

Inspection handbook: children's homes

Guidance for the inspections of children's homes from April 2015

This guidance is designed to assist inspectors from the Office for Standards in Education, Children's Services and Skills (Ofsted) when conducting inspections of children's homes. It should be read in conjunction with *Inspection of children's homes: framework for inspection from 1 April 2015*.

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Introduction

1. This guidance is designed to assist inspectors from the Office for Standards in Education, Children's Services and Skills (Ofsted) when conducting inspections of children's homes in England. Children's homes providers can use the guidance to see how inspections are conducted.
2. This guidance should be read in conjunction with the *Inspection of children's homes: framework for inspection from 1 April 2015*.¹
3. This guidance applies to the inspection of all children's homes. With this guidance, we want to achieve inspection of the highest quality, balancing consistency with the flexibility to respond to the individual circumstances of each home. As such, it is not a set of inflexible rules, but guidance on the procedures normally governing inspection.
4. There is additional information in relation to the inspection of residential special schools, therapeutic homes, short break services and secure children's homes in *Inspection of children's homes: framework for inspection from 1 April 2015*. Where a children's home is also a school, and the education and children's home inspection has been aligned, inspectors should refer to *Non-association independent school inspection handbook*.²

Section 1: Scheduling and team deployment

5. Inspections of children's homes are unannounced.
6. We have a duty to inspect children's homes twice a year.³ Usually there will be a full inspection followed by an interim inspection.
7. The scheduling of inspections takes account of:
 - previous inspection findings
 - complaints and concerns about the service
 - notifications from the home
 - the content of monitoring reports provided to Ofsted by children's homes under regulations 44 and 45 of The Children's Homes (England) Regulations 2015.

¹ *Inspection of children's homes: framework for inspection from 1 April 2015* (150030), Ofsted, 2015; www.gov.uk/government/publications/inspecting-childrens-homes-framework

² *Non-association independent school inspection handbook* (140053), Ofsted, 2015; www.gov.uk/government/publications/non-association-independent-school-inspection-handbook.

³ The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2015 (SI 2015/551)

8. For a full inspection of a children's home, an inspector will usually spend a maximum of two days on site.
9. For interim inspections the inspector will usually be on site for a maximum of one day.
10. It is recognised that the nature of some inspections such as the inspection of secure children's homes, residential special schools or homes with satellite sites, may require additional inspector time on site to:
 - give due consideration to the issues relating to the evaluation schedule that are specific to that provision e.g. navigating the security systems on site in secure accommodation
 - find opportunities to talk to staff whom are in direct supervision of children at all times.
11. The number of inspectors involved on site will be based on:
 - a risk assessment that will consider previous inspection judgements, notifications and any serious incidents
 - the number of children and young people that live in the home
 - the size of the establishment, including the number of separate homes on site
 - whether there has been significant building development or changes to the management or operation of the setting (secure accommodation).
12. The inspector and regulatory inspection manager will determine how best to allocate resources through additional days on site and/or additional inspectors. In these cases, the inspector will request additional resources from their line manager, either at the beginning of the inspection year or as part of planning later in the year if a significant event occurs.
13. For secure children's homes, the approval process will be incorporated into Ofsted's bi-annual inspection activity. The Secretary of State will make decisions about the approval of the home as a secure children's home based on the outcome of the Ofsted full and interim inspections.⁴ The DfE will review the approval at least every three years using Ofsted inspection evidence and other information (such as that provided by the DfE architectural adviser). Where requested by the DfE, Ofsted will contribute to the Secretary of State's evaluation and provide appropriate advice.

⁴ *Memorandum of understanding between Ofsted and Department for Education: secure children's homes*, (120071), Ofsted, 2012; www.gov.uk/government/publications/memorandum-of-understanding-between-ofsted-and-dfe-secure-childrens-homes.

14. If there are no children or young people in placement within the children’s home, inspectors will follow the guidance in Annex H. All children’s homes must be inspected twice a year as required by regulation irrespective of whether children are living there.

Deferrals

15. Inspections will not normally be deferred. If on arrival it is found that there is an absence or unavailability of key staff, or accommodation issues such as refurbishment, these will not constitute reasons for deferral.

16. Deferrals will only be made where there is a strong reason for supposing that if the inspection went ahead it might place people at risk or if the ability to gather secure evidence is severely restricted. Such conditions might be:

- serious weather conditions making access to sites for inspectors, children and young people and staff difficult and/or dangerous
- a serious incident, where the presence of an inspector would impact adversely on the safety and well-being of children and young people in the children’s home.

17. Decisions about deferrals are agreed by the Regulatory Inspection Manager.

Timeframe

18. The timeframe for a full inspection in working days, is:

Day	Full inspection activity
1	Preparation
2	Site visit
3	Site visit
4	Drafting report
5–8	Inspection evidence and report submitted for quality assurance
13	Report sent to the registered provider for any comments on factual accuracy, within 10 working days of the end of the inspection
18	Provider returns the report within five working days with any comments on factual accuracy
28	The final report will be published on the Ofsted website within 25 working days of the end of the inspection

19. The timeframes for interim inspections and monitoring inspections (in working days) are:

Day	Interim inspection activity
1	Preparation/site visit
2	Site visit/drafting report
3–7	Inspection evidence and report submitted for quality assurance
12	Report sent to the registered provider for any comments on factual accuracy, within 10 working days of the end of the inspection
17	Provider returns the report within five working days with any comments on factual accuracy
27	The final report will be published on the Ofsted website within 25 working days of the end of the inspection

Day	Monitoring inspection activity
1	Preparation/site visit
2	Site visit/drafting report (the inspector may be on-site for more than one day depending on the nature of the concerns)
3–7	Inspection evidence and report submitted for quality assurance
7	Report sent to the registered provider for any comments on factual accuracy, within 5 working days of the end of the inspection
12	Provider returns the report within five working days with any comments on factual accuracy
22	The final report will be published on the Ofsted website within 10 working days of the end of the inspection

Section 2: Pre-inspection activity for full and interim inspections

20. Pre-inspection analysis and planning are an important part of all inspections. Inspectors are allocated one day to prepare for a full inspection and a half-day to prepare for an interim inspection. This time should be used to review the information held by Ofsted and to ensure that the fieldwork is properly focused and used to best effect in collecting first-hand evidence.

21. Inspectors will look at the information that Ofsted already holds about the service, which includes:

- previous inspection reports
- completed questionnaires from children, young people, parents and stakeholders and associated summary reports
- the home's statement of purpose (see below)
- any concerns and complaints received
- notifications of serious events
- reports of monthly visits received under Regulation 44
- quality assurance reports received under Regulation 45 (including monitoring by the registered person of any incident when a child accommodated in the home goes missing or is at risk of, or subject to, child sexual exploitation)
- any changes to registration, including change of manager or the responsible individual
- any enforcement activity within the last inspection year.

22. Some of this information is drawn together in the provider information portal (PIP) and in the pre-inspection briefing.

23. Inspectors will read the home's statement of purpose to prepare lines of enquiry to evaluate whether the care provided and the ethos is consistent with the aims as set out in the document. This will always be a line of enquiry.

24. In addition, the inspector should always familiarise themselves with relevant background and context information such as the most recent inspection of the local authority and review of the Local Safeguarding Children Board where the home is situated. The published reports are available on the Ofsted website and the link will be included in the pre-inspection briefing.

25. If information has been received which indicates potential non-compliance with regulatory requirements, Ofsted may decide to investigate at a full or interim inspection. In these cases, the concern will become a line of enquiry for the inspection. The inspector will outline the concern to the home at the beginning of the inspection. Annex C contains guidance on the way inspectors will report on concerns that have been investigated during an inspection.

26. The inspector will carry out an analysis of the available evidence and information and must record their planning notes on Office Base.⁵

27. The plan for the inspection will identify lines of enquiry, any areas of apparent weakness or significant strength, or areas where further evidence needs to be gathered. The focus of the inspection may change during its course as further evidence emerges.

Regulation 44 and Regulation 45 reports and notifications under Regulation 40

28. Inspectors must regularly review Regulation 44 reports, notifications and regulation 45 reports. This is important regulatory activity. Inspectors must focus on both the **content** of the reports and the **quality** of the reports to ensure that there is effective monitoring of the home and these activities support ongoing and overall improvement in the care provided.

29. Information from any of these sources may result in:

- further activity such as speaking to the registered manager and/ or responsible individual or other key stakeholders;
- rescheduling of inspections based on either identified concerns within reports and/or notifications or based on a failure to submit reports or notifications
- lines of enquiry for the next inspection about what is happening in the home, including the management of issues and concerns, the quality and effectiveness of leadership oversight concerning the care of children and young people, or the timeliness of notifications to Ofsted and other parties. Any emerging lines of enquiry must be noted in Office Base and inform pre-inspection planning.

30. Where inspectors identify issues that give them cause for concern about the welfare of children and young people they will always pursue these issues to satisfy themselves that all has been done to help and protect the child and/or young person. If notifications are incomplete, they will always contact the home.

⁵ Office Base is the electronic system used by Ofsted to administer and record regulatory inspections.

31. In all instances where there are concerns about the safety or welfare of a child, there is a minimum expectation that the inspector will contact the home so that Ofsted is fully aware of the action being taken by the home, the placing authority and others, for example the host authority and police where appropriate to promote and safeguard the welfare of the child/young person. Managers and staff must follow the statutory guidance outlined in *Working Together to Safeguard Children*.⁶

32. If the inspector has any concern about the practice of either the placing local authority or the host local authority, this will be managed in line with the published policy *Management of Cross-remit concerns about children's welfare*.⁷ The DCS will be notified immediately of the concerns so that they can review the situation. This information will also inform any forthcoming local authority inspection.

33. Inspectors will always monitor closely whether Ofsted is informed of the outcome of any child protection enquiry in line with regulations and statutory guidance. Where this has not been received within a reasonable timescale, the inspector will contact the home. Inspectors will always follow up any failure to notify Ofsted of the outcome.

34. Regulation 44 and 45 reports must be submitted to⁸:

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

35. Providers must include Ofsted's unique reference number (URN) and the date on which the visit occurred on the report and submit reports to the Document Handling Manager. Regulation 44 and 45 reports can also be submitted electronically to: enquiries@ofsted.gov.uk. Reports received in this way will be processed. However, information transmitted by email is not by secure link; providers should remain aware of the associated risks while operating within the information assurance guidelines of their own organisation.

⁶ *Working together to safeguard children*, DfE, 2015; www.gov.uk/government/publications/working-together-to-safeguard-children.

⁷ www.ofsted.gov.uk/resources/management-of-cross-remit-concerns-about-childrens-welfare.

⁸ Regulation 44 requires that independent person visits to the children's home must take place at least once a month and may be unannounced. The regulation also requires that the independent person must write a report and provide a copy for HMCI. Ofsted therefore requires that the independent person or provider sends the report to Ofsted before the end of the month that follows the month in which the visit took place. For example, if a visit was conducted in July, the report should be sent to Ofsted before the end of August. This requirement still applies when there are no children in placement within the home.

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

36. The views of children and young people and their parents, staff and other interested parties such as placing social workers and independent reviewing officers inform lines of enquiry for each inspection and are an important part of inspection evidence.
37. Ofsted will send out a standard letter to the home's address at a point of time during the inspection year. This will include a set of electronic addresses that link to an online questionnaire for each group (such as children and young people; parents; or staff and other interested parties) specifically for that home. If Ofsted does not hold an email address, the home will be sent the links by post to distribute. Paper copies of questionnaires will be available on request.
38. Where the children's home has indicated that children and young people use alternative means of communication, the inspector will ask the Inspection Support Team, via Office Base, to send out suitably adapted young people's questionnaires.
39. Completed questionnaires will be passed to the relevant inspector for the setting and will be used to inform the planning of the inspection.
40. Where there are no completed questionnaires for a children's homes this is likely to inform a line of enquiry for the inspection. Equally, where children and young people have submitted their views but have since moved away from the home, their views and experiences are still considered as relevant lines of enquiry for the inspection.

Section 3: Underlying principles of inspection activity

- Ofsted needs to ensure that, at every children's home, children are safe, making progress, that the care provided is a positive experience and that the home is well managed. If we think that practice could be improved we will make a recommendation and, where we can evidence that a regulation or quality standard has not been met, we will raise a requirement. The extent to which requirements influence judgements will vary dependent on the impact on the safety and welfare of children.
- Professional judgement does not equate to inspector preference. During an inspection inspectors will want to hear and understand from providers about how their care, systems and processes support their children and young people to make progress and have positive experiences.
- 'No surprises' - inspectors will keep leaders and managers fully informed about any emerging issues during the inspection so that there is an opportunity to have a professional dialogue about any issues identified.
- 'One size does not fit all' – in some homes, grade criteria will have different relevance depending on the needs of the children and young people that live there and the purpose and function of the home. Annex B to the framework sets out how we anticipate this diversity will affect the way we apply the inspection framework
- 'Progress and experiences matter' - inspectors need to understand from providers how they know they are making a difference to children and young people's lives, how they know that the quality of their experience is positive, and how they know that children and young people are making progress
- All inspection will be underpinned by robust quality assurance that both supports and challenges the exercise of the inspector's professional judgement.

41. The contents of the statement of purpose will be a key line of enquiry throughout the inspection. In particular the inspector will want to evaluate the extent to which:

- the manager and staff understand the principles of care in the home
- staff have appropriate training (including at induction), qualifications and experience to provide this care to the children and young people the home seeks to support
- the admissions policy, as defined within the statement of purpose, is consistent with practice.

Section 4: Inspection activity and gathering evidence

The start of the inspection

42. At the start of the inspection the inspector will confirm their identity by producing their Ofsted Inspector Authorisation and Identification card and identity badge. It is not necessary to carry paper copies of Disclosure and Barring Service (DBS) checks.

43. The inspector will always meet with the registered manager/person in charge at the beginning of the inspection to:

- outline the plan for the inspection and confirm whether it is a full or an interim inspection
- make arrangements to interview the registered manager (where available and if not will try to speak to the responsible individual) during the course of the inspection
- outline any lines of enquiry for the inspection, including those generated through the reading of the statement of purpose
- provide the person in charge with the opportunity to share any current information or personal issues relating to any of the children and young people living in the home that the inspectors need to be aware of during the inspection; for example a recent significant incident or a young person who is new to the home
- ensure that Ofsted holds the correct details for the registered person and/or responsible individual, any other partners, or directors or Trustees (see Annex A).⁹
- ensure that Ofsted hold records of the latest qualifications for the registered manager or progress made on any qualifications being undertaken to comply with Regulation 30.
- arrange the approximate time that verbal feedback will be given and who is to receive this. Feedback will normally be given to the registered manager and responsible individual if available. Additional senior staff linked to the home may be present if agreed in advance with the inspector.

