

Social care registration handbook

This guidance sets out the processes for registering voluntary adoption agencies, adoption support agencies, children's homes, independent fostering agencies and residential family centres.

Please note that this guidance is for Ofsted staff.

There is guidance for providers on the registration process in our *Guide to registration for children's social care services* (www.ofsted.gov.uk/resources/090020), and guidance about what providers need to tell us about once they are registered in *Changes to children's social care services that are registered and/or inspected by Ofsted* (www.ofsted.gov.uk/resources/100253).

Information regarding Disclosure and Barring Service checks is currently being updated to reflect changes that came in on 1 July 2013. For information for applicants please see the *Guide to Registration for children's social care services*.

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List of abbreviations

C

CFC	Cause for concern
SCRI	Social Care Regulatory Inspector (generally referred to in this handbook as 'inspectors')
CIE	Compliance, Investigation and Enforcement
COGC	Certificate of good conduct
CQC	Care Quality Commission
CRB	Criminal Records Bureau (as of 1 December 2012 the CRB merged with the ISA to become the Disclosure and Barring Service)
CSCI	Commission for Social Care Inspection

D

DAF	Disclosure application form (from the Disclosure and Barring Service)
DBS	Disclosure and Barring Service
DFE	Department for Education
DHC	Document handling centre

F

FPI	Fit person interview
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H

HDB	Health declaration booklet
HM	Health Management Ltd
HM40	Consent form to sign for permission to approach a specialist or consultant.

I

IMA	Independent Medical Assessment. (when an applicant is referred for further investigation)
IMS	Inspection Management Support
ISA	Independent Safeguarding Authority (as of 1 December 2012 the ISA merged with the CRB to become the Disclosure and Barring Service)

N

NBU	National Business Unit
NOD	Notice of decision
NOI	Notice of intention (notice of proposal)

O

OSR	Outcome summary report (report from health management with the decision on suitability)
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R

RSA	Regulatory Support Application
-----	--------------------------------

S

SAC Strategic Application Capture

SOP Statement of purpose

SPI Suitable person interview (term used on RSA for a fit person interview)

U

URN Unique Reference Number

About this guidance

1. This guidance is to assist all Ofsted staff in understanding the processes of registering voluntary adoption agencies, adoption support agencies, children's homes, independent fostering agencies and residential family centres.
2. It also covers the registration of new managers of adoption support agencies, children's homes, independent fostering agencies and residential family centres where the service is already registered with us.
3. The registration handbook is made up of:
 - Part 1. Information about registration
 - Part 2. Information about the registration process
 - Part 3. Changes to services that are registered or inspected by Ofsted.
4. See Annex J for a list of relevant publications where you can find more information about social care registration.

Part 1. About registration

5. Ofsted registers providers and managers in order to:
 - protect children, young people and vulnerable adults
 - ensure that children's social care settings meet any relevant regulations and national minimum standards
 - ensure children and young people are safe, well cared for and take part in activities that contribute to their development and learning
 - promote high quality children's social care
 - provide reassurance to children and young people, adults using adoption support agencies or residential family centres, parents, parties responsible for placing children and young people, the government and the public.

Children's social care services that must register with Ofsted

6. The following kinds of children's social care services require registration with Ofsted:
 - adoption support agencies
 - children's homes, including secure children's homes and residential schools that look after one child or more for more than 295 days¹

¹ For more information, please see *Registering as a refuge for young people at risk – guide for applicants (residential homes)*, DfE, 2010; www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00356-2010.

- independent fostering agencies
- residential family centres
- voluntary adoption agencies.

7. Voluntary adoption agencies may only have one principal office, but they may also have separate branches. These branches form part of the same registration and are listed on the same certificate. However, each branch requires a separate application. Separate application fees must be paid for the principal office and each individual branch.

Children's social care settings that do not need to register with Ofsted

8. The following kinds of children's social care services do not require registration with Ofsted:

- boarding schools²
- local authority adoption services
- local authority fostering services
- private fostering arrangements
- residential special schools³
- secure training centres.⁴

People disqualified from registering as a provider or manager of a children's social care service

9. Some people are not allowed to be registered as a provider or manager of a children's home because they are disqualified.⁵ Causes of disqualification from registering include:

- being on the Disclosure and Barring Service (DBS) list of individuals barred from working with children⁶
- certain convictions or charges of an offence against a child

² All schools that provide boarding or residential care must register this particular aspect of their service with the DfE. If the school provides accommodation for pupils for more than 295 days a year, it must also register with Ofsted as a children's home.

³ Ibid.

⁴ Secure training centres are contracted to the Youth Justice Board to provide services.

⁵ A full list of all the circumstances that disqualify people from working with children is available under sections 65 and 68 of the Children Act 1989; <http://www.legislation.gov.uk/ukpga/1989/41/contents>; and the Disqualification from Caring for Children (England) Regulations 2002 as amended; <http://www.legislation.gov.uk/uksi/2002/635/contents/made>.

⁶ Being on the DBS barred list disqualifies a person from registering for all regulated services, not just children's homes.

- convictions or charges of certain offences against an adult (for example: murder, kidnapping, rape, indecent assault or assault occasioning actual bodily harm)
- being made the subject of a disqualifying order
- being made the subject of an order relating to the care of children, such as a child being removed from their care
- having registration as a childcare provider refused or cancelled
- having registration as a provider or manager of a children's home refused or cancelled.

10. In some circumstances, disqualified people may apply to Her Majesty's Chief Inspector (HMCI) to grant them written consent to apply for registration. If we receive such a request, we decide whether or not to grant the person the right to apply to register. If we refuse to grant them the right to apply, the applicant has rights of appeal to the Health, Education and Social Care Chamber of the First-tier Tribunal. However, we cannot grant consent to apply for registration to anyone who is included on the DBS list of individuals barred from working with children. For more information, please refer to the *Social care compliance handbook*.⁷

11. If you become aware that an applicant may have employed a disqualified person before becoming registered, see paragraphs 132 to 135 for information about what to do.

12. For guidance about concerns relating to Disclosure and Barring Service (DBS) offences that do not disqualify someone from becoming registered, see paragraphs 107 and 108.

Applications and checks

Information for applicants and application packs

13. Anyone who wishes to register should read all the information in Ofsted's *Guide to registration for children's social care services* carefully before deciding whether or not to make an application.

14. To make an application, they must:

- get an application pack from our website or from the National Business Unit (NBU)
- obtain a Disclosure and Barring Service (DBS) check via Capita's online DBS service⁸

⁷ *Social care compliance handbook*; <http://www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook-childrens-social-care>.

⁸ <http://ofsteddbsappplication.co.uk>

- submit all the necessary documents.

Applications

15. A person who wishes to register as a social care provider or manager must apply to us, giving all the information requested. It is an offence to knowingly make a false or misleading statement in an application.⁹ See Annex G for more information about the different types of registered persons.

16. An application is not complete until we receive the relevant application forms and documentation and the application fee. Incomplete applications are returned and have to be re-submitted.

17. An application fee cannot be refunded once we have started processing the application. This includes when:

- the applicant decides to voluntarily cancel their application
- we refuse to grant registration
- the applicant is disqualified from becoming registered as a children's social care provider or manager.

18. Providers must make a separate application for each establishment or agency they wish to register. Please see the section 'Applications made by a provider who already has a registered service with Ofsted' (paragraphs 437–441).

Checks on applicants or those connected with the application

19. We carry out a series of checks for everyone who applies to register as a provider or manager of a social care service. These include a DBS check against police records for each person we are required to check who has given consent on the declaration and consent form (SC2), unless that person can demonstrate proof of a recent disclosure carried out through Ofsted. There is more information about this in paragraph 101 and in the Guide to registration for children's social care services. For guidance on applications from people who are already registered, see paragraphs 437–441.

⁹ Under section 27 of the Care Standards Act 2000;
<http://www.legislation.gov.uk/ukpga/2000/14/contents>.

20. Applicants are responsible for checking that all other staff (including agency staff) or volunteers they intend to employ are suitable to work at their proposed establishment or agency. The registration regulations require an applicant to provide us with a list of staff posts, including duties and responsibilities,¹⁰ and, on request of HMCI:

- evidence about how they recruited any staff during the application process¹¹
- whether anyone will be living on the premises
- whether anyone working or intending to work at the premises is related to any other person working or intending to work at the premises (for individuals completing an SC2 form only).

21. Inspectors must sample any staffs records during the registration visit to ensure these meet the requirements in the registration regulations and the relevant service regulations, and protect children from unsuitable people working at the service.

22. An application for an adoption support agency, children's home or residential family centre must include an application to register a manager, unless the provider can demonstrate that they are in day-to-day charge of the provision and have the necessary skills, qualifications and experience.¹² If the application to register a manager is not included where necessary, we will return the whole application to the applicant.

23. An application for an independent fostering agency must include an application to register a manager in all circumstances. If the application to register a manager is not included where necessary, we will return the whole application to the applicant. The provider of a fostering agency must always appoint an individual to manage the agency.¹³

24. We do not register the manager of a voluntary adoption agency.

25. The table below summarises who we check during our assessment of the application and whose names appear on the registration certificate. These checks

¹⁰ Under regulation 3(2)(a) schedule 1, part 2, paragraph 18 of The Care Standards Act 2000 (Registration) (England) Regulations 2010; <http://www.legislation.gov.uk/uksi/2010/2130/contents/made>.

¹¹ Under regulation 6(b), part 2 of The Care Standards Act 2000 (Registration) (England) Regulations 2010.

¹² Under regulation 8(2) of The Adoption Support Agency (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; <http://www.legislation.gov.uk/uksi/2005/2720/contents/made#9>; regulation 7(1) of The Children's Homes Regulations 2001; <http://www.legislation.gov.uk/uksi/2001/3967/contents/made#8>; and regulation 6(1) of The Residential Family Centre Regulations 2002; <http://www.legislation.gov.uk/uksi/2002/3213/contents/made#6>.

¹³ Under regulation 6 of The Fostering Services (England) Regulations 2011; <http://www.legislation.gov.uk/uksi/2011/581/contents/made>.

contribute towards our decision as to whether applicants are fit for registration. We register an individual applicant or organisation when we decide that they and the premises and services they intend to provide are fit. Otherwise, we refuse registration. Whenever refusal is considered an option, inspectors and managers must consult with the Social Care Compliance team.

Type of provider	Description of the entity or person(s) we register as the provider	The application form (SC1) must be signed by:	Those connected with the registration who must be assessed as part of it	Name on the certificate
Individual owner	The individual owner is a person who is the sole owner of an establishment or agency.	The individual owner	The individual owner and the registered manager	The names of the individual owner and the registered manager
Company ¹⁴	Companies: <ul style="list-style-type: none"> ■ are legally constituted ■ have a company name ■ have a company registration number ■ are registered with Companies House. 	1) If the company has no registration with Ofsted: <ul style="list-style-type: none"> ■ a director of the company 2) If the company is already registered with Ofsted: <ul style="list-style-type: none"> ■ a director of the company or <ul style="list-style-type: none"> ■ a responsible individual (RI) who already represents the company 	The person applying to be the RI and the registered manager	The company name and the name of the RI and the registered manager
Statutory body ¹⁵	A statutory body is an organisation where the main purpose of the organisation is provided for under legislation, for	1) If the statutory body has no registration with Ofsted: <ul style="list-style-type: none"> ■ a senior official 	The person applying to be the RI and the registered manager	The name of the statutory body and the name of the RI and

¹⁴ Throughout this guide, the term 'organisation' covers company, statutory body, limited liability partnership and charity.

¹⁵ Ibid.

	example a local authority.	<p>responsible for the statutory body</p> <p>2) If the statutory body is already registered with Ofsted:</p> <ul style="list-style-type: none"> ■ a director of the statutory body <p>or</p> <ul style="list-style-type: none"> ■ a responsible individual (RI) who already represents the statutory body 		the registered manager
Partnership	A partnership is where two or more people are together but are not registered as a limited company.	<ul style="list-style-type: none"> ■ A partner on behalf of all partners <p>or</p> <ul style="list-style-type: none"> ■ two or more partners on behalf of all partners <p>or</p> <ul style="list-style-type: none"> ■ all partners 	All partners and the registered manager	The partnership name or the names of each of the partners and the registered manager
Limited liability partnership	Limited liability partnerships are partnerships that are registered with Companies House and therefore hold a separate legal identity from the individuals that make up the partnership. These fall within the definition of 'organisation' (their organisation 'type' is company). Their company name (on the Companies House website) will have the prefix 'LLP'.	<p>1) If the limited liability partnership has no registration with Ofsted:</p> <ul style="list-style-type: none"> ■ a partner on behalf of all partners <p>or</p> <ul style="list-style-type: none"> ■ two or more partners on behalf of all partners <p>2) If the limited liability partnership is already registered with Ofsted:</p> <ul style="list-style-type: none"> ■ a partner on behalf of all partners 	The person applying to be the RI and the registered manager	The name of the limited liability partnership (company) and the name of the RI and the registered manager

		<p>or</p> <ul style="list-style-type: none"> ■ two or more partners on behalf of all partners <p>or</p> <ul style="list-style-type: none"> ■ a responsible individual (RI) who already represents the limited liability partnership 		
Charity ¹⁶	<p>Charitable bodies may be:</p> <ul style="list-style-type: none"> ■ charitable trusts ■ unincorporated associations ■ limited companies. <p>Registered charities have a 'registered charity number' and may also have a registered company number.</p>	<p>1) If the charity has no registration with Ofsted:</p> <ul style="list-style-type: none"> ■ a director or trustee of the charity <p>2) If the charity is already registered with Ofsted:</p> <ul style="list-style-type: none"> ■ a director or trustee of the charity <p>or</p> <ul style="list-style-type: none"> ■ a responsible individual (RI) who already represents a charity that is registered with Ofsted 	The RI and the registered manager	The name of the charity and the name of the RI and the registered manager

Applicants who have lived abroad

26. If the applicant has lived abroad in the past five years, we ask them to tell us the countries they have lived in on the declaration and consent form (SC2).

27. The DBS has reciprocal arrangements with some countries that allow it to check on the criminal history of those who have lived there.

28. Where there is no such arrangement, we require additional evidence of an applicant's fitness if they do not have a continuous history of living in this country.

¹⁶ Ibid.

The types of evidence we require depend on someone's history and what they can supply to demonstrate their fitness.

29. We are mindful of the level of evidence required from applicants who are resident in England to demonstrate fitness, and we strive to gain as much evidence from those who have lived abroad.

30. The social care team manager should advise on the type of evidence required, and make all registration decisions regarding applicants from abroad. This is because we need extra assurance where someone does not have a full history in this country.

31. If inspectors have questions about whether the level of evidence is satisfactory, they should discuss this with their team manager and the Social Care Compliance team.

Certificates of good conduct

32. A certificate of good conduct is the most common form of evidence we require where people have lived abroad. This should be obtained from the embassy of the country in which they have lived, and accompanied, where necessary, by a certified translation into English. We need a certificate of good conduct from every country an applicant has resided in.

33. It is not appropriate to require a certificate of good conduct when:

- a person is a refugee
- a person is a UK resident who has been working or travelling abroad, for example on a gap year
- a person has travelled extensively and has not remained in any country for sufficient time to establish a history.

34. Where we cannot obtain a certificate of good conduct, we must consider what other information is available. This may include:

- a reference from someone of standing in the country in which they lived, such as a doctor or lawyer
- employer references, particularly those relating to children's social care
- evidence to support any work permit.

35. Any such check should include verification of the person's identity, for example phoning a doctor at the hospital they work at after checking the hospital's existence.

Making the decision about certificates of good conduct

36. Where we are not able to obtain a certificate of good conduct, the social care team manager must consider all of the information available prior to making a decision. If there is sufficient information available, the social care team manager

may decide to grant registration, although we need to ensure that we have received all other relevant information, such as information from a DBS check.

37. In making the decision, the social care team manager should consider how long a person has been in this country. A few years may provide sufficient information but if it was only a few months, it is unlikely that we will have enough background information to make a fitness decision.

38. If inspectors do not think they have sufficient information relating to the applicant, they should ask the applicant for any other information to support their application. If none is forthcoming, the inspector should consider refusing registration as the applicant is unable to demonstrate their fitness.

39. Refusal will mean the applicant is disqualified from applying in future. However, if someone writes to ask us for written consent to apply, we are likely to allow them to do so if it is on these grounds alone. Normally we require applicants to live here for at least 12 months before we will reconsider any application, and longer in some circumstances such as where there are no employer references.

40. If applicants provide us with a certificate of good conduct after we grant registration, we will treat this in the same way as any other information we receive in relation to a person's continued fitness. See paragraphs 241–247 for more information about making individual fitness decisions.

41. The Application team will obtain a certified translation of a certificate of good conduct or of any other information provided in another language. The Application team hold information about who we use for such translations and verify the qualifications of those we ask to translate.

42. If inspectors have questions about whether the certificate of good conduct is satisfactory, they should discuss this with their team manager and the Social Care Compliance team.

Right to work in the United Kingdom

43. The registration process does not include asking applicants about their entitlement to work in the UK. Inspectors should **not** routinely ask applicants whether they have permission to work in the UK or give advice or guidance on this matter.

44. However, if, in the course of checking the applicant's identification documents, inspectors see evidence that suggests the person may not be entitled to work in this country, they must **not** ignore it. Inspectors should ask the person to confirm that they now have the right to work here, for example with a letter from the immigration authorities. If they cannot provide any such evidence, inspectors should consider refusing registration.

45. Inspectors should refer any cases where we might need to refuse registration to the social care team manager, who will consider them on a case-by-case basis and

taking the circumstances into account; for example, the applicant may be in the process of applying for permission to work in the UK. If the only reason for refusal is that the person does not have the right to work in the UK, the social care team manager should refer the case to a Senior HMI, Social Care, who will decide whether to seek further legal advice via the Social Care Compliance team. This process ensures that our decisions are based on the prescribed requirements for registration and kept clearly within Ofsted's legal powers.

46. If any Ofsted staff have a concern about an applicant's identification documents in relation to their right to work in the UK, they should advise the applicant in writing to contact the UK Border Agency for advice. The UK Border Agency's contact details are:

The UK Border Agency
Lunar House
40 Wellesley Road
Croydon
Surrey
CR9 2BY

Telephone: 0870 606 7766
Email: UKBApublicenquiries@ukba.gsi.gov.uk
Website: www.bia.homeoffice.gov.uk/.

Applicants who have worked in Northern Ireland, Scotland and Wales

47. Where an applicant has indicated on the SC2 form that they have worked in Northern Ireland, Scotland or Wales, the Application team will check the following relevant website.

- Ireland: <http://myniscc.hscni.net/en-gb/home/searchtheregister.aspx>
- Scotland: www.sssc.uk.com/sssc/search-the-register.html#
- Wales: www.mycarecouncil.org.uk/en-gb/searchtheregister.aspx

48. The Application team member will check to see if there is any information about the applicant and will memo the inspector to either state that no information is held or that information is held. Where information is held then the memo should request the inspector checks the details on the website.

Keeping a robust audit trail of decisions about someone's fitness

49. We must keep a robust audit trail of all the processes we undertake during the registration process so we can reach a decision on someone's fitness to provide or manage a children's social care service. A robust audit trail enables us to demonstrate that we have followed the correct procedures and taken appropriate steps to determine an applicant's fitness. The principles and approach outlined in this section apply to all social care registration applications.

50. This means keeping a proper record of our decision-making, including evidence of:

- who made the decision
- what circumstances we took into account
- how we evaluated and assessed the evidence.

51. We must keep a robust audit trail whenever we gather evidence during the registration process, especially if it gives us cause for concern. For example, a DBS disclosure or other intelligence may reveal an offence or other information that does not automatically disqualify a person but causes concern about a person's fitness. Whenever there is a concern about a person's fitness, a case discussion should be called with the Social Care Compliance team. If a discussion is held, this must be recorded on the RSA screen *Registration comments*.

52. All staff involved at all stages (NBU, inspectors, social care team managers and, where necessary, Social Care Compliance team staff) should use the *Registration comments* screen on the RSA to record each stage of the registration process. Where we need to alert colleagues to information, we should use the memo system on RSA.

53. If a decision to refuse is made, the Social Care Compliance team member must open a C case, which results in a case review being held.

54. Inspectors must always record relevant events as they happen or, if not a C case, directly afterwards: for example, if they:

- refer an application to your team manager and the Social Care Compliance team
- undertake a visit or make a telephone call to the applicant; this must include details of who made the call and when, why the call was made and the results of the call.

55. Here are some examples to show how to record information in *Registration comments*:

- 04/10/2011: Information received relating to applicant. T/C to social care team managers to discuss. Resolved without further enquiries. [Date & name of inspector will be generated by RSA].
- 04/10/2011: Confirmed no further action required. [Date & name of social care team managers].
- 05/10/2011: Information received, relating to Responsible Individual. T/C to discuss with TM, agreed interview required. T/C, spoke to RI, arranged interview for 06/10/2006. [Date & name of inspector].
- 06/10/2011: Interview held, see Registration toolkit, follow-up visit. [Date & name of inspector].

- 06/10/2011: Case review by T/C between Inspector, social care team managers [name] and MI [name]. Agreed further check required. [Date & name of inspector].
- 06/10/2011: Agreed to request for further check, from previous employer [Date & name of social care team manager].

56. The Application team record any telephone calls and letters they receive relating to checks in *List letters*. The Application team send a memo to inform the inspector and social care team manager when they need to take further action or make a fitness decision. Contact centre advisers also use memos to record any telephone calls they receive from applicants. We retain the information from checks until any appeal period is over.

57. We must **not** normally copy anything from DBS disclosure forms other than the number and date of the disclosure. We must not record anywhere on the RSA details of the particular conviction, or any medical or children's services information obtained from third party checks.

58. Where individuals have not declared information on a DBS form or other check, inspectors must record the precise details of such information in a *Social care registration toolkit* or, for visits in connection with registration, *Investigation toolkit*. However, we must not identify the source of the information.

59. We can also record information disclosed by the applicant or individual themselves, including information relating to convictions, in toolkits. Inspectors must record this so that it is clear that the individual shared this information with them: for example, 'Mrs Smith said...'. Where this is sensitive, personal information, it should be recorded in the person's fit person interview toolkit where possible. Other sensitive information should be recorded in the registration toolkit.

60. Inspectors must discuss any concerns found at registration visits or interviews with the Social Care Compliance team and, where this affects a decision to register, refer them to the Social Care Compliance team for a case discussion.

61. The record must set out how we came to make our registration decision. See paragraph 309 for more information about who makes the decision, and Annex I for what information needs to go into the toolkit.

Retention of records

62. The Application team retain scanned versions of original documents – such as DBS disclosure forms with a cause for concern – on the Meridio system, according to *Information use: code of practice*.¹⁷

¹⁷ *Information use: code of practice*, Ofsted, 2011;
http://ofstedintranet/Life_at_Ofsted/Pages/Life%20at%20Ofsted.aspx.

63. Exceptionally, where there is a CIE case that may exceed the one-year retention period of the scanned Meridio documents, the Social Care Compliance team will request the relevant documents from the Application team and create their own local file, which they can manually delete when appropriate.

64. It is the responsibility of the Social Care Compliance team, inspectors and social care team managers to destroy any scanned documents they hold once a fitness decision has been made. If the decision is to refuse, staff must **not** destroy documents until after any appeal is over.

Choosing to keep information

65. There may be particular circumstances when we want to keep hard copies, or scanned or electronic versions of documents that we have used in reaching our registration decision. Please note that we only obtained such information to reach a registration decision, and that following the decisions, we can only keep documentation in line with *Information use: code of practice*.

66. Where we decide to keep information, we must process that information in line with the Data Protection Act 1998.¹⁸ It is not acceptable to keep information just because it raises a concern. If we have made our decision that a person is fit for registration, then we should have no further use for that information. Under the Data Protection Act 1998, we are not permitted to keep information indefinitely, simply because it proved useful at a point in the past. If we wish to keep information, we must demonstrate and record that we have made a positive decision to do so, and we must note the purpose of that decision in the 'retention reason' field on RSA.

67. Where we retain information in these circumstances, we must regularly review whether or not we still need to retain it. The social care team manager has responsibility for this.

68. The social care team manager who signed off the decision to register after any concerns have been resolved must use the *Update* screen on RSA to record:

- the retention reason (from a drop-down menu)
- any relevant comments, including the date when this retention decision must be reviewed in the 'retention comments' text box.

69. Where we decide that the first inspection should trigger a review of retained information, the social care team manager must also record this in *Comments for next inspection* on RSA. When the first inspection occurs, the social care team manager should decide whether or not we still need to retain the information.

¹⁸ Data Protection Act 1998; <http://www.legislation.gov.uk/ukpga/1998/29/contents>.

Granting registration

70. Registration allows an individual, partnership or organisation to provide children's social care services and, in some circumstances, services for adults.¹⁹ It is our responsibility to ensure that only those who are fit to provide children's social care are registered. The registration process must be rigorous so that we only register those who have demonstrated their fitness to our satisfaction.

71. The law requires applicants to prove that they have the skills, knowledge and understanding to operate the service they are applying to be registered for. The burden of proof is on the applicant to demonstrate that they are fit, rather than on us to prove that an applicant is unfit. From the time an applicant first applies to us, the way they present their application should provide an initial indicator about how they meet the requirements of registration.

72. Before an applicant can be registered, Ofsted must be satisfied that:

- every person who provides or manages a children's social care service is fit to provide services to children and young people and, where applicable, adults
- the premises, where applicable, are fit for the type of service they are applying to register
- the applicant complies or is likely to comply with the relevant regulations under the Care Standards Act 2000, the national minimum standards and any conditions of registration imposed by Ofsted.

73. Making sure that only people who have the right knowledge, skills and training are granted registration reduces the risk of registered providers and managers not meeting the requirements of legislation, and not being able to properly safeguard and promote children's, young people's and adults' well-being. If we are concerned about an applicant's fitness, then we **must not** grant registration unless those concerns have been followed up and resolved to our satisfaction.

Timescales for completing our registration decision

74. We have a target timescale of 16 weeks in which to complete our checks, visit and make a decision about the registration of a new service. This timescale starts from the date we enter the details of the application on the Strategic Application Capture (SAC) screen.

75. On the day an application is entered onto SAC and RSA, the social care Application team send an acknowledgement letter (standard letter SCL301) to the individual who signed the application form (SC1).

¹⁹ Adoption support agencies and voluntary adoption agencies may provide services for adults and/or children. Residential family centres provide services for adults.

76. Wherever possible, we must make our decision within 16 weeks. Occasionally, registration decisions take longer because the applicant does not supply us with all of the necessary information we require to make our registration decision. Whenever we cannot meet our registration timescale of 16 weeks, we should send the applicant the standard letter EYL31 (amended as appropriate). This explains the reasons why we cannot complete our registration decision and outlines the action needed to complete our decision.

77. Applications are not subject to tacit approval under the EU Services Directive. Tacit approval relates to a situation in which an authority does not process an application for registration within the published timescales and the application as a result becomes deemed as having been granted. It does not apply to applications to Ofsted for registration as a children's social care provider because different arrangements are in place for overriding reasons relating to the public interest, namely the need to safeguard and protect children's welfare.²⁰

The register

78. Under the Care Standards Act 2000, Ofsted must keep a register of all the settings (establishments and agencies) registered under the Act. We have to supply certain details²¹ from the register to anyone who asks us for this information. The register is required to contain information specified in regulations.²²

79. To be entered on to the social care register, applicants must send a complete application that we process, assess and grant registration for. Anyone whose registration is refused is not entered on the register.

Part 2. The registration process

Introduction

80. This part of the registration handbook supports the registration business process flowcharts set out in Annex A. It explains the process of registration and how we use the registration and fit person interview toolkits.²³ See Annex I for more detail on fit person interviews and toolkits.

81. The registration process for social care providers and managers involves detailed checks, interviews and visits to premises so that we can come to an opinion as to whether applicants are fit for registration. We register an individual applicant or

²⁰ Provision of Services Regulations 2009, Regulations 19(5) and (6); www.legislation.gov.uk/uksi/2009/2999/contents/made.

²¹ Under section 36 of the Care Standards Act 2000.

²² Under regulation 7(2), schedule 5 of the Care Standards Act 2000 (Registration) (England) Regulations 2010.

²³ The fit person interview toolkit replaced the previously used suitable person toolkit on 1 April 2011. This toolkit is specific to social care. The name reflects the legal term 'fitness', which is used in legislation.

organisation when we decide that they and the premises and services they intend to provide are fit. Otherwise, we refuse registration.

82. A key part of the process is the registration visit inspectors make to assess the fitness of the: applicants (provider and manager), services and premises. See the flowchart in Annex A and paragraphs 170–240 for guidance to help you carry out that visit.

83. We have developed clear lines of accountability and decision-making for all decisions relating to registration. These are set out in the decision-making tables in paragraph 309.

84. All staff must adhere to the [civil service code](#) when carrying out any part of the registration process. Inspectors must also adhere to *Ofsted principles for inspection and regulation, code of conduct for inspectors and code of practice for providers*²⁴ when carrying out the registration visit.

85. Staff must also comply with Ofsted's [information assurance guidance](#) in handling information related to applicants and others associated with an application.

Social care DBS procedure

Please note: this handbook is currently being amended to reflect changes to the DBS process brought in on 1 July 2013 and therefore all information relating to the DBS is under review.

Disclosure application forms

86. Every person applying to register as a provider or manager of a social care service must provide us with a current enhanced DBS disclosure by completing a disclosure application form (DAF). DAFs are supplied to applicants in application packs (see paragraph 13).

87. Ofsted has appointed HR Assurance Services to provide us with identity verification services. HR Assurance Services offers a number of ways through which an individual can have their identity documents checked in order to obtain their DBS disclosure. The main method is through having the documents checked by a 'responsible person'. In broad terms, this is someone who is professionally qualified, has known the individual for at least two years, is not related to them and does not live at the same address. For those who are unable to identify a 'responsible person', HR Assurance Services offers a number of alternatives. Once identity documents have been checked and confirmed, the applicant should send their DAF and

²⁴ *Ofsted principles for inspection and regulation, code of conduct for inspectors and code of practice for providers*, Ofsted, 2008;
http://ofstedintranet/Our_Work/Adoption_and_Fostering/Pages/Adoption%20and%20Fostering.aspx.

cheque,²⁵ made payable to Ofsted, to the NBU to be countersigned by an authorised DBS counter-signatory.

88. When a DAF is received, it is checked by a counter-signatory in the social care Application team who checks that:

- Ofsted's address is on the front in the top left-hand corner of the form, and the DAF has the correct Registered Body number (25625200001)
- the 'Position involves working with children' box in Section Y, Part 3 has been marked with a cross
- the 'Enhanced' box in Section Y, Part 7 of the form has been marked with a cross and the front of the DAF has 'Enhanced' stamped or written at the top, near 'Disclosure type'
- all parts of the DAF have been completed in black ink
- all relevant sections of the DAF have been completed correctly
- sufficient ID has been verified in Section X.

89. If the DAF has been checked against all the points above and is correct, the counter-signatory:

- signs the 'Declaration by Registered Person' box and enters their personal counter-signatory number
- completes the category code box (part 5); the number 03 is inserted for a manager, responsible individual, partner and individual provider
- enters the date of counter-signature (part 10).

90. If the DAF is incorrect, the counter-signatory:

- returns it to the applicant if there is a major omission such as no fee being included
- writes to the applicant where minor detail is not clear to request written clarification: For example, the applicant puts 'Ms' as their title and the DBS requires clarification of any previous names the person might have used.

91. After countersigning the DAF, the counter-signatory must enter the details on the Verify database. Applicants must have an enhanced DBS certificate before they send in an application for registration with Ofsted. This means that we receive DBS applications before we have an application to match them to. We match people's names (as recorded on the Verify database) to applications when we receive an application.

²⁵ Please see the DBS website for details about fees: www.homeoffice.gov.uk/agencies-public-bodies/dbs/.

92. The Application team enter the cheque details under 'cheques received' on an Excel spreadsheet held by the team and pass it to finance for processing.

Receipt of a DBS disclosure

Receipt of a clear DBS disclosure

93. A clear DBS disclosure contains a person's correct name and any previous names. The spelling of all names and the date of birth must be checked against the details held on the Verify database and on RSA (if known). All boxes including the children's barred list check should state 'none recorded'. There should be no other information listed on the disclosure.

94. Update individual checks on RSA (if known) to suitable with the following details:

- ED [enhanced disclosure] : xxxxxxxxxxxx (disclosure number)
- DOI [date of issue] : DD/MM/YYYY
- RB [registered body] : (This can only be Ofsted)
- Clear.

