



@Home Childcare Policies

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Quality Childcare Built on Trust

Enforcement Action

7.1. Introduction

7.1.1. If we find that a registered educator or manager is in breach of regulations, we take proportionate action to bring about compliance. Depending on the seriousness of the breach, we will either:

- Issue a Warning Notice to Improve
- Suspend their registration
- Cancel their registration

7.1.2. Our approach is proportionate. We use the least level of action necessary to:

- Address the seriousness of the non-compliance
- Reduce or eliminate any risk of harm to children
- Secure sustained improvement in the quality of the provision

7.1.3. This policy is written in accordance with:

- The Childminder Agencies Regulations 2014
- Section 75 of the Childcare Act 2006
- Working Together to Safeguard Children
- The EYFS Statutory Framework (Welfare Requirements)
- Childcare (General Childcare Register) Regulations

7.2. Breaches and Warning Notice to Improve

7.2.1. As with all early years providers, our registered educators must comply with EYFS requirements.

7.2.2. Our process for dealing with non-compliance is as follows:

7.2.2.1. The educator's SAM raises the concern, discusses what happened and provides support. This may include professional discussion or requiring relevant CPD.

7.2.2.2. We always issue a breach letter.

- Minor or one-off breaches usually stop at this stage once improvements are made.
- Significant breaches, or repeated breaches, may lead to a *Warning Notice to Improve*, increased monitoring or additional requirements.

7.2.2.3. A Warning Notice sets out the actions required to meet the EYFS.

- All Warning Notices and breach letters are stored electronically in the educator's file.
- If non-compliance continues, a notice of intention to cancel may be issued (28 days).

7.2.3. 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. These offences include:

- Using corporal punishment against a child
- Actions that fall under the umbrella of child abuse or neglect, or actions that obstruct the regulatory process

Criminal proceedings are the responsibility of Ofsted via the Crown Prosecution Service, but @HCC will support and provide information to Ofsted when required.

7.3. Cancellation of Registration

7.3.1. @HCC will cancel a childminder's registration on the Early Years Register and/or General Childcare Register where:

- The individual is disqualified from registration under Section 75
- Requirements of registration are no longer satisfied
- The educator has failed to comply with requirements under the Childcare Act
- Business grounds apply (e.g. withdrawal of service from a geographical area; unpaid fees)

7.3.2. All cancellations follow the Childminder Agencies Regulations.

7.3.3. When issuing Warning Notices or cancellation decisions, we remain:

- Focused on outcomes for children
- Proportionate
- Consistent

7.4. Suspension of Registration

7.4.1. We may suspend an educator's registration if there is a reasonable belief of risk of harm to a child. This may include:

- Direct actions by the educator
- Inaction that creates unsafe practice or conditions
- Risk associated with another person connected to the household or setting

7.4.2. Suspension decisions are case-by-case, based on the level of risk and what is required to protect children.

7.4.3. We follow local safeguarding partnership procedures for allegations involving suspension.

7.4.4. The Notice of Suspension

When suspending, we will:

- Inform the educator in person or by telephone
- Explain how and when the notice will be served
- Remind them it is an offence to provide childcare during suspension
- Require immediate notification to all parents and confirmation that children have been collected

7.4.5. Where other agencies (police, LA, LADO) are involved, we may be restricted in what information we can disclose.

7.4.6. The written notice includes:

- Reason for suspension
- Length of suspension
- Our enforcement policy
- Right of appeal
- Reminder of the offence of providing childcare while suspended

7.4.7. Notices are issued by email.

7.4.8. During the Suspension

@HCC will:

7.4.8.1. Keep the educator updated through written communication or telephone calls

7.4.8.2. Maintain contact with other investigating agencies

7.4.8.3. Notify the LA's Children's Social Care team, Family Information Service and Early Years teams of the suspension and outcome

7.4.9. Suspension may be lifted with no further action once enquiries confirm the educator remains suitable.

7.4.10. Suspension lasts for an initial 6 weeks, with one further extension of 6 weeks if needed. In exceptional circumstances, suspension may extend beyond 12 weeks only where:

- Completing investigations is not reasonably practicable
- Grounds for suspension remain

7.4.11. Compliance with suspension may be monitored through unannounced visits.

- 7.4.12. We review suspension regularly and lift it once risks no longer apply.
- 7.4.13. Educators may submit new information at any time for us to consider lifting the suspension.
- 7.4.14. When suspension is lifted, we inform the educator, parents, LA and other relevant agencies immediately.
- 7.4.15. Voluntary cancellation does not halt investigations; we continue enquiries and retain relevant information.
- 7.4.16. We also consider whether referrals to other agencies (e.g. DBS) are required.
- 7.4.17. All suspensions are reviewed by our internal panel to ensure decisions are proportionate and robust.
- 7.4.18. Educators may appeal suspensions to the Tribunal. Expedited timelines apply.
- 7.4.19. Where an educator works in multiple settings, the suspension applies to all of them, but those settings do not automatically close if other suitable staff remain available.
- 7.4.20. Where ratios or staffing become insufficient because multiple individuals are suspended, the setting may have to close temporarily.
- 7.4.21. We seek timescale advice from the LA as part of their investigative process.
- 7.4.22. Educators must not provide childcare during suspension. We outline legal and criminal implications clearly.

7.5. Right to Appeal

- 7.5.1. Suspension results in immediate loss of income, so independent scrutiny is vital. Educators have the right to appeal via the First-Tier Tribunal (Health, Education and Social Care Chamber).
- 7.5.2. We reference Ofsted's, *How to Appeal: Guidance for Childcare Providers* in the Notice of Suspension.
- 7.5.3. @HCC may seek advice from insurers in relation to Tribunal appeals.
- 7.5.4. We lift suspensions immediately when grounds no longer apply.

7.6. Termination of Registration

- 7.6.1. Educators may terminate their registration at any time outside their contract terms.
- 7.6.2. Termination may occur because the educator no longer practises or wishes to move to another agency or to Ofsted.
- 7.6.3. Three months' notice is required when outside contract terms.

7.6.4. @HCC confirms termination in writing.

7.6.5. Accounts must be settled in full before removal from the register.

7.7. Sharing Enforcement Information

We share relevant information with the LADO and other safeguarding agencies, in line with Working Together, where enforcement action relates to the protection of children from harm or neglect.

Complaints Policy and Procedure

9.1. Introduction

9.1.1. @Home Childcare aims to provide a high-quality service to parents and registered educators. We recognise that concerns or complaints may arise from time to time.

Complaints may relate to:

- A registered educator
- @Home Childcare's service

Complaints may be made by:

- A registered educator
- A parent

9.1.2. We take all complaints seriously and have procedures in place to ensure they are handled promptly, fairly and transparently.

9.2. Complaints by a Registered Provider or Parent About @Home Childcare

Stage 1

9.2.1. Any complaint from a registered educator should first be discussed with their SAM, who will try to resolve the issue informally and quickly.

Stage 2

9.2.2. If the complaint is not resolved, the educator will be asked to put the complaint in writing to @Home Childcare management.

- The manager/director will acknowledge the complaint in writing within 7 days.
- The investigation will be completed within 21 days.

A written response will then be provided to the educator.

9.3. Complaints by a Parent About a Registered Educator

Stage 1

9.3.1. Parents are encouraged to raise concerns directly with the educator first, as most issues can be resolved informally.

Stage 2

9.3.2. If the matter remains unresolved, parents may submit a complaint in writing to @Home Childcare for investigation.

- The manager/director will acknowledge the complaint within 7 days.

- The investigation will be completed within 21 days.

9.3.3. If the child continues to attend the educator's setting, @Home Childcare will inform all parties of the outcome in writing once the investigation is concluded.

9.3.4. If the child has left the setting or the educator has terminated the childcare arrangement, we may not always inform the parent of the outcome unless the complaint is serious or relates to safeguarding.

9.4. Ofsted

9.4.1. Ofsted inspects childminder agencies. If parents or educators have a serious concern about @Home Childcare, they may also contact Ofsted:

- Tel: 0300 123 1231
- Website: www.ofsted.gov.uk