⁹ Regulations clearly state the information that must be notified to Ofsted and failure to do so is a breach of regulations and likely to result in a requirement. It is a breach of regulations if we have not been informed about changes to the registered person. The inspector will make a requirement if there has been a breach.

Annex A

44. At the start of the inspection, inspectors will give the provider a copy of Annex A of the inspection framework and agree when the information will be available. This information is requested under section 31 of the Care Standards Act.

45. The information will support the inspection process, inform the inspection findings and may generate supplementary lines of enquiry.

46. Providers can download a copy and keep this updated in preparation for their full inspection and send this electronically to the inspector during the inspection. Some of the information will be stored by Ofsted for data analysis purposes. No personal data will be stored. Inspectors should scan pages one to four (up to question 26) of Annex A and upload on Office Base. Further guidance will be issued on this.

Specific lines of enquiry from Annex A

47. Inspectors will use Annex A data to generate lines of enquiry about the safety and welfare of children and young people. Specifically, inspectors will want to assure themselves that:

- where children are considered to be at risk of, or subject to, child sexual exploitation, that all agencies including the relevant local authorities are working together to support the child
- return home interviews are happening when children have been missing from the home
- children are receiving the educational provision as outlined in their relevant plan.

48. Where a placing authority or other agency has not fulfilled their statutory duties, or met the child's needs as identified in their care plan, the inspector should evaluate the action the manager has taken. Inspectors must inform the relevant Senior HMI of any placing authorities who have not carried out a return home interview for any child who has been missing from the home (without good reason) or where they have concerns that a local authority are not meeting their statutory duties.

Evaluating the experiences and progress of children and young people

49. The core inspection activity will be evaluating the experience and progress of children and young people. In small homes the inspector will look at the progress and experiences of all children and young people living in the home. In larger homes, the inspector will look at a sample of children and young people. This will usually include (where relevant):

- children and young people who have recently moved into the home (or in the case of a short breaks service, a child or young person that has recently started using the service);
- understanding the experiences of children and young people who have recently left the home including whether their move was planned or unplanned, understanding the reasons for their move from the home and the manager and staff contribution to their stable future;
- any children and young people who have gone missing from the home since the last inspection¹⁰
- any child at risk of, or subject to, child sexual exploitation
- any child living a considerable distance from their placing authority
- in a short breaks service a child that is subject to a child protection plan or a child whose services are delivered as a child in need due to a level of concern within the family to see how well the service works with others to help and protect children and young people.

50. Inspections will also evaluate the management of a recent serious incident (where relevant) so that they can understand how the staff team respond to complex and difficult circumstances and whether the actions and responses of leaders, managers and staff are focused on promoting and safeguarding the welfare of children and young people.

51. In assessing the care of children and young people, the lines of enquiry are likely to include:

- the quality of individualised care provided and the influence and impact of the home on their progress and experiences of children and young people
- the quality of relationships between staff and the children and young people
- the progress children and young people make in relation to their health, education, emotional, social and psychological well-being
- how well their views are understood and taken into account and how their rights and entitlements are met including the impact of delegated authority
- the quality of their experiences on a day-to-day basis

¹⁰ See Annex F - Children and young people who are missing from care and children who are at risk from sexual exploitation

- how well children and young people are prepared for their futures and how well transitions are managed
- how the home takes account of the particular needs of children and young people that live a long way from home
- how well risks are identified, understood and managed and whether the help and care provided helps children and young people to become increasingly safe
- the response to children that may go missing or may be at risk of exploitation or self-harm
- how well situations and behaviour are managed by staff and whether clear and consistent boundaries contribute to a feeling of well-being and security for children and young people.
- how well leaders and managers prioritise the needs of children and young people
- the extent to which children and young people continually make progress from their starting points across all aspects of their development,¹¹ as leaders and managers have a clear understanding of the progress children and young people are making in respect of the plan for them
- whether they provide the right supportive environment for staff through effective supervision and appraisal and high-quality induction and training programmes, tailored to the specific needs of the children and young people living in the home
- how well they know and understand the strengths and weaknesses of the home, prevent shortfalls and identify weaknesses and take decisive and effective action
- whether the home is achieving its aims and objectives as set out in its statement of purpose
- the quality of professional relationships between the home, families, placing and host authorities, independent reviewing officers, police, schools and health services to ensure the best possible all-round support to children and young people in all areas of their development and whether leaders and managers actively challenge when the responses from other services are not effective.

¹¹ Recognising the impact of trauma, abuse and disability on actual or potential progress.

- considering the placement history of the child/young person, including pre-admission assessments, care and placement plans, placement decisions and visits to the children's home
- the effectiveness of contact arrangements for children and young people with their families and friends
- young people's access to and contribution to their placement plan
- how the environment meets the needs of the children and young people that are living there.

52. Critically, the inspector will want to see evidence from the managers and staff that demonstrates how they know that they have had a positive impact on the progress and experiences of children and young people and how they know they are making a difference to children and young people's lives.

53. The detail of activities undertaken and discussions held will vary depending on the lines of enquiry for each individual inspection.

Listening and talking to children and young people

54. The views and experiences of children and young people who live in or stay at the children's home are at the centre of the inspection and provide key evidence in assessing the progress and experiences of children and young people. Inspectors will always try to meet with children and young people during the inspection, although in exceptional circumstances this may not be possible. Inspectors may make alternative arrangements to speak to children including telephone calls at a pre-arranged time.

55. Inspectors must take into account the specific communication needs of the children and young people. For some children and young people, the inspectors may request the assistance of staff who know and understand the young person's preferred means of communication. In other instances, it may also be appropriate for inspectors to spend time observing children and young people and how they interact with staff and respond to their environment.

56. Many of the experiences of children and young people living in the home takes place after the normal school, college or workday, and it is therefore essential that inspectors are present at this time. Inspectors should involve children and young people in inspection activity wherever they can. Opportunities to gather the views and experiences of children and young people may include:

- asking children and young people to show inspectors around the premises
- holding structured meetings (as a general guideline, a meeting should not include more than five children and young people)
- having individual conversations

- joining in leisure activities such as computer or console games
- preparing snacks or drinks
- spending mealtimes with young people
- conversations during homework
- outdoor activities.

57. Inspectors will demonstrate safe and sensitive practice by:

- telling staff where conversations with young people are taking place and who is involved
- being sensitive to the fact that some children and young people may not want to be involved in the inspection
- explaining to children and young people that they will not include comments that will identify them in the inspection report or in feedback to staff working in the home without their permission
- ensuring that staff are aware of any arranged meetings with children and young people and that children and young people may leave the meeting at any time
- where appropriate, inspectors must explain to children and young people that information suggesting that they or another child or young person is at risk of harm will be passed by the inspector to an appropriate person able to take necessary action about that concern.

58. Inspectors will assess how well the children's home effectively consults with children and young people. The views of children obtained by the service will also be taken into account as part of the inspection evidence.

Observation of key activities

59. Inspectors can use the home's scheduled activities as opportunities for observing and following lines of enquiry. These activities could include:

- staff handover between shifts
- young people's meetings
- staff meetings or briefings.

60. The young people's privacy and confidentiality of their personal information will be respected at all times by inspectors.

Gathering views from other professionals who work with the home

61. Inspectors will consult with stakeholders to inform the inspection findings. This will usually be through a telephone call during the inspection, but may not take place on site. This group may include: social workers; Independent Reviewing Officers; school staff; local police; the placing authority's Quality Assurance Officer and Local Authority Designated Officer; youth offending teams; or monitors from the youth justice board or independent visitors. Inspectors will ask managers or staff for the relevant contact details via Annex A.

62. Inspectors should always take account of privacy and confidentiality when talking to stakeholders on the telephone during the inspection.

Examination of records, policies and procedures

63. The registration certificate will be examined by the inspector to confirm that the home operates in line with the conditions on the certificate. Any changes required will be undertaken on Office Base by the inspector and may require issuing a new certificate through a notice of proposal.

64. Other documents will be examined where it is a line of enquiry for that individual inspection. Inspectors will not routinely examine all policies and procedures. Guidance about assessing financial viability is included in Annex K.

65. Inspectors will focus on the impact of documents such as risk assessments and how they work in practice, rather than the format. What matters is that they are fit for purpose, and provide sufficient information to staff so that can care for the children and young people safely and appropriately. Where paper or electronic personnel records are maintained at the home, the inspector may ask to see those records, if they are included within the lines of enquiry for the inspection. Homes can maintain electronic records as long as they meet the requirements of regulation; are appropriately accessible to children and young people if they want to access their records; and staff have access to the information they require to care for those placed.

66. Where recruitment records are not maintained at the home, inspectors will look at the home's list or electronic records that summarise the vetting and recruitment checks for staff. These records could be maintained within checklist or spreadsheet formats. The manager must be able to provide evidence that they are satisfied that all staff working at the home are fit to do so and that recruitment and selection arrangements comply with Regulations 32 and 33 of the Children's Homes (England) Regulations 2015.

67. Where a provider uses the DBS update service (which allows them to check the status of an individual's DBS certificate) they should have a system in place which shows how they manage and record details of any re-check they carry out. If any lines of enquiry require additional information, then the inspector may request that a small sample of full personnel records are made available at the inspection visit.

68. Where members of staff are subject to TUPE arrangements we recognise that the new employer is reliant on the previous employer for all recruitment records relating to those staff and in some instances may not be able to access all the information including documents required by the Regulations. Where this is the case, it is reasonable to expect that the new employer holds sufficient information to determine the suitability of staff including criminal record checks, vetting records and where there are any gaps in requirements the new employer takes sufficient steps to assure themselves that the person is suitable to work in their role. This would include reference to employment records such as appraisals. If the new employer has any concerns about an individual's practice or gains information that leads them to question the person's suitability to work with children this may necessitate the new employer requesting more information than they currently hold.

Discussions with the manager/s and staff

69. Individual interviews will be held with the manager/person in charge and a number of other care staff. The number will depend on the size of home, but will include a sample of permanent staff and any agency staff working in the home at the time of inspection.

70. In making plans to interview staff, inspectors should be ready to alter arrangements if staff have to attend to the needs of children within the home.

Engaging with the registered manager during the inspection

71. An individual interview will always be held with the registered manager or if they are not available with the person in charge. Where the registered manager is not available, the inspector will usually ask to interview the responsible individual.

72. The inspector will always ask to interview the responsible individual where:

- there is no registered manager in post;
- there are concerns about the quality of care and/or the effectiveness of monitoring arrangements, or the quality of the leadership and management of the home; or
- evidence indicates that the home is failing to protect children and young people; or
- there are concerns about staffing, the premises or resources to manage and run the provision.

73. The interview with the registered manager will always include:

- issues that the inspector wishes to explore with the manager that have arisen from pre-inspection information/ early lines of enquiry
- a discussion about the ethos of the home as described in the statement of purpose and any specific lines of enquiry arising

- the registered manager's evidence of the effectiveness of the home on the progress and experiences of the children and young people living there and those who have recently left. This includes how the home works with individual children and young people to meet their needs and the help on offer to help them to make and to sustain attachments with adults
- questions about the theoretical and professional understanding and approach to work with vulnerable and upset children and young people
- a summary of the needs of the children and young people living at the home, including how any incidents or concerns are managed and the action taken to prevent similar situations or difficulties arising
- discussions about how regular routines are established for children around meal times, bed times, school and weekend activities
- the registered manager's knowledge and understanding of the strengths and weaknesses of the home and plans for future development and how they effectively lead the team and promote a culture of continuous improvement
- discussions about helping children and young people to have safe contact with their families and friends
- follow up on progress in response to previous requirements and recommendations
- the quality and effectiveness of practice related supervision received by the manager and given by the manager to staff
- challenge and enquiry about the relationship of the children's home with other professionals and services
- any further evidence the manager may wish to highlight to the inspector.

74. During the inspection, the inspector must share emerging findings about the home's key strengths and weaknesses with the registered person (usually the registered manager) so that they fully understand emerging issues. The inspector will usually meet with the registered person at the end of day one to share emerging findings. The inspector will normally set out for the manager what they intend to consider on the second day of the inspection (where relevant) so that the manager can prepare any specific information or evidence required. The registered person then has the opportunity to direct inspectors to specific evidence where relevant.

75. Shortfalls that could have an immediate impact on the safety of staff or children will be brought to the attention of the manager, or senior member of staff on duty, as soon as the inspector has identified the problem.

76. Inspectors will want to establish that the monitoring systems in the home are sufficiently robust to identify any strengths and weaknesses in practice. Inspectors will not spend time routinely counting medication or petty cash, undertaking vehicle checks, checking water temperatures or contents of fridges, freezers and food storage areas unless this is a specific line of enquiry. This would be where evidence suggests that either the welfare of children and young people is not safeguarded or the home's own monitoring systems are not sufficiently robust.

Imposing requirements and making recommendations

Requirements

77. Children's homes must meet the regulations. Inspectors will impose a requirement when there has been a breach of a regulation.

78. When imposing a requirement, inspectors must ensure that there is sufficient evidence to support the regulatory breach and be able to evidence that this is having an impact, or there is potential for impact, on the quality of care, safety or welfare of the children placed. They must clearly link the evidence to the regulation in question and triangulate the evidence to support making a requirement.

79. The requirement should refer to the specific regulation and should be sufficiently detailed to ensure that the registered person is clear what they need to do to remedy the breach of regulation and a date by which they should have completed this.

80. Requirements must always be imposed where the welfare, safety and quality of care for children and young people is of concern.

81. In deciding when to impose a requirement, the inspector must assess the extent of the impact, or potential impact, on the quality of care, safety and welfare of children, or whether the matter could be dealt with by making a recommendation.

Recommendations

82. Inspectors will make recommendations to improve practice.

83. The DfE has published a guide ('the Guide') that explains and supplements the regulations.¹² The Guide replaces the national minimum standards. Registered persons must have regard to the Guide in interpreting and meeting the regulations. Where the registered person does not have regard to the Guide, this **may** result in a failure to meet the regulations. This may influence the inspection judgement and may result in requirements being imposed or recommendations being made.

¹² *Guide to the children's homes regulations including the quality standards*, DfE, 2015; www.gov.uk/government/publications/childrens-homes-regulations-including-quality-standards-guide. The Guide is made under section 23 of the Care Standards Act 2000. Providers are required to take this guide into account and Ofsted is required to take this guide into account when making decisions under the Care Standards Act 2000.

84. In making a recommendation, inspectors should refer to the Guide. They should always provide sufficient detail to ensure that the registered person is clear what they need to do. The relevant part of the Guide should be summarised and the page and paragraph number included. Inspectors may also make recommendations in relation to other relevant statutory guidance such as *Working Together* and statutory guidance for children who go missing.¹³

85. If during an inspection the registered person rectifies a minor administrative error that has minimal impact on the quality of care or welfare of children and young people, an inspector may not need to make a requirement or recommendation about that particular matter. However, they will refer to this in the leadership and management section of the report and it may be appropriate to consider this in relation to ineffective monitoring.

