



# @Home Childcare's Policies



**Enforcement and Complaints  
Policy for childminder educators**

**December 2019**



# 1. Enforcement Policy

## 1.1. Introduction

1.1.1. If we find that a registered provider or manager is in breach of the regulations, depending on the seriousness of the breach, we will either:

- Cancel their registration
- Suspension of registration

1.1.2. This policy is written in accordance with the following regulatory documents:

- The Childminder Agencies Regulations 2014
- Section 75 of the Childcare Act 2006
- Working Together 2015
- Early Years Foundation Stage (Welfare Requirements)
- Childcare (General Childcare Register) Regulations 2008

## 1.2. Cancellation of an educator's registration

1.2.1. As set out in the regulations, @HCC will cancel an educator's registration on the Early Years Register and/or the General Childcare Register for the following reasons:

- If it appears to @HCC that the person has become disqualified from registration by regulations under section 75 of the Childcare Act
- If the person is no longer registered with @HCC childminder agency

1.2.2. For other reasons such as:

- If we are no longer satisfied with the registration requirement e.g. it appears to the agency that the registration requirements have ceased to be satisfied
- that the educator has failed to comply with any other requirement imposed by regulations under the relevant Chapter of the Childcare Act 2006
- Business grounds e.g. if we decide we no longer wishes to work in a particular geographical area or if the educator has unpaid fees

1.2.3. In all cases HCM follow the procedures set out in the Childminder Agencies Regulations.

1.2.4. The procedure for cancelling a provider's registration is as follows:



- 1.2.4.1. @HCC will issue a *Warning Notice to Improve* to a registered educator where the quality of the care they are responsible for falls below what is legally required by the regulations.
  - 1.2.4.2. The warning notice will inform the educator they are not compliant with the requirements of the EYFS regulations but it may include other legislation that they are legally obliged to comply with in delivering the service such as the Childcare General Register.
  - 1.2.4.3. The Warning Notice usually follows a regulatory visit, such as inspections and other unannounced visits, where the educators fail to comply with the requirements and it is at risk of impacting on the well-being of children.
  - 1.2.4.4. The Warning Notice will clearly state the action the educator needs to take to comply with the requirements of the EYFS and the timescale for doing so.
  - 1.2.4.5. Where the failure to meet the requirement(s) is continuing, the Warning Notice gives the educator a timescale of 28 days for them to become compliant.
  - 1.2.4.6. A Confirmation of Improvement letter is sent to the educator if s/he completes the actions need to improve, as set out in the initial warning notice.
  - 1.2.4.7. An educator who has improved will continued to be regularly monitored for at least 6 months to ensure s/he remains compliant.
- 1.2.5. When using warning notices, we will:
- Focus on the outcomes for children and their families
  - Be proportionate
  - Be consistent
- 1.2.6. An educator who have had their registration cancelled by @HCC does not have the right to appeal. Instead, they can seek alternative registration with Ofsted or another childminder agency.
- 1.2.7. @HCC reserves the right to make an unannounced quality assurance visit if we receive information, from whatever source, regarding the quality of the care falling short of what is legally required by the regulations.

### 1.3. Suspension of an educator's registration

- 1.3.1. As per the Childminder Agencies Regulations, we may suspend an educator's registration if we believe there is reasonable belief of 'risk of harm' to a child including . This need not necessarily be direct harm caused by the action of an educator. It could instead include inaction by an educator which creates a risk of harm through an unsafe practice or part of the provider's



premises. It could also be a risk of harm through the association with an unsafe person or a potential unsafe person.

- 1.3.2. We follow the Local Safeguarding Children Board Procedures in the event of an allegation which may involve suspension. The procedure for suspension of an educator regarding a safeguarding concern is outlined in the Local Authority Council Procedures for Allegations against Staff and Volunteers
- 1.3.3. We will issue a written notice of suspension informing the registered provider of:
  - the reason why we are suspending registration
  - the period of suspension
  - that it is an offence to provide childcare that requires registration while suspended
- 1.3.4. The period for which @HCC will suspend an educator is up to 6 weeks, beginning with the date specified in the notice of suspension.
- 1.3.5. @HCC will also seek advice about timescales from the LA who will have their own timescales for investigating allegations and concerns.
- 1.3.6. In the most serious cases, we may take steps to cancel the educator's registration following a period of suspension.
- 1.3.7. Educators are not permitted to practice whilst they are suspended. @HCC will ensure suspension is enforced by outlining the legal and criminal implications, if an educator continues to provide childcare whilst suspended. It is an offence which may ultimately be prosecuted and, if found guilty, the provider may be fined.
- 1.3.8. If the staff member resigns before the investigation is complete @HCC will inform them in writing that the investigation will continue despite their resignation.

