

# Conducting inspections of children's homes

Guidance for the inspections of children's homes

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This guidance is designed to assist inspectors from the Office for Standards in Education, Children's Services and Skills (Ofsted) when conducting inspections of children's homes. It should be read in conjunction with the *Framework for inspection* and the *Evaluation schedule and grade descriptors for inspections of children's homes*.

**Age group:** 0–18

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**Published:** August 2012

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**Reference no:** 100194



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Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

T: 0300 123 1231  
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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## Introduction

1. This guidance is designed to assist inspectors from the Office for Standards in Education, Children's Services and Skills (Ofsted) when conducting inspections of children's homes in England. Children's homes providers can use the guidance to see how inspections are conducted.
2. This guidance should be read in conjunction with the Framework for the inspection of children's homes and the Evaluation schedule and grade descriptors for inspections of children's homes.
3. This guidance applies to the inspection of all children's homes, including secure children's homes. There is additional specific information in relation to the inspection of secure children's homes, included in Annex B.

## Scheduling and team deployment

4. Inspections of children's homes are unannounced.
5. We have a duty to inspect children's homes twice a year.<sup>1</sup> Usually there will be a full inspection followed by an interim inspection. The scheduling of inspections takes account of: legal requirements; previous inspection findings; complaints and concerns about the service; and notifications and monitoring reports provided to Ofsted by children's homes under regulations 33 and 34 of the Children's Homes Regulations 2001, as amended by The Children's Homes (Amendment) Regulations 2011.
6. For a full inspection of a children's home, an inspector will spend a maximum of two days on site.
7. For interim inspections the inspector will be on site for a maximum of one day. For most small children's homes the inspector is likely to be on site for half a day.
8. Where a residential special school is registered as a children's home, for a full inspection there will be up to four days on site. This may be one inspector for four days or two inspectors for two days. This will be determined at the start of the inspection year by the inspector and their line manager. At the interim inspection, there will be one inspector on site for a maximum of two days.
9. Where a home provides for a large number of children and young people within satellite houses, it may be necessary for another inspector to be involved in the inspection. In these cases, the inspector will request additional resources from

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<sup>1</sup> Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes and so on) Regulations 2007 (SI 2007/694). As amended by (SI 2011/553).

their line manager, at the beginning of the inspection year. If the request is agreed by the line manager, it will be passed to the Divisional Manager, Inspection for approval.

10. Where a home provides only one or two places, a reduction in fieldwork time will be negotiated between the inspector and team manager at the beginning of the inspection year.
11. If there are no children or young people in placement within the home, inspectors will follow the guidance in Annex F.

## Timeframe

12. The timeframes for inspections, including preparation, on-site work and the publication of the inspection report, are as follows in working days.

Day	Full inspection activity
1	Preparation
2	Site visit
3	Site visit
4	Drafting report
5–8	Inspection evidence and report (toolkit) submitted for quality assurance
13	Report sent to the registered provider for any comments on factual accuracy, within 10 working days of the end of the inspection
18	Provider returns the draft report within five working days with any comments on factual accuracy
23	The final report will be published on the Ofsted website within 20 working days of the end of the inspection

13. The timeframe for interim inspections is as follows in working days.

Day	Interim inspection activity
1	Preparation/site visit
2	Site visit/drafting report
3–7	Inspection evidence and report (toolkit) submitted for quality assurance
12	Report sent to the registered provider for any comments on factual accuracy, within 10 working days of the end of the inspection
17	Provider returns the draft report within five working days with any comments on factual accuracy
22	The final report will be published on the Ofsted website within 20 working days of the end of the inspection

## Pre-inspection activity for full and interim inspections

14. Inspectors are allocated one day for preparing for a full inspection and a half day to prepare for an interim inspection. Inspectors will look at the information that Ofsted already holds about the service, which includes:
- previous inspection reports
  - completed questionnaires from children, young people and parents
  - the home's Statement of Purpose
  - concerns and complaints received
  - notifications of significant events received
  - reports of monthly visits received under Regulation 33
  - quality assurance reports received under Regulation 34 (including monitoring by the registered person of any incident when a child accommodated in the home goes missing)
  - any changes to registration, including change of manager
  - any enforcement activity from within the last inspection year.

Some of this information is drawn together in the provider information portal (PIP).<sup>2</sup>

15. If information has been received which indicates potential non-compliance with regulatory requirements, Ofsted may decide to investigate compliance issues at a full or interim inspection. In these cases, the concern will be used as part of the lines of enquiry for the inspection. The inspector will outline the concern to the home at the beginning of the inspection. Annex C contains guidance on the way inspectors will report on concerns that have been investigated during an inspection.
16. The *Request for information at a full inspection form* (Annex A) must be downloaded by the inspector from the intranet, ready to use at a full inspection. This form requests specific information from the children's home to inform the inspection. (Further information is included in paragraph 31).
17. The inspector will carry out an analysis of the available evidence and information and record their planning notes within the planning section of the Regulatory Support Application (RSA) toolkit.<sup>3</sup> The plan for the inspection will identify lines of enquiry, any areas of apparent weakness or significant strength, or areas where further evidence needs to be gathered. The focus of the inspection may change during its course as further evidence emerges.

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<sup>2</sup> Ofsted's provider information portal provides a summary report of the home's regulatory and inspection history.

<sup>3</sup> The RSA is the electronic system used by Ofsted to administer and record regulatory inspections.

## Regulation 33 reports

18. Regulation 33 requires that monitoring visits to the children's home must take place at least once a month and may be unannounced. The regulation also requires that a report on the conduct of the home must then be written and a copy supplied to Ofsted. Ofsted therefore requires that the provider sends the report to Ofsted before the end of the month that follows the month in which the visit took place. For example, if a visit was conducted in July, the report should be sent to Ofsted before the end of August. This requirement still applies when there are no children in placement within the home. Information regarding the management of Regulation 33 reports is included within Annex G.
19. Inspectors must regularly access copies of Regulation 33 reports from providers via the Meridio system.<sup>4</sup> Any emerging lines of enquiry for the next inspection are noted in RSA 'Registration Comments' section and inform pre-inspection planning.
20. All documents should be sent in black ink on white paper.

## Regulation 34 reports

21. Regulation 34 of the Children's Homes Regulations 2001, as amended by The Children's Homes (Amendment) Regulations 2011, requires the registered person to report upon the matters set out in Schedule 6 of those regulations. The reports form part of the provider's quality assurance procedures. It is good practice for these reports to be completed twice a year.<sup>5</sup> A copy of the report should be sent to Ofsted within 28 days of completion.
22. As part of the pre-inspection activity on the inspection planning day, inspectors will check the latest Regulation 34 report and any emerging lines of enquiry will be included in the inspection plan.

## Gathering the views of children, young people and parents, staff and other interested parties prior to inspection

23. The views of children and young people and their parents, staff and other interested parties – such as placing social workers and independent reviewing officers – inform lines of enquiry for each inspection and are an important part of inspection evidence.

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<sup>4</sup> Meridio is Ofsted's document storage system, where scanned documents are stored for inspector reference.

<sup>5</sup> *Children Act 1989 guidance and regulations volume 5: children's homes*, DfE, 2011; <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00024-2011>.



24. Ofsted will send out a standard letter to the home's address at a point of time during the inspection year. This will include a set of electronic addresses that link to an online questionnaire for each group (such as children and young people; parents; or staff and other interested parties) specifically for that home. If Ofsted does not hold an email address, the home will be sent the links by post to distribute. Paper copies of questionnaires will be available on request.
25. Where the children's home has indicated that children and young people use alternative means of communication, the inspector will ask the Delivery, Performance and Support team (DPS), via the RSA memo system, to send out suitably adapted young people's questionnaires.
26. Completed questionnaires will be passed to the relevant inspector for the setting and will be used to inform the planning of the inspection.

## Deferrals

27. Inspections will not normally be deferred. If on arrival it is found that there is an absence or unavailability of key staff, or accommodation issues such as refurbishment, these will not constitute reasons for deferral.
28. Deferrals will only be made where there is a strong reason for supposing that if the inspection went ahead it might place people at risk or if the ability to gather secure evidence is severely restricted. Such conditions might be:
  - serious weather conditions making access to sites for inspectors, children and young people and staff difficult and/or dangerous
  - a serious incident, where the presence of an inspector would impact adversely on the safety and well-being of children and young people in the children's home.
29. Decisions about deferrals are agreed by Ofsted's Regional Director, who takes advice from the Divisional Manager, Inspection.