Receipt of a DBS disclosure that contains incorrect details

95. If the DBS disclosure is incorrect, then the applicant must raise a dispute with the DBS. The contact number can be found on the back of the disclosure notice.²⁶ The Application team will contact the person to say we cannot accept this and the person has to raise a dispute with the DBS or apply for a new DBS disclosure notice.

Independent Safeguarding Authority children's barred list check

96. If the disclosure notice does not state that the person has been checked on the DBS children's barred list, the applicant will need to complete a new DAF.

Cause for concern on a DBS certificate

97. If the applicant is not known to RSA and the disclosure notice contains a cause for concern, the Application team record the receipt of the disclosure on the Verify database and keep the disclosure stored in a secure lockable cupboard²⁷ until they receive an application for the person. Once this is received, the social care Application team forward the cause for concern disclosure notice to the allocated inspector and the Social Care Compliance team.

²⁶ The DBS telephone number is 0870 90 90 811. Inspectors should check that this is still correct before they provide it as information to applicants.

²⁷ DBS disclosures are automatically labelled 'RESTRICTED-PERSONAL' when they are received in the document handling centre.

98. If the person is already known to Ofsted and the disclosure notice has a cause for concern, the social care Application team inform the Social Care Compliance team and the allocated inspector.

Updating the Verify database

99. Most disclosure notices are not attached to an application on RSA when we receive them (see paragraph 91). The Application team must therefore update the Verify database when we receive our copy of the DBS disclosure.

Receipt of an application without an enhanced DBS disclosure

100. When the Application team receive an application without an enhanced disclosure, they check:

- RSA to see if an individual is known and whether they have an appropriate disclosure recorded (If they have, the disclosure should be considered as having been supplied with the application. The existing suitable²⁸ check will automatically appear when the application is processed.)
- the Verify database held in shared folders to see if the applicant has applied for one.

101. If the Application team find that Ofsted holds an appropriate disclosure on RSA, they make a note on the declaration and consent form (SC2) and the application is processed as if the DBS had been supplied with the application.

102. If the Application team find that a DBS application is being processed, the application is held and processed upon receipt of the disclosure notice.

103. On receipt of a disclosure, the Application team complete the check box in the 'List individual checks' screen on the RSA. This is updated to 'suitable' or 'received', with the status as 'escalated' if there is a cause for concern.

104. If the Application team find that there is no DBS application in progress or no DBS disclosure notice is held for each one of the applicants supplying us with a declaration and consent (SC2) form, the whole application is returned to the applicant and they must re-submit it.

What to do with DBS disclosure notices that we do not receive an application for

105. The DBS disclosure notice is often received before an application is made. If we have not received an application within four months of the date of the disclosure notice, the Application team write to the applicant using standard letter SCL25 to inform them that we will destroy their DBS disclosure notice after six months from

²⁸ Please see 'fitness' in the glossary of this guide.

the date of the notice. Should they wish to apply to register after this date, they will have to apply for a new DBS disclosure notice.

DBS tracking

106. The Application team track the progress of a DBS application by:

- going to the DBS Tracking Service website at <https://secure.crbonline.gov.uk/enquiry>
- entering the DAF reference number, which can be found on the Verify database, into the 'DAF reference' field on the DBS Tracking Service website
- using the drop-down menus to enter the applicant's date of birth and clicking the 'Search' button; this brings up information about the progress of the application to date
- entering the details of what they find out from their search in either the task database,²⁹ to show it has been chased, or on RSA if the applicant is already on RSA (which is unlikely).

Concerns relating to offences on DBS disclosures that do not disqualify a registered person or manager

107. When coming to a decision about the fitness of an individual where there are offences or other information that raise concerns but do not disqualify an applicant from applying to register, we must consider the:

- seriousness of the offence or other information
- accuracy of the person's self-disclosure on the application form (SC1 or SC2)
- age of the individual at the time of the offence or other information
- length of time that has passed since the offence or other information
- relevance of the offence or information to working with or being in regular contact with children.

108. Inspectors must seek advice from the Social Care Team Manager and the Social Care Compliance team before undertaking any interviews or additional checks. The social care team manager must authorise all additional checks. In these cases, the overall registration decision is made by the Social Care Team Manager, and quality assured and signed off by the Senior HMI, Social Care.

²⁹ The task database is maintained by the social care applications team to record the receipt of applications that cannot be processed on RSA due to the application being incomplete. It is used by the social care applications team to chase outstanding items and to record details of these chases. Individual records are referred to as 'tasks'.

Receiving an application to register as a social care service

109. The document handling team in the NBU receives an application and passes it to the Application team to be entered onto RSA. The application form is then scanned and takes around 48 hours to appear on Meridio, where inspectors can access it. If inspectors cannot easily view documents due to the quality of scanning, they should email enquiries@ofsted.gov.uk to ask for the document to be re-scanned.

Checks that the social care Application team undertake on receipt of an application

110. On receipt of all social care registration applications, the Application team check that the application is complete. They do this by cross-checking the documents that have been submitted against the social care application checklist. Each application by a new provider for a new service must contain:

- an application form (SC1)
All the necessary sections must be completed and the application form signed by a relevant person.³⁰
- a statement of purpose
This must relate to the specific service and must not be a statement about any other service already in operation.
- a children's guide or resident's guide
- a behaviour management policy
This is only required for children's homes and must meet regulation 17 of The Children's Homes Regulations 2001.
- the registration fee³¹
The amount submitted must be correct according to the list of current fees. It will depend on the type and size of service, and whether a manager's fee is payable. All cheques are made payable to Ofsted.
- declaration and consent forms (SC2)
The Application team must check that the necessary numbers of forms are provided. (Please refer to the Guide to registration for children's social care providers for information about who is required to submit an SC2.) The Application team check that each SC2 received is accompanied by the individual's health declaration booklet,³² and that Ofsted holds a record of an appropriate DBS enhanced disclosure where it is not provided by the

³⁰ A currently known responsible individual (RI), director, trustee or partner should sign the application. For more information, see the *Guide to registration for children's social care services* (090020), Ofsted, 2012; www.ofsted.gov.uk/resources/090020.

³¹ Fees are set out in The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007 as amended; <http://www.legislation.gov.uk/uksi/2007/694/contents/made>.

³² The health declaration booklet must always be stamped and signed by the applicant's GP.

applicant (see paragraphs 100–104). They also check that we receive a fit person questionnaire for the manager and the registered provider, although these documents are not legally required to make an application complete and may, therefore, be submitted at a later date.

- a financial reference
This must be completed and stamped by the applicant’s bank. We should not accept photocopies of this document.
- a cash-flow forecast
- the last two annual reports
- a business plan
As a minimum, this should cover the following five major areas: background information; a marketing plan; an operational plan; a financial plan; and a discussion of the decision-making criteria that should be used to approve the plan.³³
- annual accounts
These must cover the last two years.

111. Please note that local authorities, and organisations known to Ofsted that have applied for registration in the last 12 months and been deemed fit, do **not need**: a financial reference; a cash-flow forecast; the last two annual reports; a business plan; or annual accounts. New companies do **not need** annual accounts.

112. The Application team also check the response to question E1e (about any current registration or application with the Care Quality Commission (CQC)). Where an applicant has answered ‘yes’ to this question, the Application team will search the CQC website for details of any current registration and will inform the inspector if there is a current registration. The inspector takes any information provided on the CQC website into consideration when making a decision about suitability.

Deciding if an application is complete

113. The Application team will only find a social care application complete, and start to process it, if it contains all the information listed in paragraph 110, bearing in mind the exceptions in paragraph 111.

114. The table below sets out the legislative requirements for who has to register for children’s homes, residential family centres and fostering and adoption agencies. It details when a responsible individual and registered manager can be the same person.

³³ For more information about business plans, please see the glossary.

Service type	Provider type	Legislative requirement
Children's home ³⁴	Organisation (including limited companies, statutory bodies and charities) ³⁵	<p>The organisation must appoint a responsible individual (RI) who is the director, manager, secretary or other officer of the organisation. The RI must satisfy the fitness requirements.</p> <p>The registered provider must appoint a registered manager. In most cases, this should be a different person from the RI, as the law views the roles as distinct with the RI supervising the management of the service on behalf of the organisation or partnership.</p> <p>The law does not prevent the RI and the registered manager from being the same person. In these cases, the RI/ registered manager will need to demonstrate that they are fully able to meet the requirements of both roles and that doing so would not adversely affect the well-being of children and young people.</p>
Children's home	Partnership	For partnerships, all of the partners must satisfy the fitness requirements.
Children's home	Individual	The registered manager and the registered provider can be the same person.
Voluntary adoption agency ³⁶	Organisation (including limited companies, statutory bodies and charities)	<p>The organisation must appoint a responsible individual (RI) who is the director, manager, secretary or other officer of the organisation. The RI must satisfy the fitness requirements.</p> <p>The registered provider must appoint a person to manage the agency and, where the agency has a branch, an individual to manage that branch (the 'branch manager').</p> <p>The RI and the agency manager should not usually be the same person as the regulations require the appointment of a RI who is 'responsible for supervising the management of the agency'. Since the RI is responsible for supervising the work of the agency manager, we would not expect the same person to fill both positions.</p>

³⁴ Under regulations 6 and 7 of The Children's Homes Regulations 2001.

³⁵ An unincorporated body may not make applications to register a voluntary adoption agency.

³⁶ Regulations 5 and 6 of [The Voluntary Adoption Agencies and the Adoption Agencies \(Miscellaneous Amendments\) Regulations 2009](#).

		However, in limited circumstances, we may allow the RI and the agency manager to be the same person, providing they can demonstrate that they are capable of meeting the requirements of both roles.
Fostering agency ³⁷	Organisation (including limited companies, statutory bodies and charities)	<p>The organisation must appoint a responsible individual (RI) who is the director, manager, secretary or other officer of the organisation. The RI must satisfy the fitness requirements.</p> <p>The registered provider must appoint a registered manager to manage the fostering agency. The RI and the registered manager cannot be the same person.</p>
Fostering Agency	Partnership	<p>Each of the partners must satisfy fitness requirements.</p> <p>The partnership must appoint a registered manager to manage the fostering agency. The registered manager cannot be one of the partners.</p>
Fostering agency	Individual	The registered manager and the registered provider can be the same person.
Residential family centre	Organisation (including limited companies, statutory bodies and charities)	<p>The organisation must appoint a responsible individual (RI) who is the director, manager, secretary or other officer of the organisation. The RI must satisfy the fitness requirements.</p> <p>The registered provider must appoint a registered manager. In most cases, this should be a different person from the RI, as the law views the roles as distinct with the RI supervising the management of the service on behalf of the organisation or partnership.</p> <p>However, the law does not prevent the RI and the registered manager from being the same person. In these cases, the RI/ registered manager will need to demonstrate that they are fully able to meet the requirements of both roles and that doing so would not adversely affect the well-being of children and young people.</p>
Residential family centre	Partnership	For partnerships, all of the partners must satisfy the fitness requirements.

³⁷ Regulations 5 and 6 of The Fostering Services (England) Regulations 2011.

Residential family centre	Individual	The registered manager and the registered provider can be the same person.
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Two managers for one registered establishment or agency

115. Employment law permits two people to job-share. There is nothing in the Care Standards Act 2000 or associated regulations that prevents two people from sharing a registered manager's post. Therefore, we may receive an application to register two people as registered manager as a job-share.

116. In these cases, both proposed managers must apply for registration by making individual applications and each paying the registration fee. We cannot find the application complete unless we receive an application from both people. Each applicant is interviewed separately and must meet the fitness requirements as set out in the relevant regulations. They must demonstrate how job-sharing the management of the service meets all the criteria in the service specific regulations, and that there are appropriate arrangements in place to ensure that the care of children is not compromised, including time for management exchange of information.

One manager for two establishments or agencies

117. The Care Standards Act 2000 (under section 12(4)) permits a person to apply to be registered as the manager of more than one establishment (or agency) at a time. However, the Children's Homes Regulations 2001 require a provider to appoint a manager in the first place if the provider does not personally intend to be in 'full-time, day to day charge of the children's home'. Therefore, we expect the person appointed as manager for each registered children's home to be in full-time, day to day charge of the home. Registration to manage more than one home is possible, but only if the circumstances realistically allow the manager to be in such full-time, day to day charge of each home. This might, for example, be possible if the homes were separately registered but full-time, day to day management of both is feasible.

118. Where an individual is applying to register as the manager for two establishments or agencies, they must submit an application (SC2 form) and pay an application fee for each one. However, an applicant does not need to provide us with the same information more than once. In the second SC2 form, if the applicant answers yes to question B7, the remainder of the form only needs to be completed where the information is different to that supplied in the first SC2 form. The two applications must be cross-referenced in each under 'Registration comments', so that the information from the fully completed SC2 can be found from either URN.

Multi-site applications

119. For information about our policy and procedures regarding multi-site children's homes, see *Guidance on the registration of multi-site children's homes*.³⁸

Schools registering as children's homes

120. If a school is registering as a children's home and the head teacher is applying to be the registered manager, they can apply without holding all the relevant qualifications required for application as a registered manager.³⁹ These can be made up from their own qualifications and that of the Head of Care (or equivalent post-holder). Only the head teacher needs to apply for registration but we will interview both the head teacher and the Head of Care together. We will record this on one fit person record in the name of the head teacher who will be recorded as the registered manager and will appear on the certificate if registration is agreed. An inspector must check that the qualifications of the head teacher and the Head of Care are suitable and satisfactory at the registration visit.

When to return incomplete applications immediately to the applicant

121. The Application team immediately return incomplete applications –with cover letter SCL21 – to the applicant by registered post when:

- the application form (SC1) or any of the declaration and consent forms (SC2s) are incomplete or unsigned
- there is no SC2 form for a proposed registered manager
- the wrong person has completed an SC2 form on behalf of a proposed provider
- not all of the people who form part of the proposed provider and are required to submit an SC2 have done so
- an individual has not applied for, or is not in possession of, a DBS enhanced disclosure in accordance with the guidance in Ofsted's guide to registration for children's social care providers.

When to retain applications for five days for applicants to provide additional information

122. Where an application is incomplete for any other reason, the Application team will contact the applicant and ask them to supply the missing documents within five working days. The Application team follow up their telephone conversation with the

³⁸ *Guidance on the registration of multi-site children's homes* (080239), Ofsted, 2008; www.ofsted.gov.uk/resources/080239.

³⁹ This was referenced in the pre-2011 version of the national minimum standards for children's homes but is not included in the 2011 version. The DfE has confirmed that the qualifications for the registered manager can be made up of the qualifications held by the headteacher and the Head of Care.

applicant in writing, using standard letter SCL20, which sets out which documents an applicant must supply for us to accept the application as complete. The letter also states that if we do not receive the missing documentation in five working days from the date of the letter, we will return the whole application.

123. Where the missing information is received within five working days, the application is processed as normal. Where it is not received, the Application team return the whole application, with cover letter SCL22, by registered post.

Non-mandatory documents and other information

124. We cannot refuse to accept and process an application on the basis that it is missing:

- a fit person questionnaire for a manager and a registered provider: the fit person questionnaires are not required by regulation (However, the Application team should, in any correspondence, encourage applicants to send these in)
- an alternative communication form: this form is not chased if it is not submitted with the application⁴⁰ (This is a form for applicants to tell us if they intend to use a particular additional communication system such as Makaton or Widgit in their proposed service. Where appropriate, inspectors should request it at the registration visit.)
- a copy of planning permission granted or evidence from the local authority planning department that no planning permission is needed (This is needed but it does not have to be supplied as part of the initial application.)
- a copy of a certificate of insurance: an applicant must provide this, but it does not have to be received as part of the initial application
- any information previously supplied to us on an application made after 1 September 2010 that has not changed (This will be checked by the Application team from our records.)
- information in an alternative format that provides us with all the detail required (for example, a financial reference that provides all the detail on our form but is submitted in a different format, such as a letter).

⁴⁰ *Types of communication systems used at our service form*, Ofsted, 2009;
www.ofsted.gov.uk/resources/types-of-communication-systems-used-our-service-form-childrens-social-care-providers.

Recording the detail of a complete application

Processing the fee

125. The Application team receive fees paid by cheque. They write the URN allocated to the application and details of the type of service on the reverse of this cheque. This information is then logged on to a fees information spreadsheet. The cheque is then sent to finance.

126. Applicants sometimes pay by method of the Bankers Automated Clearing System (BACS). This is sent straight to the fees team who notify the Application team. We do not normally encourage payments by BACS as it is difficult to match payments with applications.

Putting all relevant information onto Strategic Application Capture and RSA

127. The Application team enter the details of the application form into Strategic Application Capture (SAC), making sure that:

- individuals who form part of an organisation but are not a responsible individual (for example, directors and trustees) are entered as 'registered individuals'. The Application team also enter a description of their role in the 'comments' field, for example: 'Director'.⁴¹
- if an applicant answers 'Yes' to question C7 (Is the agency operated from more than one site?), the Application team do not input this secondary address. Instead, they write the address on the front of the form and email this to the allocated inspector. The inspector will need to check whether any additional premises require separate registration.

128. The Application team create barcode labels (these are necessary for scanning documents to Meridio) from SAC and place these on the originals of all of the application documents. The application is then submitted by the person who processes the form, who selects the 'approved' button on SAC. This transfers the application to the RSA. The application will appear on the RSA within 30 minutes as a 'Proposed registration'. Once the application has been approved, the Application team complete a scanning cover sheet that lists all the forms that are sent as part of an application. They send the cover sheet with the forms to the Document Handling Centre for scanning.

⁴¹ Individuals who form part of an organisation are not 'registered individuals'. They are entered on RSA in this way as it is the only way we can store their details. This is because RSA was designed as an early years database and all the individuals that form part of a provider of an early years setting are 'registered individuals'.

Recording information about refuges on RSA

129. If the applicant has ticked 'Refuge under Section 51 of The Children Act' under section E1a on the application form (SC1) about the type of children's home they are applying to run, the Application team must tick the box as shown in Figure 1 below. This will protect the anonymity of the service by stopping its details from being made available to the public. You can check that the record has been made anonymous by going to the 'Detail SC registration' screen and checking that the 'Provision subtype' is 'Refuge (section 51)' as shown below in Figure 2.

Figure 1



F1 Children's homes

F1a Type of service (please tick only one)

Children's home providing accommodation as a secure unit

Refuge under section 51 of the Children Act 1989

Residential special school (accommodating any child for more than 295 days a year)

Boarding school (other than a special school) accommodating any child for more than 295 days a year

Children's home (not in any of the categories above)

Figure 2



Children's Home Details

Provision Subtype: Refuge (section 51)

Maximum Registered Male >

Checking individual applicants

130. The Application team checks all applicants unless all the following apply.

- They are known to Ofsted.
- They have been deemed fit.
- They have not had a break in service for a period of more than three months.

131. If an applicant who was previously registered with the Commission for Social Care Inspection and transferred to Ofsted in April 2007 applies to register a new service with Ofsted, we must complete their checks again.

Disqualified applicants

132. Before an application is processed through SAC, the Application team check whether an individual is disqualified by checking:

- information provided within an applicant's declaration and consent (SC2) form
- RSA, if the individual is known to Ofsted.

133. If the Application team know that an applicant is a disqualified person when they enter their information into SAC, they write the secondary address on the front page of the applicant's declaration and consent form and send a memo to the Social Care Team Manager, the inspector and the Social Care Compliance team about this.

134. If the Application team are alerted later that an applicant is a disqualified person, for example through a children's services check, they notify the inspector and the Social Care Compliance team with an email classified as 'restricted'.

135. There is more information in the Guide to registration for children's social care services and the *Social care compliance handbook*.

DBS disclosure notices

136. Applicants must get an Ofsted countersigned DBS enhanced disclosure before they submit an application.⁴²

Children's services check

137. It is Ofsted's policy to undertake checks with local authority children's services.⁴³ The Application team request the check from each local authority the applicant has lived in during the past five years (this information is provided in form SC2).

138. Where the children's services check comes back **clear**, the Application team change the check to 'suitable' in the 'List individual checks' screen on the RSA.

139. Where the check reveals that **further investigation** is necessary, the Application team update the check to 'received' and change the status to 'escalated'. This will turn the check box purple to indicate a cause for concern. RSA will automatically send a memo to the inspector and the Social Care Team Manager to

⁴² Please see the *Guide to registration for children's social care providers* for information on how applicants should apply for a DBS disclosure.

⁴³ Under part 2, regulation 3(6) of The Care Standards Act 2000 (Registration)(England) Regulations 2010, we can ask the applicant for any additional information we consider necessary to come to a registration decision. Under paragraph 6 of part 1, schedule 12 of the Education and Inspections Act 2006, HMCI can rely upon his ancillary powers to do what he considers necessary or expedient in relation to his functions.

notify them. The Application team mark the form as 'RESTRICTED-PRIVATE' and email it to the inspector and the Social Care Team Manager to investigate further.

140. The inspector must update the check box on the RSA to either 'suitable' or 'not suitable' when a decision is made.

141. If, when the chase procedures end at 11 weeks, we have received no written response, inspectors should telephone the local authority to ask for this as a matter of urgency and request a verbal response. Inspectors must record what the local authority says on *Registration comments*. If inspectors do not have the local authority contact details, they should contact the Application team who have a list of these.

142. Should the telephone call reveal that the local authority has information that would be important to our decision about registration we should wait for them to provide this information before we make a final registration decision.

References

143. The Application team check that each applicant who completes a declaration and consent form (SC2) provides details of two referees who meet the criteria in the *Guide to registration for children's social care services* and . Where possible, the applicant should supply us with references from different organisations.

144. Where the Application team check the criteria and find a referee's details do not conform to this guidance, they contact the applicant and ask them to supply us with details of an additional referee within five working days. They will inform the applicant that we will return the application to them if we do not receive this.

145. If the details of referees are satisfactory, the Application team apply for these references on the day the application is accepted.

146. The Application team record all reference replies they receive on the RSA and forward them to the allocated inspector. In all cases, the inspector should telephone the referees to verify the information provided.⁴⁴ The inspector must make a decision about whether the reference is satisfactory. The reference is also scanned on to Meridio.

147. Where the inspector finds the reference satisfactory, this is recorded on the 'List individual checks' screen on the RSA.

148. When a reference is not satisfactory, the inspector must consider what action is appropriate. For example:

- if the reference does not provide sufficient information, they should speak to the referee and ask for more detail
- in some cases they may ask the Application team to request an additional reference
- where the reference and any additional information supplied indicate a cause for concern, the inspector should hold a preliminary discussion with the Social Care Compliance team and record what is agreed on RSA 'Registration comments'.

Health Declaration Booklet

149. The Application team check the Health Declaration Booklet (HDB) to ensure that the applicant and their GP have completed all the sections, and that the GP has stamped the HDB.

150. Occasionally, the Application team receive HDBs before we receive an application. These are logged on a spreadsheet and stored until they are matched to an application.

⁴⁴ NMS 16.1 of the national minimum standards for children's homes.

Initial assessment by the Application team

151. The Application team assess the HDB to make sure it is complete, obtain any missing information and conduct an initial review against clearly defined medical protocols. If the HDB is 'clear', they update the health check on the RSA to 'Suitable'. Where a cause for concern is identified, or if anything is vague or unclear, the Application team refer the HDB to the regulatory managers.

Review by regulatory managers

152. The regulatory managers in the NBU review the HDB in the context of information obtained from other checks. For complex or difficult medical decisions, we have access to qualified medical practitioners. We have appointed Health Management Limited as our medical advisers; they will provide a medical recommendation in such cases. If we require medical advice to make a decision about the medical suitability of an applicant, they will refer the case to Health Management Limited with details of our specific concerns. This will help our medical advisers to decide on any additional tests, interviews or direct questioning.

Medical assessment by an occupational health physician

153. An occupational health physician assesses the HDB and if there is sufficient information, s/he makes a medical recommendation. Where further information is required, our medical advisers carry out one or more of the following actions:

- obtain clarification from the applicant or his/her doctor by telephone
- request further medical evidence from the applicant's doctor or specialist
- arrange a face-to-face appointment between the applicant and an occupational physician
- refer the applicant to a specialist, such as a psychiatrist, for assessment.

154. For each health check, the medical advisers provide a medical suitability recommendation of suitable or not suitable and indicate which of the categories below apply to their recommendation.

Cat.	Recommendation	Description
A	Medically suitable	I recommend, from the information supplied, that this person is medically suitable to be registered as a provider of childcare or children's social care or be employed to work with children and/or young people in a registered provision.
B	Medically suitable with certain restrictions	I recommend, from the information supplied, that this person is medically suitable to be registered as a provider of childcare or children's social care or to be employed to work with children and/or young people in a registered provision with the following restrictions:

		[See attached letter dated...]
C	Not medically suitable at present – to be reviewed at a future date	<p>I recommend that this person is not medically suitable at present to be registered as a provider of childcare or children’s social care or to be employed to work with children and/or young people in a registered provision.</p> <p>The applicant’s medical suitability may be appropriate to review in: [no less than three months].</p> <p>Please note that this is extremely unlikely to be used for social care and would not prevent us from continuing to decide an application within the timescales.</p>
D	Not medically suitable	I recommend that this person is not medically suitable to be registered as a provider of childcare or children’s social care or to be employed to work with children and/or young people in a registered provision.
E	Not enough information to make a recommendation	This person has not co-operated with the process and I have not received enough information to make a recommendation.

155. The medical advisers complete and return an outcome summary report, which includes their medical recommendation as well as a summary of the evidence and reasoning behind it. The Application team member will receive the outcome summary report and update the health check on the RSA to reflect the medical recommendation. The NBU is the single point of contact with Health Management Limited.

Medical conferences for complex cases

156. Occasionally, for complex cases, it may be useful to have a case conference with our medical advisers. This may be conducted face to face or as a teleconference and there is a fee for this service. Requests for a case conference must be sent to the Ofsted contract manager.

Making the overall fitness decision

157. The social care inspector will make a decision about the applicant’s overall fitness in the normal way. Where the medical recommendation is anything other than suitable (category A), the Application team will provide a copy of the outcome summary report to the Social Care Team Manager.

Schedule for following up requests for information

158. The Application team are pro-active when we do not receive a response to our request for information about an applicant. They chase missing documentation at regular intervals in line with the grid in paragraph 161.

159. The Application team 'chase' the applicant if a response to their request for information is not forthcoming. They put an *Information only memo* on RSA detailing what was chased and how. This allows all staff involved in dealing with the application to view its progress. It also ensures that the Application team's work is picked up by Business Objects⁴⁵ and adds to each member of the team's productivity score. For the latter, it is important that the memo starts with the words 'Phase chase'.

160. The Application team email/memo the inspector and the Social Care Team Manager when all the checks are returned so that the inspector can arrange the registration visit and fit person interviews.

The Application team's timescales for following up requests for information

161. The following grid outlines the Application team's timescales for chasing outstanding checks.

Phase number	Weeks since application was accepted	Action
1	2	Reference reminders (SCL30) sent to referees. Reminder (EYL07) sent to children's services.
2	4	Send letter to applicant to chase referees/provide alternative references (SCL304). Reminder sent to children's services (EYL07).
3	6	Reference reminders sent to referees (SCL30). Reminder sent to social services (EYL07).
4	8	Telephone contact with applicant/social services
5	10	Telephone contact with applicant/social services
6	13	The Application team ask inspector to make telephone contact with referees/children's services to obtain information verbally. The inspector must record this contact and the outcome in registration comments and update the checks as appropriate. Where possible, the inspector should ask for potential concerns to be put in writing by the referee or children's services.

⁴⁵ Business Objects is a computer programme that allows us to extract management information from RSA.

7	16	Memo inspector/Social Care Team Manager asking decision to be made with available information
Out of Target (OOT)	Every three weeks after 16 weeks have passed	

Allocating a social care inspector to progress an application

162. When the Application team submit the application data to RSA, they allocate the application to a designated inspector or Social Care Team Manager. This person decides which inspector has the availability and understanding to complete the registration.

163. When the designated inspector or social care team manager allocates an application to an inspector, an *Arrange registration visit* task is created on the inspector's task bar. The Application team send a memo to inform the allocating inspector or Social Care Team Manager of any information from the application form that the inspector and the Social Care Team Manager need to know. When allocating the application, the designated inspector or Social Care Team Manager must pass any information on to the inspector and the Social Care Team Manager.

164. We aim to allocate an application to an inspector within three days of it being put on RSA.

Progressing an application once this is allocated to an inspector

Forwarding copies of registration documents to an inspector

165. Once an inspector is allocated, the Application team notify the inspector that the documents can be accessed in Meridio.

Receiving application forms from the Application team

166. The inspector must always review the application and supporting documentation when they receive it from the Application team. They check that this is complete (see paragraphs 110–114). The inspector should also check each application document as follows.

- **The application form:** all the necessary parts of the form must be completed and signed appropriately, and the details of the application must be relevant to the type of service the applicant is applying to register. The details must be about the service the applicant is applying for and not another service.
- **The declaration and consent form:** the details of the two referees must be consistent with the guidance in our Guide for registration for

providers and managers. All parts must be completed and signed appropriately.

- **Statement of purpose:** the statement of purpose contains all the information required by regulations and in the relevant national minimum standards. It must be for the proposed service, not one they have copied from another service. See paragraph 167 for more information about statements of purpose.
- **The children's or residents' guide:** this is in an appropriate format for the needs of their potential service users and meets legislative requirements and details in the national minimum standards.
- **The behaviour management policy:** this is only required for children's homes. It must comply with regulation 17 of The Children's Homes Regulations 2001.
- **The equality and diversity policy:** this is not required as part of the application, but we do expect to see this before we make the registration decision.
- **Details of the type of communication system the service uses:** this form is only applicable for those who use different communication forms such as Makaton or British sign-language. It is not required as part of an application. Where this form has not been provided as part of the initial application, the inspector should check before or at the registration visit whether the applicant needs to supply this information, and request it if applicable.
- **A copy of planning permission granted or evidence from the local authority that it is not needed:** this is not required as part of the application but it must be provided before an inspector makes the registration decision. The inspector should follow this up as part of their initial assessment of the application. See paragraph 168 for more information about planning permission.
- **A copy of a certificate of insurance:** it is a requirement to provide this, although it does not have to be included as part of the initial application. This must be provided before a registration certificate is issued.
- **Financial documentation:** for more information on assessing financial viability see annex K.

The statement of purpose

167. The statement of purpose is a critical document for every setting. Each registered setting is required by law to have and maintain a statement of purpose

that accurately depicts the service provided at any given time.⁴⁶ It must be produced as part of an initial application of registration. It is a live document that must be understood by all staff who apply its contents on a daily basis to situations and circumstances that occur. It must also be available on request. For more information about the statement of purpose see the *Guide to registration for social care services*.

Planning permission

168. Inspectors should consider whether any restrictions imposed by the council when granting planning permission impact upon the applicant's ability to meet their responsibilities under the Care Standards Act 2000. Examples of this might include: the numbers of staff that must be on duty at any time and the ages of children that can be accommodated. Where concerns are identified, these should be discussed with a team manager and, if necessary, the Social Care Compliance team.

Making sure that completed checks are recorded on RSA

169. The Application team inform the inspector of any checks that are not clear by sending them a *memo* and a copy of the scanned check by an email. The inspector must review the information and consult with the Social Care Team Manager if they consider the information relevant to the application. All staff must take care that they do not share confidential third-party information in email or other written exchanges.

Arranging the registration visit

170. The inspector should usually complete the registration visit as the final part of assessing an application after we have received all the necessary documentation from the applicant and completed all the relevant checks. This allows the inspector to assess all the information about an applicant before undertaking the fitness interview and viewing the service the applicant intends to provide. It reduces the number of interviews we have to carry out and supports robust registration decision-making.

171. Registration visits should be completed within 12 to 14 weeks of the date the application was entered on RSA. This is so that there is enough time to process the application within our 16-week target for arriving at a registration decision. The inspector must balance completing the registration process within Ofsted's target timescale with ensuring that the registration visit is timed so it is purposeful and effective. Please see paragraph 77 which explains that applications are not subject to tacit approval under the EU Services Directive.

172. If an inspector considers that the registration visit should take place before 12 weeks or be delayed beyond 14 weeks, the reason must be clearly recorded on

⁴⁶ Under regulation 4 of The Children's Homes Regulations 2001 as amended; regulation 5 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulation 3 of The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2009; regulation 4 of The Residential Family Centres Regulations 2002; and regulation 3 of The Fostering Services (England) Regulations 2011.

Registration comments. For example, an inspector might decide to complete a visit before 12 weeks where an applicant is buying an already registered service and we want to reach a registration decision as soon as possible so that we do not destabilise children and young people's care. We might delay a registration visit beyond 14 weeks where building works have been delayed and the premises are not yet ready for inspection. In the latter example, we must have detail of when the premises will be ready for inspection and must not agree any extension without the agreement of the Social Care Team Manager.

