

# How to appeal

Guidance for people applying to provide and those registered to provide childcare or children's social care

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This leaflet explains how and when you, as someone applying to provide or already registered to provide childcare or children's social care, can appeal against our decision to take steps that affect your registration. Please read this leaflet carefully.

If you **are a registered childcare provider** and you want to appeal against a suspension please see our leaflet *Suspension: Information for providers, parents and carers on suspension of childcare* which is available from our website at [www.ofsted.gov.uk/publications/090214](http://www.ofsted.gov.uk/publications/090214). Or you can ask us to send you a copy by phoning our helpline (08456 40 40 40).

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## What is an appeal?

You have a right to appeal against the effect of a magistrate's order, or against certain decisions we make. The appeal is your opportunity to explain to an independent organisation why you believe that the magistrate's order or our decision is wrong.

You can appeal against a magistrate's order that:

- varies, imposes or removes conditions of your registration, or
- cancels your registration.

You can appeal against our decision to:

- change the conditions that apply to your registration, which may include adding new conditions, varying 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)
- cancel your registration
- refuse your application to register as a provider of childcare or as a provider of children's social care
- refuse your request to vary or remove conditions
- refuse your application to 'waive' your disqualification (allow you to work in childcare or social care) from providing childcare
- refuse to give our written permission allowing you to work in children's social care, or
- suspend your childcare registration.

If you wish to appeal against a suspension please see our leaflet *Building better childcare: Information for providers and parents and carers on suspending the provision of childcare* which is available from our website; [www.ofsted.gov.uk/publications/080056](http://www.ofsted.gov.uk/publications/080056). Or you can ask us to send you a copy by phoning our helpline (08456 40 40 40).

## Who do I appeal to?

You can appeal to the Health, Education and Social Care Chamber (the Chamber). The Chamber considers appeals against our decisions or against the effect of a magistrate's order. The Chamber is an independent organisation that has the power to change our decisions or the effect of a magistrate's order.

## How do I ask for an appeal?

You can ask for an appeal by writing to the secretary of the Chamber.

You must do this within three months if:

- we refuse to grant your application to provide childcare, or
- we refuse your application to waive your disqualification from providing or working in children's social care.

In all other cases you must do this within 28 days of either receiving a magistrate's order, receiving our refusal to waive your disqualification from providing or working in childcare, or receiving our decision to:

- change the conditions that apply to your registration
- cancel your registration
- refuse your application for registration as a provider of children's social care, or
- refuse your application to vary or remove conditions of registration.

You can contact the secretary of the Chamber by:

- writing to the Secretary of the Health, Education and Social Care Chamber, 18 Pocock Street, London, SE1 0BW
- phoning 020 7960 0660 between 9am and 5pm Monday to Friday
- faxing 020 7960 0661 or 020 7960 0662
- e-mailing [CST@tribunals.gsi.gov.uk](mailto:CST@tribunals.gsi.gov.uk), or
- visiting the website at: [www.carestandardtribunal.gov.uk](http://www.carestandardtribunal.gov.uk). The Chamber will send you the relevant information.

You may find it helpful to ask for a copy of the Chamber's guidance, which tells you about the appeal process.

## Chamber decisions

The Chamber will decide to either:

- uphold your appeal, or
- dismiss your appeal.

## What happens if the Chamber uphold my appeal?

If the Chamber uphold your appeal, this means that they agree with you that our decision is wrong or that a magistrate's order is inappropriate. The Chamber's decision will apply immediately. However, they can:

- place conditions on your registration
- remove a condition from your registration
- change the conditions that apply to your registration, or
- keep the existing conditions.

We will send you a certificate of registration that sets out the conditions that apply to your registration, or we will write to confirm that your existing certification continues without any changes.

## What happens if the Chamber dismiss my appeal?

If the Chamber dismiss your appeal, this means that they support our decision or agree with the magistrate's order. This means that our decision will apply immediately or that the effect of the magistrate's order continues. For example, if we decide to cancel your registration, and you appeal against our decision, the law allows you to continue to provide care until the Chamber have reached their decision about your appeal. If the Chamber dismiss your appeal, **you must immediately stop** providing the care for which you are registered.

We will write to confirm the Chamber's decision and what this means for you. If your registration continues, we will send you a certificate of registration setting out any changes in the conditions that apply to your registration.

You may have the right to a review of the Chamber's decision, or to appeal against the Chamber's decision. You should contact the secretary of the Chamber for more information if this is not covered in the Chamber's guidance. You may find it helpful to speak to a solicitor for advice.