

Building better children's services: Concerns and complaints about childcare providers

Age group: 0 to 17

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Concerns and complaints about childcare providers

Ofsted is responsible for the regulation of childminders and day-care providers in England, where care is provided for children aged under eight for more than two hours in any one day.¹ These providers **must** register with us.

Childminders and day-care providers who **must** register with us have to meet the National Standards for under 8s day care and childminding.² These are the minimum standards, set by government, below which no provider must fall.

We also regulate those providers who **choose** to register on the voluntary part of the Childcare Register. These are providers of care for children aged from eight to 17; home childcarers, such as nannies, caring for children from birth to age 17 in the home of one of the children; and other provision where compulsory registration is not required, such as those providing sports activities.³

Providers who **choose** to register on the voluntary part of the Childcare Register have to comply with a set of requirements relating to the people providing the care, the premises on which care takes place and the way in which the childcare is provided.

What if I have a concern?

Sometimes parents and others with an interest in childcare have concerns about the quality of registered childcare services.

You should first discuss your concern with the childcare provider, unless you feel unable to do so. If you are a parent and cannot resolve your concern through discussion, you should make a formal complaint to the provider in writing.⁴

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

What will the childcare provider do?

All day-care providers who **must** register with Ofsted are required to have a written complaints procedure for you to follow.

If you are a parent and make a formal written complaint to your day-care provider which relates to one or more of the National Standards, he or she must carry out an

¹ Registration under Part XA of the Children Act 1989; available from www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_1.htm.

² See page 7 for details. The National Standards are available from Surestart: www.surestart.gov.uk/publications/index.cfm?document=153.

³ Registration under the Childcare Act 2006; available from www.opsi.gov.uk/acts/acts2006/20060021.htm.

⁴ This does not apply to registered home childcarers.

investigation into your complaint.⁵ If you are a parent with a child at the setting, the registered provider must provide you with an account of the findings of the investigation within **28 days** of receiving your complaint.

Childminders who **must** register with us are not required to have a written complaints procedure, but do have to meet other requirements in investigating and reporting complaints as set out above.

Childminders and day-care providers who **must** register with us to provide care for children aged under eight have to share appropriate information from the complaints record with parents on request.

Providers who **choose** to register on the voluntary part of the Childcare Register, with the exception of home childcarers, must also have a written complaints procedure. If you are a parent and make a formal complaint to your childcare provider in writing that relates to a requirement of registration, they must carry out an investigation into your complaint.⁶ If you are a parent with a child at the setting, the registered provider must provide you with an account of the findings of the investigation within **20 days** of receiving your complaint.

All registered 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 the childcare provider to provide you with a written response to your complaint. All registered childcare providers, with the exception of home childcarers, must keep a record of all written complaints.

At what point should I contact Ofsted?

If you are not satisfied with the response from the childcare provider, or your concern relates to an issue you are unable to discuss with them, you can contact us.

If the provider **must** register with us, we will investigate concerns that relate to their compliance with the National Standards.

If the provider **chooses** to register with us, we will carry out an inspection where concerns relate to a requirement of registration on the voluntary part of the Childcare Register.

In all cases, we do not investigate or inspect to prove or disprove your complaint. Instead we investigate to check that the childcare provider is complying with the National Standards, or inspect to see whether the provider is meeting the

⁵ See the Day Care and Child Minding (National Standards) (Amendment) (England) Regulations 2005 the Childcare (Voluntary Registration) Regulations 2007; available from www.opsi.gov.uk/si/si2005/20052303.htm.

⁶ See the Childcare (Voluntary Registration) Regulations 2007; available from www.opsi.gov.uk/si/si2007/20070730.htm.

requirements of registration on the Childcare Register and remains suitable to provide childcare. We also investigate where we believe that people who have not registered with us are providing childcare for which they **must** register.

How do I contact Ofsted?

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

If you have not discussed your concern with the childcare provider before contacting us we will usually ask you to, unless you have a good reason for not doing so.

You should work out what you want to say before contacting us. Please note any key people, times and dates.

If you telephone us we will send you a letter confirming the information you have given us. You should provide any additional information in writing that you did not provide on the telephone. 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.