86. Where the registered person has failed to comply with a requirement by the date set, we will consider carefully whether it is necessary and appropriate to take any enforcement action to address the breach in question and the associated risks to children and young people living in the home. Such action may include, but is not limited to, issuing a compliance notice.

87. Where a provider has not taken action to improve practice by meeting a recommendation by the next inspection, the inspector will consider carefully how this impacts on the progress and experience of children and young people. Where the home has not acted upon recommendations made at inspection this will inform the judgement about the effectiveness of leaders and managers and may lead to imposing a requirement.

Compliance notices and enforcement action

88. Ofsted's compliance powers are set out in the Care Standards Act 2000 and associated regulations.¹⁴

89. We would serve a compliance notice following an inspection if:

- we consider that this is the most appropriate way to promote the welfare of children and young people or we believe that they are at risk of harm or being harmed; or

¹³ *Working together to safeguard children*, DfE, 2015; www.gov.uk/government/publications/working-together-to-safeguard-children.

Statutory guidance on children who run away or go missing from home or care, DfE, 2014; www.gov.uk/government/publications/children-who-run-away-or-go-missing-from-home-or-care

¹⁴ See the Social care compliance handbook for more information. *Social care compliance handbook*, Ofsted, 2014; www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014

- a registered provider has failed to comply with a requirement made at an inspection and we consider that this is the most appropriate way to deal with this concern.

Recording evidence

90. Evidence should be clear, evaluative and sufficient for the purpose of the supporting judgements.
91. The evidence should provide sufficient detail so that it is clear how the inspector reached the judgement and all of the evidence should be evaluated. Pages of description not clearly evaluated is not helpful and should be avoided.
92. The evidence should tell the story of the experience and care of children and young people living in the home. Evidence should not include anything that could identify individual staff, individual children, young people or family members except where this is necessary for the protection of a child or to ensure that the evidence is sufficiently transparent to support further action. In these instances, inspectors can use initials of staff and children.
93. Inspectors can record direct quotes from children and young people, parents and stakeholders in evidence to support judgements.
94. Inspectors must analyse the information they gather on inspection and determine, using their professional judgement, the impact of their analysis on the progress, care and experiences of children and young people.
95. The record should clearly indicate the source of the evidence; for example, observation, record, interview. If evidence is derived from an interview, the record must indicate the time of the interview and the role of the person being interviewed; for example, 'deputy manager' or 'agency member of staff' so that there is a context for the evidence.
96. Throughout the inspection, inspectors will maintain a record of their evidence. Electronic evidence is recorded within Office Base. Summarised evidence must be sufficient to underpin judgements and any recommendations or requirements. Inspectors must ensure that the registered person understands the key evidence that underpins the judgements and any requirements.
97. In most circumstances once the summarised evidence has been placed in Office Base any duplicate handwritten evidence will be destroyed by the inspector. In some circumstances inspectors will be required to also keep any handwritten notes they have made during the inspection. This may apply in circumstances where legal action is being considered or a challenge or complaint about the judgement is anticipated.
98. Inspectors need to record all handwritten evidence using black ink so that it can be photocopied or scanned if necessary. All handwritten evidence must be legible and dated. Inspectors must submit all handwritten evidence that has not been summarised and added to Office Base that forms part of the inspection

evidence base to the quality assurance team at Piccadilly Gate within five working days of the end of the on-site visit. Managers who require the hard copy evidence for the purposes of quality assurance can obtain this from the quality assurance team in this office. All inspection records will be retained in accordance with Ofsted's published retention policy.¹⁵

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

Making judgements

100. The evaluation of the care, experiences and progress of children and young people in all areas of their lives are at the centre of the inspection. Inspectors will use their professional judgement to determine the weight and significance of their findings in this respect.

101. Inspectors will make their judgements on a four-point scale:

- outstanding
- good
- requires improvement
- inadequate.

102. Inspectors will use the descriptors as the benchmark against which to grade and judge performance. Inspectors are required to weigh up the evidence in:

- how well children and young people are helped and protected; and
- the impact and effectiveness of leaders and managers
- and to consider it against the evaluation criteria for outstanding, good, requires improvement and inadequate before making the judgement of the experiences and progress of children and young people.

103. The judgement about how well children and young people are helped and protected is a **key judgement**. This means that if inspectors judge this area of provision and care to be inadequate, then the overall 'experience and progress of children and young people' judgement will always be inadequate. Where this is judged to be 'requires improvement', this does not automatically limit the overall judgement to 'requires improvement'. The influence on the overall 'experiences and progress' judgement will depend on the nature and extent of the weaknesses.

¹⁵ *Handling and retention of inspection evidence* (100122), Ofsted, 2010;
www.gov.uk/government/publications/handling-and-retention-of-ofsted-inspection-evidence.

104. The judgement of the impact and effectiveness of leaders and managers is graded on the four point scale. If inspectors judge this area of provision to be inadequate, this is likely to lead to an overall 'experience and progress' judgement of inadequate and certainly not a judgement that exceeds 'requires improvement'.

105. Inspectors will use the descriptors of 'good' as the benchmark against which to grade and judge performance. The judgement, however, is not derived from a checklist but instead is a professional evaluation of the effectiveness and impact of the home on the experiences and progress of children and young people. Failure to achieve a single criterion for 'good' will not automatically lead to a judgement of 'requires improvement'. The criteria set out what is expected but they do not limit judgements where there is proper account about the progress children are making and the quality of care and support that is available to them.

106. A judgment of 'good' will be made where the inspector concludes that the evidence overall sits most appropriately with a finding of 'good'. This is what Ofsted describes as 'best fit'.

107. In addition, inspectors will identify areas of outstanding practice and priorities for improvement. For all children and young people the expectation is that care and practice are sensitive and responsive to age, disability, ethnicity, faith or belief, gender, gender identity, language, race and sexual orientation.

108. Where a judgement of inadequate is made at the full inspection or where at an interim inspection the service has declined and the concerns are such that Ofsted may need to consider further action such as enforcement activity and/or contact with placing authorities, then the guidance at Annex C should always be followed.

Inspection feedback

109. At the end of the inspection the inspector will give verbal feedback of the main findings and provisional judgements to the registered manager or senior member of staff present. In some circumstances, an inspector may need additional time after the inspection fieldwork to take advice before giving feedback. The date of feedback is counted as the last day of the inspection.

110. The inspector should:

- cover the main findings of the inspection against the grade descriptors including both strengths and weaknesses
- clearly communicate the probable judgements as it relates to the care, experiences and progress of children and young people
- indicate likely requirements and recommendations with clear reference to the relevant regulation, quality standard, the Guide or statutory guidance, providing a clear agenda for improvement

- be balanced and include positive comments as well as highlighting any areas for development
- use the grade descriptors and the evidence to clearly indicate how the judgements have been reached
- confirm that the report will be sent to the manager for comments on factual accuracy (see 'Timeframe' at paragraph 18 above).

111. Inspectors will not provide a written summary of the inspection or written feedback in advance of the inspection report. Providers may choose to take their own notes at feedback.

112. Inspectors should, as appropriate to their age and understanding, provide feedback to the children and young people. Particular reference should be made if the inspector has resolved or made requirements and recommendations in relation to matters the young people have raised.

Section 5: Interim inspections

113. Children's homes will usually receive an interim inspection as well as a full inspection. Inspection evidence will be gathered using any of the inspection activities outlined in Section 4. Inspectors will generally be on site for a maximum of a full day.

114. These inspections will focus on the following key areas:

- evaluating the progress and experiences of children and young people since the last inspection and the difference the home is making - where young people have left the home since the last inspection, inspectors must focus on the reasons the young person has left (well-planned and facilitated move or placement breakdown) and the contribution the manager, keyworkers and staff have made to the plans for their future. Where young people are newly resident in the home, or the service is a short break service, the inspector must assess the quality of the planning and transition work, the knowledge and understanding of the needs of the young person, the arrangements to work directly with children and young people to help them, and the ability of the staff to meet those needs effectively. Inspectors will take into account the views of children and young people
- the effectiveness of leaders and managers in monitoring the quality of care and professional practice that children and young people receive, their ability to identify where improvement can and should happen and, where they prioritise areas for development, the effectiveness and impact of their improvements
- an overview of the experiences of children and young people since the last inspection including significant incidents, notifications, complaints

and incidents of restraint - inspectors must assess whether children and young people are protected, how well staff and managers have responded and how well they have used opportunities for learning to improve the experiences for children and young people

- how well the manager and staff have worked in partnership with others to support the progress of and improve the experiences of children and young people
- the home's response to the requirements and recommendations made at the last inspection.

115. Inspectors will make their judgements using a three-point scale. This judgement is relative to the previous inspection judgement: improved effectiveness, sustained effectiveness and declined in effectiveness.

116. Where inspectors judge that the home has declined in effectiveness, whilst there may be evidence of some improvement, the judgement in such a case would be based on the overall experiences and progress of children and young people and the extent to which the staff and managers continue to be effective. Where the post of registered manager has been vacant for more than 26 weeks, this is likely to lead to a judgement that the children's home has declined in its effectiveness.

117. Where the home has declined in effectiveness, the inspector and a regulatory inspection manager will consider whether to hold a case review to determine next steps based on the seriousness and impact of the concerns identified.

118. Inspectors can raise requirements and recommendations and issue compliance notices for any weaknesses that they identify during the course of the interim inspection.

Section 6: Homes which are judged inadequate

119. Where a home is judged inadequate for the overall experiences and progress of children and young people this will lead to an urgent case review. There will also be an urgent case review where the issues identified at an interim inspection give sufficient cause for concern.

120. The case review will consider whether statutory enforcement action is required in relation to the establishment or agency and, where there is a registered manager, the registered manager. The case review will consider all the enforcement options available. The *Social care compliance handbook* has detailed information about the enforcement options available, and the arrangements for following up enforcement activity.¹⁶

¹⁶ *Social care compliance handbook*, Ofsted, 2014; www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014

121. The timing and nature of subsequent inspection and monitoring visits following an inadequate judgement will be determined through the oversight of improvement on a case-by-case basis. Ofsted will always return to undertake some inspection activity within six to eight weeks to ensure that children are safe. This will be either a monitoring visit or a full inspection. Where concerns are serious, we are likely to return to undertake a monitoring visit to check that the manager and responsible person have taken sufficient steps to safeguard and protect the welfare of children and young people living in the home. Any monitoring visit will result in a published report.

122. An inspection visit will take place sooner if any further significant concerns arise during this period, or if an earlier inspection is necessary to make statutory requirements to safeguard and protect the welfare of children and young people.

123. All inadequacy is serious and requires immediate action to be taken. However, in some cases, the inadequacy will derive from fire risks, health and safety hazards, or other environmental factors. While serious and high risk for children and young people, they can be quickly rectified in many instances. Inspectors will always seek to understand how and why such serious inadequacy has occurred.

124. Where the concerns are serious but likely to be rectified relatively quickly, we may in specific circumstances be satisfied at the monitoring visit that the situation has been made safe for children and young people. We will seek assurance that leaders and managers can and are acting appropriately in respect of their responsibilities. All requirements that have been made will have had to be met in full. In these instances, the inspector may determine that an improved inspection judgement can be awarded. If this is the case, the monitoring visit will result in a new overall experiences and progress of children and young people inspection judgement.

125. Where the situation has not sufficiently improved, the inadequate judgement will remain, a report of the monitoring visit will be published with the original judgement and Ofsted will determine the next steps to be taken.

126. We will consider new inspection judgements in circumstances where:

- the regulatory inspection manager agrees that the concerns are sufficiently discrete
- without these very specific concerns, the home would have achieved a higher inspection judgement
- the home has a good track record of addressing concerns and issues and there are no concerns about the leadership and management of the home or the protection of children and young people
- the nature of the concerns means they can be rectified quickly.

127. Therefore, where we have followed up an inadequate judgement with a monitoring visit, the outcome may be:

- to carry out further monitoring and take steps towards cancellation
- to schedule a full inspection (usually within 16 weeks) which may either support our steps to cancel or provide the home the opportunity to demonstrate their improvement and secure an improved inspection judgement
- to consider whether the monitoring visit provides sufficient evidence to secure an improved inspection judgement.

128. Ofsted considers that these changes enable inspectors to act proportionately and with rigour in the best interests of children and young people. Further information on what the case review should consider, as well as guidance on who to inform about the inadequate judgement, is available in Annex C.

Section 7: Monitoring visits

129. Monitoring visits are conducted in accordance with the general principles of the *Inspection handbook: children's homes*. Monitoring visits are usually undertaken to follow-up concerns, following an inadequate inspection, or to monitor compliance with a notice. The decision to undertake a monitoring visit will usually be determined at a case review. The frequency of monitoring visits will be determined on a case by case basis and may be as frequently as weekly if required. Timing and frequency will be determined by any dates included in compliance notices and the nature of the concerns.¹⁷ This will be agreed and recorded at the case review.

130. The home will be told that they will be the subject of monitoring following enforcement action or an inadequate inspection judgement. Monitoring visits will usually be unannounced.

Monitoring compliance notices

131. Where we establish a number of actions on a statutory notice, or serve multiple statutory notices with different completion dates, then we schedule follow-up visits for each date or notice to ensure that the provider has met each specified action within the prescribed timescale. We aim to complete follow-up visits the day after the required completion date for each notice, or at the very latest within five working days of that date. In some instances we may timetable the monitoring visit so that we can assess compliance with more than one notice.

132. We may decide, in exceptional circumstances, not to carry out a follow-up visit to check that the provider has met a specific requirement in a notice. In such cases,

¹⁷ A compliance notice sets out the actions a provider must take by a certain date to meet the relevant service-specific regulations for children's social care providers.

we will accept written confirmation that the provider has taken the required action, accompanied by documentary evidence, such as a photograph or a copy of a required procedure. We make a note on Office Base of the reasons why it was not necessary to visit. For example, where a fire officer has conducted a visit and provided written confirmation of action taken, copied to Ofsted.

133. Monitoring visits are also likely to be agreed as part of the plan for the home once the notice of proposal to cancel has been issued.

134. Other circumstances where we might undertake monitoring visits include those where a restriction of accommodation notice is in place or where we have suspended a provider from continuing to operate.

135. Following the monitoring visit we will send a report detailing the outcome of the visit. This report will be published on our website alongside the children's home inspection reports.

Preparing for the monitoring visit

136. Inspectors should plan for a monitoring visit taking into account:

- the last inspection report
- requirement(s) set out in the last inspection report
- requirement(s) set out in any compliance notice
- letters from previous monitoring inspections
- any notifications received since the last inspection
- any action plan provided by the provider
- any information recorded on Office Base including information from other agencies; for example, police, Local Authority Designated Officer, complaints and whistle blows
- any enforcement action that should be monitored; for example, restriction of accommodation.