## Inspection activity

30. At the start of the inspection the inspector will confirm their identity by producing their Ofsted Inspector Authorisation and Identification card and identity badge. It is not necessary to carry paper copies of Criminal Records Bureau (CRB) checks.
31. There is a *request for information at a full inspection form* (Annex A) which provides specific information for the inspection. It is a tool that is designed to support the inspection process. Inspectors should present this to the person in charge at the beginning of a full inspection and ask them to complete and return the form at a time agreed during the inspection. The completed form will inform the inspection findings and may generate lines of enquiry.

32. The number of episodes of missing children and young people will be recorded within the home's inspection *request for information at a full inspection form*. Care practice should reflect the statutory guidance *Children who run away and go missing from home or care (statutory guidance, July 2009)*.<sup>6</sup> See Annex E.
33. The inspector will outline the plan for the inspection and confirm with the manager/senior staff member whether it is a full or interim inspection. If the manager is not available in the home at the start of the inspection, the inspector will ask staff to inform the manager or Responsible Individual that the inspection is taking place and to make arrangements for feedback at the end of the inspection.
34. At the beginning of the inspection, inspectors will ask staff for any current information or personal issues relating to any of the children and young people placed that they need to be aware of while they are on site. This information could include any recent significant incident involving a young person or plans for a change of placement.
35. Inspection activities at a full inspection may include:
  - listening and talking to children and young people
  - observing interactions between staff and children and young people
  - observation of key activities such as handovers of information between staff
  - gathering views from partners and stakeholders such as social workers
  - case file reading
  - examination of other relevant records for example medication records
  - inspection of premises, facilities and health and safety arrangements
  - discussions with managers and staff.
36. The inspection will specifically focus on gathering evidence against the evaluation schedule. The detail of activities undertaken and discussions held will vary depending on the lines of enquiry for each individual inspection.

## **Listening and talking to children and young people**

37. The views and experiences of children and young people who live in or stay at the children's home are at the centre of the inspection and provide key evidence in assessing outcomes against the evaluation schedule. Inspectors will always try to meet with children and young people during the inspection, although in exceptional circumstances this may not be possible.

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<sup>6</sup> *Statutory guidance on children who run away and go missing from home or care*, DCSF (now DfE), July 2009; <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00670-2009>.

38. Inspectors must take into account the specific communication needs of the children and young people. For some children and young people, the inspectors may request the assistance of staff who know and understand the young person's preferred means of communication. In other instances, it may also be appropriate for inspectors to spend time observing children and young people and how they interact with staff and respond to their environment.
39. Much of the experience of children and young people living in the home takes place after the normal school, college or work day, and it is therefore essential that inspectors are present at this time. Inspectors should involve children and young people in inspection activity wherever they can. Opportunities to gather the views and experiences of children and young people may include:
- asking children and young people to show inspectors around the children's home
  - holding structured meetings (as a general guideline, a meeting should not include more than five children and young people)
  - having individual conversations
  - joining in leisure activities such as computer or console games
  - preparing snacks or drinks
  - spending mealtimes with young people
  - conversations during homework
  - outdoor activities.
40. Inspectors will demonstrate safe and sensitive practice through:
- telling staff where conversations with young people are taking place and who is involved
  - being sensitive to the fact that some children and young people may not want to be involved in the inspection
  - explaining to children and young people that they will not include comments that will identify them in the inspection report or in feedback to staff working in the home
  - ensuring that staff are aware of any arranged meetings with children and young people and that children and young people may leave the meeting at any time
  - where appropriate, inspectors must explain to children and young people that information suggesting that they or another child or young person is at risk of harm will be passed by the inspector to an appropriate person able to take necessary action about that concern.
41. Inspectors will assess how well the children's home effectively consults with children and young people. The views of children obtained by the service will also be taken into account as part of the inspection evidence.

## Observation of key activities

42. Inspectors can use the home's scheduled activities as opportunities for observing and following lines of enquiry. These activities could include:
- staff handover between shifts
  - the provider's Regulation 33 visits
  - young people's meetings
  - staff meetings or briefings.
43. The young people's privacy and confidentiality of their personal information will be respected at all times by inspectors.

## Gathering views from stakeholders

44. Wherever possible, inspectors will consult with stakeholders to inform the inspection findings. This will usually be through a telephone call during the inspection. This group may include: social workers; Independent Reviewing Officers; school staff; local police; the placing authority's Quality Assurance Officer and Local Authority Designated Officer; youth offending teams; or monitors from the youth justice board or independent visitors. Inspectors can ask managers or staff for the relevant contact details.
45. Inspectors should always take account of privacy and confidentiality when talking to stakeholders on the telephone during the inspection. Where a call back is requested, the inspector should always use Ofsted's national number 0300 1231231.

## Case file reading

46. Where numbers allow, inspectors will examine at least two case files. This part of the inspection will include discussions about placement planning with young people and their key staff. Lines of enquiry will reflect the evaluation schedule and are likely to include:
- tracing the placement history of the child/young person, including pre-admission assessments, placement decisions and visits to the children's home
  - young people's access to and contribution towards their placement plan
  - designated key members of home staff and their understanding of: the placement plan; the child or young person's needs; and their success in helping each individual to understand and manage their life experiences as they grow and mature
  - an assessment of how well children are helped to do well at school and how well supported they are in the placement
  - the home's contribution towards delivery of the placement objectives.

## **Examination of records, policies and procedures**

47. The home's Statement of Purpose and registration certificate will be examined by the inspector to confirm that the home operates in line with the conditions on the certificate. Additional guidance regarding those homes that provide placements for young people aged 18 years and over is included in Annex D.
48. Other documents will be examined where it is a line of enquiry for that individual inspection. Inspectors will not routinely examine all policies and procedures.
49. Where paper or electronic personnel records are maintained at the home, the inspector may ask to see those records, if they are included within the lines of enquiry for the inspection.
50. Where recruitment records are not maintained at the home, inspectors will look at the home's list or electronic records that summarise the vetting and recruitment checks for staff. These records could be maintained within checklist or spreadsheet formats. The information available for inspection should comply with schedule 2 of the revised Children's Homes Regulations 2001, and must include the reference number of the subject's CRB check and confirmation that there are two satisfactory employment references. If any lines of enquiry require additional information, then the inspector may request that a small sample of full personnel records are made available at the inspection visit.
51. Ofsted carries out head office audits on all organisations which are part of Ofsted's National Provider scheme.<sup>7</sup> The purpose of the audit is to review organisational policies to ensure that they meet the national minimum standards. Copies of current head office audits are available on Ofsted's intranet and members of the National Provider scheme receive a copy of their audit. During the inspection planning day, inspectors must check the national provider scheme's intranet page for current audits regarding the home. The results of the audit will be noted within the planning section of the RSA toolkit.

## **Discussions with the manager/s and staff**

52. Individual interviews will be held with the manager/person in charge and a number of other care staff. The number will depend on the size of home, but will include a sample of permanent staff and any agency staff working in the home at the time of inspection.
53. In making plans to interview staff, inspectors should be ready to alter arrangements if staff have to attend to the needs of children within the home.

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<sup>7</sup> The National Provider scheme is operated by Ofsted for large corporate organisations that provide social care. To be eligible for the scheme, providers should have settings across all three Ofsted regions and must have corporate policies and procedures that are disseminated across all their settings.

54. The interview with the manager should include these elements:
- issues that the inspector wishes to explore with the manager that have arisen from pre-inspection information
  - follow up on progress in response to previous requirements and recommendations
  - the plans for future development of the home
  - the arrangements for supervision received by the manager
  - a summary of the needs of the children and young people living at the home, including the management of behaviour and the help on offer to help them to make and sustain attachments with adults
  - any further evidence the manager may wish to highlight with the inspector.

## **Inspection activities at an interim inspection**

55. Interim inspections follow a full inspection. They focus on progress since the full inspection and look at whether the children's home is maintaining or improving the standards of care. Inspection evidence will be gathered using any of the inspection activities outlined in paragraph 35. Inspectors will generally be on site for half a day up to a maximum of a full day.
56. At the interim inspection, the inspector will:
- evaluate the home's capacity to improve through the response to requirements and recommendations or where there were no recommendations and/or requirements through the effectiveness of the leadership and management
  - talk to children and young people about their experiences in the home; this can be by telephone or face to face
  - evaluate any consultation the home has undertaken with children and young people and the impact this has had on practice and improving outcomes for young people
  - talk to managers/those in charge and staff about the day-to-day running of the home and what has changed since the last inspection
  - follow up any lines of enquiry generated from notifications to Ofsted, Regulation 33 reports and Regulation 34 reports since the last inspection.
57. Where there were no requirements or recommendations at the last inspection, the inspector should spend time listening to children, young people and staff about what has changed since the last inspection.
- Have there been any significant changes?
  - Has the staff team focused on developments and improvements in a particular area? If so, what are they and what impact have they had?