## 1.4. Right to Appeal

- 1.4.1. We recognise a suspension of the registration of an educator carries an immediate loss of livelihood and it is important that agency decisions in this area are checked by an independent body – as is the case when Ofsted suspends a provider.
- 1.4.2. As such, educators may exercise their right to appeal to a suspension by appealing to the Tribunal (Health, Education and Social Care Chamber).
- 1.4.3. @HCC will follow the Appeals process as set out in Ofsted handbook, 6.3 Appeals for Childminding and Childcare
- 1.4.4. @HCC will seek support from their insurer re: an appeal to the Tribunal.



1.4.5. If at any time during a period of suspension, it appears to @HCC that the circumstances set out in that regulation no longer exist, we will lift the suspension.

## 1.5. Termination of registration

- 1.5.1. Childminder Agencies Regulations set out that an educator may, at any time outside of their contract terms, choose to end its registration with an agency – signalling that they wish to be removed from the Early Years Register or (as the case may be) from Part A or Part B of the General Childcare Register.
- 1.5.2. An educator may choose to terminate their registration if they are no longer active or practising, or simply to enable them to seek registration with another agency or Ofsted.
- 1.5.3. The educator who wishes to terminate their registration and is outside of their contract terms with @HCC must provide 3 months' notice of their decision
- 1.5.4. @HCC will provide an acknowledgement of their termination notice and confirm the end of registration date in writing to the educator.
- 1.5.5. The educator must settle their account before the date of their termination. This includes the period left on their contract. Termination of registration will not be granted if there is a debit balance on the educator's account, as per our registration agreement.

## 1.6. Educators not complying with the Early Years Foundation Stage

- 1.6.1. Like all providers registered on the Early Years Register, our registered educators must comply with the requirements of the EYFS.
- 1.6.2. The procedure for dealing with non-compliance is follows:
  - Any non-compliant issue will be dealt with in the first instance by the educator's SAM who will seek to discuss the issue informally and provide support to help the educator to improve. The support could be a professional discussion or issuing a requirement to attend some CPD training on the relevant topic of the EYFS. This formally recorded in writing as a notice to improve and kept in the educator's electronic file.
  - If the educator's non-compliance continues, @HCC will issue a *Warning Notice to Improve*. The Warning Notice will include actions of what the educator needs to do to improve their practice to meet the requirements.
  - If the educator's non-compliance continues, we will serve notice to cancel their registration within 28 days.



1.6.3. In addition, a serious breach of the welfare requirements amounts to criminal offences which may make the registered educator liable to criminal charges and convictions. The offences are:

- Using corporal punishment against the child; and
- Failing to notify @HCC of certain events and failings to provide us with certain information within a specified timeframe.
- Criminal proceedings are the responsibility of Ofsted but @HCC will work to support and provide information to the Chief Inspector, if required.

## 1.7. Sharing information about enforcement actions with other bodies for the purpose of protecting children from harm or neglect

1.7.1. As per the Working Together to Safeguard Children guidance, @HCC will supply information to the LADO about the suspension, cancellation or termination of a registered educator for safeguarding children reasons. Please refer to section 7.8, Information Sharing, for other reasons when we share information.



## 2. Complaints Policy and Procedure

- 2.1. @HCC aims to provide a quality service to our customers: parents and registered providers. We understand there may be times when a may wish to make a complaint.
- 2.1.1. Complaints can be about:
- The registered provider
  - @HCC service
- 2.1.2. Complaints can be made by:
- the registered provider
  - Parents
- 2.1.3. @HCC takes complaints seriously. We have a policy and procedure in place to deal appropriately with complaints within a reasonable timeframe.

### 2.2. Complaints by registered provider or a parent about @Home Childminding Service

#### Stage 1

- 2.2.1. Any complaint made by a registered provider should first be discussed with their Support, Advice and Mentoring (SAM) who will try and resolve the problem with them.

#### Stage 2

- 2.2.2. If the complaint is unresolved at this stage, the provider will be asked to put their complaint in writing to @HCC management for investigation. The manager/director will acknowledge the complaint in writing within 7 days and the investigation will be completed within 21 days.

### 2.3. Complaints by a parent about a registered provider

#### Stage 1

- 2.3.1. In the first instance, the parent is encouraged to resolve the matter directly with the registered provider.

#### Stage 2



2.3.2. If the complaint is unresolved at this stage, the parent will be asked to put their complaint in writing to @Home Childcare, for investigation. The manager/director will acknowledge the complaint in writing within 7 days and the investigation will be completed within 21 days.

2.3.3. @HCC will inform all parties of the outcome of the investigation in writing following the completion of the investigation.

## 2.4. Ofsted

2.4.1. Ofsted inspects educator agencies. If educators or parents have a serious concern about @Home Childcare, you can contact Ofsted, their details are:

- Tel: 0300 123 1231
- Website: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