Conducting monitoring visits

137. Inspectors should conduct this visit in the same way they would any inspection in accordance with the general principles in this handbook.

138. Where the monitoring visit is conducted following an inadequate judgement, is to monitor compliance notices or to determine whether requirements have been completed, the monitoring visit should:

- determine the impact of any completed requirements on the welfare and outcomes for children and young people
- identify if any additional concerns exist
- determine the capacity of the registered manager to sustain the changes required
- consider any further action that may need to be taken
- review the evidence in order to determine if a new inspection judgement can be made.

139. Where the visit is to monitor other concerns or issues the monitoring visit should:

- determine whether the effectiveness of the home has declined or improved;
- determine the impact of any improvement or decline in practice on the welfare and outcomes for children and young people
- consider any further action that may need to be taken.

140. The inspector must notify either the registered provider or registered manager on arrival on site.

141. The inspector should judge how effective the improvement is and how tackling the requirements/issues has improved the experiences and progress of children and young people. To demonstrate the necessary improvement, providers and managers need to show that their actions have had a significant impact in achieving clear and sustainable progress. Good intentions and an inspirational outlook, or a recent change of manager following a period of poor leadership do not in themselves provide sufficient proof of the ability of the provider to sustain improvement.

142. If it becomes evident that there are further issues of concern or that in tackling the actions from the last inspection the provider has let other aspect(s) slip so children are at risk of harm or are not making sufficient progress, then the inspector should consider what further action needs to be taken. This includes consideration of new requirements and/or recommendations and compliance notices or other enforcement action such as restriction of accommodation or imposing of conditions.

143. If the inspector is concerned or unsure about any aspect of the visit they can contact their manager or a social care compliance inspector.

144. If the inspector considers an offence may have been committed they should contact a social care compliance inspector or regulatory inspection manager immediately to discuss whether the monitoring visit should continue and take advice.

145. If during the course of the visit the inspector considers that an offence has been committed it is possible to caution the registered provider or registered

manager. However the preferred way of interviewing under caution is to withdraw and then conduct the interview under the Police and Criminal Evidence Act 1984, in a planned way at a later date.^{18,19} Inspectors should only caution when they have taken advice from their regulatory inspection manager. This is the preferred way of interviewing under caution as then we can clearly plan the questions we wish to ask the registered provider.

Gathering evidence

146. The central questions are:

- How effective is the improvement in tackling the requirements set at the last inspection?
- How effective is the action the provider has taken in improving the experiences and progress of children and young people?
- What is the impact on the outcomes for children and young people?

147. Evidence should be recorded in Office Base. The evidence should reflect the areas identified in the inspection report as requiring improvement. This section should include evidence of the most significant strengths and weaknesses, and any new areas of improvement or breaches of requirement that need to be taken forward. The inspector must consider whether the home has let other aspects slip so there is now cause for concern in different areas.

148. It is important to consider whether the provider demonstrates their capacity to sustain any improvements made. Inspectors should consider whether the improvements are having a marked and sustained impact on all areas of weakness and that there is capacity for the improvement to continue.

Feedback at the end of the monitoring visit

149. The provider will receive oral feedback at the end of the visit. Oral feedback at the end of the visit must:

- be clear about the evidence base on which the judgement of improvement or continued concern is founded
- make clear any new issue(s) to take forward
- ensure the provider is clear about the outcome of the visit and what the next step will be, especially if a new issue has arisen or improvement is inadequate

¹⁸ Only the responsible individual or the registered manager can be found to have committed an offence. In many instances the responsible individual will not be present at the monitoring visit.

¹⁹ Police and Criminal Evidence Act 1984 (PACE) and accompanying Codes of Practice, <http://police.homeoffice.gov.uk/operational-policing/powers-pace-codes/pace-code-intro/>.

- be clear with the provider when the next steps will be confirmed if the inspector requires further advice
- explain that the outcome of a monitoring visit is published in the form of a report on the Ofsted website alongside the last report
- make clear that the text of the report may differ slightly from the oral feedback, but that the substance of the issues will not change
- ensure that the provider understands that the overall judgement of inadequate has not changed (where relevant), although progress and improvements may have been made
- be clear if a new inspection judgement has been made why this is the case and what the new judgement is or, alternatively, why no change to the judgement has been made.

150. After any monitoring visit following an inadequate judgement, the inspector must contact the DCS of the placing authorities to advise them:

- if there has been a change of judgement and what that new judgement is and the nature and effectiveness of any improvements; or
- If there has been no change of judgement, that either the original concerns remain or new ones have emerged.

Monitoring report

151. Ofsted will publish all monitoring reports.²⁰ The summary should outline the significant developments and evidence of progress since the last visit. The summary must clearly explain the action the home has taken to address the requirements and the impact of any improvement, or not, on the care, experiences and progress of children and young people. The report will be a short summary. It must be clear, succinct, well written and meet the standards expected by Her Majesty's Chief Inspector.

152. The report must:

- set out the reason for the visit. If the visit is to follow up enforcement activity then the letter should clearly set this out. For example, 'This home is subject to a restriction of accommodation order. There are concerns that... In order to evaluate the progress the home has made in addressing these concerns a monitoring visit was undertaken on....'. Where this relates to compliance notices, there should be a short summary of the number of notices and an overview of the areas for concern

²⁰ Regulatory inspection managers can decide not to publish monitoring reports in exceptional circumstances.

- evaluate where progress has been made and where progress has not been made
- the impact of continued concerns on children and young people must be clearly stated, alongside any action that Ofsted will be taking to notify placing local authorities and/or to protect children
- set out clearly where and what further action is needed
- set out why a new judgement has been made or the reasons why the judgement will not be changed (if appropriate).

153. Inspectors must use clear language to indicate the level of concern; for example, 'this visit has raised serious concerns about care and practice in the home'. Inspectors can clearly state that the home is likely to be subject to further enforcement action where this is the case. The details of intended action cannot be included as this may prejudice any action we are likely to take and be seen to impede the provider's right of appeal, where relevant.

Reviewing and factual accuracy check of the report

154. Monitoring toolkits will be reviewed by the regulatory inspection managers before they are sent to the provider and/or published. This is to ensure they accurately reflect the improvement made or support any further enforcement action we may wish to take.

155. The provider has an opportunity to check the factual accuracy of a monitoring report.

156. Monitoring reports should usually be published within 10 working days of the visit.

Section 8: Writing the report

157. Inspectors are responsible for and expected to produce high quality reports. The inspector should ensure that the report is free of errors – for example, grammar, spelling and punctuation – before submitting the report. Reports should be written in the present tense. Specific examples of evidence from the inspection should be written in the past tense.

158. Inspectors should write their reports and take account of the *Guide to Ofsted's house style*. In addition, a quality checklist is included within Annex B of this guidance to help authors and readers of Ofsted's reports.

159. The report should be succinct and evaluative. Inspectors should evidence their professional judgements in the analysis of their findings. The extent of detail required to 'tell the story' of the experiences of children and young people living or staying at the home should be considered at all times when writing the report.

160. The quality of inspection reports is enhanced when children and young people's feedback is quoted within the report and used to illustrate our evaluation about the quality of care at the home. Care should be taken to ensure that individual children are not identified by the use of quotes.

161. There is no specified word length for the report or the individual sections. Inspectors should use their professional judgement to ensure that the reports are long enough to say what needs to be said and no more. It is likely that reports for homes with a number of weaknesses or provision found to be outstanding will require more detailed explanations of the reasons for the judgements.

162. Ofsted will publish reports on the Ofsted website in a redacted form in order to protect children. Published inspection reports do not contain any of the following:

- the name of the home
- the address of the home
- any information that identifies the location of the home
- any information that identifies an individual child or staff member at the home.

163. Published reports will contain:

- the name of the responsible individual
- the name and address of the registered provider (where the provider is an organisation)
- the recent inspection history

- details of any enforcement activity since the last inspection.

164. The reports will only be accessible to the public by Unique Reference Number (URN), by local authority area or by region (for example the North-West, the Midlands, etc.). The reports will not be searchable by postcode.

165. Inspectors will complete a child-friendly summary following every full inspection of a children's home. Where children and young people need an adapted form of summary, the report should be sent to the provider with a request for the document to be adapted into a suitable format. The summary should inform children and young people about the inspection outcomes in clear and simple language.

166. Children and young people can read the summaries themselves but they are also intended for staff in children's homes as a vehicle to use in talking to children about the outcomes of the inspection. Inspectors will make this clear to staff in children's homes while on inspection.

167. Where it is known that children and young people at a children's home use symbols (Widgit, Makaton or Picture Communication Symbols) as a method of communication, we still provide a child-friendly summary and we provide an inspection summary supplement in whichever of the above symbol formats the provider has told us they use. Inspection summary supplements use symbols to state the children's home's inspection judgement.

168. It is anticipated that children's homes' staff will translate the child-friendly summary for children and young people attending the children's home so they will understand it.

169. Child-friendly summaries:

- include the main findings of the inspection as reflected in the full inspection report, including the judgement. Inspectors may wish to explain what a judgement means; for example, 'I have judged your home as requires improvement which means there things that your home does well and others things they need to do better.'
- reflect both strengths and weaknesses consistently in line with the overall judgement
- include short paragraphs using evaluative sentences which focus upon the outcomes for children and young people
- are written in a consistent style, for example 'we found' or 'I found'
- may include quotes from children and young people
- refer to the manager or responsible individual by name

- refer to the home as 'your home' or by the name of the home which may be suitable for short break services.

170. Inspectors will make a judgement on how 'personal' to make the summary based on the relationships during the visit with children and young people and their contribution.

171. In children's homes where the age range is varied, inspectors will use clear and simple language, which will be accessible to all of the children and young people. Inspectors should refer to the *Guide to Ofsted's house style* to maintain consistency across reporting.

172. Inspectors may use short sharp bullet pointed statements for homes where the children are younger or have specific learning needs.

173. Inspectors may suggest that children access the full report if they are of an age to understand this and have asked about the content of the report during the inspection.

Section 9: Supplementary guidance

Safeguarding and child protection concerns

174. If serious issues of concern arise, for example in relation to the failure to follow child protection procedures and/or where a child is discovered to be at immediate risk of harm, the home's senior manager will be notified as soon as possible unless this compromises the child/young person's safety. Where to do would compromise a child's safety, the inspector will ensure that the appropriate authorities are notified immediately.

175. Inspectors should always follow Ofsted's *Safeguarding children and young people and vulnerable adults policy*²¹ and contact their manager or regional social care compliance inspector on 0300 123 1231 should they be in need of advice. Where required, a referral will be made to the appropriate local authority children's services and the child's allocated social worker. Where the concerns relate to allegations against staff they will be referred to the Local Authority Designated Officer.

176. Inspectors must ensure that concern about the safety and welfare of a child or young person is communicated immediately to the director of children's services for the responsible placing local authority. A record that this has been done must be kept. It is then expected that the Senior HMI for the region, will pursue the action that has been taken with the local authority concerned.

²¹ *Safeguarding children and young people and vulnerable adults policy* (150004), Ofsted, 2015; www.gov.uk/government/publications/ofsted-safeguarding-policy.

Extremism

177. Extremism is unlikely to be a routine line of enquiry during children's homes inspections. Children's homes are not required to have specific policies and procedures on this subject. Children's homes regulations do not require homes to have specific policies and procedures on this subject. Statutory guidance regarding extremism and radicalisation will be published soon and inspectors should read and take note of this where it applies to children's homes and social care settings.

178. Inspectors should be alert to anything which gives rise to concern; for example, literature, posters, videos/DVD or regular visitors to the home where the purpose of their visit is not clear. All initial enquiries must be directed to the manager/responsible individual/person in charge.

179. For further advice during or after an inspection, inspectors can contact their regulatory inspection manager who will be able to access specialist advice. If inspectors are unable to contact these people and remain very concerned, they should follow Ofsted's *Safeguarding children and young people and vulnerable adults policy*.²²

Quality assurance

180. The inspector is responsible for the quality of the report. The inspector will check the completed report carefully before submitting to their manager for sign off for publication.

181. The inspector must use the *Guide to Ofsted's house style* for reference when quality checking their own reports. Inspectors and managers should refer to Annex B.

182. Any proposed change of judgement from the provisional judgement given at verbal feedback during the inspection will be discussed by the appropriate managers. On these rare occasions, the inspector must inform the provider of the revised judgements and provide reasons for the changes before the provider receives the draft report.

183. Ofsted will send an evaluation form following each inspection to the manager of the children's home to complete, which will be used to improve the quality of inspections.

Concerns

184. The great majority of Ofsted's work is carried out smoothly and without incident. If concerns do arise during an inspection, they should be raised with the inspector as soon as possible during the inspection visit. This provides an opportunity

²² *Safeguarding children and young people and vulnerable adults policy* (150004), Ofsted, 2015; www.gov.uk/government/publications/ofsted-safeguarding-policy.

to resolve the matter before the inspection is completed. Any concerns about the factual accuracy of the findings in the report can be raised after the inspection. If the provider is unable to resolve the matter with the inspector, they should contact the inspector's regulatory inspection manager for further discussion.

Complaints

185. If it has not been possible to resolve concerns, a formal complaint can be raised under Ofsted's complaints procedure:

www.gov.uk/government/publications/complaints-about-ofsted.

186. Complaints can be submitted to Ofsted at any stage during an inspection and should be submitted no more than 10 working days after publication of any report or letter. We do not normally withhold publication of an inspection report or withdraw a published inspection report while we investigate complaints.

187. Complainants must send their concerns using the online complaints form available on the Ofsted website: www.gov.uk/complain-ofsted-report

188. If there are special circumstances that prevent the submission of a complaint online, complaints can be sent in writing to:

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

Email: enquiries@ofsted.gov.uk

Annex A. Request for information at a full inspection of a children's home

Item no.	Item	Answer
1	Name of children's home	
2	URN of children's home	
3	Name of person completing this form	
4	Date completed	

NB – Unless specified otherwise, all information provided should cover the period since the last full inspection.

1. Information about children

Item no.	Item	Answer
5	Number of children and young people admitted to the home	
6	Number of children and young people that have left the home	
7	Number of incidents of restraint and number of children involved in these incidents	No. of incidents: No. of children:
8	Number of times children went missing ²³ and number of children involved (also see question 21)	No. of episodes: No. of children:
9	Number of times children were absent ²⁴ and number of children involved	No. of episodes: No. of children:
10	Number of children currently at the home that you consider to be at risk of child sexual exploitation (CSE)	No. of children:
11	Number of children currently at the home that you consider to be subject to CSE	No. of children:

²³ Missing from care: a child or young person who is not at their placement or the place they are expected to be (for example school) and their whereabouts is not known.

