Concerns and complaints about childcare providers

Guidance for parents and carers, or anyone with a concern about a childcare provider

Sometimes parents and other people with an interest in childcare have complaints or concerns about the quality of a registered childcare service or childminder. This leaflet explains what to do if you have a complaint or a concern.

We can look into any matter related to the requirements and conditions of registration. We will also look into concerns about people providing childcare who are not registered with us as childcare providers.

We cannot deal with other issues you may have, such as disputes about contracts or fees.

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Introduction

We register childcare on two registers: the Early Years Register and the Childcare Register. People can apply to join one or both registers. We register:

- childminders
- other types of childcare such as nurseries and pre-schools, and
- home childcarers who look after children in the family home.

Each register and type of childcare has different requirements that registered childcarers must meet. You can find out more about the registers and the differences between their requirements by phoning or writing to us using the contact details at the end of this leaflet. Or, go to our website at www.ofsted.gov.uk/Ofsted-home/Forms-and-guidance/Browse-all-by/Care-and-local-services/Childcare.

What sort of concerns or complaints will you look into?

We look into any concern or complaint that a provider is not meeting the requirements of the registers they are on or their conditions of registration. We also look into concerns that a person is providing childcare which must be registered. You can tell us about any of these by phoning us or writing to us using the contact details at the end of this leaflet.

Sometimes a complaint will include matters that we cannot look into. These are concerns which are not to do with a person's registration but may be about issues like disputes about contracts or fees.

Concerns where children are at risk of harm

If you are concerned about harm or possible harm to a child, you should phone the local authority or the police immediately. Your local authority children's services department must look into concerns about protecting children. You can get contact details for your local authority from your local phone directory, or online at www.dcsf.gov.uk/everychildmatters/?action=authority. You should also tell us if your concerns are about a registered provider or anyone connected with the registration of a provider. Our contact details are at the end of this leaflet.

Telling the childcare provider

Unless you think children are at risk of harm from the childcare provider, it is usually best if you discuss your concerns with the provider or the person in charge before you contact us. If you are a parent or carer and cannot sort out your concern through discussion, you can make a formal complaint by writing to the provider. The law says that providers must have a process for handling written complaints. Home childcarers do not need to have this process.

If you are a parent or carer and you make a formal written complaint about one or more of the requirements or conditions of registration, your provider must carry out an investigation. They must tell you about the outcome of their investigation, and any action they take, or plan to take, as an outcome of your complaint. They must do this within:

- 28 days of receiving your complaint if they are registered on the Early Years Register, or
- 28 days of receiving your complaint if they are registered on the Childcare Register.

You can ask to have the outcome of their investigation in writing. If you are not satisfied with their response, or your concern relates to a matter you cannot discuss with your provider, you can contact us. Our contact details are at the end of this leaflet.

All registered childcare providers, except home childcarers, must keep a record of written complaints.

Will you act on a concern or complaint if I don't give my name?

You do not have to give us your name and contact details. However, it may help us to investigate your concern or complaint if we can contact you, for example, to check information.

We look into any complaint made by a member of staff of a registered setting who wishes to remain anonymous, or any complaint that suggests a child is at risk of harm. However, we ask providers to investigate, and report back to us, on other anonymous complaints if they suggest a provider is failing to meet the requirements of registration.

If you tell us your name, we will try to keep your details confidential even if you do not ask us to. However, this may not be possible in all cases, and sometimes the provider may be able to work out who has made the complaint. If we take any action against the childcare provider which results in a court case or a tribunal hearing, it may not be possible to keep your identity confidential.

What should I tell you?

Before contacting us, you may find it helpful to work out what you want to say and make a note of any relevant people, times and dates. Please tell us if you have already discussed the matter with the provider and what action, if any, they took. Please include a phone number in case we need to contact you for more information.

If you have already put your concern or complaint in writing to the provider, please send us a copy of your original letter to the provider if possible. Please also send any letters from the provider telling you about the outcome of their investigation, and

any action they took or said they would take. We would find it helpful if you can tell us why you are not satisfied with the provider's response.

If you provide your contact details, we will send you a letter making it clear to you which matters we will look into and confirming the information you have given us. After reading this letter you can give us any extra information that you think might help.

What will you do?

We will consider your concern or complaint very carefully before deciding which matters we can look into. We will write to you to tell you about the matters we will look into and any specific issues that we cannot. If we tell you that we cannot look into a specific issue, your local citizens advice bureau or family information service may be able to help. Their phone numbers are in local directories. You can call 0800 234 6346 for details of your nearest family information service (FIS) or visit www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=userslist&listid=7&Itemid=72.

When we receive a concern or complaint about a provider, our role is not to prove or disprove that information. Instead, we will look to see whether the information means the provider is failing to meet, or failed to meet at the time of any incident, the requirements and conditions of their registration.