173. Inspectors see all registration visits on their task bar on RSA as *Arrange registration visit* tasks. When the inspector arranges the visit, this task disappears and a *Prepare registration visit* task appears on their task bar. The *Prepare registration visit* task turns red two working days prior to the date the visit is due.

174. Where an application for a children's home or an independent fostering agency includes an application to the DfE to provide education, we should conduct a single registration visit that covers the education and social care registrations. The Application team also ensure schedulers are aware of the need to coordinate this inspection event by sending them a *memo*.

Contacting the applicant/proposed registered manager to arrange a registration visit/fitness interview

175. The inspector must telephone the applicant(s) to agree the time and date for the registration visit. This must be confirmed in writing to the applicant(s). Inspectors must memo the Application team member to request EYL 32 is sent and provide the date and time.

176. Before making the telephone call to an applicant, an inspector should check on RSA that all checks have been completed and whether a 'suitable contact time' has been entered on RSA via the *Detail individual* screen.

177. If necessary, an inspector can update the 'suitable contact time' as follows. On the *Detail registration* screen, click 'Update' at the bottom of the page. This goes to the *Update registration* screen. Click 'Update' in the middle of the page (below billing details, above allocated staff). This leads to the *Update individual* screen where they enter the new 'suitable contact time'. Scrolling to the bottom of the page, clicking 'OK' takes the inspector back to the *Update registration* screen, where they again click 'OK' to confirm the change.

178. During the telephone call, the inspector should ask the applicant a number of specific questions to check that they are prepared for the registration visit. The inspector should use the telephone checklist in Annex F. This will ensure that inspectors:

- consistently ask for the same information when they telephone an applicant

- complete registration visits efficiently and effectively; for example, the checklist covers questions about the readiness of the premises, service provision and personal preparation of applicants to help inspectors plan the visit.

179. Additional questions from those listed in the checklist can arise from an inspector's planning or from the applicant. The inspector uses their professional judgement to decide if they should ask the applicant additional questions.

180. An inspector must record important information from the conversation on *Registration comments*.

181. If the applicant is unavailable when an inspector telephones to arrange the registration visit, the inspector should leave a message asking the applicant to call them on 0300 123 1231. The inspector must leave an information-only memo on RSA to help the contact centre staff put the applicant through to the correct colleague when they call back.

182. If the applicant does not call back in a few days, the inspector should call again, possibly at a different time of the day. The inspector must record all attempts to contact an applicant as well as any contact they might have with an applicant on RSA in *Registration comments*.

183. If on the third attempt an inspector is unable to contact the applicant, they should send a memo to the Application team stating:

- 'Unable to contact applicant to arrange registration visit due to <reason>. Please issue 'Registration visit arrangements letter EYL32' to applicant for <date of visit> at <time of visit>. Please request that the applicant has the following documents available at the visit <list documents>.'

184. An inspector should make their request to the Application team at least **seven** working days ahead of the proposed registration visit date, so that the applicant will receive the letter prior to the visit date.

Arranging the registration visit on RSA

185. To arrange a registration visit, the inspector:

- selects the Arrange registration visit task on their task bar, which takes them to the Arrange visit screen.
- ensures the visit type is 'SC Registration' and completes the visit date.

186. Once the inspector has completed the *Arrange visit* task on RSA, they can check that it is showing correctly on RSA by selecting the *List visits* button from the *Detail registration* screen. The visit will be listed in the *List visit* screen. A *Prepare registration* task appears on the inspector's task bar and an appointment is created in their Outlook calendar.

187. To re-arrange the visit, the inspector:

- selects the appropriate row on the List visit screen
- clicks the Re-arrange visit button
- changes the date in Visit date.

Arranging a fit person interview (FPI) on RSA using the FPI toolkit

188. To carry out a fit person interview on RSA ,an inspector must:

- select Arrange visit as above
- select Visit type as SC FPI (fit person interview)⁴⁷
- enter a Visit Date and the interviewee.

189. A *Prepare SPI visit* is created on an inspector's task bar to allow them to create an *FPI toolkit*. (Repeat this step for each individual to be interviewed.)

Creating the registration toolkit and fit person interview toolkits

190. To create a registration toolkit for the visit, an inspector must double click on *Prepare registration task* on their task bar. This takes them to the *Manage registration visit* screen. Selecting the *Prepare SPI task* takes an inspector to the *Manage SPI visit* screen. They should check the visit details are correct and click the *Create toolkit* button for each type of visit. When the toolkit has been uploaded, a message will appear saying 'File now available on the toolkit launcher'. Click 'OK' and close the *Manage registration/SPI visit* screen. This takes the inspector back to their task bar. When a toolkit has been created, the *Prepare registration/Prepare SPI task* is deleted from the task bar.

191. An inspector's *Launcher* screen (see screenshot below) lists all the visits they have created toolkits for including any FPI toolkits. The [RSA guidance](#) shows the screenshots for both toolkits and explains the registration process on RSA. The *Prepare inspection* task turns red two days before the visit is scheduled to take place.

⁴⁷ Please see 'fitness' in the glossary of this guide.



192. If an inspector has created a registration toolkit and/or an FPI toolkit and then finds that they need to change the visit date, they can change the visit date on the toolkit itself. The new date is recorded on RSA when the toolkit is submitted. Please refer to Annex I for more information on toolkits.

Preparing for the registration visit

193. Inspectors should keep the number of registration visits they make to a minimum but ensure that they have the necessary information to arrive at a recommendation about registration. Consequently, it is important that an inspector plans for a registration visit so that they know what questions to ask and which matters to explore.

194. To prepare for a registration visit, an inspector should read:

- the service's proposed statement of purpose
- other required policies⁴⁸
- any applicant's declaration and consent form and their pre-registration questionnaire if supplied
- the proposed children or service user guide (if supplied)
- any other information supplied.

⁴⁸ Under regulation 3(4), schedule 4 of The Care Standards Act 2000 (Registration) (England) Regulations 2010.

195. If the applicant has not supplied copies of the required policies (not all have to be submitted with the application) the inspector should ask for these to be available at the registration visit.

196. The inspector should also:

- print a hard copy of the:
 - Visit record (part 1) to take on the visit to check with the applicant if the details of the proposed registered person and others connected with the application held on the RSA are correct (To print the Visit record (Part 1) select the Print visit record (part 1) button at the bottom of the Detail Registration screen.)
 - registration toolkit titled Registration record (Part 2) to use to record evidence in hard copy in the setting if they choose to do so, or in case their laptop fails (To print this select the Print toolkit button on the toolkit Launcher screen.)
 - FPI toolkit titled FPI record to use to record evidence in hard copy in the setting if they choose to do so or in case their laptop fails (To print this select the Print toolkit button on the toolkit Launcher screen.)
- view the checks screen on RSA to:
 - update themselves and the applicant about any outstanding checks
 - review any information from the checks received that may cause concern and plan how they will check this out during the interview (If necessary, the inspector may take advice before visiting, for example from the Social Care Compliance team or Ofsted’s duty desk.)
- review all information on the application form and declaration and consent forms and information in the applicant’s FPI toolkit
- check registration comments and memos and note any points that they may need to follow up
- make notes of any information they may want to discuss/or question at the FPI in the Pre-interview preparation notes in the FPI toolkit on the Individual details screen.

The registration visit

197. The registration visit is crucial to our decision whether to grant or refuse registration. It is the main opportunity we have to assess an applicant’s ability to provide the service they have applied to register. Therefore, the inspector must allow sufficient time for completing:

- a full inspection of all of the premises
- an inspection of the service’s policies and procedures required for the type of service the applicant is applying to register
- an identity check for all people who have completed an SC2 form

- a fitness interview for all people who have completed an SC2 form.

Checking the detail of an application

198. The inspector must verify that the details of an application are correct during the registration visit. It is important to establish that the application has been made correctly and we register the correct person or organisation so that we can take any necessary future action.

199. If the application is incorrect the inspector must ask the applicant to write to Ofsted to explain the mistake and ask us rectify it, or to explain why he or she believes the application is correct. The inspector will need to decide if it is possible to continue the registration visit if the application is incorrect. Their decision will depend on the level of difference between the details in the application and the actual detail the applicant says they applied for. Where there is a major discrepancy such as a complete difference in category of registration it would be prudent to delay the visit until the applicant writes to clarify the application details.

Checking premises

200. In certain circumstances, it may be necessary for the applicant to obtain planning permission, usually where there is a change of use of premises. It is the responsibility of the applicant to check with the local authority if planning permission is required. We require the applicant to obtain confirmation from the local authority where the service is located that either planning permission has been granted or is not necessary. The applicant must supply us with this information before we can make a final registration decision. Where an applicant experiences problems obtaining planning permission or evidence that permission is not required, they are advised to contact Ofsted. Any issue raised by the applicant should be forwarded to the relevant Team Manager for consideration.

201. If building works have been carried out, we also require the applicant to obtain confirmation that the local authority building control departments are satisfied that the building work has been carried out to an acceptable standard. It is not sufficient to have the building contractor's confirmation that the work has been completed to schedule. The applicant must supply us with this information before we can make a final registration decision.

202. At the registration visit, the inspector must ask to see the local authority documents granting planning permission and confirming that the building works meet buildings regulations if this was not supplied as part of the application. Applicants must also provide details of how they comply with the requirements of their local authority environmental health department (for children's homes and residential family centres only) and local fire authority. Appropriate details must be recorded in the registration toolkit.

203. Fire authorities do not routinely check all premises where an application has been made to register with Ofsted. The protocol with local authority fire authorities

does not require Ofsted to wait until there is a fire safety inspection before granting registration. An inspector should assess the fire safety arrangements, for example:

- equipment such as fire extinguishers, fire blankets and smoke detectors
- procedures for emergency evacuation of the premises
- whether fire exits are clearly marked and fire doors are unobstructed.

204. However, where an inspector is concerned about the applicant's fire safety arrangements they should ask the Application team to request the local fire authority to check the premises. The Application team use the standard letter EYL17B. Where we have requested information we should not make a registration recommendation and this should form part of our feedback at the end of the registration visit.

205. Environmental health officers do not visit prior to registration as there is no operating food business to inspect. It is the responsibility of the provider to ensure they meet environmental health legislation and have up to date information on the requirements. Where an inspector is concerned that the premises do not meet environmental health requirements they must ask the Application team to send out EYL18 so that an environmental health officer can carry out an inspection when the business is operating, should they consider it necessary.

206. At the registration visit, the inspector must check that all parts of the premises to be used are safe, secure and fit for the purpose of the service, as set out in the statement of purpose.

207. The inspector does not have to check parts of the premises that are not going to be used and, within children's homes and residential family centres, cannot be accessed by children being cared for. However, in residential settings, if the applicant says that some of the premises will be out of bounds but that children could access them, then these areas should be checked. This includes, for example, staff sleeping-in rooms.

208. The national minimum standards provide guidance on what the premises for each type of service should be like. The building should always be suitably designed, in good condition and provide a pleasant environment. For example, at a registration visit for a prospective children's home, an inspector should consider the guidance in standard 10 of the children's homes national minimum standards and in regulation 31 (Fitness of Premises) of The Children's Homes Regulations 2001 and amendments. The inspector should also consider whether:

- the proposed environment supports its proposed aims and objectives as well as its models of care
- internal and external space is located and organised to meet the children and young people's needs and promote their development.
- there is a bedroom for each child that meets the guidance in national minimum standards, the environment is well maintained and decorated,

and risks have been removed as you would expect for a domestic premises.

209. It is not necessary for the premises to be completely ready for use at the time of the registration visit. However, there must be sufficient evidence that the premises will be suitable to meet the aims of the service as set out in the proposed statement of purpose.

210. Where the premises are not yet ready for use, an inspector should record any:

- evidence that the premises are satisfactory and will be ready at the point of registration
- issues that should be followed up at the first inspection of the service if registration is agreed.

211. Inspectors should record this in the registration toolkit in the 'Information to be carried forward from this inspection' section.

212. If the provider needs to take further action to improve the premises before registration can be granted, the inspector must issue an 'actions' letter. See paragraphs 274–284 for information about actions letters.

213. If the premises and/or equipment are unsafe, especially where the inspector has serious concerns that the applicant will not be able to meet the relevant premises regulations or the national minimum standards, the inspector must recommend that registration is refused.

214. Regulations require that an applicant must provide a certificate of insurance in respect of death, injury, public liability, damage or other loss.⁴⁹ The certificate must show that there is public liability insurance cover for the service. Where an organisation has a corporate insurance policy, the certificate may not list every premises that is covered. As long as the provider can demonstrate that the service is covered (even if the name and the address of the service is not included on the certificate), this can be accepted.

Where provision does not require registration

215. During the registration process, an inspector may find that the provision does not require registration. There is more information about when a service needs to register in our information sheets about adoption support agencies, children's homes, independent fostering agencies and residential family centres.

216. If the inspector considers registration is not necessary he or she should discuss this with the Social Care Team Manager and, where appropriate, the Social Care Compliance team. The inspector must record the outcome and decision of their

⁴⁹ Under regulation 3(2)(b), schedule 2, paragraph 8 of The Care Standards Act 2000 (Registration) (England) Regulations 2010.

discussions on RSA. Please refer to the *Social care compliance handbook* for more information.

217. Where an applicant does not need to register with us we should confirm this to them by letter using SCL310. The letter should confirm all the reasons why registration is not required.

218. The inspector must send a *memo* to the Application team outlining the reasons why registration is not required so that the Application team can insert this into EYL999. However, if the applicant continues to believe that the service requires registration, then the inspector must proceed with the registration and come to a registration decision.

Checking identity

219. The inspector must check the identity of any applicant who submits a declaration and consent form (SC2) at the registration visit or during a fitness interview, which is undertaken separately. As a responsible regulator we must satisfy ourselves that the applicant is who they say they are and that they are not seeking to hide information that may prove they are unsuitable to be in contact with children. We also need to ensure that we have a complete history of the person's name/s and address details so that we can undertake other checks effectively, such as checks with local authority children's services departments. If a person refuses to provide evidence of their identity, the inspector should consider refusing registration and discuss the matter with the Social Care Team Manager and the Social Care Compliance team.

220. The range of documents we accept to support identity and name change are similar to those required by the DBS and other government departments to prove identity. We do not insist on any particular piece of evidence but overall we need to see a range of information which satisfies us, in line with that required by the DBS.

221. The inspector must view sufficient identity documents (normally two or three), which must:

- show proof of the applicant's current name and any other names they have used
- preferably include one photographic ID, such as a current passport or a photo driving licence. If the applicant does not have photographic ID, the inspector must see his or her full birth certificate.

222. Identity documents must be originals and not copies.

223. If the applicant has changed his or her name by marriage, deed poll, adoption, statutory declaration, or by any other means, the inspector must see a complete audit trail of the name changes, for example a marriage certificate or decree.

224. In addition, the inspector must see two pieces of evidence confirming an applicant's current address, for example:

- a utility bill (gas, telephone, electricity)
- a credit card, bank or mortgage statement
- any recent communication from the local authority or a government agency such as the Department for Work and Pensions (DWP).

225. The inspector makes a note of the identity documents they see and enters the details in the *Identity check box* on RSA.

Fit person interview general information

226. Fit person interviews should be planned and generally last no more than 90 minutes.

227. The interview is usually conducted by one inspector, unless there are concerns. A Senior HMI, Social Care must approve more than one inspector interviewing an applicant and the applicant must be told why more than one inspector is conducting the interview.

228. The purpose of the fit person interview is to allow an applicant to demonstrate their knowledge, understanding and ability to operate the proposed service in accordance with the law. It is not a job interview.

229. When registering a service, where the prospective manager is a different person to the prospective provider, the inspector must conduct individual interviews with each applicant. The inspector records evidence from each interview in an individual FPI toolkit for each applicant. Please refer to Annex I for more information on toolkits.

230. It is helpful to carry out the interview with the prospective responsible individual/provider/partners before the interview with the prospective manager so that the inspector can clearly establish their roles and responsibilities. It is appropriate for a prospective provider with no direct experience of providing a similar service to delegate some or all of the responsibility for ensuring that the regulations and national minimum standards are met to a responsible individual and/or a registered manager. However, delegation does not absolve the provider from responsibility and enforcement action or criminal prosecutions may be brought against the provider. The interview must draw out how these responsibilities are delegated, and the inspector must judge whether the arrangements are satisfactory.

231. Where possible the inspector must carry out a fit person interview with the prospective manager and prospective responsible individual/partner or individual provider during the registration visit. Occasionally it is necessary to use other premises and an inspector will need to make alternative arrangements, possibly in the applicant's office or by booking a room.

232. Where an inspector has doubts about an individual's fitness before undertaking the interview, they should seek advice from the Social Care Team Manager, the

Social Care Compliance team or, where appropriate, Ofsted's medical advisers about how to proceed during the interview.

Preparing for a fitness interview

233. Inspectors should review all information we hold about the applicant before undertaking a fit person interview. This includes information about other registrations they are linked to, and details of the application, including their pre-registration assessment form.

234. The inspector's interview questions should be based on their analysis of the information an applicant provided as part of their application and information from checks and references. If questions arise from these documents, the inspector must put these to the applicant during the interview.

235. An inspector should not ignore any information about fitness that comes to light before, during or after the interview. Where concerns arise during an interview, these should always be brought to the attention of the person concerned unless the inspector is authorised not to by a senior manager or the Social Care Compliance team. The only reasons not to mention such information are where it refers to a third party who has not yet been interviewed or where mentioning the concern places any future investigation in jeopardy.

Undertaking a fitness interview

236. At the beginning of a fitness interview the inspector should explain to the applicant that s/he must demonstrate how they meet the requirements of the registration regulations and the relevant service specific regulations, such as the Fostering Services Regulations 2002 and the service specific national minimum standards.

237. During a fitness interview with a prospective registered manager, the inspector should establish whether the applicant is aware of their personal accountability to ensure how the relevant regulations and national minimum standards are met if their registration is approved. Do they understand the implications for not complying with regulation? This should be recorded in the FPI toolkit.

238. It is very important that an inspector does not guide applicants to give the correct responses. The inspector should ask open-ended questions that encourage the applicant to explain what he or she intends to do: for example, 'tell me how you will ...' and 'what if ...'.

239. Funnelling techniques are useful to probe the previous response. Here are some examples.

- Q. How will you ensure you work in partnership with parents?
A. I will share information with parents.

Q. How will you do this?

A. By putting a system in place for regular exchange of information.

Q. Explain the system you will use.

A. I will make sure staff telephone parents regularly to keep them up to date with how their son or daughter is getting on. I also want to encourage parents to visit the home and stay for tea.

Q. How will all staff know this is your intention?

A. Through my written policy of working in partnership with parents.

Q. How can you be sure that all staff know, understand and implement your policy?

A. Through my induction procedures and by discussion at monthly staff meetings and in my 1-2-1 meetings with staff.

240. If information comes to light during the interview and an inspector is unsure about how to proceed, they should tell the interviewee that they intend to withdraw to seek advice before continuing with the interview and/or making their decision about whether to recommend registration. Inspectors must be confident to take this step even where it means delaying the overall registration decision. Registration decisions must always take into account all of the relevant and necessary information to protect children and young people's safety and welfare.

How we make fitness decisions

241. Ofsted has developed clear lines of accountability and decision-making for all its decisions in relation to registration. These are set out in the decision-making table in paragraph 309.

242. If the applicant demonstrates insufficient knowledge of the regulations or national minimum standards, the inspector must judge the significance of any omissions. The inspector must either:

- raise an action (using letter SCL 318) requiring the applicant to improve their knowledge and understanding and call back to check once the date of the action has passed. Once the applicant has replied to SCL 318 inspectors must decide whether to recommend or refuse registration. Only upon receipt of satisfactory information that any action is closed can we proceed to a registration decision. Any improvements required must be minor and able to be completed within a couple of weeks. Otherwise a decision to recommend refusal must be made. If an applicant does not respond to this letter, inspectors should also recommend refusal of registration.

or:

- recommend that we refuse registration on the grounds that the applicant is not able to demonstrate how s/he will meet the relevant regulations or

national minimum standards. In these cases, the inspector must arrange for a case discussion with the Social Care Compliance team.

243. A fit person interview (FPI) decision contributes to the overall fitness decision. The decision arising from a FPI may be different to the overall decision about the registration of an establishment or agency. However, if we do not consider that the manager or responsible individual, individual provider or partner is fit, this usually results in our refusing the application of the establishment or agency.

244. When an inspector has concluded the interviews for all the applicants for a particular establishment or agency, s/he should judge whether the applicants have demonstrated that they have a satisfactory understanding of their individual roles and responsibilities. Applicants must demonstrate that they understand each other's roles and responsibilities. The registration toolkit should show the inspector's assessment, conclusions and evidence as to whether, overall, the applicants work co-operatively as outlined and together are likely to provide satisfactory leadership and management.

245. The individual fitness decision,⁵⁰ made about whether the applicant is suitable to work or have regular contact with children, is based on the outcome of a number of checks. In some cases we may decide that a person is fit to work with children but not fit to be a registered manager because, for example, the person lacks management qualifications and/or experience.

246. Judgements on the fitness of a manager need to take account of a number of factors and should not be based on qualifications alone. We cannot refuse an application solely on the grounds that someone does not currently hold the qualifications specified in the service specific national minimum standards. We assess a person's fitness to manage the establishment or agency by considering their qualifications and experience in relation to the nature of the service. The national minimum standards set a benchmark against which we can measure a manager's qualifications and experience when we make judgements about fitness.

247. An inspector must not ignore any information that comes to light as part of their fit person assessment. All information must be fully investigated, evidenced in the toolkits and must always be taken into consideration when an inspector makes a recommendation about registration.

Giving verbal feedback at the end of a fit person interview

248. When the inspector has completed the fit person interview with the manager/responsible individual/provider/partners, they make one of the following decisions:

⁵⁰ Under regulations 6 and 8 of The Children's Homes Regulations 2001 as amended; regulations 7 and 9 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulations 5, 7, 8 and 9 of The Fostering Services (England) Regulations 2011; and regulations 5 and 7 of The Residential Family Centres Regulations 2002.

- recommend registration (suitable)
- recommend refusal (not suitable).

249. The inspector should communicate their decision and findings to the individual applicant at the end of the interview. They should ensure that the interviewee is clear that this is a decision about their personal fitness and not a decision to register the establishment or agency. This is especially important when the interview is completed at a different time to the registration visit. Applicants must also be clear that the inspector only has the power to recommend refusal, the final registration decision will be made by a senior manager in Ofsted. Inspectors must tell applicants that their role of the inspector is to gather evidence and present a recommendation about registration. Therefore, inspectors must tell applicants what process is followed when he or she recommends refusal.

250. We send a letter (EYL439) to managers to confirm the outcome of the interview because this is a personal registration decision. We do not send a letter to a provider, responsible individual or partner following their fitness interviews. The fitness of the registered provider is confirmed through the issue of the registration certificate, notice of proposal/notice of decision to register, or notice of proposal to refuse registration.

251. Where a fitness interview is conducted as the final part of a registration visit it is possible to combine the applicant's fitness decision with a recommendation about registration.

Submitting the fit person interview toolkit

252. When the inspector has completed the fit person interview, they must submit the FPI toolkit in *Final mode* within five working days. The 'submit by' date is shown on the *Launcher* screen.

253. The inspector must complete all the mandatory fields, including a judgement of 'Met/Not met' for each *Requirement judgement* in the *Summary details* screen, even if he or she has handwritten the evidence. The *Summary details* screen also allows inspectors to make the *Interview decision* of 'Suitable' or 'Not suitable'.

254. If the *Interview decision* is 'Not suitable' (not fit), the inspector must record the reason in the text box titled *Reason not suitable*. The text will populate the outcome letter sent out by the Application team to the applicant/registered person and interviewee. In this instance we must also assess the fitness of the provider, as they have appointed someone who we consider unfit for the role. The inspector must discuss this with the Social Care Compliance team and the Social Care Team Manager and record the decision on *RSA Registration comments* if we decide there is no action to take. If it is decided we need to take action, a CIE case must be opened.

255. An inspector may want to record comments/information for the next inspection in the text box *Information to be carried forward*. Information recorded in this text box will populate in the *Inspection toolkit*.

256. The inspector must click on the 'Validate' button on the *Summary details* title bar before submitting the toolkit on the RSA. The rules for validation are:

- there must be a judgement for all the outcomes
- if all judgements are 'Met' then the Interview decision must be set to 'Suitable'
- if one or more judgements are 'Not met', then the overall outcome must be set to 'Not suitable'.

257. A drop-down button is available on the *Summary details* title bar, which can be set to 'Final' or 'Draft'. The inspector can consult with the Social Care Team Manager as required and submit the registration toolkit in draft mode if necessary.

258. When an inspector submits a FPI toolkit in final mode, he or she should memo the Application team member to ask they send the *Fit person interview outcome* letter. The letter confirms the interview decision of 'Suitable' or 'Not suitable'. It is sent to the individual interviewed for the role of manager.

False statements in applications or interviews

259. It is an offence for an applicant to make a false or misleading statement in an application or interview.⁵¹ If a member of the Application team believes someone has done so then they should send a memo to the allocated inspector. If an inspector believes that an applicant has made a false or misleading statement they should seek advice from the Social Care Compliance team.

Failed registration visits and fitness interviews

260. If the applicant is not available at the registration visit, the inspector should leave a note to state that they visited as arranged. The note should ask the applicant to contact Ofsted on 0300 123 1231.

261. The inspector should send a memo to the Application team to inform them of the failed visit or fitness interview.

262. If the applicant makes no contact within five working days the inspector should ask the Application team to send a letter ([SCL309](#)) to the applicant with the options to have a visit within 10 days or for Ofsted to make a registration decision without being able to visit. The decision is likely to be to refuse registration, as the applicant has not satisfied us that they are fit.

263. If the applicant calls, the contact centre will put them through to the allocated inspector. During the telephone call, the inspector must:

- ask why the applicant did not attend the visit/interview

⁵¹ Under section 27 of the Care Standards Act 2000.

- emphasise the importance of the applicant being available at the registration visit and point out that further non-attendance may lead to us deciding to refuse registration on the basis that s/he has not demonstrated his or her fitness to provide children’s social care
- rearrange the visit
- record the conversation and its outcome on RSA Registration comments. More sensitive information must be recorded in the suitable person interview toolkit or the registration toolkit. See paragraphs below about recording information.

Referral to the Disclosure and Barring Service

264. Where we have a concern that a person poses a threat to vulnerable groups we have a duty to make a referral to the Disclosure and Barring Service (DBS).⁵²

Making the registration recommendation (inspectors)

265. It is not always possible, during a registration visit, for an applicant to demonstrate how they meet a particular regulation or standard. This is because there is usually little or no evidence at this point to show how outcomes for service users will be met. Instead, so that we can grant registration, a provider must demonstrate how the service they intend to provide meets the regulations and national minimum standards. An inspector should establish these intentions by:

- considering how well an applicant presents their application, for example by providing all the necessary information in a well organised and timely manner. When an applicant or manager provides detailed information that demonstrates their understanding of the service they are applying to run, the inspector can see more easily how that applicant will achieve positive outcomes for children, young people and, where applicable, adults.
- discussing the service, how it will operate and any proposed member of staff recruited to work at the service if registration is granted
- reviewing any other documents an applicant presents about their registration application, such as qualifications, sample records, plans and policies and procedures.

266. When an inspector has collected all their evidence, he or she makes one of the following registration visit decisions:

- recommendation to register
- recommendation to refuse to register.

⁵² See the DBS guidance on referrals; <http://www.homeoffice.gov.uk/agencies-public-bodies/dbs/services/dbs-referrals/>.

267. All the mandatory fields in the registration toolkit must be completed, including a judgement of 'Met/Not met' for each *Outcome judgement* in the *Summary details* screen.

268. A 'Validate' button is available on the *Registration summary* title bar. The rules for validation are:

- all mandatory fields have been completed
- there must be a judgement for all the outcomes
- if one or more judgements are 'Not met' then the overall outcome must be set to 'Not suitable'.

269. The *Outcome evidence* and *Judgement* for each outcome, *Evidence*, *Visit recommendation*, *Conditions* and *Statutory requirements* are all populated as a single view on the *Summary report* screen, which an inspector can print. This provides easy access at a glance to information recorded in the toolkit. An inspector can use the *Registration summary* and *Summary report* screens to communicate their findings clearly to the applicant.

Giving verbal feedback at the end of the registration visit

270. Before providing feedback, the inspector should consider whether they will need to:

- confirm any statutory requirements needed before registration can take place and whether a follow-up visit may be required
- be clear with the applicant that further consultation is needed before they can confirm their recommendation, raise any actions or impose any conditions
- alert the applicant to possible concerns about their application and the process for dealing with these.

271. During feedback, inspectors should :

- thank the applicant(s) for attending the interview
- invite note taking
- be clear that senior managers make registration decisions. Inspectors can only present information and make a recommendation to senior managers. Therefore, the applicant must not consider that registration has been granted or refused when an inspector tells them of the outcome to a fitness interview or registration visit
- ensure applicants are clear about what happens next, including, where applicable:
 - the letter they will receive explaining the statutory requirements that they must meet

- how they can inform Ofsted of the actions they have taken in response to any statutory requirements set
 - how any checks that are still outstanding affect the inspector’s ability to decide whether to recommend registration
 - the letter they may receive to inform them of the outcome of their application
 - if it is likely that the application will be refused, the reasons why and the steps we will take to confirm this decision
- agree the detail of the paragraph on Information about the setting wherever possible
 - confirm the conditions of registration that will appear on their certificate, including numbers of children where required
 - ensure that an applicant understands the outcome of the interview
 - whenever possible finish on a positive note.

272. If the inspector wants to withdraw to consult with the duty desk or the Social Care Team Manager before giving feedback, they should explain briefly that they are seeking advice and will return to give feedback at a later stage. They may agree to provide feedback by telephone if this is more appropriate.

273. If the inspector has not gathered sufficient information to come to a conclusion about registration following the registration visit, they should let the applicant know what further information is needed and what will happen next.

Actions before registration

274. We should give an applicant an opportunity to meet the regulations unless we have serious concerns about their fitness. Therefore, the inspector must inform the applicant of any statutory requirements they need to complete **before** registration.

275. An inspector can only set a statutory requirement where:

- an applicant does not meet the requirement of regulations
- there are significant concerns that they will not meet a requirement in the regulations when they begin to operate.

276. The inspector should set statutory requirements for an applicant to meet within an appropriate timescale when there are no more than a few minor points for the applicant to address. Generally, this will be when the applicant has demonstrated that they have the ability and capacity to run the service they have applied for but do not quite meet registration requirements: for example, the applicant does not have all of the necessary policies and procedures in place. However, they have demonstrated a good knowledge of the issues relating to these and provided us with written confirmation that they will complete the written policies required before registration is granted.

277. As part of the feedback at the end of the registration visit the inspector should explain to the applicant any statutory requirements that they must complete and the timescale set for completion. The inspector should also ask the applicant to write to Ofsted when they have completed the required statutory requirement. In all cases, applicants must complete statutory requirements before registration is recommended.

278. If an applicant indicates they are unlikely to complete statutory requirements in the time required, an inspector must explain the options available. These are:

- to complete the statutory requirements in the time stated, so that the inspector can recommend registration (subject to all other checks being clear)
- that we continue to decide registration unless the applicant provides a valid reason for failure to complete the statutory requirements in the time stated, but it is likely we will refuse registration because the applicant is not able to demonstrate their fitness. The applicant would need to write to us and provide good reasons why they cannot complete the statutory requirements in the given timescale if they want to extend this
- to withdraw the application, and apply again when ready to do so. Inspectors must remind applicants that if they withdraw, the application fee they paid is not refunded.

Please note we must not advise or put pressure on an applicant to withdraw their application.

279. An inspector should not expect an applicant to carry out statutory requirements to achieve:

- small improvements where an applicant demonstrates they already meet, or are likely to meet the headline standard of the relevant national minimum standards, for example, in a children's home changing the colour of a wall or ensuring plug sockets are covered
- things that an applicant cannot, or may not be able to achieve before registration, for example, in a children's home providing a full range of leisure or sports equipment that the applicant might prefer the children and young people to choose themselves.

280. On submission of a registration toolkit, an *Actions letter* task will appear on the Application team task bar to send out the statutory requirements letter.

281. If an applicant does not reply to the statutory requirements letter within the allocated timescale required in the letter, the Application team issue a reminder letter. If the applicant still fails to respond an *Action incomplete* task is created on the inspector's task bar.

