

How to object

Guidance for those registered as or applying to be a childminder or a childcare provider

This leaflet explains how and when you, as someone applying to register or already registered as a childcare provider, can object to our intention to take steps that will affect your registration. Please read this leaflet carefully.

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361

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What is an objection?

You can object to our intention to take certain steps. We set out these steps in a written notice called a notice of intention. At this stage we will not have made a final decision to take these steps, but we plan to unless we receive new information that convinces us that we do not need to. Making an objection is your opportunity to give us any new or extra information to help us make our decision. You can object to our intention to:

- refuse your application for registration
- refuse your application for approval of additional premises to your existing registration
- refuse your application for approval to operate on specific non-domestic premises for up to 50% of your time under your existing childminding/childcare on domestic premises registration
- change the conditions that apply to your registration, including adding new conditions, changing existing ones or removing them (conditions can restrict the way you operate, such as by limiting the number of children you can care for or allowing you to provide care overnight)
- refuse your application to vary or remove the conditions applying to your registration
- cancel your registration.

When can I tell you that I want to object?

If you want to object, you must tell us within 14 days of the date of the notice telling you that we plan to take any of the steps listed above. Our contact details are at the end of this leaflet. At this stage, you only need to tell us that you want to object. We will then write to tell you what to do next and when we will consider your objection.

How do I make my objection?

You make your objection by telling us about any information or evidence that you think we have not previously considered, or details of any action you have taken since you received the notice telling you about the steps we plan to take. If you can show that you have taken satisfactory action to deal with our concerns we may decide not to take the steps set out in the notice of intention.

You can make your objection in three ways.

- You can make your objection in person. You can have someone else with you when making the objection to provide support and offer you advice. This person can be a friend, a neighbour, a relative or a solicitor.

- You can ask someone else to make your objection for you. Anyone can represent you and make your objection, such as a partner, a friend or a solicitor. You do not need to join the objection. However, if you ask somebody else to represent you, and you decide not to join, we may need to contact you on the day to ask questions about any of the information provided if we do not understand it.
- You can make your objection in writing. You must make sure that we receive your written information before the date on which we consider the objection. You should contact us on 0300 123 1231 if you do not know this date. We suggest that you ask for a 'receipt of delivery' if you deliver your objection by hand, or get a certificate of posting from the post office if you send it by post.

How will you deal with my objection?

If you want to make your objection in person, we will listen to your objection either by telephone, which allows you to contribute without attending a meeting, or by arranging to meet with you at a place near where you live if you wish to attend a meeting with us. If you want to make your objection in writing we will consider it based on the written information that you have supplied. Once we have considered your objection we will let you know the outcome. If we have decided to go ahead with the steps we proposed to take, you will have the right to appeal against our decision. There is further information about the process below.

Who will deal with my objection?

The objection will be dealt with by a different manager from the manager who is proposing the steps. In some cases, more than one manager may be involved in considering your objection, depending on the details of the case.

What will happen on the day of the objection meeting?

We will only ask questions:

- if we do not understand any of the information you give us on the day
- to ask you to expand on that information if necessary.

The purpose of the objection is for you to give us any further information that you think we should take into account before we make our decision. Therefore, we will not challenge the information you or your representative give. In the same way, you or your representative cannot directly challenge us about the steps we intend to take. If we decide to go ahead with these steps, you will have the right to appeal against our decision and at that stage you or your representative will be able to challenge us through the appeals process.

Making your objection by telephone

We will make all the arrangements needed and telephone you at the time we have arranged with you. You can have someone else with you to offer support or advice, or to make your objection for you on the telephone. We will follow the procedure, set out in the paragraph below, as if you are actually meeting with us in person.

Making an objection in person

If you attend in person please tell us about any special facilities you may need, such as easy access to the building, so that we can make suitable arrangements. We will show you or your representative to a private room where we will hear your objection. Once you or your representative is settled and ready, we will:

- welcome you
- ask you to confirm your name and address and the name of anyone else you have brought with you for support, advice or to act as your representative
- confirm you understand the steps we propose to take
- explain that we:
 - will take notes when you or your representative are presenting your information
 - may ask questions to clarify the information you give. We will not cross-examine you or your representative
- explain how we will tell you or your representative the outcome of your objection.

We will then ask you, or your representative, to make your objection. This is your opportunity to tell us about the information and evidence you believe we have not previously considered, or details of any action you have taken since you received the notice telling you about the steps we plan to take. You can ask to take a break at any time.

What happens after I have presented my objection?

Making your objection by telephone

We will end the first part of the call. This is so we can review our notes to make sure we have recorded each part of your objection. This is also your, or your representative's, opportunity to check that you did not overlook any important point that you wanted to make.

We will telephone you back after a short time when we will summarise the main points of your objection. We will ask you to confirm that we have understood your

objection correctly. It is at this time that you, or your representative, can raise any points that may have been overlooked.

This then ends your part in the objection and the telephone call ends at this point.

Making an objection in person

We will ask you and/or your representative to leave the room to allow us to review the information. This is so we can check our notes to make sure that we have correctly recorded each part of your objection. It is also your, or your representative's, opportunity to check that you did not overlook any important point that you wanted to make.

We will invite you or your representative (or both of you) back into the room. We will summarise the main points of your objection. We will ask you to confirm that we have understood your objection correctly. It is at this time that you, or your representative, can raise any points that may have been overlooked.

This is then the end of your involvement in the objection and you and/or your representative leave at this point.

Making an objection in writing

We will review all the additional information you have provided.

How will you make your decision?

The manager will consider all the information contained in the notice of intention, which sets out the steps we are proposing, and the additional information you provide to us before deciding on the outcome of your objection. The manager will base their decision only on that information. We will either:

- uphold your objection
- partially uphold your objection
- not uphold your objection.

How will you tell me about the outcome of my objection?

If you make your objection by telephone or in person we will not tell you about our decision on the day we hear your objection. This is to make sure we have time to consider all the facts and evidence alongside the information you provide. We will tell you of our decision as soon as possible after the meeting.

We will write to tell you within 10 working days of hearing your objection. The letter will include the decision, together with an explanation of how the manager reached their decision.

- If you are a registered provider and we decide to uphold your objection you will remain registered with us.
- If you are applying to register then upholding your objection does not mean that you automatically become registered but it does mean that we will continue to process your application for registration.
- If you are applying for approval to add additional premises to your registration then upholding your objection will mean we will continue to process your application for approval.
- If you are applying for approval to offer childcare on specific non-domestic premises for up to 50% of your time under your existing childminder/childcare on domestic registration, upholding your objection will mean we will continue to process your application for approval.
- If we decide to partially uphold your objection, we will write to you to explain what happens next. We may, in some cases, write to tell you about other steps that we plan to take. You can object to any new steps that we plan to take.
- If we decide not to uphold your objection, we will write to tell you why we reached this conclusion. We will also write to confirm the steps we are taking in a written notice (a notice of decision). This notice sets out why we decided to take those steps. Sometimes, we send this notice together with the letter telling you about the decision; at other times we send this notice separately.

Can I appeal against your decision?

Yes, you have the right to appeal against our decision to an independent organisation, the First Tier Tribunal (Health, Education and Social Care Chamber). We will tell you how to appeal if we do not uphold your objection. You should contact us on 0300 123 1231 if we do not send you this information.

How to contact us

Ofsted
Piccadilly Gate
Store Street
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Helpline: 0300 123 1231

Website: www.gov.uk/government/organisations/ofsted