We look into all concerns or complaints. Sometimes we do this by visiting the provider. Depending on the type of concern, our visit may be announced or unannounced. If the provider is registered on the Childcare Register only, we carry out an inspection. After our visit we decide what action, if any, we or the provider must take to make sure that they continue to meet the requirements and conditions of registration.

Or, we may sometimes ask the provider to look into the matter and report back to us, particularly if there is a concern about someone they employ. The provider must tell us:

- what they did
- the conclusions they reached, and
- any action they took or plan to take.

If we decide the provider's response is not good enough, we will investigate ourselves.

We have powers to make sure that providers keep to the requirements and conditions of their registration. If we find the provider is not meeting those requirements, we can do the following.

- We can write to the provider telling them what they must do to meet the requirements. We call this 'setting actions'. Normally this is all we need to do to make sure providers meet the requirements.
- We can send a provider on the Early Years Register a legal notice, called a welfare requirements notice. This sets out what the provider must do, and by when, to meet the welfare requirements.
- We can change or add new conditions of registration, such as limiting the number of children the provider can care for.
- We can prosecute a provider if they have committed an offence.
- We can cancel a provider's registration, in exceptional cases, if we believe nothing else will protect children or to make sure the provider keeps to the law.

If we believe that children are at risk of harm, we may suspend the provider's registration so we can investigate, or take steps to reduce or remove the risk of harm. We have a separate leaflet available if you would like more information on suspension. You can get our leaflet 'Information for providers and parents and carers on suspending the provision of childcare' by phoning or writing to us using the contact details at the end of this leaflet and from our website at www.ofsted.gov.uk/publications/080056.

When deciding whether we need to take action, or what action we need to take, we must be fair to the registered provider. We cannot stop a provider from earning their living without good reason. This means that we will not take action unless we have strong evidence or unless we have reasonable cause to believe children are at risk of harm. We will do as much as we can to reassure parents, and others who raise concerns, that we have:

- taken those concerns seriously
- looked into those concerns, and
- taken action where necessary.

Will you involve other agencies?

Sometimes a concern or complaint raises issues about protecting children. If this is the case, we have a duty to tell the police and local authority what we know so they can decide whether to investigate.

How will I know what you have done?

If we look into a concern or complaint about a provider on the Early Years Register, or on both the Early Years and Childcare Registers, and you give us your contact details, we will give you a written summary of our investigation. We will set out any action we took, or the provider took, to meet the requirements and conditions of registration. We will tell you whether the provider is still registered.

We will also publish information about relevant concerns or complaints on our website with the other details we hold about the provider. Relevant concerns or complaints are those where we, or the provider, took action to make sure that they meet the requirements for registration. We will not publish information about concerns or complaints when no action was needed. We will remove information on concerns or complaints five years after an investigation is complete.

If we receive a concern or complaint about a provider who is only on the Childcare Register, and you give us your contact details, we will write to you about the outcome of our inspection. Unless we 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 to stay registered.

If the concern or complaint involves other agencies, for example, the local authority or the police, we may not complete our investigation or carry out an inspection until the other agency has decided what it will do. In these cases, it may be some time before we give you any information.

What if I am not satisfied with your response?

If you are not satisfied with our response to your concern or complaint, please contact us and we will try to deal with your unease. If you are still not satisfied, we will tell you how to make a formal complaint about our work.

What can the provider do?

A provider should work with us to make sure they meet the requirements or the conditions of registration. A provider can object and then appeal against our decision to suspend their registration, to change, add or remove a condition of their registration or to cancel their registration.

A provider can resign their registration at any time, unless we have written to tell them that we intend to cancel their registration. This includes while they are suspended. Those who resign can offer childcare that does not need registration with us, but they will commit an offence if they offer childcare that must be registered.

Useful addresses and contacts

Ofsted

Ofsted National Business Unit
Royal Exchange Building
5th, 6th and 7th Floors
Piccadilly Gate
Store Street
Manchester
M1 2WD

Helpline: 0300 123 1231
Website: www.ofsted.gov.uk/parents

Family Information Services

For details of your nearest Family Information Service, phone 0800 234 6346 or visit: www.familyinformationservices.org.uk/index.php?option=com_comprofiler&task=userslist&listid=7&Itemid=72.

Local authorities' contact details

Available from your local phone directory, or online at: www.dcsf.gov.uk/everychildmatters/?action=authority.

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects registered childcare and children's social care, including adoption and fostering agencies, residential schools, family centres and homes for children. It also inspects all state-maintained schools, non-association independent schools, pupil referral units, further education, initial teacher education, and publicly funded adult skills and employment-based training, the Children and Family Court Advisory Support Service (Cafcass), and the overall level of services for children in local authority areas.

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