282. The inspector must telephone the applicant to discuss why statutory requirements have not been completed satisfactorily or no response is received. The inspector should tell the applicant that:

- they have only **one** further opportunity to provide a satisfactory response
- if they do not respond in writing to the statutory requirements set, it is likely that we will decide to refuse registration.

283. Any telephone call made to the applicant must be followed up in writing by the inspector. There is no standard letter for this. The inspector should use EY999 and write a relevant letter covering their telephone conversation and outlining what action the applicant agreed to take.

284. An inspector should add comments to the registration toolkit to record any matters for action that they discuss with the applicant.

Quality assuring statutory requirements

285. A Social Care Team Manager will not necessarily review the statutory requirements that an inspector raises. Inspectors must ensure all statutory requirements are clear, correctly worded so that the applicant can understand what they need to do to meet the requirements of registration and do not contain any spelling or grammatical errors.

Review response from action letter

286. The inspector must ensure that the applicant has completed all statutory requirements **before** s/he recommends registration. On receipt of a response to statutory requirements from the applicant, the Application team complete the *Action taken* field on RSA and click the *Inform CCI* button, which creates an *Action response received* task on their task bar. To view the response for statutory requirements, select the *Detail registration* screen and then select 'Actions'.

287. If an inspector is satisfied that the response indicates the applicant has completed the statutory requirement appropriately, s/he closes the statutory requirement by entering the date they reviewed the information in the 'Closed date' field.

288. If an inspector is not satisfied with a statutory requirement response, he or she must contact the applicant to discuss the matter. The inspector may decide to carry out a follow-up visit and/or issue further statutory requirements. If an inspector decides further statutory requirements are needed, s/he enters them into the *Actions* screen and clicks on the 'Send revised actions letter' button. This creates a *Send letter* task for the Application team. When a response is received for any additional statutory requirements raised, the inspector must decide whether the response is satisfactory. If it is (and all other checks have been completed satisfactorily), the inspector can proceed to recommending registration. If it is not, they should discuss

this with the Social Care Compliance team and consider whether to recommend refusing registration.

Follow-up visit (if necessary)

289. There can be a number of reasons for a follow-up visit, including:

- concern that a statutory requirement raised has not been completed satisfactorily. This may pose a high level of risk for the safety of children: for example, the applicant did not appear to take the appropriate level of action to make the garden safe
- to check that the premises are furnished and equipped to an appropriate level
- to collect further evidence to support the visit decision following a quality assurance review
- to carry out an interview following information received from checks.

290. Any decision that a follow-up visit is required must be discussed with a Social Care Team Manager.

291. If a follow-up visit relates to the registration visit, an inspector can download the registration toolkit that they submitted as final to the *Launcher* screen on their laptop by selecting the *Manage registration visit* screen. S/he then clicks on the 'Download latest' tab on the *Submitted toolkits* header bar, opens the registration toolkit, selects the *Follow-up visit* screen, and records the date of the visit, the reason for the visit and the outcome of the visit. This screen allows an inspector to record more than one follow-up visit.

292. An inspector should record any statutory requirements raised at the follow up visit on the *Action* screen in **RSA** and not in the registration toolkit. They can do this by selecting the 'Add' button on the *Action* screen and typing in the new statutory requirement raised. Select the button for *Send revised actions* letter to generate a *Send letter* task for the Application team. The revised statutory requirements letter will populate all statutory requirements that do not have a 'closed' date.

293. If the follow-up visit is made to undertake a further interview following information received from checks, and the FPI toolkit has already been submitted, an inspector must record the information in an *Investigation toolkit*.

Completing the registration decision

294. Wherever possible, the inspector decides whether they can recommend registration at the registration visit. This is because this should usually be the last part of our assessment, provided that all checks have been received. In this case, the Application team will send a memo to the inspector and the Social Care Team Manager stating 'please refer to manage registration decision screen and make registration decision' when the registration and fit person interview toolkits are submitted. This indicates that all:

- statutory requirements are complete and closed
- necessary fitness decisions are made
- requested premises checks are complete.

295. If we are still awaiting further information, the Application team send a memo as stated in the previous paragraph to the allocated inspector and the Social Care Team Manager when all outstanding information is received. No decision should be made if outstanding information has not been received.

296. The inspector must review all the information that has been received before recommending the overall registration decision. The information is accessible on the screens listed below from the *Manage registration decision* screen:

- Individual checks
- Premises checks
- Statutory requirements
- List visits
- Detail registration.

297. The inspector must review the *Visit decision*, *Fitness decision*, *Actions* (where applicable), *Memos* and *Registration comments* and make their recommendation about registration within **five** days of receiving the Application team's memo confirming checks are complete. Where there are no concerns about an individual applicant's fitness, the inspector makes a recommendation about the overall registration decision to register in the *Manage registration decision* screen and sends a memo to the Social Care Team Manager.

298. To access the *Manage registration decision* screen, an inspector can click into the *Complete registration decision* task on their task bar. This screen will record the *Registration decision*, the date of the decision and the name of the individual making the decision. It also records the sign-off, the date and the name of the individual signing off.

299. The Social Care Team Manager must:

- check that any statutory requirements raised have been completed satisfactorily
- check that evidence in the registration and fit person interview toolkits supports the registration and fitness decisions
- make sure all required checks are complete, clear and/or any concerns have been resolved
- check that the conditions of registration are appropriate and consistent with our Guidance on conditions of registration

- sign off the registration decision in the Manage registration decision screen when:
 - we register exactly what the application form (SC1) requests (including any agreed conditions of registration)
 - we register with imposed conditions of registration
- refer the registration decision to the Social Care Compliance team and a Senior HMI, Social Care when:
 - it is likely that we may refuse registration
 - there have been concerns that have been resolved during the registration process, such as a cause for concern on an applicant's DBS disclosure.

300. Where the Social Care Team Manager has questions about the registration decision, evidence in a toolkit or any other matter that they need to be resolved before making the final registration decision, they must send the inspector a memo about these as soon as possible.

Registration visit decision – not fit

301. If the inspector finds that the establishment or agency is not fit for registration, s/he must discuss their findings with the Social Care Team Manager following the visit. The inspector may decide to defer the *Visit decision* and seek further advice from the Social Care Compliance team before giving feedback to the applicant.

302. Inspectors recommend decisions about fitness and registration. The Social Care Team Manager makes the final registration decision based on the inspector's evidence in the registration toolkit.

303. Where the inspector recommends to refuse registration, a case discussion with the Social Care Compliance team must be held. If a decision is made to refuse, the inspector must record the recommendation in the *Manage registration decision* screen by selecting 'Refuse' in the drop-down list, under the heading of *Overall registration decision*, and send a memo to a Senior HMI, Social Care. The Senior HMI, Social Care and the Social Care Compliance team are responsible for ensuring there is a full review of the registration process before signing off a decision to refuse.

304. The review of a decision to refuse registration includes checking the toolkit and information in the *Detail registration screen*, any fitness checks, memos and *Registration comments*. It should be carried out by a Senior HMI, Social Care and the Social Care Compliance team, who should open a CIE case.

305. The inspector drafts the notice of proposal (NOP) without delay and consults with the Social Care Compliance team about its contents. If necessary, the Social Care Compliance team will send the NOP to Ofsted's legal advisers for advice. Again, this must be done without delay and marked urgent.

306. A copy of the NOP must be agreed by the Senior HMI, Social Care who must sign off the refusal on the RSA *Manage registration decisions* screen and record the reason for refusal in the *comments* box on the *Manage registration decisions* screen. The Senior HMI, Social Care is responsible for ensuring that timescales for completion of any NOP to refuse are kept to a minimum.

307. When the decision is recorded, a *Send notice of proposal (NoP)* task is created on the Application team's task bar. The reason for refusal populates in the notice of proposal to refuse.

308. The Application team should ensure that a copy of the notice is sent to the Social Care Compliance team so that they can place this on the case file for reference. They should also keep a copy to refer to in the notice of decision to refuse registration.

309. The following is a decision-making matrix for social care applications.

Registration visit		
Judgement about whether the premises and services are fit for registration	Recommendation to register or refuse registration	Decision
Fit	Inspector	Social Care Team Manager
Not fit	Inspector	Social Care Team Manager and Social Care Compliance team and Senior HMI, Social Care

Premises checks (recorded on RSA)		
The following decision must be made for each of the following premises checks		
Judgement about whether the premises and services are fit for registration	Recommendation to register or refuse registration	Decision
Fit (check clear)	Inspector checks during the registration visit	Social Care Team Manager
Fit (premises issue)	Inspector writes an action for provider/manager to complete (see decision matrix responses to actions set)	Social Care Team Manager
Not fit (premises issue)	Inspector	Social Care Team Manager, Social Care Compliance team and Senior HMI, Social Care

Decisions about individuals who complete a declaration and consent form		
Judgement about the fitness interviews for a provider, responsible individual and manager	Recommendation to register or refuse registration	Decision
Fit	Inspector	Social Care Team Manager
Not fit	Inspector	Social Care Team Manager, Social Care Compliance team and Senior HMI, Social Care

Decisions about the checks completed for each applicant who submits a declaration and consent form (SC2)		
Medical checks		
Judgement	Recommendation	Decision
Suitable (check clear). The Application team record as suitable on RSA	Inspector Inspector checks box is recorded as suitable on RSA before making recommendation	Social Care Team Manager checks that all checks are marked as suitable before confirming their registration decision
HDB contains concerns	Inspector refers to medical advisers HDB is referred to Ofsted's medical advisers for review and a recommendation	Inspector and Social Care Team Manager
HDB not suitable Not suitable based on the recommendation of Health Management Limited – registered provider/registered manager/responsible individual	Inspector	Social Care Team Manager Decision must result in a case conference being called
Disclosure and Barring Service checks		
Judgement	Recommendation	Decision
Suitable (check clear) The Application team record on RSA	Inspector checks box is recorded as fit on RSA before making recommendation	Social Care Team Manager checks that all checks are marked as suitable before confirming their registration decision
Concerns identified on the DBS certificate	Inspector reviews information in the Disclosure and Barring Service notice, refers their team manager to agree action	Social Care Team Manager
Not suitable (unsuitable information identified)	Inspector	Social Care Team Manager Decisions must result in a case conference being called
Children's services checks		
Judgement	Recommendation	Decision
Suitable (check clear) The Application team record on RSA	Inspector checks box is recorded as suitable on RSA before recommending recommendation	Social Care Team Manager checks that all checks are marked as suitable before confirming their registration decision

Information identified	Inspector refers to the Social Care Compliance Team and inspector's team manager and may ask questions at interview	Social Care Team Manager and inspector
Not suitable (information identified)	Inspector	Social Care Team Manager Decision must result in a case conference being called

Responses to statutory requirements set		
Judgement about an applicant's response to statutory requirements set	Recommendation	Decision
Adequate action taken	Inspector	Social Care Team Manager
Inadequate action taken	Inspector	Social Care Team Manager and Social Care Compliance team
No response in timeframe	Inspector discusses with Social Care Compliance team and Social Care Team Manager about next action	Social Care Team Manager and Social Care Compliance team

Registration decision		
Judgement about an applicant's response to actions set	Recommendation	Decision
Register	Inspector	Social Care Team Manager
Register (following resolved concerns)	Inspector refer to Social Care Compliance team for advice	Social Care Team Manager, Social Care Compliance team
Refuse	Inspector and inspector's team manager refer to Social Care Compliance team to consider registration decision – see Social Care Compliance team decision-making chart	Senior officer Social Care Compliance team and Senior HMI, Social Care

Conditions of registration

310. A condition is a restriction to a provider's registration. It is an offence for a registered person to breach their conditions of registration without reasonable

excuse.⁵³ For more information about conditions of registration for each type of service please refer to our *Guidance on conditions of registration*.

⁵³ The Care Standards Act 2000 (Registration) (England) Regulations 2010, section 25

Wording conditions

311. Conditions must follow on from the stem:

‘The registered person...’

312. The Application team check the wording on each certificate for accuracy and policy consistency. Inspectors refer any questions they have to the Social Care Policy team.

Recording evidence and using the registration toolkit

Visit record (part 1 of the toolkit)

313. At the visit, the inspector should:

- check the accuracy of the details pre-populated in the Visit record (Part 1) and complete any blank sections
- note details of the proposed manager and any individuals who make up the proposed registered provider so they can check this detail.

314. If the inspector finds that there are individuals who make up the proposed registered provider who should have completed a declaration and consent form (SC2) but have not done so, they must remind the applicant that Ofsted cannot make a registration decision until we are sure these individuals are fit. In addition, the applicant’s fitness is in question because they have made a false statement in the original application. The inspector must terminate the registration visit and discuss what action to take with the Social Care Compliance team and the Social Care Team Manager.

Recording evidence in registration and fit person interview toolkits

315. The inspector uses the registration toolkit to collect and organise evidence, make judgements, raise statutory requirements, feed back to the provider, agree conditions, and confirm the setting information. The inspector records the evidence and judgements in the registration toolkit downloaded from RSA to the launcher.

316. The principles of Her Majesty’s Chief Inspector’s (HMCI’s) quality standard must be applied to ensure that judgements are fair and accurate, and that evidence:

- is clear
- supports the overall registration decision
- supports any conditions of registrations the applicant is applying for.

317. The inspector must record the applicant’s responses in sufficient detail to provide robust evidence that supports their recommendation about the applicant’s fitness for registration.

318. Please see Annex I for more information on toolkits.

Following the registration visit

What to record in the registration toolkit

319. The inspector should use the *Registration toolkit evidence* screen to record information leading to decisions to grant or refuse registration where there is cause for concern about the individual fitness of an applicant, and the inspector has discussed it with him or her. The inspector can use the *Registration toolkit evidence* screen to make a record of discussion with the applicant at the registration visit. The inspector can generate a follow-up visit via the *Registration toolkit* to record details of any further interview whether in person or over the phone. The inspector can also use an *Investigation toolkit* for individual interviews.

320. We can only retain so much of the information as is necessary to provide an accurate and relevant record of the basis of our decision to grant or refuse registration. So the information the inspector records must be accurate and only what is considered relevant to the decision, or taken into account during the decision-making process.

Submit registration toolkit

321. A drop-down box is available on the *Registration summary* title bar, which can be set to 'Final' or 'Draft'. If the inspector makes the *visit decision* as 'not suitable' (not fit), he or she should submit the toolkit in *Draft mode* and email the Social Care Team Manager so that he/she can review the toolkit.

322. When the inspector submits the registration toolkit as final, a *Complete registration decision* task is created. This task will remain on their task bar until the *Overall registration decision* is recorded and signed off.

323. Please note that toolkit submission is only permitted before the overall registration decision is taken. If a toolkit is amended and re-submitted after a previous submission in final mode, statutory requirements will not be extracted again on to the RSA and no *send letter* task will be raised for the Application team. Here, add further statutory requirements through the *Actions* screen on the RSA.

Updating RSA following a registration visit

324. After the registration visit, the inspector must update the records on RSA, including those on the *Detail SC screen*,⁵⁴ with any changes they have recorded on the *Visit record (part 1)*. This will ensure the provider's records on the RSA are up to date and that the correct details appear on the certificate of registration.

⁵⁴ The fees team use information on the *Detail SC registration* screen to decide what fee to charge once a service is registered. There is no facility on RSA to automatically update this detail so inspectors must check that this is accurate.

325. To update details on the RSA, search for the registration using the URN. This will open up the *Registration search* results screen. Highlight the setting and click on 'Update'. This will open up the *Update registration* screen, where updates can be recorded. Then:

- send a memo to the Application team and/or the Social Care Team Manager as required to inform them of any specific issue from the visit
- send a memo to the Application team with agreement of the Social Care Team Manager
- send a memo to the Application team if the applicant is exempt or not required to register, with agreement of the Social Care Team Manager
- if the inspector completed a hard copy toolkit at the registration visit, enter information in all the mandatory fields in the electronic toolkit
- validate the toolkit before submitting it on the RSA.

Recording the final registration decision (social care team managers and Senior HMI, Social care)

326. When a Social Care Team Manager records the overall registration decision as 'Register', a task is initiated for the Application team to send a letter granting registration and the certificate of registration.

327. The inspector should set the first inspection deadline and prompt dates on the service's *Detail registration* screen on RSA and in their Outlook calendar as follows:

- for children's homes the deadline is seven months after the decision date; the prompt date should be 12 weeks before the deadline date
- for residential family centres, voluntary adoption agencies, adoption support agencies and independent fostering agencies, the deadline is 12 months after the decision date; the prompt date should be seven months after the decision date.

328. A Senior HMI, Social Care can record an overall registration decision to refuse at any stage in the registration process. Where the overall *Registration decision* is set to *Registration with conditions*, a Social Care Team Manager or Senior HMI, Social Care must sign off and record the reason in the *Reason for conditions* box. This creates a task for the Application team to send out the notice of proposal (NOP) to impose conditions. The *Reason for the conditions* in the text box will populate into the NOP.

329. If a Social Care Team Manager or Senior HMI, Social Care makes a final registration decision to 'Register with imposed conditions of registration', an inspector must send a memo to the Application team requesting that an NOP is sent to the provider.

330. The Application team send the NOP to register with conditions by recorded delivery to the applicant with a copy of the *How to make representations and*

*appeals*⁵⁵ leaflet. Chapter 7 of the *Social care compliance handbook* sets out the process we follow for dealing with written representations.

331. If no response or representation is received within **28 days**, the RSA automatically creates a *Notice of decision to register* letter. The Application team creates the *Notice of decision* letter and certificate, and then sends them to the applicant by recorded delivery.

332. Where the overall *Registration decision* is set to 'Refuse registration', the Senior HMI, Social Care must sign off and record the reason in the *Reason for refusal* box. This creates a task for the Application team to send out the NOP to refuse (SCL450). The *Reason for refusal* in the text box will populate into the NOP.

333. The Application team send the NOP to refuse to the applicant by recorded delivery with a copy of the *How to make representations and appeals* leaflet. If the applicant chooses to make representations against the NOP to refuse, refer them to the representation and appeals process.⁵⁶ If no response or written representations are received within 28 days, the RSA automatically creates a *Notice of decision to refuse* letter (SCL451). The Application team create the letter and send it to the applicant by recorded delivery.

⁵⁵ *How to make representations and appeals* (110041), Ofsted, 2011;
www.ofsted.gov.uk/resources/110041.

⁵⁶ The representations and appeals process;
http://ofstedintranet/Our_Work/Supporting_our_work/Compliance_Investigation_and_Enforcement/CI_E_Handbook/Pages/Objections%20representations%20and%20appeals.aspx.

Part 3. Changes to services that are registered or are inspected by Ofsted

334. This section provides guidance about: what changes a registered provider has to tell us about; how registered providers can request changes to their registration; what changes a local authority fostering and adoption services are required to tell us about; and what changes we can impose.

Changes to registered providers and managers or those that represent a local authority

335. Once registration has been granted to an adoption agency, adoption support agency, children's home, fostering agency or residential family centre, there are a number of changes a provider can make or ask for. These include:

- changes to the registered provider
- a change of responsible individual
- a change of registered manager
- a change to their statement of purpose
- applying for a change to the service's conditions of registration
- applying to register a new service
- applying to buy a service that is already registered
- applying to voluntarily cancel their registration.

336. Local authority fostering services and local authority adoption services also have legal obligations to tell us about some changes to their organisation, including changes to the people who manage the service.

337. There are also two changes that Ofsted can make. We can:

- impose a change to, remove or add a condition/s of registration
- restrict admissions to a children's home or a residential family centre.⁵⁷

338. For information on compliance, investigation and enforcement action that we may take against a registered provider, please refer to the *Social care compliance handbook*.

⁵⁷ The Children and Young Persons Act 2008 inserted section 22B into the Care Standards Act 2000. This insertion gives us the power to serve a notice on a person who is registered in respect of a children's home or residential family centre to restrict the accommodation of children in the premises.

Changes to individuals associated with the registration or local authority

339. Registered providers must notify Ofsted in writing when any of the following individuals change:⁵⁸

- the director, manager, secretary, trustee, treasurer, clerk or other similar officer of the organisation (where the registered provider is an organisation)
- the responsible individual.

340. Local authority adoption and fostering agencies must notify Ofsted in writing when a manager changes. We also request that they notify us if their nominated person changes, but they are not required to do so.

How to make a change to a provider association

341. The following providers may complete an SC3 form to tell us about changes to an individual:

- local authority fostering and adoption services
- adoption support agencies
- children's homes
- independent fostering agencies
- residential family centres
- voluntary adoption agencies.

342. The regulations stipulated in footnote 57 state that 'the registered person shall give notice in writing to the Chief Inspector (Ofsted) as soon as it is practicable to do so' about the changes to individuals listed in paragraph 335. The term as 'soon as reasonably practicable' is not defined in law. We expect all providers to notify Ofsted within **14 days** when an individual who makes up the registered person changes.⁵⁹ We ask that local authorities notify us of any change within 14 days.

343. The SC3 form is available from our website or can be requested in hard copy. There is additional guidance about making such a notification in our guide to registration for social care providers and managers. Providers should post completed forms to the National Business Unit.

⁵⁸ Under regulation 38 of The Children's Homes Regulations 2001 as amended; regulation 27 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous) Regulations 2005; regulation 39 of The Fostering Services (England) Regulations 2011; and regulation 28 of The Residential Family Centres Regulations 2002.

⁵⁹ Unless Ofsted is satisfied that any delay was unavoidable in the circumstances.

344. When the Document Handling Centre receives an SC3 form, they forward it to the Application team who log this in the 'list letters' section of **one** registration only. The Application team must put an information-only memo on all the affected URNs on RSA to record the changes and log the form's Meridio reference number.

345. The Application team enter an end date to an individual's association with a registration on RSA for every person that is leaving, as detailed on the form. This step must be repeated for all the URNs that the individual is associated with.

346. A responsible individual must not have their association ended on RSA without Ofsted having been notified of the new responsible individual. If a provider tells us that a responsible individual has left that role without providing the detail of another person to take it on this should be referred to the allocated inspector so that they can discuss the situation with the provider.

347. The Application team search RSA to check whether each of the new individuals listed on the form is known to Ofsted. If the Application team find an association, they add the individual's RSA identity number to all the URNs that they are newly associated with. If an individual is not known to Ofsted, a new individual identity number is created on RSA and the new identity number added to all of the URNs the individual is associated with. In the case of partnerships and organisations, the role of the person (director, trustee, etc.) must be added in the comments section.

Changes to the certificate when there is a change to individuals associated with the registration

348. Changes to certificates are necessary when a:

- responsible individual changes
- manager of a voluntary adoption agency changes
- registered manager of a children's home, independent fostering agency, residential family centre and adoption support agency stops being the registered manager
- new manager has been appointed and registered.

349. Where a manager has left and a new manager has not yet been appointed and registered, the Application team must send an updated certificate with the manager's position recorded as 'POST VACANT'. Where two managers have been job-sharing and one manager leaves, the certificate should be updated to show:

- the name of the person who remains
- POST VACANT.

350. Before sending an updated registration certificate to the provider, the Application team must check that no variation is in progress nor NOP/NOI pending on the registration.

351. Changes to the make-up of the registered provider must be implemented across all of an organisation's registrations. The Application team should seek clarification from the provider if some of their registrations have not been listed in the SC3 form.

Change of responsible individual

352. The regulations clarify that where a provider is an organisation, the organisation must supply us with the name, address and position of a responsible individual and then inform us of any change to the responsible individual.⁶⁰

353. The regulations require the provider to notify Ofsted that the responsible individual has changed 'as soon as reasonably practicable'. The term as 'soon as reasonably practicable' is not defined in law. We expect all providers to notify Ofsted within **14 days** of the responsible individual changing.

354. It is a breach of regulations for a provider to fail to inform Ofsted that the responsible individual has changed 'as soon as practicably possible'. If a provider fails to inform us, the inspector should explore the reasons why with the provider. In the case of adoption agencies, adoption support agencies and residential family centres, this is also an offence.

355. The inspector should consider what impact not having a responsible individual or not informing Ofsted that the responsible individual has changed has on outcomes for children. This may lead to concerns about the overall fitness of the provider. If this is the case, inspectors must arrange a case discussion with the Social Care Compliance team to decide what actions should be taken. In any case, a lack of responsible individual should be reflected within any inspection judgement.

356. We do not usually re-assess a responsible individual if this person changes once the establishment or agency is registered because the regulations do not specifically require us to do this.

357. Should an inspector have concerns about the integrity, honesty, or ability of the RI to perform their functions adequately, he or she can ask the provider to supply the responsible individual's recruitment record for inspection. He or she may also ask the RI to attend a meeting or hold a telephone conference, for example to ask particular questions about the applicant's understanding or past history.

358. Inspectors who consider that they need to investigate a new RI further should discuss this action with their team manager and decide whether the concerns warrant a CIE case being opened.

⁶⁰ Under regulations 6 and 38 of The Children's Homes Regulations 2001 as amended; under regulations 7 and 27 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulations 5 and 39 of The Fostering Services (England) Regulations 2011; and regulations 5 and 28 of The Residential Family Centres Regulations 2002.

Change of registered manager

359. This section relates to the following settings:

- adoption support agencies
- children's homes, including secure children's homes and schools dually registered as children's homes
- independent fostering agencies
- residential family centres.

360. A manager of a voluntary adoption agency is not legally required to register.

What the law says

361. The legal basis for the guidance is set out in the Care Standards Act 2000, which states in section 11(1):

'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.'

362. This means that when a registered provider appoints a new manager for services listed in paragraph 359, the manager must apply to us for registration.

363. Regulations made under the Care Standards Act 2000 describe the instances where a provider must appoint a registered manager.⁶¹

364. The specific service regulations require the provider to notify us in writing without delay when they appoint a new manager.⁶² We expect all providers to write to Ofsted within **14 days** of appointing a manager.

365. This helps to protect children and young people by ensuring:

- that the length of time registered establishments or agencies remain without a registered manager is minimised
- managers do not operate for excessive periods of time before applying for registration.

⁶¹ Under regulation 6(1) of The Fostering Services (England) Regulations 2011; regulation 7(1) of The Children's Homes Regulations 2001 as amended; regulation 6(1) of The Residential Family Centre Regulations 2002; and regulation 8(1) of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.

⁶² Under regulations 7(2) and 38(a) of The Children's Homes Regulations 2001 as amended; regulation 6 of The Fostering Services (England) Regulations 2011; regulations 8(2), 27(1)(a) and 29(1) of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; and regulations 6(2), 28(a) and 31(1) of The Residential Family Centre Regulations 2002.

What happens when a registered manager leaves

366. When a registered manager leaves, or intends to leave, Ofsted must be informed of this change. Wherever possible, a registered manager should notify us in advance of the date they intend to stop managing the service.

367. The provider also has a duty to tell us when a manager leaves. If the provider is certain that the manager has notified us, they do not need to do so. If the provider is unsure whether the manager has notified us, s/he should do so to ensure that they do not breach regulations.

368. Annex B shows the process to follow where the registered manager or provider informs us that a manager is leaving.

369. If we discover, for example at inspection, that a registered manager is to stop managing a registered service, we must ensure the registered provider and registered manager know that they are both legally responsible for making sure that a notification is sent to us.

370. The inspector asks the Application team to send standard letter SCL 82 (Notification that a manager has ceased managing an establishment or agency) to the provider and also to send a copy to the manager.

371. A registered manager or provider of a residential family centre has committed an offence if they do not inform us that the registered manager is to stop or has stopped managing the agency or residential family centre. For a children's home, adoption support agency or independent fostering agency, this is a breach of regulations.

372. If we find out that a registered manager has stopped managing a setting and we have not been informed, inspectors must request that a C case is opened. The Social Care Compliance team should write to both the registered manager and registered provider separately to inform them that they may have breached regulations, using standard letter SCL80 (Failure to notify Ofsted that a manager has ceased to manage an establishment or agency). There is more information for the provider in the letter about the timescale they have for putting a new manager in place. This information should be deleted in the version to the manager.

373. The inspector and the Social Care Compliance team will review the individual circumstances referring to our enforcement tariff, for a decision about whether to take action and, if so, what action to take.

How long can a service operate without a manager?

374. A provider should ensure that a manager's contract of employment gives a sufficient period of notice to allow for the provider to recruit and register a new manager if the current manager is leaving.

375. We expect a provider to appoint and have a new manager in post within 28 days from the date the previous registered manager stops managing a service.

376. As soon as an inspector becomes aware that the manager will be leaving, or has left, they must ask the Application team to send the provider our standard letter SCL 82 (Notification that a manager has ceased managing an establishment or agency) to explain the timescale for registration.

377. We recognise that it is not always possible for a new manager to take up their post immediately after a registered manager leaves. This may be the case where, for example, the previous registered manager has died⁶³ or been dismissed.

378. If a provider gives a valid, timely reason as to why they cannot meet the 28-day deadline, then we have the discretion to extend this as there is no legal timeframe within which a registered provider must appoint a manager. The provider must put any reasons for an extension to this timescale to us in writing, and tell us the date by which the new manager will be in post and we will receive an application for registration from them.

379. We will only agree extensions in exceptional circumstances and any such request must be signed off by a Senior HMI, Social Care. In all cases, the provider must ensure that any delay between when one registered manager stops and a new manager is appointed and registered, is minimal.

380. The inspector should consider the particular circumstances of the case and the impact on the organisation of not having a registered manager. This may lead to concerns about the overall fitness of the provider and concerns for the children's welfare and safety. If the inspector is concerned about children's safety and welfare s/he must arrange a case discussion with the Social Care Compliance team.

381. At a children's home inspection, if there is no registered manager in charge of the home and no application in progress without reasonable cause, the inspector should raise a requirement under regulation 7 of the Children's Homes Regulations 2001 (Appointment of manager). This may lead to an overall judgement of inadequate. The inspector should 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.

382. 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.

⁶³ A personal representative of the registered provider may be able to operate lawfully without registration for up to 28 days, under regulation 40 of the Children's Homes Regulations 2001 and regulation 30 of The Residential Family Centres Regulations 2002.

What happens where the registered manager is absent?

383. The provider must notify us when the registered manager (or the provider if they are in day-to-day charge) will be absent for a continuous period of 28 days or more.⁶⁴ In this scenario, for example due to a sabbatical, maternity leave or sickness absence, the provider must give us information on the length of the absence and the interim arrangements for running the setting.

384. Any interim manager must be suitably qualified and experienced, and the provider must ensure they are supported in their role. We will retain the registered manager's details on RSA and inspectors should record details of the interim arrangements on registration comments.

385. If at any point the manager's post becomes vacant, urgent action must be taken to recruit to it. It is the registered provider's responsibility to have a manager in post, and failure to do so is a breach of regulations. The manager himself or herself is responsible for applying for registration with Ofsted and it is an offence not to be registered.

386. We should not allow settings to operate indefinitely with their registered manager absent. This should be judged on a case-by-case basis, but if the registered manager's return keeps being delayed or postponed, we should point out to the provider and the acting manager that there is a legal obligation on the acting manager to become registered and to manage without being registered is an offence.

387. The inspector should always take into consideration whether it is a planned or unplanned absence, the length of time the manager has been absent and, most importantly, what risk it poses to children and young people. For example, if a children's home has been judged as inadequate, this, along with the support mechanisms that the provider has put in place will influence the decision regarding whether the interim manager should register. Another example would be where a children's home has been judged as good or outstanding, it has a good track record and the provider has a strong plan in place to support the interim management arrangements. In this situation we may decide that this is acceptable but we would keep this under review.

When does a new manager have to apply for registration?

388. Legislation does not specify a timeframe by which a manager must apply to us for registration. We expect the manager of a registered setting to apply to Ofsted for registration within 28 days from the first date of their employment. This is to minimise the risk that unsuitable people may manage settings for vulnerable children

⁶⁴ Under regulation 37 of The Children's Homes Regulations 2001; regulation 38 of The Fostering Services (England) Regulations 2011; regulation 27 of The Residential Family Centre Regulations 2002; and regulation 26 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.

and service users. When a provider notifies us they have appointed a new manager, the inspector should ask the Application team to send standard letter SCL81.

389. Where there is no application from a manager within the above timescale, the inspector should contact the Social Care Compliance team for advice and record this discussion in *Registration comments*.

Registering a new manager

390. When a new manager is appointed at a setting that is already registered, they must apply to Ofsted to be the registered manager and pay a fee. We must undertake fitness checks, interview the applicant and make a robust registration decision. The applicant must meet the same requirements as a proposed registered manager of a new setting. They have the same rights to make written representations and appeal about our decision to refuse registration.

391. The procedure for registering a manager for an active setting is generally the same as the registration process for a manager of a proposed service as set out in Part 2. Please also refer to Annex I for more information on toolkits and what checks we undertake in these circumstances. The differences and points to note are below.