²⁴ Absent from placement without authorisation: a child or young person whose whereabouts is known but who is not at their placement or the place they are expected to be and the carer has concerns or the incident has been notified to the local authority or the police.

Item no.	Item	Answer
12	Number of complaints from children and number of children involved	No. of complaints: No. of children:
13	Number of complaints from others and number of children involved	No. of complaints: No. of children:
14	Number of allegations made against staff and number of children involved	No. of allegations: No. of children: No. of staff:
15	Number of sanctions given and number of children involved	No. of sanctions: No. of children:
16	Number of child protection referrals made to local authority children's services and number of children involved	No. of referrals: No. of children:
17	Number of children that were subject to a deprivation of liberty (DOL) order	

Secure children's homes only		
18	Number of single separations by type:	
18.1	Elected	No. of elected separations: No. of children:
18.2	Directed	No. of directed separations: No. of children:
18.3	Enforced	No. of enforced separations: No. of children:

Short breaks only		
19	Number of children receiving a service at the time of inspection	
20	Number of children who received more than 75 days' care per year since the last full inspection	

21	Return home interviews since the last full inspection. Please include all children who have gone missing at any point since the last full inspection, one child per row.		
Child's initials	Name of placing LA	Number of episodes of going missing	Number of these episodes where a return home interview arranged by the placing LA took place

Please use additional copies of this page if required.

2. Staffing and other information

Item no.	Item	Answer
22.1	Does the registered manager hold a level 5 diploma?	Yes/no:
22.2	Does the registered manager hold a level 4 diploma?	Yes/no:
Note: 'Level 5' = Level 5 Diploma in Leadership and Management for Residential Childcare (England). 'Level 4' = Level 4 diploma in leadership and management for care service and health and social care.		
22.3	If no to both 22.1 and 22.2, please state qualification held:	
23	Number of new staff since the last full inspection	
24	Number of staff who have left since the last full inspection	
25	Current staff: <ul style="list-style-type: none"> ■ Number of permanent staff ■ Number of agency/other staff ■ Number qualified to NVQ 3/Diploma level 3 ■ Number undertaking these qualifications and date they expect to be qualified ■ Number with a first aid qualification ■ Number of auxiliary staff ■ Number of volunteers 	People: FTE: People: FTE: People: FTE: People: FTE: Date(s): People: FTE: People: FTE: People: FTE:
26	For organisations and partnerships, names of the current directors, secretary and other officers of the organisation or names of current partners of the company (please attach details to this form as applicable)	
Name		Role
		Responsible individual Y/N?

Please continue on a separate sheet if necessary.

3. Dates of checks and updates

Item no.	Item	Answer
27	Date statement of purpose was last updated	
28	Date children's guide was last updated	
29	Date of last annual assessment of the location of the home	
30	Name any policies that have been updated since the last full inspection:	
31	Date of last gas installations check	
32	Date of last portable appliance testing (PAT) check	
33	Date of last health and safety risk assessment	
34	Date of last health and safety check of the premises	
35	Date of last fire risk assessment	
36	Date of last fire service visit	
37	Date of last fire drill – day and night	Day: Night:
38	Employers liability insurance – valid until:	

4. Information about children **currently living in the home – placing local authority, educational provision and placement review**

Please list the placing authority, education placement and date of last placement review of all children currently in placement.

Child's initials	Name of placing local authority	Name of educational provision (the main provision if there is more than one).	Planned hours of education per week if less than 25	Actual hours of education per week if less than 25	Date of last placement review	Up-to-date care plan from LA? Yes/no

'Hours of education per week' refers to the most recent full school week – for example, during term time this will generally be the week before inspection.

Please use additional copies of this page if required.

5. Information about children **currently** living in the home – notable achievements since the last full inspection. Anything you would want to tell inspectors about a child’s progress.

Child’s initials	Notable achievements

Please use additional copies of this page if required.

6. Information about children currently living in the home – key people

Please provide contact details of just the **key** people for each child currently on roll. This includes, but only where applicable, social worker, independent reviewing officer, looked after children nurse, missing coordinator for the police, Youth Offending Service/Youth Offending Team workers, Child and Adolescent Mental Health Service worker, independent advocate, parents or carers, headteacher and form tutor. NB: this does not need to be an exhaustive list of everyone in the child's life.

Child's initials	Name	Role	Organisation	Office phone number	Mobile number	Email address

Please use additional copies of this page if required.

7. Other key people

Please provide contact details of any other **key** people you would like to bring to our attention.

Name	Role	Organisation	Office phone number	Mobile number	Email address

Please use additional copies of this page if required.

Annex B. The content of the inspection report

Enforcement action since the last inspection

1. This section should be completed by the inspector. Inspectors need to retrieve this information from Office Base. Inspectors should only include information where we have taken statutory compliance action; inspectors should not include information about compliance cases where we have closed the case without taking any enforcement action.²⁵ The information should be checked for accuracy and be a short account, for example, 'three compliance notices were issued on 21 January 2014. A monitoring visit took place on 1 February 2014 and all compliance notices had been complied with' or 'a restriction of accommodation order was in force from 3 November 2013 to 15 January 2014.'

This inspection

2. As well as showing the judgements, in this section the inspector should include one of the following statements:

For outstanding

- The children's home provides highly effective services that consistently exceed the standards of good. The actions of the home contribute to significantly improved outcomes for children and young people who need help, protection and care.

For good

- The children's home provides effective services that meet the requirements for good.

For requires improvement

- The children's home is not yet delivering good help and care for children and young people. However, there are no serious or widespread failures that result in their welfare not being safeguarded or promoted.

For inadequate

- There are serious and/or widespread failures that mean >children and young people are not protected or their welfare is not promoted or safeguarded< and/or >their care and experiences are poor and they are not making progress<.

²⁵ For more information on statutory compliance actions see 'Compliance powers available to Ofsted' in the *Social care compliance handbook*, Ofsted, 2014; www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014

Summary of findings

3. The summary is an overview of the content. It provides the overarching theme of the report, but does not expand on specific details. It should be no more than a single page.

4. This section should

- be sharp and punchy
- written in bullet points
- use active rather than passive verbs
- synthesise the finds of the report
- only contain information that is also in the main body of the report.

5. This section should be a summary of the inspection findings and clearly inform the reader of the headline reasons for the overall experiences and progress judgement. It should be brief, drawing together findings into themes. The structure of this section will vary, depending upon the overall judgement:

For outstanding

- this section should focus on summarising the outstanding practice in the home.

For good

- the first half of this section should clearly outline the key strengths that have led to the judgement and the second half of the section should draw together any themes/issues about requirements or recommendations.

For requires improvement

- the first half of this section should clearly outline the reasons that this home is not yet good and make particular reference to the impact of non-compliance with regulations. This section should not repeat the actual requirements. Where there are strengths in practice, these should form the 'children's homes strengths' section. Any strength should not dilute or detract from the important areas where work is required to get to good.

For inadequate:

- this section should only summarise the key concerns about the home, drawing together issues into themes. The section should clearly outline to the reader that 'this home is inadequate because...' Any strengths or improvements will only be recorded in the 'children's homes strengths' section of the report.

6. The section must include reference to any areas for improvement but should not list in detail the requirements and recommendations.
7. Where there were no children present during the inspection, inspectors should make this clear in a statement at the end of this section.
8. The report should not include a description of the inspection process as this is detailed in the relevant frameworks.
9. Inspectors should state if there were no children present during the inspection.

Recent inspection history

10. This will be automatically generated into the report and will contain information from the last four full or interim inspections.

Statutory requirements and recommendations

11. Requirements and recommendations must arise from any weaknesses identified in the report. For requirements, inspectors should state the specific regulation that the provider has not met in brackets after the text of the requirement. For recommendations, inspectors should state the relevant page and paragraph of the Guide in brackets after the text of the recommendation.

Information about this children's home

12. This is a brief factual description of the service and should not include judgements or evaluation.
13. It should describe:
 - the home's registered numbers and any categories of registration
 - the range of needs for whom the home intends to provide care as written in the home's statement of purpose²⁶
 - whether the home caters for children with specific needs
 - any specific facilities or specific services provided as outlined in the home's statement of purpose
 - any other relevant registration information, for example, if the service is also registered with the Care Quality Commission.

²⁶ If the home's statement of purpose is not in line with the provision being offered then this section should still factually replicate the statement of purpose. Any evaluation of how the home is meeting the aims and objectives of the statement of purpose should be in the main body of the report.

Recent inspection history

14. This will be automatically generated into the report and will contain information from the last four full or interim inspections.

The report

15. Inspectors must inspect against the full evaluation schedule but it is not necessary to report against each aspect/grade descriptor individually. Text in each judgement section should provide a sharp and concise commentary on the key strengths and weaknesses that support the judgement given and, most importantly, tell the unique story of each home and the experience and progress of children and young people.

16. The report must clearly inform the reader how the home is enabling children to progress in line with their care plan. The reader should understand to what extent children's needs are being met and the aims and the objectives of care plans are being fulfilled.

17. The reader should know whether the home is delivering care in line with the ethos outlined in its statement of purpose and this should be clearly articulated throughout the report. For example, 'staff shortages affect the extent to which staff are able, as set out in the statement of purpose, to 'build a positive relationship with every young person based on respect and affection.' The report should not simply state: 'The home delivers care in line with its ethos/statement of purpose.'

18. Where there are aspects of the evaluation schedule that have not been inspected, as they are not relevant for the particular type of children's home or there were serious lines of enquiry that the inspector had to pursue, this should be clearly recorded in the evidence base.

19. Inspectors need to analyse and evaluate the practice that they see and the report should clearly reflect this evaluation. There should be clear evidenced evaluative statements about how children are progressing in relation to their health (including mental health). In relation to educational outcomes, the report should clearly reflect the progress children and young people are making and their achievements while living in the home. Where possible, data should be used to illustrate findings.

20. There should be references to equality and diversity throughout the whole of the inspection report, not as a standalone section. Equality and diversity are important aspects across the whole evaluation schedule.

21. Where the inspector's evaluation of an aspect of practice could be recorded in any of the sections, it should be included where it has most impact. There are no prescribed 'rules'.

Leadership and management section

22. Inspectors should always include a factual statement about the length of time the registered manager has been in post and the suitability of their qualification and experience with regard to the children and young people that are looked after. This statement can contain different information depending on each individual circumstance. If the registered manager is newly-qualified it may be more relevant to state their qualification, and for someone who met the regulatory requirements for qualifications some time ago it may be more relevant to comment on their continued professional development and the relevance of their qualifications and training for the current cohort of children and young people.²⁷

23. This section should always include an evaluation of how well the leaders and managers know the strengths and weaknesses of the practice in the home and the action they are taking. Where the inspector has identified failures to meet regulations, this section should always evaluate how this relates to the actions or inactions of leaders and managers. Inspectors should evaluate and report on how the steps taken to address requirements and recommendations raised at the last inspection have improved outcomes for children and young people and the organisation of the provision.

24. Inspectors should not write out previous requirements, recommendations or key issues in full.

Reporting at the interim inspection

25. There is only one report section and a section for areas for development (requirements and recommendations) in an interim inspection report.

26. All the usual report writing guidance applies. Text should provide a brief commentary on the key strengths and weaknesses that support the judgement given. Inspectors should provide an evaluative summary of what they found. The report should summarise the progress that has been made since the last inspection and whether the home has maintained the quality of provision. Any strengths and weaknesses should support the overall evaluation by the inspector. Inspectors will usually make comment against all of the key areas evaluated.

27. Where relevant, inspectors should evaluate the evidence that supports any new requirements and recommendations, and explain the impact on the judgement. It is not expected that inspectors will write in detail about each requirement and recommendation. It is acceptable for inspectors to summarise the progress made and the impact that this has had.

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

²⁷ In all instances Office Base must contain an up-to-date record of managers' qualifications. Inspectors should update Office Base where any changes have occurred since the last inspection.

Reporting on inspections where compliance issues have been investigated

29. In the inspection report, the inspector should report on the concern in the summary section. The inspector should briefly outline the issue that has caused the inspection to be brought forward and state the relevant findings.

Annex C. Action to be taken following a judgement of inadequate at the full inspection or where there are serious concerns at the interim inspection

1. Whenever the overall effectiveness judgement is inadequate, there will be a case review to determine the immediate steps to protect children or secure any further evidence.²⁸
2. There must also be a case review where there is a judgement of declined in effectiveness that suggests serious concerns at the interim inspection.
3. In the most serious cases an urgent case review will be held during the inspection or immediately afterwards so that appropriate enforcement action can be taken without delay. In all cases, the inspector will have a discussion with their team manager or the duty manager either during the inspection or as soon as possible afterwards.
4. The case review must consider whether statutory enforcement action is required in relation to the home and, where there is a registered manager, the registered manager. The case review will consider all the enforcement options available and must begin by considering whether the threshold for the highest enforcement option is met.
5. In the case of the most serious failures it is anticipated that we will seek to cancel the provider's registration under the relevant provisions of the Care Standards Act 2000 unless there are specific reasons to justify why this is not the most appropriate way of dealing with the regulatory breaches.
6. In all other cases the case review must consider whether serving a compliance notice is the most appropriate enforcement option to address the regulatory breach/breaches found at the inspection which have led to the inadequate judgement. Any compliance notice must be as specific as possible, setting out the actions that the provider must take by a certain date to meet the relevant regulations.
7. Every enforcement decision must be based on a consideration of all the enforcement options available and the individual facts and circumstances of the case in question. There must be a documented audit trail of why the chosen power is the most appropriate power to be used and why other options have been rejected.

Secure children's homes

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

²⁸ Full details can be found in the *Social care compliance handbook*.

Feedback to local authorities

9. Wherever children are at immediate risk, inspectors must follow Ofsted's safeguarding policy and procedures.²⁹ In addition, whenever a children's home is judged inadequate at the full inspection, the inspector must alert the placing authority for any child currently placed in the home to the concerns that have been identified. The inspector must also notify the local authority where the home is based as they have a duty to safeguard the welfare of all children and young people living in the local authority area. This also applies following where we have judged a decline in effectiveness at the interim inspection and where it has been agreed at the case review that the relevant local authorities should be notified.

10. The inspector will send an email to the Director of Children's Services in the relevant local authority(ies) by the end of the working day following the inspection. Ofsted will follow this email up with a telephone call to ensure receipt. Where there are a large number of placing authorities, the inspector should discuss arrangements for contacting them with their manager. The inspector should also ensure that the email to local authorities is forwarded to the provider.

11. The inspector will give feedback to the relevant local authorities in line with the feedback given to the provider, summarising the key concerns and making clear that this is an indication of the likely inspection judgement but that it is subject to confirmation by Ofsted on publication of the report.