- Do any of these conversations generate lines of enquiry?

58. Inspectors will make their judgements using a three-point scale.

<b>Good progress</b>	The children's home has demonstrated continued improvement in quality of care and outcomes for children and young people. Where appropriate, it has addressed all requirements and the large majority of recommendations that were raised at the previous inspection.
<b>Satisfactory progress</b>	The children's home has maintained quality of care and outcomes for children and young people. Where appropriate, it has addressed all requirements and the majority of recommendations that were raised at the previous inspection.
<b>Inadequate progress</b>	The children's home has failed to address one or more requirements and/or has not met the majority of recommendations and/or the quality of care and outcomes for children and young people have declined since the last full inspection.

59. This is a judgement about progress. It is a different judgement from that made at a full inspection. Inspectors may need to explain the new framework and the different inspections to providers.

60. Inspectors can raise requirements and recommendations for any weaknesses that they identify during the course of the interim inspection.

## The use of restraint and other restrictive physical intervention in children's homes

61. Care plans and placement plans must set out how a home will meet the social, emotional, educational, behavioural and cultural needs of the child. This planning should take into account the individual circumstances and needs of the children and young people and where appropriate should include consideration of appropriate management approaches that reduce the likelihood of the use of restraint.

62. The law does allow children's homes to restrain a child but only in exceptional circumstances to prevent actual or likely significant injury to the child concerned or others, or likely serious damage to property and then only when no alternative method of preventing harm or damage is available.

63. Providers must not use restraint as a punishment, or to enforce compliance with instructions, or in response to challenging behaviour which is unlikely to cause injury to persons or serious damage to property. Regulation 17 in the Children's Home Regulations 2001 (amendment 2011) outlines the legal requirements of providers and the national minimum standards give some guidance on the use of restraint and set out the circumstances where it may be necessary.

64. Restraint techniques should not intend to cause pain or restrict breathing. The statutory guidance is clear that the following techniques should not be used:
  - any techniques that interfere with breathing
  - holding a child by the neck/any type of neck hold
  - 'nose distraction' techniques (which involves a sharp jab under the nose).
65. Inspectors will inform compliance, investigation and enforcement (CIE) in all cases where a provider is using holds that carry unacceptable risk, or is using any other form of restraint that they assess as potentially harmful to children and young people.
66. This means that providers should not use 'double basket hold' which involves holding a person's arms across their chest or the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third takes care of the head.
67. Inspectors must assess a provider's practice against the judgement for safeguarding as outlined in the evaluation schedule.
68. Inspectors must consider the appropriateness of restraint training in terms of its effectiveness, in fulfilling the expectations detailed in the statutory guidance and revised regulations. The Department for Education (DfE) will consider accreditation of restraint training, including restraint training for use in secure children's homes, in the future.
69. Inspectors must inform the Complaints, investigation and enforcement (CIE) team in all cases where a provider is using holds that carry unacceptable risk or any form of restraint that is assessed as potentially harmful to children and young people.
70. In addition to any referral to the local authority following inappropriate use of restraint, the CIE case officer should inform the Children's Rights Director's team.

## **Restriction of liberty**

71. The statutory guidance for children's homes makes it clear that children and young people's liberty cannot be restricted for the purposes of detention. Any decision to restrict a child's liberty has to go through due legal process and be directed by the courts. A secure children's home must be approved by the Secretary of State for that purpose. Legally there is no such provision as a semi-secure children's home. Restriction of liberty in other circumstances can only be used as an urgent and temporary measure, justified by a risk assessment concluding that there would be an even greater risk of harm to the child without its use.



72. Inspectors should note that section 2.109 states that 'Therapy and behaviour management do not provide a reasonable excuse for restricting the liberty of a child in a children's home which is not approved as secure accommodation.'
73. The use of double or high handled doors or locking of doors may be acceptable as a safety measure and/or as a security precaution. Any decision must be based on careful risk assessment and agreed with parents and the placing authority in line with NMS 10.4. At inspection, we need to ensure that this decision is based on a clear risk assessment. The risk assessment must also be regularly reviewed and updated accordingly, in line with paragraph 2.108 of the statutory guidance. The home needs to demonstrate that these measures do not negatively impact on the rights of other children resident in the home. We need establish that this does not become a 'custom and practice' way of managing a young person without careful consideration of alternatives and regular reviews etc.
74. It is a restriction of liberty if the young person is not allowed to leave a room, even where there is no physical barrier preventing them from doing so.
75. Where children persistently go missing then the process outlined at Guidance 2.83 should be followed. The registered manager should arrange to bring together all involved parties, which will include the child's responsible authority, the area authority (e.g. if there are safeguarding issues, as is likely) and the police to develop an agreed risk minimisation strategy. If the child fails to respond to this strategy and they continue to run away from the home, then it may be necessary to consider whether the placement can properly keep them safe. Any consideration of whether a child's liberty should be restricted must include their rights, an assessment of risk and the implications for other children who might be affected by its use.

## **Children's homes with education/ residential special schools registered as children's homes**

76. Ofsted recognises that the requirements about the use of restraint differ between school settings and children's homes in that education staff can use reasonable force for the maintenance of good order and discipline (section 93 Education Act 2006). However, it is Ofsted's view that a consistent approach to the management of behaviour best meets the needs of children and young people and that for this reason Ofsted would expect that the regulations and statutory guidance for children's homes in relation to restraint are consistently applied across the educational and children's home settings. Where such consistency is not being applied this may lead to the making of a judgement of inadequate.

77. In addition, where Social Care Regulatory Inspectors are undertaking inspections alongside education colleagues, they must familiarise themselves with the relevant Ofsted frameworks and inspector guidance.<sup>8</sup>

## Safeguarding concerns

78. If serious issues of concern arise, for example in relation to the failure to follow child protection procedures and/or where a child is discovered to be at immediate risk of harm, the home's senior manager will be notified as soon as possible unless this compromises the child/young person's safety. Inspectors should always follow *Ofsted Safeguarding Policy and Procedures*<sup>9</sup> and contact the national CIE team on 0300 123 1231 should they be in need of advice. Where required, a referral will be made to the CIE team, the appropriate local authority children's services and the child's allocated social worker.

## Recording evidence

79. Throughout the inspection, inspectors will maintain a record of their evidence. Electronic evidence is recorded within the RSA toolkit evidence screen. In most circumstances once the summarised evidence has been placed in RSA any duplicate handwritten evidence will be destroyed by the inspector. In some circumstances inspectors will be required to also keep any handwritten notes they have made during the inspection. This would apply in circumstances where legal action is being considered or a challenge or complaint about the judgement is anticipated. Inspectors need to record all handwritten evidence using black ink so that it can be photocopied if necessary. All handwritten evidence must be legible and dated. Handwritten evidence must be recorded in a notebook used only for recording evidence. Inspectors must submit all handwritten evidence that will form part of the inspection evidence base to the national quality assurance team within five working days of the end of the on-site visit. All inspection records will be retained in accordance with Ofsted's published retention policy.<sup>10</sup>
80. Evidence should be clear, evaluative and sufficient for the purpose of supporting the judgements and telling the story of the young people's experience within the home. Evidence should not include anything that could identify individual staff, individual children, young people or family members, unless necessary for the protection of a child. Inspectors can record direct quotes from children and young people, parents and stakeholders in evidence

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<sup>8</sup> *Framework for inspecting education in non-association independent schools* (090036), Ofsted, 2011; [www.ofsted.gov.uk/resources/090036](http://www.ofsted.gov.uk/resources/090036).

<sup>9</sup> *Ofsted safeguarding policy and procedures* (100183), Ofsted, 2010; [www.ofsted.gov.uk/resources/100183](http://www.ofsted.gov.uk/resources/100183).

<sup>10</sup> *Handling and retention of inspection evidence* (100122), Ofsted, 2010; [www.ofsted.gov.uk/resources/100122](http://www.ofsted.gov.uk/resources/100122).

to support judgements, although evidence should never use individual's names or initials unless they are the names of the registered person.

