agencies

Sometimes the reason we suspend registration is because we have child protection concerns. If we have these concerns, we must tell the police and local authority what we know so that they can decide whether to look into the matter. We may decide to suspend registration based on information they give us. We may also suspend registration if children are at risk of harm because of health or environmental concerns.

If other agencies are investigating concerns, we may not be able to complete our own enquiries until they have finished.

Actions a suspended provider can take

Providers should continue to work with us to make sure they are doing all they can to meet the requirements or their conditions of registration. They can also:

- write to us at any time with new information or details about steps they have taken that may allow us to end their suspension (we consider that information and, if we believe children are no longer at risk of harm, we end the suspension)
- resign their registration at any time, including while they are suspended, unless we have already given them notice of our intention to cancel their registration. Those that resign can offer childcare that does not need to be registered with us, but they will commit an offence if they offer childcare that must be registered
- appeal if they disagree with the suspension

Appeals against suspension

Providers that want to appeal against our decision to suspend their registration must write to the First Tier Tribunal (Health, Education and Social Care Chamber) ('the Tribunal'). They must make their appeal within 10 working days of the date of the notice of suspension. For information on the appeals process, please see our guidance on [how to appeal](#).

The Tribunal will send the provider the relevant information. The Tribunal may agree with the appeal and end the suspension immediately; but if not, the provider will still be suspended. Providers may have the right to appeal against the Tribunal's decision or to ask them to review it, and should follow the Tribunal's guidance on this.

What Ofsted tells parents and carers

We ask providers for details of all parents and carers who use the setting, including family members and children who only attend before or after school. We expect providers to be open and honest with us when sharing this information. They should ensure that they give us the correct contact details for parents and carers.

When we suspend a registration, we write to the parents and carers whose children are cared for by that provider to tell them what we have done. We also write to tell parents and carers when we end the suspension.

In cases where another agency is carrying out an investigation, such as into child protection concerns, we tell the suspended provider, parents and carers to contact the lead agency, which may be the police or local authority. We do this because the agency leading the investigation may be able to give more information than we can.

Confidentiality

We ensure that we comply with the obligations set out in human rights and data protection legislation. We may share information we hold with other agencies to help them in any investigation. What data we collect and what we do with it are published in our [privacy notices](#).

Alternative childcare arrangements for parents and carers

When we suspend a provider's registration, parents and carers may need to make other childcare arrangements. Their local authority can provide details of other registered childcare providers in their area that have spare places. You can find [your local authority and their contact information online](#).

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