

# How to object

Guidance for registered childminders and childcare providers

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

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Royal Exchange Buildings  
St Ann's Square  
Manchester  
M2 7LA

T: 08456 404040  
Textphone: 0161 618 8524  
E: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
W: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

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## What is an objection?

You can object to our intention to take certain steps. We set these steps out in a written notice called a notice of intention. At this stage we have not made a final decision to take these steps, but we plan to do so unless we receive new information which convinces us that we need not do so. 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 do the following.

- Refuse your application for registration.
- Change the conditions that apply to your registration, including adding new conditions, changing existing ones or removing them. Conditions can restrict or allow you to operate in a particular way, such as 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 receiving our 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 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 to our satisfaction that you have taken 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.

- Make your objection in person. You can bring someone else along to provide support and offer you advice. This person can be a friend, a neighbour, a relative or a solicitor.
- Ask someone else to make your objection for you. Anyone can represent you and make your objection to the meeting, such as a partner, a friend or a solicitor. You do not need to go to the meeting. However, if you ask somebody else to represent you, and you decide not to go, we may need to contact you on the day to ask questions about any of the information provided if we do not understand it.

- 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 08456 40 40 40 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.

## **Where will you hear my objection?**

We will hear your objection at a meeting place near where you live if you or your representative want to go. Please tell us about any special facilities you may need, such as easy access to the building, so that we can make suitable arrangements.

In some circumstances we will agree to you making your objection by phone, which will allow you to contribute but not have to be at the meeting. We will phone you to hear your objection. You can have someone else with you to offer support or advice, or to make your objection for you on the phone.

## **Who will hear my objection?**

The objection is heard by a panel of three of our managers. One of them will be the person who agreed to our taking the steps you are objecting to. The two other panel members will not know any of the details of our intention to take the steps set out in the notice. One of the members acts as the chair. This person is responsible for making sure that the panel follow the correct procedure.

We may ask another staff member to take notes. However, no more than four of our staff will be present on the day.

## **What will happen on the day of the objection meeting?**

The panel members will only ask questions if they do not understand any of the information given on the day. They will not challenge the information you or your representatives give. In the same way, you or your representative cannot challenge the panel.

## **Making an objection in person**

When you arrive at the meeting place we will show you or your representative to a private room where the panel will hear your objection. Once you or your representative are settled and ready, the chair of the panel will do the following.

- Welcome you and introduce the other panel members and any other person present.
- 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 the steps we plan to take.
- Explain that the panel members:
  - will take their own notes when you or your representative are presenting information and will be listening, even if they are not looking at you, and
  - may ask questions. This is not to cross-examine you or your representative but to help understand any points you raise.
- Explain that you or your representative can ask to take a break at any point during the proceedings.
- Explain how we will tell you or your representative the outcome of your objection.

The chair 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.

The members of the panel may ask you to explain any point you make.

### **Making your objection by phone**

We will make all the arrangements needed and phone you at a time we arrange with you. The chair will follow the procedure set out above as if you are actually meeting in person.

## **What happens after I have presented my objection?**

### **Making an objection in person**

The panel will ask you or your representative to leave the room to allow them to review the information. This is so that the panel members can review their notes to make sure that they have correctly recorded each part of your objection. This is an opportunity for you and your representative 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. The chair will summarise the main points of your objection. The chair will ask you to confirm that the panel has 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 panel and you and your representative leave at this point.

### **Making your objection by phone**

The chair will end the first part of the call. This is so that the panel members can review their notes to make sure they have recorded each part of your objection. This

is an opportunity for you or your representative to check that you did not overlook any important point that you wanted to make.

We will phone you back after a short time when the chair will summarise the main points of your objection. The chair will ask you to confirm that the panel has 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 panel and the phone call ends at this point.

## **How will you make your decision?**

The panel will consider and discuss all the information before deciding on the outcome of your objection. The panel base their decision only on that information. The panel will either:

- uphold your objection
- partially uphold your objection, or
- not uphold your objection.

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

We will not tell you about our decision on the day we hear your objection. This is to make sure that the panel members have time to consider all the facts and evidence alongside the information you provide. We will tell you about the panel's decision as soon as possible after the meeting.

We will write to tell you about the panel's decision within 10 working days of hearing your objection. The outcome letter will include the panel's decision together with an explanation of how the panel reached their decision.

- If the panel decide to uphold, or 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 we plan to take. You can object to any new steps that we plan to take.
- If the panel 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 panel's 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 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 08456 40 40 40 if we do not send you this information.

### **Contact address**

Ofsted National Business Unit  
Royal Exchange Building  
St Anne's Square  
Manchester M2 7LA  
Helpline: 08456 404040  
Website: [www.ofsted.gov.uk/parents](http://www.ofsted.gov.uk/parents)