81. Evidence may be scrutinised for quality assurance and will be considered in the event of any complaint.

## **Inspection findings**

82. Failure to meet regulations and national minimum standards that are identified and addressed during the inspection will still be reported.
83. The *Evaluation schedule for the inspection of children's homes* sets out illustrative evidence of an outstanding, good, adequate and inadequate service. Inspectors will use this to formulate their findings and judgements and to prepare verbal feedback to the manager.

## **Inspection feedback**

84. During the inspection inspectors will share emerging findings about the home's key strengths and weaknesses. Shortfalls that could have an immediate impact on the safety of staff or children will be brought to the attention of the manager, or senior member of staff on duty, as soon as the inspector has identified the problem.
85. At the end of the inspection the inspector will give verbal feedback of the main findings and provisional judgements to the manager or senior member of staff present. In exceptional circumstances, an inspector may need additional time after the inspection fieldwork to take advice before giving feedback. The date of feedback is counted as the last day of the inspection.
86. The feedback should:
  - cover the main findings of the inspection against the evaluation schedule, including both strengths and weaknesses
  - indicate likely requirements and recommendations with clear reference to the relevant regulation or national minimum standard, providing a clear agenda for improvement
  - be balanced and include positive comments as well as highlighting any areas for development
  - use the grade descriptors to indicate how the inspector has arrived at her/his judgements
  - confirm that the report will be sent to the manager in draft for comments on factual accuracy (see 'Timeframe' at paragraph 12 above)
  - confirm that a summary of the report will be sent for the children and young people alongside the final report.

87. At the full inspection, inspectors will remind providers that any action taken in relation to requirements and recommendations will be considered at the interim inspection.
88. Inspectors will not provide a written summary of the inspection or written feedback in advance of the inspection report. Providers may choose to take their own notes at feedback.

## Writing the report

89. Inspectors are responsible for producing high quality reports. The inspector should ensure that the report is free of errors – for example, grammar, spelling and punctuation – before submitting the report. Reports should be written in the present tense. However, a specific example of evidence from the inspection should be written in the past tense.
90. Inspectors should write their reports with regard to the Guide to Ofsted’s house style. In addition, a quality checklist is included within Annex C of this guidance to help authors and readers of Ofsted’s reports.
91. The report should be succinct and evaluative. Inspectors should make appropriate professional judgements about the extent of detail required to ‘tell the story’ of the experience of children and young people living or staying at the home, depending on the complexity of circumstances.
92. The quality of inspection reports is enhanced when children and young people’s feedback is quoted within the report and used to illustrate evaluation about the quality of the home. However, in smaller services, the potential to identify children and young people is high and should be taken into account.
93. There is no specified word length for the report or the individual sections. Inspectors should use their professional judgement to ensure that the reports are long enough to say what needs to be said and no more. It is likely that reports for homes with a number of weaknesses or provision found to be outstanding will require more detailed explanations of the reasons for the judgements.
94. Ofsted will publish reports on the Ofsted website in a redacted form in order to safeguard children. Published inspection reports do not contain any of the following:
  - the name of the home
  - the address of the home
  - any information that identifies the location of the home
  - any information that identifies an individual child, the registered provider or staff member at the home.

95. The reports will only be accessible to the public by Unique Reference Number (URN), by local authority area or by region (for example the North-West, the Midlands, etc.). The reports will not be searchable by postcode.
96. Ofsted will send the inspection report to the provider in a non-redacted form. This version of the report will continue to show all information about the home, including the name and address, which is on the first page of the inspection report.

## Child-friendly summaries

97. Inspectors will complete a child-friendly summary following every full inspection of a children's home. Where children and young people need an adapted form of summary, the report should be sent to the provider with a request for the document to be adapted into a suitable format. The summary should inform children and young people about the inspection outcomes in clear and simple language.
98. Children and young people can read the summaries themselves but they are also intended for staff in children's homes as a vehicle to use in talking to children about the outcomes of the inspection. It would be helpful if inspectors could please make this clear to staff in children's homes while on inspection. This is also stated in the letter that is sent out with the inspection report.
99. Where it is known that children and young people at a children's home use symbols (Widgit, Makaton, Picture Communication Symbols or British sign language-based symbols) as a method of communication, we still provide a child-friendly summary and we provide an inspection summary supplement in whichever of the above symbol formats the provider has told us they use. Inspection summary supplements use symbols to state the children's home's inspection judgement.
100. It is anticipated that children's homes' staff will translate the child-friendly summary for children and young people attending the children's home so they will understand it.
101. Child-friendly summaries:
  - include the main findings of the inspection as reflected in the full inspection report
  - reflect both strengths and weaknesses consistently in line with the overall judgement
  - include short paragraphs using evaluative sentences which focus upon the outcomes for children and young people
  - are written in a consistent style, for example 'we found' or 'I found' or 'the inspector found'
  - may include quotes from children and young people.

102. Inspectors will make a judgement on how 'personal' to make the summary based on the relationships during the visit with children and young people and their contribution. For example, if during the inspection the children and young people spoke frequently with the inspector and fully engaged in the process the inspector may consider a more personal 'letter style' approach is appropriate. Alternatively, inspectors may feel it is more appropriate to write the summary in the third party and more of a 'report style' if children and young people were less involved.
103. In children's homes where the age range is varied, inspectors will use clear and simple language, which will be accessible to all of the children and young people. Inspectors should refer to the *Guide to Ofsted's house style* to maintain consistency across reporting. Summaries should not be more than 350 words in length.

## Quality assurance

104. The inspector is responsible for the quality of the report. The inspector will check the completed report carefully before submitting to the Quality Assurance National Team for sign off for publication.
105. The inspector must use the *Guide to Ofsted's house style* for reference when quality checking their own reports. Inspectors and the Quality Assurance National Team should refer to Annex C.
106. Ofsted's Quality Assurance National Team quality assures:
- inspection reports
  - the evidence base underpinning inspection judgements
  - inspection fieldwork through a programme of accompanied visits.
107. The Quality Assurance National Team will discuss with the appropriate Divisional Manager, Inspection Delivery any proposed change of judgement downwards from the provisional judgement given at verbal feedback given during the inspection. On these rare occasions, the inspector must inform the provider of the revised judgements and provide reasons for the changes before the provider receives the draft report.
108. Ofsted will send an evaluation form following each inspection to the manager of the children's home to complete, which will be used to improve the quality of inspections.

## Concerns

109. It is anticipated that the great majority of inspections will be carried out without any concerns on the part of the children's home.

110. Inspections are carried out in accordance with the principles of inspection and code of conduct set out in the *Framework for the inspection of children's homes*.
111. During an inspection, those with concerns are strongly encouraged to raise issues with the inspector as soon as they arise, so that they can be resolved as quickly as possible while the inspection is taking place. If concerns do arise during an inspection, the inspector should consider the concern and do all that is possible to remedy the problem.
112. If resolution of the concerns is not possible, or the person expressing the concern does not feel that adequate weight is being given to the concerns, or an independent view is sought then the person raising the concern, or someone acting on her or his behalf, should contact the Ofsted helpline on 0300 123 4666.

## Complaints

113. If it has not been possible to resolve concerns then individuals or providers may decide to lodge a formal complaint. Normally, a complaint can be made at any stage during an inspection or up to 30 calendar days from the date of publication of any report. Complaints should normally be made in writing by post or email. However, we will also accept complaints by telephone; where we accept complaints in this way we will not normally take any formal action until we have agreed a written account of the complaint with the complainant.
114. The complaints procedure, which sets out how providers or users can complain about their inspection and what will happen to their complaint, is available at: [www.ofsted.gov.uk/resources/070080](http://www.ofsted.gov.uk/resources/070080).
115. Lodging a complaint will not normally delay the publication of the final inspection report.
116. Complaints can be made in writing to:

The National Complaints Team  
Ofsted National Business Unit  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Or emailed to us at: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

Or made by telephone: 0300 123 4666.