- The Application team must insert 'APPLICATION IN PROGRESS' in the individual's comment field on RSA to make it clear that the individual is not yet registered.
- The inspector should carry out a fit person assessment of the applicant as detailed in annex I. If an interview is to take place it should usually be undertaken at the premises of the service. Once the fit person assessment is complete, the FPI toolkit is saved on the RSA. The list individual checks screen must be updated to display the results of the fit person assessment to allow the overall fitness decision to be recorded.

Where a registered manager moves to manage another establishment or agency he or she must make a new application to be the registered manager of that setting. How we carry out the fit person assessment for a second or subsequent application will depend on the information we already hold about the individual who is applying, see annex I for more detail.

- The inspector must notify the Application team by memo once the Social Care Team Manager has made a decision about the registration. If the decision is to register the manager the inspector must ensure that the individual's overall suitability (fitness) has been updated on RSA before notifying the Application team.
- Before sending the notice of decision (NOD) and certificate (if agreed), the Application team should check whether an application for a variation is in progress. If a variation request is in progress, the Application team should check with the inspector whether they should delay sending the NOD and the certificate. This may be agreed if it is likely that the variation will be

granted shortly and that the delay will not negatively impact the establishment or agency.

- The Application team send the NOD to grant the registration, together with a new certificate if registration has been agreed, or a notice of proposal (NOP) to refuse, if registration has been refused. Please see [Information for inspectors 67B](#) for detailed guidance on issuing NOPs and NODs. If, for any reason, a specific condition is set about the manager, an NOP should be sent.

392. Annex C shows the process to follow when we are not notified of the appointment of a new manager.

393. Where a recommendation to refuse a manager is proposed, the inspector must also submit information to their team manager by RSA memo, about how this affects our view of the fitness of the provider and whether this should lead to immediate action in respect of their registration. If a decision to take action against a manager is agreed, the subsequent case review should decide whether this affects our views of the provider and whether action against a provider is required.

Changes to the statement of purpose

394. Each registered setting is required by law to have and maintain a statement of purpose that accurately depicts the service provided at any given time.

395. It is a breach of regulations for a provider (apart from the provider of a voluntary adoption agency) to operate their service in a manner that is not consistent with their statement of purpose.⁶⁵ Providers and managers are required to notify Ofsted within 28 days when they make any change to their statement of purpose.⁶⁶ The *Guide to registration for social care services* provides more information about statements of purpose.

Applying to vary or remove conditions of registration

396. A registered provider can apply to vary, remove or change a condition of registration by making a written request and paying a fee.

⁶⁵ Under regulation 29(1) of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulation 31(3) of The Residential Family Centres Regulations 2002; and regulation 3 of The Fostering Services (England) Regulations 2011.

⁶⁶ Under regulation 5(b) of The Children's Homes Regulations 2001; regulation 6(b) of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; regulation 4(b) of The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2009; regulation 4(4)(b) of The Residential Family Centres Regulations 2002; and regulation 4(b) of The Fostering Services (England) Regulations 2011.

397. Refer to Conditions of registration for all regulated social care services and categories of registration for children's homes and voluntary adoption agencies⁶⁷ and other guidance on the intranet⁶⁸:

- Conditions guidance: frequently asked questions
- How the new conditions guidance affects variation requests and managers' applications for already registered social care services.

398. There is information for providers available on our website:
www.ofsted.gov.uk/children-and-families-services/for-childrens-social-care-providers-and-commissioners/regulating-ch-2.

Minor and major variations

Minor variation

399. Minor variations are agreed where the inspector decides a visit to the service is not necessary and where the change to the registration is minimal. An example would be an additional placement to a children's home that we know has the facilities to provide for this number, and where the provider's supporting documentation shows they have considered all the necessary factors, such as staffing.

Major variation

400. A provider must apply for a major variation where an inspection of their service is necessary to determine whether it complies with regulation. An example would be when the application is for a significant increase in numbers and/or we need to check that any premises alterations are satisfactory.

Making a variation application and decision

401. To apply for a variation, the provider contacts the National Business Unit (NBU) who record the details of the provider's request. The contact centre informs the inspector of the provider's request by memo. Annex D shows the process for dealing with applications to vary conditions of registration.

402. The inspector should check the service's latest inspection report, any recent or current CIE cases and other information available on RSA before contacting the provider to discuss the variation request.

⁶⁷ *Conditions of registration for all regulated social care services and categories of registration for children's homes and voluntary adoption agencies* (110049), Ofsted, 2012;
www.ofsted.gov.uk/resources/110049.

⁶⁸ Social care registration and enforcement intranet pages;
http://ofstedintranet/Our_Work/Social_Care_Registration_and_Enforcement/Pages/Social%20Care%20Registration%20and%20Enforcement.aspx.

403. The inspector must make a decision as to whether the request constitutes a minor or major variation in line with paragraphs 399 and 400 above. The decision about whether the request is a major or minor variation should not be made by the provider or the Application team. The inspector should consult the Social Care Team Manager or the Social Care Duty Desk if they are unsure.

404. After speaking to the provider, the inspector emails the Application team to ask them to send an *Application to vary or remove conditions of registration form* (SCL118) to the provider. The inspector's email must state whether it is a minor or major variation and provide details of any supporting documentation the inspector requires, for example a revised statement of purpose. The Application team send the application form – amended to state 'Minor' or 'Major' and including details of the supporting documentation – to the provider or responsible individual.

405. The provider returns the completed application to the NBU.

406. On receipt, the Application team check that the variation application is:

- accompanied by the appropriate fee⁶⁹
- accompanied by the requested supporting documentation
- completed in full
- signed by the responsible individual or someone who makes up the provider whose details are logged on RSA.

407. If an incomplete application is received, the Application team will seek to obtain any missing information. If necessary, they will return the application to the provider with a cover letter (SCL310) stating why it is incomplete.

408. The registered manager cannot sign an application unless they are part of the registered provider. The Application team must return an application as incomplete if it is signed by a registered manager who is not part of the registered provider

409. The Application team process a complete variation application by:

- creating a change request on RSA. To do this, they:
 - click on 'Create change request' in the Detail registration screen
 - set Request *type* as 'Vary/Remove current conditions'
 - enter 'See SCL118' in the Request comments field
 - set Request *decision* as 'Accepted'
 - tick the Variation *fee* box to confirm that the fee has been received

⁶⁹ The required fees are set out in part 3 of The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007 as amended.

- tick the Review agreed box
- click 'ok'
- sending the forms for scanning to Meridio
- emailing the variation forms to the inspector and the Social Care Team Manager.

410. Please note that the Application team are unable to create a change request when there is already an application to vary conditions in progress. When this happens, the Application team must notify the inspector and the Social Care Team Manager with a memo on RSA and task the form until it has been resolved.

411. Once the inspector and the Social Care Team Manager have agreed to grant the application, they should send a notice of proposal (NOP), if applicable, and a notice of decision (NOD). Please see [Information for inspectors 67B](#), which gives detailed guidance on what to do when issuing an NOP or NOD. If a decision to refuse the application is made, a case discussion must be held with the Social Care Compliance team.

412. An inspector only needs to issue an NOP if the provider is requesting a condition that we do not agree with or we are imposing a condition that the provider has not requested.

413. Before sending the NOD and certificate (if agreed), the Application team should check whether a registered manager is in post. If not, the name on the certificate should read 'POST VACANT'. If a manager's application is in progress, the Application team should check with the inspector whether they should delay sending the NOD and the certificate. This may only be agreed if it is likely that a new manager's application will be granted shortly, and that the delay will not negatively impact the establishment or agency.

Emergency placements

Introduction

414. There are occasions where providers request permission to act outside their conditions of registration to cover a short-term emergency situation. This guidance applies to children's homes but not to secure children's homes.

415. We expect emergency placements outside a provider's conditions of registration to be rare events. However, there may be situations where a child needs to be placed urgently in a children's home, and where the only available placement would be operating outside its registration conditions if it took that child, such as exceeding the allowed numbers.

416. It is not our duty to endorse placement decisions or otherwise but instead to consider whether any provider requesting an emergency placement is able to manage the needs of any additional child as well as those already in the home.

Process

417. When receiving a call from the provider requesting an emergency placement, the NBU contact centre must transfer the call to the Application team who will ask the provider to email or fax the request to them. When making this request, the Application team should ask the provider for:

- the gender and date of birth of the child
- the proposed length of the placement (if known)
- the commencement date of the placement
- the reason for the emergency placement
- the child's needs
- any other relevant factors.

418. The Application team telephones the allocated inspector and sends the relevant information by email. If the inspector is unavailable, the application team contacts the Social Care Team Manager. Once the application team has contacted a relevant inspector or Social Care Team Manager, that person must assess the request. If necessary, the inspector/Social Care Team Manager must speak to the provider to gain any additional information they need to decide whether to recommend/grant the variation application.

419. The inspector/Social Care Team Manager must also determine whether the request is a genuine emergency. If it is not, the normal process for applications to vary conditions of registration should apply.

420. In considering the request for an emergency placement, the inspector must take into account:

- the information we hold about the home
- the home's statement of purpose and whether it includes them accepting emergency placements, or whether they are going to supply us with a new statement of purpose (If the statement of purpose does not include that they accept emergency admissions, we should treat this as a breach of regulations.)
- whether the provider will be able to meet the needs of the child and other children present in the home
- whether any additional changes are required to meet the child and other children's needs – such as physical care needs – or additional facilities that must be provided.

421. If the assessment deems the request appropriate, the inspector can agree it. Otherwise, they must refuse the request. The inspector must ask the Social Care Team Manager to approve their decision to agree the variation. Where the request is to be refused, the inspector must request a C case to be opened.

422. The inspector should phone the provider to inform them of the decision.

423. The inspector must log the decision to approve or not and the reasons for making the decision in *Registration comments* on RSA.

424. If the request has been **agreed**, the inspector should arrange for the Application team to send a letter (SCL350) agreeing to the request and setting out the time limit. The letter may be faxed or emailed where necessary. Where the placement is for more than 14 days or is permanent, the letter should ask the provider to apply to vary their conditions of registration in the usual way.

425. If the request has been **refused**, the inspector should write the letter content, agree this with the Social Care Compliance team and arrange for the Application team to send a letter (SCL355) refusing the request and stating the reasons why. The Application team must copy and paste the reason for refusal from *Registration comments*. The Application team must send a copy of the letter to the Social Care Compliance team to hold on the C case notes.

426. If the provider wishes to challenge our decision, s/he can apply to vary their conditions of registration in the usual way. This allows them to use the representations and appeals process.

427. The flowchart in Annex E shows the process you must follow when dealing with emergency variations.

Notice of change

428. The registered person is required by regulations⁷⁰ to inform Ofsted when:

- someone other than the registered person carries on or manages the service (SC3)
- a person ceases to carry on or manage the service (SC3)⁷¹
- where the provider is an individual, they change their name (SC3)
- where the provider is a partnership, the membership changes (SC3)
- where the provider is an organisation:
 - the name or address of the organisation changes
 - a director, manager, secretary or similar officer changes
 - the identity of the registered person changes (SC3)
- where the provider is an individual, s/he becomes bankrupt or makes an arrangement with their creditors (personal letter)
- where the provider is a company, it goes into liquidation or receivership (personal letter)
- the premises of the service are significantly altered or additional premises are acquired (children's homes and residential family centres only) (SC3).

429. The registered person must inform us 'as soon as is practical to do so'⁷² of the changes outlined in paragraph 428. We expect the provider to inform us within 14 days of the changes taking place.

430. Notices of change do not require re-registration or an application to vary or remove conditions of registration.

Notice of change process

431. A notice of change must be made in writing and sent to the National Business Unit. Providers may use form SC3 to provide information about the changes listed in paragraph 428 or any other format that provides the information in writing.

432. Where the notice relates to changes to the registered provider and/or manager, the Document Handling Centre (DHC) forwards it to the Application team. The

⁷⁰ Under regulation 38 of The Children's Homes Regulations 2001 as amended; regulation 28 of The Residential Family Centres Regulations 2002; regulation 39 of The Fostering Services (England) Regulations 2011; and regulation 27 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.

⁷¹ When a new manager is appointed, they apply for registration by completing an SC2.

⁷² Under regulation 38 of The Children's Homes Regulations 2001 as amended; regulation 28 of The Residential Family Centres Regulations 2002; regulation 39 of The Fostering Services (England) Regulations 2011; and regulation 27 of The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.

Application team check whether the notice of change requires further action: for example, where there has been a change of registered manager and the new manager will need to register with us. If the change requires further action, the Application team must telephone the provider to inform them of the action they should take, update RSA with what has been required and inform the inspector by memo.

433. The Application team take any further action, update RSA as appropriate, inform the inspector by memo.

434. For other changes, the DHC forward the notice to the relevant regional Inspection Management Support (IMS) team. The IMS team update RSA as appropriate, and confirm with the inspector that changes have taken place and that an updated certificate may be sent.

435. The inspector reviews the information to determine whether any further action should be taken, for example they might decide to bring forward an inspection because the premises have been substantially altered.

436. We must review notices of change carefully so that the correct action is taken. Sometimes, re-registration may be required. In other cases, the inspector may have to consult with the Social Care Compliance team to decide whether action is necessary.

Applications made by a provider who already has a registered service with Ofsted

Introduction

437. This guidance is intended to clarify and simplify registration where registered providers: buy existing or acquire new settings; move premises; or change their legal entity.

438. The law requires anyone who submits an application to register a social care establishment or agency to supply specific information to Ofsted.⁷³ This information is intended to help us ensure that those providing care for children are fit to do so.

439. Registered providers often choose to expand their business either by applying to register a new setting or by buying an existing business. They also sometimes move the premises they use for a setting.

440. We should make the registration process as simple as possible where we already hold some of the information required for an application. We cannot require

⁷³ Under regulation 3 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

an applicant to supply information that they have already supplied to us after 30 September 2010.⁷⁴

441. If an organisation has multiple establishments or agencies, they must be assigned to the same organisational ID on RSA.

Circumstances when a new application is required from an existing provider

442. To protect children's welfare, our registration procedures and decisions must be robust for every application we receive. The following guidance sets out how we register new settings when we know the applicant, taking information we already hold about them into account.

An existing registered provider (organisation, partnership or sole trader) sells a franchise

443. We require a new application and fee for each franchise. The franchisee (buyer) must register as the provider, not the franchisor (seller).

An existing registered provider (organisation, partnership or sole trader) wishes to set up a new setting not previously registered

444. We require a new application and fee for each new setting not previously registered. The applicant must complete application forms (SC1 and SC2) for each new setting. They do not need to submit annual accounts, a business plan or a financial reference if they have supplied these to us in the previous 12 months.

An existing registered provider (organisation, partnership or sole trader) acquires one or a number of already registered settings

445. We require a new application and fee for each registered setting that an existing registered provider buys or acquires. Where this involves an organisation, partnership or sole trader buying a number of existing settings, we do not require a full application form (SC1) for each setting. The provider can complete one SC1 in full, including details of the provider, and leave this blank in any other SC1 forms they submit.

446. Ofsted will take legal advice where necessary to ensure that company mergers and acquisitions are correctly processed. A copy of any legal advice received must be emailed to socialcare@ofsted.gov.uk. All of these cases require a case discussion with the Social Care Compliance team as a minimum.

447. The following apply in all cases.

⁷⁴ Under regulation 3(5) of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

- An application for registration is required where there is a change in the legal identity of the owner (see below).
- The buyer cannot take on responsibility for a setting until registration is complete.
- The buyer must provide evidence of planning permission or evidence that this is not required.
- Where the existing setting has uncompleted statutory requirements, the buyer must provide an action plan that demonstrates how s/he will meet those requirements.⁷⁵
- The seller remains responsible for the setting until s/he applies to cancel their registration in writing (see paragraphs 468–487). Where continuity of care for children is an issue, the existing registered provider should not voluntarily cancel their registration until the new registration takes effect (the date on the certificate).

448. Inspectors do not need to carry out a full assessment of:

- the **premises**, if:
 - there are no changes to the premises
 - there have been no concerns about the premises at or since the last inspection
- the **manager**, if:
 - there is no change of manager of the service
 - there is no CIE investigation about which concerns remain, or inadequate overall judgement and/or inadequate progress for children’s homes.

Changes of legal entity once registered

449. Where an organisation changes its legal entity, for example an individual becomes a registered company, a new application and application fee is required for each establishment or agency.

450. We follow the process for acquiring new provision when an organisation changes its legal entity but providing we have no concerns about the fitness of the provider, premises or manager, we should have no reason to carry out any visits or re-checking. As above (see paragraph 445) where this involves an organisation, partnership or sole trader buying a number of existing settings, we do not necessarily require a fully completed application form for each one.

451. If a company changes its Companies House registration number, it needs to submit a new application.

⁷⁵ Under regulation 3(6) of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

Move to new premises

452. Where a registered provider changes the location of premises used as a children's home or residential family centre, they must apply and pay an application fee for registration at the new premises and, at an appropriate point, apply to voluntarily cancel their registration in respect of the old premises. This is because the registration of an establishment (children's homes and residential family centres) is in respect of particular premises.

453. The new registration cannot take effect until registration is granted. This is the case even where such changes of premises are temporary and short term due to problems at the main premises: for example where there has been flooding or there is building work taking place.

454. There may be issues of continuity of care surrounding the children living in a children's home that is closing. Where this is the case, these applications should be prioritised and the Application team should be prompt in providing inspectors with the information they need to make decisions quickly.

455. Where an independent fostering agency or voluntary adoption agency moves to new premises, the registered provider should confirm the details in writing. If there are no substantial changes to the operation of the agency then a variation or new application is not required.

Guidance on the application process for a change of residential premises

456. The application form (SC1) details that this is an existing registered provider making a new application. The Application team must check whether decisions about fitness have been made in the past. The provider and manager must complete application forms SC1 and SC2 for each proposed person.

457. Where we have completed checks on the applicant for a previous application or registration within the last three years, we may decide not to carry out checks again. The inspector takes this decision in conjunction with the Social Care Team Manager. It is based on evidence of how well the individual/s and provider have met their statutory obligations since the previous checks and whether we have any concerns relating to an individual's fitness. Any decision reached must be documented and the inspector must confirm that the focus of inspection is on the new premises.

458. Where checks on the registered provider or manager are over three years old, we may decide to request new checks. Decisions to request that checks be repeated should take account of any change to the service: for example, if the provider wishes to significantly alter their conditions of registration, does the manager have the necessary qualifications to meet the needs of the proposed change of service? If a manager of a home for children that caters for emotional and behavioural difficulties applies to become a home for children with learning and physical disabilities, it may be appropriate to request new references.

459. When allocating the registration(s), the Application team should notify the inspector by memo that this is an existing registered provider, and, where possible, identify the target opening dates. We should work towards the target date when completing the registration. Where there are no significant changes, registration should normally be achieved in less than 16 weeks. Please see paragraph 77 for information about why applications are not subject to tacit approval under the EU Services Directive.

460. The Application team should also check if there are other significant changes identified in the application. The Application team should notify inspectors/Social Care Team Managers of any changes that might affect registration.

461. The allocation team manager must tell the scheduling team to avoid scheduling the current URN for an inspection. This is because the newly registered setting will need to be re-visited for inspection within seven months of registration.

462. The registration visit should concentrate on the fitness of the new premises and the registered person's understanding of related safety issues. It may not be necessary to carry out a full registration visit and fit person interview. Where there are no significant changes to: people working on the premises; the manager; or other aspects of the provision, inspectors must, as a minimum:

- interview the applicant and manager about the intentions for service
- review the policies and procedures the applicant wishes to put in place, and how these are different from what is already in place, before recommending registration
- check the date of the last inspection and review the last inspection report
- review any conditions imposed
- check any outstanding actions and any points carried forward from the last inspection to discuss with the applicant.

463. The inspector records in a *Registration toolkit* any points arising from the inspection of the new premises and discussion with the proposed registered provider and proposed registered manager. The inspector must complete every mandatory field in the toolkit but can cross-reference with evidence recorded elsewhere: for example the last inspection or a fit person interview. As in any registration visit, the inspector must make sure the applicant is aware of any outstanding actions and recommendations, and of the proposed conditions of registration.

464. Where no visit is made, the inspector/Social Care Team Manager completes the *Registration toolkit* using this (or an amended) form of words:

'This application has been completed under the corporate application process and for the following reasons:

The applicant XXXXXX is currently a registered provider and there are no concerns about their continued fitness. There are no known reasons to be

concerned about the fitness of the premises. There are no changes to the service being provided, the numbers, types of need and age ranges of the children or the [add service type] manager.'

Circumstances where a new application is not required

Acquiring a company and running it under the existing company name

465. Sometimes an organisation acquires a company and chooses to continue to run it as that company, for example the registered company name and registered company number remain the same and it continues to trade under the existing company name. In these circumstances, we do not require a new application (or applications) as the existing company remains liable as the registered person.

466. In these circumstances, follow guidance on changes to registered persons in paragraphs 335–347.

Changes of name and registered addresses

467. Sole traders or organisations may decide to change their name or the registered address.⁷⁶ As the registered provider remains the same, neither of these actions results in a new application for registration.

Applying to voluntarily cancel a registration

468. When a provider no longer wishes to carry on running an establishment or agency, s/he must apply to voluntarily cancel their registration with Ofsted. A provider cannot:

- sell an establishment or agency without applying to voluntarily cancel his or her registration, which must align with the date of sale
- stop meeting registration requirements without applying to voluntarily cancel their registration.

469. If they do either of the above, we may cancel their registration, which will have a negative impact on any future application they may make for registration

470. Where a provider has sold an establishment or agency without applying to voluntarily cancel their registration, inspectors must request that a C case be opened.

471. If a provider wishes to cancel their registration with Ofsted, they must:

- apply in writing on a form approved by Ofsted
- make the application no less than three months before the date they want the cancellation to take effect

⁷⁶ This is the address where we service legal notices, and not the address of the setting's premises.

- provide specific information detailed in regulation 13 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

472. No fee is payable for the application.

473. The provider can download the *Application for cancellation of registration (social care provision)* form⁷⁷ from our website. If a provider contacts Ofsted to apply to cancel their registration, the contact centre tells them how to access the application form or sends it to them. The provider must send the completed form back to the National Business Unit.

474. When the form is received, the Document Handling Centre scans the form onto Meridio and forwards it electronically to the Application team. The Application team check whether we have already issued a notice of proposal (NOP) or a notice of decision (NOD) to cancel (because we have decided to cancel the registration ourselves).

475. The provider cannot apply to cancel their registration if we have issued an NOP or an NOD to cancel their registration. If a person has applied to cancel their registration under section 15 of the Care Standards Act 2000, and the cancellation has not yet taken effect, we are allowed to issue a notice of proposal to cancel as enforcement action under section 14 of the Care Standards Act 2000 and to proceed to the notice of decision to cancel, where appropriate. We may do this where we have serious concerns about the care provided by a registered person, so they consequently become disqualified from providing care in the future.

476. If we have already issued an NOP or NOD to cancel the provider's registration, when we receive an application to cancel, the Application team inform the Social Care Compliance team and forward the provider's cancellation of registration form to them. They also send a memo to the inspector to inform them and record their actions in *Registration comments*.

477. In this case, the Social Care Compliance team send letter SCL1099 to the provider explaining that we cannot accept their application to cancel on the grounds that a cancellation is already in progress.⁷⁸

478. If we have not issued an NOP or NOD to cancel registration, the Application team inform the relevant Social Care Team Manager by memo that an application to cancel has been received, and forward the completed (scanned) application form. The Social Care Team Manager allocates the cancellation to an inspector and forwards the application form to them by email.

479. The inspector telephones the provider to confirm:

⁷⁷ *Application for cancellation of registration (social care provision)* (070094), Ofsted, 2011; www.ofsted.gov.uk/resources/070094.

⁷⁸ Under section 15(2) of the Care Standards Act 2000.

- the date of closure
- the arrangements made for the future care of the children and young people
- that information about the proposed closure has been given to:
 - the children or young people
 - any representatives of the children or young people
 - the local authority in whose area the home is situated.

480. Where the provider has not given this information, the inspector finds out why and forms a view as to whether the provider's actions have been reasonable. Where the provider has given less than three months' notice, they must provide a report as to whether the service will stop being financially viable within the next 12 months.⁷⁹

481. The inspector enters information obtained through this discussion in *Registration comments* on RSA.

482. When enquiries are complete, the inspector sends a memo to the team manager to inform them. The team manager reads the relevant entries in *Registration comments* and requests any more information that is required.

483. Once the information is complete, the team manager sends a memo to the Application team and the inspector to confirm that cancellation can proceed, including the date we agree that cancellation can take effect. The application team send letter SCL354 stating that the application to cancel registration has been agreed. The letter asks the provider to return their certificate of registration on the agreed date of cancellation. The Application team must also send an email to inform the scheduling team of the date the registration will be cancelled, so that no future inspections are scheduled.

484. The Application team keep a diary record of the date for cancellation. On the agreed date for the cancellation, the Application team send letter SCL352 and a memo to the Social Care Team Manager to request that the RSA status is set to 'resigned'. If the certificate of registration has already been received, the letter should be amended to reflect this.

485. The letter asks the provider to return their registration certificate by registered post or recorded delivery. If the certificate has not been received within 14 days of the date of the SCL352, the Application team issues letter SCL353 chasing the return of the certificate. If no response has been received after another 14 days, they issue another copy of SCL353.

486. Where no certificate is returned, inspectors should seek advice from the Social Care Team Manager and the Social Care Compliance team. If no further action is

⁷⁹ Under section 13(4)(f) of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

agreed, this should be recorded on *Registration comments*, including why no further action is to be taken.

487. When the application team receive the registration certificate, they note the date received in *Registration comments* and destroy the certificate.

Glossary

Adoption and Children Act 2002⁸⁰

The primary piece of legislation about adoption. It amended the Care Standards Act 2000⁸¹ to include adoption support agencies.

The Adoption Agencies Regulations 2005⁸²

Regulations under the Children Act 1989⁸³ and the Adoption and Children Act 2002 that go into more detail than the respective Acts about the regulation of adoption agencies.

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005⁸⁴

Regulations under the Care Standards Act 2000 and the Adoption and Children Act 2002 that go into more detail than the respective Acts about the regulation of adoption support agencies.

Agency

A universal term used and defined in the Care Standards Act 2000 and regulations to refer to social care services that arrange and provide care and support. Sections 4(4), 4(7) and 4(7A) of the Care Standards Act 2000 define the agencies within Ofsted's remit (fostering agencies, adoption support agencies⁸⁵ and voluntary adoption agencies).

Annual accounts

A detailed disclosure of the financial position of an organisation, typically including a balance sheet and profit and loss account. Companies and charities are legally required to submit annual accounts to Companies House and/or The Charity Commission.

Applicant

A person who applies for registration as a registered provider or registered manager, or a registered person who applies to vary their existing registration.

Application form for children's social care (Form SC1)

The form a provider of a potential establishment or agency completes to apply for registration with Ofsted. The form asks for information on the provider, service, premises, roles and responsibilities and so on.

⁸⁰ Adoption and Children Act 2002; <http://www.legislation.gov.uk/ukpga/2002/38/contents>.

⁸¹ Care Standards Act 2000; <http://www.legislation.gov.uk/ukpga/2000/14/contents>.

⁸² The Adoption Agencies Regulations 2005; <http://www.legislation.gov.uk/uksi/2005/389/contents/made>.

⁸³ Children Act 1989; <http://www.legislation.gov.uk/ukpga/1989/41/contents>.

⁸⁴ The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; <http://www.legislation.gov.uk/uksi/2005/2720/contents/made>.

⁸⁵ Section 8 of the Adoption and Children Act 2002 amends the Care Standards Act to include adoption support agencies.

Business plan

A business plan is a formal statement of a set of business goals, the reasons why they are believed to be attainable, and the plan for reaching those goals. It may also contain background information about the organisation. The plan should summarise the operational and financial objectives of the business and contain the detailed plans and budgets showing how the objectives are to be realised. The business plan will contain detailed five-year financial projections and forecasts about the business's performance.

Though business plans have many different presentation formats, they typically cover five major content areas:

- background information
- marketing plan
- operational plan
- financial plan
- discussion of the decision-making criteria that should be used to approve the plan.

Care Standards Act 2000

This is the primary legislation that defines the settings that need to register with us as social care providers. It provides the legal basis for making the regulations that refine the requirements for registration set out in the Care Standards Act 2000.

Care Quality Commission (CQC)

The regulator of health and social care in England, excluding those services within Ofsted's remit. The Care Quality Commission came in to being on 1 April 2009 and is the successor to the Commission for Social Care Inspection, amongst others.

Cause for concern (CFC)

In determining an individual's fitness, as described in this guide, inspectors and administrators sometimes come across information that may place an individual's fitness in doubt. This information is referred to as a 'cause for concern'. Examples are: a conviction; a caution or other negative information on a Criminal Records Bureau disclosure; a response from a local authority social services department to our request for information indicating that an individual is known to them; negative references; a negative certificate of good conduct; and concerns relating to an individual's physical and mental health.

Certificate of good conduct (COGC)

Also referred to as a letter of good conduct, clearance certificate or police certificate, it is a certificate from a foreign authority – usually the police – stating that an individual has no criminal record in that country. Where an applicant has a criminal record, the foreign authority may refuse to issue the certificate or list the criminal offences, depending on the country's own data protection laws.

The Children (Secure Accommodation) Regulations 1991⁸⁶

Regulations made by the Secretary of State under the Children Act 1989. These regulations go into more detail than the Act, about the regulation of secure children's homes.

The Children's Homes Regulations 2001⁸⁷

These regulations explain when somewhere must register as a children's home and what types of settings are exempt from registration. They provide detail of what people must do to promote and protect the welfare of children so they can be granted registration and remain registered.

Commission for Social Care Inspection (CSCI)

The former regulator of social care in England, the CSCI replaced the National Care Standards Commission, amongst others. Ofsted took over responsibility for regulating and inspecting children's social care services from CSCI on 1 April 2007. The CSCI ceased to exist on 31 March 2009 when the CQC took over the remainder of its functions.

Criminal Records Bureau (CRB)

In December 2012 the CRB merged with the Independent Safeguarding Authority to become the Disclosure and Barring Service.

Disclosure and Barring Service (DBS)

The DBS was created in December 2012 when the CRB and ISA merged into a single organisation. The DBS is a non-Departmental Public Body.

DBS certificates

A document issued by the DBS disclosing details of any cautions or convictions an individual may have. Checks may be to a 'standard' or 'enhanced' level. Ofsted can only accept enhanced checks as these contain details of whether or not an individual is barred from working with children.

Data Protection Act 1998⁸⁸

The main piece of legislation that governs the protection of personal data in the UK. It provides for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. Anyone holding personal data must comply with this Act.

Declaration and consent form (Form SC2)

A form to accompany an application to register, completed by the individuals

⁸⁶ The Children (Secure Accommodation) Regulations 1991;
<http://www.legislation.gov.uk/uksi/1991/1505/contents/made>.

⁸⁷ The Children's Homes Regulations 2001;
<http://www.legislation.gov.uk/uksi/2001/3967/contents/made>.

⁸⁸ Data Protection Act 1998; <http://www.legislation.gov.uk/ukpga/1998/29/contents>.

associated with the service. The form asks for personal details, qualifications, consent to carry out checks and so on.

Department for Education (DfE)

The Department for Education is the government department responsible for education and children's services.

Establishment

A universal term used and defined in the Care Standards Act 2000 (section 4(8)) and regulations to refer to social care settings that provide residential care, assessment and support. Establishments within Ofsted's remit are children's homes and residential family centres.

Financial reference

A reference from an applicant's bank as to the applicant's financial ability to carry on a business.

The Fostering Services (England) Regulations 2011⁸⁹

They explain when somewhere must register as a fostering service. They provide details of what people must do to promote and protect the welfare of children so they can be granted registration and remain registered.

Fitness

Legislation states that persons (organisations and individuals) must be 'fit' to carry on or manage an establishment or agency. This means that they must meet all the requirements set out in regulations. Once an inspector is satisfied that a person meets these requirements, he or she must make a 'fitness' decision.

Please note that 'fit' and 'fitness' are the terms used in legislation and in Ofsted's letters and published documents relating to children's social care. In this guide you will come across the terms 'suitable' and 'suitability', which are the terms used in legislation relating to childminders, childcare providers and so on. 'Suitable' and 'suitability' are only used in this guide when referring to RSA and toolkits.

The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequencies of Inspection) (Children's Homes etc) Regulations 2007⁹⁰

These regulations state what fees will be charged for registration, the annual fees charged for continued registration and how often each registered service type will be inspected in a given period. These regulations have been amended several times since 2007 to update the annual fees charged.

