

**Care Standards**

**The Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care) Rules 2008**

**Heard on 31 January and 1 February 2017**

**At Liverpool Civil & Family Court, 35 Vernon Street, Liverpool**

**[2016] 2764.EY**

**Before**

**Mr H Khan (Judge)**

**Ms P McLoughlin (Specialist Member)**

**Mr J Hutchinson (Specialist Member)**

**Sandra Burrows**

**Appellant**

**-v-**

**Ofsted**

**Respondent**

**DECISION**

## **The Appeal**

1. Ms Sandra Burrows (the “Appellant”) appeals to the Tribunal against the Respondent’s decision dated 22 June 2017 to cancel her registration from the Early Years Register, the compulsory part of the Childcare Register and the voluntary part of the Childcare Register.

## **Restricted Reporting Order**

2. The Tribunal makes a restricted reporting order under Rule 14(1) (a) and (b) of the 2008 Rules, prohibiting the disclosure or publication of any documents or matter likely to lead members of the public to identify the children or their parents in this case so as to protect their private lives.

## **Attendance**

3. The Appellant represented herself and was supported by a parent Ms NB. We heard oral evidence from the Appellant and NB.
4. Mr Duncan Toole (Solicitor) represented the Respondent. The Respondent’s witnesses were Ms Sue Smith (Early Years Consultant) & Ms Laura Lawton (Social Worker) who were both employed by Cheshire West and Chester Local Authority. Ms Joan Madden (Early Years Regulatory Inspector) and Ms Elaine White (Early Years Senior Officer) who were both employed by the Respondent also attended and gave evidence.

## **Events leading up to the issue of the notice of statutory suspension**

5. The Appellant has been a registered child minder since 16 October 1992, operating from her home address.
6. Since registration, the Appellant has been inspected on a number of occasions. She was inspected on 4 November 2003 (rated as “Satisfactory” which is now graded as “Requires Improvement”), 17 May 2005 (rated as “Inadequate”), 25 January 2006 (rated as “Inadequate”), 21 July 2010 (rated as “Good”), 24 August 2015 (rated as “Requires Improvement”) and 3 August 2016 (rating of “Inadequate with Enforcement”)

7. On 19 May 2016, the Respondent received a referral from Ms Laura Lawton (Social Worker) due to concerns involving two children, JW & EW, aged 3 and 1 respectively. The nature of the concerns was that the Appellant had not made any referrals regarding what she described as numerous bruises on the children, including some on the head and on one of the children's ear. Furthermore, it was alleged that the Appellant had not recorded details of where and when these injuries had occurred.
8. On 27 May 2016, the Regulatory Inspector, Ms Joan Madden attended the Appellants setting to discuss the concerns with her. It was discovered that the Appellants 19-year-old daughter and 16-year-old son had not been appropriately cleared through OFSTED. There were also concerns raised subsequently including that the Appellant had an out of date safeguarding policy, that she failed to inform the Respondent of household members who had moved out, a lack of an attendance register and a failure to understand and explain the Prevent Strategy or Female Genital Mutilation (FGM).
9. On 7 June 2016 a Notice of Intention to cancel registration was sent to the Appellant by the Respondent. On 22 June 2016, a Notice of Decision to cancel the registration was sent to the Appellant.
10. On 15 August 2016, a Welfare Requirements Notice (WRN) was sent to the Appellant. The Welfare Requirements Notice (WRN) set out the actions to that the Appellant needed to improve on and the date by which the actions needed to be completed.
11. The Respondent then carried out a further full inspection on 3 August 2016 which concluded with a rating of "Inadequate with Enforcement". The inspection found various concerning features including safeguarding being ineffective, leadership and management found to be weak, the learning needs of the children not being met, activities were not planned for the children that would support the seven areas of learning, children were not learning about the importance of being healthy, drinking water was not accessible to children and parents were not provided with meaningful information on the child's progress in an order to support the learning at home. Furthermore, it was alleged that the Appellant had not kept herself updated and had not taken up training opportunities offered by the Local Authority.