12. The details of the email and any phone calls must be recorded on Office Base for future reference.

13. We will interact in this manner with placing authorities pursuant to HMCI's powers in paragraph 8 of schedule 13 of the Education and Inspections Act 2006 to provide assistance to other public authorities in the exercise of the placing authorities' functions.

Children who are not looked after

14. Where children who are not looked after are accommodated in a children's home, the local authority will not be the placing authority.³⁰ Inspectors will need to ensure the relevant organisation or people who are the placing authority are alerted to the inadequate judgement; for example, they should send a copy of the inspection report to parents who have placed their children in the home themselves.

²⁹ *Safeguarding children and young people and vulnerable adults policy* (150004), Ofsted, 2015.

³⁰ As set out in the definition of a placing authority in Regulation 2 of the Children's Homes (England) Regulations 2015.

Annex D. Restraint in children’s homes which also provide education and those registered as a school with the DfE

1. In some settings the areas used for the provision of education by day is also part of the living accommodation.
2. Therefore, although in extreme cases it may be permissible for school staff to restrain a child to prevent disruption in the classroom, it will not be acceptable for children’s homes staff to restrain a child in their care for reasons of ‘good order and discipline’, to enforce compliance with a sanction or instructions.
3. Homes which are also registered as schools or provide education must have very clear policies and procedures in place to protect children from being restrained in their home setting for reasons that might lead to their being restrained in the classroom. Restraints or sanctions applied in school time must not be carried over into the child’s home life.
4. Where such consistency is not being applied this may lead to the making of a judgement of inadequate. In making their evaluation, inspectors will take into account the likely impact on individual children and young people and their understanding of the distinction in the setting between the home environment and the education environment, such as whether they are separate buildings.
5. In addition, where social care regulatory inspectors are undertaking inspections alongside education colleagues, they must familiarise themselves with the relevant Ofsted frameworks and inspector guidance, and also the non-statutory DfE guidance for governing bodies, headteachers and school staff clarifying the use of force in schools.^{31,32}

³¹ The *Framework for inspecting non-association independent schools* (140052), Ofsted, 2015; www.gov.uk/government/publications/framework-for-inspecting-non-association-independent-schools; *Non-association independent school inspection handbook* (140053), Ofsted, 2015; www.gov.uk/government/publications/non-association-independent-school-inspection-handbook.

³² *Use of reasonable use in schools*, DfE, 2013; www.gov.uk/government/publications/use-of-reasonable-force-in-schools

Annex E. Inspecting a home where young adults are accommodated

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

Power to inspect a home accommodating young adults

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

Interviewing young adults

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

Inspection of records relating to young adults

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

DBS checks on young adults living at the home

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

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

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

7. Homes should have in place appropriate transition plans for every young adult living at the home, to ensure that their move from the home is planned and that their stay in the children's home is no longer than is necessary.

Annex F. Children and young people who are missing from care and children who are at risk from sexual exploitation

1. Children's homes have certain legal obligations in respect of missing children which are set out in regulations and in the Guide.
2. Children's homes (except secure children's homes) are not required to notify Ofsted when children go missing. However, in preparation for inspection, inspectors must consider the information that Ofsted has about the service. This includes quality of care reports received under regulation 45 of the Children's Homes (England) Regulations 2015, including monitoring by the registered person of any incident where a child accommodated in the home goes missing.
3. Providers are also required to notify Ofsted of serious events - this includes when a provider has serious concerns over a child's missing behaviour, particularly where the child is considered to be at grave risk due to age or vulnerability or where they have been missing for a considerable period of time and their whereabouts is unknown.
4. At each full inspection, inspectors will request the:
 - number of times when children went missing³³ since the previous inspection,³⁴ and the number of children involved, including action taken to address the causes and to prevent a repeat occurrence
 - details of return home interviews
 - date, impact and effectiveness of the protocol with local police regarding missing children.
5. Inspectors should assure themselves that homes have made themselves known to the police and are familiar with and act on local 'missing persons' protocols (care practice should reflect the *Statutory guidance on children who run away or go missing from home or care*).³⁵ If a service caters for children and young people who do not have 'looked after' status, the statutory guidance still applies.

³³ As defined in statutory guidance on children who run away or go missing from home or care: a child reported as missing to the police by their family or carers.

³⁴ The number of times children and young people go missing must be provided in the home's inspection information form (Annex A).

³⁵ *Statutory guidance on children who run away or go missing from home or care*, DfE, 2014; www.gov.uk/government/publications/children-who-run-away-or-go-missing-from-home-or-care

Actions inspectors must take

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

- always case track these children, highlighting whether they think children are in danger as a result of the volume or pattern or characteristics of the incidents of going missing and whether these risks are understood by the adults responsible for them
- during tracking, endeavour to speak to placing social workers and/or the team manager, area LADO, school and local police to test the effectiveness of partnership working as well as to gather an external professional view of the effectiveness of the home and the arrangements to keep the child or young person safe. We should always make contact with the police and the local authority where the homes own records give cause for concern
- explore whether the home has the capacity to meet the needs of every young person placed. The skills and experience of staff working in and managing the home should be closely examined so that inspectors can assess whether they can work competently with children placed. Where children are known to be at risk of sexual exploitation, explore what specific training and supports are in place for staff and whether the effectiveness of this training and support is monitored by the provider
- record explicitly the evaluation of the effectiveness of action taken to reduce the incidence of going missing/suspected or actual involvement in sexual exploitation. This includes action taken by the home, placing authorities and statutory agencies, including whether placement reviews are called with the placing authority to agree an action plan protecting the child and assessing the extent to which the home can keep them safe. This must include a brief overview of events relating to the notifications and the inspector's assessment of how timely and effective any intervention has been
- assure themselves that, where relevant, the home is identifying and notifying incidents of suspected or actual sexual exploitation and understands the risks associated with going missing. Any under-reporting will undermine partnership working and children's safety, and will need to be reflected in the inspection report and any actions made or enforcement action taken.

7. In evaluating the effectiveness of partnership working, inspectors may identify concerns relating to the placing authority or area authority or both. Where this is the case, the inspector must follow the *Management of cross-remit concerns about*

*children's welfare*³⁶ policy and consider whether an immediate referral to Compliance or through the whistleblowing team is required. When making this assessment, the inspector should speak to their regulatory inspection manager or Senior HMI.

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

Notifications for secure children's homes

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

³⁶ *Management of cross-remit concerns about children's welfare* (110147), Ofsted, 2012;
www.gov.uk/government/publications/ofsted-managing-cross-remit-concerns-about-childrens-welfare.

Annex G. Inspecting homes where there are no children in placement

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

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

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

All other inspections

3. Where a home has no children in placement at the time of the inspection but has accommodated since the last inspection and intends to admit children within the next three months, the inspector in conjunction with their manager will determine what the most appropriate type of inspection to conduct is. This will normally be a full inspection. The inspection will focus on whether the registration requirements continue to be met including sufficient management arrangements so that the home is suitable to accommodate children and young people and take into account any changes the provider has made to improve the quality of the care provided.

4. If children and young people have been accommodated since the last inspection it may be possible to use information about their placements as evidence about the progress and experiences of children and young people. Inspection activity can include talking to young people who have recently left and professionals.

5. Where a home does have children in place, does not intend to take placements and will plans to remain closed for some time, an interim inspection will be undertaken and no judgement will be made. A condition that the home will notify Ofsted if they intend to accept a placement is imposed. The condition must be worded as follows:

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

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

The home> has been closed for <state length of time. The registered provider has indicated that the home will not be operational for <state length of time from the date of inspection>. Should the home decide to accept placements they are required to inform Ofsted of their intention before they do so.

7. In these instances Ofsted will not make a judgement about progress.

8. Where a children's home is subject to the condition of registration listed in paragraph 5 of this annex, they will inform Ofsted when they intend to accept a placement. An inspector will make a risk-based decision, in conjunction with their manager, about whether to undertake an interim or a full inspection before the date that the placement commences or after the placement has started. If the home meets its registration requirements the condition must be removed and a new certificate issued.

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

This policy applies only to England.

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

Any establishment providing accommodation for the purposes of a holiday or for the purposes of recreational, sporting, cultural or educational activities for less than 28 days in relation to any one child in any 12-month period is exempted from being a children's home.³⁷

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

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

However, anyone providing care and accommodation wholly or mainly for disabled children (as defined above) for the purposes of a holiday or for the purposes of recreational, sporting, cultural or educational activities for less than 28 consecutive days in relation to any one child and for no more than 56 days in total in a 12-month period, must register as a residential holiday scheme for disabled children.

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

Subject to the criteria listed in question one above, the holiday accommodation does not require registration provided that the purpose of the child or young person's stay can reasonably be perceived as a holiday and that the child or young person maintains a placement elsewhere, which could be in a children's home or a residential school or with someone who has parental responsibility.

³⁷ The Children's Homes (England) Regulations 2015.

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

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

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

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

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

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

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

Annex I. The implications of the Equality Act 2010

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

Annex J. Incomplete inspections

1. On rare occasions a very significant or serious incident may occur, for example a death of a child or a child may commit a very serious offence, after an inspection has been carried out but before an inspection report has been published. On these occasions inspectors and managers should follow *Gathering additional evidence to secure an incomplete inspection – Ofsted Protocol*.³⁸
2. This protocol sets out the arrangements through which Ofsted will deal with inspections, in circumstances where the report has not been published, that are deemed to be incomplete because there is a need to gather additional evidence in order to secure the inspection evidence base. Further action to complete the inspection, and revise and report the findings, may be required.

³⁸ *Gathering additional evidence to secure an incomplete inspection – Ofsted Protocol* (110098), 2015, Ofsted; www.gov.uk/government/publications/flawed-inspections-ofsted-related-protocol

Annex K. Assessing financial viability

1. The children's homes regulations state that the 'registered provider must carry on the children's home in such manner as is likely to ensure that the home will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.³⁹
2. Inspectors are only expected to undertake a lay person's assessment of the financial information. Their 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. Where, during the course of a routine inspection, the inspector has concerns about the financial viability of a provider; due for example to the poor repair of premises or the standard of day-to-day care or services, s/he should follow the guidance set out in Annex K of the Social Care Registration Handbook.⁴⁰ Paragraph 42 of Annex K applies where an organisation is already registered.
3. The financial information Ofsted can request ranges from professionally produced business plans to a collection of accounts (including profit and loss accounts), records and financial forecasts.⁴¹

³⁹ Regulation 47(1) of The Children's Homes (England) Regulations 2015.

⁴⁰ *Social care registration handbook* (110171), Ofsted, 2015;

www.gov.uk/government/publications/social-care-registration-handbook.

⁴¹ Regulation 47(3) of The Children's Homes (England) Regulations 2015.

Annex L. Management of notifications

1. Providers are required to notify Ofsted without delay of the matters set out in Regulation 40 of the Children’s Homes (England) Regulations 2015. Where there has been a delay to notify Ofsted of any matter, the inspector must take into account the reasons for that delay and the impact of this delay on the care and welfare of the children and young people in considering whether regulatory action is necessary.

2. Under Regulation 40 providers are required to notify Ofsted of any serious event. The *Guide* provides additional information to identify what constitutes a serious event. Where a provider determines that an incident is not serious enough to warrant a notification to Ofsted, but an inspector determines that it should have been, both the provider and inspector should be able to justify their decision making. The inspector must take into account these reasons and the impact on the care and welfare of children placed in considering whether regulatory action is necessary.

3. All notifications will be received and provisionally categorised by the relevant regulation on Office Base by the Applications, Registration and Complaints (ARC) team. This will be based on the categorisation from the provider. On line notifications will automatically pass into Office Base and ARC will upload paper-based notifications onto Office Base. Office base and ARC will identify from the category of notification identified by the provider those notifications that need to be fast tracked to the social care compliance inspector, regulatory inspection manager and social care regulatory inspector. Notifications for death of a looked after child, involvement or suspected involvement in sexual exploitation, and instigation and outcome of a child protection enquiry will always be fast tracked.

4. All fast tracked notifications will be actioned by the regulatory inspection manager or social care compliance inspector on the day the notification is received, and the regulatory inspection manager will be responsible for the oversight of the fast track process. This risk assessment model is to ensure that any safeguarding concerns are identified and responded to immediately and that any emerging issues that should influence the scheduling of an inspection are identified and acted on. The regulatory inspection manager in each region will decide on the appropriate next steps:

- where the notification suggests that children and young people may be at risk of harm, the regulatory inspection manager will ensure that an inspector is identified to take immediate action in line with paragraphs 3-12
- where the notification on further reading does not require urgent action, the regulatory inspection manager will ensure that a memo is sent to the allocated inspector to fully review at the next available opportunity and to inform inspection planning. This will be at the earliest opportunity either by the allocated inspector or another to cover extended absence including inspections, sickness or annual leave.

Urgent action

5. Where urgent action is required, this may be carried out by either the regulatory inspection manager or the allocated inspector or another inspector identified by the manager depending on availability.
6. Where a child accommodated in the home has died, either the regulatory inspection manager or the allocated inspector will always ensure that all relevant parties have been informed by the provider, as outlined in regulation.
7. The inspector must establish what, if any, action the relevant local and placing authority and the police have taken. There should be an immediate review between the inspector, the social care compliance inspector and relevant managers to establish next steps. The relevant senior HMI should be informed of any deaths of looked after children and a serious incident briefing prepared.
8. Where a notification states that a child is suspected of, or subject to, sexual exploitation, or where a child is at risk of significant harm, the inspector must contact the provider to discuss what action has been taken. Where the inspector believes that insufficient action has been taken, they must refer this matter to their manager.
9. Where the inspector identifies safeguarding concerns, they should contact the provider to find out:
 - what action the provider has taken
 - ensure that the relevant local authorities, police, LADO/children's services have been notified
 - that appropriate action has been taken by other appropriate professional and authorities.
10. Where there are any concerns that this has not happened then the inspector will ensure that relevant parties are informed. They will also take the inaction of the home into account at any subsequent inspection. Where Ofsted has any concerns about the safety and welfare of a child or young person, they will notify the Director of Children's Services in the placing authority.
11. Where there are significant safeguarding concerns that remain outstanding after the initial contact with the children's home, this must be recorded as a compliance case so that all the subsequent action taken is recorded in one place and can inform any potential enforcement action.
12. In some instances, it will be necessary to undertake an early inspection either because of the serious nature of the individual notification or because of a build-up of a pattern of concerns. The inspector and manager will decide whether this is a full or interim inspection. This could mean that the home has more than one full inspection in a year. The reason for the decision and the timescale for the inspection must be recorded in Office Base.

13. If the inspector has any concern about the practice of either the placing local authority or the host local authority, this will be managed in line with the published policy *Management of cross-remit concerns about children's welfare*.⁴² The Director Children's Services will be notified of the concerns so that they can review the situation. This information will also inform any forthcoming local authority inspection.