## Annex A. Request for information at a full inspection<sup>11</sup>

Name of children's home:

**Signature/name of person completing the form:**

**Date:**

	<b>Information required since last inspection</b>	<b>Number/Date</b>
1	Number of complaints from children and state number of children involved	
2	Number of complaints from others and state number of children involved	
3	Number of allegations made against staff and state number of children involved	
4	Number of referrals to children's social care teams	
5	Number of times when children went missing <sup>12</sup> and state number of children involved	
6	Number of incidents of restraint	
7	Number of children involved in these incidents	
8	Number of staff who have left since the last inspection	
9	Number of new staff since last inspection	
10	Number of agency staff employed	
11	Number of staff at the children's home have a first aid qualification	
12	Number of sanctions given since the last inspection	
13	Total number of staff (employed on the day of the inspection): <ul style="list-style-type: none"> <li>■ number of staff qualified to NVQ 3/Diploma level 3</li> <li>■ number of staff undertaking these qualifications</li> <li>■ number of auxiliary staff</li> <li>■ number of volunteers</li> <li>■ number of agency staff.</li> </ul>	
	Please list staff training since the last inspection:	
	<b>Secure children's homes only</b>	
14	Number of all single separations occurring	

<sup>11</sup> Inspectors may ask for some/all of this information at an interim inspection.

<sup>12</sup> As defined within statutory guidance.



Type		
Type		
Type		
	<b>Short breaks only</b>	
15	Number of children receiving a service at the time of inspection	
	<b>Dates of checks</b>	
16	Date of gas installations check	
17	Date of Portable Appliance Testing (PAT) check	
18	Date of health and safety risk assessment	
19	Date of last health and safety check of the premises	
20	Date of fire risk assessment	
21	Date of last fire drill – day and night	
22	Date of protocol with the police regarding missing children	
Please provide contact details for social workers and Independent Reviewing Officers:		

## Annex B. The inspection of secure children’s homes: additional guidance

### Introduction

1. This annex clarifies how Ofsted will apply the framework and evaluation schedule to the inspection of secure children’s homes, recognising that these are homes that children live in but that there are issues that are particular to a secure environment.

### Scheduling and team deployment

2. Inspections of secure children’s homes will take place twice a year in line with the *Framework for the inspection of children’s homes*. These inspections will be unannounced inspections.
3. Once every three years, the full inspection will include a more detailed focus on the quality of the educational provision available.
4. The approval process will be incorporated into Ofsted’s bi-annual inspection activity for secure children’s homes. The Secretary of State will make decisions about the approval of the home as a secure children’s home based on the outcome of the Ofsted full and interim inspections.<sup>13</sup> The DfE will review the approval at least every three years using Ofsted inspection evidence and other information (such as that provided by the DfE architectural adviser). Where requested by the DfE, Ofsted will contribute to the Secretary of State’s evaluation and provide appropriate advice.
5. It is recognised that the nature of the inspections of secure children’s homes may require additional inspector time on site to:
  - navigate the security systems on site
  - give due consideration to the issues relating to the evaluation schedule that are specific to secure accommodation
  - find opportunities to talk to staff whom are in direct supervision of children at all times.
6. The number of inspectors involved on site will be based on:
  - a risk assessment, which will consider previous inspection judgements, notifications and any serious incidents
  - the size of the establishment, including the number of separate units on site. Some establishments have three or four units on site plus education

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<sup>13</sup> *Memorandum of understanding between Ofsted and Department for Education: secure children’s homes*, (120071), Ofsted, 2012; [www.ofsted.gov.uk/resources/120071](http://www.ofsted.gov.uk/resources/120071).

- whether there has been significant building developments or changes to the management or operation of the setting.

### **Gathering the views of children and young people prior to inspection**

7. Children and young people living in secure children's homes will be included in the annual questionnaires for children and young people as outlined in paragraph 23.

### **Views of stakeholders**

8. In the case of secure children's homes, the inspector should make contact with the Youth Justice Board performance monitor linked to that unit.

### **Inspecting against the evaluation schedule**

9. All secure children's homes will be inspected against the *Evaluation schedule for children's homes*. However, it is recognised that within the schedule there are specific issues that need to be considered in arriving at a judgement about the quality of care in a secure children's home. The following outlines how the specific issues for secure children's homes relate to the judgements in the evaluation schedule.

10. When evaluating the extent to which:

`the home is appropriately located, designed and maintained and providing appropriate security' (quality of care)

and:

`the environment is physically safe and appropriately secure, taking account of the needs and characteristics of the children and young people cared for' (safeguarding)

inspectors will take into account the use and management of CCTV, security doors, locks, fences and procedures regarding movement around the building and outside of the secure perimeter and escort arrangements. This will also include arrangements for emergency services to access the building as required.

11. When evaluating the extent to which:

`children and young people are safe and feel safe' (safeguarding)

and:

`positive behaviour is promoted, and restraint is only used, if at all, in strict accordance with the legislative framework, including the accurate and clear recording of restraint and the reasons for its use' (safeguarding)

and:

'children living in secure children's homes experience positive support with their problems as well as security or refuge, and receive the same measures to safeguard and promote their rights and welfare as they should in other children's homes' (safeguarding)

inspectors will take into account: how a restraint minimisation strategy is implemented; how and when restraint is used, monitored and a proper debriefing takes place with children and young people; the use of escorts; how single separation is managed; and how searches of children and young people are managed using a risk based model and minimised.

12. When evaluating the extent to which:

'children and young people develop a positive self view, emotional resilience and knowledge and understanding of their background and confidence in their skills' (outcomes)

and:

'they make a positive contribution to the home and the wider community' (outcomes)

and:

'they are well prepared for a successful transition to independence and adult life' (outcomes)

inspectors will take into account how children and young people's outcomes are promoted through preparation for reintegration back into their community or moving to another secure setting including resettlement or discharge planning arrangements.

13. When evaluating the extent to which:

'the home provides a healthy environment where children and young people are able to access the services and support they need to meet their physical, emotional and psychological health needs' (outcomes)

and:

'staff are proactive and consistent in supporting the educational achievement of children and young people, engaging with their school and successfully promoting their attendance' (outcomes)

inspectors will gather direct evidence of the quality and impact of the health and education services provided on site. This will include gathering evidence from relevant staff such as nurses, substance misuse staff and mental health specialists.

### **Inadequate judgement**

14. Where a secure children's home is judged inadequate, the Department of Education will be informed so that the Secretary of State can take this into account in determining the ongoing approval of the home.

### **Quality assurance**

15. All full inspection reports are signed off by the divisional manager, social care. All interim reports are signed off by the managing inspector with lead responsibility for secure children's homes.

## **Annex C. The content of the inspection report**

### **Brief description of the service**

1. This is a brief factual description of the service and should not include judgements or evaluation.
2. It should describe:
  - the home's registered numbers and any categories of registration
  - whether the home is privately owned, charitable organisation or local authority managed
  - whether the home caters for children with specific needs
  - any specific facilities or specific services provided
  - any other relevant registration information, for example, if the service is also registered with the Care Quality Commission.

### **Overall effectiveness**

3. This section should be a brief summary of the outcome of the inspection, explaining the main reasons for the overall effectiveness judgement. It should highlight any outstanding practice and state clearly the home's strengths. It must include reference to any areas for improvement but should not list the requirements and recommendations. This section should provide the reader with a clear picture of the quality of the children's home.
4. The report should not include a description of the inspection process as this is detailed in the relevant frameworks.
5. Inspectors should state if there were no children present during the inspection.
6. Where the inspection is an approval inspection for a secure children's home, this will be stated.

### **Statutory requirements and recommendations**

7. Requirements and recommendations must arise from any weaknesses identified in the report.

### **Requirements**

8. Requirements must link clearly to regulations. Inspectors must consider the wording of the requirements to ensure that providers are not asked to do something they do not have to do. Inspectors should, wherever possible, use the wording of the regulation. However, the requirement should be sufficiently detailed so that it is clear what is being asked of the provider; on occasion this

may require more explanation. The wording should be followed by the regulation in the form of (Regulation xx (x)).

## Recommendations

9. Recommendations, although not enforceable, promote good practice, always relate to a national minimum standard and help the home to improve outcomes for children and young people. Recommendations can also be made against statutory guidance. Any recommendation should be sufficiently detailed so that it is clear what is being asked of the provider.
10. Requirements and recommendations should start with a verb. Commonly used verbs are: ensure, update, implement, improve, create, devise, keep, maintain and revise. They should follow on from the stem 'the provider must/should'.
11. Requirements and recommendations should start with a lower case letter as they follow on from a stem in the inspection report. There should be no full stops at the end of the requirement/recommendation except for the final one. This should have a full stop at the end of the wording, but before the regulation or national minimum standard it is related to. The relevant regulation or national minimum standard will be included within brackets - in the case of statutory guidance, in the form (Volume 5, statutory guidance, para XX)
12. In all cases where a children's home is judged inadequate, the inspector will set requirements so that the registered person/s meet the requirements of the Care Standards Act 2000 and the Children's Homes Regulations 2001. They **may also** make recommendations to help the registered person/s to improve the quality and standards of care further.

