

Conditions of registration for providers and managers of social work services

Ofsted's policy on conditions of registration for providers and managers of social work services

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Introduction

1. Providers of social work services contract with a local authority to provide delegated local authority functions regarding children looked after and/or care leavers. Any provider or manager of social work services must register with Ofsted as an agency/manager under the Care Standards Act 2000. It is an offence to provide or manage a social work service without registration.¹ Ofsted is the registration authority under the Care Standards Act 2000, therefore providers and managers are legally obligated to register with Ofsted.

Background

2. This guidance sets out Ofsted's approach to setting conditions of registration for providers and managers of social work services under the Care Standards Act 2000. The application of this policy is intended both to meet our legal obligations and to ensure that our practice is consistent and transparent. Under section 13(3) of the Care Standards Act 2000, Ofsted may grant an application for registration unconditionally or subject to such conditions as it thinks fit.
3. We may set conditions of registration where we consider these appropriate. So that any conditions of registration are proportionate, we only apply these to:
 - protect children and service users
 - address specific issues relating to a particular setting or service type.
4. In relation to providers of social work services we routinely impose conditions relating to notifying us when there are changes to either what local authority functions have been delegated to the agency, or which local authority the agency is providing services for.
5. For consistency, we have:
 - set wording for some frequently used conditions of registration
 - produced guidance on how to impose individualised conditions of registration.

¹ Care Standards Act 2000, section 11(1); www.legislation.gov.uk/ukpga/2000/14/section/11.

Conditions of registration for providers and managers of social work services

6. An agency may provide social work services delegated from a local authority for looked after children and/or care leavers. We apply the following conditions as appropriate to define the social work services an agency can provide:
 - The registered provider:
 - must notify Ofsted of any change to the arrangement made under section 1 of the Children and Young Persons Act 2008 with [name of] local authority
 - must notify Ofsted of any arrangement made under section 1 of the Children and Young Persons Act 2008 with a local authority other than [name of] local authority.
7. We may also apply the following conditions as appropriate to define the social work services a person can manage:
 - The registered manager of the agency:
 - must notify Ofsted of any change to the management arrangements made under section 1 of the Children and Young Persons Act 2008 with [name of] local authority
 - must notify Ofsted of any management arrangements made under section 1 of the Children and Young Persons Act 2008 with a local authority other than [name of] local authority.
8. We must not apply conditions of registration that:
 - duplicate any requirements placed on providers and/or managers by the Care Standards Act 2000, or regulations made under this Act
 - conflict with or exempt a provider or manager from complying with any of the regulations made under the Care Standards Act 2000
 - name an individual other than the registered person(s), as we have no powers to make or enforce conditions other than those that apply to them.²

² 'The registered person' covers both the registered provider and registered manager.

Additional conditions of registration

9. Additional conditions of registration not covered in paragraphs 7–8 may be used in particular circumstances to protect children and to promote their safety and well-being. Where an inspector considers that any additional conditions are necessary, they agree this with their team manager before it is agreed or imposed.
10. Any additional condition of registration must be proportionate, fair and reasonable. It should not restrict the provision of services inappropriately.
11. The condition must be specific to the particular circumstances of the agency and, for example, reflect its scope and capacity to extend services.
12. Additional conditions must be worded to follow on from the phrase 'the registered person' or specifically, 'the manager'.

Breaches of conditions of registration

13. Any breach of a condition of registration is an offence and therefore liable to enforcement action.

Powers to vary, remove or impose conditions on an existing registration

14. Ofsted has the power to impose conditions at any time on the registration of a provider or manager registered under the Care Standards Act 2000 as a way of protecting service users.
15. Ofsted's powers to vary, remove or impose conditions on an existing registration are under section 13(5)(a) and (b) of the Care Standards Act 2000.³ We will use these wide powers appropriately and only to safeguard and promote the well-being of children and other service users.
16. A registered provider/manager can apply to vary, remove or change a condition of registration by making a written request and paying a fee.⁴

³ Care Standards Act 2000; www.legislation.gov.uk/ukpga/2000/14/section/11.

⁴ *Variation fees for children's social care services* (090320), Ofsted, 2013; www.ofsted.gov.uk/resources/090320.

Minor and major variations to conditions of registration

Minor variation

17. Minor variations can be agreed where the inspector decides a visit to the service is not necessary and where the change to the registration is minimal. For example, where an organisation changes its registered office with Companies House.

Major variation

18. A provider must apply for a major variation where the variation has an impact on the size and extent of the social work services being provided or managed by the provider/manager, for example when the application is to increase the scope of the current service.