⁸⁹ The Fostering Services (England) Regulations 2011;
<http://www.legislation.gov.uk/ukxi/2011/581/contents/made>.

⁹⁰ The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequencies of Inspection) (Children's Homes etc.) Regulations 2007;
<http://www.legislation.gov.uk/ukxi/2007/694/contents/made>.

Independent Safeguarding Authority (ISA)

In December 2012 the ISA merged with the CRB to become the Disclosure and Barring Service.

Meridio

A database that stores scanned images of documents, for example: application forms. Images may be located by searching using a URN, the Meridio reference number found on RSA or by CIE case number.

National Business Unit (NBU)

The National Business Unit process applications to register providers across Ofsted's remit. The National Business Unit is also the first point of contact for most of Ofsted's stakeholders through its contact centre and is based in Manchester.

Application team

An Application team based in the National Business Unit. They provide the administrative functions during the registration process.

The Care Standards Act 2000 (Registration)(England) Regulations 2010⁹¹

These regulations state the legal requirements that must be met before a service can be registered.

National minimum standards (NMS)

Providers are expected to take account of the national minimum standards. They are the minimum requirements that providers should meet. Each type of service has its own set of national minimum standards.

Nominated person

This term is used for a named individual within a local authority for adoption and fostering services. This should ideally be the most senior officer who has direct, delegated responsibility for the adoption or fostering service who we can contact about the service if necessary.

Notice of change (Form SC3)

A form to be completed by a provider, once registered, to notify Ofsted when the responsible individual or members of the registered person (director, trustee, partner and so on) change. This form should also be used to notify Ofsted when the manager of a voluntary adoption agency changes.⁹²

Notice of decision (NOD)

Ofsted is legally required to send a 'notice of decision' when making a decision about an application to register or where a provider has applied to Ofsted to vary their

⁹¹ The Care Standards Act 2000 (Registration (England) Regulations 2010;
<http://www.legislation.gov.uk/uksi/2010/2130/contents/made>.

⁹² A slightly different form, entitled 'Notice of change' (without the SC3 reference number) should be completed when the named contact and/or the manager of a local authority fostering or adoption service changes.

conditions of registration. A 'notice of decision' is sometimes preceded by a 'notice of proposal'. Please see the *Social care compliance handbook* for other circumstances where we may send a notice of decision.

Notice of proposal (NOP)

Ofsted must send a 'notice of proposal' before a 'notice of decision' when we propose to refuse an application or impose conditions that the applicant hasn't agreed to in writing. A 'notice of proposal' gives an applicant or provider 28 days in which to make written representation about the refusal or imposed conditions. Please see the *Social care compliance handbook* for other circumstances where we may send a notice of proposal.

Populate

A technical term referring to information automatically drawn from a computer program (RSA, Excel and so on) and automatically placed in a different section of the same program or a different program altogether. The conditions of registration in an inspector's toolkit automatically populate the registration certificate.

Protection of Children Act (PoCA) list, Protection of Vulnerable Adult (PoVA) list and List 99

These were lists of individuals barred from working with children and vulnerable adults that were maintained by various government departments. On 12 October 2009 these lists were replaced by two barred lists maintained by a single body, the Independent Safeguarding Authority.. As of December 2012 these lists have been held by the DBS.

Registered manager

The person responsible for the day to day running of an establishment or agency. In an independent fostering agency the registered manager and responsible individual cannot be the same person.

Registered person

The term means any person who is the registered provider or registered manager of a provision.

Registered provider

A provider of registered children's social care. The registered provider may be an individual or an organisation.

Registration

The process of checking that an applicant is fit to be a registered provider or registered manager. It also ensures that the services provided meet specific regulations and standards.

Registration fees

The provider and manager of a service must pay a fee when they apply to register with Ofsted. For some smaller establishments and agencies no manager fee is payable. The registration fee is not refundable or transferable. Current fees and who should pay them are set out in The Her Majesty's Chief Inspector of Education,

Children's Services and Skills (Fees and Frequencies of Inspection) (Children's Homes etc) Regulations 2007 as amended.

Regulatory Support Application (RSA)

Ofsted's regulatory database. It holds information, including data relating to applications, inspections and enforcement action, on proposed, registered, resigned, cancelled and refused registrations.

The Residential Family Centres Regulations 2002⁹³

The Residential Family Centre Regulations explain when a provider must register as a residential family centre. They provide detail of what people must do to promote and protect the welfare of children so they can be granted registration and remain registered.

Responsible individual

The responsible individual represents the registered provider, when the provider is an organisation. The responsible individual is not a registered person. However, before granting registration we interview the responsible individual and carry out checks on him or her to ensure that the provider is fit.

Standard letters

There are two types of standard letters: those that are stored and accessed through the RSA (standard letters on RSA) and those that have not yet been added to RSA and are stored and accessed from the shared folders ([standard letters not on RSA](#)). Each letter has an identifying number and is prefixed 'EY' (early years) or 'SC' (social care). Where it is prefixed 'EY' this is a generic letter used for both early years and social care services. Where it is prefixed 'SC' it is only used for social care settings.

Strategic Application Capture (SAC)

Database that the Application team use to capture applications for registration from the original written forms and transfer them on to the RSA.

Statement of purpose (SOP)

An all-encompassing document that providers are required to have about a service. The information that must be included in the statement of purpose is set out in schedule 1 of The Children's Homes Regulations 2001, The Residential Family Centres Regulations 2002 and The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, and regulation 3 of The Fostering Services (England) Regulations 2011.

Suitability

Please see 'fitness'.

⁹³ The Residential Family Centres Regulations 2002;
<http://www.legislation.gov.uk/ukxi/2002/3213/contents/made>.

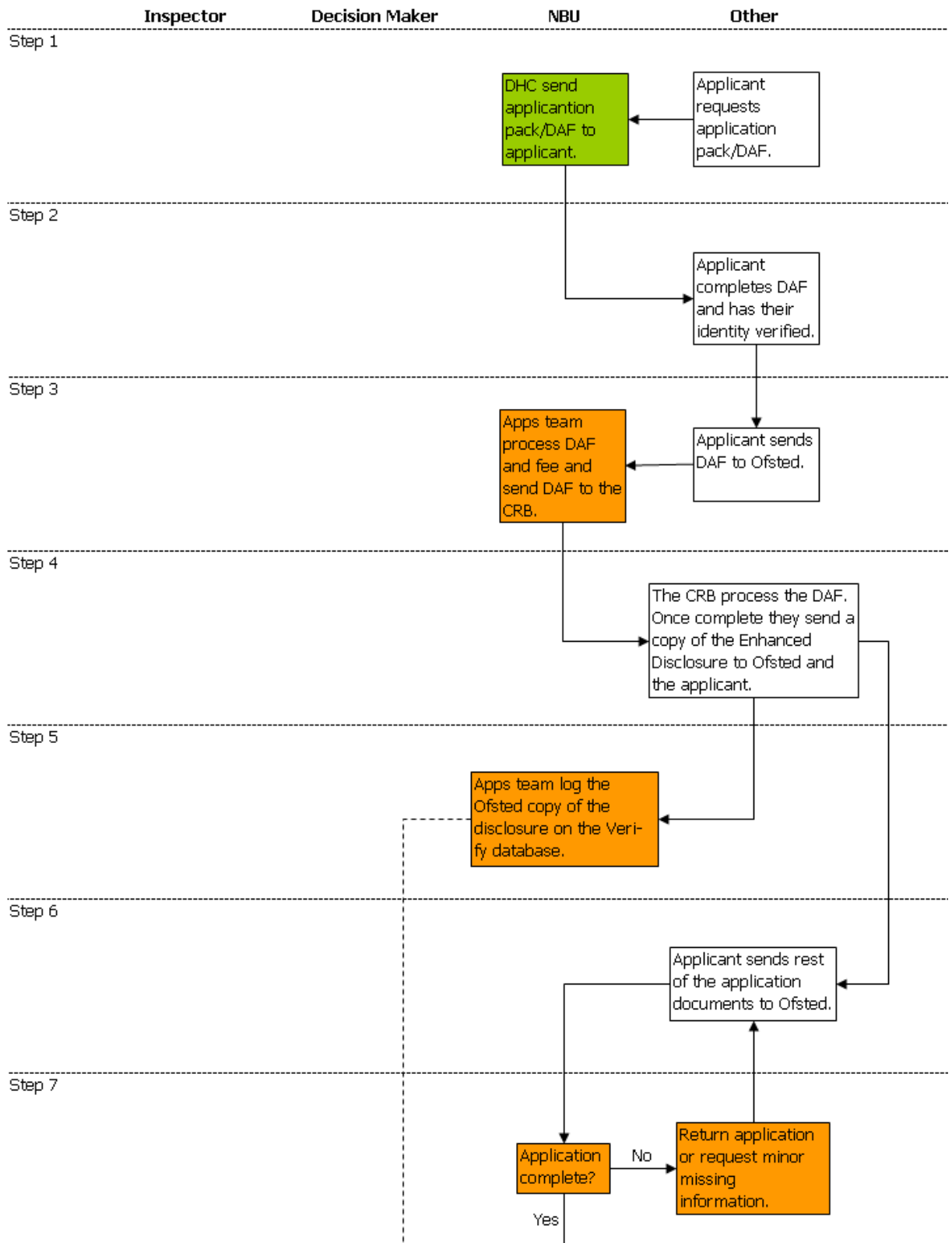
Toolkit

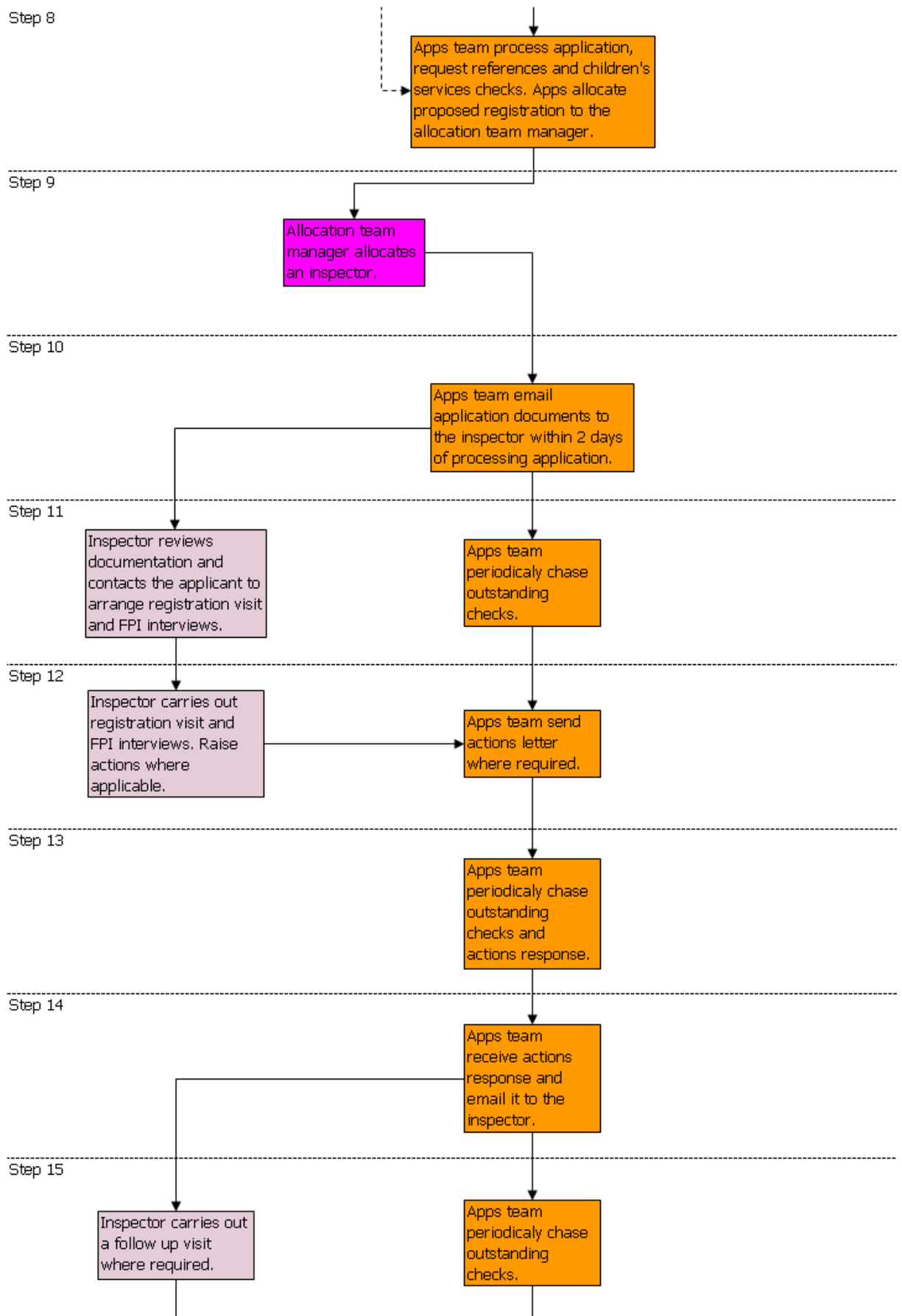
An electronic notebook an inspector uses to prepare for a registration visit or inspection, and to record evidence and the outcomes of the visit or inspection.

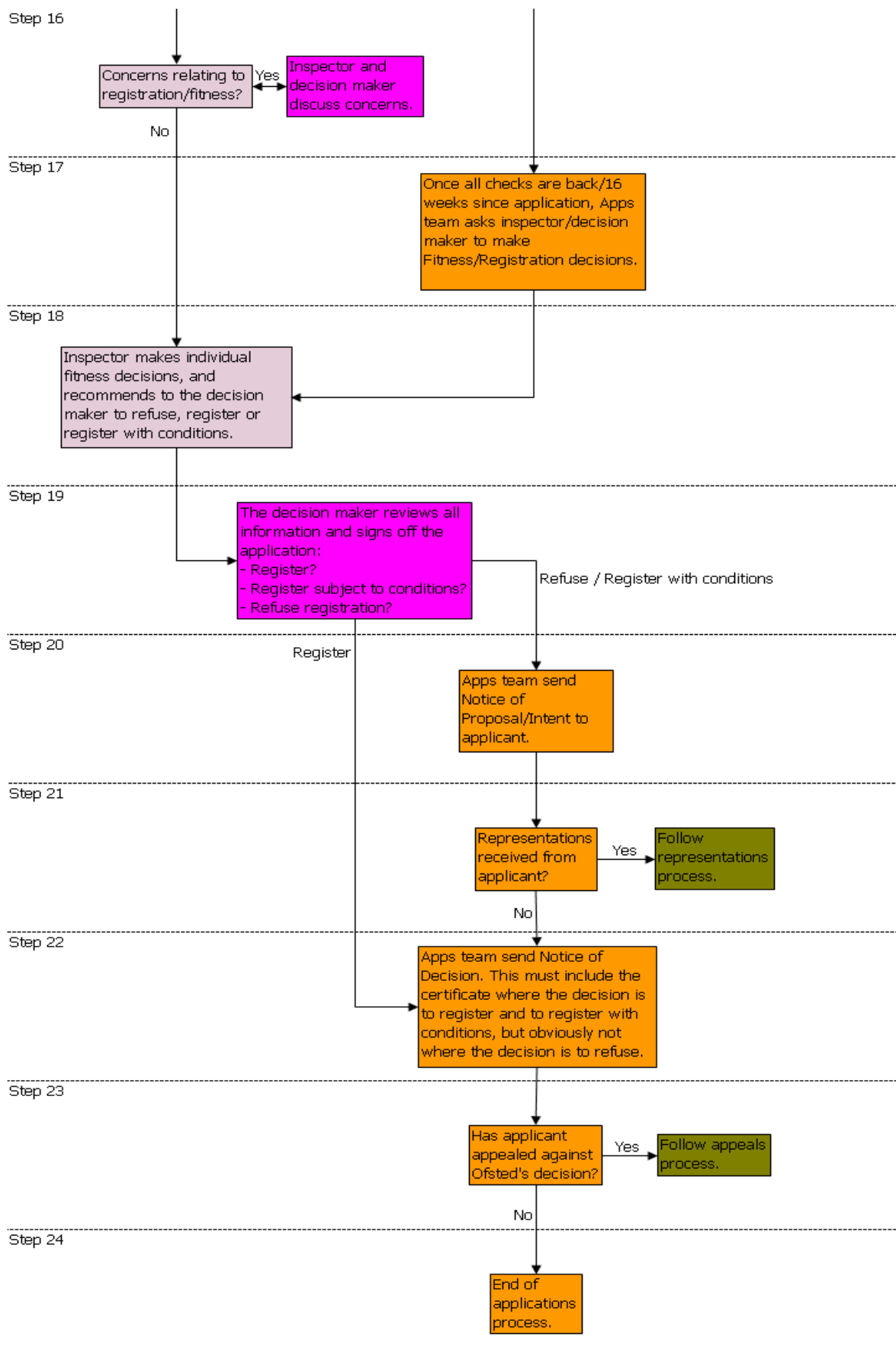
Working days

Where we refer to working days we mean Monday to Friday but not bank holidays.

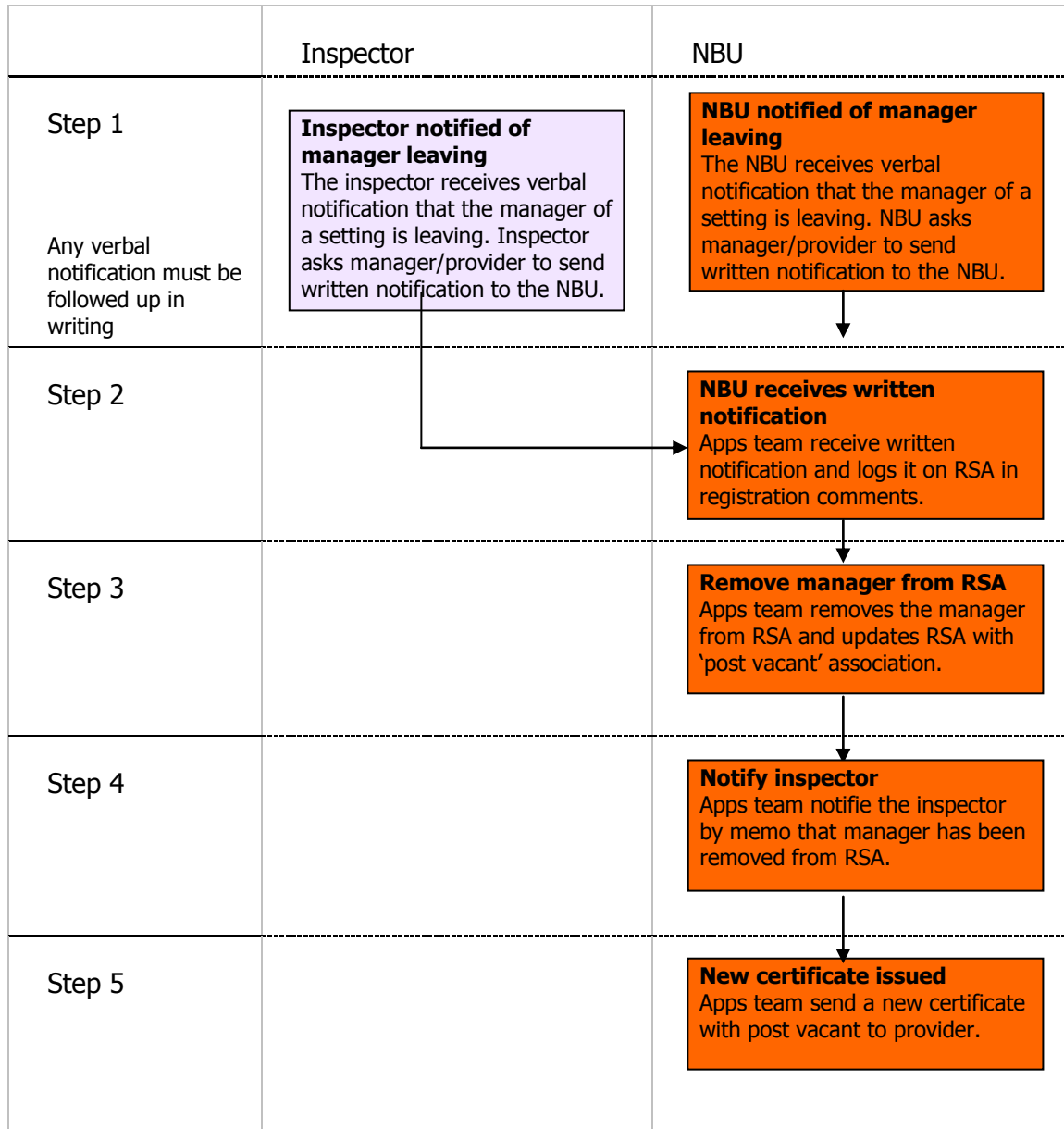
Annex A. Flowchart of the registration process for a social care service



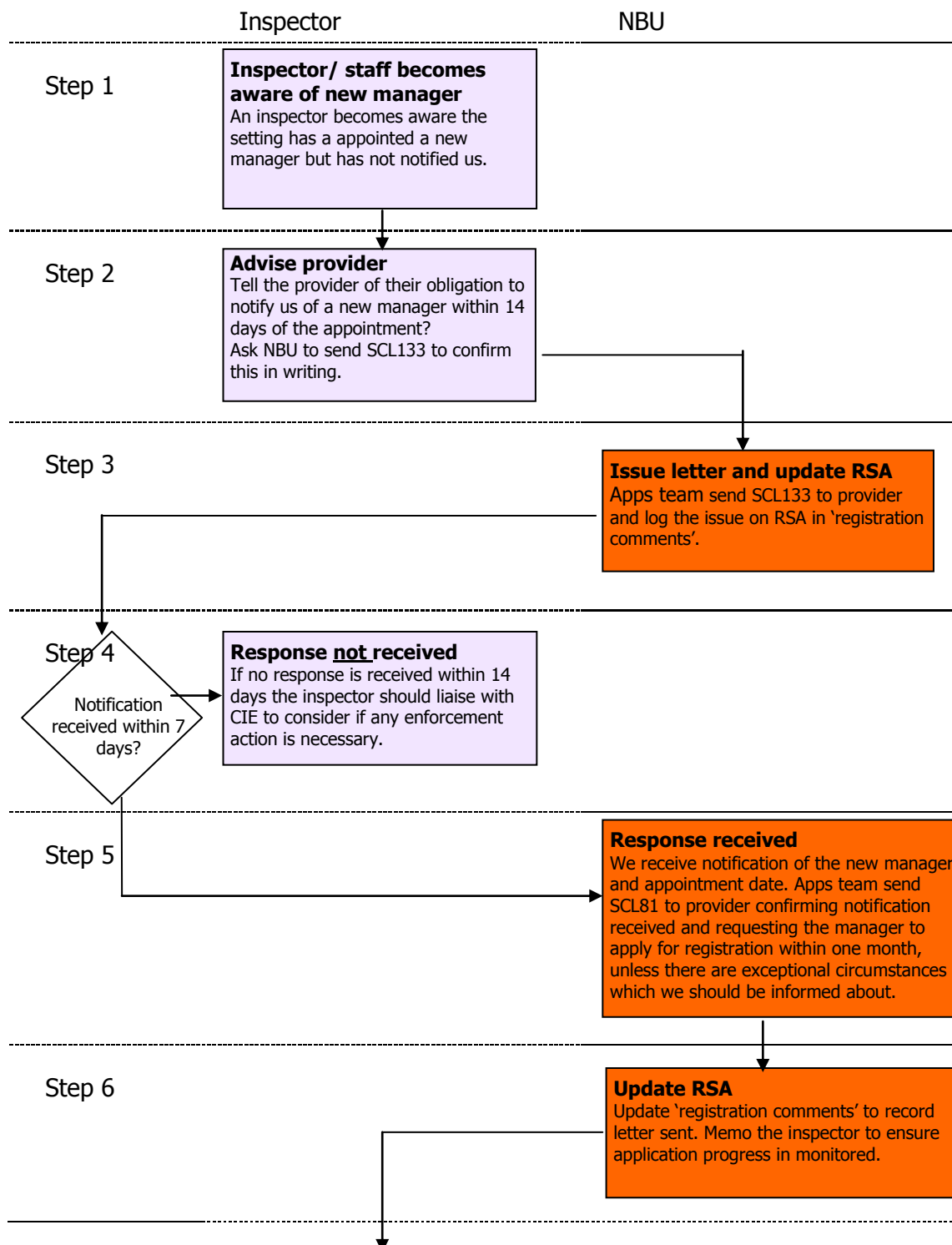


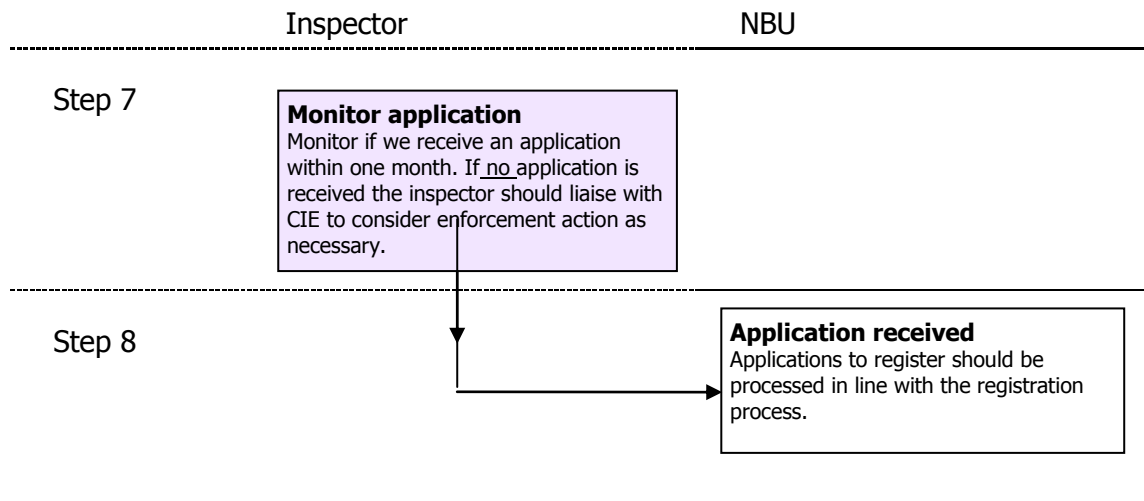


Annex B. Flowchart for when we are notified that the manager of a children’s home, independent fostering agency or residential family centre is leaving

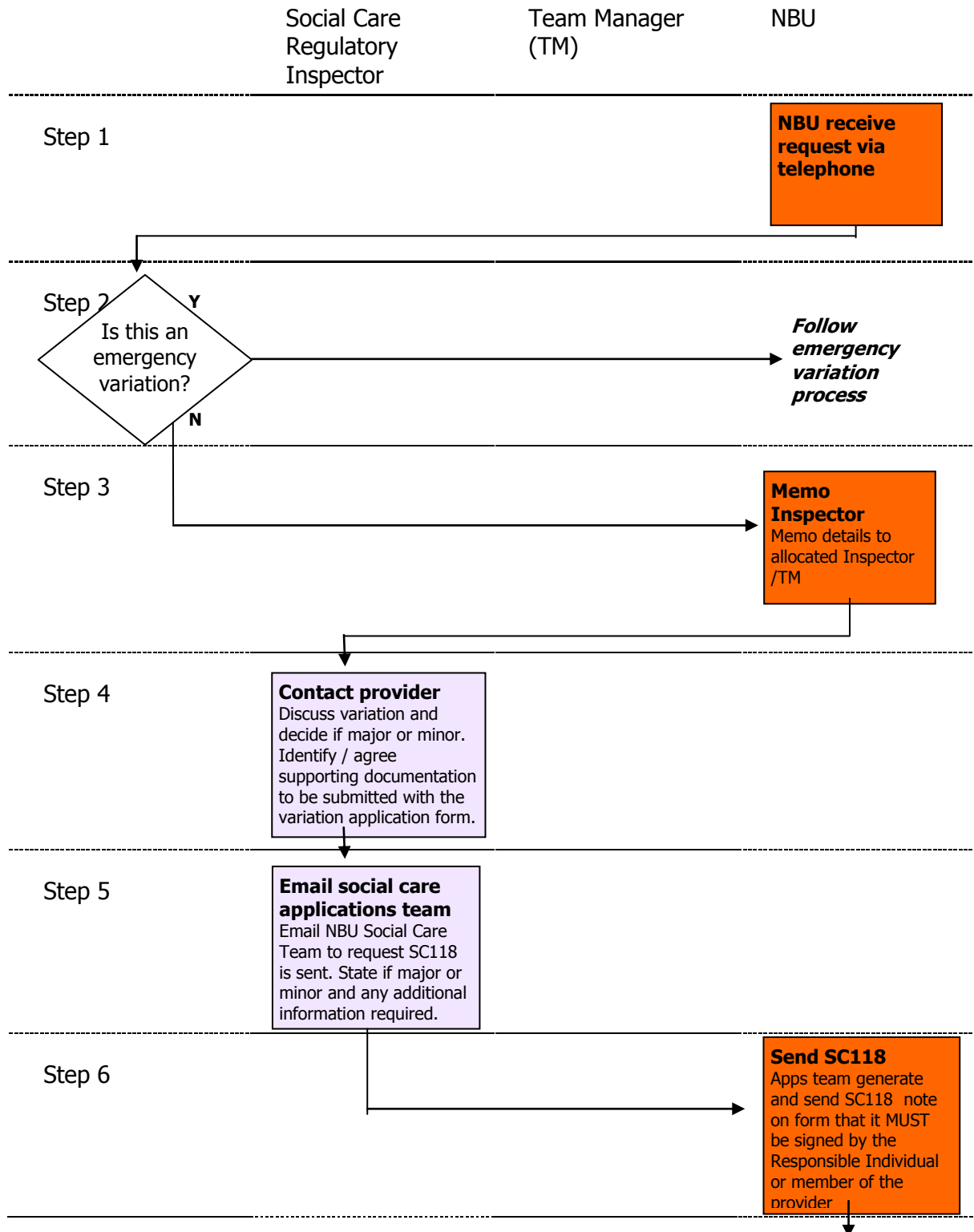


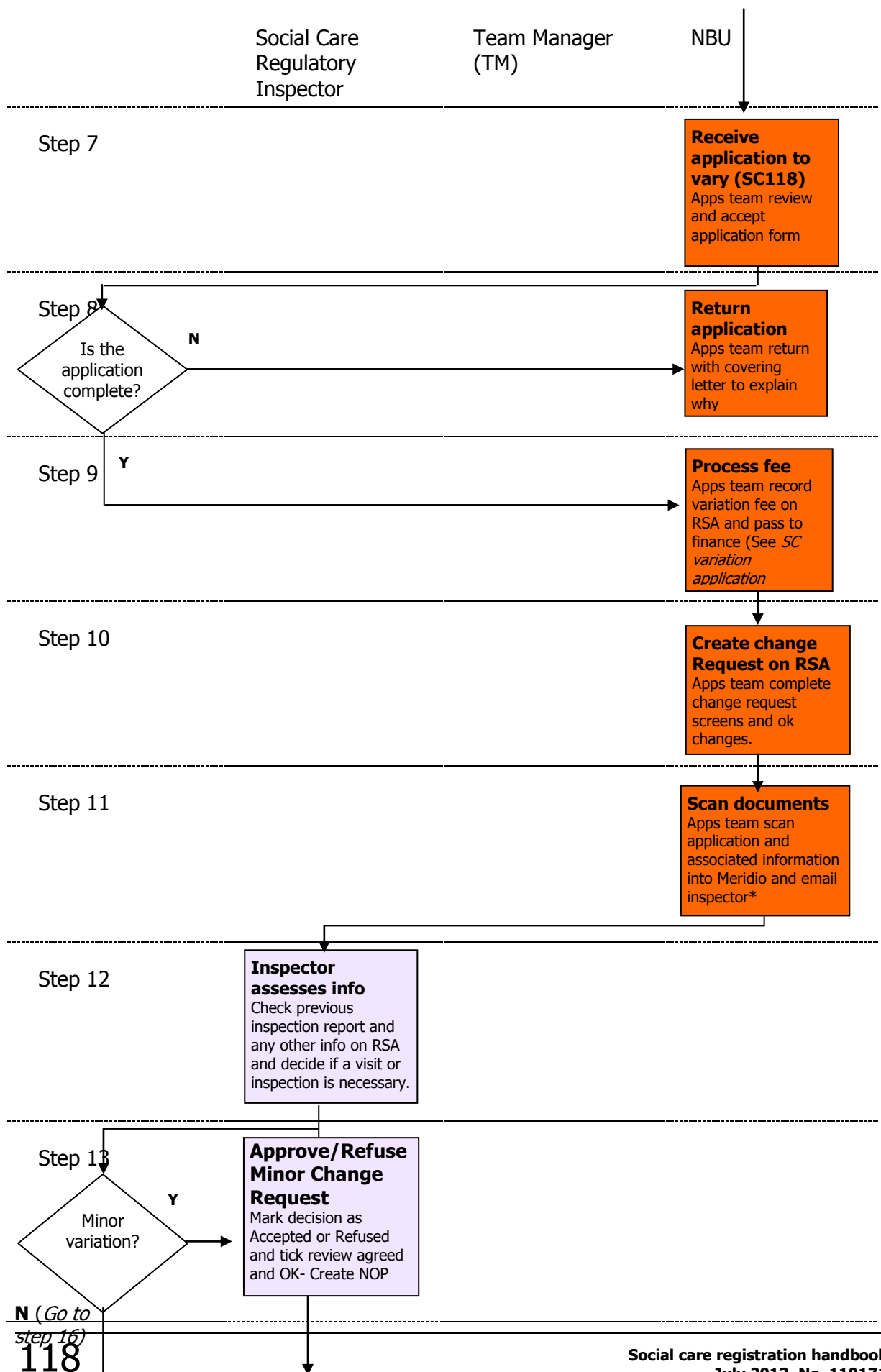
Annex C. Flowchart for when we are not notified of the appointment of a new manager