14. Inspectors will always monitor closely whether Ofsted is informed of the outcome of any child protection enquiry in line with regulations. Where this has not been received within a reasonable timescale, the inspector will contact the home. Inspectors will follow up any failure to notify Ofsted of the outcome.

In all instances

15. Inspectors should always prioritise assessing notifications and this should be completed within a maximum of seven days. Regulatory inspection managers need to ensure that all notifications are processed when there are periods of absence including sickness and annual leave or where service inspections are programmed and inspectors are inspecting for more than one consecutive week.

16. Any notification may contain information that suggests that children and young people are at risk of harm. The reason for the notification is an indicator of the nature of the concern but not an absolute and all notifications should be reviewed with a clear focus on safeguarding issues.

17. For all notifications the inspector must ensure that the correct category from Regulation 40 has been used and clearly record on Office Base a brief summary of the reason for the notification, details of the action taken by the provider in response to the incident and the action taken by Ofsted in response to the notification, including details of any contact with the provider.

18. Inspectors will always investigate and record on Office Base the reason for any delayed notification. Where investigation of delayed notifications identifies concern, the inspector must assess and record the action Ofsted is required to take. Where required the inspector will trigger a compliance case review.

19. The inspector will review the action taken by the home and where there are concerns that this is inappropriate or lacking rigour they will either contact the home for further clarity or consider bringing an inspection forward.

20. Inspectors will always review notifications as part of an emerging picture of the children's home and not see notifications in isolation. Where notifications suggest a growing picture of concern, this will be taken into account in inspection scheduling and planning, and will usually result in an early inspection.

⁴² *Management of cross-remit concerns about children's welfare* (110147), Ofsted, 2012; www.gov.uk/government/publications/ofsted-managing-cross-remit-concerns-about-childrens-welfare.

21. Where notifications are incomplete or unclear, then inspectors must contact the home for clarification.

22. Inspectors must record clearly on Office Base what action they have taken and the outcome of any subsequent contact with the home, so that there is a clear audit trail of actions taken and Ofsted can be satisfied that children are safe. Further guidance will be issued once Office Base is implemented.

Management information and management oversight

23. All managers will routinely receive performance information in relation to individual homes for inspectors in their team. This will clearly identify for each home the date and number of referrals categorised by Regulation 40 on a six-month rolling programme. This will enable patterns to be identified and inform individual discussions with inspectors about homes where there may be cause for concern and where inspections may need to be re-scheduled or urgent action considered.

24. Managers will also receive reports identifying where notifications have been received but the action taken has not been recorded.

25. Managers will routinely sample recording and action around notification as part of the ongoing assessment of the quality of inspectors' work.

Child protection notifications

26. The regulations require providers notify Ofsted where a child protection enquiry is instigated and then also when concluded - this would be investigations carried out under section 47 of the Children Act 1989.

27. This means that any referrals that do not reach the threshold for a strategy discussion, or any referrals where there is a strategy discussion but the outcome of the discussion is not to instigate a section 47 investigation, do not need to be notified to Ofsted under this category of notification. However, as a notification is also required for any incident relating to a child which the registered person considers to be serious (see paragraph 2), a provider may notify us of referrals that do not reach this threshold if they deem it serious.

28. At each inspection, inspectors must always review any referrals made by the home to the local authority irrespective of whether they have reached the threshold for a child protection investigation and take account of any serious events which a provider did not determine should be notified to Ofsted. Inspectors should follow up:

- any areas of concern in relation to the welfare of the child/young person
- the response of the home to the incident/concern and whether this was appropriate
- the quality and appropriateness of the referral

- any concern about the response of the local authority to the referral.

Annex M. Checks on responsible individuals

1. An organisation which applies to register a children's home is required by the Children's Homes (England) Regulations 2015 to have a responsible individual.⁴³ The responsible individual is the person within an organisation who is responsible for supervising the management of the home: he or she is the link between the organisation and the registered manager and, the organisation and Ofsted.

2. The role of the responsible individual is to:

- supervise the management of the home and particularly to ensure that the home operates in a manner which protects and promotes children and young people's safety and welfare
- report on the operation of the children's home to the registered provider and Ofsted.

3. When an organisation applies to be registered in respect of a new children's home Ofsted assesses the responsible individual's suitability as part of that application. Ofsted's inspectors will scrutinise the steps providers have taken to determine that a responsible individual who has been appointed is fit to supervise the management of a children's home.

4. Ofsted will also scrutinise the fitness of any other director, who is involved in the direct running of the home to ensure that their recruitment meets Regulation 26 of the Children's Homes (England) Regulations 2015.

5. A provider must demonstrate to Ofsted that the responsible individual they appoint:

- has an effective knowledge and understanding of:
 - law and practice relating to looked after children
 - safeguarding and child protection
 - law and guidance in relation to the establishment or agency that he or she will be responsible for including: applicable regulations, the Guide, and statutory guidance
- has the skills, knowledge and ability to carry on the establishment or agency in a way which promotes both good practice and continuous improvement
- has the business and management skills to supervise the management of the establishment or agency efficiently and effectively

⁴³ The Children's Homes (England) Regulations 2015 Regulation 26(4)

- can demonstrate that she or he, or another official within the organisation, has the necessary financial skills and expertise to ensure the establishment or agency is run on a sound financial basis. This includes the long-term financial viability of the establishment or agency.
- has completed all checks required under regulations and these were satisfactory.⁴⁴

6. When we become aware that the responsible individual of a children's home is changing or has changed, we will ask the provider to provide us with information that demonstrates:

- the person they appoint as a responsible individual satisfies the legal obligation relating to their fitness in the relevant regulations
- the length of time registered establishments or agencies remain without a responsible individual is minimal.

7. Organisations and partnerships must be able to demonstrate that any directors or partners who are involved in the carrying of a home have been appropriately recruited in line with Regulation 26 of the Children's Homes (England) Regulations 2015.

⁴⁴ The Children's Homes (England) Regulations 2015, Regulation 26(7)

Annex N. inspecting homes where there is no manager or interim management arrangements are in place

Introduction

1. The Care Standards Act 2000 requires any person who carries on or manages a children's home to be registered with Ofsted. Having a registered manager working in 'full-time day to day charge' is in children and young people's best interests because it best protects and promotes their safety and welfare. Further, it is a criminal offence to operate or manage a children's home without registration with Ofsted.⁴⁵

Where there is no manager in post

2. If there is no manager in charge of the home, the inspector should raise a requirement under regulation 27 of the Children's Homes (England) Regulations 2015. Regulations 48 and 49 require the responsible individual to notify Ofsted if the manager is to be absent for 28 days or more, or if they leave. The inspector should consider how long the post has been vacant and evaluate how this is affecting the welfare of the children placed and the management of the home, and take this into account in making their judgements. This may lead to a judgement of inadequate in leadership management. If a home has been without a manager for more than 26 weeks it will always lead to an inadequate judgement for the effectiveness of leaders and managers. This will affect the overall progress and experiences judgement. In these instances a case review must be convened immediately.

Interim management arrangements

3. A person who is to be in charge of the home for an interim period without registration is known in this guidance as the interim manager.

4. Inspectors must check that a children's home provider has plans in place which outline what they will do if:

- they know that a registered manager will cease managing a children's home
- they know in advance that a registered manager will be absent for more than 28 days
- an emergency situation arises which results in a registered manager ceasing to manage or being absent for more than 28 days from a children's home.

⁴⁵ Section 11 of the Care Standards Act 2000.

5. Inspectors should also check that providers only have interim management arrangements in place if a registered manager:

- unexpectedly ceases to manage a children's home
- is absent unexpectedly for more than 28 days.

6. In these situations Ofsted expects providers to ensure that any interim management arrangements fully protect and promote children and young people's safety and welfare.

7. Regulations require a provider to notify Ofsted where the person in day-to-day charge will be absent for 28 days or more.⁴⁶ They must do this at least one month before a known absence of the manager. They must notify Ofsted within one week of a registered manager being absent for 28 days or more where the absence arises as a result of an emergency.

8. Ofsted expects a provider to:

- have plans to deal with an unexpected absence of the registered manager or the registered manager ceases managing the home unexpectedly. For example: how will the provider engage a manager who can meet children and young people's needs safely? Has the provider plans of succession that ensure deputy managers can step into the registered manager's position in an emergency?
- ensure that any person they employ to act as an interim manager has the relevant qualifications, skills and experience to undertake this position
- put in place strong arrangements which support the interim manager whilst he or she is responsible for the home
- regularly review whether the interim management arrangements effectively protect children and young people's safety and welfare
- regularly monitor that the interim manager is effective
- ensure the interim manager fully understands the timescales Ofsted imposes on them to apply for registration. The provider must also ensure that an interim manager is aware that he or she must submit an application to Ofsted at the earliest opportunity if it becomes clear that the registered manager will be absent for longer than the specified timescales in paragraphs 16 and 17.

⁴⁶ The Children's Homes (England) Regulations 2015 Regulation 48

A registered manager gives notice that they will cease to manage a children's home

9. Ofsted expects providers to have appropriate plans in place when it is known that a registered manager will cease to manage a children's home. These plans should ensure that there is a proper transition from one manager to another, including a period of handover for the incoming and outgoing manager. Detail of the arrangements should form part of the notification that providers must make to Ofsted a month before a registered manager ceases to manage the home.

10. The provider should also ensure that the new manager is aware of his or her responsibility to apply for registration with Ofsted within 28 days of taking up their post. They should also ensure that the new manager understands the consequence of not doing so; this being that he or she risks prosecution for managing a children's home without registration.

11. If we have information that providers did not manage a change of registered manager, as indicated in previous paragraphs and in the full guidance concerning interim management arrangements which can be found in *Changes to children's social care services that are registered and/or inspected by Ofsted*, inspectors will take this into account when planning and undertaking their inspections.⁴⁷ Inspectors will also take this into account if they find out that we have not been notified of a change of manager. Examples of actions we may take include, but are not limited to, bringing the date of the inspection forward and using this information to inform our judgement about the leadership and management of the home. If a provider fails to notify us of a change of manager this may also affect our view of their fitness. For more information about what regulatory action we can take refer to the *Social care compliance handbook*.⁴⁸

Known absences of a registered manager

12. Registered managers may have to take a planned absence which lasts for more than 28 days. Examples are, but not limited to, planned medical treatment, maternity leave or sabbatical. In these instances the provider or registered manager must notify Ofsted in advance of the absence and provide all of the required information.

13. Ofsted expects providers to have an interim manager working at the children's home by the time the registered manager leaves. The provider and registered manager should also arrange a handover between the interim manager and registered manager which helps to prepare the interim manager for their role wherever possible. In these circumstances a manager must follow the guidance on registration in paragraph 14 onwards.

⁴⁷ Changes to children's social care services registered and/or inspected by Ofsted (100253), Ofsted, 2014; www.gov.uk/government/publications/changes-to-childrens-social-care-services-that-are-registered-and-or-inspected-by-ofsted

⁴⁸ Social care compliance handbook (140136), 2014, Ofsted; www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014

A registered manager unexpectedly ceases to manage or is absent from a children's home

14. There are circumstances where a registered manager leaves suddenly, is unable to give notice of their decision to cease managing a children's home, or is suddenly absent from the home for more than 28 days. Some examples are, but not limited to: unexpected illness; illness of a dependent; or suspension. Regulations allow providers to appoint an interim manager.⁴⁹ In these circumstances a manager must follow the guidance below on registration.

Registration of an interim manager

15. An interim manager must apply for registration within a maximum of 28 days if a decision is taken that this person is appointed to permanently manage the children's home. Interim management arrangements should be in place for the shortest time possible. Ofsted will continue to assess whether the arrangements are effective based on the information we hold, including notifications and regulation 44 reports and regulation 45 reports. If we are concerned about an interim manager's ability to manage the home we may require the interim manager to apply for registration immediately so that we can fully assess their suitability. For more information about what regulatory action we can take refer to the *Social care compliance handbook*.

16. In instances where Ofsted considers that the interim management arrangements do not protect and promote children and young people's safety and welfare, this will impact on the timing and outcome of an inspection irrespective of the length of the arrangements. It may also impact on our view of a provider's fitness and as a result we may decide to take regulatory action. As a further safeguard, wherever a home does not have a registered manager in post by week 12, regardless of their inspection judgements or if they have an interim manager, the inspector should convene a case review to consider whether immediate action is required including restricting accommodation and notification to placing authorities and/or imposing an additional conditions on the home's registration.

17. We would always expect that Ofsted should have received an application to register a manager at the earliest opportunity, including where an interim manager is in place. Where we have not received an application within a maximum of 90 days from the date that the interim arrangements began we will take this into account in our evaluation of the effectiveness of leaders and managers at the next inspection and in considering enforcement action.

18. If there are extenuating circumstances as to why a manager wishes us to consider extending the date by which they must register the manager must put their reasons in writing for Ofsted to consider. Decisions will be made based on a case by

⁴⁹ The Children's Homes (England) Regulations 2015 Regulation 48

case basis. For example: if there is evidence that the registered manager will return shortly after 90 days we may decide to allow the interim manager to continue to do so without registration.

19. Where there has been a registered manager vacancy of 26 weeks or more, this will lead to a judgement of inadequate for leadership and management. Where leadership and management is judged inadequate for this reason the overall progress and experiences judgement is likely to be inadequate. At an interim inspection, the judgement must be declined in effectiveness where there has been no registered manager for 26 weeks or more.

20. We cannot raise a requirement in the inspection report for the manager to become registered. Instead, when we inspect a children's home and discover the manager has been appointed but has not yet applied for registration, we send a standard letter to the manager.

21. After the inspection the inspector should ask the appropriate Inspection and Management Support (IMS) team to send the standard letter to the new manager to remind them that it is their responsibility to register. IMS should also send a copy to the nominated person/responsible individual for their reference. The letter should be sent no later than the date we send the inspection report to the provider.

22. The inspector should ensure that a contemporaneous written record is made of any further discussions with the individual manager and the conversation should be followed up with confirmation of any required actions in writing to the manager and the responsible individual.

23. Where a manager manages more than one home, inspectors will want to ensure that the manager has the capacity to meet the quality standards in each home, even if this is on a temporary basis.

Annex O. Reporting concerns about the administration and management of controlled drugs

1. Ofsted has a role in ensuring the Government is satisfied that controlled drugs, as defined by section 2(1) of the Misuse of Drugs Act 1971, are managed and administered appropriately. Types of medication which are controlled drugs are morphine pethidine, methadone and ritalin. More information on controlled drugs is available on the Care Quality commission's website at:

<http://www.cqc.org.uk/content/law-and-guidance-managing-controlled-drugs>.