If your concern has been put in writing, please enclose, where available, a copy of your original complaint to the provider, an account of the findings and any action taken or proposed by the provider, and the reasons you are not satisfied with the provider's response. Please include a telephone number in case we need to contact you for further information or clarification.

If you ask us we will try to keep your details confidential; however, this may not be possible in all cases. Sometimes the childcare provider may be able to work out who has raised the concern. If we take any action against the childcare provider which results in a court case or a tribunal hearing, it may then not be possible to keep your identity confidential.

What we do not consider

We do not consider any issues between the provider and the complainant that are not related to the National Standards or the requirements for registration on the Childcare Register, such as:

- contractual or payment disputes
- employment matters.

In these cases we will tell you that the matter in question is not one that we have any legal power to investigate or inspect.

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 our investigation or inspection. If you do have a problem that we are not able to investigate, your local Children's Information Service (CIS) or Citizen's Advice Bureau may be able to help. Their telephone numbers are in local directories. You can also call ChildcareLink on 0800 2 346346 for details of your CIS.

What we will do

We consider very carefully all concerns about the registration of childcare providers and take appropriate action.

Where a complaint relates to providers who **must** register with us, we may ask them to investigate, particularly if it involves someone in their employment, or we ourselves may investigate. If we ask providers to investigate, then they must tell us:

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

If we decide a provider's response is not sufficient we will take further action, including carrying out our own investigation.

When we investigate, we visit the provider. An investigation visit can be announced or unannounced. Following an investigation we make a decision about what action we or the provider must take to ensure that they continue to meet the National Standards. If a provider cannot or will not meet the National Standards then we may take steps to cancel registration.

Where a complaint relates to a provider who **chooses** to register on the voluntary part of the Childcare Register we schedule an inspection to check that the provider is complying with the requirements of registration. At the end of an inspection we make a decision about what action we or the provider needs to take to ensure that they continue to meet the requirements for registration. If a provider cannot or will not meet the requirements for registration, then we may take steps to cancel registration.

We have a range of powers that we use to ensure that a person complies with the National Standards or the requirements of registration.

We can:

- set actions
- issue a compliance notice⁷
- impose, vary or remove conditions of registration

⁷ Ofsted can only issue a statutory compliance notice to providers registered under Part XA of the Children Act, to provide care for children aged under eight.

- cancel a registration
- prosecute a provider if they have committed an offence.

Where we have reason to believe that children are at risk of harm, we may suspend the registration of the provider to allow time for an investigation into the matters causing concern, or for steps to be taken to reduce or eliminate the risk of harm. We have a separate leaflet available on suspension.⁸

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 local authority so they can decide whether to investigate.

How will I know what you have done?

If we investigate a complaint relating to a provider who **must** register with us, 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 registered provider to take in order to meet the National Standards. We will tell you whether the registered provider remains qualified for registration. We will include details about complaints in our inspection reports in cases where we, or the provider, took action to ensure that they remained qualified for registration.

If we receive a complaint about a provider who **chooses** to register on the voluntary part of the Childcare Register, we will inform you in writing of the outcome of our inspection. Unless we take steps to cancel registration, we will also publish a letter on our website. This letter will set out whether the provider meets the requirements for registration and, if necessary, any action that the provider 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 concern, you should contact us. 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?

If you think your child or another child in the care of a childcare provider may be at risk of harm, you should telephone the local authority immediately, then notify us on

⁸ *Building better childcare: information for providers and parents on suspending the provision of childcare* (Ofsted), May 2007; available from www.ofsted.gov.uk/publications/070050.

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.

Ofsted

Ofsted National Business Unit
Royal Exchange Building
St Anne's Square
Manchester M2 7LA

Helpline: 08456 404040
Website: www.ofsted.gov.uk/parents

National Standards

The National Standards for under 8s day care and childminding cover:

- childminding
- full day care
- sessional day care
- crèches
- out-of-school care.

They are available:

- from the DCSF Publications Helpline on 0845 602 2260
- online from www.surestart.gov.uk/publications/index.cfm?document=153.

Guidance for the National Standards is available from Ofsted:

- from the Ofsted Publications Centre on 07002 637833 (email freepublications@ofsted.gov.uk)
- online from www.ofsted.gov.uk.