## **Issues**

12. The parties had, as directed, completed a Scott Schedule of disputed issues. The Appellant's position changed during the course of the hearing and under cross examination. Although she had accepted some of the allegations made against her in the Scott Schedule in advance of the hearing, her position changed further as during the hearing and after hearing the evidence, she made accepted almost all the allegations.
13. The parties provided the Tribunal with an agreed Scott Schedule (attached to this decision) which confirmed that the only allegation in dispute was whether or not there was enough emphasis being placed on promoting the communication skills of the very young children and for those identified as having a language delay.
14. The other issue was whether, in light of the admissions, the cancellation was necessary and proportionate

### **Legal framework**

15. There was no dispute about the legal framework. The grounds for cancelling the registration of a childcare provider are set out in section 68 of the Childcare Act 2006. The Chief Inspector for Ofsted may cancel a childminder's registration under section 68 of the Childcare Act 2006 if it appears to him that the childminder has failed to comply with the requirement of the Early Years Foundation Stage.
16. The Respondent asserts that under section 68(2)(a) and (c), the Appellant has failed to comply with the prescribed requirements in the Childcare (Early Years Register) Regulations 2008 and the Childcare (General Childcare Regulations) 2008 and therefore these prescribed requirements have ceased to be satisfied.
17. It is for the Respondent to demonstrate, on the balance of probabilities, the facts upon which it relies and that the decision to cancel the registration is proportionate and necessary. The Tribunal must make its decision on the basis of all the evidence available to it as at the date of the hearing. The Tribunal is not restricted to matters available to the Respondent when the cancellation decision was taken.
18. Under section 74, the Tribunal must either confirm the Respondents decision to cancel or direct that it shall not have effect. If the Tribunal decides that cancellation should not have effect, then it may impose a condition on the Appellants registration.

## **Evidence**

19. As the Appellant had admitted almost all the allegations set out in the Schedule, we do not need to set out the evidence we heard in relation to the allegations that were disputed at the start of the hearing but subsequently accepted. We will therefore focus on those issues which were relevant to issues we had to determine.
20. Ms Sue Smith submitted that she got involved with the Appellant in September 2014. On 24 September 2015, she visited the Appellant and discussed the main findings of the August 2015 inspection. The Appellant had informed her that she had recently begun to rebuild her childminding business after having a period of winding down.
21. The main actions that Ms Smith agreed to focus on with the Appellant was to improve the Appellants knowledge and understanding of the assessment requirements of the Early Years Foundation Stage. Furthermore, she shared examples with the Appellant of the Local Authority's documentation for tracking children's progress and talked to the Appellant about the observation, assessment and planning cycle.
22. On 4 December 2015, Ms Smith contacted the Appellant to discuss what progress she had made with monitoring the children's development using the development trackers that had been provided. However, the Appellant declined the further visit.
23. Ms Smith accepted that as there had been an internal redistribution of work, she was no longer responsible for working with the Appellant. However, there had been no contact from the Appellant from 23 May 2016 until 5 August 2016 when the Appellant had got in touch and Ms Smith provided her with details of her colleague who would be dealing with the matter. As far as she was aware, there had been no contact between her colleague and the Appellant.
24. Ms Laura Lawton submitted that she had contacted the Appellant in order to discuss concerns of domestic abuse between parents of a child who attended the Appellants setting. Ms Lawton explained that this was part of the screening process in order to ascertain whether there was any evidence of the allegations made against the parents and if there was any impact on the children.

