

26 October 2020

Ofsted  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Tel: 0300 123 1231  
Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
Web: [www.gov.uk/ofsted](http://www.gov.uk/ofsted)



Mrs Denise Webb  
Chelmer Village Hall  
Chelmer Village  
Chelmsford  
Essex  
CM2 6RF

Our reference 508748  
Case reference 4548628

Dear Rainbow Pre-School

### **Welfare requirements notice**

This notice concerns the childcare you provide at:

Rainbow Pre-School  
Chelmer Village Hall, Chelmer Village, Chelmsford, Essex CM2 6RF

To remain suitable for registration you must comply with the requirements set out in the Childcare Act 2006, associated regulations and the 'Statutory framework for the early years foundation stage.

We found you were not complying with these requirements. This notice sets out the action(s) that you need to take. If the date for completion of these actions has already passed you should have already completed them as you were made aware that this needed to be done at the time of our visit.

**If you do not take the action required by the dates shown as set out in the welfare requirements notice, without reasonable excuse, you will be guilty of an offence and we may prosecute you. You may be liable to pay a fine not exceeding level 5 on the standard scale. This is currently £5,000. The legislation which applies to this notice is set out in the annex below. You must take the following action to comply with the law.**

### **Welfare requirements notice**

Requirements number	The following action(s) are to be completed by the date shown	Date <sup>1</sup>
3.9 Suitable people	provide Ofsted with necessary information so that suitability checks can be completed for all those who make up the committee	2 November 2020
3.4 and 3.6 Child protection	make sure that all staff understand the safeguarding policy and procedures, with particular regard to children's existing injuries and any issues of concern in the child's life at home or elsewhere	2 November 2020
3.64 Risk assessment	take all reasonable steps to ensure children are not exposed to risks and where it is helpful make written risk assessments to inform staff practice.	2 November 2020

### **Evidence supporting the welfare requirements notice**

At the inspection we found the following evidence which supports the welfare requirement notices laid out above:

#### **Suitable person**

At inspection on 13 November 2018 the following action was raised: provide Ofsted with the necessary information to enable it to carry out suitability checks on all members of the management committee. During my visit to the pre-school on 16 October 2020 I asked the manager for details of committee members Disclosure and Barring Service (DBS) and EY2 checks. However, she was not able to provide this information for a committee member who was in post from 1 October 2019 until 1 October 2020 and another who has been in post since 1 October 2020. Despite this action being raised previously, you have once again failed to meet the requirements of the Early Years Foundation Stage framework (EYFS) in relation to suitability checks. This compromises children's safety and welfare and raises serious concerns about your ability to continue to meet the EYFS requirements.

#### **Child protection**

During my visit the manager showed me a record of injuries that children sustained outside of pre-school. She acknowledged during discussion a lack of detail and in some cases no information about how the injuries occurred. This does not support staff or the managers ability to consistently identify or monitor issues of concern in children's lives at home or elsewhere. This compromises children's safety and welfare and raises concerns about your understanding of how to effectively implement the EYFS requirements.

#### **Risk assessment**

During my visit the manager gave me children's existing injury records. This included information about a child who attended pre-school soon after breaking their collar-bone. The manager informed me that no risk assessment was carried out for this child, to keep them safe while they had this serious injury. It is of concern to

<sup>1</sup> If the date for completion of this action is before the date of this letter, you would have been informed of this at the time of the visit.

Ofsted that you did not identify any risks or take sufficient action to mitigate any harm that may come to the child as a result.

**What happens next**

We will check to make sure that you comply with this notice.

If you have any questions or concerns about this notice, please contact us on 0300 1231231 quoting the reference number at the top of this letter.

Yours sincerely

Ann Cozzi  
EYRI

## Annex

The Childcare Act 2006, section 40(2) and the Early Years Foundation Stage (Welfare Requirements) Regulations 2012, regulation 10(1) and regulation 12, state:

*Childcare Act 2006, section 40(2)*

An early years provider to whom this section applies:

- (a) must secure that the early years provision meets the learning and development requirements, and
- (b) must comply with the welfare requirements.

*The Early Years Foundation Stage (Welfare Requirements) Regulations 2012, regulation 10(1) and (2)*

10(1) Where the Chief Inspector considers that a registered early years provider to whom section 40 applies has failed or is failing to comply with the welfare requirements the Chief inspector may give a notice to the registered early years provider specifying:

- (a) in what respect that registered early years provider has failed or is failing to comply with those requirements; and
- (b) where appropriate -
  - (i) what action the registered early years provider should take to comply; and
  - (ii) the period within which the registered early years provider should take that action, such a period to begin with the date of the notice.

10(2) The registered early years provider must comply with the terms of the notice within the period specified in that notice.

*The Early Years Foundation Stage (Welfare Requirements) Regulations 2012, regulation 12*

(1) A registered early years provider who, without reasonable excuse, fails to comply with the requirements of regulation 7(1), 8(1), 8(2) or 10(2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

The standard scale, which applies only to summary offences, is contained in the Criminal Justice Act 1982, as substituted by section 17 of the Criminal Justice Act 1991 (for England and Wales).