## All sections of the report

13. Inspectors need to inspect against the full evaluation schedule but it is not necessary to report against each aspect of the evaluation schedule. Text should provide a brief commentary on the key strengths and weaknesses that support the judgement given and, most importantly, tell the unique story of each home and the experience of children and young people.
14. Inspectors do not need to write a section of the report about each area they have evaluated but must include enough in the report to support their judgement and make it clear to the reader. While the evidence will confirm that the whole evaluation schedule has been inspected, the report will focus on the key strengths and weaknesses that support the judgements made. Where there are aspects of the evaluation schedule that have not been inspected, as they are not relevant for the particular type of children's home, this will be clearly recorded in the evidence.
15. Inspectors should evaluate and report on how the steps taken to tackle requirements and recommendations or key issues raised at the last inspection have improved outcomes for children and young people and the organisation of

the provision. This should be recorded in the leadership and management section of the report and links to the capacity of the children's home to improve.

16. Inspectors should not write out previous requirements, recommendations or key issues in full.
17. Inspectors need to analyse and evaluate the practice that they see. The 'outcomes' section of the report needs to capture the difference that the children's home is making for the children that stay/live there. This section should focus on what the children experience, the difference it makes to them and the progress they are making. For example, health outcomes should relate to the outcome for the children, such as: 'children and young people understand the risks associated with drinking alcohol and in some instances have reduced their alcohol intake'. In relation to educational outcomes, the report should clearly reflect the progress children and young people are making and their achievements while living in the home.
18. The factors that actually help children to progress will usually be recorded in the 'quality of care' section. This section should have a strong focus on evaluating the actions of staff and the practice in the home.
19. There should be references to equality and diversity throughout the whole of the inspection report, not as a standalone section. Equality and diversity issues are an important aspect across the whole evaluation schedule. Inspectors do not need to include a sentence that states the judgement. This is automatically generated in the report when the inspector enters the judgement on the judgement page of the RSA.

### **Reporting at the interim inspection**

20. Inspectors should begin the interim inspection report with a statement of the judgement at the last full inspection. There is only one report section and a section for areas for development (requirements and recommendations) in an interim inspection report.
21. All the usual report writing guidance applies. Text should provide a brief commentary on the key strengths and weaknesses that support the judgement given. Inspectors should provide an evaluative summary of what they found. The report should summarise the progress that has been made since the last inspection and whether the home has maintained the quality of provision. Any strengths and weaknesses should support the overall progress judgement.
22. Where relevant, inspectors should evaluate the evidence that supports any new requirements and recommendations, and explain the impact on the progress judgement. It is not expected that inspectors will write in detail about each requirement and recommendation. It is acceptable for inspectors to summarise the progress made and the impact that this has had.



23. Inspectors can make requirements and recommendations at the interim inspection.

### **General report writing guidance**

24. A well written report:

- contains more evaluation than description
- has judgements that are clearly supported by good evidence
- is clear on the outcomes and experiences for children and young people
- is unique and captures the character of a particular children's home
- does not provide advice or use advisory language
- states findings in the present tense but may use the past tense to refer to specific pieces of evidence
- has short sentences
- is simple and easy to understand
- does not identify the location of the children's home and does not contain sensitive information about individual children and young people, staff or others
- includes quotes from children, parents, staff and other professionals where appropriate and possible
- follows the *Guide to Ofsted's house style*.

25. Reports should be written using the 'active voice'. This is likely to make sentences shorter and more easily understood. Some examples are below.

- Passive voice: 'Good behaviour and a sense of right and wrong are encouraged by the staff.'
- Active voice: 'Staff encourage good behaviour and a sense of right and wrong.'
- Passive voice: 'A good level of enthusiasm is shown by the young people about the activities available.'
- Active voice: 'Young people are enthusiastic about the activities available.'

26. No identifying information should be included in the report, ready for publication on the web. Therefore inspectors will use references as listed below.

<b>Incorrect references</b>	<b>Correct references</b>
Cherrybrook children's home	the/this children's home the home
Green Homes Ltd (registered provider)	the registered provider
Jan Green, Registered Manager	the registered manager
Tim Jones, Social Worker	a/the social worker

### **Reporting on inspections where compliance issues have been investigated**

27. In the inspection report, the inspector will not refer to the concern, or report whether the concern was substantiated. The inspector will report any non-compliance under the relevant judgement area.
28. The inspector will raise requirements where there is a breach of regulation. If a higher level of enforcement is required (such as restriction of accommodation or a proposal to cancel registration), inspectors will consult with Ofsted's Compliance, investigation and enforcement (CIE) team.

## **Annex D. Inspecting a home where young adults are accommodated**

1. This part of the guidance outlines Ofsted's inspection and regulatory powers in relation to a children's home that may accommodate a young adult. A young adult is an individual aged 18 years and over.

### **Power to inspect a home accommodating young adults**

2. The duty on Ofsted to inspect homes provided by section 31(3)(a) of the Care Standards Act 2000 remains in place, even if the home only accommodates young adults at the time of the inspection.

### **Interviewing young adults**

3. Ofsted can discuss the operation of the children's home with any young adult residing at the home.

### **Inspection of records relating to young adults**

4. Ofsted should, wherever possible and appropriate, ask a young adult's permission to view their records. Ofsted may, where necessary, access the records using regulatory powers under s31(3)(b) of the Care Standards Act 2000. However, the adult's right to make decisions will be respected and this power will only be used in exceptional circumstances.

### **CRB checks on young adults living at the home**

5. A provider is not required to conduct a Criminal Records Bureau (CRB) check on a young adult accommodated at a children's home. However, the provider must identify any potential impact on the children living in the home. A young adult accommodated at the home refers to a resident who is 18 years or over. This does not apply to a volunteer, a member of staff or other person living at the children's home.

### **Taking action where young adults accommodated at the home have identified impact on resident young people**

6. Ofsted may take action or impose conditions to address any impact that adults accommodated at a home are having on young people living in the home.

## Annex E. children and young people who are missing from care and children who are at risk from sexual exploitation

7. Research studies have shown that the numbers of children going missing from children's homes is higher than foster care and significantly higher than the age-general population. The report *Missing children and adults – a cross-government strategy* suggests that children in care are three times more likely to run away than other children.<sup>14</sup> These findings have been supported in a recent study of 16 children's homes by Professor David Berridge. He found that over a seven-month period, there was little change in children's risky behaviour, including going missing.<sup>15</sup> The likelihood of running away is exacerbated in children with mental health difficulties and those who misuse drugs and/or alcohol.<sup>16</sup> Furthermore, of trafficked children who come into care, approximately one third then repeatedly go missing.<sup>17</sup> This increased risk of going missing for trafficked children has also been recognised by the Home Office, which suggested that these 'children are particularly vulnerable to going missing from care'.<sup>18</sup> The consequences of going missing for children include the risk of abuse, sexual assault, sexual exploitation, involvement in criminal behaviour, non-attendance at school and developing mental health difficulties.<sup>19</sup>
8. The recently published All Party Parliamentary Group (APPG) *Report from the joint inquiry into children who go missing from care*<sup>20</sup> confirms these concerns, stating that children who are missing are at 'serious risk of physical abuse, sexual exploitation and sometimes so desperate they will rob or steal to survive.'
9. Figures compiled by the police show that children and young people are the highest group to be reported missing, with young people aged 15–17 being the group that goes missing most frequently.<sup>21</sup>
10. The Department for Education (DfE) has released figures on the number of children who have gone missing from care.<sup>22</sup> These figures include children who

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<sup>14</sup> Paragraph 3.10 of *Missing children and adults – a cross-government strategy*, Home Office, 2011; <http://www.homeoffice.gov.uk/publications/police/missing-persons-strategy>.

<sup>15</sup> *Living in children's residential homes*, Berridge, D., Biehal, N. and Henry, L, DfE, 2012; <https://www.education.gov.uk/publications/RSG/AllPublications/Page1/DFE-RR201>.

<sup>16</sup> Paragraph 3.10 of *Missing children and adults – a cross-government strategy*.

<sup>17</sup> ECPAT evidence to the Health Select Committee 2010.

<sup>18</sup> Paragraph 3.7 of *Missing children and adults – a cross-government strategy*.