25. The Appellant had informed Ms Lawton that the children in question tended to get a lot of bruises, including on one occasion when EW had a bruise on his ear. The Appellant had informed Ms Lawton that she had not made any record of those bruises as she did not believe the parents could be capable of harming the children. Ms Lawton, having discussed this with her Senior Social Worker, felt the concerns were serious enough to refer the matter to the Respondent. In Ms Lawton's view, the Appellant should have contacted Children's Services to ask for advice and should have recorded all the bruising.
26. Ms Madden set out in detail her involvement with the Appellant. Ms Madden submitted that the Appellant had failed to comply with a number of requirements which are set out earlier in our decision. We do not need to repeat them here given that the Appellant accepted those allegations.
27. Ms Madden confirmed that they had taken into account the overall history of the Appellant prior to taking steps to cancel her registration. Following their investigation, she confirmed that the Respondent had served a Welfare Requirements Notice dated 15 August 2016 that listed the actions that needed to be taken by 24 August 2016. This was to try and get the Appellant to take those actions without immediately resorting to cancelling her registration. It was made clear within that notice that failure to complete the actions could result in cancellation.
28. However, Ms Madden explained that the Appellant had, at the date of the hearing, yet to take those actions despite it being made clear in the correspondence that she would be guilty of an offence and liable for further sanction if she failed to do so.
29. Furthermore, Ms Madden confirmed they also took into account the information received from the Local Authority particularly in relation to the safeguarding issue. Ms Madden was concerned that the Appellants' safeguarding knowledge was weak. The Respondent was concerned that despite having been a childminder since 1992, the Appellant could not explain what she would do if a safeguarding allegation was made against her or a member of her family.
30. Furthermore, the failings covered a wide spectrum. The Appellant failed to maintain a record of the children's attendance, did not supply information when requested, and was unable to demonstrate that she knew and understood what she was required to do.
31. Furthermore, Ms Madden made it clear that the Respondent had considered if there was any other action that would bring about the required improvements. However, in Ms Madden's view, there was nothing to demonstrate that she would improve

to the required standard. If anything, the later inspections demonstrated that there was a deterioration in standards. For example, water had been provided for the children but then at the visit in December 2016, it had been removed on the grounds that the children did not drink water. Furthermore, Ms Madden believed that the Appellant was dismissive of what she had been asked to do describing it as “*just paperwork*” and failed to appreciate the significance behind requirements.

32. Ms Madden did acknowledge that the children appeared happy in the care of the Appellant but believed that the Appellant simply did not have the capacity to improve in order to meet legal requirements.
33. Ms White confirmed that the Respondent took into account the Appellants history in determining whether or not to cancel the registration. She was concerned that despite 24 years as a childminder, the Appellant did not demonstrate that she had effective knowledge of the safeguarding process for children and understood what she might need to do in the event of a safeguarding concern regarding herself or household members.
34. Although Ms White acknowledged in her evidence that the Appellant had been judged “Good” on one occasion in 2010, nevertheless, she considered it was unlikely that the Appellant would achieve changes to her practice in order to meet and sustain the improvements.
35. In her view, the Appellant had been inspected on five occasions since registration and therefore had been given repeated opportunities to improve the practice without the ultimate enforcement action of the threat of cancellation. However, she was concerned that the practice remained static, in some cases it had gone backwards and there were serious concerns about her ability to improve.
36. Ms White confirmed that the Respondent had taken into account the assistance that she had been offered by the Local Authority which the Appellant had not engaged with in a meaningful way. This included being offered places on courses. Ms White felt that the failures were repeated failures to meet compliance actions and the outcomes for children were not good.
37. We heard from the Appellant. She described how she was very passionate about working with children. Working with children was all she had ever known. She wanted to be a good “*granny*”. However, she acknowledged that there had been failings. She accepted virtually all of the allegations that were put to her by the Respondent.

38. The only allegation she denied was that regarding whether or not there was enough emphasis being placed on promoting the communication skills of the very young children and for those identified as having a language delay. The Appellant submitted that the inspection was referring to one child, who was in receipt of speech therapy and whose mother had specifically asked for the child not to have any additional strategies adopted for promoting his communication skills. This was due to the parent wanting to avoid confusing the child.
39. She acknowledged failings which included those in relation to safeguarding, planning, leadership and management, learning needs of children not being met, progress not been accurately assessed, activities not being planned, children not learning about the importance of being healthy, drinking water not being accessible, parents not been provided with meaningful information on the children's progress and not taking up training opportunities offered by the local authority
40. However, in her view, the Local Authority should have done more. They had booked her on courses but these courses were not close enough to travel, as she did not drive although she acknowledged one was in her town. Furthermore, when Sue Smith had changed roles, her replacement had not returned the Appellants calls.
41. The Appellant described how in her view, she dealt with the safeguarding issue in the right way. She described how she had known the mother of the children in question since she was young. She did not believe she was capable of causing harm to children. This was the reason she did not record the bruises. However, she acknowledged that this was not a decision for her to make. She also accepted that she could not consider wider matters (such as an emerging patterns) and consult other professionals in the way that social service could have done. When pressed as to whether or not she would have done things differently, she said *"given where these proceedings have reached"* she would have done so.
42. She confirmed that she would seek to deal with any safeguarding issue by seeking advice from the headmaster at the local school. The headmaster had allowed her to attend a course free of charge recently. However, despite her recent attendance, she stated she could not remember in detail what was said in relation to safeguarding.
43. She confirmed that she had been through a tough time in the last few years. She had a number of events in her personal life. She wasn't sure as to whether or not she could improve. She would certainly try. However, her weakness was the paperwork. She described herself as being *"hopeless with paperwork"*. Furthermore, she confirmed that she had not made