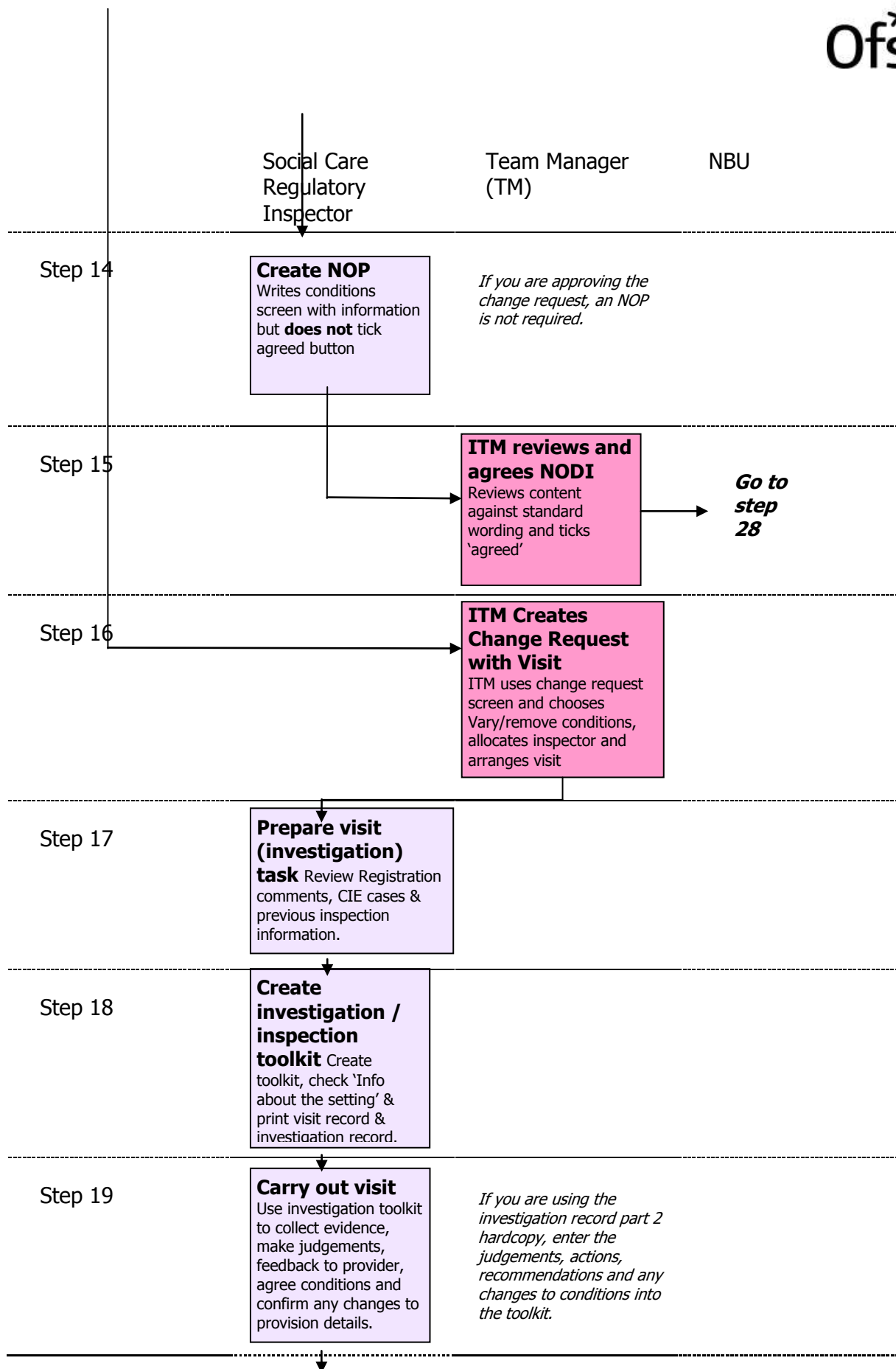


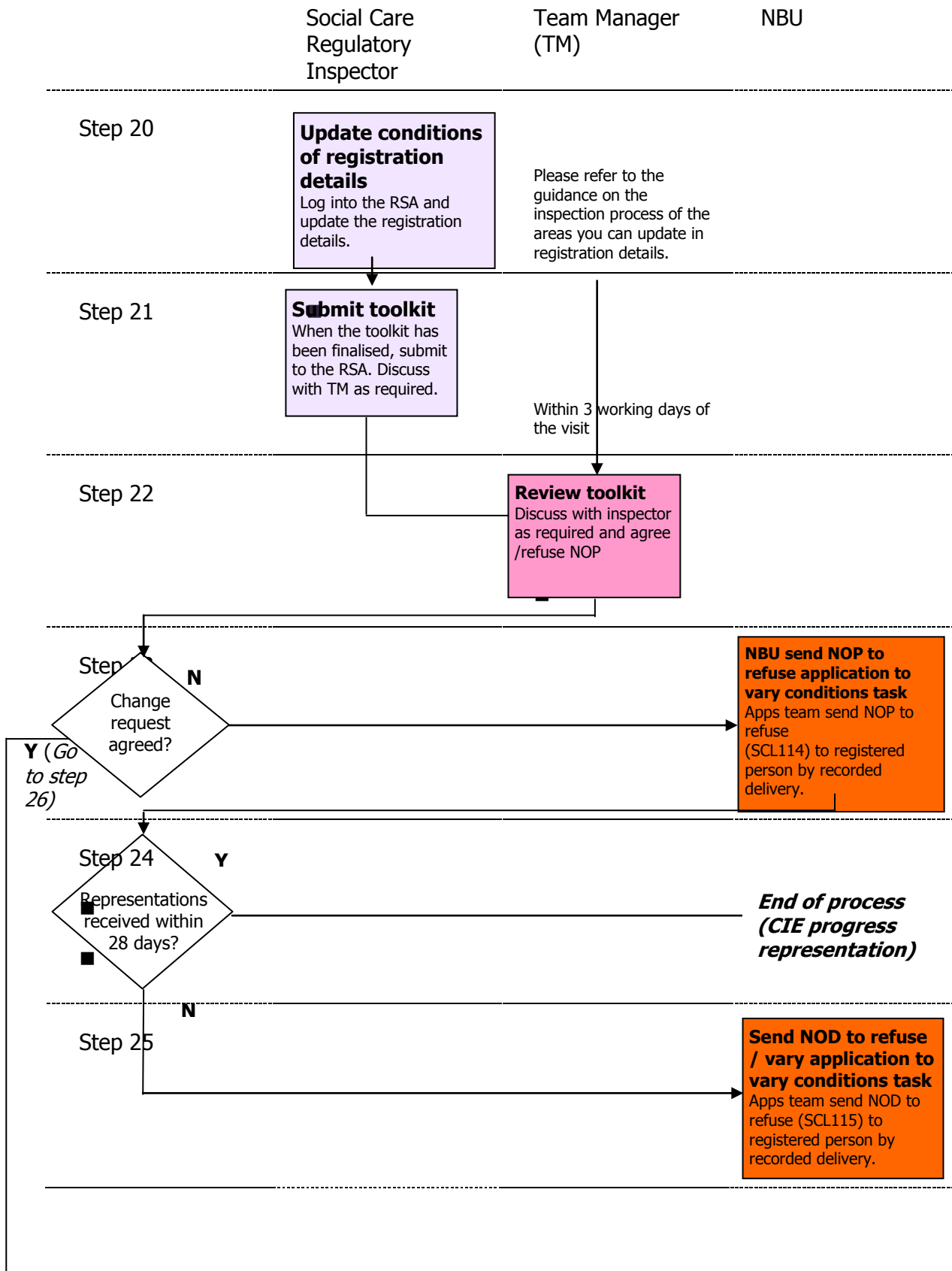


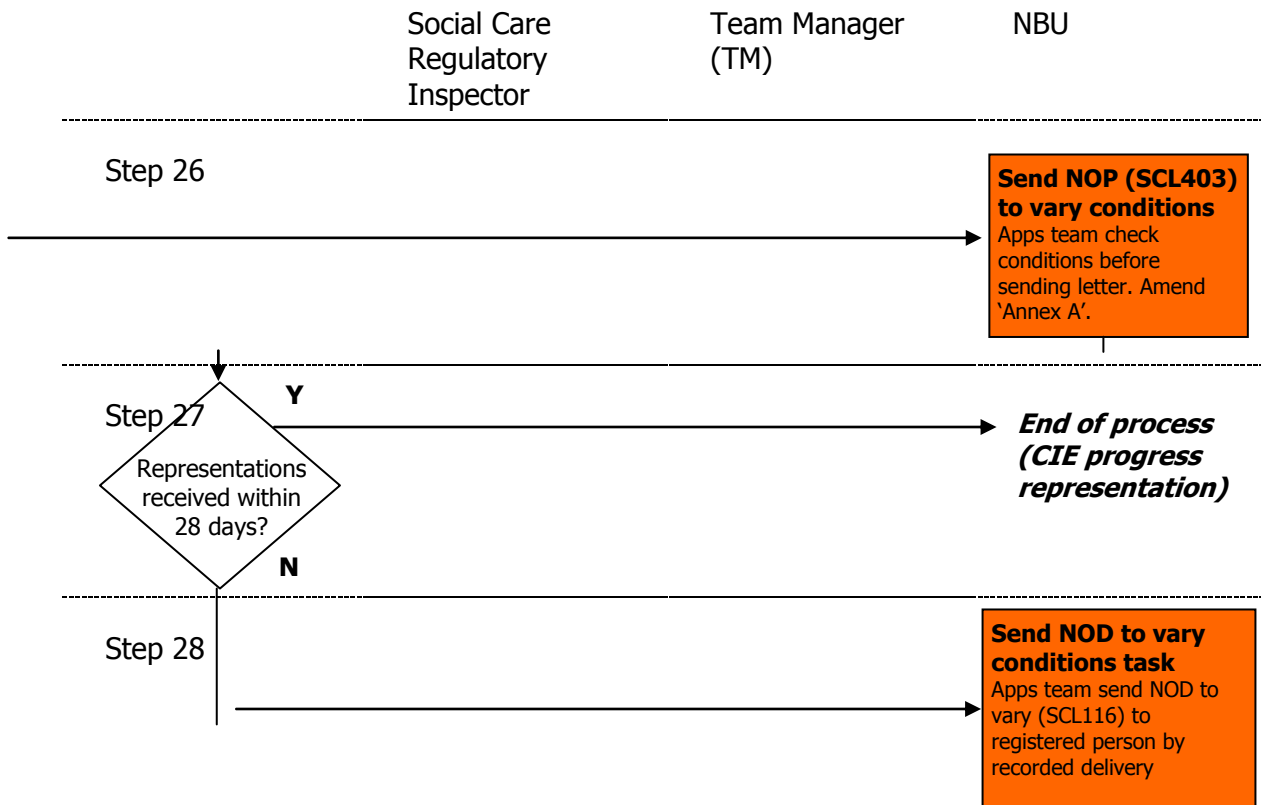
Annex D. Flowchart of social care applications to vary conditions of registration





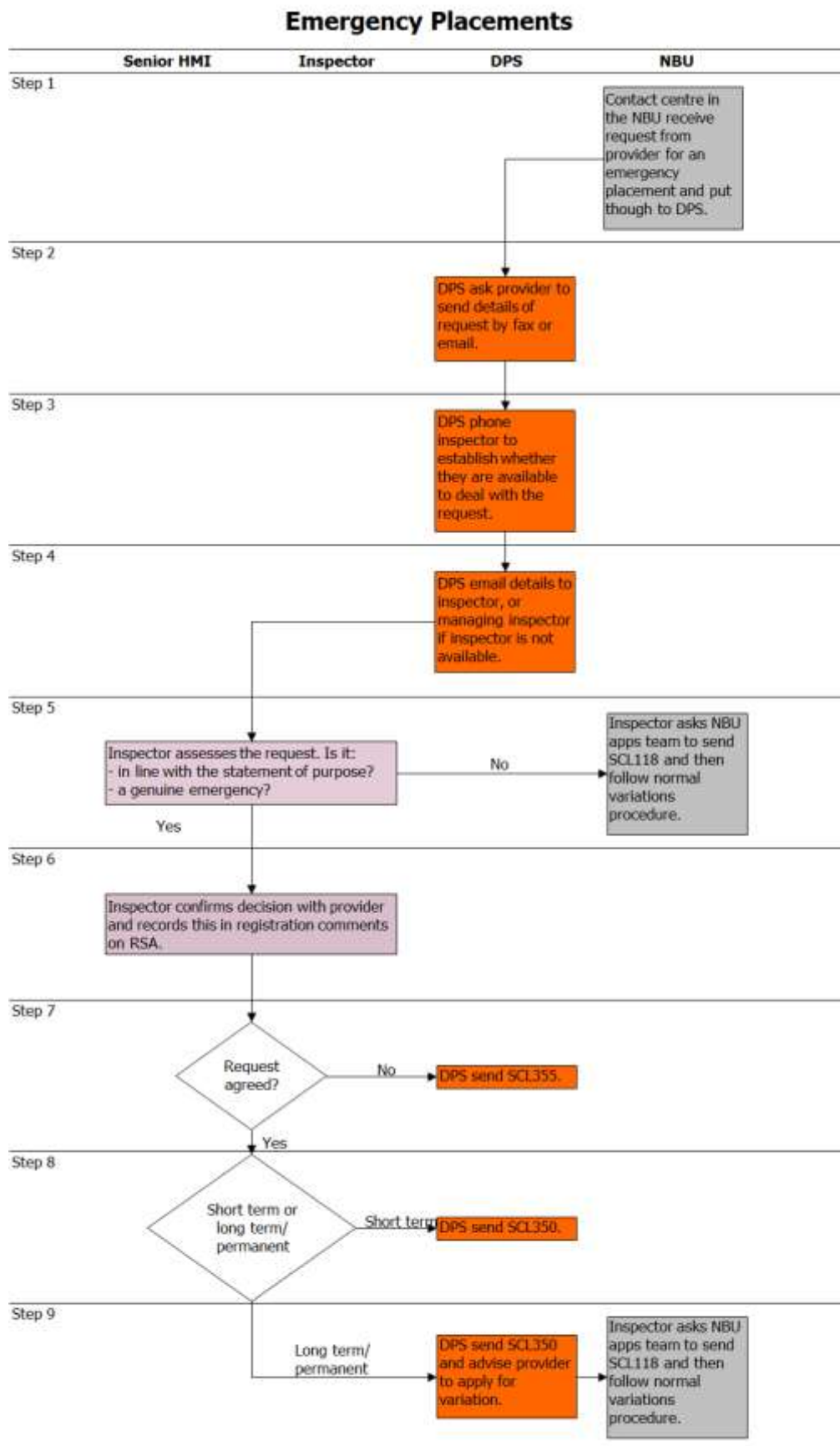






* Scan and e-mail to inspector. At this stage – assess the proposed conditions on the application against the standard wording. Please take this opportunity to point out any glaring errors to the inspector. For example, if they have requested an age range which specifies '11 to under 18' you should advise that this cannot be accepted because it is not standard Ofsted wording.

Annex E. Flowchart for emergency placements



Annex F. Telephone checklist and document request

Questions/points to include in your phone call to the applicant to arrange the registration visit

- Introduce yourself and make sure you are speaking to the applicant.
- Explain the reason for your phone call and check that it is a convenient time to talk.
- Inform the applicant (where applicable) that you would like the manager to be available for part of the visit so that you can carry out a fit person interview.
- Check that the premises are suitable for a fit person interview or whether the provider has premises that could be used.
- If the application is from a fostering agency ask whether more than one office will be used and what functions will be carried out from the different offices.
- Give information about any colleagues who will join you on the day.
- Check if there are any factors you need to consider such as building work, holidays etc.
- Give information about the purpose and process of the interview.
- Give an indication of the length of time of the visit.
- Explain what documents you need to see (see below) and ask for any documents from the checklist which have not been supplied to date.⁹⁴
- Check the applicant has the appropriate national minimum standards and regulations. Explain that their 'fitness' to be registered will be based on how he or she is able to demonstrate that he or she will meet the national minimum standards and regulations.
- Advise the applicant to assess/identify any risks associated with the premises.
- Ask if there are any special factors for you to take into consideration, for example a disability with hearing, sight etc.
- Ask if there any significant changes since the applicant submitted the application form to Ofsted.
- Clarify any directions you need to the address where the visit will take place
- Ask if the applicant has any questions.
- If you need to ring again, check a convenient time.

⁹⁴ *Checklist for children's social care application*, (70085), Ofsted, April 2012;
www.ofsted.gov.uk/resources/checklist-for-childrens-social-care-application

Document request

During your phone call, ask the applicant to make a note of any documents you will need to see. These will include:

- photographic ID such as passport
- a complete audit trail of any name changes such as a marriage certificate (if applicable)
- two pieces of evidence confirming address
- policies, procedures and records required by the service specific regulations or national minimum standards.

Annex G. Registered persons for registered children's social care services

There are two registered persons:

- the registered provider
- the registered manager.

Individuals

Where the registered provider is an individual, that person must sign the application. S/he is solely responsible and accountable for the provision.

Organisations

Where the registered provider is an organisation the application must be signed by a responsible individual or persons representing the organisation, for example:

- a director or directors on behalf of a company
- a partner or partners on behalf of all partners in a formal or informal partnership
- a trustee, director or chairperson on behalf of a charitable body
- the chairperson or a committee member on behalf of a committee.

The main types of organisation

Companies: companies are legally constituted, have a company name, are registered with Companies House, and have a company registration number.

Statutory bodies: a statutory body is an organisation where the main purpose of that organisation is provided for under legislation, for example a local authority or school governing body.

Formal partnerships: a formal partnership holds a separate legal identity from the individuals that make up that partnership. Formal partnerships are legally constituted and have a partnership name.

Informal partnerships: an informal partnership is where two or more individuals act together without a legally constituted agreement. This form of partnership does not have a separate legal identity of its own. The registered person is each of the individuals making up the informal partnership.

Charities: charitable bodies may be charitable trusts, unincorporated associations or limited companies. Registered charities hold a registered charity number.

Annex H. Classification of registered services for children

General information

As a general principle, all settings which wholly or mainly accommodate children are (unless they are excluded settings, such as hospitals) regulated as settings for children.

Under legislation, there are five sub-types of children's home. Please see information on definitions below. A children's home may be run by a private organisation, individual or partnership, a local authority or a voluntary agency.

Under section 1 of the Care Standards Act 2000, any boarding school or residential special school where at least one child is, or is to be, accommodated (or is provided or to be provided with accommodation arranged by the school) for 295 days or more must register as a children's home. A school is a children's home if either:

- in each year for the previous two years accommodation was provided for children for more than 295 days

or:

- it is intended to provide accommodation for children for more than 295 days in any one year.

This applies to all boarding schools. Further detail of the application of the 295 day criterion is given below under the relevant guidance on definitions of types and categories of establishment. Whether or not a school meets the 295 day criterion depends on whether an identifiable child is accommodated by the school for over 295 days, either on school premises or in arrangements made by the school (including accommodation with educational guardians arranged directly by the school or accommodation on school arranged trips). It does not relate to how many days in the year the school was providing or arranging accommodation for different children if no one child was accommodated for over 295 days.

A further education college providing residential accommodation for students aged under 18 is inspected (but not registered) by Ofsted under section 87 of the Children Act 1989. A further education college which meets the Care Standards Act 2000 definition for a care home requires registration as a care home (not as a children's home) if all or most of the students require nursing or personal care under the Health and Social Care Act 2008.

The type and category of an establishment applies to the whole establishment, not only part of it. Therefore, if a boarding school qualifies for registration as a children's home, that registration applies to the whole school, not solely to a particular unit within the establishment.

Information on definitions of establishments

The service types and codings given below are those set out in Schedule 5 of The Care Standards Act 2000 (Registration)(England) Regulations 2010.

Types of establishment: children's homes

Type: Children's home (Code: CH)

Any establishment which provides both care and accommodation, wholly or mainly for children (aged 17 and under), but excluding the following:

- a home where all the children are cared for and accommodated by their own parents, relatives or foster parents (foster parents include local authority foster parents in relation to the child, foster parents with whom the child has been placed by a voluntary organisation under section 59 of the Children Act 1989, and private foster parents)
- an NHS or independent hospital or clinic as defined in the Care Standards Act 2000 providing regulated activities as defined by the Health and Social Care Act 2008 (some independent hospitals may be primarily for children, for example children's hospices providing palliative care) should therefore be registered with the Care Quality Commission as providers of regulated activities rather than as children's homes
- a residential family centre (but see the guidance below on the differentiation of a residential family centre from a children's home)
- a school – unless it meets the '295 day' accommodation criterion described in the next section
- a further education college as defined in section 91 of the Further and Higher Education Act 1992 – but note that there may be some colleges for students in the 16 to 18 age range, and some which use the description 'Further Education Unit' or 'Further Education College', which do not come within this education legislation definition of a further education college, and are therefore not excluded from children's home registration by this exemption.
- any establishment:
 - which only accommodates children for the purposes of a holiday or leisure, recreational, sporting, cultural or educational activities;
 - whose main purpose is NOT to provide accommodation together with nursing or personal care for children who are disabled, and;
 - which does not accommodate any individual child for a total of 28 days or more in any 12 month period (note therefore that respite care services whose main purpose is to provide nursing or personal care to children who are disabled are not exempted from children's home registration, even if they only accommodate individual children for under a total of 28 days a year)

- premises which only accommodate young people of 16 or 17, to enable them to undergo training or apprenticeship, for the purposes of a holiday, or for leisure, recreational, sporting, cultural or educational activities
- bail hostels or probation hostels as defined in section 2 of the Bail Act 1976, and institutions for young offenders under section 43 of the Prison Act 1952
- day care provision for children under eight registered with Ofsted under the Childcare Act 2006:
 - whose main purpose is NOT to provide accommodation together with nursing or personal care for children who are disabled, and;
 - which does not provide day care for any individual child for more than 15 hours in the day for 28 days or more in any 12 months (the child being in the care of their parent or relative for the remainder of the day). Note therefore that Ofsted registered day care provision for children aged under eight which EITHER provides overnight accommodation for children who are disabled and need nursing or personal care (even if this is less than 28 days a year), OR looks after any one child aged under eight for over 15 hours a day for 28 days or more a year, must register as a children's home.

The main category of children's home (Code CH) is to be used for children's homes which are not also schools, do not include a secure unit, and are not 'half way houses' for over 16s, as described below. Children's homes in those categories should be coded as below.

Type: Secure children's home CH(S)

A children's home which includes secure accommodation provided for the purposes of section 25 of the Children Act 1989.

Type: Boarding school (Code: CHBS)

NB: Inspected under section 87 of the Children Act 1989 (as amended), but does not require registration with Ofsted unless it qualifies for registration as a children's home as above.

Any school providing accommodation for one or more children (aged 17 and under), either on the school site or by directly arranging accommodation elsewhere for one or more children. Includes independent boarding schools and local education authority maintained boarding schools. Excludes any school which is a children's home or a care home. The definition of an institution as a 'school' is that in the Education Act 1996.

Type: Residential special school (Code: CHRSS)

NB: Inspected under section 87 of the Children Act 1989 (as amended), but does not require registration with Ofsted unless it qualifies for registration as a children's home as above.

Any school providing accommodation for one or more children (aged 17 and under), either on the school site or by directly arranging accommodation elsewhere for one or more children. Includes residential maintained special schools, residential non-maintained special schools, and residential independent schools accommodating wholly or mainly children with special educational needs (SEN). Excludes any school which is a children's home or a care home. The definition of an institution as a 'school' is that in the Education Act 1996.

Type: Refuge (Code: CHR)

Homes that are refuges. These are registered as children's homes but must also apply to the Department of Education (DfE) for a certificate to operate as a refuge.⁹⁵ Children's homes registered as refuges are inspected under the Children's Homes Regulations 2001 and The Refuges (Children's Homes and Foster Placements) Regulations 1991.⁹⁶

Type: Further education college (Code: FE)

NB: Inspected under section 87 of the Children Act 1989 (as amended), but does not require registration with Ofsted.

Any college within the further education sector as defined in section 91 of the Further and Higher Education Act 1992, which provides accommodation for one or more young people aged 17 and under, either in college premises or by directly arranging accommodation elsewhere for one or more such young people. This does not apply to residential colleges which are not within the further education sector. Excludes any further education college which is a care home (Registered by the Care Quality Commission.)

Type of establishment: Residential family centre (Code: RFC)

Any establishment providing accommodation for children with their parent(s), where the parents' capacity to respond to their children's needs and to safeguard and promote their children's welfare is monitored or assessed, and where the parents are also given advice, guidance or counselling. Excludes any establishment which is a hospital or a care home. Excludes any establishment which provides accommodation for parents and children but which does not specifically meet the above monitoring,

⁹⁵ Under part V section 51 (1) of The Children Act 1989.

⁹⁶ The Refuges (Children's Homes and Foster Placements) Regulations 1991;
<http://www.legislation.gov.uk/ukxi/1991/1507/contents/made>.

assessment and advisory, and guidance or counselling criteria in relation to the parents (such as a hostel or a domestic violence refuge).

Example questions and answers on classification of establishments

The examples of possible questions and answers given below are intended to assist you in considering and responding to frequently asked questions about classification of children's establishments. Individual circumstances may well differ in relevant aspects, however, and you should seek further guidance in relation to classifications where the particular circumstances are not covered by this guidance annexe.

Q: We are a children's establishment for children with disabilities, and provide nursing care for those children. Does our provision of nursing care make a difference to our classification?

A: A children's home under legislation can provide nursing care to children with disabilities, without becoming a care home (it is a children's home under section 1 of the Care Standards Act 2000 because it provides care and accommodation wholly or mainly for children, and is then exempted from becoming redefined as a care home because section 3 of that Act exempts children's homes from becoming care homes). A special school can provide nursing care to its pupils without becoming either a children's home or a care home as a result.

Q: What does an establishment that offers places to parents and their children have to register as?

There are three possibilities:

A: Under the Care Standards Act 2000, an establishment will require registration as a residential family centre if:

- it provides accommodation for children with their parent(s)
- the parents' capacity to respond to their children's needs and to safeguard and promote their children's welfare is monitored or assessed
- the parents are also given advice, guidance or counselling.

If the primary purpose of any placement within a children's home is to assess parenting skills, re-registration as a residential family centre is required. Where a children's home contributes to another service's parenting assessment, the home does not meet the threshold for registration as a residential family centre if the primary purpose of the placement is to provide care and accommodation to both the parent, who is under 18, and child then the children's home does not need to re-register as a residential family centre.

B: An establishment requires registration as a children's home if:

- it accommodates parents with their children

- it does not carry out the assessment, advice, guidance or counselling functions above
- the majority of those (parents plus children) who are accommodated are under the age of 18.

Both parent and child placements must not exceed the total number of places the home is registered to provide care and accommodation for. The parent and child's placement plans must also clearly set out how care and accommodation is to be provided.

C: if the establishment's main purpose is to provide medical or psychiatric treatment for illness or mental disorder, or to provide palliative care it may require registration with the Care Quality Commission. We have separate guidance on this which is available on our website.

Q: We are a boarding school where a number of pupils spend their holidays with educational guardians. Does that mean we must register as a children's home?

A: If the educational guardians are appointed for pupils by the school, or by an agency acting on behalf of the school, accommodation with them must be counted towards the 295 day criterion for registration as a children's home. Therefore, any pupil whose overnight accommodation at school, plus overnight accommodation in the school holidays with educational guardians, adds up to over 295 days may trigger the requirement to register as a children's' home. If however the parents (or an agency acting on the parents' behalf) have arranged the accommodation with educational guardians, then that accommodation does not have to be counted towards the 295 day criterion. The school's arrangements need to clearly state whether the school, or the parents, are responsible for the educational guardian arrangements.

Q: As a boarding school, we occasionally have to accommodate a pupil over the school holidays, either on site or with a member of staff, because their parents' holiday or travel arrangements broke down. Does that mean we have to register as a children's home?

A: It is important to refer to the wording of section 1 (6) of the Care Standards Act 2000 here. In brief, if the school does not 'intend' to accommodate (or to arrange accommodation for) any child over 295 days a year (for example this is clearly not part of its usual services, and is not included as a service by the school in its prospectus), then children's home registration is only required if the school has already accommodated one or another individual child for over 295 days in both the previous two years. Therefore, accommodation of a child over 295 days one year in a 'one-off' emergency is neither prevented by the legislation, nor does it require children's' home registration.

Q: We are a boarding school which runs holiday courses for unaccompanied children or young people during the school holidays. Altogether, the number of nights of accommodation we provide adds up to over 295 days a year. Do we need to register as a children's home?

A: Children's home registration is not required unless there is one individual child (ie identifiable as an individual named child) who is accommodated by the school, or in accommodation arranged by the school, for over 295 days. The calculation of 295 days relates to any actual child, not to how many days a year the school is 'open for accommodating children'. No registration is required if the school is accommodating children, or arranging accommodation for children, for over 295 days a year, but no individual child stays that long.

Q: We are an independent sixth form college, but are not a school as defined by the DFE and do not come into the category of further education college under the Further and Higher Education Act 1992. We do however accommodate (or arrange accommodation for) students under 18, and look after them. Does that mean we have to become a children's home?

A: Such a college would not be required to register as a children's home, provided it did not accommodate any young person under 16, because the only purpose of the college accommodating or arranging accommodation for young people is for educational activities. The college would be exempt from children's home registration under Regulation 3 of the Children's Homes Regulations 2001. If it had day (ie not accommodated) students aged under 16, this would not require children's home registration (although it could trigger registration as a school with the DFE, which in turn could bring the college within the category of a boarding school). If however it accommodated (or arranged accommodation for) any residential student aged under 16 for a total of 28 days or more in any year, and it was not defined as a school by the DFE, the college would be required to register as a children's home.

Q: We are a residential special school with a special further education unit for our older pupils. Does that unit need any special registration?

A: The fact that the unit for older pupils may be termed a 'Further Education Unit' does not either categorise it as a further education college, nor remove it from the range of provision made by the school as a whole. If the unit accommodates pupils under the age of 18, it should be treated as part of the school for registration and inspection purposes. If it accommodates pupils under 18 for over the 295 day criterion, then the school as a whole would become registerable as a children's home. If it does not, it will be inspected by Ofsted under section 87 of the Children Act 1989 (as amended) under the national minimum standards for Residential Special Schools, as part of the whole school's residential provision.

Q: Does a hostel whose sole purpose is to accommodate children attending a nearby day school need to be registered?

A: If the hostel is not legally part of the school as defined by the DFE as the school registration authority, then it should be treated as a separate establishment and not part of the school. If it accommodates and cares for one or more individual children under 16 for a total of 28 days or more in a year, it will require registration as a children's home in its own right. If it only accommodates 16 and 17 year old children, with none under that age, and its accommodation is to enable them to attend the day school, then it will not require registration as it will be exempted under Regulation 3 of the Children's Homes Regulations 2001 as an establishment accommodating those over 16 to enable them to undergo training or for educational activities.

Q: We are a residential special school in which only one of our number of residential units is a '52 week' unit - the others only accommodate pupils during term times and so come below the 295 day criterion. What part of the school will be registered as a children's home?