<sup>19</sup> Paragraph 3.3 of *Missing children and adults – a cross-government strategy*.

<sup>20</sup> *Report from the joint inquiry into children who go missing from care*, APPG, 2012; <http://www.childrensociety.org.uk/what-we-do/policy-and-lobbying/parliamentary-work/appg-inquiry-children-who-go-missing-or-run-away-c>.

<sup>21</sup> *Missing Persons: data and analysis 2009/10*, NPIA, 2011;

[http://www.npia.police.uk/en/docs/Missing\\_Persons\\_Data\\_and\\_Analysis\\_2009-10.pdf](http://www.npia.police.uk/en/docs/Missing_Persons_Data_and_Analysis_2009-10.pdf).

have gone missing from residential care, as well as other forms of care such as fostering. In:

- 2008, 980 children went missing
  - 2009, 930 children went missing
  - 2010, 810 children went missing.<sup>23</sup>
11. However, the recent APPG report highlights the discrepancy between the data held by the DfE compared with police data that suggests there are an estimated 10,000 individual children going missing each year from care.
  12. Children's homes have certain legal obligations in respect of missing children. Children's homes are required to:
    - include in the statement of purpose the procedure for when a child goes missing (regulation 4(1) and paragraph 18 of schedule 1 to the Children's Homes Regulations 2001)
    - keep in their case records the dates and circumstances of all incidents where a child accommodated in the home goes missing from the home, including any information relating to the child's whereabouts during the period of absence (regulation 28(1) and paragraph 10 of schedule 3 to the Children's Homes Regulations 2001)
    - prepare and implement a procedure to be followed if a child goes missing (regulation 16(4) of the Children's Homes Regulations 2001)
    - notify the placing authority if a child absconds from the home (regulation 30, schedule 5 to the Children's Homes Regulations 2001).
  13. Children's homes (except secure children's homes) are not required to notify Ofsted when children go missing. However, in preparation for inspection, inspectors must consider the information that Ofsted has about the service. This includes quality assurance reports received under regulation 34 of the Children's Homes Regulations 2001, including monitoring by the registered person of any incident where a child accommodated in the home goes missing.
  14. At each full inspection, inspectors should request the:
    - number of times when children went missing<sup>24</sup> since the previous inspection,<sup>25</sup> and the number of children involved, including action taken to address the causes and to prevent a repeat occurrence

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<sup>22</sup> DfE: Children looked after by local authorities in England (including adoption and care leavers) – year ending 31 March 2010; <http://www.education.gov.uk/rsgateway/DB/SFR/s000960/index.shtml>.

<sup>23</sup> It is important to note that these figures record how many individual children went missing, not the number of times that each child went missing, during the year.

- date, impact and effectiveness of the protocol with local police regarding missing children.

Inspectors should assure themselves that homes have made themselves known to the police and are familiar with and act on local 'missing persons' protocols (regulation 16 of the Children's Homes Regulations 2001 (as amended) and standards 3 and 5 of the NMS).

Care practice should reflect the statutory guidance *Children who run away and go missing from home or care* (statutory guidance, July 2009).<sup>26</sup> If a service caters for children and young people who do not have 'looked after' status, the statutory guidance still applies.

### **Actions inspectors must take**

Where there are incidents of children going missing or notifications relating to involvement or suspected involvement of a child accommodated at the home in prostitution, inspectors should:

- always case track these children, highlighting whether they think children are in danger as a result of the volume or pattern or characteristics of the incidents of going missing and whether these risks are understood by the adults responsible for them
- during tracking, endeavour to speak to placing social workers and/or the team manager, area LADO, school and local police to test the effectiveness of partnership working as well as to gather an external professional view of the effectiveness of the home and the arrangements to keep the child or young person safe. We should always make contact with the police and the local authority where the homes own records give cause for concern.
- explore whether the home has the capacity to meet the needs of every young person placed. The skills and experience of staff working in and managing the home should be closely examined so that inspectors can assess whether they can work competently with children placed. Where children are known to be at risk of sexual exploitation, explore what specific training and supports are in place for staff and whether the effectiveness of this training and support is monitored by the provider.

<sup>24</sup> As defined in statutory guidance on children who run away and go missing from home or care, July 2009: children and young people who have run away from their home or care placement, have been forced to leave or whose whereabouts is unknown.

<sup>25</sup> The number of times children and young people go missing must be provided in the home's inspection information form (Annex A).

<sup>26</sup> *Statutory guidance on children who run away and go missing from home or care*, DCSF (now DfE), 2009; <https://www.education.gov.uk/publications/standard/Childrenandfamilies/Page9/DCSF-00670-2009>.

- record explicitly the evaluation of the effectiveness of action taken to reduce the incidence of going missing/suspected or actual involvement in prostitution. This includes action taken by the home, placing authorities and statutory agencies, including whether placement reviews are called with the placing authority to agree an action plan protecting the child and assessing the extent to which the home can keep them safe. This must include a brief overview of events relating to the notifications and the inspector's assessment of how timely and effective any intervention has been.
- assure themselves that, where relevant, the home is identifying and notifying incidents of suspected or actual prostitution and understands the risks associated with going missing. Any under-reporting will undermine partnership working and children's safety, and will need to be reflected in the inspection report and any actions made or enforcement action taken.

In evaluating the effectiveness of partnership working, inspectors may identify concerns relating to the placing authority or area authority or both. Where this is the case, the inspector must follow the *Management of cross-remit concerns about children's welfare*<sup>27</sup> policy and consider whether an immediate referral to Compliance, Investigation and Enforcement or through the whistleblowing team is required. When making this assessment, the inspector should speak to their team manager or Managing Inspector.

Any identified strengths and weaknesses in practice should be clearly reported, with the impact on the inspection judgements, and result in appropriate recommendations or requirements. Where there are significant concerns about the welfare of children and young people, it is likely that the home will be judged inadequate and the inspector must instigate a case review in line with the framework for inspections.

### **Notifications for secure children's homes**

15. The regulations governing secure children's homes require them to notify us, the police, the placing authority and the youth justice board whenever a child or young person goes missing.

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<sup>27</sup> *Management of cross-remit concerns about children's welfare* (110147), Ofsted, 2011; [www.ofsted.gov.uk/resources/110147](http://www.ofsted.gov.uk/resources/110147).

## Annex F. Inspecting homes where there are no children in placement or no registered manager in post

1. If there are no children or young people present at the first inspection after registration, an interim inspection will be carried out which focuses on whether the service continues to meet registration requirements. The interim inspection toolkit must be used and the following statement made in the report:

The home has not provided <accommodation> to <children and young people> since its registration on >insert date of registration. This inspection focuses on whether the children's home meets its statutory requirements in order to maintain its registration and is ready to accept placements. <Inspector to include any relevant text>

2. In these instances, Ofsted will not make a judgement about progress. If the requirements of registration are not met, the inspector can raise requirements or recommendations.

### All other inspections

3. Where a home has no children in placement at the time of the inspection but intends to admit children at any time, an interim inspection will be conducted. The inspection will focus on whether the registration requirements continue to be met and the home is suitable to accommodate children and young people. However, if the home has not had a full inspection in the cycle and children and young people have recently been placed or will soon be placed, the inspector will risk assess with their line manager whether to undertake a full inspection.
4. If children and young people have been accommodated since the last inspection it may be possible to use information about their placements as evidence about outcomes for children and young people. Inspectors should take account of the length of time since the last child/young person left and the independence of the evidence that can be collected to support the judgement.
5. Where a home does not intend to take placements and will remain closed for sometime, interim inspections are completed and a condition that the home will notify Ofsted if they intend to accept a placement is imposed. The condition must be worded as follows:

must inform Ofsted of their intention to admit children and young people three months before a child or young person's placement commences.

6. In these instances the text of the interim inspection report must contain the following statement:

The home> has been closed for <state length of time. The registered provider has indicated that the home will not be operational for <state length of time from the date of inspection>. Should the home decide to



accept placements they are required to inform Ofsted of their intention before they do so.

7. In these instances Ofsted will not make a judgement about progress.
8. Where a children's home is subject to the condition of registration listed in paragraph 5 of this annex, they will inform Ofsted when they intend to accept a placement. An inspector will make a risk-based decision, in conjunction with their manager, about whether to undertake an interim or a full inspection before the date that the placement commences or after the placement has started. If the home meets its registration requirements the condition must be removed and a new certificate issued.