any improvements at the date of the hearing on the basis that she did not want to spend time implementing them if it would prove futile.

44. She acknowledged she had been given precedents by the Local Authority that she could use. However, she had not used them. She had not complied with the Welfare Requirements Notice. She did not have time to keep herself updated as she was caring for the children.
45. NB described how the Appellant had helped her with her children. She thought the children would be devastated if they could no longer be cared for by the Appellant. She believed that Ms Burrows with the appropriate support could turn things around but acknowledged she would need a lot of support.
46. NB confirmed that she was the parent who had asked for the Appellant not to confuse her child by promoting communication skills. She had made this request as there was a Speech and Language Therapist involved and she did not want her child to be confused. However, she submitted that the Appellant had helped by speaking slowly and emphasising lip movements which had led to the child making good improvements. The Appellant had also encouraged the child to ask for what he wants which had really helped her child develop.

### **The Tribunal's reasons with conclusions**

47. We took into account all the evidence that was presented in the bundle as well as what was presented to us at the hearing. We have summarised some of the evidence before us and we wish to make it clear that the following is not intended to be a transcript of everything that was said at the hearing.
48. We will start by saying that overall we found the Appellant to be a credible witness. She, in our view, reasonably accepted that the case against her was compelling and she was frank in setting out what she believed her limitations were.
49. We accepted her admissions in relation to the allegations put to her. The Appellant only disputed two of the 43 allegations. The disputed allegations both covered whether or not there was enough emphasis being placed on promoting the communication skills of the very young children and for those identified as having a language delay.

50. We concluded that this allegation was not made out. We accepted the Appellants submission that she had been told by the parent (NB) not to confuse her child by undertaking anything different given the child's speech difficulties. We accepted NB's explanation that the Appellant had assisted in other ways such as speaking slowly and encouraging the child to ask for what he wants which had really helped her child develop. Furthermore, we were not presented with any persuasive evidence that there wasn't enough emphasis being placed on promoting the communication skills of the very young and for those identified as having a language delay.
51. As that was the only allegation that was in dispute, we then went on to consider whether or not it was necessary and proportionate for the Appellants registration to be cancelled.
52. We concluded, having considered the evidence in its totality that cancellation was both necessary and proportionate. Our reasons for doing so are set out below.
53. We had no reason to doubt that the Appellant enjoyed what she did. She wanted to be a good "*granny*" and was passionate about working with children. We took into account that the Appellant had been registered childminder since October 1992. The testimonials that she provided from the parents highlighted the high regard that some of the parents held her in.
54. However, we reminded ourselves that we were considering her in her capacity as a registered childminder. We took into account that the Scott Schedule documented 43 allegations. We acknowledge that some of them were historic and did not take into account the most recent inspection on 19 December 2016. We also noted that in the majority of instances, it was the same allegations that arose after each inspection.
55. The allegations which she accepted were of a serious nature. These included her inability to ensure all the requirements for safeguarding were included in her policy and procedures. In our view, she did not appreciate that as a registered childminder, she had a responsibility to ensure that she took all necessary steps to keep children safe and well. The statutory framework for the Early Years Foundation Stage places an obligation on her to attend child protection training courses which enables her to identify, understand and respond appropriately to signs of possible abuse and neglect.
56. We found it concerning that an individual who has been a registered childminder for over 24 years would not know what to do if an allegation was made against her or her family. We did not consider her explanation that she would seek advice from

the local headmaster as being acceptable for an individual in her position. Furthermore, we were also concerned Appellant could not set out some basic safeguarding principles despite having attended a course recently.

57. It was evident that the gaps in her safeguarding knowledge meant that she could not deal with situations in the correct way. Her failure to seek advice regarding the two very young children as well as a failure to record the bruising that she had witnessed on the child meant that she could not spot whether there was a pattern emerging or assist other agencies with their investigation.
58. We took into account her explanation that she knew the children's mother since she was young, but, nevertheless, in our view, she should not have proceeded on an assumption of no harm based on friendship or previous acquaintance. Safeguarding is a serious issue and the Appellant had to take all necessary steps to keep children safe and well. Furthermore, the statutory framework makes it clear that providers must be alert to any issues for concern in the child's life at home or elsewhere. It may well have been the case that there was no case to answer, but as a minimum, we would have expected her to record the injuries which she herself accepted she had witnessed and to have sought advice from Children's Services.
59. We were also concerned that on the safeguarding theme, the Appellant does not have up-to-date knowledge of the most recent requirements such as under the Prevent Strategy and FGM despite having recently attended a course.
60. We were concerned that the allegations that the Appellant had accepted were wide ranging and not limited to one area. They included learning needs of children not being met, progress not been accurately assessed, activities not being planned, children not learning about the importance of being healthy, drinking water not being accessible and parents not been provided with meaningful information on the children's progress.
61. We considered whether the Appellant, at this stage, could improve moving forward. We concluded that she could not. The Early Years Foundation Stage sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. The Appellant, herself, could not say with any confidence that she could meet the standards. She described herself as being "*hopeless with paperwork*".

62. Furthermore, we were concerned that there had been very little progress since the Respondent had engaged with the Appellant over 12 months ago. In our view, the Appellant had been given a number of opportunities to put things right. She had had a number of interactions with the Respondent's Officers who had told her in writing what needed to be done but she accepted at the hearing that she had not done so.
63. We took into account that she was also sent a Welfare Requirements Notice on 15 August 2016, which set out what she needed to do in writing. However, she had not complied with it despite it being made clear that she would be committing an offence and it could lead to the cancellation of registration if she failed to do so.
64. The Appellant had also been provided support by the Local Authority who had provided her with precedents but she had not adopted them in her practice. The Local Authority had also arranged for her to go on courses but she had not attended them.
65. The Appellant, in our view, set out a number of reasons as to why she could not do things rather than what she could do. For example, she said she was too busy caring for the children to keep herself updated as to any changes and she could not travel to undertake any courses. This resulted in her being unaware of any change in the legal requirements.
66. In our view, there is very little else that could be done to support the Appellant to meet the required standard. The Appellant had been provided with support, documents that she could use, support from the Local Authority as well as being booked on courses but had simply not cooperated to achieve any improvements notwithstanding any concerns about sustaining them.
67. We also took into account the impact that this cancellation would have on her livelihood, on the children who she looks after as well as their parents and the wider community. However, we considered the admissions, particularly around safeguarding, to be so serious that they would, on their own, justify the cancellation.
68. We also considered the history of non-compliance, the serious nature of the allegations, the lack of any improvements and the Appellants approach and conduct left us with little option but to confirm the cancellation.
69. We therefore confirm the Chief Inspectors decision to cancel the registration.

## **Decision**

70. The appeal is dismissed

71. The Chief Inspectors decision to cancel the registration is confirmed.

**Judge H Khan**  
**Lead Judge Primary Health Lists/Care Standards**  
**First-tier Tribunal (Health Education and Social Care)**

**Date Issued: 14 February 2017**

**Care Standards**

**[2016] 2764.EY**

**Sandra Burrows v OFSTED**

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**SCHEDULE OF ALLEGATIONS**

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**The case for the Respondent is summarised as follows:**

The Appellant has consistently failed to comply with the requirements of the Statutory Framework for the Early Years Foundation Stage (EYFS) both in terms of Learning and Development and Welfare.

The Respondent therefore asserts that the Appellant cannot meet the requirements for registration.

**The case for the Appellant is summarised as follows:**

<u>Date</u>	<u>Allegations</u>	<u>Exhibit</u>	<u>Ongoing/ Historic/ Remain Concerned</u>	<u>Ref</u>	<u>Response</u>	<u>Exhibit</u>	<u>Findings</u>
<b>04/11/2003</b>  Inspection  Ron Goldsmith	1. Failure to obtain public liability insurance  2. Failure to obtain written permission from parents before administering medication to children	F160  F161 F162	Remain concerned  Remain concerned	National Standard 6 (EYFS 3.63)  National Standard 7 (EYFS 3.46)	accept  accept	G23/G24	
<b>17/05/2005</b>  Inspection (Inadequate)  Steven Anthony Urry	3. Written parental permission to administer medication was not available for inspection.  4. Medication Records sheets were not available for inspection.  5. Public Liability Insurance was not available at the time of the inspection.	F188 F193  F188 F193  F188 F193	Remain concerned  Historic  Remain concerned	National Standard 7 (EYFS 3.46)  National Standard 6 (EYFS 3.63)	Accept  Accept  Accept	F199  F199 F273  G23 G24	

<b>25/01/2006</b> Inspection (Inadequate) Susan Patricia Birkenhead	6. Failure to obtain written permission from parents before administering prescribed medication to children	F199 F201 F206	Remain concerned.	National Standard 7	Accept	F273	
	7. Failure to complete an appropriate first aid course that includes training in first aid for infants and young children	F199 F207	Historic	National Standard 1	Accept	F273	
	8. Failure to ensure conditions of registration are complied with at all times to prevent the number of children cared for at any one time being exceeded and the number of children over the age of 8 years adversely affecting the care of children under 8 years	F199 F202 F204	Historic	National Standard 1	Accept	G17 G18 G19 G20 G21	
	9. Failure to ensure all persons over the age of 16 living on the premises has	F198 F203	Ongoing	National Standard 1	Accept	F89 F12	



	<p>completed the required vetting procedure</p> <p>10. Documentation was not available at inspection. There was no evidence of public liability insurance, the certificate of registration was not displayed and there was no incident record in place</p>	<p>F207</p> <p>F199 F207 F208</p>	<p>Remain concerned</p>		<p>Accept</p>	<p>F13 G14 G15</p> <p>G23 G24</p>	
<p><b>30/10/2006</b> Inspection - Satisfactory</p> <p>Janice Linsdell</p>	<p>11. No system in place for the recording of complaints</p> <p>12. Keys were left in the front door, accessible to children</p>	<p>F272 F278</p> <p>F271 F276</p>	<p>Historic</p> <p>Historic</p>	<p>National Standard 6</p>	<p>Accept</p> <p>Accept</p>	<p>F188 F199 F273</p>	
<p>24/08/2015 Inspection (Requires Improvement)</p> <p>Lynsey Hurst</p>	<p>13. Failure to hold a valid certificate of public liability insurance.</p> <p>14. The childminder's knowledge and understanding of the</p>	<p>F89 F93 F103</p> <p>F89 F95</p>	<p>Remain concerned</p> <p>Ongoing</p>	<p>(EYFS 3.63)</p> <p>EYFS 1.6, 1.8, 1.9 L&amp;D</p>	<p>Accept</p> <p>Accept</p>	<p>G23 G24</p> <p>F192 F274</p>	