A: If any child is accommodated for over the 295 day criterion, the school as a whole will be registered for all its residential provision. Registration applies to the school, not only to a particular unit or house within the school.

If you need any further specific advice please email socialcare@ofsted.gov.uk.

Annex I. Completing fit persons and registration toolkits

Please note: that the term 'adult service users' is used throughout this annex to refer to adults who are provided services by adoption agencies, adoption support agencies and residential family centres.

Guidance on completing the registration toolkit

The registration toolkit should include detail of the site visit to the establishment or agency, including an assessment of the quality of:

- the statement of purpose (whether the service provided, the applicants and the premises are likely to meet the aims and objectives of the service set out in the statement of purpose)
- the children's or user's guide (whether this is likely to meet the needs of children, young people or adult service users)
- the readiness of the service to commence operating
- the premises
- fire safety
- environmental health
- records relating to the premises proposed staffing arrangements – including staffing levels, training plans, appraisal, supervision and support
- the policies and procedures
- recruitment policies, procedures and records; where staff and volunteers and panel members (fostering and adoption only) have already been undertaken
- safety records that are checked and confirmation that a certificate of insurance in respect of death, injury, public liability, damage or other loss is in place. Please see the section in the registration handbook –assessing the premises for more information about corporate insurance certificates.
- for adoption agencies and fostering services: the systems in place to recruit, assess, approve and support foster carers and adopters
- for secure children's homes: how the application meets the requirements for approval from the Secretary of State as a secure children's home.

The evaluation should include a statement about the potential impact of agreeing or refusing registration on outcomes for children, young people and service users. It should also detail how the evidence supports the inspector's recommendation to register or refuse the application as a whole.

Completing and recording fit person interviews and toolkits

Interviews

The inspector should collate and record information gained prior to interview in the fit person toolkit detailing how this will inform the fit person interview and any lines of enquiry that will be pursued during the interview.

Each fit person interview should explore the following areas:

- the applicant's vision for the service
- questions arising from the inspector's analysis of the documentation made available before interview
- what kind of relationship the applicant envisages as appropriate between themselves, the organisation and Ofsted, including the applicant's understanding of their legal responsibilities the applicant's understanding of safeguarding and child protection
- the applicant's understanding and intentions about building strong and effective relationships with the following where applicable: children, young people, foster carers, adopters, parents and adult service users
- how the applicant will find, engage and work with relevant partner agencies who can meet children's, young people's and service users' needs
- the applicant's understanding of assessment, planning and review of children's, young people's and service users' needs
- the applicant's knowledge and understanding of equalities
- the applicant's knowledge and understanding of working with parents
- the applicant's knowledge and understanding of health and safety matters relating to the type of service he or she is registering to provide
- how the applicant envisages he or she will continually re-evaluate the impact of the service so as to provide positive outcomes for children, young people and service users.
- how the applicant has considered and/or engaged with the local community/neighbours.

An inspector must use his or her professional judgement to formulate other relevant questions for evaluating an applicant's suitability for registration.

Toolkits

Fit person toolkits must be completed to provide a full and robust record of how the applicant meets, or does not meet, the relevant requirements to be either a registered manager or registered provider; including a responsible individual.

The fit person's toolkit must contain evidence and an evaluation of information available prior to the fitness interview, during the fitness interview and following the fitness interview. Including information from:

- the applicant's application form (SC2)
- checks and references that we have undertaken
- the pre-registration questionnaire (if submitted); if this form has not been submitted the questions contained may prove helpful to use during the fitness interview
- RSA (if available)
- where appropriate past inspections of establishments and agencies an applicant has run or managed; including inspection judgements Ofsted has made. For children's homes this should include at least the last four inspection judgements (if available). For all other types of establishment or agency this should include at least the last two judgements (if available). Where there has been a gap of registration inspectors should consider the last inspection judgement given and consider how this is relevant to the current application.
- the establishment or agency's statement of purpose (SOP). (Reading an SOP for an individual prior to interview is to prepare questions regarding how his or her knowledge, experience and skills meet the agency's or establishment's aims and objectives)

The inspector must record how he or she verified the references, for example by telephone, and which details the referee confirmed, for example the candidate's commitment and competence as set out in his or her reference.

Evidence of how the applicant will promote equalities and diversity should be threaded throughout the fit person assessment and include an evaluation of how well the applicant is likely to tackle discrimination.

For individuals who are applying to register as both provider and manager inspectors should complete only one toolkit and include an evaluation which covers both roles.

The inspector must record his or her fitness interview in the fit person toolkit. This record should include detail of the applicant's responses, and an evaluation of how the responses demonstrate the applicant's suitability, or lack of suitability for the role applied for.

At each fitness interview inspectors must ask the following questions and record the responses in the fit person toolkit:

- Do you understand the implications of registration for you personally?
- Have you ever been subject to disciplinary procedures? If yes what was the outcome?

- Have you ever worked in Northern Ireland, Scotland or Wales or in any other country?
- Are you satisfied with the way I have conducted this fit person interview? (at the end of the interview)

Where an applicant has worked or operated in another country, inspectors must write a statement about what the fitness checks indicate about the suitability of the applicant. Please see paragraphs 26 – 31 about applicants who have lived abroad.

The inspector also must record if an applicant is required to complete any statutory requirements prior to his or her final decision about whether to recommend registration. The record must include an evaluation of the results of the applicant's actions. For further information on how to manage statutory requirements set see paragraphs 274 – 284.

Fitness recommendation for a registered manager

The concluding summary should state how all the information obtained throughout the fit person assessment contributes to the inspector's recommendation to approve or refuse the applicant's registration. It must evaluate how all the evidence demonstrates that the applicant:

- does or does not have integrity, and is or is not of good character
- has or has not got suitable qualifications, experience and skills
- is or is not physically and mentally fit to manage the type of service he or she is applying for.

The conclusion should include the inspector's assessment of whether:

- the applicant is likely to provide leadership and management which will have a positive impact on outcomes for children, young people and service users
- the applicant's knowledge and understanding of child protection and safeguarding of children, young people or service users meets registration requirements
- the applicant has the knowledge, understanding and commitment to put equality and diversity at the centre of their practice.

Fitness recommendation for a registered provider or responsible individual

The concluding summary should evaluate how all of the evidence obtained demonstrates that the applicant:

- does or does not have integrity, and is or is not, of 'good character'
- is physically and mentally fit to run the type of agency or establishment he or she is applying for.

The conclusion should include the inspector's assessment of whether the applicant:

- has the skills and knowledge to ensure the establishment or agency is run in accordance with regulations
- is likely to provide leadership, management and strategic oversight which will have a positive impact on outcomes for children, young people and service users
- has sufficient knowledge and understanding of child protection and safeguarding of children, young people or service users
- has the knowledge understanding of, and commitment to putting equality and diversity at the centre of the way the service will be provided.

Guidance on assessing applicants who are currently registered or who have been previously registered

Where an applicant has been previously registered with Ofsted inspectors should read the section on 'Applications by a provider who already has a service registered with Ofsted' in the Registration Handbook and use the following on a case by case basis to decide how to proceed:

- Does the applicant have a good track record in producing positive outcomes for children, young people and service users?
- Do I need to complete a fit person interview? Can I gain sufficient information about the applicant's performance from documentation we already hold?
- Is the applicant's track record relevant to the type of service he or she is applying to provide? For example, if the applicant has worked in a children's home for children with disabilities can he or she demonstrate that they have the skills, qualifications and knowledge to run a children's home for children with emotional and behavioural difficulties? Is a fitness interview needed to confirm this?
- Does this application pose a risk to the continuity of the provider's other services? For example, is an already registered manager being moved to work at the proposed agency or establishment shortly after the registration of the first service?

However, where the checks were not completed by Ofsted and/or has there been a break in service of three months or more, all the checks must be repeated.

If in doubt the inspector should discuss his or her concerns with their team manager.

In all cases the fit person and registration toolkits must evidence and detail how the inspector has come to his or her conclusions in the areas listed in this guidance.

Evidence in toolkits about other registrations may not be admissible in enforcement procedures. Therefore, inspectors should not just make reference to assessments in the toolkit. They must summarise what this evidence is, where it has come from and how it informs their recommendations.

Annex J. List of additional published guidance

For more information about social care registration, please refer to:

- our Guide to registration for social care services,⁹⁷ which has comprehensive information for applicants
- RSA guidance for inspectors – social care registrations, which has comprehensive information about how to use RSA for registration
- the introductory guides, which provide basic information for the public, providers and other stakeholders about each type of service, and link to more detailed information like regulations and national minimum standards:
 - Introduction to voluntary adoption agencies: a children’s social care guide⁹⁸
 - Introduction to adoption support agencies: a children’s social care guide⁹⁹
 - Introduction to children’s homes: a children’s social care guide¹⁰⁰
 - Introduction to independent fostering agencies: a children’s social care guide¹⁰¹
 - Introduction to residential family centres: a children’s social care guide¹⁰²
- the *Social care compliance handbook*¹⁰³
- Conditions of registration for all regulated social care services and categories of registration for children’s homes and voluntary adoption agencies¹⁰⁴
- Guidance for mobile services¹⁰⁵
- Q&A: the use of holiday accommodation for looked after children¹⁰⁶

⁹⁷ *Guide to registration for social care services* (090020), Ofsted, 2012; www.ofsted.gov.uk/resources/090020.

⁹⁸ *Introduction to voluntary adoption agencies* (090258), Ofsted, 2012; www.ofsted.gov.uk/resources/090258.

⁹⁹ *Introduction to adoption support agencies* (090259), Ofsted, 2012; www.ofsted.gov.uk/resources/090259.

¹⁰⁰ *Introduction to children’s homes* (090155), Ofsted, 2012; www.ofsted.gov.uk/resources/090155.

¹⁰¹ *Introduction to independent fostering agencies* (090219), Ofsted, 2012; www.ofsted.gov.uk/resources/090219.

¹⁰² *Introduction to residential family centres* (090257), Ofsted, 2012; www.ofsted.gov.uk/resources/090257.

¹⁰³ *Social care compliance handbook*; <http://www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook>.

¹⁰⁴ *Conditions of registration for all regulated social care services and categories of registration for children’s homes and voluntary adoption agencies* (110049), Ofsted, 2012; www.ofsted.gov.uk/resources/110049.

¹⁰⁵ *Guidance for mobile services* (100252), Ofsted 2011; www.ofsted.gov.uk/resources/100252.

¹⁰⁶ *Q&A: the use of holiday accommodation for looked after children* (110116), Ofsted, 2011; www.ofsted.gov.uk/resources/110116.

- Disclosure and Barring Service (DBS) checks for those providers who register with Ofsted¹⁰⁷
- The website for the Disclosure and Barring Service:
www.homeoffice.gov.uk/agencies-public-bodies/dbs/
- Guidance on the registration of multi-site children's homes¹⁰⁸
- Guidance on inspecting and regulating children's homes with accommodation for adults (wholly or mainly a children's home)¹⁰⁹
- CQC and Ofsted guidance: Registration of healthcare at children's homes¹¹⁰
- Disqualification guidance¹¹¹
- Ofsted's application forms.¹¹²

¹⁰⁷ *Disclosure and Barring Service checks for those providers who register with Ofsted* (090103), Ofsted, 2013; www.ofsted.gov.uk/resources/090103.

¹⁰⁸ *Guidance on the registration of multi-site children's homes* (080239), Ofsted, 2008; www.ofsted.gov.uk/resources/080239.

¹⁰⁹ *Guidance on inspecting and regulating children's homes with accommodation for adults (wholly or mainly a children's home)* (100116), Ofsted, 2010; www.ofsted.gov.uk/resources/100116.

¹¹⁰ *CQC and Ofsted guidance: registration of healthcare at children's homes*, 2011; <http://www.ofsted.gov.uk/resources/cqc-and-ofsted-guidance-registration-of-healthcare-childrens-homes>.

¹¹¹ *Disqualification from working in children's social care* (080157), Ofsted, 2011; www.ofsted.gov.uk/resources/080157.

¹¹² Information on completing your application to be a social care provider; <http://www.ofsted.gov.uk/children-and-families-services/for-childrens-social-care-providers-and-commissioners/regulating-ch-5>.

Annex K (part 1). Assessing financial viability

Introduction

1. Providers' financial viability is important. It is the foundation to ensuring the continuity of an acceptable quality of care, support and accommodation; it underpins the provision of stable placements which meet children's and young people's needs.
2. The aims of this policy are to ensure that:
 - Ofsted registers applicants who are financially viable at the time of registration, and who demonstrate that they are likely to remain financially viable whilst registered.
 - Registered providers facing financial problems take steps to safeguard the welfare and safety of those using their services.
3. Ofsted only registers providers who will comply with the relevant requirements (as per s.13(2) Care Standards Act 2000). All service specific regulations provide that in order to operate a provider must act in ways that ensure the service remains financially viable.¹¹³ Therefore before registration a provider must demonstrate that they have the financial resources to carry on the establishment or agency as detailed in the statement of purpose.

What the law says¹¹⁴

4. The law states that applicants for registration must provide Ofsted with:
 - a reference from a bank expressing an opinion about their financial standing
 - information about the financing and cash flow of the service (usually in the form of a business plan or equivalent)
 - a statement as to whether the responsible person has been adjudged bankrupt, or sequestration of his estate has been ordered, or he had made a composition or arrangement with, or granted a trust deed for his creditors. This means the applicant must state whether he has, in the past, been made bankrupt (either by his own application or the result of other's action); or has had his property seized by a Court Order; or an arrangement has been made

¹¹³ Regulation 36 of The Children's Homes Regulations 2001; Regulation 37 of The Fostering Services (England) Regulations 2011; Regulation 20 of the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003; Regulation 25 of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; and, Regulation 24 of The Residential Family Centre Regulations 2002.

¹¹⁴ The Care Standards Act 2000 (Registration) (England) Regulations 2010, Regulation 3(2)(a), Schedule 1 (Part 1).

whereby his creditors have been promised money from his property or businesses

- a statement as to the applicant's ability to ensure the financial viability of the establishment or agency for the purposes of achieving the aims and objectives of the establishment or agency set out in its statement of purpose
 - where the applicant is a corporate body; a copy of each of its last two annual reports
 - where the organisation is a subsidiary of a holding company, the name and address of the registered or principal office and the last two annual reports (if any) of the holding company and of any other subsidiary of that holding company
 - the last annual accounts (if any) of an established service
 - except where the applicant is a local authority or NHS Trust, a reference from a bank expressing an opinion as to the applicant's financial standing
5. The service specific regulations (see footnote 1 for the legal references) require all registered providers to manage their finances so that they can meet the aims and objectives in their statements of purpose, and to make available to Ofsted annual accounts that have been certified by an accountant. In addition, they must all tell Ofsted if they cease to be financially viable or will cease to be viable wherever possible six months prior to this being likely.¹¹⁵
 6. Children's homes and independent fostering agencies must be able to make available to Ofsted a reference from a bank expressing an opinion as to their financial standing and also information about any associated companies.¹¹⁶
 7. There is no specific measure of a provider's financial viability specified in the law. Ofsted's interest in financial viability is related solely to the financial input being made by providers to secure outcomes for those using a service. The fact that a provider has ceased to be financially viable is a ground for cancelling registration.
 8. Ofsted may take steps to cancel registration at any time if a service is no longer financially viable or is likely to cease to be financially viable within the next six months. (Regulation 12(c) The Care Standards Act 2000 (Registration)(England) Regulations 2010).
 9. Cancellation of a provider or manager's registration is the only way that a person would be disqualified (Sections 65 and 68 of the Children Act 1989 and the Disqualification from Caring for Children (England) Regulations 2002) from having a financial interest in a service registered under the Care Standards Act 2000.

¹¹⁵ The Care Standards Act 2000 (Registration) (England) Regulations 2010 (Regulation 11).

¹¹⁶ Regulation 36(3) of the Children's Homes Regulations 2001 and Regulation 37(3) of The Fostering Services(England) Regulations 2011.

How Ofsted assesses financial viability

10. The financial information Ofsted receives ranges from professionally produced business plans to a collection of accounts, balance sheets and financial forecasts.
11. Inspectors are only expected to undertake a lay person's assessment of the financial information provided as part of an application to register or requested following concerns about the financial viability of a service. The Finance team provide expertise and support inspectors in assessing financial viability in more complex cases.

What to look for at registration

12. Inspectors' assessment of financial viability focuses on whether an applicant's financial plans appear broadly realistic and are likely to result in, at a minimum, acceptable outcomes for children, young people and, where applicable, adult service users.
13. Regulation places the onus of proving financial viability on a provider. At registration, a provider's business plan should give Ofsted a good general indication of:
 - an applicant's planned income and expenditure
 - how an applicant will manage the finances.
14. Inspectors should aim to assess whether the accounts demonstrate viability over the long term.
15. Inspectors use the business plan to determine if an applicant has based their plans on realistic, well-considered financial assumptions covering issues such as: how much electricity will cost, what interest rates might be for any loans in the future and how many children and young people will generally be in placement at any one time at a children's home.
16. The business plan must relate to the particular establishment or agency applying for registration and not the organisation as a whole.
17. Inspectors normally judge financial viability on the information supplied by the provider. Please also refer to paragraphs 38 to 45 for information on applications from providers who have three or more services registered with Ofsted. If inspectors are unsure about the validity of an aspect of the provider's business plan they may ask the provider to explain how they reached their assumptions. Such questions should form part of the fitness interview and the responses will inform the overall registration decision.
18. If inspectors need advice on any specialist areas or feel that a need for further financial checks is indicated they may seek advice from Ofsted's finance team. Inspectors may seek advice from Ofsted's finance team before or after the

registration visit and may request submission of further information at any time prior to registration. There is further guidance on when to seek advice from the finance team in paragraphs 46 to 47.

19. The following sections provide guidance on the elements we consider in our assessment of an applicant's financial viability. Inspectors are not expected to explore all the suggested questions in every case. They should go into more detail where they have identified concerns on the basis of the financial information provided.

Income

20. Providers must have realistic expectations about their expected income. Inspectors may consider whether:

- the business plan provides for realistic take-up rates that are likely to be achieved. (An occupancy rate at or near 100% is almost always unrealistic and is generally not achieved from day one of operation.)
- the business plan demonstrates how the service will continue to build over time
- funding in addition to fees, for example loans, investment, or grants have been secured (where appropriate).

Expenditure

21. At registration, inspectors should consider if the provider is being realistic about planned expenditure. For example:

Staff costs

22. Are the provider's plans realistic in terms of being able to recruit, train and retain sufficient staff?

23. Inspectors may need to consider whether:

- planned expenditure on staff employment is sufficient to meet the number of roles they expect to provide
- planned expenditure on staff salaries is based on what is realistic to cover the different types of roles required within the establishment or agency.

Examples:

- The manager's salary is sufficient to recruit a person with an acceptable level of qualification.
- The number of staff to be employed is sufficient for 24 hour cover of the home or sufficient to meet the job requirements of a fostering or adoption agency.

- Fee levels for foster carers within fostering agencies meet nationally agreed levels.
- Pay scales for staff provide for remuneration of a mix of new and experienced staff.
- The provider has budgeted for employment on-costs, for example employer's national insurance, holiday and sickness cover.
- Planned expenditure on staff training is sufficient.

Catering costs

24. Are the provider's expectations about the costs of food realistic and likely to deliver an acceptable level of meals, snacks etc. in children's homes and residential family centres?
25. Inspectors may need to consider whether:
- there are sufficient funds for food
 - realistic assumptions about per capita expenditure on food have been used to calculate the expenditure.

Accommodation costs

26. Are the provider's plans realistic and likely to ensure compliance with national minimum standards and relevant regulations?
27. Inspectors may need to consider whether:
- the accommodation is owned, mortgaged or leased/rented
 - the length of any lease/rent arrangements compromises continuity of care in residential establishments
 - costs allowed for the upkeep of premises and grounds, and the maintenance and renewal of equipment are adequate
 - insurance cover reflects the full replacement value of buildings, fixtures, fittings, equipment and any business interruption costs
 - there are realistic assumptions about energy, water and telephone costs
 - the housekeeping costs (including cleaning products) are reflected
 - a new provider who is taking over an existing service has budgeted to meet any outstanding requirements Ofsted might make.

Other costs

28. Inspectors may also need to consider whether realistic assumptions have been made about:
- transport costs and the operation and upkeep of any vehicles (including servicing, tax, fuel and insurance)
 - interest and other bank charges
 - Ofsted's fees
 - marketing and advertising costs

- allowance for professional fees including health services, legal support and accountancy
- costs of activities
- business administration costs, such as office supplies, equipment and postage
- any potential increase in costs.

Financial management

29. Inspectors should assess the extent to which the provider has developed systems for recording and monitoring their finances. Inspectors may need to consider:
- what financial expertise is available in-house or externally to support financial management of the service
 - whether the business plan is clear and well thought out
 - what arrangements have been made to review and increase fees.

Companies House check

30. The Application team check whether a company is registered with Companies House. Companies House is the registrar of all companies in England and Wales which includes limited companies and more unusual company arrangements such as not for profit organisations, limited partnerships and charities.
<http://wck2.companieshouse.gov.uk/3ac5c1a41e259af780292ae50688ad1a/wcframe?name=accessCompanyInfo>. Annex K (part 3) provides detail of how this check is completed and recorded.

31. When allocated a new registration inspectors must check the information on Registration Comments about Companies House, follow up any concerns and record details in the Registration Toolkit.

Reaching a judgement for registration

32. Inspectors are not financial specialists. Their judgement about financial viability is based on their knowledge of the likely income and costs necessary for running the type of establishment or agency an applicant is applying to register.
33. Inspectors do not, for example, routinely undertake credit reference or other financial checks. If inspectors have concerns about the apparent validity of assumptions made in a business plan, they may ask the finance team for advice. They may also ask the applicant to explain their financial plans including how they have used financial assumptions within their business planning.
34. If the applicant does not supply Ofsted with sufficient information for us to form a view of the applicant's business plans, inspectors make a judgement about an applicant's fitness based on the information available. Insufficient information about a provider's financial viability is likely to result in a decision to refuse registration.

Insolvency

35. If someone is appointed as a liquidator, including a provisional liquidator and a trustee in bankruptcy, they must¹¹⁷:
- tell Ofsted about their appointment without delay
 - appoint a person to manage the establishment or agency. The person appointed to manage the service may need to apply for registration with Ofsted if they are not the currently registered manager
 - inform Ofsted of their intentions for the future operation of the establishment or agency within 28 days of their appointment.
36. If a bankruptcy order is made against a registered person, they need to tell Ofsted and let us know what the implications are for their position.
37. Ofsted's interest in such cases will be the implications if any for the operation of the service and above all how the interests of people using their service will be safeguarded. A CIE case should be opened if a provider is insolvent.

Corporate Providers

38. If each service within an organisation is financially free standing, Ofsted judges each service's financial viability individually.
39. If the finances of each service within an organisation are managed centrally Ofsted will require evidence of the financial viability of the overall organisation when an application for registration of a new service is received or where a registered service's financial viability is in question.
40. If an assessment of the application and background to other registrations reveals that there may be concerns about the financial viability of the organisation as a whole the provider may be asked to supply additional information about their organisation's finances.
41. Where an applicant only has one other registered service the inspector will collate the information from RSA listed in paragraph 43. Where a provider has three or more establishments or agencies the Application team will as part of inputting the application request the Inspection Data Insight team (IDI) collate the information in paragraph 43.

¹¹⁷ The following regulations apply to the appointment of liquidators for each service type:

- The Adoption Agency Regulations
- The Adoption Support Agency Regulations 2005 – Regulation 28(1)
- The Children's Homes Regulations 2001 - Regulation 39(1)
- The Fostering Services (England) Regulations 2011 - Regulation 40(1)
- The Residential Family Centre Regulations - Regulation of 2002 29(1).

42. Where information about an organisation's viability is questioned following registration and similar information is required the inspector will submit a data request to IDI asking for the detail listed in paragraph 43.
43. The following information will be collated for any additional establishment or agency the provider owns as part of the organisation which has linked subsidiary and parent companies¹¹⁸:
- the overall judgement and subsidiary judgements for the last two inspections for children's homes and the last inspection for each residential family centre, adoption agency, fostering agency and adoption support service
 - the requirements made at each inspection
 - whether each establishment or agency has a registered manager
 - any open CIE cases.
44. This information should be used to check for any financial viability issues as well as other issues relating to the registration.
45. For corporate providers the information listed in paragraph 43 and any information found from the Companies House check should be used to make a decision about whether the finance team should check the company accounts in more detail. Decisions should be made in discussion with each inspector's team manager.

Referrals to the finance team

46. If an inspector has concerns about the information within an applicant's finances he/she should contact their team manager to discuss. Following this a referral if agreed with the team manager the inspector should make a referral to the finance team using the form provided as Annex K (part 4) by forwarding the completed form to the socialcare@ofsted.gov.uk mailbox.
47. Where there are serious concerns about a provider's ability to manage their finances competently a Case Review must be called to decide upon what action will be taken. This should include a member of the finance team wherever possible.

¹¹⁸ For a definition of a parent / holding company and a subsidiary company see section 1159 of the [Companies Act 2006](http://www.legislation.gov.uk/ukpga/2006/46/section/1159); www.legislation.gov.uk/ukpga/2006/46/section/1159

Annex K (part 2). Financial terms

This section explains the meaning of a number of terms commonly used for financial documents and what can usually be found in them.

What is a business plan?

A **business plan** sets out the objectives, assumptions, market analysis, selling strategy, resources and financial plan for delivering a product or service. It is a format that is commonly used to: support the raising of funds from lenders/investors; to define a new business; define agreements between partners; and to set a value on a business for sale or legal purposes. Because of this they can have different titles such as 'Strategic Plan' or 'Feasibility Plan'.

A common form of business plan is a start-up plan, which sets out the steps for a new business. This can accompany applications for registration of a new social care service. It covers standard topics including the company, product or service, market, forecasts, strategy, implementation milestones, management team, and financial analysis. The financial analysis includes forecasts for income and expenditure, profit and loss, balance sheet, cash flow, and probably a few other tables. The plan usually starts with an executive summary and will often include monthly projections for the first year.

What will be in a business plan?

The standard contents of a business plan are:

- *Mission Statement* – the values and objectives of the enterprise.
- *Key People* – sometimes called 'The Team', this describes the key people [owners, directors and managers] who will drive the enterprise. The professional background of the key people can lend credence to viability of the enterprise because of experience they bring with them. For larger organisations this may be part of a 'company summary' setting out the company, its ownership and history. This can lend credence to other parts of the plan because of the experience that the larger organisation is bringing to the enterprise.
- *Market Analysis* – this describes the customers, national and local trends, competition, market size, and opportunities for entry and growth for this enterprise.
- *Business Strategy* – this describes how the service will be marketed, key customers (such as councils) or customer groups, significant milestones and contingency plans along the way
- *Financial Plan* – this includes forecasts for income and expenditure (or profit and loss) and 'cash flow forecast' and should include monthly projections for the first year of operation.

The headings of each section may vary, but the key elements are the objectives, the team, the market analysis, the strategy for selling the service and the financial assumptions. We are not assessing the format of the document(s), but the likely viability of the assumptions and forecasts that it contains.

What is an Income & Expenditure Account?

'Profit and Loss' and 'Income and Expenditure' accounts are basically the same thing. 'Profit and Loss' account tends to be the term used in the commercial world. Essentially the 'income and expenditure' account shows the income earned for the year and deducts it from all the expenditure incurred by earning that income. In not-for-profit organisations profit will be called 'surplus', and loss will be called 'deficit'.

The basic format of an income and expenditure account is a list of the categories of income, followed by a list of the categories of expenditure. Beneath the columns is a figure where expenditure has been subtracted from income to give the profit or loss for the period that the account covers.

Many enterprises group the categories into sub categories that make sense to their business, such as 'sales', 'fees', 'administration', 'salaries'.

What is a 'balance sheet'?

A balance sheet is a 'snapshot' of the assets and liabilities of an organisation or enterprise at a single point in time. The 'balance sheet' includes the value of items that may not appear in the income and expenditure account. The headings to expect are:

- *Fixed assets* – this is the value of long-term assets such as equipment, vehicles, and premises, which are used in the business over several years. They should be depreciated each year to reflect the reduction in value where appropriate. See below for further explanation on this.
- *Current assets* – these are assets that are a bit more fluid than fixed assets. They include items such as cash at bank, money owed to the business (i.e. debtors) and stock.
- *Current liabilities* – these are opposite to current assets and will include monies owed to others in the form of bills and tax unpaid (i.e. creditors) as well as bank overdrafts.
- *Net current assets* – this is simply current assets less current liabilities. A positive figure here is an advantage as it indicates you are more likely to be able to pay debts as they become due.
- *Long-term liabilities* – these are amounts that are payable over a period longer than a year, such as bank loans, mortgages and hire purchase agreements.
- *Net assets* – this is the final position after total liabilities have been deducted from total assets, and is an indication of the net worth of the enterprise.
- *Capital and reserves* – this is equivalent to net assets but shows the makeup of this between Share Capital and accumulated Profits for all years to date (also known as accumulated Profit and Loss account).

You may see that some of the entries on the balance sheet have a number next to them under 'Notes'. Following the balance sheet, in a company's accounts, will be the notes. These will contain more detail about what the main figure comprises, as a further breakdown. This can be where you will see, under fixed assets, details of the depreciation that has been allocated to certain assets.

What is depreciation?

Depreciation charges seek to spread the cost of an asset over the expected life of an asset. It is important to know that the figure for fixed assets does not show their real value. It shows the cost of the asset less amounts written off for 'depreciation'. The figure could be higher or lower than what the asset would cost if it had to be replaced or what it would fetch on the open market.

For example, a minibus may cost £20,000 and have a useful life expectancy of five years. Therefore, depreciation will be charged at £4,000 per year against the income of the enterprise for each of the next five years. The result might be a valuation after a couple of years - £12,000 – that is nothing like the price that two-year-old minibuses are for sale at vehicle dealerships.

What is the difference between capital and business expenditure?

Capital expenditure is money used to acquire or upgrade the company's fixed assets such as buildings and equipment in order to improve the capacity or efficiency of the business, the benefit of which is received over the course of several years.

Business expenditure is all expenditure which is incurred in the day to day conduct and administration of a business and the effect of which is completely exhausted within the current accounting year. It is sometimes known as "revenue expenditure".

What is a cash flow forecast?

A cash flow forecast sets out the projected monthly income and expenditure for the first twelve months of operation. This is simply a summary of the money that is expected to be paid into and out of the establishment or agency, in cash terms, over the period. This is usually broken up into a month-by-month forecast.

Annex K (part 3). Companies House checks – the role of the Application team

Companies House is the registrar for companies in England and Wales. The main functions of Companies House are:

- to incorporate and dissolve limited companies
- to examine and store company information delivered under the Companies Act and related legislation and
- to make this information available to the public.

Application team members check that the company details provided in section B of the SC1 form match the details on the Companies House website by going to: <http://www.companieshouse.gov.uk/toolsToHelp/findCompanyInfo.shtml> and clicking on 'Access WebCheck'.

Application team members should record the detail of all checks that they make on the Companies House website on the front of the SC1 form and in Registration Comments. They should alert an inspector to this by memo on RSA. Any potential concerns or discrepancies should be recorded on RSA and inspectors must follow these up immediately with the provider by letter.

Please note that some Companies House registration numbers resemble Ofsted URNs. These numbers are not Ofsted URNs and in no way relate to Ofsted.

Application team members check:

- that the company number provided in the SC1 form matches the Companies House registration number
- that the company name matches the name provided in their application
- that the company organisation address matches the address in their application
- the status of the company for example whether it is in receivership (see paragraph below)
- whether there have been any changes of company name
- that the details of any parent or subsidiary company match what has been provided and the detail given above for each subsidiary and parent company.

Any instance where the company's status is 'receivership', 'insolvent', 'dissolved' or anything other than 'active' should be noted on the front of the SC1, detailed on Registration Comments and the inspector informed of this record by memo.

Similarly, any changes of the company name should also be recorded on the front of the SC1 form, detailed on Registration Comments and the inspector informed of this record by memo.

The same checks should be carried out on any other company the company is associated with, such as a parent company or subsidiary and records made as above for each of these.

Annex K (part 4). Referral Form to the finance team - Concerns about financial viability

1. Name of inspector and team manager making the referral:
2. Date of referral:
3. URN and name of service this referral relates to:
4. Detail of what the concern is:
5. Detail of evidence which supports this concern:
6. Timescale for response (please allow at least two weeks for a response):
7. Please attach copies of all relevant financial documents received from the applicant or registered provider and list these below:
8. Any additional points: