

22 July 2016

Ms Judy Reddy

Our Reference: CAS-360151-8TK6RZ

Sent via Email:

request-343921-ebf23990@whatdotheyknow.com

Dear Ms Reddy

Your request for information

Thank you for your request dated 5 July 2016 in which you have requested the following information:

- A. Please advise how many complaints and concerns you have received in each of the last two years about: 1. Childminders and home childcarers 2. Pre school nurseries 3. Childminding agencies.*
- B. What procedure(s) are used to deal with complaints and concerns?*
- C. What was the outcome of these complaints and concerns statistically?*
- D. How are complainants notified about outcomes?*

As explained in our acknowledgment letter we have dealt with your request in accordance with the Freedom of Information (FOI) Act 2000.

Normally, the first requirement of the Act is that we should confirm whether or not we hold information of the description set out in your request. We are then under a duty to provide you with all the information we hold which falls within the scope of your request, provided it is not 'exempt' information.

However in this case, having given your request full consideration, we are of the opinion that to locate the information you have requested would exceed the appropriate limits set out under section 12¹ of the Act. In such circumstances where a public authority, such as Ofsted, is considering the use of section 12 it is obliged under section 16 of the Act to provide advice and assistance to the individual making the request.

¹ <http://www.legislation.gov.uk/ukpga/2000/36/section/12>

It may be useful for me to explain that Ofsted is not a complaints adjudicator. We do not investigate complaints against childcare providers to determine whether or not they should be upheld. Our role is to establish whether a registered person is meeting the requirements of the Statutory Framework for the Early Years Foundation Stage or the requirements for registration on the Childcare Register, and make a decision on whether a person remains suitable or fit for registration or whether someone is providing care for which registration is required.

Ofsted's policy and approach to its compliance, investigation and enforcement work for providers who are registered on the Early Years and/or the Childcare Register is set out within our published *Early years compliance handbook*².

Part two of the handbook sets out Ofsted's approach to compliance and enforcement; in particular where we have received information or notification about a provider. In all cases, where information is received, it is subject to a risk assessment to identify whether any of the requirements are not being met and what action should be taken. This may be to:

- bring forward an inspection of the provider, so that it is done more quickly than we had planned
- refer the information to the provider if it is about a minor matter, and look at what the provider has done in relation to this matter when we next carry out their next scheduled inspection
- liaise with other agencies, for example if the information given to us raises concerns that another agency must deal with, such as child protection concerns (in these cases we will carry out a full inspection once any other agencies have finished their work with the provider)
- conduct our own investigation into whether or not the provider is meeting requirements (again, we will carry out a full inspection once our investigation is finished).

Where concerns were referred to a provider or an inspection is brought forward the case will be closed; however the outcome is likely to be separate given that an inspection will be carried out at a later date which will result in a published report.

In all cases where Ofsted receives information, be it a concern from a member of the public, a notification from the provider, internal information observed at inspection or where it is received from another public body; a case is logged against the individual registration. There is no difference to the classification of the case to identify the type of information to which it relates. Consequently we would have to look at every case that has been logged to ascertain whether or not it was because a concern or complaint had been received. We have identified in excess of 40,000 cases were created across our early years remit over the last two and half years.

² <https://www.gov.uk/government/publications/early-years-provider-non-compliance-action-by-ofsted>

Furthermore we do not classify providers as 'Pre-school nurseries'; this type of provider is covered under the category of childcare on non-domestic premises and would include such providers as nurseries, out of school clubs and holiday clubs. We do not have a sub category of these providers and therefore are unable to conduct a search of only one subtype of provider such as you have requested in point 'A'.

Finally as explained above, we are not a complaints adjudicator, and as such where an individual contacts Ofsted, with concerns, it is explained to them that our role is not to investigate their specific concerns. Complainants may receive an acknowledgment letter setting out how the information they have provided is used and what the options are available to us as a result of them sharing their concerns. However as we are not investigating their individual complaint, rather we are looking to ensure providers are meeting the statutory requirements for registration, we do not provide any further update or notification on outcome.

It is our view that we would be unable to answer points 'A' and 'C' of your request within the cost limits set out under section 12 of the Act and cannot see a feasible way for you to narrow this aspect to bring it within the appropriate limit. We hope that the information in this letter and that published on our website answers points 'B' and 'D'.

I trust that this letter clearly explains our position. Should you wish to submit a revised request taking into account the information above we will happily consider it. If you would like to discuss it further or have any queries about our response please contact Alastair O'Neill on 0300 013 1287 and he will do his best to address them.

Alternatively, if you are dissatisfied with our response or the handling of your request, you may request a formal internal review. In order to do this, please write to the following address, setting out which areas of the response you are unhappy with:

Email: Alma Kucera at informationrequest@ofsted.gov.uk or write to:

Head of Information
Commercial Services Division
Ofsted
Aviation House
125 Kingsway
London
WC2B 6SE

If you are not content with the outcome of the internal review, you also have the right to apply to the Information Commissioner for a decision as to whether or not we have complied with our obligations under the FOI Act with respect to your request. The Information Commissioner can be contacted at:

<https://ico.org.uk/concerns/getting/>

or:

Customer Contact
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Yours sincerely,

Emma Exton
Deputy Director, Operations