	<p>role assessments in identifying children's next steps for learning and how to monitor children's progress is not strong enough.</p> <p>15. The childminder has not developed partnerships with other settings and providers who share the care of minded children.</p>	<p>F99- F104</p> <p>F89 F95 F99- F104</p>	Ongoing	EYFS 1.1 L&D	Accept	<p>F204</p> <p>G6 G26 F1-F6</p>	
<p>Investigation Visit completed 27/05/2016</p> <p>Joan Madden</p>	<p>16. Failure to ensure Ofsted are supplied with all the required information to allow checks on household members to be carried out</p> <p>17. Failure to maintain a daily record of the children's hours of attendance</p> <p>18. Failure to ensure records are easily accessible and available</p> <p>19. Provider not developing and securing the knowledge required to</p>	<p>F24</p> <p>F25</p> <p>F19- F31</p> <p>F25 F29</p>	<p>Ongoing</p> <p>Remain concerned</p> <p>Ongoing</p> <p>Ongoing</p>	<p>EYFS 3.9 Suitable people</p> <p>EYFS 3.76 Information about the provider</p> <p>EYFS 3.69 Information and records</p> <p>EYFS 1.1 L&amp;D</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>F89 G12 G13 G14 G15</p> <p>G17-G21</p> <p>F187/F192 F204/F272</p>	

	<p>promote the learning and development of children</p> <p>20. Not planning a balance of challenging adult-led and child-initiated and enjoyable experiences for each child in all the areas of learning</p> <p>21. Not ensuring regular assessments of children's learning and development are carried out to recognise children's progress, understand their needs and to plan activities and support</p> <p>22. Failing to ensure all requirements for safeguarding are included in their policy and procedure and have a secure knowledge and understanding of how to effectively implement the procedures to effectively safeguard</p>	<p>F25 F29</p> <p>F25 F29</p> <p>F26 F27</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>	<p>EYFS 1.6 L&amp;D</p> <p>EYFS 2.1 Assessment</p> <p>EYFS 3.4 Child Protection</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>G28 to G44</p> <p>As above</p> <p>F277 to F279 F291</p> <p>F173/F187 F203/F271/F276/F291/F294/G25</p>	
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	<p>children</p> <p>23. Provider has failed to notify Ofsted of significant events. This is because over the years she has not informed Ofsted of her family's involvement with social services and a significant event where police were called. This could have affected the suitability of household members to be in contact with children. Additionally she has not informed Ofsted of changes to household members as and when this happens</p>	F19- F31 F45	Ongoing	EYFS 3.77 (Warning Letter Issued)	Accept	B8	
3.8.2016 Joan Madden	24. Failure to supply Ofsted with all the required	F50 F55-	Ongoing	EYFS 3.9 Suitable people	Accept	F89 G12 to G15	

Full Inspection	<p>information to allow checks on household members to be carried out. <i>(This is a repeated failure, as the same action was raised in a welfare requirement notice following the investigatory visit on 27 May 2016. This same action was also raised after the inspection on 25 January 2006).</i></p> <p>25. Safeguarding judged as ineffective. There are gaps in the provider's knowledge of safeguarding. Particularly with procedures to follow if there is an allegation against her or a member of the household. The provider also lacks knowledge of the most recent requirements in safeguarding. <i>(This is a repeated failure, as an action was raised following the</i></p>	F65					
		F50 F55- F65	Ongoing	EYFS 3.4 Child protection	ACCEPT	F173/F187/F203/F271/F276/F291/F294/G25	

	<p><i>investigatory visit on 27 May 2016).</i></p> <p>26. Children’s individual learning needs are not met. This is because the provider does not plan any type of activities. No assessment is made of children’s starting points or meaningful observations or checks on their progress. The provider is unable to identify accurately the next learning steps for any of the children.</p> <p>27. Not effectively taken up opportunities for support and training offered by the local authority. As a result, knowledge and skills of how to promote the requirements of the early years foundation stage have not improved.</p> <p>28. Fresh drinking water</p>	<p>F50 F55- F65</p> <p>F50 F55- F65</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>EYFS 1.1, 1.6, 3.27</p> <p>EYFS 3.20 Training, support and skills</p>	<p>Accept</p> <p>Accept</p>	<p>F192/F204/F205/F274/F277/F278/F279/F291 G26 TO G44</p> <p>F1 TO F6 G16</p>	
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	was not visible or accessible to children and children were not learning about the importance of being healthy.	F50 F55- F65	Historic	EYFS 3.47 Food and drink	Accept	F187 F201 F271	
	29. Not enough emphasis was being placed on promoting the communication skills of the very young children and for those identified as having a language delay.	F50 F55- F65	Ongoing	EYFS 1.5, 1.6 L&D	REJECT	F187/F192/ 204 TO F206	
	30. Parents were not provided with meaningful information on their children's progress in order to support their learning at home	F50 F55- F65	Ongoing	EYFS 1.6 L&D	ACCEPT	G5 TO G11	
	31. Leadership and management was found to be weak. The Appellant did not demonstrate any desire to want to improve her service.	F50 F55-	Ongoing		Accept	F206	