### **Inspecting children's homes where there is no manager in post**

9. If there is no manager in charge of the home and no application in progress, the inspector should raise a requirement under regulation 7 of the Children's Homes Regulations 2001 (Appointment of manager). The inspector should consider how long the post has been vacant or the manager has been in post without applying for registration, evaluate how this is affecting the welfare of the children placed and the management of the home, and take this into account in making their judgements. This may lead to an overall judgement of inadequate.
10. If there is still no registered manager in post and no application in progress at the following inspection, this is likely to lead to a judgement of 'inadequate progress' at the interim inspection or 'inadequate' at the full inspection.
11. If there is a manager in post but they are not registered with Ofsted, the inspector will ensure that the individual manager is aware that it is an offence not to be registered.<sup>28</sup> We expect all managers to apply to register with us within 28 days of taking up their appointment in order to comply with legislation.
12. It is Ofsted's view that managers that are not registered need to be aware of the seriousness of the issue so that they can take appropriate steps to become registered without delay. However in the majority of instances it is not anticipated that the inspector will need to advise the manager of their rights under PACE through the caution at the inspection as we will not be gathering evidence to prosecute at this stage.
13. We cannot raise a requirement in the inspection report for the manager to become registered. Instead, when we inspect a children's home and discover

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<sup>28</sup> Section 11(1) of the Care Standards Act 2000 states 'Any person who carries on or manages an establishment or agency of any description without being registered under this Part in respect of it (as an establishment or, as the case may be, agency of that description) shall be guilty of an offence.'

the manager has been appointed but has not yet applied for registration, we send a standard letter (SCL137) to the manager.

14. After the inspection the inspector should ask the appropriate Delivery, Performance and Support team (DPS) to send the standard letter to the new manager to remind them that it is their responsibility to register. DPS should also send a copy to the nominated person/responsible individual for their reference. The letter should be sent no later than the date we send the inspection report to the provider.
15. Where there are additional concerns, such as the manager having been in post for a significant period of time and/or the manager indicating that they do not intend to become registered, the inspector will consult with their manager and/or Compliance, Investigation and Enforcement to take advice about appropriate next steps.
16. The inspector should ensure that a contemporaneous written record is made of any further discussions with the individual manager and the conversation should be followed up with confirmation of any required actions in writing to the manager and the responsible individual.

## Annex G. Managing Regulation 33 reports

### Submitting Regulation 33 reports to Ofsted

1. All children's homes are required to submit a Regulation 33 report. This includes residential special schools and boarding schools that are registered as children's homes.
2. Where the registered provider is an individual, but is not in day to day charge of the children's home, he should visit the home in accordance with this regulation.
3. Where the registered provider is an organisation or a partnership, the home shall be visited in accordance with this regulation by:
  - the responsible individual or one of the partners, depending on the case
  - another of the directors or other persons responsible for the management of the organisation or partnership
  - an employee of the organisation or partnership who is not directly concerned with the conduct of the home.

Where the registered provider is an individual and in day to day charge of the children's home (for example, they are also the Registered Manager), then a Regulation 33 report is not required.

4. Reports must be submitted to:

Document Handling Centre Manager  
Ofsted  
National Business Unit  
PO Box 4317  
Manchester  
M61 0AW.

5. Providers must include Ofsted's unique reference number (URN) and the date on which the visit occurred on the report.
6. Regulation 33 reports can also be submitted electronically to: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). Reports received in this way will be processed. However, information transmitted by email is not by secure link; providers should remain aware of the associated risks while operating within the information assurance guidelines of their own organisation.

### The management of Regulation 33 reports

7. Ofsted reviews the content of Regulation 33 reports to inform the next inspection and uses the information to decide if we need to take any other action.

8. The Regulation 33 report will be securely stored within Ofsted's Meridio system for 12 months.

### **Gaps in Regulation 33 visit reporting**

9. The onus is on providers to submit their Regulation 33 reports to Ofsted. Inspectors will use their judgement to decide whether a provider's continuing failure to submit Regulation 33 reports, requires them to make a monitoring visit to the children's home or to bring forward the next planned inspection.
10. Failure to submit any Regulation 33 report will be noted in the lines of enquiry for the next inspection. Findings in this area may impact on the judgement for Leadership and Management.

## **Annex H. The use of holiday accommodation for looked after children (Q&A)**

This policy applies only to England

### **Q1. Do premises used for holiday accommodation for looked after children require registration as a children's home?**

Any establishment providing accommodation for the purposes of a holiday or for the purposes of recreational, sporting, cultural or educational activities for less than 28 days in relation to any one child in any 12-month period is exempted from being a children's home.<sup>29</sup>

However, the exemptions in the regulations do not apply if the children being accommodated are wholly or mainly of a description falling within section 3(2) of the Care Standards Act 2000 as follows:

- persons who are or have been ill
- persons who have or have had a mental disorder
- persons who are disabled or infirm
- persons who are or have been dependent on alcohol or drugs.

### **Q2. Can children and young people accommodated in a registered children's home use holiday accommodation for short periods of respite, to prevent placement breakdown in times of crisis or as part of a safeguarding strategy, without the holiday accommodation being registered?**

Subject to the criteria listed in question one above, the holiday accommodation does not require registration provided that the purpose of the child or young person's stay can reasonably be perceived as a holiday and that the child or young person maintains a placement elsewhere.

### **Q3. Does holiday accommodation require registration if it is regularly used for a number of different children?**

See the answer to question one above. Subject to the exemptions set out in the Care Standards Act 2000, the premises can be used for holidays by different children provided that no individual child stays for 28 days or more in any 12-month period.

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<sup>29</sup> The Children's Homes Regulations 2001.

**Q4. Can unregistered holiday accommodation be used for short-term placements?**

No; short-term placements apart from holidays and for the purposes of recreational, sporting, cultural or educational activities are not covered by the exemptions in the regulations. Any establishment used for short-term placements requires registration as a children's home. This is the case both where those placements are primary placements and where the child has a placement elsewhere, for example in foster care.

**Q5. Do the same rules apply for holiday accommodation in Wales, Scotland or other countries?**

Ofsted's guidance applies only to England. Providers should contact the relevant regulators for advice about the requirements in other parts of the UK or other countries, such as:

- the Care and Social Services Inspectorate Wales (CSSIW)
- Social Care and Social Work Improvement Scotland (SCSWIS).

## Annex I. The implications of the Equality Act 2010

1. The Equality Act 2010 (the Act) came into effect on 1 October 2010. This Act contains provisions that restrict the circumstances in which potential employees can be asked questions about disability or their health during the recruitment process for work. The Act makes it unlawful for an employer to ask a potential employee questions about their health or disability before they are offered employment, whether on a conditional or unconditional basis.
2. While there are a number of exemptions to the provisions in the Act, it is likely that providers of children's homes will need to comply with the Act when employing staff. If a provider believes that an exemption applies to them, they will need to take their own legal advice on the matter.
3. Social care providers must comply with **both** the Equality Act and the remit-specific regulations that require them to employ people who are fit, including staff being physically and mentally fit for the work. In order to comply with both laws, this means in practice that providers may give conditional offers of employment to potential employees after the recruitment process, subject to appropriate medical and health checks.
4. Inspectors should continue to check that providers have a rigorous recruitment and vetting process in place, including ensuring that their employees are mentally and physically fit before they commence work.
5. It is important to note that the Equality Act does not impact on our registration work. Ofsted is not a potential employer of applicants to provide or manage a children's home. Therefore, we are not prohibited from making enquiries about the health of applicants for registration, in order to satisfy ourselves that they are fit to be registered.

## **Annex J. Overnight stays for looked after children with friends**

1. Statutory guidance has been given by the DfE in Children Act 1989 Guidance and Regulations Volume 5: Children's homes. This covers decision making about overnight stays for looked after children with friends. The guidance sets out guiding principles which should be followed by those responsible for making decisions, what should be agreed through the care and placement plans and best practice in applying considered professional judgements.
2. The guidance makes it clear that there is no statutory duty for Criminal Records Bureau (CRB) checks to be carried out on adults in a private household where a looked after child may stay overnight, and that CRB checks should not normally be sought as a precondition of an overnight stay.
3. Decisions on overnight stays should in most circumstances be delegated to staff, and arrangements for such decisions written into the placement plan (see *Care Planning Guidance*). Looked after children should as far as possible be granted the same permissions to take part in normal, and acceptable, age appropriate peer activities as would reasonably be granted by the parents of their peers. Only where there are exceptional reasons should the permission of the responsible authority be required or restrictions placed on overnight stays.