2. If inspectors come across concerns or incidents regarding the safe management of controlled drugs whilst undertaking their normal inspection duties, or receive information through any other source, an outline of the concern and action taken should be referred to the social care policy team using their central email address of socialcare@ofsted.gov.uk. This action is in addition to any regulatory action or recommendations made as a result of the concern. Referrals should be made even where no requirements or recommendations are to be made. The social care team will collate all such referrals and share these with the Controlled Drugs National Group.

Annex P. E-safety information to use in children’s social care inspections

Key Features

What does good practice look like?

<p>Whole organisation / setting consistent approach</p>	<ul style="list-style-type: none"> ■ all staff and/or volunteers can recognise, confidently respond and intervene with e-safety issues ■ the setting can provide the same safeguarding response and intervention for issues that arise beyond the setting that impact on the safety and well-being of the individuals in its care. ■ e-safety is considered a priority across the setting with responsibilities clearly defined. ■ where appropriate, the contribution of children and parents/carers is valued and integrated.
<p>Robust and integrated reporting routines</p>	<ul style="list-style-type: none"> ■ reporting processes which are clearly understood by the whole setting, allowing everyone to report issues to the provider with confidence and trust ■ these routes are clearly signposted, used and are integrated with other established safeguarding practice.
<p>Policies</p>	<ul style="list-style-type: none"> ■ e-safety policies and procedures are in place that are appropriate for the age and understanding of the children and young people, contributed to by the whole setting and updated regularly. Policies should provide advice and guidance that reflects how technology is used at the setting and may include specific references to key areas; for example, digital video and images, data, personal devices ■ the e-safety policy should be acknowledged by all users and consistent with other relevant safeguarding and child protection policies.

<p>Monitoring and Evaluation</p>	<ul style="list-style-type: none"> ■ any internet use provided by the setting is managed and access monitored ■ self-review assessment enables the setting to evaluate and inform its own e-safety provision and practice ■ e-safety incidents are recorded in a way that is consistent with other safeguarding practice. Those records are used to assess impact and inform best practice.
<p>Staff</p>	<ul style="list-style-type: none"> ■ all staff and volunteers have knowledge of the latest issues, guidance and best practice in e-safety. This may include formal training, personal research or professional development.
<p>Education</p>	<ul style="list-style-type: none"> ■ the provider offers children and young people the opportunity to explore and discuss e-safety issues to build a resilience that equips them to manage their own online safety ■ positive and responsible technology use is recognised and rewarded.
<p>Infrastructure</p>	<ul style="list-style-type: none"> ■ any internet access should be actively managed in a way that ensures reasonable duty of care in providing age appropriate safeguarding. ■ where direct physical supervision is not possible or appropriate, relevant technical safeguarding measures should be in evidence; for example, parental controls or user-appropriate filtering ■ any professional communications using technology should take place within clear and explicit professional boundaries, limit personal information and be transparent and open to scrutiny. ■ the storage, use and transfer of personal data is adequately protected in accordance with data protection legislation and there are clear escalation routes when personal data is compromised.

Indicators of poor practice

- No one has responsibility for e-safety
- Personal data is often unsecured and/or leaves setting site without encryption
- Security of passwords is ineffective, for example passwords are shared or common with all users
- Policies are generic and not updated
- There are no opportunities for e-safety education
- If internet access is available, it is neither filtered nor monitored
- There is no evidence of staff training or access to updated information
- Children, staff or families are not aware of how to report a problem
- There is evidence that staff do not comply with policy.

Questions

What technology (or internet access) do you provide for your staff and how do you manage this to ensure responsible and acceptable use? How does this apply to staff or volunteers also? How is young people's use of technology managed while at the setting?

<p>Why this question?</p>	<p>Providers have a statutory obligation to provide safe environments for its children and users and this extends to any online environment that the setting may provide. It has a duty of care to ensure that any online access is made as safe as can reasonably be expected and very often this will require a layer of technical security, for example filtering that assists in blocking access to illegal and inappropriate online content or activity. In smaller settings this might be managed by careful and consistent adult supervision.</p>
<p>What to look for?</p>	<ul style="list-style-type: none"> ■ access to the internet is managed whether on a setting-provided device or their own device ■ competency of staff to identify and implement relevant measures to protect children identified as particularly

	<p>vulnerable</p> <ul style="list-style-type: none"> ■ the use of age-appropriate content filters or parental controls being applied ■ where staff are resident at the provider's setting, how is their personal 'off-duty' use of technologies segregated from their professional usage.
<p>What is good practice?</p>	<ul style="list-style-type: none"> ■ differentiated access with active management that rewards positive and responsible use while at the same time managing those with poor behaviour ■ any internet access should be actively managed in a way that ensures reasonable duty of care in providing age-appropriate safeguarding. ■ where direct physical supervision is not possible or appropriate, relevant technical safeguarding measures should be in evidence; for example, parental controls or user-appropriate filtering. Staff have appropriate access that may vary from children's access ■ the use of 'child friendly' search engines; for example kidsclick or askkids ■ any professional communications using technology should take place within clear and explicit professional boundaries, limit personal information and be transparent and open to scrutiny.

Does the setting⁵⁰ have e-safety policies and acceptable use policies in place? How does the setting know that they are clear and understood and respected by all?

<p>Why this question?</p>	<p>The SWGfL report <i>Online Safety Policy and Practice</i>⁵¹ concluded that while organisations consistently report having such policies in place, very few have policies that are produced collaboratively, are linked to other policies, and are reviewed frequently.</p>
<p>What to look for?</p>	<ul style="list-style-type: none"> ■ e-safety Policy and Acceptable Use Policy is regularly reviewed ■ evidence that these are well communicated (for instance with posters, handbooks) ■ staff/volunteers can demonstrate knowledge of the policy content ■ policy extends to the use of digital recording equipment and mobile technologies.
<p>What is good practice?</p>	<ul style="list-style-type: none"> ■ policy has been informed by a wide range of stakeholders that may include staff/helpers, children and young people, community, expert groups ■ the e-safety policy is acknowledged by all users and consistent with other relevant safeguarding and child protection policies.

⁵⁰ Setting could be a children’s home, residential special school, boarding school or an independent fostering agency

⁵¹ Prof Andy Phippen, *Online Safety Policy and Practice in the UK and internationally*, Report prepared for the South West Grid for Learning, January 2012; www.swgfl.org.uk/Staying-Safe/Content/News-Articles/New-research-concludes-that-many-schools-still-lac

Reporting and managing incidents: What mechanisms does the setting have in place to support children and staff facing online safety issues?

<p>Why this question?</p>	<p>The conclusions from the Serious Case Review into the abuse of pupils in a (North Somerset) first school concluded that 'staff were unaware of the procedures to be followed in the case of complaints and child protection concerns. When complaints were made to management they were not appropriately handled and disciplinary procedures were not followed. There was a failure to seek external advice.'⁵² Recognising e-safety issues and integrating with existing child protection procedures is vital. Settings with a variety of trusted and effective reporting routes often create robust intelligence to inform those procedures.</p>
<p>What to look for?</p>	<ul style="list-style-type: none"> ■ robust reporting channels ■ all staff or volunteers are consistent when describing intervention routines and are clear where and when to escalate ■ trusted adult to whom reports can be made is clear.
<p>What is good practice?</p>	<ul style="list-style-type: none"> ■ the use of technology to gather intelligence related to the setting and its users; for example, alerting mechanisms and online reporting mechanism (such as SWGfL Whisper) ■ evidence of successful incident management informing practice ■ reporting processes which are clearly understood by the whole setting, allowing everyone to report issues to the provider with confidence and trust ■ these routes are clearly signposted, used and are integrated with other established safeguarding practice.

⁵² *Serious Case Review - The Sexual Abuse of Pupils in a First School - Overview Report*, North Somerset Safeguarding Children Board, 25 January 2012; www.northsomersetscb.org.uk/serious-case-reviews.htm

Evaluation and monitoring: What evidence do you have that demonstrates your e-safety strategy is having impact? How do you know children and young people are better equipped to manage their own e-safety?

<p>Why this question?</p>	<p>Policy and procedures alone do not protect children. It is important that providers evidence the impact of these on outcomes for children</p>
<p>What to look for?</p>	<ul style="list-style-type: none"> ■ process for recording instances relating to e-safety ■ how data is used to inform strategy ■ how technology is supervised or monitored; for example, parental controls ■ how the voice of the child informs policy and practice.
<p>What is good practice?</p>	<ul style="list-style-type: none"> ■ any internet use provided by the provider is managed and internet access supervised or monitored ■ use of self-review assessment enabling the provider to evaluate and inform its own e-safety provision and practice ■ e-safety incidents are recorded in a way that is consistent with other safeguarding practice. Those records are used to assess impact and inform best practice ■ children and young people's views are used to inform strategy.

How do you ensure that all staff and volunteers receive appropriate online safety training (or information) that is relevant and regularly up to date? How do you ensure your staff and volunteers are equipped to understand, identify and respond to issues of online safety?

<p>Why this question?</p>	<p>Technology is clearly hugely popular with children and young people; unlike many adults, children and young people’s online and offline lives blur. The only constant with regards technology is change, more recently tablet ownership in UK households more than doubled between 2012 and 2013 (51% versus 20%).⁵³</p> <p>A recent survey of 327 social workers by the British Association of Social Workers and the NSPCC in 2013 revealed that 50% of social workers were concerned about recognising and dealing with online sexual abuse.⁵⁴ The survey went onto conclude that 37% said that they were not confident understanding the online language used by young people and that 47% were unaware how young people communicate using social networking sites.</p> <p>Given the current pace of change, technologies can change rapidly as can the behaviours of children and young people who engage with them. Recent examples that have developed over the last 12 months have been the incidence of self harming behaviours on social networks including ‘self trolling’ and the shift in online sexual predation from long term grooming to intervention, compromise and coercion. These behaviours were not well established even six months ago. If staff are going to be effective and consistent in their recognition and response to these issues it requires regular training from a quality provider with more in depth professional development for those leading.</p> <p>Professionals cannot ensure safety if they cannot recognise and identify the potential risks.</p>
<p>What to look for?</p>	<ul style="list-style-type: none"> ■ staff or volunteers can talk about current online safety issues and can recognise the impact on the children within their care ■ all staff or volunteers are consistent when describing intervention routines and are clear where and when to

⁵³ *Children and Parents: Media Use and Attitudes Report*, Ofcom, October 2013; <http://stakeholders.ofcom.org.uk/market-data-research/media-literacy-pubs/>

⁵⁴ News article published on BASW website on 25 July 2013

	<p>escalate</p> <ul style="list-style-type: none"> ■ annual staff development and update e-safety training (and/or information) ■ raising e-safety awareness through setting website, social media or newsletters.
<p>What is good practice?</p>	<ul style="list-style-type: none"> ■ evidence of specialist e-safety knowledge for staff whose role requires it (for example child protection role). They will have a more focused level of online safety training (for example LSCB e-safety training, CEOP) ■ evidence of e-safety training being cascaded across the provider ■ all staff and volunteers have knowledge of the latest issues, guidance and best practice in e-safety. This may include formal training, personal research or professional development.

How do you educate children and young people to build their resilience to online issues? What evidence do you have that it is effective?

<p>Why this question?</p>	<p>While children and young people may have an innate ability to engage with technology, the need to support them in building their resilience remains. They still need to be educated about how that technology impacts on their well-being, reputation, identity and safety. This changes significantly when identifying 'vulnerable' demographics. Beatbullying's Virtual Violence II survey⁵⁵ establishes that SEN children are 16% more likely to be the victims of online aggressive or sexual contact; those from lower socio-economic groups 12% more likely. The EU Kids Online report⁵⁶ concluded that children with psychological difficulties tend to encounter more online risk, and to be more upset by it, compared with other children, while disabled children tend to have more digital skills but encounter more online risk</p>
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⁵⁵ *Virtual Violence II: Progress and Challenges in the Fight against Cyberbullying*, Commissioned by the Nominet Trust, 2012; <http://archive.beatbullying.org/dox/resources/reports.html>

⁵⁶ See *Identifying vulnerable children online and what strategies can help them*, Report of a seminar arranged by the UKCCIS Evidence Group, March 2012; www.saferinternet.org.uk/research

	and may lack peer support. The Byron review 2008 advocated a progressive and age related approach to building the resilience of children and young people when engaging with online technologies through regular pro-active and re-active education that is fit for purpose and that has a sophistication that goes beyond the generic e-safety mantra.
What to look for?	<ul style="list-style-type: none"> ■ e-safety resources designed to build resilience in children and young people ■ evidence that e-safety is promoted beyond the setting, for example in communications to families ■ staff understand the vulnerabilities of the children they work with and have appropriate resources and strategies to educate them to protect themselves and build resilience.
What is good practice?	<ul style="list-style-type: none"> ■ the provider offers children and young people the opportunity to explore and discuss e-safety issues to build a resilience that equips them to manage their own online safety ■ positive and responsible technology use is recognised and rewarded.

Data and security: How do you manage and protect your administrative computer/laptop; specifically, how do you manage personal data relating to your children, families and staff?

Why this question?	Our society is increasingly reliant on data and this is increasingly being stored in online services that can be physically stored anywhere in the world and beyond the control of UK and EU data protection laws. How this data is managed is increasingly important given this extent of data that organisations collect, process and store. There have been a number of examples of how organisations breach their obligations as defined by the Data Protection Act. The Information Commissioners Office, the independent authority for 'upholding information rights in the public interest', both supports organisations in how they manage and govern personal data in their control ⁵⁷ as well as taking
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⁵⁷ http://www.ico.org.uk/for_organisations/data_protection

	<p>action to ensure organisations meet their information rights obligations.⁵⁸</p>
<p>What to look for?</p>	<ul style="list-style-type: none"> ■ there are clear accountabilities around the storage, access and transfer of personal data and the provider has identified data with a sensitive impact level and secured accordingly ■ access to personal data is regulated and only by authorised staff or volunteers ■ data processing notice, detailing how the setting processes data⁵⁹ ■ passwords are robust and effective ■ care is taken to protect personal data when sent electronically (for example via email) ■ the management of any CCTV images is considered ■ if data is stored remotely (for example cloud services), the provider has relevant risk assessments.
<p>What is good practice?</p>	<ul style="list-style-type: none"> ■ the storage, use and transfer of personal data is adequately protected in accordance with data protection legislation and there are clear escalation routes when personal data is compromised ■ prominent communication of data handling procedures for parents (for example explaining what data is captured and how it is used / stored) ■ if children’s personal data is stored on memory sticks they are encrypted ■ documented use of cloud (online) based storage services (for example google, dropbox) with associated risk and impact assessments completed.

⁵⁸ <http://www.ico.org.uk/enforcement>

⁵⁹ See *Data protection registration: 'nature of work' descriptions* (social care), Information Commissioner’s Office; http://ico.org.uk/for_organisations/data_protection/registration/nature-of-work