		F65					
Monitoring Visit 13/09/2016	32. Failure to supply Ofsted with all the required information to allow checks on household members to be carried out.	F75-F78	Ongoing	EYFS 3.9 Suitable people	Accept	F89 G12-G15	
Joan Madden	33. Safeguarding judged as ineffective. There are gaps in the provider's knowledge of safeguarding. Particularly with procedures to follow if there is an allegation against her or a member of the household. The provider also lacks knowledge of the most recent requirements in safeguarding.	F75-F78	Ongoing	EYFS 3.4 Child protection	ACCEPT	F173/F187/F203/F271/F276/F291/F294/G25	
	34. Key person -Children's individual learning needs are not met. This is because the provider does not plan any type of activities. No	F75-F78	Ongoing	EYFS 3.27 Key person	Accept	F192/F204/F205/F274/F277/F278/F279/F291 G26 TO G44	



	<p>assessment is made of children's starting points or meaningful observations or checks on their progress. The provider is unable to identify accurately the next learning steps for any of the children.</p> <p>35. Not effectively taken up opportunities for support and training offered by the local authority. As a result, knowledge and skills of how to promote the requirements of the early years foundation stage have not improved.</p> <p>36. Not enough emphasis was being placed on promoting the communication skills of the very young children and for those identified as having a language delay.</p> <p>37. Parents were not provided with</p>	<p>F75-F78</p> <p>F75-F78</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>EYFS 3.20 Training, support and skills</p> <p>EYFS 1.5, 1.6 L&amp;D</p>	<p>Accept</p> <p>REJECT</p>	<p>F1 to F6 G16</p> <p>F187/F192/F204/F205/F206</p>	
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	meaningful information on their children's progress in order to support their learning at home	F75-F78	Ongoing	EYFS 1.6 L&D	ACCEPT		
Monitoring Visit 11/10/2016  Joan Madden & Elaine White	38. Failure to supply Ofsted with all the required information to allow checks on household members to be carried out.	F299-F302	Ongoing	EYFS 3.9 Suitable people	Accept	F89/G12 TO G15	
	39. Safeguarding judged as ineffective. There are gaps in the provider's knowledge of safeguarding. Particularly with procedures to follow if there is an allegation against her or a member of the household. The provider also lacks knowledge of the most recent requirements in	F299-F302	Ongoing	EYFS 3.4 Child protection	ACCEPT	F173/F203/F271/F276/F291/F294	

	<p>safeguarding.</p> <p>40. Key person -Children's individual learning needs are not met. This is because the provider does not plan any type of activities. No assessment is made of children's starting points or meaningful observations or checks on their progress. The provider is unable to identify accurately the next learning steps for any of the children.</p> <p>41. Not effectively taken up opportunities for support and training offered by the local authority. As a result, knowledge and skills of how to promote the requirements of the early years foundation stage have not improved.</p> <p>42. Not enough emphasis was being placed on promoting the</p>	<p>F299-F302</p> <p>F299-F302</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>EYFS 3.27 Key person</p> <p>EYFS 3.20 Training, support and skills</p>	<p>Accept</p> <p>Accept</p>	<p>F192/F204/F205/F274/F277/F278/F279/F291 G26 TO G44</p> <p>F1 to F6 G16</p>	
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	<p>communication skills of the very young children and for those identified as having a language delay.</p> <p>43. Parents were not provided with meaningful information on their children's progress in order to support their learning at home</p>	F299-F302	Ongoing	EYFS 1.5, 1.6 L&D	REJECT	F187/F192/F204/F205/F206	
		F299-F302	Ongoing	EYFS 1.6 L&D	ACCEPT		